Federal Register

6–30–10 Wednesday
Vol. 75 No. 125 June 30, 2010

Pages 37707–37974

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

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see *www.federalregister.gov.*

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register**, *www.gpoaccess.gov/nara,* available through GPO Access, is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

For more information about GPO Access, contact the GPO Access User Support Team, call toll free 1-888-293-6498; DC area 202-512-1530; fax at 202-512-1262; or via e-mail at *gpoaccess@gpo.gov.* The Support Team is available between 7:00 a.m. and 9:00 p.m. Eastern Time, Monday–Friday, except official holidays.

The annual subscription price for the **Federal Register** paper edition is $749 plus postage, or $808, plus postage, for a combined **Federal Register, Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is $165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register,** including postage, is based on the number of pages: $11 for an issue containing less than 200 pages; $22 for an issue containing 200 to 400 pages; and $33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for $3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Printing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see *bookstore.gpo.gov.*

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 75 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Printing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**202–512–1806**

General online information **202–512–1530; 1–888–293–6498**

Single copies/back copies:

Paper or fiche	**202–512–1800**
Assistance with public single copies	**1–866–512–1800 (Toll-Free)**

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	**202–741–6005**
Assistance with Federal agency subscriptions	**202–741–6005**

FEDERAL REGISTER WORKSHOP

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

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

WHO: Sponsored by the Office of the Federal Register.

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

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

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

WHEN: Tuesday, July 13, 2010
9 a.m.–12:30 p.m.

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

RESERVATIONS: (202) 741–6008

Printed on recycled paper.

Contents

Federal Register

Vol. 75, No. 125

Wednesday, June 30, 2010

Agricultural Marketing Service
PROPOSED RULES
Apricots Grown in Designated Counties in Washington; Increased Assessment Rate, 37740–37742

Agricultural Research Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 37749

Agriculture Department
See Agricultural Marketing Service
See Agricultural Research Service
See Food Safety and Inspection Service
See Forest Service

Children and Families Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 37815
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
  Order/Notice to Withold Income for Child Support, 37816

Coast Guard
RULES
Safety Zones:
  July Fireworks Display in Captain of the Port, Puget Sound AOR, 37722
  New Bern Air Show, Neuse River, NC, 37720–37722
Temporary Suspension:
  Certain Oil Spill Response Time Requirements to Support Deepwater Horizon Oil Spill of National Significance (SONS) Response, 37712–37720

Commerce Department
See Industry and Security Bureau
See International Trade Administration
See National Oceanic and Atmospheric Administration
NOTICES
Request for Public Comment to Inform Development of National Export Initiative Plan, 37756–37757

Community Development Financial Institutions Fund
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 37880

Defense Department
NOTICES
Meetings:
  Military Leadership Diversity Commission; Correction, 37765

Education Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 37765–37766
Applications for New Awards for Fiscal Year (FY) 2010:
  Centers of Excellence for Veteran Student Success, 37776–37779
  Teachers for a Competitive Tomorrow; Programs for Master's Degrees in Science, Technology, Engineering, Mathematics, etc., 37767–37771
  Transition Programs for Students with Intellectual Disabilities into Higher Education, etc., 37771–37776
Applications for New Awards Using Fiscal Year (FY) 2009 Funds:
  Smaller Learning Communities Program; Correction, 37779–37780
Proposed Waivers and Extensions of Project Periods:
  Education Department General Administrative Regulations (EDGAR), 37780–37781

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Energy Employees Occupational Illness Compensation Program Act of 2000:
  Revision to List of Covered Facilities, 37781–37782
Meetings:
  DOE/NSF Nuclear Science Advisory Committee, 37783–37784
  Environmental Management Site-Specific Advisory Board, Paducah, 37782–37783
  National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling, 37783

Environmental Protection Agency
RULES
Disapproval of California State Implementation Plan Revisions:
  Monterey Bay Unified Air Pollution Control District, 37727–37730
Exemption from Requirement of Tolerance:
  Pasteuria Usgae, 37734–37737
National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries; Correction, 37730–37732
National Emission Standards:
  Hazardous Air Pollutants for Reciprocating Internal Combustion Engines; Correction, 37732–37733
OMB Approvals Under the Paperwork Reduction Act; Technical Amendment, 37722–37727
Regulation of Fuels and Fuel Additives:
  Modifications to Renewable Fuel Standard Program; Partial Withdrawal of Rule, 37733
Temporary Suspension:
  Certain Oil Spill Response Time Requirements to Support Deepwater Horizon Oil Spill of National Significance (SONS) Response, 37712–37720
Time-Limited Tolerances:
  1-Naphthaleneacetic Acid; Technical Correction, 37738–37739
NOTICES
Antimicrobial Registration Review Final Work Plan and Proposed Registration Review Decision:
  Lauryl Sulfate Salts, 37790–37792
Application for Emergency Exemption:
  Formaldehyde Gas, 37792–37793
Meetings:
  Science Advisory Board Ecological Processes and Effects Committee, 37793–37794

Public Teleconference:
Air Quality Modeling Subcommittee of the Advisory Council on Clean Air Compliance Analysis, 37794–37795
Receipt and Status Information:
Certain New Chemicals, 37795–37799
Transfer of Data:
Dynamac Corporation, 37799–37800

Executive Office of the President
See Presidential Documents

Federal Aviation Administration
RULES
Airworthiness Directives:
Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 & 440) Airplanes, 37708–37711
Automatic Dependent Surveillance:
Broadcast (ADS–B) Out Performance Requirements To Support Air Traffic Control (ATC) Service; Correction, 37711–37712
Broadcast (ADS–B) Out Performance Requirements To Support Air Traffic Control (ATC) Service; Technical Amendment, 37712
NOTICES
Petitions for Exemption; Summary of Petitions Received, 37879

Federal Communications Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 37800–37802
Meetings:
Advisory Committee for the 2012 World Radiocommunication Conference, 37802–37803
Petition for Expedited Clarification and Declaratory Ruling:
Global Tel Link Corp.; Applicability of Telephone Consumer Protection Act and Federal Communications Commission Rules, 37803–37804

Federal Emergency Management Agency
NOTICES
Major Disaster Declarations:
South Dakota, 37822

Federal Energy Regulatory Commission
PROPOSED RULES
Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities, 37884–37916
NOTICES
Applications:
Dominion Transmission, Inc., 37784
Union Electric Company dba AmerenUE, 37784–37785
Baseline Filing:
Crosstex LIG, LLC, 37786
Crosstex North Texas Pipeline, L.P., 37785–37786
DCP Guadalupe Pipeline, LLC, 37786
Louisville Gas and Electric Co., 37785
Washington 10 Storage Corp., 37786–37787
Combined Filings, 37787–37788
Declaration of Intention and Soliciting Comments, Protests, and/or Motions to Intervene:
Antrim Treatment Trust, 37788–37789
Filings:
Orlando Utilities Commission, 37789–37790
Public Service Company of Colorado, 37790
Intent to Issue a Supplemental Environmental Assessment:
Mahoning Creek Hydroelectric Company, LLC; Proposed Mahoning Creek Hydroelectric Project, 37790

Federal Highway Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 37874
Buy America Waiver Notification, 37874–37878
Final Federal Agency Actions on Proposed Highway in California, 37878–37879

Federal Maritime Commission
NOTICES
Agreements Filed, 37805
Ocean transportation Intermediary Licenses; Applicants, 37805–37806

Federal Reserve System
NOTICES
Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies, 37804
Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 37804–37805
Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies Engaged in Permissible Nonbanking Activities, 37805

Federal Trade Commission
NOTICES
Analysis of Proposed Consent Order to Aid Public Comment:
Twitter, Inc., 37806–37808

Fiscal Service
NOTICES
Contract Disputes Act:
Prompt Payment Interest Rate, 37881
Surety Companies Acceptable on Federal Bonds—Change in Business Address and Redomestication:
Safeco National Insurance Co., 37881
Surety Companies Acceptable on Federal Bonds—Change in State of Incorporation:
United States Fidelity and Guaranty Co., 37881

Fish and Wildlife Service
RULES
Subsistence Management Regulations for Public Lands in Alaska (2010–11 and 2011–12):
Subsistence Taking of Wildlife Regulations; Subsistence Taking of Fish on the Yukon River Regulations, 37918–37969

Food and Drug Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Guidance for Industry Entitled Hypertension Indication; Drug Labeling for Cardiovascular Outcome Claims, 37816–37818
Public Workshop:
Issues in the Design and Conduct of Clinical Trials for Antibacterial Drug Development, 37818–37819

Food Safety and Inspection Service
NOTICES
Meetings:
Measuring Progress on Food Safety; Current Status and Future Directions, 37752–37753

Nominations for Membership:
National Advisory Committee on Microbiological Criteria for Foods, 37754–37756

Foreign Assets Control Office
NOTICES
Blocking of Specially Designated National Pursuant to Executive Order (13413), 37880–37881

Forest Service
RULES
Subsistence Management Regulations for Public Lands in Alaska (2010–11 and 2011–12):
Subsistence Taking of Wildlife Regulations; Subsistence Taking of Fish on the Yukon River Regulations, 37918–37969
NOTICES
Environmental Impact Statements; Availability, etc.:
White River National Forest, Colorado, Oil and Gas Leasing, 37749–37752
Meetings:
Gallatin County Resource Advisory Committee, 37754
Lawrence County Recource Advisory Committee, 37753–37754
Prince of Wales Resource Advisory Committee, 37753

Health and Human Services Department
See Children and Families Administration
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 37808–37812
Final Effect of Designation of a Class of Employees for Addition to the Special Exposure Cohort, 37812
Meetings:
Secretary's Advisory Committee on Human Research Protections, 37813–37814
Secretary's Advisory Committee on National Health Promotion and Disease Prevention Objectives for 2020, 37813
Statement of Organization, Functions, and Delegations of Authority:
Center for Faith-Based and Neighborhood Partnerships; Office of Health Reform, 37814

Health Resources and Services Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 37815–37816

Homeland Security Department
See Coast Guard
See Federal Emergency Management Agency
See U.S. Citizenship and Immigration Services
See U.S. Customs and Border Protection
RULES
Administrative Process for Seizures and Forfeitures Under the Immigration and Nationality Act and Other Authorities, 37707–37708
NOTICES
Proposed Information Quality Guidelines Policy, 37819

Housing and Urban Development Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Choice Voucher Program; Application, Allowances for Tenant-Furnished Utilities, Inspections, Financial Reports, etc., 37825–37826
Indian Housing Block Grant Program (Combined and Simplified Indian Housing Plan, etc.); Withdrawal, 37826–37827
Minimum Property Standards for Multifamily and Care–type Facilities, 37825
Regulatory Waiver Requests Granted for the First Quarter of Calendar Year (2010), 37827–37837

Industry and Security Bureau
PROPOSED RULES
Export Administration Regulations:
Addition of New Export Control Classification Number 6A981; Passive Infrasound Sensors, 37742–37744

Interior Department
See Fish and Wildlife Service

International Trade Administration
NOTICES
Extension of Time Limits for Final Results of 2008–2009 Administrative Review:
Frozen Warmwater Shrimp from Socialist Republic of Vietnam, 37757
Initiation and Preliminary Results of Changed-Circumstances Review:
Frozen Warmwater Shrimp from Vietnam, 37757–37759
Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part, 37759–37765

Justice Department
NOTICES
Lodging of Consent Decree Under the Clean Water Act, 37837–37838

Labor Department
See Labor Statistics Bureau

Labor Statistics Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 37838–37840

National Institutes of Health
NOTICES
Meetings:
National Institute of Neurological Disorders and Stroke, 37818
National Institute on Alcohol Abuse and Alcoholism, 37818

National Oceanic and Atmospheric Administration
RULES
Fisheries of Northeastern United States:
Atlantic Mackerel, Squid, and Butterfish Fisheries; Adjustment to Loligo Trimester 2 and 3 Quota, 37739
PROPOSED RULES
Fisheries of the Northeastern United States:
Magnuson-Stevens Fishery Conservation and Management Act Provisions; Surfclam and Ocean Quahog Fishery, 37745–37748

Fisheries off West Coast States; Pacific Coast Groundfish Fishery Management Plan:
Amendments 20 and 21; Trawl Rationalization Program; Correction, 37744–37745

Nuclear Regulatory Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 37840–37842
Issuance of Regulatory Guide, 37842

Pension Benefit Guaranty Corporation
NOTICES
Privacy Act; Systems of Records, 37842–37856

Presidential Documents
ADMINISTRATIVE ORDERS
Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010; Implementation Guidance (Memorandum of June 25, 2010), 37971–37973

Public Debt Bureau
See Fiscal Service

Securities and Exchange Commission
NOTICES
Applications:
Lazard Global Total Return and Income Fund, Inc., et al., 37856–37860
Order of Suspension of Trading:
Aris Industries, Inc., 37860–37861
Self-Regulatory Organizations; Proposed Rule Changes:
NASDAQ OMX BX, Inc., 37863–37864
National Stock Exchange, Inc., 37861–37863
NYSE AMEX LLC, 37870–37872
NYSE Arca, 37868–37870
NYSE Arca, Inc., 37866–37868
Options Clearing Corp., 37864–37866

Small Business Administration
NOTICES
Interest Rates, 37872–37873

State Department
NOTICES
Meetings:
U.S. Advisory Commission on Public Diplomacy, 37873

Surface Transportation Board
NOTICES
Discontinuance of Trackage Rights Exemption:
Soo Line Railroad Co.; Wayne, Washtenaw, Oakland, Livingston, Ingham, Clinton, Eaton, Barry, et al. Counties, MI, etc., 37878

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See Surface Transportation Board
NOTICES
Funding Availability:
National Infrastructure Investments Under Transportation, Housing and Urban Development, and Related Agencies Appropriations Act (2010), 37873–37874

Treasury Department
See Community Development Financial Institutions Fund
See Fiscal Service
See Foreign Assets Control Office

U.S. Citizenship and Immigration Services
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Application to Register Permanent Residence or Adjust Status, 37820–37821
Petition for Amerasian, Widow, or Special Immigrant, 37820
Petition for Nonimmigrant Worker, 37822
Petition to Remove Conditions on Residence, 37821

U.S. Customs and Border Protection
NOTICES
Meetings:
Advisory Committee on Commercial Operations of Customs and Border Protection, 37823
Quarterly IRS Interest Rates Used in Calculating Interest on Overdue Accounts and Refunds on Customs Duties, 37823–37825

Separate Parts In This Issue

Part II
Energy Department, Federal Energy Regulatory Commission, 37884–37916

Part III
Agriculture Department, Forest Service, 37918–37969
Interior Department, Fish and Wildlife Service, 37918–37969

Part IV
Presidential Documents, 37971–37973

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

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR

Administrative Orders:

Memorandums:

Memorandum of June 25, 2010 37973

7 CFR

Proposed Rules:

922 37740

8 CFR

274 37707

14 CFR

39 37708

91 (2 documents) 37711, 37712

15 CFR

Proposed Rules:

742 37742

774 37742

902 37744

18 CFR

Proposed Rules:

35 37884

19 CFR

162 37707

33 CFR

154 37712

155 37712

165 (2 documents) 37720, 37722

36 CFR

242 37918

40 CFR

9 37722

52 37727

63 (2 documents) 37730, 37732

80 37733

112 37712

180 (2 documents) 37734, 37738

50 CFR

100 37918

648 37739

Proposed Rules:

648 37745

660 37744

Rules and Regulations

Federal Register
Vol. 75, No. 125
Wednesday, June 30, 2010

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 HOMELAND SECURITY

Office of the Secretary

8 CFR Part 274

19 CFR Part 162

[USCBP–2006–0122; CBP Dec. 10–24]

RIN 1651–AA58

Administrative Process for Seizures and Forfeitures Under the Immigration and Nationality Act and Other Authorities

AGENCY: Office of the Secretary, DHS.

ACTION: Final rule.

SUMMARY: On February 19, 2008, the Department of Homeland Security issued an interim final rule that consolidated the asset seizure and forfeiture procedures for customs and immigration purposes. The interim final rule primarily aligned forfeiture procedures to allow petitioners to seek remission of seized property before the completion of the forfeiture process. The interim final rule also made technical and conforming changes to update the regulations. This final rule adopts, without change, the interim final rule.

DATES: This final rule is effective June 30, 2010.

FOR FURTHER INFORMATION CONTACT: For CBP: Charles Ressin, Penalties Branch, U.S. Customs and Border Protection (202) 325–0050. For ICE: Jason J. Johnsen, Writer/Editor, Office of Policy, U.S. Immigration and Customs Enforcement, (202) 732–4245.

SUPPLEMENTARY INFORMATION:

Background

On November 25, 2002, the President signed into law the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135 (HSA). As a result, on March 1, 2003, the former Immigration and Nationalization Service (INS) of the Department of Justice and the former U.S. Customs Service of the Department of the Treasury were transferred to the Department of Homeland Security (DHS) and reorganized to become the U.S. Citizenship and Immigration Services (USCIS), the Bureau of Immigration and Customs Enforcement (ICE), and the Bureau of Customs and Border Protection (CBP).[1]

After passage of the HSA, both CBP and ICE retained authority to perform asset seizures and forfeitures under the provisions of 8 CFR part 274 and 19 CFR parts 162 and 171. For the purpose of improved efficiency, DHS consolidated the processing of asset forfeitures into CBP's operations. The regulations in titles 8 and 19, however, provided two different procedures. Pursuant to the provisions of section 618 of the Tariff Act of 1930, as amended (19 U.S.C. 1618), petitions for remission of forfeitures were accepted by CBP prior to initiation of any administrative or judicial forfeiture process. In contrast, the regulations adopted under section 274(b) of the Immigration and Nationality Act of 1952, as amended (8 U.S.C. 1324(b) (INA)), provided that the remission or mitigation of such forfeitures could occur only after completion of the forfeiture process despite the fact that this restriction was not imposed by statute.

Interim Final Rule

On February 19, 2008, DHS issued an interim final rule amending DHS regulations to consolidate the procedures for processing administrative seizures and forfeitures and to make technical and conforming changes to the regulations. The interim final rule was published in the **Federal Register** at 73 FR 9010. Specifically, the interim final rule revised the text of 8 CFR 274.1 to provide that all seizures and forfeitures will be administered in accordance with 19 CFR parts 162 and 171. As a result, the procedures previously used for immigration-related forfeitures were eliminated and all asset forfeiture proceedings are now conducted under a consolidated procedure. The change permits CBP to entertain petitions for remission and return of seized property prior to completing the forfeiture process, regardless of whether the seizure was made under customs or immigration laws, and regardless of whether it was made by CBP or ICE. Additionally, the interim final rule revised the text of 8 CFR 274.2 to provide the Chief, Office of Border Patrol or his designees, with the same powers that are provided to Fines, Penalties and Forfeitures Officers in 19 CFR parts 162 and 171, for purposes of administering seizures and forfeitures made by Border Patrol Officers.

The interim final rule also amended the text of 19 CFR sections 162.21, 162.91, and 162.92 by replacing outdated references to Customs, the Customs Service, or legacy Customs officials with updated references to CBP, ICE, or the appropriate CBP or ICE officials. Additionally, the reference to section 460 of the Tariff Act of 1930, as amended (19 U.S.C. 1460) was removed from 19 CFR 162.22 (d) because it had been repealed by Public Law 99–570, title III, section 3115(b), Oct. 27, 1986, 100 Stat. 3207–82 and the paragraphs of section 162.22 were redesignated accordingly.

The interim final rule requested public comments. The prescribed comment period closed on April 21, 2008. Only one comment was received and its contents were beyond the scope of the interim final rule.

Conclusion

Accordingly, this rule adopts as a final rule, without change, the interim final rule published on February 19, 2008.

Administrative Procedure Act

This rule is procedural in nature and does not alter the substantive rights of the affected parties. Therefore, this rule is exempt from the public notice and comment requirements pursuant to 5 U.S.C. 553(b)(A). In addition, since this final rule adopts without change an interim final rule, which has been in effect since February 19, 2008, the delayed effective date requirement under 5 U.S.C. 553(d) is unnecessary and does not apply.

[1] DHS subsequently changed the name of the Bureau of Customs and Border Protection to U.S. Customs and Border Protection, and the Bureau of Immigration and Customs Enforcement to U.S. Immigration and Customs Enforcement on March 31, 2007 (*see* 72 FR 20131, dated April 23, 2007).

Regulatory Requirements

Executive Order 12866

This rule is not a significant regulatory action under Executive Order 12866.

Regulatory Flexibility Act

Because a notice of proposed rulemaking was not required for this rule, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

Paperwork Reduction Act

DHS has determined that the collection of information required by this rule falls under the "administrative exception" to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The "administrative exception," applies because any such collection is made during the conduct of administrative action taken by an agency against specific individuals or entities. 5 CFR 1320.4(a)(2).

Signing Authority

The authority to prescribe regulations to administer and enforce the immigration laws was transferred by the Homeland Security Act to the Secretary of Homeland Security. The signing authority for these amendments, therefore, falls under 8 CFR 2.1.

List of Subjects

8 CFR Part 274

Administrative practice and procedure, Seizures and forfeitures, Conveyances.

19 CFR Part 162

Administrative practice and procedure, Customs duties and inspection, Law enforcement, Penalties, Prohibited merchandise, Reporting and recordkeeping requirements, Seizures and forfeitures.

Amendments

■ Accordingly, the interim final rule amending part 274 of title 8 of the Code of Federal Regulations (8 CFR part 274) and part 162 of title 19 of the Code of Federal Regulations (19 CFR part 162), which was published in the **Federal Register** at 73 FR 9010 on February 19, 2008, is adopted as a final rule without change.

Dated: June 22, 2010.

Janet Napolitano,

Secretary.

[FR Doc. 2010–15580 Filed 6–29–10; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–1029; Directorate Identifier 2009–NM–103–AD; Amendment 39–16348; AD 2010–14–03]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 & 440) Airplanes

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

ACTION: Final rule.

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

> Following in-flight test deployments, several Air-Driven generators (ADGs) failed to come on-line. Investigation revealed that, as a result of a wiring anomaly that had not been detected during ADG manufacture, a short circuit was possible between certain internal wires and their metallic over-braided shields, which could result in the ADG not providing power when deployed. * * *

The unsafe condition is failure of the ADG, which could lead to loss of several functions essential for safe flight. We are issuing this AD to require actions to correct the unsafe condition on these products.

DATES: This AD becomes effective August 4, 2010.

On April 30, 2009 (74 FR 13086, March 26, 2009), the Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* or in person at the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Fabio Buttitta, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228–7303; fax (516) 794–5531.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on November 5, 2009 (74 FR 57271), and proposed to supersede AD 2009–06–17, Amendment 39–15854 (74 FR 13086, March 26, 2009). That NPRM proposed to correct an unsafe condition for the specified products.

Since we issued AD 2009–06–17, we have been advised that additional air-driven generators may have been installed between the effective date of Canadian Airworthiness Directive CF–2008–09, and the effective date of the equivalent FAA AD 2009–06–17. Therefore, we have determined that the actions specified in paragraph (f)(1) of AD 2009–06–17 also must be done on airplanes having serial numbers 8084 through 8102.

Comments

We gave the public the opportunity to participate in developing this AD. We considered the comments received.

Support for the NPRM

The Air Line Pilots Association, International supports the intent of the NPRM.

Request To Revise the Proposed Applicability To Apply AD to Part, Not Airplanes

Air Wisconsin Airlines Corporation (Air Wisconsin) suggests that we revise the applicability statement of the NPRM to refer to the specific serial numbers of the air-driven generators (ADGs) as installed on Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes; certificated in any category. Air Wisconsin states that the FAA said in AD 2008–01–04, Amendment 39–15329 (73 FR 1964, January 11, 2008), that parts on the shelf pose no safety concern.

From these statements, we infer that Air Wisconsin requests that we change the applicability statement of the NPRM to refer to the ADG part numbers instead of the airplane model. We disagree. When an unsafe condition results from the installation of a particular component in only one particular make and model of airplane, we apply the AD to the airplane model, not the component. Thus, operators of those airplanes will be notified directly of the unsafe condition and the action required to correct it. Specifying the airplane models in the applicability of the AD will ensure affected operators are aware of their need to comply with

the AD. We have not changed the AD in this regard.

Request To Withdraw NPRM

Air Wisconsin requests that we rescind the NPRM for several reasons. Air Wisconsin states the unsafe condition has already been mitigated through AD 2009–06–17, Amendment 39–15854 (74 FR 13086, March 26, 2009), which this final rule supersedes. Air Wisconsin also notes that all the referenced data in the NPRM is the same as in AD 2009–06–17. Air Wisconsin points out that the airplanes referred to in paragraphs (f)(1)(i), (f)(1)(ii), (f)(1)(ii)(B), (f)(3), (g)(1)(i), (g)(1)(ii), (g)(1)(ii)(B), and (g)(2) of the NPRM do not indicate or reference the proposed airplane change. Therefore, Air Wisconsin argues, the NPRM does not apply to these airplanes. Finally, Air Wisconsin states that paragraph (f)(2) of AD 2009–06–17 and paragraph "B." of Canadian Airworthiness Directive CF–2008–09, dated February 5, 2008, prohibit the installation of ADGs identified in Table 1 of the AD unless it is identified with the symbol "24–2."

We disagree with the request to withdraw the NPRM. AD 2009–06–17 applies to Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes; certificated in any category; having serial numbers 7305 through 7990, and 8000 and subsequent. The inspection requirement in that AD applied to airplanes having serial numbers 7305 through 7990 inclusive, and 8000 through 8083 inclusive. We are now superseding AD 2009–06–17 to expand the inspection requirement and to include airplanes having serial numbers 8084 through 8102 inclusive. Because we have expanded the applicability, we are superseding AD 2009–06–17 to address the unsafe condition on those additional airplanes, even though the technical data remains the same. Additionally, the requirements in the previous AD do not address units that were installed on airplanes before April 30, 2009 (the effective date of AD 2009–06–17). We have not changed the AD in regard to this issue.

Explanation of Change Made to the Proposed AD

We have revised the NPRM to identify the legal name of the manufacturer as published in the most recent type certificate data sheet for the affected airplane models.

Conclusion

We reviewed the relevant data, considered the comment received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We also determined that these changes will not increase the economic burden on any operator or increase the scope of the AD.

Differences Between This AD and the MCAI or Service Information

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

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

Explanation of Change to Costs of Compliance

Since issuance of the NPRM, we have increased the labor rate used in the Costs of Compliance from $80 per work-hour to $85 per work-hour. The Costs of Compliance information, below, reflects this increase in the specified hourly labor rate.

Costs of Compliance

We estimate that this AD will affect about 686 products of U.S. registry.

The actions that are required by AD 2009–06–17 and retained in this AD take about 5 work-hours per product, at an average labor rate of $85 per work-hour. Required parts would cost about $0 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of this AD to the U.S. operators to be $291,550, or $425 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

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

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

Examining the AD Docket

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Amendment 39–15854 (74 FR 13086, March 26, 2009) and adding the following new AD:

2010–14–03 Bombardier, Inc.: Amendment 39–16348. Docket No. FAA–2009–1029; Directorate Identifier 2009–NM–103–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective August 4, 2010.

Affected ADs

(b) This AD supersedes AD 2009–06–17, Amendment 39–15854.

Applicability

(c) This AD applies to Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes; certificated in any category; having serial numbers (S/Ns) 7305 through 7990, and 8000 and subsequent.

Subject

(d) Air Transport Association (ATA) of America Code 24: Electrical power.

Reason

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

Following in-flight test deployments, several Air-Driven generators (ADGs) failed to come on-line. Investigation revealed that, as a result of a wiring anomaly that had not been detected during ADG manufacture, a short circuit was possible between certain internal wires and their metallic over-braided shields, which could result in the ADG not providing power when deployed. This directive mandates checking of the ADG and modification of the ADG internal wiring, if required. It also prohibits future installation of unmodified ADGs.

The unsafe condition is failure of the ADG, which could lead to loss of several functions essential for safe flight.

Restatement of Requirements of AD 2009–06–17, With No Changes

Actions and Compliance

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

(1) For airplanes having serial numbers (S/Ns) 7305 through 7990 and 8000 through 8083: Within 12 months after April 30, 2009 (the effective date of AD 2009–06–17), inspect the S/N of the installed ADG. A review of airplane maintenance records is acceptable in lieu of this inspection if the serial number of the ADG can be conclusively determined from that review.

(i) If the serial number is not listed in paragraph 1.A of Bombardier Service Bulletin 601R–24–113, Revision A, dated August 11, 2005, no further action is required by this paragraph.

(ii) If the serial number is listed in paragraph 1.A of Bombardier Service Bulletin 601R–24–113, Revision A, dated August 11, 2005, within 12 months after April 30, 2009, inspect the ADG identification plate and, as applicable, do the actions of paragraph (f)(1)(ii)(A) or (f)(1)(ii)(B) of this AD.

(A) If the identification plate is marked with the symbol "24–2," no further action is required by this paragraph.

(B) If the identification plate is not marked with the symbol "24–2," modify the ADG wiring in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 601R–24–113, Revision A, dated August 11, 2005.

(2) For airplanes having S/Ns 7305 through 7990, and 8000 and subsequent: As of April 30, 2009, no ADG as described in Table 1 of this AD may be installed on any airplane, unless the identification plate of the ADG is identified with the symbol "24–2."

Note 1: Bombardier Service Bulletin 601R–24–113, Revision A, dated August 11, 2005, refers to Hamilton Sundstrand Service Bulletin ERPS10AG–24–2, dated February 19, 2004, for further guidance on identifying the symbol "24–2."

TABLE 1—ADG IDENTIFICATION

ADG Part No.	Having ADG Serial No.
604–90800–1 (761339C), 604–90800–17 (761339D), or 604–90800–19 (761339E).	0101 through 0132, 0134 through 0167, 0169 through 0358, 0360 through 0438, 0440 through 0456, 0458 through 0467, 0469, 0471 through 0590, 0592 through 0597, 0599 through 0745, 0747 through 1005, or 1400 through 1439.

(3) Actions done before April 30, 2009, according to Bombardier Service Bulletin 601R–24–113, dated April 22, 2004, are considered acceptable for compliance with the corresponding actions specified in paragraph (f)(1) of this AD, provided the ADG has not been replaced since those actions were done.

New Requirements of This AD

Actions and Compliance

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

(1) For airplanes having S/Ns 8084 through 8102: Within 12 months after the effective date of this AD, inspect the serial number of the installed ADG. A review of airplane maintenance records is acceptable in lieu of this inspection if the serial number of the ADG can be conclusively determined from that review.

(i) If the serial number is not listed in paragraph 1.A of Bombardier Service Bulletin 601R–24–113, Revision A, dated August 11, 2005, no further action is required by this paragraph.

(ii) If the serial number is listed in paragraph 1.A of Bombardier Service Bulletin 601R–24–113, Revision A, dated August 11, 2005, within 12 months after the effective date of this AD, inspect the ADG identification plate and, as applicable, do the actions specified in paragraph (g)(1)(ii)(A) or (g)(1)(ii)(B) of this AD.

(A) If the identification plate is marked with the symbol "24–2," no further action is required by this paragraph.

(B) If the identification plate is not marked with the symbol "24–2," modify the ADG wiring in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 601R–24–113, Revision A, dated August 11, 2005.

(2) Actions done before the effective date of this AD according to Bombardier Service Bulletin 601R–24–113, dated April 22, 2004, are considered acceptable for compliance with the corresponding actions specified in paragraph (g)(1) of this AD, provided the ADG has not been replaced since those actions were done.

FAA AD Differences

Note 2: This AD differs from the MCAI and/or service information as follows: The MCAI specifies to inspect S/Ns 7305 through 7990 and 8000 through 8083. This AD also specifies to inspect S/Ns 8084 through 8102.

Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification Office, ANE–170, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office. The AMOC approval letter must specifically reference this AD.

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

(3) *Reporting Requirements:* For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) has approved the information collection

requirements and has assigned OMB Control Number 2120–0056.

Related Information

(i) Refer to MCAI Canadian Airworthiness Directive CF–2008–09, dated February 5, 2008; and Bombardier Service Bulletin 601R–24–113, Revision A, dated August 11, 2005; for related information.

Material Incorporated by Reference

(j) You must use Bombardier Service Bulletin 601R–24–113, Revision A, dated August 11, 2005, to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register previously approved the incorporation by reference of Bombardier Service Bulletin 601R–24–113, Revision A, dated August 11, 2005, on April 30, 2009 (74 FR 13086, March 26, 2009).

(2) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; e-mail *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.com.*

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

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

Issued in Renton, Washington, on June 17, 2010.

Robert D. Breneman,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010–15819 Filed 6–29–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. FAA–2007–29305; Amdt. No. 91–314–A]

RIN 2120–AI92

Automatic Dependent Surveillance—Broadcast (ADS–B) Out Performance Requirements To Support Air Traffic Control (ATC) Service; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: The FAA is correcting a final rule published on May 28, 2010. In that rule, the FAA amended its regulations to add equipage requirements and performance standards for Automatic Dependent Surveillance—Broadcast (ADS–B) Out avionics on aircraft operating in Classes A, B, and C airspace, as well as certain other specified classes of airspace within the U.S. National Airspace System (NAS). This document corrects errors in footnoted material in the preamble and cross references in the preamble and rule text of that final rule.

DATES: The final rule and this correction will become effective August 11, 2010.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this final rule, contact Vincent Capezzuto, Surveillance and Broadcast Services, AJE–6, Air Traffic Organization, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 385–8637; email *vincent.capezzuto@faa.gov.*

For legal questions concerning this final rule, contact Lorelei Peter, Office of the Chief Counsel, AGC–220, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone 202–267–3134; e-mail *lorelei.peter@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On May 28, 2010, the FAA published a final rule entitled, "Automatic Dependent Surveillance—Broadcast (ADS–B) Out Performance Requirements To Support Air Traffic Control (ATC) Service" (75 FR 30160).

There are three footnotes in the preamble for the final rule that refer the reader to the docket to find information on the analyses and evaluations performed by the Separation Standards Working Group. The FAA is revising two of those footnotes (footnotes 23 and 33) to clarify that the cited material is contained in Annexes B and G of RTCA DO–318 Safety, Performance and Interoperability Requirements Document for Enhanced Air Traffic in Radar-Controlled Areas Using ADS–B Surveillance (ADS–B RAD). A copy of those two annexes is in the docket. The third footnote (footnote 54) cites a SBS Working Group Report, dated November 30, 2006. This footnote should reference instead Annexes B and G of RTCA DO–318.

In addition, both the preamble discussion and the regulatory text of §§ 91.225 and 91.227 address equipment with an approved deviation under § 21.618. By separate rulemaking entitled "Production and Airworthiness Approval, Part Marking, and Miscellaneous Amendments," published October 16, 2009 (74 FR 53368), the FAA revised part 21 subpart O, and § 21.609 *Approval for deviation* was renumbered as § 21.618, effective April 14, 2010. The FAA later published a correction to that rule on March 1, 2010 (75 FR 9095) changing the effective date for the revision of subpart O to April 16, 2011. In the ADS–B final rule, therefore, the FAA is changing the references from § 21.618 to § 21.609 to reflect the correct section number. The FAA also is issuing a separate technical amendment elsewhere in this issue of the **Federal Register** to change the reference from § 21.609 to § 21.618, effective April 16, 2011.

In final rule FR Doc. 2010–12645, beginning on page 30160, in the **Federal Register** of May 28, 2010, make the following corrections:

Corrections to Preamble

1. On page 30164, in the second column, in fourth line, revise "§ 21.618" to read "§ 21.609."

2. On page 30166, in the second column, revise footnote 23 to read as follows:

[23] The SSWG findings and analyses were adopted by RTCA SC–186 and codified in Annexes B and G of DO–318 Safety, Performance and Interoperability Requirements Document for Enhanced Air Traffic in Radar-Controlled Areas Using ADS–B Surveillance (ADS–B RAD). The annexes are available at *http://www.regulations.gov.* The docket number for this rulemaking is FAA–2007–29305.

3. On page 30169, in the third column, revise footnote 33 to read as follows:

[33] The FAA's determination was based on the findings of the SSWG, which were adopted by RTCA SC–186 and codified in Annexes B and G of DO–318 Safety, Performance and Interoperability Requirements Document for Enhanced Air Traffic in Radar-Controlled Areas Using ADS–B Surveillance (ADS–B RAD). The annexes are available at *http://www.regulations.gov.* The docket number for this rulemaking is FAA–2007–29305.

4. On page 30179, in the third column, revise footnote 54 to read as follows:

[54] These operational evaluations were based on the findings of the SSWG, were adopted by RTCA SC–186 and codified in Annexes B and G of DO–318 Safety, Performance and Interoperability Requirements Document for Enhanced Air Traffic in Radar-Controlled Areas Using ADS–B Surveillance (ADS–B RAD). The annexes are available at *http://www.regulations.gov.* The docket number for this rulemaking is FAA–2007–29305.

Corrections to Regulatory Text

§ 91.225 [Corrected]

1. On page 30193, in the third column, amend § 91.225 (c) by revising "§ 21.618" to read "§ 21.609."

§ 91.227 [Corrected]

2. On page 30195, in the second column, amend § 91.227 (f) by revising "§ 21.618" to read "§ 21.609."

Issued in Washington, DC, on June 24, 2010.

Pamela Hamilton-Powell,

Director, Office of Rulemaking.

[FR Doc. 2010–15852 Filed 6–29–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. FAA–2007–29305; Amdt. No. 91–316]

RIN 2120–AI92

Automatic Dependent Surveillance—Broadcast (ADS–B) Out Performance Requirements To Support Air Traffic Control (ATC) Service; Technical Amendment

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; technical amendment.

SUMMARY: The FAA is making minor technical changes to a final rule published in the **Federal Register** on May 28, 2010. In that final rule the FAA amended its regulations to add equipage requirements and performance standards for Automatic Dependent Surveillance—Broadcast (ADS–B) Out avionics on aircraft operating in Classes A, B, and C airspace, as well as certain other specified classes of airspace within the U.S. National Airspace System (NAS). This technical amendment changes a cross reference to a section in part 21 subpart O to be consistent with revisions to that subpart.

DATES: Effective April 16, 2011.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this final rule, contact Vincent Capezzuto, Surveillance and Broadcast Services, AJE–6, Air Traffic Organization, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 385–8637; e-mail *vincent.capezzuto@faa.gov.*

For legal questions concerning this final rule, contact Lorelei Peter, Office of the Chief Counsel, AGC–220, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone 202–267–3134; e-mail *lorelei.peter@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On October 16, 2009, the FAA published a separate rulemaking entitled "Production and Airworthiness Approval, Part Marking, and Miscellaneous Amendments" (74 FR 53368) in which the FAA revised part 21 subpart O. As part of that revision, current § 21.609 *Approval for deviation* was renumbered as § 21.618, effective April 14, 2010.

On May 28, 2010, the FAA published a final rule entitled, "Automatic Dependent Surveillance—Broadcast (ADS–B) Out Performance Requirements To Support Air Traffic Control (ATC) Service" (75 FR 30160). In that final rule, the FAA referenced § 21.618 *Approval for deviation* in both the preamble and the regulatory text of §§ 91.225 and 91.227. The FAA later published a correction to the October 16, 2009, part 21 rule on March 1, 2010 (75 FR 9095) changing the effective date for the revision of subpart O to April 16, 2011. The FAA inadvertently did not reflect the section is currently numbered § 21.609 and explain that it would become § 21.618 on April 16, 2011.

By a correction document published elsewhere in this issue of the **Federal Register,** the FAA is correcting the cross reference to read "§ 21.609" in the May 28, 2010, ADS–B final rule.

This technical amendment amends §§ 91.225 and 91.227 to revise the cross references to § 21.609 to read § 21.618 effective April 16, 2011.

Discussion of Technical Amendment

As discussed above, this action makes the appropriate amendatory change to revise cross references to § 21.609 to read "§ 21.618" in §§ 91.225 and 91.227. This amendment will not impose any additional restrictions on operators affected by these regulations.

On April 16, 2011, the effective date of this technical amendment, the cross reference appearing on page 30164 in the preamble of the May 28, 2010, final rule, which now reads "§ 21.618" and is being corrected to read "§ 21.609" elsewhere in this issue of the **Federal Register,** will revert to reading "§ 21.618."

List of Subjects in 14 CFR Part 91

Aircraft, Airmen, Air traffic control, Aviation safety, Incorporation by Reference, Reporting and recordkeeping requirements.

The Amendment

■ Accordingly, title 14 of the Code of Federal Regulations (CFR) part 91 is amended as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

■ 1. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(g), 1155, 40103, 40113, 40120, 44101, 44111, 44701, 44704, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506–46507, 47122, 47508, 47528–47531, articles 12 and 29 of the Convention on International Civil Aviation (61 stat.1180).

§ 91.225 [Amended]

■ 2. Amend § 91.225 (c) by revising "§ 21.609" to read "§ 21.618."

§ 91.227 [Amended]

■ 3. Amend § 91.227 (f) by revising "§ 21.609" to read "§ 21.618."

Issued in Washington, DC, on June 24, 2010.

Pamela Hamilton-Powell,

Director, Office of Rulemaking.

[FR Doc. 2010–15853 Filed 6–29–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 154 and 155

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 112

[Docket No. USCG–2010–0592; EPA–HQ–OPA–2010–0559]

RIN 1625–AB49; 2050–AG63

Temporary Suspension of Certain Oil Spill Response Time Requirements To Support Deepwater Horizon Oil Spill of National Significance (SONS) Response

AGENCIES: Coast Guard, DHS, and Environmental Protection Agency.

ACTION: Emergency temporary interim rule.

SUMMARY: This joint Coast Guard and Environmental Protection Agency (EPA) temporary interim rule will suspend oil spill response time requirements, and certain identification and location requirements, for facilities and vessels

whose response resources are relocated in support of the Deepwater Horizon SONS response. By providing oil spill removal organizations (OSROs), and facilities and vessels with their own response resources, with the temporary opportunity to relocate response resources from current locations to the Gulf of Mexico, this rule directly assists in the urgently needed immediate relocation of nationwide oil spill response resources to the Gulf of Mexico to aid in the response to the Deepwater Horizon SONS. The rule also provides notice that the Federal On-Scene Coordinator for the Deepwater Horizon SONS has requested the Armed Forces to relocate Armed Forces oil spill response resources, in particular those of the Navy, from their current locations to the Gulf of Mexico to aid in the response to the Deepwater Horizon SONS.

DATES: *Effective Date:* This rule is effective from June 30, 2010 through December 31, 2010.

Comment Period: Comments and related material must reach the Coast Guard or EPA at the **ADDRESSES** listed below on or before August 16, 2010.

ADDRESSES: You may submit comments identified by docket number USCG–2010–0592; EPA–HQ–OPA–2010–0559 using any one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.*
- *Fax: Coast Guard,* 202–493–2251; *EPA,* 202–566–9744, Attention Docket ID No. EPA–HQ–OPA–2010–0559.
- *Mail: Coast Guard,* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001. *EPA,* EPA Docket Center (EPA/DC), Docket ID No. EPA–HQ–OPA–2010–0559, Mail Code 2822T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.
- *Hand delivery: Coast Guard,* same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329. *EPA,* EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20460. Attention Docket ID No. EPA–HQ–OPA–2010–0559. Such deliveries are accepted only during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

To avoid duplication, please use only one of these four methods. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

Documents indicated in this preamble as being available in the docket are part of dockets USCG–2010–0592 and EPA–HQ–OPA–2010–0559 and are available online by going to *http://www.regulations.gov,* inserting USCG–2010–0592 or EPA–HQ–OPA–2010–0559 in the "Keyword" box, and then clicking "Search." They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays; and EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20460, Public Reading Room, between 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the EPA Docket Center Public Reading Room is 202–566–1744, and the telephone number to make an appointment to view the docket is 202–566–0276.

EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or e-mail:

Coast Guard: (Facilities) Mr. David Condino, Ports and Facilities Division, Coast Guard, telephone 202–372–1145, e-mail *David.A.Condino@uscg.mil*; (Vessels) LCDR Ryan Allain, Office of Vessel Activities, Coast Guard, telephone 202–372–1226, e-mail *Ryan.D.Allain@uscg.mil.* If you have questions on viewing the USCG–2010–0952 docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

EPA: Troy Swackhammer, U.S. Environmental Protection Agency, telephone 202–564–1966, e-mail *swackhammer.j-troy@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials on this rule and on the environmental effects of this rule on the Gulf of Mexico and on the areas from which response resources could be deployed. All comments received will be posted, without change, to *http://www.regulations.gov* and will include any personal information you have provided.

A. Submitting Comments

If you submit a comment, please include the docket numbers for this rulemaking (USCG–2010–0592; EPA–HQ–OPA–2010–0559), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via *http://www.regulations.gov*) or by fax, mail or hand delivery, but please use only one of these means. If you submit a comment online via *http://www.regulations.gov*, it will be considered received by the Coast Guard and EPA when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered received by the Coast Guard and EPA when it is received at either the Docket Management Facility or the EPA Docket Center. We recommend that you include your name and mailing address, e-mail address, or telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov*, click on the "submit a comment" box, which will then become highlighted in blue. In the "Document Type" drop down menu select "Proposed Rule" and insert "USCG–2010–0592" or "EPA–HQ–OPA–2010–0559" in the "Keyword" box. Click "Search" then click on the balloon shape in the "Actions" column. If you submit comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change this rule based on your comments.

B. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, click on the "read comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG–2010–

0592" or "EPA–HQ–OPA–2010–0559" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit: the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays (the Coast Guard has an agreement with the Department of Transportation to use the Docket Management Facility); or the EPA Docket Center Public Reading Room in Room 3334 of the EPA West Building, 1301 Constitution Avenue, NW., Washington, DC 20460, between 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

C. Privacy Act

Anyone can search the electronic form of comments received into any of the dockets in *http://www.regulations.gov* by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding Coast Guard public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

II. Abbreviations

AMPD Average Most Probable Discharge
CEQ Council on Environmental Quality
CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
EPA Environmental Protection Agency
FOSC Federal On-Scene Coordinator
FR Federal Register
MMPD Maximum Most Probable Discharge
NEPA National Environmental Policy Act of 1969
NPRM Notice of Proposed Rulemaking
OMB Office of Management and Budget
OSRO Oil Spill Removal Organizations
RFA Regulatory Flexibility Act
SONS Spill of National Significance
U.S.C. United States Code
WCD Worst Case Discharge

III. Regulatory Information

The Coast Guard and the Environmental Protection Agency (EPA) are issuing this temporary interim rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard and EPA find that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable and contrary to public interest to do so for the reasons set forth in the following paragraphs.

This temporary interim rule is part of the response to the explosion and sinking of the Mobile Offshore Drilling Unit "Deepwater Horizon" on April 20, 2010, causing an unprecedented crude oil discharge, which is a Spill of National Significance (SONS). Large quantities of oil continue to discharge into the waters of the Gulf of Mexico. Also recently, the Federal On-Scene Coordinator (FOSC) for the Deepwater Horizon SONS determined, after working with the appropriate Federal agencies, that an adequate number of available U.S. oil spill response vessels capable of skimming oil cannot be employed in a timely manner to recover the oil released from the Deepwater Horizon SONS. (Memorandum from Rear Admiral J.A. Watson, FOSC BP Deepwater Horizon Oil Spill, to National Incident Command (June 16, 2010), available in the docket).

This temporary interim rule provides, in light of these exigent circumstances, oil spill removal organizations (OSROs) and facilities and vessels with their own response resources that are deploying response resources in support of the response to the Deepwater Horizon SONS, with the opportunity to relocate additional response resources from their current locations to the Gulf of Mexico region to aid in the response to the Deepwater Horizon SONS.

This rule also confirms that the FOSC for the Deepwater Horizon SONS has requested that the Armed Forces relocate response resources, in particular those of the Navy, from their current locations within the continental United States to the Gulf of Mexico to aid in the response to the Deepwater Horizon SONS. This temporary rule is necessary to immediately relieve facilities and vessels from current regulatory requirements that would hinder OSROs, and facilities and vessels with response resources, in their opportunity to participate in the Deepwater Horizon SONS response.

This rule is also necessary to facilitate any incorporation of Armed Forces response resources into cascade plans with private facilities and OSROs. A cascade plan contains a strategy to maximize arrival times and the availability of response resources for plan holders when identified response resources are being used to respond to another facility's or vessel's incident. OSRO's often contract their response resources to multiple facilities and vessels given the unlikelihood of the need to respond to simultaneous incidents among their clients. To account for the unlikely event of simultaneous incidents, OSROs utilize cascade plans to ensure each of their clients will have the necessary response resources and meet Coast Guard and EPA regulatory response time requirements, and EPA response equipment identification and location requirements. This strategy may include the identification of secondary resources, or backfilling resources that can be accessed through cooperative agreements as needed (cascading resources), through increased partnerships and the increased pooling of resources among several OSROs and other stakeholders.

Publishing an NPRM is impractical because of the ongoing environmental and public health emergency created by the unprecedented release of oil from the Deepwater Horizon SONS, and the environmental damage which would occur during any delay in making this rule effective, including any time devoted to any comment period. In addition, publishing an NPRM is contrary to the public interest of addressing the ongoing environmental and public health emergency and minimizing environmental damage as quickly as possible in response to this situation.

Under 5 U.S.C. 553(d)(3), the Coast Guard and EPA find that good cause exists for making this rule effective fewer than 30 days after publication in the **Federal Register** for the same reasons discussed in the paragraphs above.

The Coast Guard and EPA request comments on this temporary interim rule, and will consider all material received as well as any evidence obtained from the field in order to determine whether any changes to this rule are necessary. The Coast Guard and EPA will perform the first such consideration of all material and evidence at the close of the comment period, and will then consider any new or additional material and evidence every 30 days thereafter.

The Coast Guard and EPA have coordinated on this emergency temporary interim rule because many oil spill response plans address both Coast Guard and EPA oil spill response requirements. Similarly, many regulated entities utilize the same oil spill response assets for oil spill response plans to comply with Coast Guard and EPA oil spill response requirements. Additionally, States are authorized by Federal law to establish oil spill response standards more stringent than the Coast Guard and EPA. The Coast

Guard and EPA, based on their roles and responsibilities under 40 CFR 300.175, will coordinate and consult with Regional Response Teams and Area Committees, which include State representatives, regarding the need to suspend Coast Guard and EPA response time requirements, and EPA response equipment identification and location requirements, as discussed below.

A. Basis and Purpose

A major feature of the National Response System under the Federal Water Pollution Control Act (FWPCA) (codified at 33 U.S.C. 1251 *et seq.*) is the requirement that owners and operators of facilities and vessels have approved response plans that identify and ensure the availability of personnel and equipment, by contract or other approved means, to remove to the maximum extent practicable a worst case discharge or to mitigate or prevent a substantial threat of such a discharge. Coast Guard implementing regulations establish three levels of specific response resources and response times for: (1) A worst case discharge (USCG-regulated facilities and vessels WCD), (2) a maximum most probable discharge (MMPD), and (3) an average most probable discharge (AMPD). *See* 33 CFR parts 154 and 155. EPA implementing regulations under the FWPCA provide for oil spill responses at similar levels: (1) A worst case discharge to the maximum extent practicable (EPA-regulated facilities WCD), (2) discharges greater than 2,100 gallons and less than or equal to 36,000 gallons or 10 percent of the capacity of the largest tank at the facility, whichever is less, provided that this amount is less than the worst case discharge (Medium Discharge), and (3) a discharge of 2,100 gallons or less, provided that this amount is less than the worst case discharge amount (Small Discharge). *See* 40 CFR part 112, subpart D.

Currently, there is an urgent need to maximize the availability of oil spill response assets in the U.S. for use in responding to the unprecedented and ongoing Deepwater Horizon SONS. Those assets are needed in the Gulf region for the response to the Deepwater Horizon SONS. Therefore, the Coast Guard is temporarily releasing facilities and vessels subject to 33 CFR parts 154 and 155, and the EPA is temporarily releasing facilities subject to 40 CFR part 112, subpart D, who own or have under contract response resources deployed in support of the response to the Deepwater Horizon SONS from Coast Guard and EPA regulatory response time requirements, and EPA equipment identification and location requirements, that would otherwise preclude them from relocating owned response resources or releasing contracted response resources to be moved to the Gulf region.

Some facilities and vessels subject to 33 CFR parts 154 and 155, and some facilities subject to 40 CFR part 112, subpart D, contract with OSROs for the availability of oil spill response resources to comply with Coast Guard and EPA regulatory requirements. These contractual obligations keep OSROs from making their response resources available for the response to the Deepwater Horizon SONS. Other such facilities and vessels have their own response resources to comply with these regulatory requirements, and these requirements make the facilities and vessels unable to make their response resources available for the response to the SONS. The Coast Guard and EPA are encouraging an increase in available response resources for the response to the SONS by temporarily releasing these facilities and vessels from the Coast Guard and EPA regulatory response time requirements, and EPA response equipment identification and location requirements, if and only if they have had their own or contracted response resources relocated to the Gulf of Mexico in support of the response to the Deepwater Horizon SONS.

Section 1321(j)(5)(D)(iii) of 33 U.S.C. requires the identification and the availability of private personnel and equipment necessary to remove to the maximum extent practicable a worst case discharge, and to mitigate or prevent a substantial threat of such a discharge. Existing facility and vessel response plans must adequately plan for a worst case discharge to comply with section 1321(j)(5)(D)(iii), as well as additional regulatory requirements under 33 CFR parts 154 and 155 and/or 40 CFR part 112, subpart D. Those regulatory requirements include response times for response resources to respond to incidents of varying degree. Response plans remain in effect as statutorily required by section 1321(j)(5)(D)(iii). The Coast Guard is temporarily suspending only the regulatory response time for those assets to respond to a USCG-regulated facilities and vessels WCD or a MMPD under the facility or vessel response plan, and the EPA is temporarily suspending only the regulatory response time requirements, and response equipment identification and location requirements, for those assets to respond to an EPA-regulated facilities WCD or Medium Discharge under the facility response plan, because of the unique challenges posed by the Deepwater Horizon spill.

Section 1321(j)(5)(D)(iii) also requires that these response resources be ensured "by contract or other means." Because contractual agreements between facility and vessel owners and OSROs are not the only way to satisfy the requirements of section 1321(j)(5)(D)(iii), the Coast Guard and EPA are encouraging facilities and vessels to release OSROs under such contractual obligations to provide response resources within specified response times above the AMPD level and/or the Small Discharge level when those OSROs' response resources are deployed in response to the Deepwater Horizon SONS, and instead to prepare for USCG-regulated facilities and vessels WCDs and MMPDs and/or EPA-regulated facilities WCDs and Medium Discharges through "other means," including cascade planning. The unique challenges posed by the Deepwater Horizon spill make "other means" more appropriate to ensure such capability while providing urgently needed response resources in the Gulf of Mexico.

Additionally, the Coast Guard and EPA believe this rule meets the intent of 33 U.S.C. 1321 (j)(5)(A) both in terms of dealing, to the maximum extent practicable, with the catastrophic emergency presented by the Deepwater Horizon SONS, and in terms of meeting, to the maximum extent practicable, the potential worst case discharge in all other locations. Response resources located outside the Gulf of Mexico region are urgently needed in the Gulf region to assist in the Deepwater Horizon SONS response. The urgent need to use these assets in response to the Deepwater Horizon SONS affects what is the "maximum extent practicable."

The phrase "maximum extent practicable" is not defined in the FWPCA. The phrase, however, is defined in Coast Guard regulations for use in 33 CFR parts 154 and 155 to mean "the planned capability to respond to a worst case discharge in adverse weather, as contained in a response plan that meets the criteria [in Coast Guard regulations addressing oil spill response plans for facilities and vessels] or in a specific plan approved by the cognizant COTP." *See* 33 CFR 154.1020. This rule temporarily suspends the response time requirements for 33 CFR parts 154 and 155, which in effect amends the regulatory definition of "maximum extent practicable" to exclude response time requirements for MMPD and USCG-regulated facilities and vessels WCD. The phrase is defined in EPA regulations for use in 40 CFR part 112

to mean "within the limitations used to determine oil spill planning resources and response times for on-water recovery, shoreline protection, and cleanup for worst case discharges from onshore non-transportation-related facilities in adverse weather. It includes the planned capability to respond to a worst case discharge in adverse weather, as contained in a response plan that meets the requirements in § 112.20 or in a specific plan approved by the Regional Administrator." *See* 40 CFR 112.2. This rule temporarily suspends the response time requirements, and response equipment identification and location requirements, for 40 CFR part 112, which in effect amends the regulatory definition of "maximum extent practicable" to exclude response time requirements for Medium Discharges and EPA-regulated facilities WCD.

Therefore, from June 30, 2010 through December 31, 2010 (or such other date as may be established by publication in the **Federal Register** after the effective date of this rule):

- Oil spill and facility response plan holders need not require response times for MMPD and USCG-regulated facilities and vessels WCD levels, and need not require response time requirements and response equipment identification and location requirements for Medium Discharge and EPA-regulated facilities WCD levels when their existing plans and contracts for response resources will be impacted due to providing response resources in support of the Deepwater Horizon SONS so that meeting those response requirements is impossible. The Coast Guard and EPA will allow greater use of cascade plans which, in combination, will protect ports and coastlines to the MMPD and USCG-regulated facilities and vessels WCD levels and to Medium Discharge and EPA-regulated facilities WCD levels; and
- Owners of facilities and vessels with contracts with OSROs are encouraged to relieve those OSROs of their responsibility to respond to MMPD and USCG-regulated facilities and vessels WCD levels and to Medium Discharge and EPA-regulated facilities WCD levels within the required response times under such contracts when those OSROs' response resources are deployed in response to the Deepwater Horizon SONS.

The Coast Guard and EPA response time requirements, and EPA identification and location requirements, for response resources for an AMPD and/or Small Discharge, as applicable, remain in effect, except for installations of the Armed Forces that relocate spill response assets to the Gulf of Mexico in response to the FOSC's request for assets. Those installations are authorized to drop below the Coast Guard and EPA response time requirements, and EPA response equipment identification and location requirements, for response resources for an AMPD and/or a Small Discharge, as applicable.

The intent of this rule is to make available more response resources for use in responding to the Deepwater Horizon SONS. When the FOSC makes a request for response resources, the FOSC will coordinate with the cognizant Captains of the Port (COTPs), Regional Response Teams, Area Committees, EPA and the National Incident Commander in order to consider the relative environmental and other risks and impacts of requesting and accepting offers for specific response resources from locations outside the Gulf of Mexico.

This action is supported by 33 U.S.C. 1321(c) and (j), and is promulgated under 33 U.S.C. 1321(j)(5)(A).

B. Discussion of Coast Guard Rule

This rule adds to Coast Guard regulations a temporary, new § 154.T150 to 33 CFR part 154, and a temporary, new § 155.T150 to 33 CFR part 155. Paragraph (a) of the temporary sections sets forth applicability of each section. These sections only apply to facilities and vessels that have contracted response resources, or their own response resources, that are deployed to participate in the Deepwater Horizon SONS response.

Paragraph (b) of the temporary sections suspend the regulatory response time requirements for (1) MMPD and (2) USCG-regulated facilities and vessels WCD. Paragraph (b) suspends these requirements only from June 30, 2010 through December 31, 2010. Except as described in paragraph (d), paragraph (c) of the temporary sections makes clear that the response time requirements for AMPD remain in effect for all facilities and vessels regulated by 33 CFR Parts 154 and 155.

In addition to OSROs and facilities and vessels regulated by 33 CFR parts 154 and 155, Armed Forces installations have response resources that are needed to respond to the Deepwater Horizon SONS. Paragraph (d) of § 154.T150 confirms that the FOSC has requested that the Armed Forces relocate response assets to support the SONS response, and authorizes Armed Forces installations responding to such a FOSC request to revise their response times below what is necessary for an AMPD in order to make the urgently needed response resources of Armed Forces installations available for deployment in support of the SONS response.

Armed Forces installations are more able than private facilities and vessels to mitigate their own risk of delayed response times and take advantage of any cascade planning, if they relocate response resources to assist in the response to the Deepwater Horizon SONS. The National Contingency Plan at 40 CFR 300.175(b)(4) specifically authorizes the Department of Defense "consistent with its operational requirements and upon request of the [F]OSC, provide locally deployed U.S. Navy oil spill equipment and provide assistance to other federal agencies on request." Because of the inherent mobility of the Armed Forces, an Armed Forces installation could more quickly return response resources to the original installation, if necessary, than an individual, private facility or vessel. Additionally, an Armed Forces installation provides its own response resources, which are dedicated to that installation, compared to a facility or vessel that relies on one or more OSROs to provide response resources which are also contracted to other facilities or vessels. Therefore, the FOSC has requested that Armed Forces installations relocate response resources to the urgent situation in the Gulf of Mexico as set forth in this temporary interim rule.

C. Discussion of EPA Rule

This rule adds to EPA regulations a temporary, new § 112.22 to 40 CFR part 112. Paragraph (a) of the temporary section sets forth the applicability of this section. This section only applies to facilities that have contracted response resources, or their own response resources, that are deployed to participate in the SONS response.

Paragraph (b) of the temporary section suspends the regulatory requirements for response times and the identification of response equipment and its location for (1) Medium Discharges and (2) EPA-regulated facilities WCDs. Paragraph (b) suspends these requirements only from June 30, 2010 through December 31, 2010. Paragraph (b) also states that changes to facility response plans due to relocation of response equipment in support of the response to the Deepwater Horizon SONS are not required. Except as described in paragraph (d), paragraph (c) makes clear that the response times for Small Discharges remain in effect for facilities regulated by 40 CFR Part 112.

In addition to facilities regulated by 40 CFR Part 112, Armed Forces installations have response resources that are needed to respond to the

Deepwater Horizon SONS. Paragraph (d) of § 112.22 authorizes Armed Forces installations responding to a FOSC request to support SONS response to revise their response times below what is necessary for a Small Discharge in order to make the urgently needed response resources of Armed Forces installations available for deployment in support of the SONS response. The National Contingency Plan at 40 CFR 300.175(b)(4) supports this provision for the Armed Forces.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

This temporary interim rule is in response to an emergency situation and the Coast Guard and EPA must act more quickly than normal review procedures under Executive Order 12866, Regulatory Planning and Review. In accordance with section 6(a)(3)(D) of that Order, the Coast Guard and EPA have communicated with the Office of Management and Budget. The rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order.

This rule will temporarily suspend Coast Guard and EPA response time requirements, and EPA response equipment identification and location requirements, for facilities and vessels subject to 33 CFR parts 154 and 155 and/or 40 CFR 112, subpart D, as applicable. The suspension of these regulatory requirements provides industry and government the opportunity to relocate oil spill response resources to the Gulf of Mexico to aid in the response to the Deepwater Horizon SONS. There may be additional costs for relocating these resources.

If OSROs, or facilities or vessels with their own response resources, temporarily relocate infrastructure and assets to the Gulf of Mexico, other regions may not have the same level of response times for response resources available in the event an oil spill occurred in those other regions. This may marginally increase the risk of delayed response times in those areas because there would be fewer assets immediately available for spill response. However, we expect these risks to be temporary and small, because the suspension of certain response time requirements is only until the end of this calendar year, and the Coast Guard and affected industry stakeholders will coordinate the positioning and deployment of additional response assets in the Gulf of Mexico.

Additionally, if planned-for response resources have relocated to the Gulf of Mexico, cascade plans can be used to help minimize the risk of delayed response times. A cascade plan contains an OSRO's strategy to maximize arrival times and the availability of response resources for plan holders given the deployment of response resources. This strategy may include the identification of secondary or cascading resources through increased partnerships and the increased pooling of resources among several OSROs and other stakeholders. Coast Guard COTPs will assist in facilitating the incorporation of Armed Forces installations into cascade plans when revising their respective Area Response Plans. The inclusion of Armed Forces installations in cascade planning may be necessary to provide Armed Forces installations that have temporarily revised their response times below that necessary for an average most probable discharge and/or a Small Discharge with access to additional response resources. The inclusion of Armed Forces installations in cascade planning will also allow Coast Guard regulated facilities and vessels to access remaining Armed Forces installation response resources in the event they are needed.

Additional assets are urgently needed in the Gulf region for the response to the unprecedented and ongoing Deepwater Horizon SONS. Current assets in the Gulf region have been fully utilized in response to the SONS. Based on the urgent need to maximize the availability of oil spill response assets from around the country, the Coast Guard is temporarily releasing facilities and vessels subject to 33 CFR parts 154 and 155, and the EPA is temporarily releasing facilities subject to 40 CFR part 112, subpart D, whose response plans are impacted by relocation of response resources in support of the response to the Deepwater Horizon SONS, from Coast Guard and EPA regulatory response time requirements, and EPA response equipment identification and location requirements, that would keep OSROs, and facilities with their own response resources, from relocating their response resources to the Gulf region. Some facilities and vessels subject to 33 CFR parts 154 and 155, and some facilities subject to 40 CFR part 112, subpart D, contract with OSROs for the availability of response resources to comply with these required regulatory response times. These contractual obligations keep OSROs from making their response resources available for the response to the SONS. Other such facilities and vessels have their own response resources to comply with these regulatory requirements, and these requirements preclude the facilities and vessels from making their response resources available for the response to the SONS. By releasing these facilities and vessels from the required Coast Guard and EPA regulatory response times, and EPA response equipment identification and location requirements, the Coast Guard and EPA are encouraging owners and contracting facilities and vessels to make more response resources available for the response to the SONS. This will allow these additional response resources from these areas to begin being brought into the Gulf of Mexico to respond to the SONS.

B. Small Entities

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612) requires agencies to consider whether regulatory actions would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. An RFA analysis is not required when a rule is exempt from notice and comment rulemaking under 5 U.S.C. 553(b). The Coast Guard and EPA determined that this rule is exempt from notice and comment rulemaking pursuant to 5 U.S.C. 553(b)(B). Therefore, an RFA analysis is not required for this rule.

C. Assistance for Small Entities

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

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard or EPA,

call 1–888–REG–FAIR (1–888–734–3247). Neither the Coast Guard nor EPA will retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard or EPA.

D. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, Coast Guard and EPA have made such a good cause finding, including the reasons therefor, and established an effective date of June 30, 2010. Coast Guard and EPA will submit a report, as described in § 801(a)(1)(A), containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

E. Collection of Information

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

F. Federalism

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

G. Unfunded Mandates Reform Act

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

H. Taking of Private Property

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

I. Civil Justice Reform

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

J. Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

K. Indian Tribal Governments

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

L. Energy Effects

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

M. Technical Standards

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

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

N. Environment

This is an emergency rulemaking, and in accordance with the Council on Environmental Quality (CEQ) Regulations Implementing the Procedural Requirements of the National Environmental Policy Act (40 CFR parts 1500–1508) and the National Environmental Policy Act of 1969 (NEPA) (43 U.S.C. 4321–4370f), the Coast Guard, with the assistance of EPA, is consulting with CEQ for this action. The Coast Guard, with the assistance of EPA, will continue to consult CEQ as well as the National Oceanic and Atmospheric Administration and other key authorities in order to determine appropriate environmental impact analysis. The Coast Guard and EPA especially invite public comment on environmental impacts and management of relative risks of this regulatory action to address an immediate environmental need in the context of preparedness to meet potential environmental needs.

List of Subjects

33 CFR Part 154

Alaska, Fire prevention, Hazardous substances, Oil pollution, Reporting and recordkeeping requirements.

33 CFR Part 155

Alaska, Hazardous substances, Oil pollution, Reporting and recordkeeping requirements.

40 CFR Part 112

Environmental protection, Facility response plan, Oil pollution, Oil spill response, Oil spill removal organization, OSRO, Penalties, Reporting and recordkeeping requirements.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR parts 154 and 155 and the EPA amends 40 CFR part 112 as follows:

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

PART 154—FACILITIES TRANSFERRING OIL OR HAZARDOUS MATERIAL IN BULK

■ 1. The authority citation for part 154 continues to read as follows:

Authority: 33 U.S.C. 1231, 1321(j)(1)(C), (j)(5), (j)(6), and (m)(2); sec. 2, E.O. 12777, 56 FR 54757; Department of Homeland Security Delegation No. 0170.1. Subpart F is also issued under 33 U.S.C. 2735.

■ 2. Add § 154.T150 to read as follows:

§ 154.T150 Temporary Suspension of Requirements to Permit Support of Deepwater Horizon Spill Response.

(a) *Applicability.* This section applies to—

(1) Any facility described in § 154.100 of this part, that has contracted with any oil spill removal organization (OSRO), as defined in § 154.1020 of this part, if the OSRO's response resources, as defined in § 154.1020 of this part, are deployed in coordination with the On-Scene Coordinator (OSC), as defined in 40 CFR 300.5, in support of the response to the Deepwater Horizon Spill of National Significance; and

(2) Any facility described in § 154.100 of this part, that owns, operates, or has under its direct control, response resources, as defined in § 154.1020 of this part, deployed in coordination with the OSC, as described in 40 CFR 300.5, in support of the response to the Deepwater Horizon Spill of National Significance.

(b) *Suspension of certain response time requirements.* From June 30, 2010 through December 31, 2010, the stipulated response times, including the response times contained in any written contractual agreement with any OSRO, for the availability of response resources, as defined in § 154.1020 of this part, for a maximum most probable discharge and a worst case discharge are not necessary to meet the requirements of this part.

(c) *Other response time requirements still effective.* Any response time requirements for the availability of response resources, as defined in § 154.1020 of this part, for an average most probable discharge, as required by this part, remain in effect.

(d) *Armed Forces installation planning factors.* The Coast Guard authorizes the Armed Forces to revise Armed Forces installation response times to below that which is necessary to respond to an average most probable discharge at those installations that have deployed assets in support of the response to the Deepwater Horizon Spill of National Significance in response to a request from the OSC, as described in 40 CFR 300.5, for such assets.

PART 155—OIL OR HAZARDOUS MATERIAL POLLUTION PREVENTION REGULATIONS FOR VESSELS

■ 3. The authority citation for part 155 continues to read as follows:

Authority: 33 U.S.C. 1231, 1321(j); 46 U.S.C. 3703; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; Department of Homeland Security Delegation No. 0170.1. Sections 155.100 through 155.130, 150.350 through 155.400, 155.430, 155.440, 155.470, 155.1030(j) and (k), and 155.1065(g) are also issued under 33 U.S.C. 1903(b). Section 155.490 also issued under section 4110(b) of Pub. L. 101–380. Sections 155.1110 through 155.1150 also issued under 33 U.S.C. 2735.

■ 4. Add § 155.T150 to read as follows:

§ 155.T150 Temporary Suspension of Requirements to Permit Support of Deepwater Horizon Spill Response.

(a) *Applicability.* This section applies to—

(1) Any ship and any tank vessel described in § 155.100 of this part, that has contracted with any oil spill removal organization (OSRO), as defined in § 155.1020 of this part, if the OSRO's response resources, as defined in § 154.1020 of this part, are deployed in coordination with the On-Scene Coordinator (OSC), as defined in 40 CFR 300.5, in support of the response to the Deepwater Horizon Spill of National Significance; and

(2) Any ship and any tank vessel described in § 155.100 of this part, that owns, operates, or has under its direct control, response resources, as defined in § 155.1020 of this part, deployed in coordination with the OSC, as defined in 40 CFR 300.5, in support of the response to the Deepwater Horizon Spill of National Significance.

(b) *Suspension of certain response time requirements.* From June 30, 2010 through December 31, 2010, the stipulated response times, including the response times contained in any written contractual agreement with any OSRO, for the availability of response resources, as defined in § 155.1020 of this part, for a maximum most probable discharge and a worst case discharge are not necessary to meet the requirements of this part.

(c) *Other response time requirements still effective.* Any response time requirements for the availability of response resources, as defined in § 154.1020 of this part, for an average most probable discharge, as required by this part, remain in effect.

TITLE 40—PROTECTION OF ENVIRONMENT

PART 112—OIL POLLUTION PREVENTION

■ 5. The authority citation for part 112 continues to read as follows:

Authority: 33 U.S.C. 1251 *et seq.;* 33 U.S.C. 2720; E.O. 12777 (October 18, 1991), 3 CFR, 1991 Comp., p. 351.

■ 6. Add § 112.22 to read as follows:

§ 112.22 Temporary Suspension of Response Planning Level Requirements to Support Deepwater Horizon Spill Response.

(a) *Applicability.* This section applies to any person who owns or operates—

(1) Any facility described in § 112.20 of this part, who has contracted with any oil spill removal organization (OSRO), as defined in § 112.2 of this part, where the OSRO's response resources, as required under 112.20(h)(3) and Appendix E, Sections 4.0 and 5.0, are deployed in support of the response to the Deepwater Horizon Spill of National Significance; and

(2) Any facility described in § 112.20 of this part, who owns, operates, or has under direct control, response resources, as required under 112.20(h)(3) and Appendix E, Sections 4.0 and 5.0, deployed in support of the response to the Deepwater Horizon Spill of National Significance.

(b) *Suspension of certain response planning level requirements.* From June 30, 2010 through December 31, 2010, facility response plan requirements relating to the identification of response equipment and its location and the stipulated response times, including the response times contained in any written contractual agreement with any OSRO, for the availability of response resources, as required under § 112.20(h)(3) and Appendix E, Sections 4.0 and 5.0, for a medium discharge as described in § 112.20(h)(5)(iii) of this part, and for a worst case discharge over 2,100 gallons as described under § 112.20(h)(5)(i), are suspended. Changes to facility response plans due to relocation of response equipment in support of the response to the Deepwater Horizon Spill of National Significance, do not require a revision under § 112.20(d).

(c) *Other response time and response equipment identification and location requirements still effective.* Response times and response equipment identification and location requirements required under § 112.20(h)(3) and Appendix E, Section 3.0 for a small discharge, as described in 112.20(h)(5)(ii), remain in effect.

(d) *Armed Forces installation planning factors.* Armed Forces may revise Armed Forces installation response times and response equipment identification and location requirements below that which is necessary to respond to a small discharge, as described in 112.20(h)(5)(ii), at those installations that have deployed assets in support of the response to the Deepwater Horizon Spill of National Significance in response to a request from the On-Scene Coordinator, as defined in 40 CFR 300.5, for such assets.

Dated: June 28, 2010.

Robert Papp,

Admiral, U.S. Coast Guard, Commandant.

Lisa P. Jackson,

Administrator, U.S. Environmental Protection Agency.

[FR Doc. 2010–16005 Filed 6–29–10; 8:45 am]

BILLING CODE 9110–04–P; 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2010–0571]

RIN 1625–AA00

Safety Zone; New Bern Air Show, Neuse River, NC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the waters of the Neuse River in the vicinity of New Bern, North Carolina to support the New Bern Air Show. This action is intended to restrict vessel traffic movement on the Neuse River to protect mariners and property from the hazards associated with air show events.

DATES: This rule is effective from 6 p.m. until 9 p.m. on July 4, 2010.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2010–0571 and are available online by going to *http://www.regulations.gov,* inserting USCG–2010–0571 in the "Keyword" box, and then clicking "Search." They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or e-mail CWO4 Stephen Lyons, Waterways Management Division Chief, Coast Guard Sector North Carolina; telephone (252) 247–4525, e-mail *Stephen.W.Lyons2@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because delaying the effective date by first publishing an NPRM would be contrary to the safety zone's intended objective since immediate action is needed to protect person's and vessels against the hazards associated with air shows. Additionally, the zone should have negligible impact on vessel transits due to the fact that vessels will be limited from the area for only three hours on one day while the zone is in effect and vessels can still transit in the majority of the Neuse River during the event. Accordingly, under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date would be contrary to public interest, since immediate action is needed to ensure the safety of human life and property from the hazards associated with air show operations.

Basis and Purpose

Coast Guard Sector North Carolina has been notified that on July 4, 2010, New Bern, North Carolina will host an air show event on the Neuse River in the vicinity of New Bern, North Carolina. In recent years, there have been unfortunate instances of aircraft crashes during performances at air shows. Typical of plane crashes, there is a wide area of scattered debris that damages property and could cause significant injury or death. Due to the hazards associated with air show events the Coast Guard is establishing a temporary safety zone on the waters of the Neuse River immediately below the air show.

Discussion of Rule

The Coast Guard is establishing a temporary safety zone to encompass the specified waters of the Neuse River in the vicinity of New Bern, North Carolina within a 1,700-yard by 1,100-yard boundary, located at the following coordinates: 35°06′55.5″ N., 077°02′5.9″ W., thence to 35°07′9.2″ N., 077°01′32.9″ W., thence to 35°06′38.8″ N., 077°01′16.7″ W., thence to 35°06′6.1″ N., 077°01′23″ W., thence to 35°06′2.9″ N., 077°01′56.6″ W., thence to 35°06′40.4″ N., 077°01′54.7″ W., Access to this area will be temporarily restricted for public safety purposes. All vessels are prohibited from transiting, anchoring in, or loitering in this section of the waterway while the safety zone is in effect. This zone will be in effect from 6 p.m. until 9 p.m. on July 4, 2010. Entry into the zone during the closure period will not be permitted except as specifically authorized by the Captain of the Port or a designated representative. To seek permission to transit the area, mariners can contact Sector North Carolina at telephone number (252) 247–4570.

Regulatory Analyses

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

Regulatory Planning and Review

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

Although this regulation will restrict access to the area, the effect of this rule will not be significant because: (i) The safety zone will only be in effect from 6 p.m. until 9 p.m. July 4, 2010 (ii) the Coast Guard will give advance notification via maritime advisories so mariners can adjust their plans accordingly, and (iii) although the safety zone will apply to the section of the Neuse River, vessel traffic can use the federally marked channel to transit safely around the safety zone.

Small Entities

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

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

This rule will affect the following entities, some of which may be small entities: The owners or operators of recreational and commercial fishing vessels intending to transit the specified portion of the Neuse River from 6 p.m. until 9 p.m. on July 4, 2010.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will only be in effect from 6 p.m. until 9 p.m. on July 4, 2010. Although the safety zone will apply to this section of the Neuse River, vessel traffic can use the federally marked channel to transit safely around the safety zone. Before the effective period, the Coast Guard will issue maritime advisories widely available to the users of the waterway.

Assistance for Small Entities

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

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add temporary § 165.T05–0571 to read as follows:

§ 165.T05–0571 Safety Zone; New Bern Air Show, Neuse River, NC.

(a) *Definitions.* For the purposes of this section, Captain of the Port means the Commander, Sector North Carolina. Representative means any Coast Guard commissioned, warrant, or petty officer who has been authorized to act on the behalf of the Captain of the Port.

(b) *Location.* The following area is a temporary safety zone: Specified waters of the Neuse River in the vicinity of New Bern, North Carolina, within a 1,700-yard by 1,100-yard boundary, located at the following coordinates: 35°06′55.5″ N./077°02′5.9″ W. thence to 35°07′9.2″ N./077°01′32.9″ W. thence to 35°06′38.8″ N./077°01′16.7″ W. thence to 35°06′6.1″ N./077°01′23″ W. thence to 35°06′2.9″N./077°01′56.6″ W. thence to 35°06′40.4″ N./077°01′54.7″ W.

(c) *Regulations.* (1) The general regulations contained in § 165.23 of this part apply to the area described in paragraph (b) of this section.

(2) Persons or vessels requiring entry into or passage through any portion of the safety zone must first request authorization from the Captain of the Port, or a designated representative, unless the Captain of the Port previously announced via Marine Safety Radio Broadcast on VHF Marine Band Radio channel 22 (157.1 MHz) that this regulation will not be enforced in that portion of the safety zone. The Captain of the Port can be contacted at (252) 247–4570 or by VHF Marine Band Radio channels 13 and 16.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the zone by Federal, State, and local agencies.

(e) *Effective period.* This zone will be in effect from 6 p.m. until 9 p.m. on July 4, 2010.

Dated: June 18, 2010.

A. Popiel,

Captain, U.S. Coast Guard, Captain of the Port North Carolina.

[FR Doc. 2010–15844 Filed 6–29–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2010–0476]

RIN 1625–AA00

Safety Zone; July Fireworks Display in Captain of the Port, Puget Sound AOR

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule; correction.

SUMMARY: The Coast Guard is correcting a temporary final rule that appeared in the **Federal Register** on June 15, 2010 (75 FR 33696). The temporary final rule established a temporary safety zone on the waters of Port Gardner Bay, Washington in support of the City of Everett Fourth of July fireworks display and this correction reflects the correct positioning of the display. The safety zone is necessary to protect the maritime public from dangers associated with the fireworks display and will do so by restricting vessels from congregating in close proximity to the fireworks discharge site during the display. Entry into, transit through or mooring within this safety zone is prohibited unless authorized by the Captain of the Port or Designated Representative.

DATES: This rule is effective from 5 p.m. on July 4, 2010 until 1 a.m. on July 5, 2010.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or e-mail LTJG Ashley M. Wanzer, Sector Seattle Waterways Management, Coast Guard; telephone 206–217–6175, e-mail *SectorSeattleWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: In FR doc 2010–14294 appearing on page 33696 in the issue of Tuesday, June 15, 2010, the following corrections are made:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

§ 165.T13–147 [Corrected]

■ 1. On page 33698, in the first column, in § 165.T13–147 Safety Zone; July Fireworks Display in Captain of the Port, Puget Sound AOR, correct paragraph (a) to read as follows:

"(a) *Safety Zone.* The following area is a designated safety zone: all waters of Port Gardner Bay, WA extending out to a 300 yard radius from the launch site at 47°58′51″ N., 122°13′16″ W.″ is corrected to read "Safety Zone. The following area is a designated safety zone: All waters of Port Gardner Bay, WA between two lines with the northern line connecting the following points 48°01′10.83″ N., 122°13′1.16″ W. and 48°01′5.05″ N., 122°12′50.84″ W. and the southern line connecting the following points 48°01′19.42″ N., 122°13′38.79″ W. and 48°0′18.77″ N., 122°13′19.00″ W."

Dated: June 16, 2010.

S.W. Bornemann,

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

[FR Doc. 2010–15843 Filed 6–29–10; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 9

[EPA–HQ–OPPT–2010–0542; FRL–8833–7]

OMB Approvals Under the Paperwork Reduction Act; Technical Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this technical amendment updates the table that lists the Office of Management and Budget (OMB) control numbers issued under PRA for information collection requirements contained in EPA's regulations that are promulgated in title 40 of the Code of Federal Regulations (CFR). This technical amendment adds new approvals published in the **Federal Register** and removes expired and terminated approvals.

DATES: This rule is effective June 30, 2010.

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPPT–2010–0542. All documents in the docket are listed in the docket index available at *http://www.regulations.gov*. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly

available only in hard copy form. Publicly available docket materials are available in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPPT Docket. The OPPT Docket is located in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Docket visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor bags are processed through an X-ray machine and subject to search. Visitors will be provided an EPA/DC badge that must be visible at all times in the building and returned upon departure.

FOR FURTHER INFORMATION CONTACT:

Melissa L. Chun, Regulatory Coordination Staff (7101M), Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 564–1605; e-mail address: *chun.melissa@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to those persons who are concerned about OMB approval for information collections required by EPA regulations. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

II. Background

A. Why is this Technical Amendment Being Issued?

This document updates the OMB control numbers listed in 40 CFR part 9 for various actions published in the **Federal Register** and issued under the Toxic Substances Control Act (TSCA) (15 U.S.C. 2601), the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136), and the Federal Food, Drug, and Cosmetic Act (FFDCA) (21 U.S.C. 408). Under PRA, 44 U.S.C. 3501 *et seq.*, an agency may not conduct or sponsor, and a person is not required to respond to an information collection request unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are codified in title 40 of the CFR, after appearing in the preamble of the final rule. These numbers are listed in 40 CFR part 9, displayed in a subsequent publication in the **Federal Register**, or displayed by other appropriate means, such as on a related collection instrument or form, or as part of the instructions to respondents. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9. In addition to displaying the applicable OMB control number in the final rule and on the applicable collection instruments, the Office of Chemical Safety and Pollution Prevention (OCSPP) has also typically listed the OMB control number in the table at 40 CFR 9.1 for regulations it has issued under TSCA, FIFRA, and FFDCA. With this technical amendment, OCSPP is updating the table in 40 CFR 9.1 to list the OMB control number assigned to several final rules that have published since its last update.

B. Why is this Technical Amendment Issued as a Final Rule?

The information collection activities referenced in this document were previously subject to public notice and comment as part of the rulemaking process, and this action does not in any way affect the referenced information collection activities or rulemakings. This action only amends the table at 40 CFR 9.1 to update the list of OMB control numbers listed there. Due to the technical nature of the table, EPA finds that further notice and comment about amending the table is unnecessary. As a result, EPA finds that there is "good cause" under section 553(b)(3)(B) of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(3)(B), to amend this table without further notice and comment.

C. What Specific Changes are Being Made?

EPA is adding several entries to the table in 40 CFR part 9 to reflect the promulgation of new regulatory provisions since the last update of this table. The paperwork burden associated with these new provisions was approved by OMB under PRA when the rules were promulgated.

EPA is amending the OMB control numbers of several existing entries to reflect changes to the OMB control numbers since the table was last updated. For example, EPA consolidated the activities that were approved under OMB control numbers 2070–0067 (EPA ICR No. 922), 2070–0107 (EPA ICR No. 1504), and 2070–0164 (EPA ICR No. 1911) under a single OMB control number 2070–0174 (EPA ICR No. 2288). The approval of the consolidated ICR was announced in the **Federal Register** on June 15, 2009 (74 FR 28237) (FRL–8918–8).

EPA is removing several entries in the table in 40 CFR part 9. These entries are being removed due to erroneous entry, rule revocation, and re-designations. Since these provisions no longer exist or were erroneously entered, the corresponding listings in the table should be removed as well.

EPA is modifying the table through technical corrections to the text as well as the consolidation of several listings. Issues such as typographical errors, section duplications, and mislabeled headings are corrected through this amendment. In addition, the table listing has been consolidated into a single listing for the part when every section under a specific part shares an identical OMB control number. For information on the specific sections affected by this amendment, please refer to the docket.

III. Statutory and Executive Order Reviews

This final rule implements technical amendments to 40 CFR part 9 to reflect changes to OMB approvals under PRA. It does not otherwise impose or amend any requirements. As such, this action does not require review by OMB under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). Nor does it impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action will not have substantial direct effects on State or tribal governments, on the relationship between the Federal Government and States or Indian tribes, or on the distribution of power and responsibilities between the Federal Government and States or Indian tribes. As such, it will not have any "federalism implications" as described by Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999) or "tribal implications" as described by Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 9, 2000). Nor does it involve any

technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA)(15 U.S.C. 272 note), environmental justice-related issues that would require consideration under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994), or otherwise involve anything that would have any adverse effect on the supply, distribution, or use of energy that would require consideration under Executive Order 13211, entitled *Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001).

In addition, since this action is not subject to notice-and-comment requirements under the APA or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*).

IV. Congressional Review Act

The Congressional Review Act (CRA), 5 U.S.C. 801 *et seq.*, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report to each House of the Congress and to the Comptroller General of the United States. Section 808 of CRA allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary, or contrary to the public interest. This determination must be supported by a brief statement (5 U.S.C. 808(2)). As stated previously, EPA has made such a good cause finding, including the reasons therefore, and established an effective date of June 30, 2010. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

Dated: June 24, 2010.

Stephen A. Owens,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 9—[AMENDED]

■ 1. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.*, 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671, 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345(d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR 1971–1975, Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.*, 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

■ 2. In § 9.1, the table is amended by revising the entry "Part 155" under the undesignated center heading "Registration Standards and Registration Review" to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * *	* *
Registration Standards and Registration Review	
Part 155	2070–0174
* * *	* *

■ 3. In § 9.1, the table is amended by removing all entries (156.10–156.212) under the undesignated center heading "Labeling Requirements for Pesticides and Devices" and adding in their place "Part 156" to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * *	* *
Labeling Requirements for Pesticides and Devices	
Part 156	2070–0060
* * *	* *

■ 4. In § 9.1, the table is amended by removing all entries (157.22–157.36) under the undesignated center heading "Packaging Requirements for Pesticides and Devices" and adding in their place "Part 157" to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * *	* *
Packaging Requirements for Pesticides and Devices	
Part 157	2070–0052
* * *	* *

■ 5. In § 9.1, the table is amended by removing all entries (158.32–158.2100) under the undesignated center heading "Data Requirements for Registration" and adding in their place "Part 158" to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * *	* *
Data Requirements for Registration	
Part 158	2070–0040, 2070–0060, 2070–0174
* * *	* *

■ 6. In § 9.1, the table is amended by revising the entry "Part 160" under the undesignated center heading "Good Laboratory Practice Standards" to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * *	* *
Good Laboratory Practice Standards	
Part 160	2070–0024, 2070–0032, 2070–0040, 2070–0055, 2070–0060, 2070–0174
* * *	* *

■ 7. In § 9.1, the table is amended by removing all entries (161.30–161.740) under the undesignated center heading

"Data Requirements for Registration of Antimicrobial Pesticides" and adding in their place "Part 161" to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * *	* *
Data Requirements for Registration of Antimicrobial Pesticides	
Part 161	2070–0040, 2070–0060, 2070–0174
* * *	* *

■ 8. In § 9.1, the table is amended by removing all entries (166.20–166.50) under the undesignated center heading "Exemption of Federal and State Agencies for Use of Pesticides Under Emergency Conditions" and adding in their place "Part 166" to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * *	* *
Exemption of Federal and State Agencies for Use of Pesticides Under Emergency Conditions	
Part 166	2070–0032
* * *	* *

■ 9. In § 9.1, the table is amended by removing all entries (171.7–171.11) under the undesignated center heading "Certification of Pesticide Applicators" and adding in their place "Part 171" to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * *	* *
Certification of Pesticide Applicators	
Part 171	2070–0029
* * *	* *

■ 10. In § 9.1, the table is amended by removing all entries (172.4–172.8) under the undesignated center heading "Experimental Use Permits" and adding in their place "Part 172" read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * *	* *
Experimental Use Permits	
Part 172	2070–0040
* * *	* *

■ 11. In § 9.1, the table is amended by removing all entries (174.9–174.71) under the undesignated center heading "Procedures and Requirements for Plant-Incorporated Protectants" and adding in their place "Part 174" to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * *	* *
Procedures and Requirements for Plant-Incorporated Protectants	
Part 174	2070–0142
* * *	* *

■ 12. In § 9.1, the table is amended as follows:

■ i. Revise the undesignated center heading "Tolerances and Exemptions from Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities" to read "Tolerances and Exemptions for Pesticide Chemical Residues in Food."

■ ii. Remove all entries (180.7–180.33) under the newly revised undesignated center heading "Tolerances and Exemptions for Pesticide Chemical Residues in Food" and add in their place "Part 180" to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * *	* *
Tolerances and Exemptions for Pesticide Chemical Residues in Food	
Part 180	2070–0024
* * *	* *

■ 13. In § 9.1, the table is amended by removing all entries (704.5–704.175) under the undesignated center heading "Reporting and Recordkeeping Requirements" and adding in their place "Part 704" to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * *	* *
Reporting and Recordkeeping Requirements	
Part 704	2070–0067
* * *	* *

■ 14. In § 9.1, the table is amended by removing all entries (707.65–707.72) under the undesignated center heading "Chemical Imports and Exports" and adding in their place "Part 707" to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * *	* *
Chemical Imports and Exports	
Part 707	2070–0030
* * *	* *

■ 15. In § 9.1, the table is amended by removing all entries (717.5–717.17) under the undesignated center heading "Records and Reports of Allegations That Chemical Substances Cause Significant Adverse Reactions to Health or the Environment" and adding in their place "Part 717" to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * *	* *

40 CFR citation	OMB control No.
Records and Reports of Allegations That Chemical Substances Cause Significant Adverse Reactions to Health or the Environment	
Part 717	2070–0017
* * *	* *

■ 16. In § 9.1, the table is amended by removing all entries (720.1–720.38; Part 720, subpart C; 720.62–720.102; and Part 720, appendix A) under the undesignated center heading "Premanufacture Notification" and adding in their place "Part 720" to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * *	* *
Premanufacture Notification	
Part 720	2070–0012
* * *	* *

■ 17. In § 9.1, the table is amended by removing entries 721.526, 721.528, 721.567, 721.637, 721.2082, 721.2225, 721.3254, 721.3390, 721.3850, 721.5687, 721.5718, 721.5730, 721.6197, 721.6600, 721.6625, 721.9785, and 721.9810 under the undesignated center heading "Significant New Uses of Chemical Substances."

■ 18. In § 9.1, the table is amended by adding in numerical order the entries listed below under the undesignated center heading "Significant New Uses of Chemical Substances" to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * *	* *
Significant New Uses of Chemical Substances	
* * *	* *
721.984	2070–0012
* * *	* *
721.3020	2070–0012
* * *	* *
721.4792	2070–0012
* * *	* *
721.10000	2070–0012
721.10001	2070–0012
721.10002	2070–0012
721.10003	2070–0012
721.10004	2070–0012
721.10005	2070–0012
721.10006	2070–0012
721.10007	2070–0012
721.10008	2070–0012
721.10009	2070–0012
721.10010	2070–0012
721.10011	2070–0012
721.10012	2070–0012
721.10013	2070–0012
721.10014	2070–0012
721.10015	2070–0012
721.10016	2070–0012
721.10017	2070–0012
721.10018	2070–0012
721.10019	2070–0012
721.10020	2070–0012
721.10021	2070–0012
721.10022	2070–0012
721.10023	2070–0012
721.10024	2070–0012
721.10025	2070–0012
721.10026	2070–0012
721.10027	2070–0012
721.10028	2070–0012
721.10029	2070–0012
721.10030	2070–0012
721.10031	2070–0012
721.10032	2070–0012
721.10033	2070–0012
721.10034	2070–0012
721.10035	2070–0012
721.10036	2070–0012
721.10037	2070–0012
721.10038	2070–0012
721.10039	2070–0012
721.10040	2070–0012
721.10041	2070–0012
721.10042	2070–0012
721.10043	2070–0012
721.10044	2070–0012
721.10045	2070–0012
721.10046	2070–0012
721.10047	2070–0012
721.10048	2070–0012
721.10049	2070–0012
721.10050	2070–0012
721.10051	2070–0012
721.10052	2070–0012
721.10053	2070–0012
721.10054	2070–0012
721.10055	2070–0012
721.10056	2070–0012
721.10058	2070–0012
721.10059	2070–0012
721.10060	2070–0012
721.10061	2070–0012
721.10062	2070–0012
721.10063	2070–0012
721.10064	2070–0012
721.10065	2070–0012
721.10066	2070–0012
721.10067	2070–0012
* * *	* *
721.10070	2070–0012
721.10071	2070–0012
721.10072	2070–0012
721.10073	2070–0012
721.10074	2070–0012
721.10075	2070–0012
721.10076	2070–0012
721.10077	2070–0012
721.10078	2070–0012
721.10079	2070–0012
721.10080	2070–0012
721.10081	2070–0012
721.10082	2070–0012
721.10083	2070–0012
721.10084	2070–0012
721.10085	2070–0012
721.10086	2070–0012
721.10087	2070–0012
721.10089	2070–0012
721.10090	2070–0012
721.10091	2070–0012
721.10092	2070–0012
721.10093	2070–0012
721.10094	2070–0012
721.10095	2070–0012
721.10096	2070–0012
721.10097	2070–0012
721.10098	2070–0012
721.10099	2070–0012
721.10100	2070–0012
721.10101	2070–0012
721.10102	2070–0012
721.10103	2070–0012
721.10104	2070–0012
721.10105	2070–0012
721.10106	2070–0012
721.10107	2070–0012
721.10108	2070–0012
721.10109	2070–0012
721.10110	2070–0012
721.10111	2070–0012
721.10112	2070–0012
721.10113	2070–0012
721.10114	2070–0012
721.10115	2070–0012
721.10116	2070–0012
721.10117	2070–0012
721.10118	2070–0012
721.10119	2070–0012
721.10120	2070–0012
721.10121	2070–0012
721.10122	2070–0012
721.10123	2070–0012
721.10124	2070–0012
721.10125	2070–0012
721.10126	2070–0012
721.10127	2070–0012
721.10128	2070–0012
721.10129	2070–0012
721.10130	2070–0012
721.10131	2070–0012
721.10132	2070–0012
721.10133	2070–0012
721.10134	2070–0012
721.10135	2070–0012
721.10136	2070–0012
721.10137	2070–0012
721.10138	2070–0012
721.10139	2070–0012
721.10140	2070–0012
721.10141	2070–0012
721.10142	2070–0012
721.10143	2070–0012
721.10144	2070–0012
721.10145	2070–0012
721.10146	2070–0012
721.10147	2070–0012
721.10148	2070–0012
721.10149	2070–0012
721.10150	2070–0012
721.10151	2070–0012

40 CFR citation	OMB control No.
721.10152	2070–0012
721.10153	2070–0012
721.10154	2070–0012
* * *	* *
* * *	* *

■ 19. In § 9.1, the table is amended by removing all entries (723.50–723.250) under the undesignated center heading "Premanufacture Notification Exemptions" and adding in their place "Part 723" to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * *	* *
Premanufacture Notification Exemptions	
Part 723	2070–0012
* * *	* *

■ 20. In § 9.1, the table is amended by removing the entry "725.1075" under the undesignated center heading "Reporting Requirements and Review Processes for Microorganisms" and adding in its place "Part 725" to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * *	* *
Reporting Requirements and Review Processes for Microorganisms	
Part 725	2060–0012
* * *	* *

■ 21. In § 9.1, the table is amended by removing all entries (Part 749, subpart D and 749.68) under the undesignated center heading "Water Treatment Chemicals" and adding in their place "Part 749" to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * *	* *
Water Treatment Chemicals	
Part 749	2060–0193
* * *	* *

■ 22. In § 9.1, the table is amended by removing all entries (761.20–761.398) under the undesignated center heading "Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions" and adding in their place "Part 761" to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * *	* *
Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions	
Part 761	2060–0112
* * *	* *

■ 23. In § 9.1, the table is amended by removing the entry "766.35(d) Form" under the undesignated center heading "Dibenzo-para-dioxin/Dibenzofurans."

■ 24. In § 9.1, the table is amended by amended by removing all entries (790.5–790.99) under the undesignated center heading "Procedures Governing Testing Consent Agreements and Test Rules" and adding in their place "Part 790" to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * *	* *
Procedures Governing Testing Consent Agreements and Test Rules	
Part 790	2060–0033
* * *	* *

■ 25. In § 9.1, the table is amended by removing the entry "795.45" under the undesignated center heading "Provisional Test Guidelines."

■ 26. In § 9.1, the table is amended by removing all entries (799.1053–799.5115) under the undesignated center heading "Identification of Specific Chemical Substance and Mixture Testing Requirements" and adding in their place "Part 799" to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * *	* *
Identification of Specific Chemical Substance and Mixture Testing Requirements	
Part 799	2060–0033
* * *	* *

[FR Doc. 2010–15863 Filed 6–29–10; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2009–0080; FRL–9169–3]

Disapproval of California State Implementation Plan Revisions, Monterey Bay Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing disapproval of a revision to the Monterey Bay Unified Air Pollution Control District (MBUAPCD) portion of the California State Implementation Plan (SIP). This action was proposed in the **Federal Register** on March 22, 2010. This revision concerns opacity standards related to multiple pollutants, including particulate matter (PM) emissions, from a wide variety of sources. Under authority of the Clean Air Act as amended in 1990 (CAA or the Act), this action identifies a deficiency that precludes approval of this SIP revision.

DATES: *Effective Date:* This rule is effective on July 30, 2010.

ADDRESSES: EPA has established docket number EPA–R09–OAR–2009–0080 for this action. The index to the docket is available electronically at *http://www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all

documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available in either location (*e.g.,* CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Joanne Wells, EPA Region IX, (415) 947–4118, *wells.joanne@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, "we," "us" and "our" refer to EPA.

Table of Contents

I. Proposed Action
II. Public Comments and EPA Responses
III. EPA Action
IV. Statutory and Executive Order Reviews

I. Proposed Action

On March 22, 2010(75 FR 13468), EPA proposed to disapprove the following rule that was submitted for incorporation into the California SIP.

Local agency	Rule No.	Rule title	Revised	Submitted
MBUAPCD	400	Visible Emissions	12/15/04	03/07/08

We proposed to disapprove this rule because one rule provision does not satisfy the requirements of section 110 and part D of the Act. Specifically:

- New section 3.2.3 places no time limitation on opacity between 20% and 40% for gas turbines except as defined in the District permit pursuant to new section 2.5. This is inconsistent with long-standing national policy on excess emissions, which explains that SIP rules must ensure that emissions during startup conditions are minimized. We believe this could be addressed by adding rule text establishing appropriate time limitations on gas turbine startup, requiring sources to minimize time and emissions during startup, and demonstration in the staff report that the rule minimizes emissions during startup.

Our proposed action contains more information on the basis for this rulemaking and on our evaluation of the submittal.

II. Public Comments and EPA Responses

EPA's proposed action provided a 30-day public comment period. During this period, we received no comments.

III. EPA Action

No comments were submitted that change our assessment of the rule as described in our proposed action. Therefore, as authorized in section 110(k)(3) of the Act, EPA is finalizing a full disapproval of the submitted rule. As a result, this action will retain the version of Rule 400 approved in 2005 in the SIP. Sanctions will not be imposed under section 179 of the Act, because revision of Rule 400 is not a required submittal under the CAA and the Monterey Bay area continues to meet the NAAQS for multiple pollutants, including ozone and PM. A final disapproval would similarly not trigger the federal implementation plan (FIP) obligation under section 110(c).

IV. Statutory and Executive Order Reviews

A. Executive Order 12866, Regulatory Planning and Review

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled "Regulatory Planning and Review."

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. Burden is defined at 5 CFR 1320.3(b).

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This rule will not have a significant impact on a substantial number of small entities because SIP disapprovals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply disapprove requirements that the State is already imposing. Therefore, because the Federal SIP disapproval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.,* v. *U.S. EPA,* 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

D. Unfunded Mandates Reform Act

Under sections 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the disapproval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action disapproves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

E. Executive Order 13132, Federalism

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (Federalism) and 12875 (Enhancing the Intergovernmental Partnership). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct

effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule 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, as specified in Executive Order 13132, because it merely disapproves a State rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

F. Executive Order 13175, Coordination With Indian Tribal Governments

Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." This final rule does not have tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes. Thus, Executive Order 13175 does not apply to this rule.

G. Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. This rule is not subject to Executive Order 13045, because it disapproves a State rule implementing a Federal standard.

H. Executive Order 13211, Actions That Significantly Affect Energy Supply, Distribution, or Use

This rule is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use "voluntary consensus standards" (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations.

Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (February 16, 1994) establishes Federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies and activities on minority populations and low-income populations in the United States. The Executive Order has informed the development and implementation of EPA's environmental justice program and policies. Consistent with the Executive Order and the associated Presidential Memorandum, the Agency's environmental justice policies promote environmental protection by focusing attention and Agency efforts on addressing the types of environmental harms and risks that are prevalent among minority, low-income and Tribal populations.

This action will not have disproportionately high and adverse human health or environmental effects on minority, low-income or Tribal populations because it maintains the level of environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority or low-income population.

K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. section 804(2). This rule will be effective July 30, 2010.

L. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 30, 2010. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (*see* section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements.

Dated: June 14, 2010.

Jared Blumenfeld,

Regional Administrator, Region IX.

■ Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart F—California

■ 2. Section 52.242 is amended by adding paragraph (a)(6) to read as follows:

§ 52.242 Disapproved rules and regulations.

(a) * * *

(6) Monterey Bay Unified Air Pollution Control District

(i) Rule 400, Visible Emissions, submitted on March 7, 2008. Rule 400 submitted on January 15, 2004, is retained.

[FR Doc. 2010–15759 Filed 6–29–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2003–0146; FRL–9169–7]

RIN 2060–AO55

National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: On October 28, 2009, we promulgated general control requirements to control emissions of hazardous air pollutants from heat exchange systems at petroleum refineries. These requirements were published as amendments to the national emission standards for petroleum refineries. In this notice, we are correcting typographical errors and inadvertent errors in section references.

DATES: This correction is effective on July 30, 2010.

SUPPLEMENTARY INFORMATION:

I. Summary of Amendments

On October 28, 2009, we promulgated general control requirements to control emissions of hazardous air pollutants from heat exchange systems at petroleum refineries. 74 FR 55670 (40 CFR part 63, subpart CC). In this action, we are correcting technical errors in the promulgated rule.

Table 1 below describes the miscellaneous technical corrections we are making to 40 CFR part 63, subpart CC.

TABLE 1—TECHNICAL CORRECTIONS TO 40 CFR PART 63, SUBPART CC

Section	Technical correction and reason
63.646(j)	Replace "§ 63.654(f)" with "§ 63.655(f)" to correct a section reference.
63.646(k)	Replace "§ 63.654(g)" with "§ 63.655(g)" to correct a section reference.
63.654(f)	Replace "paragraphs (f)(1) through (3) of this section" with "paragraphs (f)(1) and (2) of this section" to remove the reference to a nonexistent paragraph.
63.655(i)(1)(ii)	Replace "§ 63.654(e)" with "§ 63.655(e)" to correct a section reference.
Table 4, first column heading	Replace "subpart Y" with "subpart R" to correct a section reference.
Table 6, entry for 63.8(c)(4)	Replace "is "once every hour rather" than" with "is "once every hour" rather than" to correct a typographical error.
Table 6, entry for 63.10(b)(1)	Replace "§ 63.644(d)" with "§ 63.655(i)" to correct a section reference.

Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), provides that, when an agency, for good cause, finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making this technical correction final without prior proposal and opportunity for comment because only simple typographical errors are being corrected and these corrections do not substantially change the Agency actions taken in the final rule. Thus, notice and public procedure are unnecessary and we find that this constitutes good cause under 5 U.S.C. 553(b)(B). (*See* also the final sentence of section 307(d)(1) of the Clean Air Act (CAA), 42 U.S.C. 307(d)(1), indicating that where the good cause exception is invoked pursuant to section 553(b)(B) of the APA, the procedures in section 307(d) in subsection 553(b) of the APA, the procedures in section 307(d) of the CAA do not apply.)

II. Statutory and Executive Order Reviews

Under Executive Order 12866, Regulatory Planning and Review (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is, therefore, not subject to review by the Office of Management and Budget. This action is not a "major rule" as defined by 5 U.S.C. 804(2). The technical corrections do not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*).

Because EPA has made a "good cause" finding that this action is not subject to notice and comment requirements under the APA or any other statute (*see* Section I of this preamble), it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of the UMRA.

This technical correction does not have substantial direct effects on the States, or on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, Federalism (64 FR 43255, August 10, 1999).

This action does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13175, Consultation and Coordination with Indian Tribal Governments (65 FR 67249, November 9, 2000). This correction also is not subject to Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997) because it is not economically significant.

This technical correction is not subject to Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001) because this action is not a significant regulatory action under Executive Order 12866.

This technical correction does not involve changes to the technical standards related to test methods or monitoring requirements; thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272) do not apply.

This technical correction also does not involve special consideration of environmental justice-related issues as required by Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994).

The Congressional Review Act (CRA), 5 U.S.C. 801, *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The CRA does, however, exclude any rule that does not substantially affect the rights and obligations of outside parties. Therefore, the scope of the CRA does not include technical corrections. This action is not a "major rule" as defined by 5 U.S.C. 804(2). The final rule will be effective July 30, 2010.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

Dated: June 24, 2010.

Lisa P. Jackson,

Administrator.

■ For the reasons set out in the preamble, title 40, chapter I, part 63 of the Code of Federal Regulations is amended as follows:

PART 63—[AMENDED]

■ 1. The authority citation for part 63 continues to read as follows:

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

Subpart CC—[Amended]

■ 2. Section 63.646 is amended by:

■ a. Revising paragraph (j) and

■ b. Revising paragraph (k) to read as follows:

§ 63.646 Storage vessel provisions.

* * * * *

(j) References to the Notification of Compliance Status report in § 63.152(b) mean the Notification of Compliance Status required by § 63.655(f).

(k) References to the Periodic Reports in § 63.152(c) mean the Periodic Report required by § 63.655(g).

* * * * *

■ 3. Section 63.654 is amended by revising the first sentence of paragraph (f) introductory text to read as follows:

§ 63.654 Heat exchange systems.

* * * * *

(f) The owner or operator may delay the repair of a leaking heat exchanger when one of the conditions in paragraphs (f)(1) and (2) of this section is met. * * *

* * * * *

■ 4. Section 63.655 is amended by revising paragraph (i)(1)(ii) to read as follows:

§ 63.655 Reporting and recordkeeping requirements.

* * * * *

(i) * * *

(1) * * *

(ii) All references to § 63.122 in § 63.123 of subpart G of this part shall be replaced with § 63.655(e),

* * * * *

Appendix to Subpart CC of Part 63—Tables—[Amended]

■ 5. Table 4 of the appendix to subpart CC of part 63 is amended by revising the column headings to read as follows:

TABLE 4—GASOLINE DISTRIBUTION EMISSION POINT RECORDKEEPING AND REPORTING REQUIREMENTS [a]

Reference (section of subpart R)	Description	Comment
* * *	* * *	* * *

* * * * *

■ 6. Table 6 of the appendix to subpart CC of part 63 is amended by revising the entries for §§ 63.8(c)(4) and 63.10(b)(1) to read as follows:

TABLE 6—GENERAL PROVISIONS APPLICABILITY TO SUBPART CC [a]

Reference	Applies to subpart CC	Comment
* * *	* * *	* * *
63.8(c)(4)	Yes	Except subpart CC specifies the monitoring cycle frequency specified in § 63.8(c)(4)(ii) is "once every hour" rather than "for each successive 15-minute period."
* * *	* * *	* * *
63.10(b)(1)	No	§ 63.655(i) of subpart CC specifies record retention requirements.
* * *	* * *	* * *

* * * * *

[FR Doc. 2010–15889 Filed 6–29–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2008–0708, FRL–9169–6]

RIN 2060–AP36

National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: EPA published in the **Federal Register** on March 3, 2010, a document amending the national emission standards for hazardous air pollutants for existing stationary compression ignition reciprocating internal combustion engines. The amendments inadvertently removed paragraphs from the regulation. EPA is correcting this error.

DATES: Effective on June 30, 2010.

FOR FURTHER INFORMATION CONTACT: Ms. Melanie King, Energy Strategies Group, Sector Policies and Programs Division (D243–01), Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number (919) 541–2469; facsimile number (919) 541–5450; e-mail address *king.melanie@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Summary of Amendments

EPA published in the **Federal Register** on March 3, 2010 (75 FR 9674) a document amending the national emission standards for hazardous air pollutants for existing stationary compression ignition reciprocating internal combustion engines. 40 CFR 63.6590 was amended by revising paragraphs (b)(1) and (3). Inadvertently, paragraphs (b)(1)(i) and (ii) of section 63.6590(b)(1) were removed. This correction amends section 63.6590 by reinstating paragraphs 63.6590(b)(1)(i) and (ii).

Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(3)(B), provides that, when an Agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the Agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making this technical correction final without prior proposal and opportunity for comment because this action only corrects a simple and obvious instructional error that would cause a change that was clearly not intended by the Agency in the final rule, as indicated by the preamble to the final rule. Thus, notice and public procedure is unnecessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(3)(B). (*See also* the final sentence of section 307(d)(1) of the Clean Air Act (CAA), 42 U.S.C. 307(d)(1), indicating that the good cause provisions in subsection 553(b) of the APA continue to apply to this type of rulemaking under section 307(d) of the CAA.)

II. Statutory and Executive Order Reviews

Under Executive Order 12866, Regulatory Planning and Review (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. This action is not a "major rule" as defined by 5 U.S.C. 804(2). The correction does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Because EPA has made a "good cause" finding that this action is not subject to notice and comment requirements under the APA or any other statute (*see* Section I of this preamble), it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act [5 U.S.C. 601 *et seq.*], or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) [Pub. L. 104–4]. In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of the UMRA.

This action does not have substantial direct effects on the States, or on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of Government, as specified in Executive Order 13132, Federalism (64 FR 43255, August 10, 1999).

This action does not significantly or uniquely affect the communities of Tribal governments, as specified by Executive Order 13175, Consultation and Coordination with Indian Tribal Governments (65 FR 67249, November 9, 2000). This action also is not subject to Executive Order 13045, Protection of Children from Environmental Health and Safety Risks (62 FR 19885, April 23, 1997) because it is not economically significant.

This action is not subject to Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001) because this action is not a significant regulatory action under Executive Order 12866.

This action does not involve changes to the technical standards related to test methods or monitoring requirements; thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272) do not apply.

This action also does not involve special consideration of environmental justice-related issues as required by Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994).

The Congressional Review Act (CRA), 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), generally provides that before a rule may take effect, the Agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the U.S. Section 808 allows the issuing Agency to make a rule effective sooner than otherwise provided by the CRA if the Agency makes a good cause finding that notice and public procedure is impracticable, unnecessary, or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, we have determined that there is good cause for making this correction final without prior proposal and opportunity for comment because this action only corrects a simple and obvious instructional error that would cause a change that was clearly not intended by the Agency in the final rule, as indicated by the preamble to the final rule. Thus, notice and public procedure is unnecessary. EPA has therefore established an effective date of June 30, 2010. The EPA will submit a report containing this final action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the U.S. prior to publication of this action in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). The final rule is effective June 30, 2010.

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedure,

Air pollution control, Hazardous substances, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: June 24, 2010.

Lisa P. Jackson,

Administrator.

■ For the reasons stated in the preamble, title 40, chapter I, part 63 of the Code of Federal Regulations is amended as follows:

PART 63—[AMENDED]

■ 1. The authority citation for part 63 continues to read as follows:

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

Subpart A—[Amended]

■ 2. Section 63.6590 is amended by revising paragraph (b)(1) to read as follows:

§ 63.6590 What parts of my plant does this subpart cover?

* * * * *

(b) * * *

(1) An affected source which meets either of the criteria in paragraphs (b)(1)(i) through (ii) of this section does not have to meet the requirements of this subpart and of subpart A of this part except for the initial notification requirements of § 63.6645(f).

(i) The stationary RICE is a new or reconstructed emergency stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions.

(ii) The stationary RICE is a new or reconstructed limited use stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions.

* * * * *

[FR Doc. 2010–15886 Filed 6–29–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[EPA–HQ–OAR–2005–0161; FRL–9169–9]

RIN 2060–AQ31

Regulation of Fuels and Fuel Additives: Modifications to Renewable Fuel Standard Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Partial withdrawal of direct final rule.

SUMMARY: EPA published a direct final rule to amend the Renewable Fuel Standard program requirements on May 10, 2010. Because EPA received adverse comment, we are withdrawing several provisions of the direct final rule.

DATES: Effective June 30, 2010, EPA withdraws the definitions of "actual peak capacity," "baseline volume," and "permitted capacity" from 40 CFR 80.1401, and the amendments to 40 CFR 80.1403(a), 80.1425 introductory text and paragraph (i), 80.1426(d)(1) introductory text, 80.1426 Table 2, 80.1426(f)(3)(iv), 80.1426(f)(3)(v), 80.1426(f)(12), 80.1452(b) introductory text, (b)(2), (b)(4), (b)(6), (b)(9), (b)(13), and (b)(15), and 80.1452(c) introductory text, (c)(4), (c)(5), and (c)(7), that were published at 75 FR 26026 on May 10, 2010.

FOR FURTHER INFORMATION CONTACT: Megan Brachtl, Compliance and Innovative Strategies Division, Office of Transportation and Air Quality (Mail Code: 6405J), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 343–9473; fax number: (202) 343–2802; e-mail address: *brachtl.megan@epa.gov.*

SUPPLEMENTARY INFORMATION: Because EPA received adverse comment, we are withdrawing several provisions of the direct final rule to amend the Renewable Fuel Standard program requirements, published on May 10, 2010. We stated in that direct final rule that if we received adverse comment by June 9, 2010, the portion of the direct final rule on which adverse comment was received would not take effect, and we would publish a timely withdrawal of such portions of the direct final rule in the **Federal Register**.

We subsequently received adverse comment on the following provisions: Certain of the amendments to 40 CFR 80.1401 (moved the definitions of "actual peak capacity," "baseline volume," and "permitted capacity" from 40 CFR 80.1403(a), revised the definition of "actual peak capacity" to clarify how it is calculated and revised the definition of "permitted capacity" to clarify the dates before which permits used to establish a facility's permitted capacity must have been issued or revised); 40 CFR 80.1425 (clarified that RINs generated after July 1, 2010, may only be generated and transferred using the EPA-Moderated Transaction System (EMTS) and will not be identified by a 38-digit code and that the value of EEEEEEEE in a batch-RIN will be determined by the number of gallon-RINs generated for the batch); 40 CFR 80.1426(d)(1), 80.1426(f)(3)(iv), and 80.1426(f)(3)(v) (clarified that a unique BBBBB code in the RIN, or its equivalent in EMTS, is used to identify a batch of renewable fuel from a given renewable fuel producer or importer); 40 CFR 80.1426 Table 2 (clarified the extent to which renewable fuel producers must use certain advanced technologies in order for them to be considered when determining the proper D code for their fuel); 40 CFR 80.1426(f)(12) (clarified the requirements for gas to be considered biogas for purposes of determining a renewable fuel's D code); 40 CFR 80.1452(b) (clarified that RINs must be generated in EMTS within five (5) business days of being assigned to a batch of renewable fuel and clarified the information required to be submitted via EMTS for each batch of renewable fuel produced or imported); and, 40 CFR 80.1452(c) (clarified that transactions involving RINs generated on or after July 1, 2010 must be conducted via EMTS within five (5) business days of a reportable event, and clarified the meaning of the term "reportable event" and the information required to be submitted via EMTS for each transaction involving RINs generated on or after July 1, 2010).

EPA published a parallel proposed rule on the same day as the direct final rule. The proposed rule invited comment on the substance of the direct final rule. We will address the comments received on the portions of the direct final rule listed above in a subsequent final action based on the parallel proposed rule also published on May 10, 2010 (75 FR 26049). The provisions for which we did not receive adverse comment will become effective on July 1, 2010, as provided in the May 10, 2010, direct final rule.

Dated: June 24, 2010.

Lisa P. Jackson,

Administrator.

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

■ Accordingly, the definitions of "actual peak capacity," "baseline volume," and "permitted capacity" in 40 CFR 80.1401, and the amendments to 40 CFR 80.1403(a), 80.1425 introductory text and paragraph (i), 80.1426(d)(1) introductory text, 80.1426 Table 2, 80.1426(f)(3)(iv), 80.1426(f)(3)(v), 80.1426(f)(12), 80.1452(b) introductory text, (b)(2), (b)(4), (b)(6), (b)(9), (b)(13), and (b)(15), and 80.1452(c) introductory text, (c)(4), (c)(5), and (c)(7), that were published on May 10, 2010 (75 FR 26026) are withdrawn as of June 30, 2010.

[FR Doc. 2010–15881 Filed 6–29–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2009–0179; FRL–8831–9]

Pasteuria usgae; Exemption from the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of the microbial pesticide, *Pasteuria usgae*, in or on all food commodities when applied preharvest and used as a nematicide in accordance with good agricultural practices. MacIntosh and Associates Incorporated (on behalf of Pasteuria Bioscience Incorporated) submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of *Pasteuria usgae*.

DATES: This regulation is effective June 30, 2010. Objections and requests for hearings must be received on or before August 30, 2010, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2009–0179. All documents in the docket are listed in the docket index available at *http://www.regulations.gov*. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Jeannine Kausch, Biopesticides and Pollution Prevention Division (7511P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 347–8920; e-mail address: *kausch.jeannine@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Electronic Access to Other Related Information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.gpoaccess.gov/ecfr*. To access the harmonized test guidelines referenced in this document electronically, please go to *http://www.epa.gov/oppts* and select "Test Methods and Guidelines."

C. How Can I File an Objection or Hearing Request?

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2009–0179 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before August 30, 2010. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit a copy of your non-CBI objection or hearing request, identified by docket ID number EPA–HQ–OPP–2009–0179, by one of the following methods:

- *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.
- *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of April 8, 2009 (74 FR 15969) (FRL–8407–6), EPA issued a notice pursuant to section 408(d)(3) of FFDCA, 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide tolerance petition (PP 9F7539) by MacIntosh and Associates Incorporated, 1203 Hartford Avenue, Saint Paul, MN 55116–1622 (on behalf of Pasteuria Bioscience Incorporated, 12085 Research Drive, Suite 185, Alachua, FL 32615). The petition requested that 40 CFR part 180 be amended by establishing an exemption from the requirement of a tolerance for residues of *Pasteuria usgae*. This notice referenced a summary of the petition prepared by the petitioner, MacIntosh and Associates Incorporated (on behalf of Pasteuria Bioscience Incorporated), which is available in the docket, *http://www.regulations.gov*. There were no substantive comments received in response to the notice of filing.

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is "safe." Section 408(c)(2)(A)(ii) of FFDCA

defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Pursuant to section 408(c)(2)(B) of FFDCA, in establishing or maintaining in effect an exemption from the requirement of a tolerance, EPA must take into account the factors set forth in section 408(b)(2)(C) of FFDCA, which require EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . ." Additionally, section 408(b)(2)(D) of FFDCA requires that the Agency consider "available information concerning the cumulative effects of [a particular pesticide's] residues and other substances that have a common mechanism of toxicity."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides. Second, EPA examines exposure to the pesticide through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings.

III. Toxicological Profile

Consistent with section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness, and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Pasteuria, a genus of bacteria, includes a number of species that have shown potential in controlling plant-parasitic nematodes. These bacteria are obligate endoparasites, organisms that grow internally in a limited range of hosts. *Pasteuria usgae*, a recently discovered strain isolated from soil samples collected in Florida, is host-specific for the sting nematode [*Belonolaimus longicaudatus*]. This strain of *Pasteuria* is pending recognition by the Judicial Commission of the International Committee for Systematic Bacteriology. There is sufficient evidence from morphology, host specificity, and genomics to justify *Pasteuria usgae* as a distinct strain. In developing products for crop applications, such as uses on strawberries and a wide variety of vegetables, the difficulty of growing *Pasteuria* outside of a nematode host has always been an obstacle. This host specificity is at the core of EPA's conclusions that *Pasteuria usgae* may be granted a permanent exemption from the requirement of a tolerance for all food commodities. Additional information regarding *Pasteuria usgae* can be found in the Biopesticides Registration Action Document (BRAD) on the Biopesticides and Pollution Prevention Division (BPPD) website: *http://www.epa.gov/pesticides/biopesticides*.

Studies submitted to the Agency were issued Master Record Identification (MRID) Numbers and reviewed by BPPD scientists. The following summaries of the toxicological profile of *Pasteuria usgae* are based on an Agency risk assessment memorandum and related data evaluation records dated April 9, 2009.

a. *Acute Oral Toxicity and Pathogenicity - Rat*: Harmonized Test Guideline 885.3050; MRID No. 474267–09. *Pasteuria usgae* does not appear to be toxic and/or pathogenic in rats when dosed at 1 x 10^8 spores/animal. There were no treatment-related clinical signs or necropsy findings in rats receiving a single oral dose of 1 x 10^8 *Pasteuria usgae* spores. Three males in the microbial pest control agent (MPCA) - treated group gained weight through day 14 but lost weight by day 21. All other animals gained weight prior to scheduled sacrifice. Microbial enumeration was not performed because the testing laboratory showed that the test material would not grow on agar media. Therefore, while no significant adverse effects were seen, the typical clearance of the microbe could not be confirmed. However, because the spores are highly specific to sting nematode, infectivity is unlikely to be a concern. This study was rated "Acceptable," and *Pasteuria usgae* was classified as Toxicity Category IV.

b. *Acute Injection Toxicity and Pathogenicity - Rat*: Harmonized Test Guideline 885.3200; MRID No. 474267–11. There were no treatment-related significant adverse effects seen in the rats receiving a single intravenous dose of 10^8 *Pasteuria usgae* spores. One treated female lost weight by day 7 but gained weight prior to sacrifice on day 14. All other animals gained weight throughout the study. All animals survived and appeared normal during the study. No abnormalities were observed in any animal at necropsy or in harvested organs. No significant variations in organ weight were found between different groups or sexes. The acute intravenous median lethal dose (LD_{50}) of *Pasteuria usgae* was greater than 1 x 10^8 spores/animal in male and female rats. *Pasteuria usgae* does not appear to be toxic and/or pathogenic in rats when dosed at 10^8 spores/animal. MRID No. 474267–09 reported that microbial enumeration was not done because the test material would not grow on agar media. Since microbial enumeration was not performed, the infectivity was uncertain. However, because the spores are highly specific to sting nematode, infectivity is unlikely to be a concern. *Pasteuria usgae* was not pathogenic as tested in this study. This study was rated as "Acceptable."

c. *Acute Dermal Toxicity - Rat*: Harmonized Test Guideline 885.3100; MRID No. 474267–12. Based on the results of this study, *Pasteuria usgae* does not appear to be toxic in rats when treated with 2,000 milligrams/kilogram (mg/kg) at 10^8 spores/milliliter (mL). Thus, the acute dermal LD_{50} was greater than 2,000 mg/kg for 10^8 spores/mL in male and female rats. There were no treatment-related significant adverse effects seen in the dosed rats. Two males and one female had very slight erythema on day 1 with clearance by day 4. One male lost weight slightly during the second week and one male and two females lost weight during the first week, but all gained weight by the end of the study. All other animals gained weight throughout the study. This study was rated "Acceptable," and *Pasteuria usgae* was classified as Toxicity Category IV.

d. *Acute Pulmonary Toxicity and Pathogenicity - Rat*: Harmonized Test Guideline 885.3150; MRID No. 474267–10. In an acute pulmonary toxicity and pathogenicity assessment, there were no test substance-related significant adverse effects seen in rats receiving a single dose of approximately 1–3 x 10^8 spores of *Pasteuria usgae*. One dosed female exhibited pale lungs. Additionally, one untreated control female lost weight by day 21, and another untreated control female lost weight by day 14 but gained weight by day 21. One MPCA-treated male did not gain weight by day 7 but gained weight thereafter. All other animals gained weight throughout the study. Based on these results, *Pasteuria usgae* does not appear to be toxic and/or pathogenic in rats when dosed at approximately 1–3 x 10^8 spores/animal. Microbial enumeration was not performed because the testing laboratory showed that the

test material would not grow on agar media. Therefore, while no significant adverse effects were seen, the typical clearance of the microbe could not be confirmed. However, because the spores are highly specific to sting nematode, infectivity is unlikely to be a concern. This study was rated "Acceptable," and *Pasteuria usgae* was classified as Toxicity Category IV.

e. *Hypersensitivity Incidents*: Harmonized Test Guideline 885.3400; MRID No. 474350–02. No hypersensitivity incidents—involving *Pasteuria usgae* and occurring during fermentation, processing, formulation, or research—have been reported to the Agency. Any future hypersensitivity incidents must be reported per Harmonized Test Guideline 885.3400.

IV. Aggregate Exposures

In examining aggregate exposure, section 408 of FFDCA directs EPA to consider available information concerning exposures from the pesticide residue in food and all other non-occupational exposures, including drinking water from ground water or surface water and exposure through pesticide use in gardens, lawns, or buildings (residential and other indoor uses).

A. Dietary Exposure

Dietary exposure to *Pasteuria usgae* may occur, mainly through food. However, the lack of acute oral toxicity/pathogenicity, based on the toxicology test on rats presented in Unit III., along with the inability of the bacterium to grow outside of a specific nematode host, support the establishment of a permanent exemption from the requirement of a tolerance for *Pasteuria usgae*. There is presently a temporary exemption from the requirement of a tolerance established for residues of *Pasteuria usgae* under 40 CFR 180.1290, which will expire and be revoked on December 31, 2010. *Pasteuria usgae* is exempt from the requirement of a tolerance when applied/used as a nematicide on strawberries in accordance with the terms of Experimental Use Permit 85004-EUP-1 August 5, 2009, (74 FR 38970) (FRL–8429–1). Additionally, under 40 CFR 180.1135, a similar active ingredient, *Pasteuria penetrans*, was assessed previously and granted a permanent exemption from the requirement of a tolerance in or on all raw agricultural commodities, except roots and tubers, when used as a nematicide in the production of fruits and vegetables in greenhouses December 28, 1994, (59 FR 66740) (FRL-4924–4).

1. *Food*. Dietary exposure to the naturally occurring soil bacterium, *Pasteuria usgae*, although a possibility, is anticipated to be negligible. For optimal control of sting nematode, *Pasteuria usgae* is applied in a manner that facilitates movement of spores into the root zone of the affected crop. This requires that end users take two particular actions that would inevitably minimize the amount of *Pasteuria usgae* residues on aboveground food commodities–soil-directed applications and irrigation with a specified amount of water following any such applications. For food commodities that develop underground, exposure to *Pasteuria usgae* residues is a more likely scenario, although standard post-harvest practices of washing, cooking, or processing would reduce such residues. In general, any actual dietary exposure is expected to be several orders of magnitude lower than the dose used in the acute oral toxicity/pathogenicity test referenced in Unit III., during which no toxic or pathogenic effects were observed in rats. Moreover, *Pasteuria usgae* is an obligate endoparasitic bacterium specific to the sting nematode. The Agency concludes that there is a reasonable certainty that no harm will result from the aggregate exposure to the residues of *Pasteuria usgae* in food.

2. *Drinking water exposure*. Exposure of humans to residues of *Pasteuria usgae* in consumed drinking water is unlikely. The currently approved and proposed use patterns, use sites, and application methods for *Pasteuria usgae* do not include direct application to aquatic environments. Furthermore, given that *Pasteuria usgae* spores attach specifically to the sting nematode, which is a plant-parasitic nematode that thrives only in sandy soil environments and is dependent upon plant roots to sustain life, future proposals to add aquatic use sites to pesticide products containing this bacterium are not expected. Even if oral exposure should occur through consumed drinking water, the Agency concludes that there is a reasonable certainty that no harm will result from the exposure to the residues of *Pasteuria usgae* in all the anticipated drinking water exposures because of the lack of acute oral toxicity/pathogenicity to mammals and the host-specific nature of the bacterium, as stated previously.

B. Other Non-Occupational Exposure

Non-occupational exposure is considered unlikely for *Pasteuria usgae* as all currently approved or proposed uses occur in distinctly agricultural or commercial settings, and there are no currently approved or proposed uses for residential areas.

The only other non-occupational exposure is that which would normally be encountered as part of the natural environment (i.e., not as a result of pesticide use). As expected since *Pasteuria usgae* is an obligate endoparasite of the sting nematode, there have been no reports of adverse effects from human exposure to this bacterium that naturally occurs in sandy soils, particularly those of the southeastern and midwestern United States.

V. Cumulative Effects from Substances with a Common Mechanism of Toxicity

Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information concerning the cumulative effects of [a particular pesticide's] residues and other substances that have a common mechanism of toxicity."

EPA has not found *Pasteuria usgae* to share a common mechanism of toxicity with any other substances, and *Pasteuria usgae* does not appear to produce a toxic metabolite as its mode of action against the target pest. For the purposes of this tolerance action, therefore, EPA has assumed that *Pasteuria usgae* does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *http://www.epa.gov/pesticides/cumulative*.

VI. Determination of Safety for U.S. Population, Infants, and Children

FFDCA section 408(b)(2)(C) provides that EPA shall assess the available information about consumption patterns among infants and children, special susceptibility of infants and children to pesticide chemical residues, and the cumulative effects on infants and children of the residues and other substances with a common mechanism of toxicity. In addition, FFDCA section 408(b)(2)(C) provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database unless EPA determines that a different margin of safety will be safe for infants and children. Margins of exposure (MOE) (safety), which are often referred to as uncertainty factors (UFs), are incorporated into EPA risk assessments

either directly or through the use of a MOE analysis, or by using UF (safety) in calculating a dose level that poses no appreciable risk.

Based on the acute toxicity and pathogenicity data discussed in Unit III., EPA concludes that there is a reasonable certainty that no harm will result to the United States population, including infants and children, from aggregate exposure to the residues of *Pasteuria usgae*. This includes all anticipated dietary exposures and all other exposures for which there is reliable information. The Agency has arrived at this conclusion because the data available on *Pasteuria usgae* do not demonstrate toxic, pathogenic, or infective potential to mammals. Thus, there are no threshold effects of concern and, as a result, the provision requiring an additional margin of safety does not apply.

VII. Other Considerations

A. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint U.N. Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for *Pasteuria usgae*.

VIII. Conclusions

Therefore, an exemption is established for residues of *Pasteuria usgae* in or on all food commodities when applied preharvest and used as a nematicide in accordance with good agricultural practices.

IX. Statutory and Executive Order Reviews

This final rule establishes a tolerance exemption under section 408(d) of FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001), or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of FFDCA, such as the tolerance exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of FFDCA. As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999), and Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 9, 2000), do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note).

X. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 11, 2010.

Steven Bradbury,

Director, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In subpart D, revise §180.1290 to read as follows:

§ 180.1290 *Pasteuria usgae;* exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of *Pasteuria usgae* in or on all food commodities when applied preharvest and used as a nematicide in accordance with good agricultural practices.

[FR Doc. 2010–15465 Filed 6–29–10; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2010–0465; FRL–8831–6]

1-Naphthaleneacetic Acid; Time-Limited Tolerance, Technical Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical correction.

SUMMARY: EPA issued a final rule in the **Federal Register** of September 11, 2009, (74 FR 46689) (FRL–8426–2) concerning azinphos-methyl, disulfoton, esfenvalerate, ethylene oxide, fenvalerate, *et al.*; tolerance actions. Today's rule restores the time-limited tolerance for 1-naphthaleneacetic acid in or on avocados which was inadvertently deleted by the September 11, 2009 final rule.

DATES: This final rule is effective June 30, 2010.

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2010–0465. All documents in the docket are listed in the docket index available in *http://www.regulations.gov*. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Libby Pemberton, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington DC 20460–0001; telephone number: (703) 308–9364; e-mail address: *pemberton.libby@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

The Agency included in the final rule a list of those who may be potentially affected by this action. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

II. What Does this Technical Correction Do?

EPA published a final rule in the **Federal Register** of August 12, 2009 (74 FR 40513) (FRL–8428–3) establishing a time-limited tolerance for residues of 1-naphthaleneacetic acid ethyl ester in or on avocados. That time-limited tolerance was inadvertently removed by a final rule published in the **Federal Register** of September 11, 2009 (74 FR 46689) (FRL–8426–2). Today's rule restores the time-limited tolerance for 1-naphthaleneacetic acid in or on avocados inadvertently deleted by the September 11, 2009 final rule.

III. Why is this Correction Issued as a Final Rule?

Section 408(l)(6) of FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of FIFRA. Section 408(l)(6) authorizes EPA to establish such tolerances without providing notice or period for public comment. Section 408(e) of FFDCA allows EPA to establish a tolerance or an exemption from the requirement of a tolerance on its own initiative, i.e., without having received any petition from an outside party.

In addition, section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(3)(B), provides that, when an Agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the Agency may issue a final rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making this technical correction final without prior proposal and opportunity for comment, because the final rule amendment to §180.155 previously published August 12, 2009 (74 FR 40513) (FRL–8428–3) was inadvertently deleted September 11, 2009 (74 FR 46689) (FRL–8426–2). EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(3)(B).

IV. Do Any of the Statutory and Executive Order Reviews Apply to this Action?

This document corrects a final rule that established a tolerance under section 408(d) of FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established in accordance with sections 408(e) and 408(l)(6) of FFDCA, such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of FFDCA. As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section

12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note).

V. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before a rule may take effect, the Agency promulgating the rule must submit a rule report to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 21, 2010.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I is corrected as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Add § 180.155(b) to read as follows:

§ 180.155 1-Naphthaleneacetic acid; tolerances for residues.

* * * * *

(b) *Section 18 emergency exemptions.* A time-limited tolerance specified in the following table is established for residues of the ethyl ester of 1-naphthaleneacetic acid in or on the following raw agricultural commodity resulting from use of the pesticide pursuant to FIFRA section 18 emergency exemptions. The tolerance will expire and is revoked on the date specified in the following table:

Commodity	Parts per million	Expiration/revocation
Avocado ..	0.05	12/31/12

* * * * *

[FR Doc. 2010–15882 Filed 6–29–10; 8:45 am]

BILLING CODE 6560–50–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 0907301206–0032–02]

RIN 0648–XW95

Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Adjustment to the Loligo Trimester 2 and 3 Quota

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

ACTION: Temporary rule; inseason adjustment.

SUMMARY: NMFS adjusts the 2010 Fishing Year (FY) Trimester 2 and 3 Loligo squid quotas. This action complies with the 2010 Specifications and Management Measures for the Atlantic Mackerel, Squid, and Butterfish Fisheries Management Plan, which modified accounting procedures for underages of Trimester 1 quota in the *Loligo* fishery.

DATES: Effective June 30, 2010 through December 31, 2010.

FOR FURTHER INFORMATION CONTACT: Lindsey Feldman, Fishery Management Specialist, 978–675–2179, Fax 978–281–9135.

SUPPLEMENTARY INFORMATION: NMFS published the final rule for the 2010 Specifications and Management Measures for the Atlantic Mackerel, Squid, and Butterfish Fisheries in the **Federal Register** on February 3, 2010 (75 FR 5537). The final rule modified accounting procedures for underages of Trimester 1 quota in the Loligo fishery, so that Trimester 1 quota underages that are greater than 25 percent of the Trimester 1 quota are allocated equally to Trimesters 2 and 3, and underages that are less than 25 percent of the Trimester 1 quota are allocated to Trimester 3.

For FY 2010, the initial *Loligo* Trimester 1 quota was 17,696,509 lb (8,027 mt), which is equal to 43 percent of the domestic annual harvest (DAH), excluding research set-aside (RSA) quota. The best available landings information indicates that 3,133,110 lb (1,421 mt) of *Loligo* was landed during Trimester 1, and 14,563,399 lb (6,606 mt) remain. Consistent with the 2010 Specifications and Management Measures, as the quota underages for Trimester 1 are greater than 25 percent of the Trimester 1 quota, the underages are divided in half, with half applied to Trimester 2, and the other half applied to Trimester 3. This results in a revised Trimester 2 quota from the initial quota of 6,995,269 lb (3,173 mt) to a new quota of 14,276,968 lb (6,476 mt) and a revised Trimester 3 quota from the initial quota of 16,461,920 lb (7,467 mt) lb to a new quota of 23,743,619 lb (13,770 mt).

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA (AA), finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest. This action modifies the Trimester 2 and 3 *Loligo* quotas for FY 2010, as specified in the FY 2010 Specification and Management Measures for the Atlantic Mackerel, Squid, and Butterfish Fisheries. The regulations at § 648.22(a)(2)(i) require such action to ensure the quota is not under-harvested and is distributed evenly throughout the year. Landings information indicates that underages from Trimester 1 are greater than 25 percent of the Trimester 1 *Loligo* quota. Trimester 2 began on May 1, 2010, and a delay in increasing the quota could result in premature closure of the fishery. As such, the distribution of Trimester 1 underages to Trimesters 2 and 3 must occur without delay. The AA further finds, pursuant to 5 U.S.C. 553(d)(3), good cause to waive the 30-day delayed effectiveness period for the reasons stated above.

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

Dated: June 25, 2010

Carrie Selberg,

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

[FR Doc. 2010–15933 Filed 6–29–10; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 75, No. 125
Wednesday, June 30, 2010

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 922

[Doc. No. AMS–FV–10–0050; FV10–922–1 PR]

Apricots Grown in Designated Counties in Washington; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule would increase the assessment rate established for the Washington Apricot Marketing Committee (Committee) for the 2010–11 and subsequent fiscal periods from $1.00 to $1.50 per ton for Washington apricots. The Committee is responsible for local administration of the marketing order regulating the handling of apricots grown in designated counties in Washington. Assessments upon handlers of apricots are used by the Committee to fund reasonable and necessary expenses of the program. The fiscal period for the marketing order begins April 1 and ends March 31. The assessment rate would remain in effect indefinitely unless modified, suspended or terminated.

DATES: Comments must be received by July 15, 2010.

ADDRESSES: Interested persons are invited to submit written comments regarding this rule. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or Internet: *http://www.regulations.gov.* Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov.* All comments submitted in response to this rule will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the Internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Robert Curry or Gary Olson, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1220 SW. Third Avenue, suite 385, Portland, OR 97204; Telephone: (503) 326–2724; Fax: (503) 326–7440; or E-mail: *Robert.Curry@ams.usda.gov* or *GaryD.Olson@ams.usda.gov.*

Small businesses may request information on complying with this regulation by contacting Antoinette Carter, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 690–3919; Fax: (202) 720–8938; or E-mail: *Antoinette.Carter@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No. 922 (7 CFR part 922), as amended, regulating the handling of apricots grown in designated counties in Washington, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, apricot handlers in designated counties in Washington are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as proposed herein would be applicable to all assessable Washington apricots beginning April 1, 2010, and continue until amended, suspended, or terminated.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule would increase the assessment rate established for the Committee for the 2010–11 and subsequent fiscal periods from $1.00 to $1.50 per ton for Washington apricots handled under the order.

The order provides authority for the Committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of apricots in designated counties in Washington. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed at a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2009–10 and subsequent fiscal periods, the Committee recommended, and the USDA approved, an assessment rate of $1.00 per ton of apricots handled. This rate continues in effect from fiscal period to fiscal period unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other information available to USDA.

The Committee met on May 19, 2010, and unanimously recommended 2010–11 expenditures of $8,145. In comparison, last year's budgeted expenditures were $7,843. In addition, the Committee recommended that the $1.00 per ton assessment rate be increased by $0.50 to $1.50 per ton of apricots handled. Committee members reported that apricot production this season may be lower than that of last season since portions of the Washington apricot production area experienced

freezing weather in October 2009, and high winds in April of this year. As a result, the Committee has estimated that shipments of fresh apricots will approximate 5,550 tons this season—somewhat less than the 6,860 tons of fresh apricots reported last season. The Committee thus recommended that the assessment rate be increased by $0.50 to help ensure that budgeted expenses are adequately covered.

The major expenditures recommended by the Committee for the 2010–11 fiscal period include $4,800 for the management fee, $1,300 for Committee travel, $100 for compliance, $750 for the annual audit review, and $1,195 for equipment maintenance, insurance, bonds, and miscellaneous expenses. In comparison, major expenditures for the 2009–10 fiscal period included $4,800 for the management service fee, $1,000 for travel, $100 for compliance, and $1,943 for audits, insurance and bonds, equipment maintenance and miscellaneous expenses.

The assessment rate recommended by the Committee was derived by dividing the anticipated expenses of $8,145 by the projected 2010 apricot production of 5,550 tons. Applying the $1.50 per ton recommended assessment rate to this crop estimate should provide $8,325 in assessment income. Funds in the Committee's monetary reserve are projected to be $7,854 on March 31, 2011. This is within the order's limit of approximately one fiscal period's operational expenses.

The proposed assessment rate would continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate would be effective for an indefinite period, the Committee would continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of the Committee's meetings are available from the Committee or USDA. The Committee's meetings are open to the public and interested persons may express their views at these meetings. USDA would evaluate the Committee's recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking would be undertaken as necessary. The Committee's 2010–11 budget and those for subsequent fiscal periods would be reviewed and, as appropriate, approved by USDA.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 94 apricot producers within the regulated production area and approximately 22 regulated handlers. Small agricultural producers are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than $750,000, and small agricultural service firms are defined as those whose annual receipts are less than $7,000,000.

The Washington Agricultural Statistics Service reported that the total 8,500 ton Washington apricot utilization (including both fresh and processed markets) in 2009 sold for an average of $888 per ton. The total 2009 farm-gate value was approximately $7,551,000. Based on the number of producers in the production area (94), the average annual producer revenue from the sale of apricots in 2009 can thus be estimated at approximately $80,330. In addition, based on information from the Committee and USDA's Market News Service, 2009 f.o.b. prices for WA No. 1 apricots ranged from $14.00 to $24.00 per 24-pound loose-pack container, and from $12.00 to $22.00 for 2-layer tray pack containers. The average 2009 price across all sizes and packs was $17.50, with an estimated industry gross intake of approximately $10,913,636 in f.o.b. receipts for the 2009 crop—leaving average receipts for each of the 22 handlers well below the SBA's $7,000,000 threshold for small businesses. Therefore, the majority of producers and handlers of Washington apricots may be classified as small entities.

This rule would increase the assessment rate established for the Committee and collected from handlers for the 2010–11 and subsequent fiscal periods from $1.00 to $1.50 per ton for apricots handled under the order's authority. The Committee also unanimously recommended 2010–11 expenditures of $8,145. With a 2010–11 Washington apricot crop estimate of 5,550 fresh market tons, the Committee anticipates assessment income of about $8,325. The Committee recommended the assessment rate increase to help ensure that budgeted expenses are adequately covered.

The major expenditures recommended by the Committee for the 2010–11 fiscal period include $4,800 for the management fee, $1,300 for Committee travel, $100 for compliance, $750 for the annual audit review, and $1,195 for equipment maintenance, insurance, bonds, and miscellaneous expenses. In comparison, major expenditures for the 2009–10 fiscal period included $4,800 for the management service fee, $1,000 for travel, $100 for compliance, and $1,943 for audits, insurance and bonds, equipment maintenance and miscellaneous expenses. Funds in the Committee's monetary reserve are projected to be $7,854 on March 31, 2011. This is within the order's limit of approximately one fiscal period's operational expenses.

The Committee discussed alternatives to this recommended assessment increase. Leaving the assessment rate at the current $1.00 per ton would earn the Committee $5,550, an amount considerably less than the 2010 budgeted expenditures of $8,145. This would have significantly depleted the Committee's reserves, and thus was not seriously considered. The Committee did not consider an assessment rate greater than $1.50.

A review of historical crop and price information, as well as preliminary information pertaining to the upcoming crop year indicates that the producer price for the 2010–11 season could average about $1,000 per ton for fresh Washington apricots. Therefore, the estimated assessment revenue for the 2010–11 fiscal period as a percentage of total producer revenue is 0.15 percent for Washington apricots.

This action would increase the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to producers. However, these costs would be offset by the benefits derived by the operation of the order.

The Committee's meeting was widely publicized throughout the Washington apricot industry and all interested persons were invited to attend and participate in Committee deliberations

on all issues. Like all Committee meetings, the May 19, 2010, meeting was a public meeting and all entities, both large and small, were able to express views on the issues. Additionally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

This proposed rule would impose no additional reporting or recordkeeping requirements on either small or large Washington apricot handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. Additionally, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

AMS is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/AMSv1.0/ams.fetchTemplateData.do?template=TemplateN&page=MarketingOrdersSmallBusinessGuide.* Any questions about the compliance guide should be sent to Antoinette Carter at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 15-day comment period is provided to allow interested persons to respond to this proposed rule. Fifteen days is deemed appropriate because: (1) The 2010–11 fiscal period began on April 1, 2010, and the order requires that the assessment rate for each fiscal period apply to all assessable apricots handled during such fiscal period; (2) the Washington apricot harvest and shipping season is expected to begin as early as the last week of June; (3) the Committee needs to have sufficient funds to pay its expenses, which are incurred on a continuous basis; and (4) handlers are aware of this action, which was recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years.

List of Subjects in 7 CFR Part 922

Apricots, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 922 is proposed to be amended as follows:

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

1. The authority citation for 7 CFR part 922 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 922.235 is revised to read as follows:

§ 922.235 Assessment rate.

On or after April 1, 2010, an assessment rate of $1.50 per ton is established for the Washington Apricot Marketing Committee.

Dated: June 25, 2010.

Rayne Pegg,

Administrator, Agricultural Marketing Service.

[FR Doc. 2010–15941 Filed 6–29–10; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 742 and 774

[Docket No. 080724907–91435–01]

RIN 0694–AE44

Addition of New Export Control Classification Number 6A981 Passive Infrasound Sensors to the Commerce Control List of the Export Administration Regulations, and Related Amendments

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Proposed rule, request for comments.

SUMMARY: The Bureau of Industry and Security proposes to amend the Export Administration Regulations (EAR) by adding Export Control Classification Number (ECCN) 6A981 to the Commerce Control List (CCL) to control passive infrasound sensors because of their military and commercial utility. Items under this new ECCN will be controlled for Regional Stability (RS) and Anti-Terrorism (AT) reasons. In addition, BIS proposes to control technology and software for the development, production, or use of these items for RS and AT reasons under revised ECCNs 6D991 and 6E991, respectively.

DATES: Comments must be received by August 30, 2010.

ADDRESSES: You may submit comments, identified by RIN–AE44 by any of the following methods:

E-mail: publiccomments@bis.doc.gov or via *www.regulations.gov.* Include "RIN–AE44" in the subject line of the message.

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

Mail or Hand Deliver/Courier: Sharron Cook, U.S. Department of Commerce, Bureau of Industry and Security, Regulatory Policy Division, 14th St. & Pennsylvania Ave., NW., Room 2705, Washington, DC 20230, *Attn:* RIN–AE44.

Send comments regarding the collection of information associated with the rule, including suggestions for reducing the burden, to Jasmeet Seehra, Office of Management and Budget (OMB), by e-mail to *jseehra@omb.eop.gov,* or by fax to (202) 395–7285; and to the U.S. Department of Commerce, Bureau of Industry and Security, Regulatory Policy Division, 14th St. & Pennsylvania Ave., NW., Room 2705, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: James Thompson, Sensors and Aviation Division, Bureau of Industry and Security, *Telephone:* (202) 482–4252.

SUPPLEMENTARY INFORMATION:

Background

The Bureau of Industry and Security proposes to amend the Export Administration Regulations (EAR) by imposing new foreign policy export and reexport controls on certain infrasound sensors (*i.e.,* sensors capable of detecting sound from 0.01 to 16 Hertz).

Infrasound sensors are used by the oil exploration industry, meteorologists, seismologists, and the military to detect natural or man-made infrasound sources including earthquakes, volcanic eruptions, rocket launch, and/or nuclear explosions.

Passive infrasound sensors, which possess civil and military utility, are not currently specified in the CCL, but similar sensors are subject to the EAR. Today's passive infrasound sensors have updated electronics, which increase their sensitivity and allow the detection of additional infrasound sources. Because of the enhanced capabilities of current sensors, these passive infrasound sensors have military and commercial applications, and therefore should be controlled under the EAR for regional stability (RS) and antiterrorism (AT) reasons.

BIS proposes to amend the EAR, Supplement No. 1 to Part 774 (Commerce Control List), Category 6 (Sensors and Lasers) by adding Export Control Classification Number (ECCN) 6A981. This new ECCN 6A981 would be controlled for RS and AT reasons and

would have the following control parameters; "Sensors designed to measure pressure whose 3 dB bandwidth intersects any part of the infrasound band of 0.01–16 Hz and have a sensor band-limited root mean squared (RMS) self-noise from 0.5–2Hz less than 0.15 milliPascals, which is equivalent to an average of –77 dB (relative to 1 Pa∧2/Hz) across the 0.5–2Hz band."

BIS proposes to require a license for the export and reexport of these sensors to countries with an X in the box under RS Column 2 and AT Column 1 on the Commerce Country Chart (*See* Supplement No. 1 to Part 738 of the EAR.) There may be license exceptions available for export of these items under certain circumstances (License Exceptions GOV, TMP, RPL, TSU, BAG, and APR).

This rule also proposes to revise the headings of ECCNs 6E001 and 6E002 to make clear that ECCN 6A981 is excluded from the scope of these entries. In addition, this rule proposes to revise the headings and license requirements sections of ECCNs 6D991 and 6E991 in order to add RS and AT controls for development, production or use technology and software for equipment under ECCN 6A981.

All other license requirements of the EAR that are applicable to a transaction involving these sensors would also apply to items controlled by new ECCN 6A981 (*e.g.,* end-user and end-use based license requirements set forth in Part 744 of the EAR).

Since August 21, 2001, the Export Administration Act of 1979, as amended, has been in lapse. However, the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 13, 2009 (74 FR 41325 (August 14, 2009)), has continued the EAR in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701–1707).

Request for Public Comments

BIS is requesting public comment on the possible impact of this proposed rule. As these sensors are not currently described on the Commerce Control List (CCL), it is difficult for BIS to determine how many U.S. companies manufacture these sensors and would be impacted by this new control. Therefore BIS is seeking specific information about the impact of this proposed rule, as follows:

1. Whether your company manufactures parts, software, or technology that would be controlled if this rule was to be promulgated.

2. What the end-use is for the sensors your company manufactures.

3. What the typical end-uses are for these sensors, other than those end-uses described in this proposed rule.

4. Whether the parameters set forth in this rule are appropriate to control sensors that could be used to detect rocket launch and/or nuclear explosions, or whether the parameters are overly broad. If the controls are overly broad, could the parameters be narrowed to capture sensors that BIS is interested in controlling.

5. Whether there is foreign availability for these sensors. If foreign availability does exist, it would be helpful if your company could provide BIS with the URLs referencing these sensors on foreign Web sites or other foreign marketing material.

Rulemaking Requirements

1. This proposed rule has been determined to be not significant for purposes of E.O. 12866.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This rule contains a collection of information subject to the requirements of the PRA. This collection has previously been approved by OMB under Control Number 0694–0088 (Multi-Purpose Application), which carries a burden hour estimate of 58 minutes to prepare and submit form BIS–748. This rule is not expected to result in any change for collection purposes. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Jasmeet Seehra, Office of Management and Budget (OMB), and to the Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, as indicated in the **ADDRESSES** section of this rule.

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

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this proposed rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. 553 or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) are not applicable.

List of Subjects

15 CFR Part 742

Exports, Terrorism.

15 CFR Part 774

Exports, Reporting and recordkeeping requirements.

Accordingly, Parts 742 and 774 of the Export Administration Regulations (15 CFR Parts 730–774) are proposed to be amended as follows:

PART 742—[AMENDED]

1. The authority citation for part 742 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; Sec 1503, Pub. L. 108–11, 117 Stat. 559; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Presidential Determination 2003–23 of May 7, 2003, 68 FR 26459, May 16, 2003; Notice of August 13, 2009, 74 FR 41325 (August 14, 2009); Notice of November 6, 2009, 74 FR 58187 (November 10, 2009).

§ 742.6 [Amended]

2. Section 742.6 is amended by revising paragraph (a)(4)(i) to read as follows:

§ 742.6 Regional Stability.

(a) * * *

(4) RS Column 2 license requirements—(i) License Requirements Applicable to Most RS Column 2 Items. As indicated in the CCL and in RS Column 2 of the Commerce Country Chart (see Supplement No. 1 to part 738 of the EAR), a license is required to any destination except Australia, Japan, New Zealand, and countries in the North Atlantic Treaty Organization (NATO) for items described on the CCL under ECCNs 0A918, 0E918, 1A004.d, 1D003 (software to enable equipment to perform the functions of equipment controlled by 1A004.d), 1E001 (technology for the development, production, or use of 1A004.d), 2A983, 2A984, 2D983, 2D984, 2E983, 2E984,

6A981, 6D991 (only "software" for the "production", "development", or "use" of commodities in ECCN 6A981), 6E991 (only for "technology" for the "production, "development", or "use" of commodities in ECCN 6A981), 8A918, and for military vehicles and certain commodities (specially designed) used to manufacture military equipment, described on the CCL in ECCNs 0A018.c, 1B018.a, 2B018, 9A018.a and .b, 9D018 (only software for the "use" of commodities in ECCN 9A018.a and .b), and 9E018 (only technology for the "development", "production", or "use" of commodities in 9A018.a and .b).

* * * * *

PART 774—[AMENDED]

3. The authority citation for part 774 continues to read as follows:

Authority: 50 U.S.C. app. 2401 et seq.; 50 U.S.C. 1701 *et seq.;* 10 U.S.C. 7420; 10 U.S.C. 7430(e); 22 U.S.C. 287c, 22 U.S.C. 3201 et seq., 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 13, 2009, 74 FR 41325 (August 14, 2009).

Supplement No. 1 to Part 774—[Amended]

4. In Supplement No. 1 to Part 774 (the Commerce Control List) Category 6 is amended by adding Export Control Classification Number (ECCN) 6A981 after ECCN 6A226 to read as follows:

Supplement No. 1 to Part 774—The Commerce Control List

* * * * *

6A981 Passive infrasound sensors, as follows (see List of Items Controlled).

License Requirements

Reason for Control: RS, AT

Control	*Country chart*
RS applies to entire entry.	RS Column 2.
AT applies to entire entry.	AT Column 1.

License Exceptions

LVS: N/A
GBS: N/A
CIV: N/A

List of Items Controlled

Unit: Number
Related Controls: N/A
Related Definitions: N/A
Items:

a. Sensors designed to measure pressure whose 3 dB bandwidth intersects any part of the infrasound band of 0.01–16 Hz and have a sensor band-limited root mean squared (RMS) self-noise from 0.5–2 Hz less than 0.15 milliPascals, which is equivalent to an average of −77 dB (relative to 1 Pa∧2/Hz) across the 0.5–2 Hz band.

b. [RESERVED]

* * * * *

5. In Supplement No. 1 to Part 774 (the Commerce Control List) Category 6 is amended by revising the Heading and the License Requirements section of ECCN 6D991 to read as follows:

6D991 "Software" specially designed for the "development", "production", or "use" of equipment controlled by 6A002.e, 6A981, 6A991, 6A996, 6A997, or 6A998.

License Requirements

Reason for Control: RS, AT

Control(s)	*Country chart*
RS applies to "software" for equipment controlled by 6A002.e or 6A998.b.	RS Column 1.
RS applies to "software" for equipment controlled by 6A981.	RS Column 2.
AT applies to entire entry, except "software" for equipment controlled by 6A991.	AT Column 1.
AT applies to "software" for equipment controlled by 6A991.	AT Column 2.

* * * * *

6. In Supplement No. 1 to Part 774 (the Commerce Control List) Category 6 is amended by revising the Heading of ECCN 6E001 to read as follows:

6E001 "Technology" according to the General Technology Note for the "development" of equipment, materials or "software" controlled by 6A (except 6A981, 6A991, 6A992, 6A994, 6A995, 6A996, 6A997, or 6A998), 6B (except 6B995), 6C (except 6C992 or 6C994), or 6D (except 6D991, 6D992, or 6D993).

* * * * *

7. In Supplement No. 1 to Part 774 (the Commerce Control List) Category 6 is amended by revising the Heading of ECCN 6E002 to read as follows:

6E002 "Technology" according to the General Technology Note for the "production" of equipment or materials controlled by 6A (except 6A981, 6A991, 6A992, 6A994, 6A995, 6A996, 6A997 or 6A998), 6B (except 6B995) or 6C (except 6C992 or 6C994).

* * * * *

8. In Supplement No. 1 to Part 774 (the Commerce Control List) Category 6 is amended by revising the Heading and the License Requirements section of ECCN 6E991 to read as follows:

6E991 "Technology" for the "development", "production" or "use" of equipment controlled by 6A981, 6A991, 6A996, 6A997, or 6A998.

License Requirements

Reason for Control: RS, AT

Control(s)	*Country chart*
RS applies to "technology" for equipment controlled by 6A998.b.	RS Column 1.
RS applies to "technology" for equipment controlled by 6A981..	RS Column 2.
AT applies to entire entry except "technology" for equipment controlled by 6A991.	AT Column 1.
AT applies to "technology" for equipment controlled by 6A991.	AT Column 2.

* * * * *

Dated: June 25, 2010.

Kevin J. Wolf,

Assistant Secretary for Export Administration.

[FR Doc. 2010–15928 Filed 6–29–10; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 902

50 CFR Part 660

[Docket No. 100212086–0210–01]

RIN 0648–AY68

Fisheries off West Coast States; Pacific Coast Groundfish Fishery Management Plan; Amendments 20 and 21; Trawl Rationalization Program; Correction

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

ACTION: Proposed rule; correction.

SUMMARY: NMFS is correcting dates referenced in the preamble to the proposed rule for Amendments 20 and 21 to the Pacific Coast Groundfish Fishery Management Plan (FMP), which published in the **Federal Register** on June 10, 2010. The dates being corrected refer to the decision date for the FMP amendments and the end date for the public comment period on the two amendments. Amendment 20 would establish a trawl rationalization program for the Pacific Coast groundfish fishery. Amendment 21 would establish fixed allocations for limited entry (LE) trawl participants.

DATES: Effective June 10, 2010.

FOR FURTHER INFORMATION CONTACT: Jamie Goen, 206–526–4656; (fax) 206–526–6736; Jamie.Goen@noaa.gov.

SUPPLEMENTARY INFORMATION:

Need for Correction

Some dates referenced in the preamble to the proposed rule for the trawl rationalization program (75 FR 32994, June 10, 2010) regarding the decision date for the FMP amendments and the end date for the public comment period need to be corrected. In two places in the preamble to the proposed rule, NMFS had instructed the **Federal Register** to "Insert date XX days after date of publication of the NOA in the FEDERAL REGISTER." The **Federal Register** inserted dates that were calculated from the proposed rule rather than the notice of availability (NOA) (75 FR 26702, May 12, 2010). NMFS has since learned that the **Federal Register** cannot calculate dates between two publications; in this case, between the NOA and the proposed rule. The erroneous dates show up on page 32994 of the published proposed rule as September 8, 2010, and August 9, 2010. They should read August 10, 2010, and July 12, 2010, respectively.

Accordingly, the preamble to the proposed rule, published on June 10, 2010, at 75 FR 32994, on page 32994, third column, second paragraph after "Electronic Access," is corrected to read as follows:

"Although this proposed rule would implement only certain portions of Amendments 20 and 21, NMFS is reviewing both Amendments 20 and 21 in their entirety. On May 12, 2010, NMFS published a notice of availability of Amendments 20 and 21, and—consistent with requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA)—must make a decision to approve, disapprove, or partially approve the amendments by August 10, 2010. Comments on the approvability of the amendments must be submitted to NMFS by July 12, 2010. This preamble provides information about the full contents of each amendment for the purposes of promoting informed public comment. Detailed provisions regarding features of the proposed rule are provided where applicable. In addition, section IV of this preamble highlights what the main regulatory changes would be."

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

Dated: June 24, 2010

Samuel D. Rauch III,

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

[FR Doc. 2010–15932 Filed 6–29–10; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 100526227–0256–01]

RIN 0648–AY71

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Surfclam and Ocean Quahog Fishery

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to open a portion of the Georges Bank (GB) Closed Area to the harvest of Atlantic surfclams and ocean quahogs, which has been closed since 1990 due to the presence of toxins known to cause paralytic shellfish poisoning (PSP). The U.S. Food and Drug Administration (FDA) has indicated that recent testing of clams collected from this portion of the GB Closed Area, known as Cultivator Shoal, has demonstrated that PSP toxin levels are well below the regulatory limit established for public health safety. As a result, the FDA has determined that harvesting of surfclams and ocean quahogs for human consumption, within this portion of the GB Closed Area, is safe.

DATES: Written comments must be received no later than 5 p.m. eastern standard time, on July 30, 2010.

ADDRESSES: You may submit comments, identified by RIN number 0648–AY71, by any of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal e-Rulemaking portal http://www.regulations.gov.
- Fax: (978) 281–9135, Attn: Anna Macan.
- Mail: Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope: "Comments on Proposed Opening of GB PSP Closed Area."

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

NMFS will accept anonymous comments. Attachments to electronic comments will be accepted via Microsoft Word, Microsoft Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Anna Macan, Fishery Management Specialist, phone (978) 281–9165, fax (978) 281–9135.

SUPPLEMENTARY INFORMATION:

Background

The GB Closed Area, located in the Exclusive Economic Zone east of 69°00′ W. longitude and south of 42°20′ N. latitude (see attachment), has been closed to the harvest of surfclams and ocean quahogs since 1990 due to red tide blooms that cause PSP. The closure was implemented based on advice from the FDA, after samples tested positive for toxins (saxotoxins) that cause PSP. PSP toxins are produced by the alga, *Alexandrium fundyense*, that can form blooms commonly referred to as red tides, or harmful algal blooms (HABs), and can produce toxins that accumulate in water column filter-feeding shellfish. Shellfish contaminated with the toxin, if eaten in large enough quantity, can cause illness or death in humans.

Due to inadequate testing or monitoring of the GB Closed Area for the presence of PSP-causing toxins, the closure was made permanent in 1999, under Amendment 12 to the Surfclam and Ocean Quahogs Fishery Management Plan (FMP). In addition, NMFS also established temporary PSP closure areas, specified at § 648.14(a)(10)(iii) and (iv), that have been in effect since 2005. NMFS has relied on the FDA's advice to open/close

or shift these temporary PSP closure areas. Since the implementation of the permanent closure, NOAA's National Ocean Service (NOS) has provided grants to the FDA; the states of Maine, New Hampshire, and Massachusetts; and a clam industry representative to collect water and shellfish samples from Federal waters off of southern New England. The FDA, in consultation with NMFS and several states, also developed the Protocol for Onboard Screening and Dockside Testing in Molluscan Shellfish (Protocol) that is designed to test and verify that clams harvested from the GB are safe. NMFS first issued an Exempted Fishing Permit (EFP) on January 9, 2008, to Truex Enterprises of New Bedford, MA, to allow for testing the efficacy of harvesting surfclams and ocean quahogs from a portion of the GB Closed Area using the Protocol. The EFP was subsequently renewed on January 22, 2009, and December 10, 2009. As of May 6, 2010, five commercial Surfclam trips for the 2010 fishing year have been conducted under the EFP, in which at-sea and dockside sampling conducted in accordance with the Protocol tested negative for PSP toxin levels, thus permitting the surfclams harvested from these trips to enter the food market.

On January 21, 2010, NMFS received a letter from the FDA requesting NMFS open a portion of the GB Closed Area, as specified at 50 CFR 648.73(a), to the harvest of surfclams and ocean quahogs for human consumption. The FDA has indicated that recent testing of clams from this portion of the GB Closed Area, known as Cultivator Shoal, has demonstrated that PSP toxin levels are well below the regulatory limit established for public health safety. This information contributed to the FDA's determination that harvesting of surfclams and ocean quahogs for human consumption from the area described below is safe.

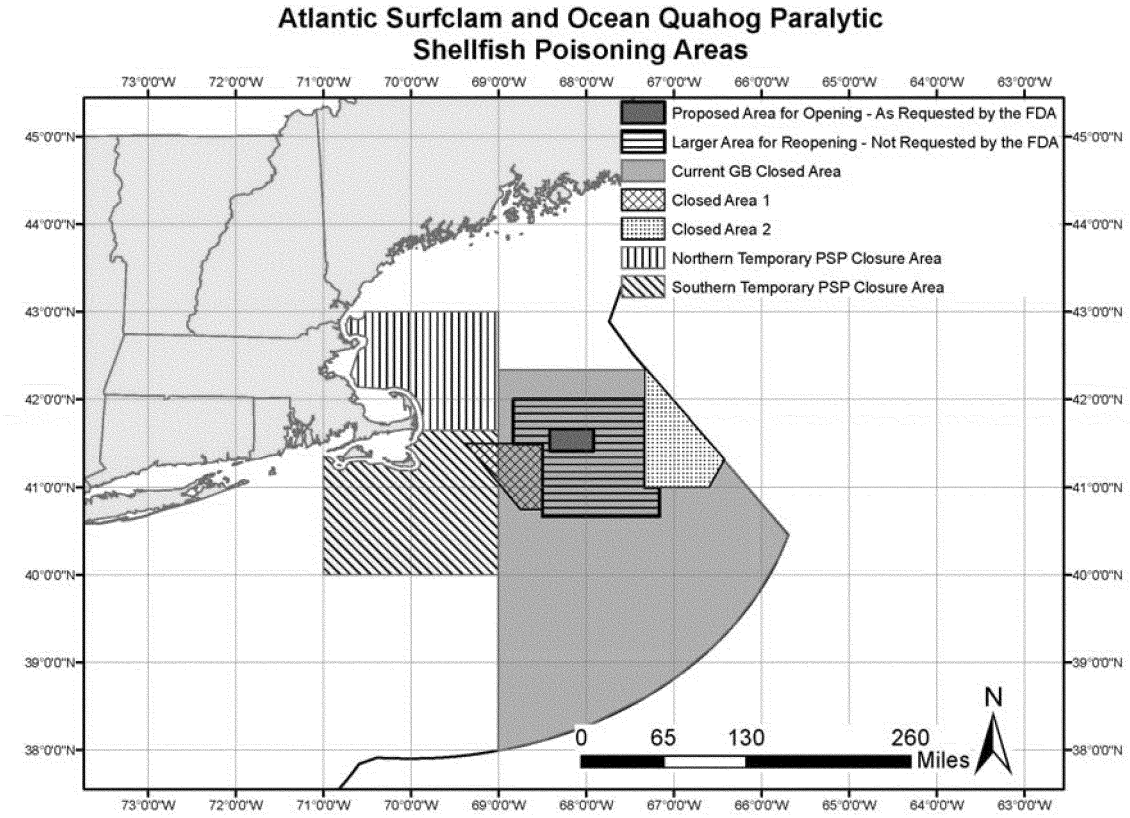
The FDA requests, and NMFS proposes, to open the Federal waters, bounded by the coordinates listed in the Table 1. The remaining portion of the GB Closure Area would remain closed.

BILLING CODE 3510–22–S

Table 1: Coordinates of Proposed Opening of GB Area

Point	Latitude	Longitude
1	41° 40' N	68° 25' W
2	41° 40' N	67° 55' W
3	41° 39' N	67° 55' W
4	41° 39' N	68° 25' W

Figure 1: Chart Depicting Proposed Opening of GB Area



BILLING CODE 3510–22–C

About a month after NMFS received the letter from the FDA, NOS issued a forecast, on February 24, 2010, that the NOAA-funded Gulf of Maine Toxicity Project predicted a larger regional HAB for the spring and summer of 2010. NMFS, however, defers to the FDA in matters of the public health and has relied on their advice to initially implement the GB Closure, and has also been relying on the FDA's advice to open/close or shift the temporary PSP closure areas specified at § 648.14(a)(10)(iii) and (iv) that have been in effect since 2005. Since NMFS defers to the FDA in matters of the public health, NMFS proposes to open the portion of the GB Closed Area, known as Cultivator Shoal, to the harvest of surfclams and ocean quahogs, under its authority at § 648.73(c). NMFS will, however, continue to observe the NOS forecast and, in addition to seeking public comment, will consult with both the FDA and NOS prior to making a final decision on whether to re-open this area.

In addition, while NMFS proposes to re-open a portion of the GB Closed Area as requested by the FDA, NMFS also recognizes that red-tide events can vary inter-annually. For that reason, NMFS has prepared an environmental assessment (EA), which analyzes the proposed re-opening and an additional larger area within the GB Closed Area, to cover the possibility that the FDA's proposed opening could shift or vary, depending on a change in conditions. Given the temporal nature of PSP conditions, NMFS is seeking public comment on whether this proposed opening should be made effective.

Classification

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

NMFS prepared a draft Environmental Assessment (EA) for this action, which analyzes the impacts of this proposed rule. A copy of the draft EA is available from the Federal e-Rulemaking portal *http://www.regulations.gov*. Type "NOAA-NMFS–2010–0104" in the Enter Keyword or ID field and click search. A copy of the EA is also available upon request from NMFS Northeast Regional Administrator, Patricia A. Kurkul (see **ADDRESSES**).

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

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities.

The proposed measures could affect any vessel holding an active Federal open access surfclam and/or ocean quahog permit. In 2009, there were 47 Federal open-access surfclam and/or ocean quahog permitted vessels that landed surfclams and/or ocean quahogs. All of these vessels fall within the definition of a small business. This action proposes to open an area that has previously been closed. Since the area is well offshore, it is likely that the larger vessels (i.e., vessels greater than 90 ft (27.43 meters) in length) would more likely target the surfclams and ocean quahogs from the GB Closed Area. The surfclam and ocean quahog fishery is managed under an Individual Transferable Quota (ITQ) system, and since overall quotas are not being changed as a result of this action, there would be no net change in harvest. Participating vessels, regardless of size, would still be able to fish in any of the existing areas open to the harvest of surfclams and ocean quahogs. Those vessels that may fish in the area proposed to be opened may experience increased operational costs, if they choose to fish there, however, these costs, may be offset due to increased productivity in effort because of greater abundance of surfclams and ocean quahogs in the GB Closed Area. In addition, for the past 3 years, NMFS has issued an Exempted Fishing Permit (EFP) for one vessel to harvest surfclams using the FDA-approved Protocol for Onboard Screening and Dockside Tesing in Molluscan Shellfish. Since NMFS has issued an EFP to harvest surfclams within the GB Closed Area, and given their higher value, it is likely that vessels would continue this trend in targeting surfclams from the GB Closed Area. Due to the seasonal variability of PSP toxin levels, it is likely that any or all of the areas associated with this action may open or close based on PSP conditions. Given this uncertainty as to whether the area will remain open, it is not anticipated that there would be an increase in participation in the fishery due to the opening of this area.

Therefore, because this action only proposes to re-open an area that has previously been closed, and because no net change in fishing effort or participation in the fishery is expected, this action will not have a significant economic effect on a substantial number of small entities.

As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: June 23, 2010

Eric C. Schwaab,

Assistant Administrator For Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

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

2. In § 648.73. paragraph (a)(4) is revised to read as follows:

§ 648.73 Closed areas.

(a) ***

(4) *Georges Bank*. The paralytic shellfish poisoning (PSP) contaminated area, which is located in Georges Bank, and is located east of 69° W. longitude, and south of 42°20′ N. latitude is closed to the harvest of surfclams and ocean quahogs, except for the areas bounded by the following coordinates in the order stated:

(i) 41° 40′ N. lat., 68° 25′ W. long.;

(ii) 41° 40′ N. lat., 67° 55′ W. long.;

(iii) 41° 39′ N. lat., 67° 55′ W. long;

(iv) 41° 39′ N. lat., 68° 25′ W. long.;

and then ending at the first point.

* * * * *

[FR Doc. 2010–15770 Filed 6–29–10; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register
Vol. 75, No. 125
Wednesday, June 30, 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 Research Service

Notice of Intent To Request an Extension of a Currently Approved Information Collection

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Agricultural Research Service's (ARS) intention to request an extension of a currently approved information collection, Form AD–761, USDA Patent License Application for Government Invention that expires October 29, 2010.

DATES: Comments must be received on or before September 3, 2010.

ADDRESSES: Comments may be sent to June Blalock, USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Room 4–1174, Beltsville, Maryland 20705–5131; Telephone Number 301–504–5989.

FOR FURTHER INFORMATION CONTACT: June Blalock, USDA, ARS, Office of Technology Transfer, 301–504–5989.

SUPPLEMENTARY INFORMATION:

Title: USDA Patent License Application for Government Invention.

OMB Number: 0518–0003.

Expiration Date of Approval: October 29, 2010.

Type of Request: To extend a currently approved information collection.

Abstract: The USDA patent licensing program grants patent licenses to qualified businesses and individuals who wish to commercialize inventions arising from federally supported research. The objective of the program is to use the patent system to promote the utilization of inventions arising from such research. The licensing of federally owned inventions must be done in accordance with the terms, conditions and procedures prescribed under 37 CFR part 404. Application for a license must be addressed to the Federal agency having custody of the invention. Licenses may be granted only if the license applicant has supplied the Federal agency with a satisfactory plan for the development and marketing of the invention and with information about the applicant's capability to fulfill the plan. 37 CFR 404.8 sets forth the information which must be provided by a license applicant. For the convenience of the applicant, USDA has itemized the information needed on Form AD–761, and instructions for completing the form are provided to the applicant. The information submitted is used to determine whether the applicant has both a complete and sufficient plan for developing and marketing the invention and the necessary manufacturing, marketing, technical and financial resources to carry out the submitted plan.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 3 hours per response.

Description of Respondents: Businesses or other for profit individuals.

Estimated Number of Respondents: 75.

Frequency of Responses: One time per invention.

Estimated Total Annual Burden on Respondents: 225 hours.

This data will be collected under the authority of 44 U.S.C. #3506(c)(2)(A).

Copies of this information collection and related instructions can be obtained without charge from June Blalock, USDA, ARS, Office of Technology Transfer by calling 301–504–5989.

Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses.

Comments may be sent to USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Room 4–1174, Beltsville, Maryland 20705–5131. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Richard J. Brenner,

Assistant Administrator.

[FR Doc. 2010–15815 Filed 6–29–10; 8:45 am]
BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Forest Service

White River National Forest, Colorado, Oil and Gas Leasing Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The White River National Forest (WRNF) is initiating the preparation of an environmental impact statement (EIS). The EIS will disclose the potential effects of a proposal to revise the existing WRNF 1993 Oil and Gas Leasing and Final EIS and Record of Decision. The proposed revision includes the following: Changing what lands will be available for oil and gas leasing; changing or adding stipulations to be attached to oil and gas leases for the protection of other resources; and amending the WRNF Land and Resource Management Plan 2002 Revision (Forest Plan) to incorporate the revised oil and gas leasing decision. The EIS will document changed conditions and new information since the WRNF 1993 Oil and Gas Leasing Final EIS and Record of Decision and incorporate that information into the analysis of potential effects of leasing on other resources. Changes in conditions and information since the 1993 leasing EIS and decision include the completion of the WRNF Forest Plan; new and improved oil and gas drilling, completion, and production technology; an increase in demand and public need for oil and natural gas; the increasing rate of oil and gas development adjacent

to and on the WRNF, and a projection of substantial increase in oil and gas development on the WRNF.

The EIS will address current applicable guidance, policy, regulation, and law pertinent to roadless areas, land ownership, and threatened, endangered, and sensitive species. The scope of the analysis is forest-wide.

DATES: Comments concerning the scope of the analysis must be received by July 30, 2010. The draft environmental impact statement is expected January 2011 and the final environmental impact statement is expected April 2011.

The public open house date is:

1. Wednesday, 14 July 2010, 2:30 p.m. to 8 p.m., Silt, CO.

ADDRESSES: Send written comments to: White River National Forest Oil and Gas Scoping, P.O. Box 1919, Sacramento, CA 95812; Submit electronic comments and other data to *WRNFoilandgas comments@fscomments.org.* See **SUPPLEMENTARY INFORMATION** for other information about electronic and fax filing.

The public meeting location is the following:

1. Silt, CO—Bureau of Land Management Colorado River Valley Field Office, Silt Conference Room, 2300 River Frontage Road, Silt, CO 81652.

For further information on this project please visit *http://www.fs.fed.us/r2/whiteriver/projects/.*

For additional information, mail correspondence to David Francomb, Leasable Minerals Program Manager, White River National Forest, 900 Grand Ave., P.O. Box 948, Glenwood Springs, Colorado 81602.

FOR FURTHER INFORMATION CONTACT: David Francomb, 970.945.3293.

SUPPLEMENTARY INFORMATION:

Need for Action

The White River National Forest (WRNF) issued its current oil and gas leasing availability decision in 1993 (Oil and Gas Leasing Final Environmental Impact Statement and Record of Decision). Since 1993, information and circumstances considered for that decision have changed, including the WRNF issuance of a revised Land and Resource Management Plan (LRMP), technological advances in oil and gas exploration and development that expand development potential of previously uneconomic resources, and increased level of projected oil and gas development activities on the WRNF. Consequently, the Forest Supervisor of the WRNF has identified a need to: (1) Revise the 1993 Oil and Gas Leasing Final Environmental Impact Statement and Record of Decision as necessary to address information and circumstances that are new and different from those analyzed for the existing (1993) oil and gas leasing decision; (2) Identify what NFS lands administered by the White River National Forest will continue to be available for oil and gas leasing and what lease stipulations should apply to those lands for the protection of other resources; (3) Amend the WRNF Land and Resource Management Plan—2002 Revision to ensure consistency with the oil and gas leasing analysis and decision; and (4) Produce an Environmental Impact Statement (EIS) that will support the BLM's independent decision to include NFS lands administered by the WRNF in future competitive oil and gas lease sales.

Purpose for Action

The purpose of the proposed action is to: (1) Ensure oil and gas leasing availability and lease stipulations are consistent with the WRNF Land and Resource Management Plan; (2) Ensure oil and gas leasing availability and lease stipulations are consistent with current applicable laws and regulations; (3) Enable the Forest Service and BLM to respond to Expressions of Interest for oil and gas leases representing the public's demand for energy, consistent with statutory and regulatory direction; (4) Fulfill the federal government's policy to "foster and encourage private enterprise in the development of economically sound and stable industries, and in the orderly and economic development of domestic resources to help assure satisfaction of industrial, security, and environmental needs" (Mining and Minerals Policy Act of 1970) while continuing to sustain the land's productivity for other uses and capability to support biodiversity goals (Forest Service Minerals Program Policy); and (5) Enable the BLM to fully exercise its discretionary authority to offer and issue leases on NFS lands administered by the WRNF.

Proposed Action

The Forest Service proposes to revise the existing 1993 Oil and Gas Leasing availability decision for the White River National Forest (WRNF). The Proposed Action makes revisions to the availability of NFS lands administered by the WRNF for oil and gas leasing and to the stipulations on lands available for lease in the Analysis Area. Lease stipulations are proposed only on lands identified as available for lease.

The Proposed Action includes the following: (1) Addressing information and circumstances that are new and different from those analyzed for the 1993 leasing decision; (2) Changing the 1993 leasing decision to identify 266,599 acres as administratively available for oil and gas leasing; (3) Attaching lease stipulations on future leases, where needed on lands identified as administratively available for leasing, for the purpose of protecting other resources including:—(a) No Surface Occupancy (NSO) stipulations for certain—Wallace Creek Wildlife Seclusion Area; raptor species breeding territories; threatened, endangered, proposed or candidate species populations and habitats; critical bighorn sheep habitats; Colorado River cutthroat and greenback trout habitat; Battlement Reservoir watershed; wetlands and fens; water influence zones; municipal supply watersheds; areas with known high and very high geologic instability and/or slopes > 50%; authorized sites and facilities; summer non-motorized recreation and special interest areas; very high and high scenic integrity objective areas; Research Natural Areas; and inventoried roadless areas; (b) Controlled Surface Use (CSU) stipulations for certain—big game production areas, summer concentration areas, and migration corridors; big game winter ranges; road density in watersheds with Colorado River cutthroat trout conservation populations; ground water resources; known and/or potential habitats for sensitive species; areas with potential for geologic instability and/or slopes 30% to 50%; areas with erodible soils; authorized sites and facilities; designated winter groomed routes under special use permit; moderate scenic integrity objective areas and scenic byways; high concern level travel routes; communication sites; and plant species of local concern; (c) Timing Limitations (TL) for certain—big game winter and summer concentration ranges; and raptor species breeding territories; (4) Changing the 1993 leasing decision to identify 1,159,796 acres as closed for oil and gas leasing through management direction; (5) Changing the 1993 leasing decision to identify 857,512 acres as legally closed for oil and gas leasing; (6) Amending the 2002 WRNF Forest Plan to incorporate the new leasing decision.

The proposed changes to the existing 1993 leasing decision brought forward in the Proposed Action will not affect the terms of existing leases. Existing leases will remain in effect, with their existing terms, until they are terminated, relinquished, or cancelled. Proposed land availability and lease

stipulation changes will affect only leases issued after the decision is implemented. The proposed changes will apply to new leases on lands that are currently leased after existing leases have been terminated, relinquished, or cancelled, and those lands are subsequently nominated for lease.

Possible Alternatives

(1) *No New Leasing*—Under this alternative, no NFS lands administered by the WRNF would be available in the future for oil and gas leasing. Operations on existing leases would continue under applicable lease terms, statutory and regulatory direction, and Forest Plan direction. Existing federal oil and gas leases on the WRNF that are not extended by production would terminate at the conclusion of their primary term, and those lands would not be available for further leasing. Implementation of this alternative would require a Forest Plan amendment to identify lands as closed to oil and gas leasing.

(2) *No Action (Current Management)*—This alternative would continue oil and gas leasing on the WRNF as directed by the RODs for the White River National Forest Oil and Gas Leasing EIS (May 26, 1993) and the Land and Resource Management Plan 2002 Revision (April 2, 2002).

Lead and Cooperating Agencies

The Forest Service is the lead agency. As the agency responsible for offering, selling, and issuing leases, the BLM will participate as a cooperating agency under a Memorandum of Understanding (MOU). Additionally, the United States Fish and Wildlife Service and the Colorado Department of Natural Resources will participate as cooperating agencies, under separate MOUs, to provide resource specific expertise when needed.

Responsible Official

The Forest Service responsible official is Scott Fitzwilliams, Forest Supervisor, White River National Forest, 900 Grand Avenue, P.O. Box 948, Glenwood Springs, Colorado 81602.

The BLM responsible official responsible is Jamie, C. Connell, District Manager, Northwest District Office, 2815 H Road, Grand Junction, Colorado 81506.

Nature of Decision To Be Made

The Forest Service will determine whether and how the current oil and gas leasing decision, as it relates to land availability and lease stipulations, should be changed based on current information and analysis. The Forest Supervisor will decide which lands administered by the WRNF will be administratively available for oil and gas leasing, which lands will be closed for oil and gas leasing through management direction or legal reasons, and what lease stipulations will be applied to future oil and gas leases for the protection of other resources [36 CFR 228.102(c)]. Subsequent to the Forest Supervisor's decision, the Regional Forester will authorize the BLM to offer specific lands for lease. When lands are nominated for leasing, the Forest Service will (1) Verify that leasing the specific lands has been adequately addressed in a NEPA document and is consistent with the Forest Plan, and that no significant new information or circumstances would require further environmental analysis; (2) ensure that conditions of surface occupancy are properly included as stipulations in resulting leases; and (3) determine that operations and development could be allowed somewhere on each proposed lease, except where stipulations will prohibit all surface occupancy [36 CFR 228.102(e)]. The BLM is responsible for offering, selling, and issuing oil and gas leases on NFS lands under the Mineral Leasing Act of 1920, as amended, and Federal Regulations at 43 CFR 3101.7. The BLM State Director must decide whether to offer for lease specific lands authorized for leasing by the WRNF, and must include Forest Service stipulations on any leases offered on NFS lands.

Scoping Process

The first formal opportunity to comment on the revised oil and gas leasing availability and stipulations proposal is during the scoping process (40 CFR 1501.7), which begins with the issuance of this Notice of Intent. The Forest Service requests comments on the nature and scope of the environmental, social, and economic issues, and possible alternatives related to oil and gas leasing on NFS lands administered by the WRNF. The Forest Service will work with tribal governments to address issues that would significantly or uniquely affect them.

One open house meeting is planned. The time the meeting will be held and the address of the meeting location are noted above under **DATES** and **ADDRESSES**. The meeting location at the Bureau of Land Management Silt Office can be reached from the Silt exit (#97) on Interstate 70. Exit onto 9th Street and proceed over the interstate headed south to the t-intersection. Take a left on River Frontage Road headed east for about 1 mile to the BLM Silt Office on the right, after the Holiday Inn Express Hotel. Further information regarding this meeting will be posted on the WRNF Web site at *http://www.fs.fed.us/r2/whiteriver/projects* as it becomes available.

Comment Requested

This Notice of Intent initiates the scoping process that guides the development of the WRNF Oil and Gas Leasing Revision. Through the 1993 Oil and Gas Leasing EIS and decision and Forest Plan efforts, the WRNF has an understanding of the broad range of perspectives on the resource issues and social values attributed to resource activities on the WRNF. Consequently, site-specific comments or concerns are the most important types of information needed for this EIS.

Send written comments to the address noted above under **ADDRESSES**. Send electronic comments to: *WRNFoiland gascomments@fscomments.org* with the subject clearly titled "WRNF Oil and Gas Leasing EIS". Comments must include the full name and physical mailing address of the commenter, and should indicate whether the commenter would like to be informed of the availability of the Oil and Gas Leasing EIS. Submit faxed comments to 916.456.6724.

Early Notice of Importance of Public Participation in Subsequent Environmental Review

A draft environmental impact statement will be prepared for comment. The comment period on the DEIS is expected to be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**. The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court

rulings, it is very important that those interested in this proposed action participate by the close of the scoping comment period, 1 March 2010, so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement. To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments should be as specific as possible.

Comments received, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection.

Authority: 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21.

Dated: June 24, 2010.

Scott Fitzwilliams,

Forest Supervisor.

[FR Doc. 2010–15871 Filed 6–29–10; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2010–0019]

Measuring Progress on Food Safety: Current Status and Future Directions; Public Meeting

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: This notice is announcing that the Food Safety and Inspection Service (FSIS), the Food and Drug Administration (FDA), and the Centers for Disease Control and Prevention (CDC), are jointly hosting two public meetings to obtain stakeholder input. The first is on July 21, 2010, in Chicago, IL. The second will be held on October 20, 2010, in Portland, OR. The Agencies are requesting information from all stakeholders, including the regulated food industry, State regulators, and consumer groups, on appropriate metrics to be used to assess performance in food safety. The Agencies are also interested in input on stakeholders' understanding and perceptions of metrics currently being used by the Federal Agencies. Although the Agencies are primarily interested in obtaining stakeholder input, the Agencies will present a limited amount of background on the Food Safety Working Group's charge to create meaningful metrics to measure the effectiveness of the Nation's food safety system and the Agency's current thinking on these issues.

DATES: The public meetings will be held on Wednesday, July 21, 2010, 9 a.m. to 5 p.m. in Chicago, IL, and on October 20, 2010, 9 a.m. to 5 p.m. in Portland, OR.

Any changes to public meeting dates, times, location, and agenda will be posted on the FSIS Web site and announced in the Agency's Constituent Update.

For Registration Information Contact: Jodee Warner, EDJ Associates, Inc., 11300 Rockville Pike, Suite 1001, Rockville, MD 20852, *telephone:* (240) 221–4296, Fax: (301) 945–4295, *e-mail: jwarner@edjassociates.com.*

For general questions about the public meeting, request to make an oral presentation and submission of a presentation, and for special accommodations due to a disability, contact: Juanita Yates, Center for Food Safety and Applied Nutrition, FDA, (301) 436–1731, *e-mail: juanita.yates@fda.hhs.gov.*

Due to limited space, we encourage all persons who wish to attend the public meeting, including those requesting an opportunity to make an oral presentation at the public meeting, to register in advance.

We encourage attendees to register electronically at *http://www.fsis.usda.gov/regulations_&_policies/2010_Notices_Index/index.asp.* You may also register by fax, e-mail or telephone by providing information, including: Name, organization, address, telephone number and e-mail address to the Registration Contact (*see* For Registration Information Contact).

First Public Meeting

July 21, 2010, 9 a.m.–5 p.m., Hyatt Regency Chicago, 151 East Wacker Drive, Chicago, IL 60601.

Please note the following important deadlines:

July 6, 2010: Request To Make Oral Presentation.
July 13, 2010: Advance Registration.
July 13, 2010: Request Special Accommodations Due to Disability.

Second Public Meeting

October 20, 2010, 9 a.m.–5 p.m., The Crowne Plaza Portland Downtown, 1441 NE Second Avenue, Portland, OR 97232.

Please note the following important deadlines:

September 24, 2010: Request To Make Oral Presentation.
October 8, 2010: Advance Registration.
October 8, 2010: Request Special Accommodation Due to Disability.

All documents related to the public meeting will be available for public inspection in the FSIS Docket Room, USDA, FSIS, Room 2–2127, George Washington Carver Center, 5601 Sunnyside Avenue, Mailstop 5474, Beltsville, MD 20705–5474 between 8:30 a.m. and 4:30 p.m., Monday through Friday, as soon as they become available.

FDA: Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Room 1061, Rockville, MD 20852.

SUPPLEMENTARY INFORMATION: All stakeholders in the U.S. food safety system are pursuing major new efforts to reduce foodborne illness that include science-based preventive controls in food production and processing. As recommended by President Obama's Food Safety Working Group, one element of the Federal Government's food safety initiatives includes regularly assessing performance metrics for measuring progress in reducing foodborne illness. FSIS, FDA, and CDC are collaborating to address the methodological and data challenges involved in the development of feasible and effective food safety performance metrics.

An initial 1-day public meeting on measuring progress on food safety was held on March 30, 2010, in Washington, DC (75 FR 9232). The public meetings announced in this notice are extensions of that initial public workshop. A transcript of the initial public workshop held on March 30, 2010, is accessible at *http://www.regulations.gov.* It may be viewed at the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Room 1061, Rockville, MD 20852.

I. Background

At our March 30, 2010, workshop, FDA, FSIS, and CDC presented their current thinking on performance metrics. The Agencies presented information on various epidemiological and non-epidemiological measures for food safety. Workshop participants recommended that the Agencies provide an opportunity for stakeholders to provide more detail on their views regarding metrics and on current methods being used. Accordingly, the Agencies will hold two regional public meetings specifically to allow stakeholders to make presentations on metrics for food safety. The Agencies will also provide updated information about their use of metrics to measure food safety.

The Agencies are interested in gathering information on metrics from members of industry, consumer groups,

and State and local regulators, and other stakeholders. With respect to such information, the Agencies anticipate that presenters will be able to address issues such as whether industry members have metrics in place to assess whether suppliers meet purchase specifications that address food safety. If so, what data are used? Similarly, does the industry have metrics in place to assess the safety of the finished products they produce? If so, what data are used? Does the industry employ metrics to evaluate the effectiveness of their food safety systems? If so, what data are used? Has industry found some metrics that have been particularly effective in evaluating food safety? Are there other metrics that industry has found to be inadequate for measuring food safety? Also, what metrics do consumer groups use to measure food safety? What metrics would they like to use? What are the barriers to using these metrics? Have these groups found some to be effective and others to be inadequate? Do State or local regulators use metrics to measure the effectiveness of their programs for achieving food safety?

To provide some insight into the current thinking of the Agencies, the Federal Agencies will share information at the Chicago, IL, public meetings about the shared list of metrics that was developed by the three Federal Agencies to support the work of the White House Food Safety Working Group. The Agencies will present an example of how these metrics might be applied. The example will focus on applying these metrics to progress on *Salmonella Enteritidis* as FDA implements the egg rule, FSIS implements broiler chicken controls, and CDC collects and analyzes human disease data.

The Agencies will finalize an agenda on or before the public meeting date and post it on the FSIS Web page at: *http://www.fsis.usda.gov/Regulations/2010_Notices_Index/index.asp.*

II. Transcripts

When it becomes available, the official transcript of the public meeting will be kept in the FSIS Docket Room at the above address and will also be posted on the Agency Web site, *http://www.fsis.usda.gov/Regulations/2010_Notices_Index/index.asp.*

All interested parties are welcome to attend the public meetings.

USDA Nondiscrimination Statement

USDA prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, or audiotape.) should contact USDA's Target Center at 202–720–2600 (voice and TTY).

To file a written complaint of discrimination, write USDA, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250–9410 or call 202–720–5964 (voice and TTY). USDA is an equal opportunity provider and employer.

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 Webpage located at *http://www.fsis.usda.gov/regulations/2010_Notices_Index/.*

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 Webpage. Through Listserv and the webpage, 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: June 24, 2010.

Alfred V. Almanza,

Administrator.

[FR Doc. 2010–15813 Filed 6–29–10; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Forest Service

Prince of Wales Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Prince of Wales Resource Advisory Committee will meet in Craig, Alaska, August 3, 2010. The purpose of this meeting is to discuss potential projects under the Secure Rural Schools and Community Self-Determination Act of 2008.

DATES: The meeting will be held August 3, 2010 from 10 a.m. to 4 p.m.

ADDRESSES: The meeting will be held at the Craig Ranger District, 504 9th Street, Craig, Alaska. Send written comments to Prince of Wales Resource Advisory Committee, c/o District Ranger, USDA Forest Service, PO Box 500, Craig, AK 99921, or electronically to Rebecca Sakraida, RAC Coordinator at *rsakraida@fs.fed.us.*

FOR FURTHER INFORMATION CONTACT: Rebecca Sakraida, RAC Coordinator Craig Ranger District, Tongass National Forest, (907) 826–1601.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Committee discussion is limited to Forest Service staff and Committee members. However, public input opportunity will be provided and individuals will have the opportunity to address the Committee at that time.

Dated: June 16, 2010.

Gregory M. Killinger,

District Ranger.

[FR Doc. 2010–15944 Filed 6–29–10; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Lawrence County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Lawrence County Resource Advisory committee will meet in Spearfish, SD. The committee is meeting as authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) and in compliance with the Federal Advisory Committee Act. The purpose of the meeting is to review and vote on project proposals.

DATES: The meeting will be held July 12, 2010 at 5 p.m.

ADDRESSES: The meeting will be held at the Northern Hills Ranger District Office at 2014 N. Main. Written comments should be sent to Rhonda O'Byrne, 2014 N. Main, Spearfish, SD 57783. Comments may also be sent via e-mail to *rlobyrne@fs.fed.us,* or via facsimile to 605–642–4156.

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Northern Hills Ranger District office. Visitors are encouraged to call ahead at 605–642–4622 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Rhonda O'Byrne, District Ranger, Northern Hills Ranger District, 605–642–4622.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. The following business will be conducted: Review and vote on project proposals submitted to the committee for Title II funds and election of Committee Chairperson. Persons who wish to bring related matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting. Public input sessions will be provided and individuals who made written requests by Friday, July 9, 2010 will have the opportunity to address the Committee at those sessions.

Dated: June 24, 2010.

Dennis L. Jaeger,

Deputy Forest Supervisor.

[FR Doc. 2010–15870 Filed 6–29–10; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Gallatin County Resource Advisory Committee; Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Gallatin National Forest's Gallatin County Resource Advisory Committee will meet in Bozeman, Montana. The committee is meeting as authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) and in compliance with the Federal Advisory Committee Act. The purpose is of the meeting is to determine parameters and timeframes for the first round of projects and Public Comments.

DATES: The meeting will be held on July 14, 2010, and will begin at 2 p.m.

ADDRESSES: The meeting will be held at the Bozeman Public Library, Large Meeting Room, 626 East Main, Bozeman, MT. Written comments should be sent to Babete Anderson, Custer National Forest, 1310 Main Street, Billings, MT 59105. Comments may also be sent via e-mail to *branderson@fs.fed.us,* or via facsimile to 406–657–6222.

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Custer National Forest, 1310 Main Street, Billings, MT 59105. Visitors are encouraged to call ahead to 406–657–6205 ext. 239.

FOR FURTHER INFORMATION CONTACT: Babete Anderson, RAC coordinator, USDA, Custer National Forest, 1310 Main Street, Billings, MT 59105; (406) 657–6205 ext. 239; e-mail *branderson@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., m.s.t., Monday through Friday.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. The following business will be conducted: Determine parameters and timeframes for the first round of projects and Public Comments. Persons who wish to bring related matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting. Public input sessions will be provided and individuals who made written request by July 6 will have the opportunity to address the Committee at those sessions.

Dated: June 21, 2010.

Chris Worth,

Deputy Forest Supervisor.

[FR Doc. 2010–15563 Filed 6–29–10; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Food Safety Inspection Service

[Docket No. FSIS–2010–0001]

Nominations for Membership on the National Advisory Committee on Microbiological Criteria for Foods

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces that the U.S. Department of Agriculture (USDA) is soliciting nominations for membership on the National Advisory Committee on Microbiological Criteria for Foods (NACMCF). This notice is being issued to fill eleven vacancies on the NACMCF that resulted because of a change in the member term limit. Appointments to the NACMCF for two-year terms will now be renewable for up to two consecutive terms instead of three consecutive terms.

Please note that nominations that were provided in response to the previously issued **Federal Register** notice dated August 18, 2008 (73 FR 48191) will be considered for these vacancies, so they do not need to be resubmitted.

NACMF is seeking members with scientific expertise in the fields of epidemiology, food technology, microbiology (food, clinical, and predictive), risk assessment, infectious disease, biostatistics, and other related sciences. NACMF is seeking applications from persons from the Federal government, State governments, industry, consumer groups, and academia, as well as all other interested persons with such expertise.

Members who are not Federal government employees will be appointed to serve as non-compensated special government employees (SGEs). SGEs will be subject to appropriate conflict of interest statutes and standards of ethical conduct.

USDA is also seeking nominations for one individual affiliated with a consumer group to serve on the NACMCF. This member will serve as a representative member to provide a consumer viewpoint. This member will not be required to have a scientific background and will not be subject to conflict of interest review.

To receive consideration for serving on the NACMCF, a résumé and USDA Advisory Committee Membership Background Information form AD–755 are required. The nominee's typed resume or curriculum vitae must be limited to five one-sided pages and should include educational background, expertise, and a select list of publications. For submissions received that are more than five one-sided pages in length, only the first five pages will be considered.

DATES: Nominations, including the nominee's typed resume or curriculum vitae and a USDA Advisory Committee Membership Background Information form AD–755 must be received by June 30, 2010. USDA Advisory Committee

Membership Background Information form AD–755 is available on-line at: *http://www.ocio.usda.gov/forms/doc/AD–755.pdf*.

ADDRESSES: Resumes and AD–755 forms can be sent by mail, fax, or e-mail to Ms. Karen Thomas-Sharp, Advisory Committee Specialist, USDA, Food Safety and Inspection Service, Room 333 Aerospace Center, 1400 Independence Avenue, SW., Washington, DC 20250–3700, fax number: 202–690–6634, e-mail address: *Karen.Thomas-Sharp@fsis.usda.gov*. Please note, if using an overnight courier, use this address: USDA, FSIS, OPHS, Aerospace Center, 901 D Street, SW., Room 378, Washington, DC 20024.

The Food Safety and Inspection Service (FSIS) invites interested persons to submit comments on this notice. 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, 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–2010–0001. 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. All comments submitted in response to this notice, as well as background information used by FSIS in developing this document, will be available for public inspection in 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: Ms. Karen Thomas-Sharp, Advisory Committee Specialist, at the above address or by telephone at 202–690–6620 or by fax at 202–690–6634.

SUPPLEMENTARY INFORMATION:

Background

The NACMCF was established in March 1988, in response to a recommendation in a 1985 report of the National Academy of Sciences Committee on Food Protection, Subcommittee on Microbiological Criteria, "An Evaluation of the Role of Microbiological Criteria for Foods." The current charter for the NACMCF and other information about the Committee are available for viewing on the NACMCF homepage at *http://frwebgate.access.gpo.gov/cgi-bin/leaving.cgi?from=leavingFR.html&log=linklog&to=http://www.fsis.usda.gov/About_FSIS/NACMCF/index.asp*.

The Committee provides scientific advice and recommendations to the Secretary of Agriculture and the Secretary of Health and Human Services concerning the development of microbiological criteria by which the safety and wholesomeness of food can be assessed. For example, the Committee assists in the development of criteria for microorganisms that indicate whether food has been processed using good manufacturing practices.

Appointments to the Committee will be made by the Secretary of Agriculture after consultation with the Secretary of Health and Human Services to ensure that recommendations made by the Committee take into account the needs of the diverse groups served by the Department.

Membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

Given the complexity of issues, the full Committee expects to meet at least once yearly, and the meetings will be announced in the **Federal Register**. The subcommittees will meet as deemed necessary by the chairperson and will be held as working group meetings in an open public forum. Intermittently, subcommittees may also meet through computer-based conferencing (net meetings). Subcommittees may invite technical experts to present information for consideration by the subcommittee. The subcommittee meetings will not be announced in the **Federal Register**. FSIS will announce the agenda and subcommittee working group meetings through the Constituent Update, available on-line at *http://www.fsis.usda.gov/news_&_events/Constituent_Update/index.asp*.

NACMCF holds subcommittee working group meetings in order to accomplish the work of NACMCF; all work accomplished by the subcommittees is reviewed and approved by the full Committee during a public meeting of the full Committee, as announced in the **Federal Register**. All data and records available to the full Committee are expected to be available to the public at the time the full Committee reviews and approves the work of the subcommittee.

Appointment to the Advisory Committee is for a two-year term, renewable for up to two consecutive terms. Members are expected to attend all meetings in person, as this is necessary for the functioning of this advisory committee. However, the Advisory Committee realizes that unexpected events or extenuating circumstances (e.g., a personal or family emergency) may result in a member's inability to attend a meeting in-person and that attendance through teleconferencing may be necessary. Because attendance through teleconferencing has been a less than optimal means to contribute to the work of the committee, members should make efforts to attend all meetings to the extent that this is possible.

Members must be prepared to work outside of scheduled Committee and subcommittee meetings and may be required to assist in document preparation. Committee members serve on a voluntary basis; however, travel reimbursement and per diem reimbursement are available.

Regarding Nominees Who Are Selected

All SGE and Federal government employee nominees who are selected must complete the Office of Government Ethics (OGE) 450 Confidential Financial Disclosure Report before rendering any advice or prior to their first meeting. All members will be reviewed for conflict of interest pursuant to 18 U.S.C. 208 in relation to specific NACMCF work charges. Financial disclosure updates will be required annually. Members must report any changes in financial holdings requiring additional disclosure. OGE 450 forms are available on-line at: *http://www.usoge.gov/forms/form_450.aspx*.

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 June 24, 2010.

Alfred V. Almanza,

Administrator.

[FR Doc. 2010–15812 Filed 6–29–10; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF COMMERCE

[Docket Number: 100624279–0279–01]

RIN 0625–XA09

Request for Public Comment To Inform Development of National Export Initiative Plan

AGENCY: International Trade Administration: Trade Promotion Coordinating Committee.

ACTION: Notice and request for information.

SUMMARY: President Obama launched the National Export Initiative (NEI) via Executive Order 13534 in order to achieve the goal of doubling U.S. exports of goods and services over five years to facilitate the creation of jobs in the United States. As part of the broad Federal government effort to support the NEI, the Administration, through the interagency Trade Promotion Coordinating Committee (TPCC), is seeking information from exporters, other private businesses, trade associations, academia, labor organizations, non-governmental organizations, and other interested parties.

DATES: Comments must be received by 11:59 p.m., July 26, 2010, to be considered. Comments should be no more than 25 pages single spaced.

ADDRESSES: Submit comments by one of the following methods:

- *Online:* To submit comments via *http://www.regulations.gov*, enter docket number 100624279–0279–01 in the "Enter Keyword or ID" window at the *http://www.regulations.gov* home page and click "Search." The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting "Notices" under "Document Type" on the search-results page, and click on the link entitled "Submit a Comment." (For further information on using the *http://www.regulations.gov* Web site, please consult the resources provided on that Web site by clicking on the "Help" tab.) The *http://www.regulations.gov* Web site provides the option of making submissions by filling in a "General Comments" field, or by attaching a document. We expect that most submissions will be provided in an attached document. If a document is attached, it is sufficient to type "See attached" in the "General Comments" field. We strongly urge submitters to avail themselves of the electronic filing, if at all possible. Persons wishing to submit comments anonymously may do so by leaving the fields for name and organization blank.
- *Mail:* Trade Promotion Coordinating Committee, U.S. Department of Commerce, Room C102, 1401 Constitution Ave., NW., Washington, DC 20230 Attn.: NEI Comments.

To facilitate review and consideration of comments, the TPCC Secretariat will share comments with other TPCC agencies. Comments will be made public and should not contain confidential or business sensitive information.

FOR FURTHER INFORMATION CONTACT: Grace Hu, Trade Promotion Coordinating Committee, International Trade Administration, U.S. Department of Commerce, +1 202–482–5455.

SUPPLEMENTARY INFORMATION:

Background

- On March 11, 2010, President Obama issued Executive Order 13534 to enhance and coordinate Federal efforts to facilitate the creation of jobs in the United States through the promotion of exports, and to ensure the effective use of Federal resources in support of these goals. The Executive Order can be found online at *http://www.whitehouse.gov/the-press-office/executive-order-national-export-initiative*. The Executive Order instructs the Export Promotion Cabinet, through the TPCC, to provide a report to the President within 180 days on a comprehensive plan to carry out the goals of the NEI.
- The TPCC, established by the Export Enhancement Act of 1992 (Pub. L. 102–429), is an interagency committee that coordinates the development of U.S. Government trade promotion policies and programs. The TPCC is composed of representatives from 20 Federal agencies. The Secretary of Commerce chairs the TPCC. Other agencies and offices represented are the Export-Import Bank, the Overseas Private Investment Corporation, the U.S. Trade and Development Agency, the Small Business Administration, the Departments of Agriculture, State, Defense, Energy, Homeland Security, Interior, Labor, Transportation and the Treasury, the Office of the U.S. Trade Representative, the U.S. Agency for International Development, the U.S. Environmental Protection Agency, the Office of Management and Budget, the National Security Council, the National Economic Council, and the Council of Economic Advisors.
- The NEI is President Obama's initiative to improve conditions that directly affect the private sector's ability to export. The NEI will help meet the Administration's goal of doubling exports over the next 5 years by working to remove trade barriers, by helping firms—especially small businesses—overcome the hurdles to entering new export markets, by assisting with financing, and in general by pursuing a government-wide approach to export advocacy abroad, among other steps.

General information concerning the NEI and government programs that help U.S. businesses export is available at *http://www.export.gov.*

Public Comments

The TPCC is seeking information from exporters, other private businesses, trade associations, academia, labor organizations, non-governmental organizations, and other interested parties regarding:

(1) Identification of Federal government programs or regulations that impede the ability of U.S. companies to export;

(2) Effective foreign trade promotion programs and activities that could inform U.S. Federal government program development;

(3) Identification of the most (or least) effective Federal government programs that support U.S. exports, including

specific experiences with such Federal government programs;

(4) Steps that the Federal government could take to improve its programs to support U.S. exports; and

(5) More generally, how the Federal government could better help U.S. businesses export.

In particular, we are seeking comments with respect to the following eight priority areas set forth by the President in Executive Order 13534:

(a) Exports by Small and Medium-Sized Enterprises (SMEs);

(b) Federal Export Assistance;

(c) Trade Missions;

(d) Commercial Advocacy;

(e) Increasing Export Credit;

(f) Macroeconomic Rebalancing;

(g) Reducing Barriers to Trade; and

(h) Export Promotion of Services.

In responding, please indicate your experience with exporting and the type of organization you are affiliated with, if any, i.e., small business, large company, trade association, academia, labor organization, or other non-governmental organization. For organizations submitting comments to the **Federal Register** (FR) notice on the TPCC Renewable Energy and Energy Efficiency Export Strategy to Support the NEI (FR Doc. 2010–12982), comments received in response to that notice will be considered and do not need to be resubmitted. The information received will help the Administration develop the NEI plan called for by the President in Executive Order 13534. With regard to the priority area involving "Reducing Barriers to Trade," the Administration will take into account public comments previously received by the Office of the U.S. Trade Representative with regard to the development and implementation of U.S. trade policy. See FR notices at *http://www.ustr.gov/federal-register-notices* and *http://www.regulations.gov* for a complete enumeration of those notices and comments received.

Dated: June 24, 2010.

Joe Hurd,

Senior Director, Trade Promotion Coordinating Committee, U.S. Department of Commerce.

[FR Doc. 2010–15934 Filed 6–29–10; 8:45 am]

BILLING CODE 3510–FP–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–802]

Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Notice of Extension of Time Limit for the Final Results of the 2008–2009 Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: June 30, 2010.

FOR FURTHER INFORMATION CONTACT: Susan Pulongbarit or Paul Walker, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–4031 or (202) 482–0413, respectively.

SUPPLEMENTARY INFORMATION:

Background

On March 15, 2010, the Department of Commerce ("Department") published in the **Federal Register** the preliminary results of the 2008 2009 administrative review of the antidumping duty order on frozen warmwater shrimp from the Socialist Republic of Vietnam ("Vietnam") covering the period February 1, 2008, through January 31, 2009. *See Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Preliminary Results, Partial Rescission, and Request for Revocation, in Part, of the Fourth Administrative Review*, 75 FR 12206 (March 15, 2010). The final results are currently due no later than July 13, 2010.

Extension of the Time for the Final Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("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 requires additional time in order to consider the new surrogate values placed on the record after the preliminary results and to provide interested parties an opportunity to comment on the Department's surrogate wage rate methodology. Thus, it is not practicable to complete this review by July 13, 2010. Therefore, the Department is extending the time limit for completion of the final results of this review by 17 days, in accordance with section 751(a)(3)(A) of the Act. The final results are now due no later than July 30, 2010.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: June 23, 2010.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2010–15954 Filed 6–29–10; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–802]

Frozen Warmwater Shrimp From Vietnam: Initiation and Preliminary Results of Changed-Circumstances Review

AGENCY: Import Administration, International Trade Administration, Commerce.

SUMMARY: In response to a petition for a changed-circumstances review of Phuong Nam Co., Ltd., and Phuong Nam Foodstuff Corp., the Department of Commerce (the "Department") is initiating a changed-circumstances review of the antidumping duty order on frozen warmwater shrimp from the Socialist Republic of Vietnam ("Vietnam"). We have preliminarily concluded that Phuong Nam Foodstuff Corp. is the successor-in-interest to Phuong Nam Co., Ltd., and, as a result, should be accorded the same treatment previously accorded to Phuong Nam Co., Ltd., with regard to the antidumping duty order on frozen warmwater shrimp from Vietnam. Interested parties are invited to comment on these preliminary results.

DATES: *Effective Date:* June 30, 2010.

FOR FURTHER INFORMATION CONTACT: Scot Fullerton at (202) 482–1386 or Steven Hampton at (202) 482–0116, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

The Department published the antidumping duty order on certain frozen warmwater shrimp from Vietnam on February 1, 2005. See *Notice of*

Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam, 70 FR 5152 (February 1, 2005) ("VN Shrimp Order"). Phuong Nam Co., Ltd., and Phuong Nam Foodstuff Corp. (collectively "Phuong Nam") participated in the third and fourth administrative reviews of the VN Shrimp Order and requested an administrative review, and subsequent revocation, for the fifth administrative review. On May 14, 2010, Phuong Nam informed the Department that Phuong Nam Co., Ltd., had changed its name to Phuong Nam Foodstuff Corp. and petitioned the Department to conduct a changed-circumstances review to confirm that Phuong Nam Foodstuff Corp. is the successor-in-interest to Phuong Nam Co., Ltd., for purposes of determining antidumping duties due as a result of the VN Shrimp Order.[1]

Scope of the Order

The scope of this order includes certain frozen warmwater shrimp and prawns, whether wild-caught (ocean harvested) or farm-raised (produced by aquaculture), head-on or head-off, shell-on or peeled, tail-on or tail-off,[2] deveined or not deveined, cooked or raw, or otherwise processed in frozen form.

The frozen warmwater shrimp and prawn products included in the scope of this order, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTSUS), are products which are processed from warmwater shrimp and prawns through freezing and which are sold in any count size.

The products described above may be processed from any species of warmwater shrimp and prawns. Warmwater shrimp and prawns are generally classified in, but are not limited to, the *Penaeidae* family. Some examples of the farmed and wild-caught warmwater species include, but are not limited to, whiteleg shrimp (*Penaeus vannemei*), banana prawn (*Penaeus merguiensis*), fleshy prawn (Penaeus chinensis), giant river prawn (*Macrobrachium rosenbergii*), giant tiger prawn (*Penaeus monodon*), redspotted shrimp (*Penaeus brasiliensis*), southern brown shrimp (*Penaeus subtilis*), southern pink shrimp (*Penaeus notialis*), southern rough shrimp (*Trachypenaeus curvirostris*), southern white shrimp (*Penaeus schmitti*), blue shrimp (*Penaeus stylirostris*), western white shrimp (*Penaeus occidentalis*), and Indian white prawn (*Penaeus indicus*).

Frozen shrimp and prawns that are packed with marinade, spices, or sauce are included in the scope of this order. In addition, food preparations, which are not "prepared meals," that contain more than 20 percent by weight of shrimp or prawn are also included in the scope of this order.

Excluded from the scope are: (1) Breaded shrimp and prawns (HTS subheading 1605.20.10.20); (2) shrimp and prawns generally classified in the *Pandalidae* family and commonly referred to as coldwater shrimp, in any state of processing; (3) fresh shrimp and prawns whether shell-on or peeled (HTS subheadings 0306.23.00.20 and 0306.23.00.40); (4) shrimp and prawns in prepared meals (HTS subheading 1605.20.05.10); (5) dried shrimp and prawns; (6) canned warmwater shrimp and prawns (HTS subheading 1605.20.10.40); (7) certain dusted shrimp; and (8) certain battered shrimp. Dusted shrimp is a shrimp-based product: (1) That is produced from fresh (or thawed-from-frozen) and peeled shrimp; (2) to which a "dusting" layer of rice or wheat flour of at least 95 percent purity has been applied; (3) with the entire surface of the shrimp flesh thoroughly and evenly coated with the flour; (4) with the non-shrimp content of the end product constituting between four and 10 percent of the product's total weight after being dusted, but prior to being frozen; and (5) that is subjected to IQF freezing immediately after application of the dusting layer. Battered shrimp is a shrimp-based product that, when dusted in accordance with the definition of dusting above, is coated with a wet viscous layer containing egg and/or milk, and pan-fried.

The products covered by this order are currently classified under the following HTSUS subheadings: 0306.13.00.03, 0306.13.00.06, 0306.13.00.09, 0306.13.00.12, 0306.13.00.15, 0306.13.00.18, 0306.13.00.21, 0306.13.00.24, 0306.13.00.27, 0306.13.00.40, 1605.20.10.10, and 1605.20.10.30. These HTSUS subheadings are provided for convenience and for customs purposes only and are not dispositive, but rather the written description of the scope of this order is dispositive.

Initiation of Changed-Circumstances Review

Pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the "Act"), and 19 CFR 351.216, the Department will conduct a changed-circumstances review upon receipt of information concerning, or a request from an interested party for a review of, an antidumping duty order which shows changed circumstances sufficient to warrant a review of the order. The information submitted by Phuong Nam supporting its claim that Phuong Nam Foodstuff Corp. is the successor-in-interest to Phuong Nam Co., Ltd., demonstrates changed circumstances sufficient to warrant such a review. See 19 CFR 351.216(d).

In accordance with the above-referenced regulation, the Department is initiating a changed-circumstances review to determine whether Phuong Nam Foodstuff Corp. is the successor-in-interest to Phuong Nam Co., Ltd. In determining whether one company is the successor-in-interest to another, the Department examines a number of factors including, but not limited to, changes in management, production facilities, supplier relationships, and customer base. *See Industrial Phosphoric Acid From Israel: Final Results of Antidumping Duty Changed Circumstances Review,* 59 FR 6944 (February 14, 1994). Although no single factor will necessarily provide a dispositive indication of succession, generally, the Department will consider one company to be a successor-in-interest to another company if its resulting operation is similar to that of its predecessor. *See Brass Sheet and Strip from Canada; Notice of Final Results of Antidumping Duty Administrative Review,* 57 FR 20460 (May 13, 1992). Thus, if the evidence demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as the prior company, the Department will assign the new company the cash-deposit rate of its predecessor. *Id.; Notice of Final Results of Changed Circumstances Antidumping Administrative Review: Polychloroprene Rubber from Japan,* 67 FR 58 (January 2, 2002); see also *Circular Welded Non-Alloy Steel Pipe from Korea; Final Results of Antidumping Duty Changed Circumstances Review,* 63 FR 20572 (April 27, 1998), (where the Department found successorship where the company only changed its name and did not change its operations).

In its May 14, 2010, submission, Phuong Nam provided information to demonstrate that Phuong Nam Foodstuff Corp. is the successor-in-interest to Phuong Nam Co., Ltd. With respect to management prior to and following the name change, the submission indicates that four senior managers from Phuong

[1] Phuong Nam claims that this name change was required to achieve the company's goal of listing the company on the Ho Chi Minh City Stock Exchange.

[2] "Tails" in this context means the tail fan, which includes the telson and the uropods.

Nam Co., Ltd., have retained their management positions. These four individuals were also on the company's board of directors before and after the change in name. Since the change in corporate status, Phuong Nam has eliminated two positions, Vice Director of Personnel and Vice Director of Engineering, in order to streamline the corporation.

In addition, the submission indicates that the production facilities for Phuong Nam Co., Ltd., and Phuong Nam Foodstuff Corp. are identical. Following the name change, Phuong Nam Foodstuff Corp. retained the same address and assets as Phuong Nam Co., Ltd. *See* Attachment 4 of Phuong Nam's May 14, 2010, submission.

Attachment 5 of Phuong Nam's submission identifies entities that supplied packaging material and shrimp to the company before and after its transformation from a limited liability company to a joint-stock company. A significant number of suppliers for the joint-stock company are identical to suppliers of the limited liability company.

Futher, Phuong Nam addressed changes to its customer base in Attachment 6 of its submission. This attachment contains two lists that identify the names and addresses of the company's customers before and after its transformation. There are numerous customers that appear on both lists, but the lists are not identical. Phuong Nam claims that changes in its customer base are due to the nature of competition in the seafood industry, where customers are periodically gained and lost.

Given the few changes noted above, we have preliminarily determined that no major changes have occurred with respect to Phuong Nam's management, production facilities, suppliers, or customer base as a result of its name change to Phuong Nam Foodstuff Corp.

When it concludes that expedited action is warranted, the Department may publish the notice of initiation and preliminary results for a changed-circumstances review concurrently. See 19 CFR 351.221(c)(3)(ii). See also *Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Canned Pineapple Fruit from Thailand;* 69 FR 30878 (June 1, 2004). We have determined that expedition of this changed-circumstances review is warranted because we have the information necessary to make a preliminary finding already on the record. In this case, we preliminarily find that Phuong Nam Foodstuff Corp. is the successor-in-interest to Phuong Nam Co., Ltd., and, as such, is entitled to Phuong Nam Co., Ltd's, cash-deposit rate with respect to entries of subject merchandise.

Should our final results remain the same as these preliminary results, effective the date of publication of the final results, we will instruct U.S. Customs and Border Protection to assign entries of merchandise produced or exported by Phuong Nam Foodstuff Corp. the antidumping duty cash-deposit rate applicable to Phuong Nam Co., Ltd.

Public Comment

Any interested party may request a hearing within 14 days of publication of this notice. See 19 CFR 351.310(c). Any hearing, if requested, will be held 28 days after the date of publication of this notice or the first working day thereafter. Interested parties may submit case briefs and/or written comments no later than 14 days after the date of publication of this notice. Rebuttal briefs and rebuttals to written comments, which must be limited to issues raised in such briefs or comments, may be filed not later than 21 days after the date of publication of this notice. Parties who submit case briefs or rebuttal briefs in this changed-circumstances review are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument with an electronic version included. Consistent with 19 CFR 351.216(e), we will issue the final results of this changed-circumstances review no later than 270 days after the date on which this review was initiated or within 45 days of publication of these preliminary results if all parties agree to our preliminary finding.

We are issuing and publishing this initiation and preliminary results notice in accordance with sections 751(b)(1) and 777(i)(1) of the Act and 19 CFR 351.216 and 351.221(c)(3).

Dated: June 24, 2010.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 2010–15925 Filed 6–29–10; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce ("the Department") has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with May anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews. The Department also received requests to revoke one antidumping duty order and one countervailing duty order in part.

DATES: *Effective Date:* June 30, 2010.

FOR FURTHER INFORMATION CONTACT: Sheila E. Forbes, Office of AD/CVD Operations, Customs Unit, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482–4697.

SUPPLEMENTARY INFORMATION:

Background

The Department has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various antidumping and countervailing duty orders and findings with May anniversary dates. The Department also received requests to revoke in part the antidumping duty order on Ball Bearings and Parts Thereof from Japan for two exporters and the countervailing duty order on Stainless Steel Plate in Coils from Belgium for one exporter.

Notice of No Sales

Under 19 CFR 351.213(d)(3), the Department may rescind a review where there are no exports, sales, or entries of subject merchandise during the respective period of review ("POR") listed below. If a producer or exporter named in this initiation notice had no exports, sales, or entries during the POR, it must notify the Department within 60 days of publication of this notice in the **Federal Register**. The Department will consider rescinding the review only if the producer or exporter, as appropriate, submits a properly filed and timely statement certifying that it had no exports, sales, or entries of subject merchandise during the POR. All submissions must be made in accordance with 19 CFR 351.303 and

are subject to verification in accordance with section 782(i) of the Tariff Act of 1930, as amended ("the Act"). Six copies of the submission should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy of each request must be served on every party on the Department's service list.

Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews, the Department intends to select respondents based on U.S. Customs and Border Protection ("CBP") data for U.S. imports during the POR. We intend to release the CBP data under Administrative Protective Order ("APO") to all parties having an APO within five days of publication of this initiation notice and to make our decision regarding respondent selection within 20 days of publication of this **Federal Register** notice. The Department invites comments regarding the CBP data and respondent selection within 10 calendar days of publication of this **Federal Register** notice.

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 an administrative 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.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, the Department analyzes each entity exporting the subject merchandise under a test arising from the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China,* 56 FR 20588 (May 6, 1991), as amplified by *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China,* 59 FR 22585 (May 2, 1994). In accordance with the separate-rates criteria, the Department assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate-rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate-rate application or certification, as described below. For these administrative reviews, in order to demonstrate separate-rate eligibility, the Department requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on the Department's Web site at *http://www.trade.gov/ia* on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the "Instructions for Filing the Certification" in the Separate Rate Certification. Separate Rate Certifications are due to the Department no later than 60 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment of the proceeding [1] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,[2] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Application will be available on the Department's Web site at *http://www.trade.gov/ia* on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Application, refer to the instructions contained in the application. Separate Rate Applications are due to the Department no later than 60 calendar days of publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

For exporters and producers who submit a separate-rate status application or certification and subsequently are selected as mandatory respondents, these exporters and producers will no longer be eligible for separate rate status unless they respond to all parts of the questionnaire as mandatory respondents.

Initiation of Reviews

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than May 31, 2011.

[1] Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (*e.g.,* an ongoing administrative review, new shipper review, *etc.*) and entities that lost their separate rate in the most recently complete segment of the proceeding in which they participated.

[2] Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

	Period to be reviewed
Antidumping Duty Proceedings	
Belgium: Stainless Steel Plate in Coils, A–423–808	5/1/09–4/30/10
ArcelorMittal Stainless Belgium N.V.	
Canada: Citric Acid and Certain Citrate Salts, A–122–853	11/20/08–5/19/09
Jungbunzlauer Canada Inc.	5/29/09–4/30/10
France: Ball Bearings and Parts Thereof, A–427–201	5/1/09–4/30/10
Alcatel Vacuum Technology	
Audi AG	
AVIAC	
Avio (formerly known as FiatAvio)	
Bosch Rexroth SAS	
Caterpillar Group Services S.A.	
Caterpillar Materials Routiers S.A.S.	
Caterpillar S.A.R.L.	
Dassault Aviation	
Edwards Ltd. and Edwards High Vacuum Int'l Ltd.	
Eurocopter SAS	
Groupe Intertechnique	
Kongskilde Limited	
Microturbo SAS	
Perkins Engines Company Limited	
Pratt & Whitney	
Ringball Corporation	
SKF France, S.A./SKF Aerospace France S.A.S.	
SNECMA	
SNR Roulements S.A./SNR Europe	
Technofan	
Turbomeca S.A.	
Volkswagen AG	
Volkswagen Zubehor GmbH	
Germany: Ball Bearings and Parts Thereof, A–428–201	5/1/09–4/30/10
Audi AG	
Avio (formerly known as FiatAvio)	
BAUER Maschinen GmbH	
Bosch Rexroth AG	
BSH Bosch und Siemens Hausgerate GmbH	
Caterpillar S.A.R.L.	
Cerobear GmbH	
Edwards Ltd. and Edwards High Vacuum Int'l Ltd.	
Fitchel & Sachs AG	
Heidelberger Druckmaschinen AG	
Kongskilde Limited	
myonic GmbH	
Neuweg Fertigung GmbH	
Pratt & Whitney	
Ringball Corporation	
Robert Bosch GmbH	
Robert Bosch GmbH Power Tools and Hagglunds Drives	
RWG Frankenjura-Industrie Flugwerklager GmbH	
Schaeffler KG	
Schaeffler Technologies GmbH	
SKF GmbH	
SNR Walzlager GmbH	
The Schaeffler Group	
Volkswagen AG	
Volkswagen Zubehor GmbH	
W&H Dentalwerk Burmoos GmbH	
India: Certain Welded Carbon Steel Standard Pipes and Tubes, A–533–502	5/1/09–4/30/10
Lloyds Group and all affiliates	
Lloyds Metals & Engineers Ltd.	
Lloyds Steel Industries Ltd.	
Ushdev International Ltd.	
Italy: Ball Bearings and Parts Thereof, A–475–201	5/1/09–4/30/10
Audi AG	
Avio, S.p.A. (formerly known as FiatAvio)	
Bosch Rexroth S.p.A.	
Caterpillar Overseas S.A.R.L.	
Caterpillar of Australia Pty. Ltd.	
Caterpillar Group Services S.A.	
Caterpillar Mexico, S.A. de C.V.	
Caterpillar Americas C.V.	
Eurocopter	
Hagglunds Drives S.r.l.	

	Period to be reviewed
Kongskilde Limited	
Meter S.p.A.	
Perkins Engines Company Ltd.	
Ringball Corporation	
The Schaeffler Group	
Schaeffler Italia s.r.l, and WPB Water Pump Bearing GmbH & Co. KG	
SKF Industrie S.p.A., and Somecat S.p.A.	
SKF RIV–SKF Officine di Villar Perosa S.p.A.	
SNECMA	
Volkswagen AG	
Volkswagen Zubehor GmbH	
Japan: Ball Bearings and Parts Thereof, A–588–201	5/1/09–4/30/10
Asahi Seiko Co., Ltd.	
Aisin Seiki Co. Ltd.	
Audi AG	
Avio (formerly known as Fiat Avio)	
Bosch Corporation	
Bosch Packaging Technology K.K.	
Bosch Rexroth Corporation	
Canon Inc.	
Caterpillar Japan Ltd.	
Caterpillar Overseas S.A.R.L.	
Caterpillar Group Services S.A.	
Caterpillar Brazil Ltd.	
Caterpillar Africa Pty. Ltd.	
Caterpillar of Australia Pty. Ltd.	
Caterpillar S.A.R.L.	
Caterpillar Americas Mexico, S. de R.L. de C.V.	
Caterpillar Logistics Services China Ltd.	
Caterpillar Mexico, S.A. de C.V.	
Fukuyama Shoji Co., Ltd.	
Hagglunds Ltd.	
Hino Motors Ltd.	
IKO Nippon Thompson Co., Ltd. (formerly known as Nippon Thompson Co., Ltd.)	
Inoue Jukuuke Kogyo Co., Ltd.	
Izumoto Seiko Co., Ltd.	
JTEKT Corporation (formerly known as Koyo Seiko Co., Ltd.)	
Kongskilde Limited	
Makino Milling Machine Company	
Mazda Motor Corporation	
Mori Seiki Co., Ltd.	
Nachi-Fujikoshi Corporation	
Nankai Seiko Co., Ltd.	
Nippon Pillow Block Co., Ltd.	
Nippon Pillow Block Sales Co.	
Nissan Motor Company, Ltd.	
NSK Ltd.	
NTN Corporation	
NTN Kongo Corporation	
Osaka Pump Co., Ltd.	
Perkins Engines Company Limited	
Sapporo Precision, Inc., and Tokyo Precision, Inc.	
Takeshita Seiko Co., Ltd.	
Tsubakimoto Precision Products Co., Ltd.	
Univance Corp.	
Volkswagen AG	
Volkswagen Zubehor GmbH	
Yamazaki Mazak Trading Corporation	
Republic of Korea: Certain Polyester Staple Fiber, A–580–839	5/1/09–4/30/10
Huvis Corporation	
Woongjin Chemical Company, Ltd.	
Taiwan: Certain Circular Welded Carbon Steel Pipes and Tubes, A–583–008	5/1/09–4/30/10
Yieh Phui Enterprise Co., Ltd.	
Yieh Hsing Enterprise Co., Ltd.	
Taiwan: Polyester Staple Fiber, A–583–833	5/1/09–4/30/10
Far Eastern Textiles Ltd. (aka & dba Far Eastern New Century Corporation)	
Nan Ya Plastics Corporation	
The People's Republic of China: Citric Acid and Certain Citrate Salts [3], A–570–937	11/20/08–5/19/09
Anhui BBCA Biochemical Co., Ltd.	5/29/09–4/30/10
Anhui BBCA International Co., Ltd.	
Anhui Worldbest Bio-Pharmaceutical Co., Ltd.	
Laiwu Taihe Biochemistry Co., Ltd.	
Pioneers Pharmavet S.L.	

	Period to be reviewed
RZBC Co., Ltd./RZBC Imp. & Exp. Co., Ltd./RZBC (Juxian) Co., Ltd.	
Shanghai Worldbest Group Company	
Shanghai Worldbest Co., Ltd.	
Shanghai Worldbest Anhui	
Thai Worldbest Biochemical Co., Ltd.	
Worldbest Biochemicals (Thailand) Co., Ltd.	
Yixing Union Biochemical Co., Ltd.	
The People's Republic of China: Pure Magnesium[4], A–570–832	5/1/09–4/30/10
Tianjin Magnesium International, Ltd.	
Certain Activated Carbon,[5 6 7] A–570–904	4/1/09–3/31/10
Datong Kangda Activated Carbon Factory	
Datong Runmei Activated Carbon Factory	
Fangyuan Carbonization Co., Ltd.	
Xingtai Coal Chemical Co., Ltd.	
Yuyang Activated Carbon Co., Ltd.	
Turkey: Certain Welded Carbon Steel Pipe and Tube, A–489–501	5/1/09–4/30/10
Borusan Group	
Borusan Mannesmann Boru Sanayi ve Ticaret A.S.	
Borusan Birlesik Boru Fabrikalari San ve Tic.	
Borusan Istikbal Ticaret T.A.S.	
Boruson Holding A.S.	
Boruson Gemlik Boru Tesisleri A.S.	
Borusan Ihracat Ithalat ve Dagitim A.S.	
Borusan Ithicat ve Dagitim A.S.	
Tubeco Pipe and Steel Corporation	
Toscelik Profil ve Sac Endustrisi A.S.	
Toscelik Metal Ticaret A.S.	
Tosyali Dis Ticaret A.S.	
Light-Walled Rectangular Pipe and Tube, A–489–815	5/1/09–4/30/10
Noksel Celik Boru Sanayi A.S.	
United Kingdom: Ball Bearings and Parts Thereof, A–412–201	5/1/09–4/30/10
Alcatel Vacuum Technology	
Bosch Rexroth Limited	
Caterpillar S.A.R.L.	
Caterpillar Group Services S.A.	
Caterpillar of Australia Pty Ltd.	
Caterpillar Overseas S.A.R.L.	
Caterpillar Marine Power UK	
The Schaeffler Group	
The Barden Corporation (U.K.) Limited and Schaeffler (U.K.) Limited	
NSK Bearings Europe Ltd.	
Perkins Engines Company Ltd.	
Pratt & Whitney	
Rolls-Royce PLC	
SKF (U.K.) Limited	
SKF Aeroengine Bearings U.K. (formerly known as SNFA UK)	
SNR UK	
Countervailing Duty Proceedings	
Belgium: Stainless Steel Plate in Coils, C–423–809	1/1/09—12/31/09
ArcelorMittal Stainless Belgium N.V.	
The People's Republic of China: Citric Acid and Certain Citrate Salts, C–570–938	9/19/08–12/31/09
A.H.A. International Co., Ltd.	
Changsha Huari Bio Pharmaceutical Co., Ltd.	
Changsha Huayang Chemical Co., Ltd.	
China North Industry Guangzhou Corporation	
Feiyu Fine Chemical	
Gansu Xuejing Biochemical Co., Ltd.	
Great Vision International	
Hai Hui Group Co., Ltd.	
High Hope International Group Jiangsu Native Produce Import & Export Co., Ltd.	
Huangshi Xinghua Biochemical Co., Ltd.	
Hunan Dongting Citric Acid Chemicals Co., Ltd.	
Hunan Yinhai Petrochemicals Group Co., Ltd.	
Jiali Bio Group (Qingdao) Limited	
Jiangsu Gadot Nuobei Biochemical	
Jiangsu Nuobei Biochemical Co., Ltd.	
Juxian Hongde Citric Acid Co., Ltd.	
Kelong International Co., Ltd.	
Laiwu Taihe Biochemistry Co. Ltd.	
Lianyungang Best Biochemical Technology Co. Ltd.	
Lianyungang Famous Chemical, Ltd.	
Lianyungang JF International Trade Co., Ltd.	
Lianyungang Nuobei Biochemical Technology Co., Ltd.	

	Period to be reviewed
Lianyungang Reliance	
Lianyungang Samin Food Additives Co., Ltd.	
Lianyungang Shuren Scientific Creation Import & Export Co., Ltd.	
Linyi Bangtai Industry (Group) Co., Ltd.	
Nantong Apac Best Biochemical Corp.	
Nantong Huaze Chemical Co., Ltd.	
Nantong Jiangei Additive	
Penglai Marine Bio-Technology Co., Ltd.	
Qingdao Fuso Refining and Processing Co., Ltd.	
Qinhuangdao Sinochem Import & Export Co., Ltd.	
Roche Zhongya (Wuxi) Citric Acid, Ltd.	
Rugao Jinling Chemical Co., Ltd.	
RZBC Co., Ltd./RZBC Import & Export Co., Ltd. and RZBC (Juxian) Co., Ltd.	
Shanxi Shunyi Co., Ltd.	
Shandong Hongshide Chemical Industry Co., Ltd.	
Shandong Laiwu Gangcheng Group	
Shandong Ningmeng Biochemistry Co., Ltd.	
Shandong Yingfeng Chemical Industry Group Co., Ltd.	
Shanghai Henglijie Bio-Tech Co., Ltd.	
Shanghai Fenhe Biochemical Co., Ltd.	
Shanxi Rui Cheng Yellow River Industry, Ltd.	
Shihezi City Changyun Biochemical Co., Ltd.	
Sinochem Corporation	
Sinochem Hebei Import & Export Co.	
Sinochem Lianyungang Import & Export Co.	
Sinochem Tianjin Import & Export Co.	
Suntran Industrial Group, Ltd.	
Tianyu Chemical Co., Ltd.	
The TNN Development Limited	
TTCA Co., Ltd.	
Weifang Ensign Industry Co., Ltd.	
Weifang Huiyuan Industry Co., Ltd.	
Wuhan Shuangfeng Citric Acid Co., Ltd.	
Yixing Union Biochemical Co., Ltd.; and Yixing Union Cogeneration Co., Ltd.	

Suspension Agreements

None.

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine, consistent with *FAG Italia* v. *United States,* 291 F.3d 806 (Fed. Cir. 2002), as appropriate, whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures "gap" period, of the order, if such a gap period is applicable to the POR.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures* (73 FR 3634). Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (*e.g.,* the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

These initiations and this notice are in accordance with section 751(a) of the

[3] If one of the above-named companies does not qualify for a separate rate, all other exporters of Citric Acid and Certain Citrate Salts from the People's Republic of China ("PRC") who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

[4] If the above-named company does not qualify for a separate rate, all other exporters of Pure Magnesium from the PRC who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

[5] If one of the above named companies does not qualify for a separate rate, all other exporters of Certain Activated Carbon from the PRC who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

[6] Petitioners, Calgon Carbon Corporation and Norit Americans Inc., also requested a review of ten additional companies, but were unable to provide addresses for these companies. The Department finds that Petitioners did not demonstrate that they made a reasonable attempt to serve these companies with the request for review as required by 19 CFR 351.303(f)(3)(ii), nor did they explain satisfactorily why they desire a review of these companies, as required by 19 CFR 351.213(b)(1). Therefore, we are not initiating a review with respect to the following companies: Actview Carbon Technology Co., Ltd.; Alashan Yongtai Activated Carbon Co., Ltd.; Beijing Huapeng Environment Protection Materials; Huaxin Active Carbon Plant; Jilin Goodwill Activated Carbon Plant; Kaihua Xinghua Chemical Plant; Xinyuan Carbon; Yinyuan Carbon; YunGuan Chemical Factory; andYuanguang Activated Carbon Co., Ltd.

[7] We intend to issue the final results of these reviews not later than April 30, 2011. These five companies are in addition to the companies initiated upon on May 28, 2010. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 75 FR 29976, at footnote 5 (May 28, 2010). Petitioners provided addresses for these five companies in their submission dated May 24, 2010.

Act (19 USC 1675(a)), and 19 CFR 351.221(c)(1)(i).

Dated: June 24, 2010.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2010–15955 Filed 6–29–10; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Federal Advisory Committee; Military Leadership Diversity Commission (MLDC); Correction

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, DoD.

ACTION: Meeting notice; correction.

SUMMARY: The Office of the Secretary of Defense published a notice in the **Federal Register** on June 18, 2010 (75 FR 34707), announcing a meeting of the Military Leadership Diversity Commission (MLDC) on July 7 and 8, 2010, in Baltimore, MD. This document corrects the June 18 notice by adding a closed Administrative Meeting (July 6, 2010) and an agenda for the July 6 meeting. This document also corrects the agenda for the July 7 meeting and the Public Accessibility information. The times and meeting location that were announced in the June 18 notice are correct.

DATES: The meeting will be held on July 6 (from 7 p.m. to 9:30 p.m.), July 7 (from 7:30 a.m. to 8 p.m.) and July 8, 2010 (from 8 a.m. to 4 p.m.).

ADDRESSES: The meeting will be held at the Mt. Washington Conference Center, 5801 Smith Ave., Suite 1100, Baltimore, MD 21209.

FOR FURTHER INFORMATION CONTACT: Master Chief Steven A. Hady, Designated Federal Officer, MLDC, at (703) 602–0838, 1851 South Bell Street, Suite 532, Arlington, VA. E-mail *Steven.Hady@wso.whs.mil.*

SUPPLEMENTARY INFORMATION:

Corrections

In the **Federal Register** of June 18, 2010, in FR Doc. 2010–14713, beginning on page 34707, make the following corrections:

1. On page 34707, in the third column, correct the **DATES** caption to read:

DATES: The meeting will be held on July 6 (from 7 p.m. to 9:30 p.m.), July 7 (from 7:30 a.m. to 8 p.m.) and July 8, 2010 (from 8 a.m. to 4 p.m.).

2. On page 34707, in the third column, in **SUPPLEMENTARY INFORMATION**, correct the text under the "Agenda" heading by adding July 6, 2010, as the first agenda topic to read:

Agenda

July 6, 2010 (Closed Administrative Meeting)

7 p.m. to 9:30 p.m.
DFO opens the meeting.
Commission Chairman opening remarks.
DFO recesses the meeting.

3. On page 34707, in the third column, in **SUPPLEMENTARY INFORMATION**, under the "Agenda" heading for "July 7, 2010", in "8:45 a.m.–9:45 a.m.", remove the agenda topic "Deliberation of decision paper for definition of diversity." and add in its place the topic "Deliberation of decision paper for outreach and recruiting.".

4. On page 34708, in the first column, correct the text under the "Public's Accessibility to the Meeting" heading to read:

Public's Accessibility to the Meeting

Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, the meetings on July 7 and 8, 2010, will be open to the public. Please note that the availability of seating is on a first-come basis.

Pursuant to 41 CFR 3.160(b), the Administrative Working Meeting on July 6, 2010, shall be closed to the public.

Dated: June 25, 2010.

Mitchell S. Bryman,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2010–15907 Filed 6–29–10; 8:45 am]

BILLING CODE 5001–06–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 (Pub. L. 104–13).

DATES: Interested persons are invited to submit comments on or before July 30, 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. The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Dated: June 25, 2010.

James Hyler,

Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.

Office of Planning, Evaluation and Policy Development

Type of Review: Revision.

Title of Collection: Evaluation of the Teacher Incentive Fund (TIF) Program.

OMB #: 1875–0256.

Frequency of Responses: On Occasion.

Affected Public: State, Local, or Tribal Government (Gov't), State Educational Agencies (SEAs) or Local Educational Agencies (LEAs).

Estimated Number of Annual Responses: 2,627.

Estimated Annual Burden Hours: 1,009.

Abstract: In 2006, the U.S. Department of Education launched the Teacher Incentive Fund (TIF), which awards competitive grants to develop and implement performance-based compensation systems in high-need schools. The purpose of the evaluation

is to describe the implementation of the program and its relationship to any increases in recruitment and retention of effective teachers and principals. If feasible, this evaluation will also seek to analyze TIF's relationship to increasing student achievement.

This evaluation of the TIF program includes an implementation study of the Cohort 1 and 2 TIF grantees.

The implementation study will describe the central features of the local TIF performance-pay programs, the implementation of the programs, and similarities and differences in performance pay programs. Data collection activities will be iterative, beginning with telephone interviews of key stakeholders in all the TIF sites (completed winter 2010), followed by two rounds of more in-depth case studies in a sample of sites. Representative surveys of principals and teachers will also be conducted to represent the full range of program knowledge and experiences in each grantee program. The implementation study may be used in conjunction with outcomes data (if the Department exercises optional outcomes tasks) to help explain the relationship between program characteristics and system supports and program outcomes.

Requests for copies of the information collection submission for OMB review may be accessed from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAMain* or from the Department's website at *http://edicsweb.ed.gov,* by selecting the "Browse Pending Collections" link and by clicking on link number 4249. 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 and OMB Control Number 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. 2010–15915 Filed 6–29–10; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before August 30, 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 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: June 23, 2010.

Darrin A. King,

Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.

Office of Elementary and Secondary Education

Type of Review: Revision.

Title: Consolidated State Performance Report (Part I and Part II).

OMB #: 1810–0614.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 14,653.

Burden Hours: 11,864.

Abstract: The Consolidated State Performance Report (CSPR) is the required annual reporting tool for each State, Bureau of Indian Education, District of Columbia, and Puerto Rico as authorized under Section 9303 of the Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB).

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 4346. 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. 2010–15916 Filed 6–29–10; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Postsecondary Education; Overview Information; Teachers for a Competitive Tomorrow (TCT): Programs for Master's Degrees in Science, Technology, Engineering, Mathematics, or Critical Foreign Language Education; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2010

Catalog of Federal Domestic Assistance (CFDA) Number: 84.381B.

Dates:

Applications Available: June 30, 2010.

Deadline for Transmittal of Applications: July 30, 2010.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the TCT program is to enable partnerships served by eligible recipients to develop and implement 2- or 3-year part-time master's degree programs in science, technology, engineering, mathematics, or critical foreign language education for teachers in order to enhance the teachers' content knowledge and pedagogical skills; or to develop and implement programs for professionals in science, technology, engineering, mathematics, or critical foreign language education that lead to a master's degree in teaching that results in teacher certification.

Priorities: Under this competition, we are particularly interested in applications that address the following two invitational priorities.

Invitational 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 invitational priorities. Under 34 CFR 75.105(c)(1), we do not give an application that meets these invitational priorities a competitive or absolute preference over other applications.

These priorities are:

Invitational Priority 1

Under this program, applicants must demonstrate how their proposed projects will improve student achievement in mathematics, science, technology, engineering, or critical foreign languages and increase the number of students taking upper-level courses in such subjects. Under this priority, applicants are encouraged to work with their partner districts or the State educational agency to develop agreements to access student records containing data on assessments and course-taking in mathematics, science, technology, engineering, or critical foreign languages, as applicable, for students taught by teachers who receive master's degrees through programs supported by this grant, and to use this information to assess and improve the effectiveness of their projects in preparing teachers.

Invitational Priority 2

Under this program, applicants must demonstrate how teachers from schools determined by the partnership to be most in need will be encouraged to apply for and participate in the program. Under this priority, applicants proposing to develop two or three-year part-time master's programs in science, technology, engineering, mathematics, or critical foreign language education to enhance the content knowledge of existing teachers are encouraged to describe how they would recruit teachers to participate in the program who are currently teaching these subjects in schools that have been identified by their State as a persistently lowest-achieving school, consistent with the final regulations for the School Improvement Grants program that were published in the **Federal Register** on January 21, 2010 (75 FR 3375).

Definition

The term "critical foreign language" is defined in 20 U.S.C. 9802(b)(1) as a foreign language that the Secretary determines, in consultation with the heads of such Federal departments and agencies as the Secretary determines appropriate, is critical to the national security and economic competitiveness of the United States. The Secretary has determined that the following languages are critical foreign languages for purposes of this competition and any subsequent year in which we make awards from the list of unfunded applicants from this competition: Arabic, Chinese, Japanese, Korean, Russian, Hindi, Urdu, Persian, and Turkish.

Program Authority: 20 U.S.C. 9811.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 82, 85, 86, 97, 98, and 99.

Note: The regulations in 34 CFR part 79 apply to all applicants except Federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $852,888.

Estimated Range of Awards: $200,000–$250,000.

Estimated Average Size of Awards: $213,222.

Maximum Award: We will reject any application that proposes a budget exceeding $250,000 for a single budget period of 12 months. The Assistant Secretary for Postsecondary Education may change the maximum amount through a notice published in the **Federal Register**.

Estimated Number of Awards: 1–4.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* An institution of higher education on behalf of a department of science, technology, engineering, mathematics, or a critical foreign language, or on behalf of a department or school with a competency-based degree program (in science, technology, engineering, mathematics, or a critical foreign language) that includes teacher certification. Eligible applicants must enter into a partnership that shall include:

i. The eligible recipient;

ii. (a) A department within the eligible applicant that provides a program of study in science, technology, engineering, mathematics, or a critical foreign language; and (b) a school, department, or program of education within the eligible applicant, or a two-year institution of higher education that has a teacher preparation offering or a dual enrollment program with the eligible applicant; or

iii. A department or school within the eligible applicant with a competency-based degree program (in science, technology, engineering, mathematics, or a critical foreign language) that includes teacher certification; and

iv. Not less than one high-need LEA and a public school or a consortium of public schools served by the agency. A partnership may include a nonprofit organization that has a demonstrated record of providing expertise or support to meet the purposes of this initiative.

2. a. *Cost Sharing or Matching:* Under 20 U.S.C. 9815(b), each grant recipient must provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (which may be provided in cash or in-kind) to carry out the activities supported by the grant.

b. *Supplement-Not-Supplant:* Under 20 U.S.C. 9815(c), grant funds provided under this program must be used to supplement, and not supplant, other Federal or State funds.

3. *Other:* Definition of "high-need LEA" and other eligibility information. An eligible applicant must propose a project performed by a partnership that includes one or more "high-need LEAs." As defined in 20 U.S.C. 9812(3), the term "high-need LEA" is an LEA—

(A)(1) That serves not fewer than 10,000 children from low-income families, or (2) for which not less than 20 percent of the children served by the agency are from low-income families, or (3) with a total of less than 600 students in average daily attendance at the schools that are served by the agency and all of whose schools are designated with a school locale code of 41, 42, or 43, as determined by the Secretary; and

(B)(1) for which there is a high percentage of teachers providing instruction in academic subject areas or grade levels for which the teachers are not highly qualified; or (2) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure.

So that the Department may be able to confirm the eligibility of the LEAs participating in the project, we expect applicants to include information in their applications that demonstrates that each participating LEA in the partnership is a high-need LEA, as defined in 20 U.S.C. 9812(3).

Under components (A)(1) and (A)(2) of the statutory definition of high-need LEA, an LEA must show that it serves not fewer than 10,000 children from low-income families or that not less than 20 percent of the children served by the agency are children from low-income families. Under 20 U.S.C 9812(1), the term "children from low-income families" means children described in section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965, 20 U.S.C. 6333(c)(1)(A). The eligibility of an LEA as a "high-need LEA" under component (A)(1) or (A)(2) should be based on the most recent U.S. Census Bureau data. U.S. Census Bureau data are available for all school districts with geographic boundaries that existed when the U.S. Census Bureau collected its information. The link to the census data is: *http://www.census.gov/hhes/www/saipe/district.html.* The Department also makes these data available at its Web site at: *http://www.ed.gov/programs/lsl/eligibility.html.*

Some LEAs, such as newly formed school districts or charter schools in States that accord them LEA status, are not included in Census Bureau poverty data. Eligibility of these particular LEAs will be determined on a case-by-case basis after review of information in the application that addresses, as well as possible, the number or percentage of children from low-income families these LEAs serve.

The school locale codes referenced in component (A)(3) of the definition of "high-need LEA" are part of a classification system designed to describe a geographic area in which a school is located. Locale codes 41, 42, and 43 relate to rural areas. General information regarding the locale classification system and information regarding the locale codes for specific LEAs is available on the National Center for Education Statistics (NCES) Web site at: *http://nces.ed.gov/ccd/rural_locales.asp.*

The Department expects that LEAs that rely on component (B)(1) of the definition of "high-need LEA" will demonstrate their eligibility with information regarding the percentage of teachers providing instruction in the academic subject areas or grade levels for which the teachers are not highly qualified in the LEA and the State. The Department will review this aspect of an LEA's proposed eligibility on a case-by-case basis, and would expect that an LEA that meets this component of the definition would have a percentage of its classes taught by teachers who are not highly qualified that exceeds the percentage for the State.

For component (B)(2) of the statutory definition of "high-need LEA," the data that LEAs likely will find most readily available on the percentage of teachers with emergency, provisional, or temporary certification or licensing are the data they provide to their States for inclusion in the reports on the quality of teacher preparation that the States provide to the Department in October of each year as required by section 207 of the Higher Education Act of 1965, as amended (HEA). In these reports, States provide the percentage of teachers in their LEAs teaching on waivers of State certification, both on a statewide basis and in high-poverty LEAs. As reflected in the State reports the Department most recently received in October 2008, the national average percentage of teachers on waivers in high-poverty LEAs is 1.37 percent.

Under element (B)(2), an LEA may also demonstrate that it is "high-need" by demonstrating that it has a high teacher turnover rate. The Department will review this aspect of an LEA's proposed eligibility on a case-by-case basis, and would expect that an LEA that meets this component of the definition would have a teacher turnover rate that meets or exceeds the average national teacher turnover rate. The most recent data available to the Department indicates that 16 percent of teachers teaching during the 2003–04 school year did not return to teach in the same school the following school year. See Marvel, J., Lyter, D.M., Peltola, P., Strizek, G.A., and Morton, B.A. (2006). Teacher Attrition and Mobility: Results from the 2004–05 Teacher Follow-up Survey (NCES 2007–307). U.S. Department of Education, National Center for Education Statistics. Washington, DC: U.S. Government Printing Office.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet by downloading the package at *http://e-Grants.ed.gov.*

You also may request a copy of the application package from the following: Andrea Baird, Teachers for a Competitive Tomorrow: Programs for Master's Degrees in Science, Technology, Engineering, Mathematics, or Critical Foreign Language Education, U.S. Department of Education, 1990 K Street, NW., room 6143, Washington, DC 20006–8526. Telephone: (202) 502–7797. E-mail address: *andrea.baird@ed.gov.*

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll-free, at 1–800–877–8339.

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 program contact person listed in this section.

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 is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit the application narrative [Part III] to no more than 50 pages, using the following standards:

- A "page" is 8.5″ x 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, 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).

• Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman and Arial Narrow) will not be accepted.

The page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support.

We will reject your application if you exceed the page limit.

3. *Submission Dates and Times:*

Applications Available: June 30, 2010.

Deadline for Transmittal of Applications: July 30, 2010.

Applications for grants under this program must be submitted electronically using the Electronic Grant Application system (e-Application) accessible through the Department's e-Grants site. For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to Section IV. 7. *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.

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 program.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section in 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 program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the TCT Programs for Master's Degrees in Science, Technology, Engineering, Mathematics, or Critical Foreign Language Education, CFDA number 84.381B, must be submitted electronically using e-Application, accessible through the Department's e-Grants Web site at *http://e-Grants.ed.gov.*

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

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:

• 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 program 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 qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and 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 e-Application 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.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through e-Application because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to e-Application; and
- No later than two weeks before the application deadline date (14 calendar days; or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application. If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Andrea Baird, U.S. Department of Education, 1990 K Street, NW., room 6143, Washington, DC 20006–8526. FAX: (202) 502–7699.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. 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 84.381B),
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 qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You 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 84.381B),
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

Selection Criteria: The selection criteria for this program are from section 6114 of the America COMPETES Act, 20 U.S.C. 9814, and from 34 CFR 75.209(a) and 75.210 of EDGAR and are described in the application package.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we will notify your U.S. Representative and U.S. Senators and send you a Grant Award Notice (GAN). We may notify you informally, also.

If your application is not evaluated or not selected for funding, we will 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 in 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 review section 6114(d) of the America COMPETES Act, 20 U.S.C. 9814(d), and go to: *http://www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* The objective of the TCT Programs for Master's Degrees in Science, Technology, Engineering, Mathematics, or Critical Foreign Language Education is to train program participants as highly qualified teachers in these subject areas and to place them in high-need LEAs. Under the Government Performance and Results Act (GPRA), the following measures will be used by the Department in assessing the performance of the program.

(1) The percentage of program participants who earn a master's degree and certification or licensure in a science, technology, engineering, mathematics, or critical foreign language area (includes previously licensed teachers who receive a master's degree).

(2) The percentage of program participants who become or remain a teacher of record in a science, technology, engineering, mathematics, or critical foreign language area in a high-need school.

(3) The percentage of program participants who remain teaching in the science, technology, engineering, mathematics, or critical foreign language area in a high-need school for two or more years.

(4) The cost per program participant who remains in teaching in the science, technology, engineering, mathematics, or critical foreign language area in a high-need school for two or more years.

If funded, you will be asked to collect and report data on these measures in your project's annual performance report (EDGAR, 34 CFR 75.590). Applicants are also advised to consider these measures in conceptualizing the design, implementation, and evaluation of their proposed projects because of their importance in the application review process. Collection of data on these measures should be a part of the evaluation plan, along with measures of progress on goals and objectives that are specific to your project.

VII. Agency Contact

For Further Information Contact: Andrea Baird, Teachers for a Competitive Tomorrow: Programs for Master's Degrees in Science, Technology, Engineering, Mathematics, or Critical Foreign Language Education, U.S. Department of Education, 1990 K Street, NW., room 6143, Washington, DC 20006–8526. Telephone: (202) 502–7797 or e-mail *andrea.baird@ed.gov.*

If you use a TDD, call the 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) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in Section VII in this notice.

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.*

Delegation of Authority: The Secretary of Education has delegated authority to Daniel T. Madzelan, Director, Forecasting and Policy Analysis for the Office of Postsecondary Education, to perform the functions and duties of the Assistant Secretary for Postsecondary Education.

Dated: June 25, 2010.

Daniel T. Madzelan,

Director, Forecasting and Policy Analysis.

[FR Doc. 2010–15922 Filed 6–29–10; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Postsecondary Education; Overview Information; Transition Programs for Students with Intellectual Disabilities Into Higher Education (TPSID)—Model Comprehensive Transition and Postsecondary Programs for Students With Intellectual Disabilities; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2010

Catalog of Federal Domestic Assistance (CFDA) Number: 84.407A.

Dates:

Applications Available: June 30, 2010.

Deadline for Transmittal of Applications: July 30, 2010.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of this program is to support model demonstration programs that promote the successful transition of students with intellectual disabilities into higher education and to enable institutions of higher education (IHEs) (or consortia of institutions of higher education), to create or expand high quality inclusive model comprehensive transition and postsecondary programs for students with intellectual disabilities.

Priorities: This notice contains one absolute priority, three competitive preference priorities, and one invitational priority for the FY 2010 grant competition and any subsequent year in which we make awards from the list of unfunded applicants from this competition. We are establishing the absolute priority in accordance with section 437(d)(1) of the General Education Provisions Act (GEPA), 20 U.S.C. 1232(d)(1).

Absolute Priority: This priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

A grant recipient must use grant funds to establish a model comprehensive transition and postsecondary program for students with intellectual disabilities that—

(1) Serves students with intellectual disabilities;

(2) Provides individual supports and services for the academic and social inclusion of students with intellectual disabilities in academic courses, extracurricular activities, and other aspects of the IHE's regular postsecondary program;

(3) Provides a focus on academic enrichment, socialization, independent living skills, including self-advocacy, and integrated work experiences and

career skills that lead to gainful employment;

(4) Integrates person-centered planning in the development of the course of study for each student with an intellectual disability participating in the model program;

(5) Participates with the coordinating center established under section 777(b) of the HEA, in the evaluation of the components of the model program and budgets $4,000 annually for evaluation expenses incurred by the coordinating center including data collection, storage, analyses, and reporting;

(6) Engages in scheduled meetings or conference calls sponsored by the coordinating center, contributes $500 annually to the coordinating center in consultation with the Federal project officer to support conference expenses, and allocates five-percent of the time of one project personnel to support meeting and conference planning each project year;

(7) Partners with one or more local educational agencies to support students with intellectual disabilities participating in the model program who are still eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA);

(8) Implements a financial and program plan for the sustainability of the model after the end of the grant period; and

(9) Creates and offers a meaningful credential for students with intellectual disabilities upon the completion of the model program.

Competitive Preference Priorities: In accordance with 34 CFR 75.105(b)(2)(iv), these priorities are from section 767(c)(3) of the HEA. For FY 2010, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i), we award an additional nine points to an applicant (three points for each of the three priorities), that meets these priorities. An applicant can choose to respond to one, two, or all three of these priorities and can receive points based on their response to each separate priority.

These priorities are:

Competitive Priority 1:

Applicants that propose to form a sustained and meaningful partnership with any relevant agency serving students with intellectual disabilities, such as a vocational rehabilitation agency.

Competitive Priority 2:

Applicants that demonstrate that their IHE provides institutionally owned or operated housing for students attending the institution that integrates students with intellectual disabilities into the housing offered to all students.

Competitive Priority 3:

Applicants that propose to involve undergraduate or graduate students attending the IHE who are studying special education, general education, vocational rehabilitation, assistive technology, or related fields in the model program.

Invitational Priority: For FY 2010 this priority is an invitational priority. Under 34 CFR 75.105(c)(1) we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

Applicants that demonstrate that the institution will use TPSID funds to extend or enhance an existing program, rather than to supplant other non-Federal resources that are allocated to the program. Applicants responding to this priority should describe any existing programs at their institutions, including the number and characteristics of the students served, the staffing and budget for the program, how well students with intellectual disabilities are integrated with students without disabilities in regard to academic courses, extracurricular activities and other aspects of the IHE's regular postsecondary program, and describe how the TPSID grant will build upon current efforts.

Applicable Statutory Definitions:

Comprehensive transition and postsecondary program for students with intellectual disabilities (section 760(1) of the HEA).

The term "comprehensive transition and postsecondary program for students with intellectual disabilities" means a degree, certificate, or nondegree program that meets each of the following:

(A) Is offered by an institution of higher education.

(B) Is designed to support students with intellectual disabilities who are seeking to continue academic, career and technical, and independent living instruction at an institution of higher education in order to prepare for gainful employment.

(C) Includes an advising and curriculum structure.

(D) Requires students with intellectual disabilities to participate on not less than a half-time basis as determined by the institution, with such participation focusing on academic components, and occurring through one or more of the following activities:

(i) Regular enrollment in credit-bearing courses with nondisabled students offered by the institution.

(ii) Auditing or participating in courses with nondisabled students offered by the institution for which the student does not receive regular academic credit.

(iii) Enrollment in noncredit-bearing, nondegree courses with nondisabled students.

(iv) Participation in internships or work-based training in settings with nondisabled individuals.

(E) Requires students with intellectual disabilities to be socially and academically integrated with non-disabled students to the maximum extent possible.

Student with an intellectual disability (section 760(2) of the HEA). The term "student with an intellectual disability" means a student—

(A) With mental retardation or a cognitive impairment, characterized by significant limitations in—

(i) Intellectual and cognitive functioning; and

(ii) Adaptive behavior as expressed in conceptual, social, and practical adaptive skills; and

(B) Who is currently, or was formerly, eligible for a free appropriate public education under IDEA.

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed priorities. Section 437(d)(1) of GEPA, however, allows the Secretary to exempt from rulemaking requirements regulations governing the first grant competition under a new or substantially revised program authority. This is the first grant competition for this program under section 767 of the HEA, (20 U.S.C. 1140G) and therefore qualifies for this exemption. To ensure timely grant awards, the Secretary has decided to forego public comment on the absolute priority under section 437(d)(1) of GEPA. This priority will apply to the FY 2010 grant competition and any subsequent year in which we make awards from the list of unfunded applicants from this competition.

Program Authority: 20 U.S.C. 1140G.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 82, 84, 85, 86, 97, 98, and 99.

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: $10,563,300.

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: $100,000–$500,000.

Estimated Average Size of Awards: $423,000.

Maximum Award: We will reject any application that proposes a budget exceeding $500,000 for a single budget period of 12 months. The Assistant Secretary for Postsecondary Education may change the maximum amount through a notice published in the **Federal Register**.

Estimated Number of Awards: 25.

Note: The Department is not bound by any estimates in this notice.

Project Period: 60 months.

III. Eligibility Information

1. *Eligible Applicants:* IHEs as defined under section 101(a) of the HEA or consortia of IHEs are eligible to apply for funding.

2. *Cost Sharing or Matching:* The grantee must provide, from non-Federal funds, a matching contribution equal to at least 25 percent of the cost of the project. See section 767(e) of the HEA.

IV. Application and Submission Information

1. *Address to Request Application Package:* Shedita Alston, U.S. Department of Education, 1990 K Street, NW., room 6131, Washington, DC 20006–8524. Telephone (202) 502–7808 or by e-mail: *shedita.alston@ed.gov.*

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

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 program contact person listed in this section.

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 the application narrative (Part III) to no more than 40 pages using the following standards:

- A "page" is 8.5″ x 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, 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).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial only. Applications submitted in any other font (including Times Roman and Arial Narrow) will not be accepted.
- Appendices are limited to the following: Curriculum Vitae, letters of support, partnership agreements, memoranda of agreement, a bibliography, and one additional optional appendix relevant to the support of the proposal, not to exceed five pages.

The page limit does not apply to Part I, the Application for Federal Assistance (SF 424); the Supplemental Information Form required by the Department of Education; Part IV, the assurances and certifications; or the one-page abstract; or the appendices. The page limit also does not apply to the table of contents, if you include one. However, you must include all of the application narrative in Part III.

We will reject your application if you exceed the page limit.

3. *Submission Dates and Times:*

Applications Available: June 30, 2010.

Deadline for Transmittal of Applications: July 30, 2010.

Applications for grants under this program must be submitted electronically using the Electronic Grant Application System (e-Application) accessible through the Department's e-Grants site. For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. *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.

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 program.

5. *Funding Restrictions:* We specify unallowable costs in 34 CFR part 75. We reference additional 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.

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see *http://www.grants.gov/section910/Grants.govRegistrationBrochure.pdf*).

7. *Other Submission Requirements:* Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in

accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the TPSID program—CFDA number 84.407A must be submitted electronically using e-Application, accessible through the Department's e-Grants Web site at: *http://e-grants.ed.gov.*

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

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:

- 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 program 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 qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and 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 e-Application 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 section 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.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through e-Application because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to e-Application; and
- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application. If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Shedita Alston, U.S. Department of Education, 1990 K Street, NW., room 6131, Washington, DC 20006–8524. FAX: (202) 502–7675.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. 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 84.407A),
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 qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You 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 84.407A),
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:* Based on section 767(c)(1) and (2) of the HEA, additional factors we consider in selecting an application for an award are as follows: ensuring an equitable geographic distribution of grants, and providing grant funds to projects that will serve areas that are underserved by programs of this type.

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 will 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 Government Performance and Results Act (GPRA) of 1993 directs Federal departments and agencies to improve the effectiveness of their programs by engaging in strategic planning, setting outcome-related goals for programs, and measuring program results against those goals. The goal of the TPSID program is to promote the successful transition of students with intellectual disabilities into higher education and to enable institutions of higher education (or consortia of institutions of higher education), to create or expand high quality, inclusive model comprehensive transition and postsecondary programs for students with intellectual disabilities. To assess the success of the grantees in meeting this goal, grantees will be required to submit annual performance reports to the Secretary, including documentation of: Resource inputs, including sources of student financial assistance and contributions from vocational rehabilitation and other service agencies; student characteristics; program staffing; and student academic, social, and employment outcomes. In accordance with section 767(d)(5) of the HEA, grantees will be required to participate in evaluation activities conducted by the coordinating center established by section 777(b) of the HEA. As part of these reports and evaluation activities, grantees will be expected to work closely with the coordinating center to develop performance measures most closely aligned with activities that promote the successful transition of students with disabilities into higher education. Grantees will be asked to provide information to the coordinating center such as: (1) A description of the population of students targeted to receive assistance under their grant; (2) evidence of academic and social inclusion of students with intellectual disabilities in academic courses, extracurricular activities, and other aspects of the IHE's regular postsecondary program; (3) a description of how the model program addresses individualized student needs and improvement through person-centered planning, academic enrichment, socialization, independent living skills, and integrated work experiences and career skills; (4) a description of how the program leads to gainful employment and data systems used to track student outcomes; (5) a description of how the model program's partnership with one or more LEAs supports students with intellectual disabilities participating in the model program who are still eligible for funds under the IDEA; (6) plans for program sustainability beyond the grant period; (7) a detailed description of the meaningful credential offered to students with intellectual disabilities; (8) data regarding the change in enrollment of students with intellectual disabilities at the IHE; (9) data regarding persistence and completion of students with intellectual disabilities; (10) a

detailed description of measureable goals for the individual project, planned methods of achieving those goals, and progress towards meeting the goals; and (11) if applicable, a description of how the grantee continues to address the competitive preference priorities described in this notice related to sustained and meaningful partnerships with relevant agencies, the participation of students with intellectual disabilities in institutionally owned or operated housing, and the involvement of students attending the IHE who are studying special education, general education, vocational rehabilitation, assistive technology, or related fields in the model program.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Shedita Alston, U.S. Department of Education, Transition Programs for Students with Intellectual Disabilities into Higher Education Program, 1990 K Street, NW., room 6131, Washington, DC 20006–8524. Telephone: (202) 502–7808, or by e-mail: *shedita.alston@ed.gov.*

If you use a TDD, call the 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) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

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.*

Delegation of Authority: The Secretary of Education has delegated authority to Daniel T. Madzelan, Director, Forecasting and Policy Analysis for the Office of Postsecondary Education to perform the functions of the Assistant Secretary for Postsecondary Education.

Dated: June 25, 2010.

Daniel T. Madzelan,

Director, Forecasting and Policy Analysis.

[FR Doc. 2010–15927 Filed 6–29–10; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Postsecondary Education; Overview Information Centers of Excellence for Veteran Student Success; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2010

Catalog of Federal Domestic Assistance (CFDA) Number: 84.116G.

Dates:

Applications Available: June 30, 2010.

Deadline for Transmittal of Applications: July 30, 2010.

Deadline for Intergovernmental Review: September 28, 2010.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of this program is to encourage institutions of higher education (IHEs) to develop model programs to support veteran student success in postsecondary education by coordinating services to address the academic, financial, physical, and social needs of veteran students.

Priorities: This notice contains one absolute priority and one invitational priority. In accordance with 34 CFR 75.105(b)(2)(iv), the absolute priority is from section 873 of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1161t).

Absolute Priority: For FY 2010 and any subsequent year in which we make awards from the list of unfunded applications 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:

Projects that include the following required activities:

Establishing a Center of Excellence for Veteran Student Success on the campus of the institution to provide a single point of contact to coordinate comprehensive support services for veteran students; establishing a veteran student support team, including representatives from the offices of the institution responsible for admissions, registration, financial aid, veterans benefits, academic advising, student health, personal or mental health counseling, career advising, disabilities services, and any other office of the institution that provides support to veteran students on campus; providing a coordinator whose primary responsibility is to coordinate the model program; monitoring the rates of veteran student enrollment, persistence, and completion; and developing a plan to sustain the Center of Excellence for Veteran Student Success after the grant period.

Invitational Priority: Under this competition we are particularly interested in applications that address the following invitational priority. Under 34 CFR 75.105(c)(1) we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

Projects that detail specific steps that will be taken to recruit, retain, and graduate veterans from groups with college completion rates that are below the national average—such as English language learners and homeless veterans—as well as veterans who are members of groups that have traditionally been underrepresented in postsecondary education based on race, color, national origin, gender, or disability.

Program Authority: 20 U.S.C. 1161t.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 82, 84, 85, 86, 97, 98, and 99.

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: $5,940,000.

Estimated Range of Awards: $250,000 to $400,000.

Estimated Average Size of Awards: $313,000 for 36 months.

Estimated Number of Awards: 19.

Note: The Department is not bound by any estimates in this notice.

Project Period: 36 months.

III. Eligibility Information

1. *Eligible Applicants:* Institutions of higher education.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

IV. Application and Submission Information

1. *Address to Request Application Package:* 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 program or competition as follows: CFDA number 84.116G.

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 is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit the application narrative to no more than 15 pages, using the following standards:

• A "page" is 8.5″ x 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, except titles, headings, footnotes, quotations, references, 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).

• Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

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; the table of contents; the one page abstract, the resumes, the bibliography or citation list, letters of partners' or other collaborators' commitment, or letters from institutional administrators that document the applicant's current activities to support veteran student enrollment, persistence, and completion.

We will reject your application if you exceed the page limit.

3. *Submission Dates and Times:*

Applications Available: June 30, 2010.

Deadline for Transmittal of Applications: July 30, 2010.

Applications for grants under this program must be submitted electronically using the Electronic Grant Application System (e-Application) accessible through the Department's e-Grants site. For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to Section IV. 7. *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 28, 2010.

4. *Intergovernmental Review:* This competition 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 program.

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 program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the Centers of Excellence for Veteran Student Success Program—CFDA Number 84.116G must be submitted electronically using e-Application, accessible through the Department's e-Grants Web site at: *http://e-grants.ed.gov.*

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

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:

• 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 qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and 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 word 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 e-Application 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.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through e-Application because—

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to e-Application; and

• No later than two weeks before the application deadline date (14 calendar days; or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application. If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Cassandra Courtney, U.S. Department of Education, 1990 K Street, NW., room 6166, Washington, DC 20006–8544. FAX: (202) 502–7877.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. 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 84.116G),
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 qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You 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 84.116G),
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

Selection Criteria: The selection criteria for this program are from 34 CFR 75.210 and section 873 of the HEA (20 U.S.C. 1161t) and are listed in the application package.

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:* Under the Government Performance and Results Act of 1993 (GPRA), the following performance measures will be used by the Department in assessing the success of the Centers of Excellence for Veteran Student Success Program: The extent to which funded projects increase enrollment of, and persistence and completion by, veteran students in postsecondary education.

If funded, you will be asked to collect and report data on these measures in your project's annual performance report (34 CFR 75.590).

VII. Agency Contact

For Further Information Contact: Cassandra Courtney, Fund for the Improvement of Postsecondary Education, U.S. Department of Education, 1990 K Street, NW., room 6166, Washington, DC 20006–8544. Telephone: (202) 502–7506.

If you use a TDD, call the 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) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in Section VII of this notice.

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.*

Delegation of Authority: The Secretary of Education has delegated authority to Daniel T. Madzelan, Director, Forecasting and Policy Analysis for the Office of Postsecondary Education, to perform the functions and duties of the Assistant Secretary for Postsecondary Education.

Dated: June 25, 2010.

Daniel T. Madzelan,

Director, Forecasting and Policy Analysis.

[FR Doc. 2010–15919 Filed 6–29–10; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[CFDA No. 84.215L]

Office of Elementary and Secondary Education; Smaller Learning Communities Program; Notice Inviting Applications for New Awards Using Fiscal Year (FY) 2009 Funds; Correction

SUMMARY: On June 23, 2010, we published in the **Federal Register** (75 FR 35894) a notice inviting applications for new awards using fiscal year (FY) 2009 funds for the Smaller Learning Communities Program. There are errors in two of the dates in that notice. We are correcting those dates in this notice.

SUPPLEMENTARY INFORMATION:

Correction

1. On page 35896, third column, the deadline for the *Notice of Intent to Apply* is corrected to read "July 15, 2010."

2. On page 35897, first column, under the heading *Notice of Intent to Apply,* the second sentence is removed and replaced with the following sentence: "Therefore, we strongly encourage each potential applicant to send an e-mail notice of its intent to apply for funding by July 15, 2010."

3. On page 35897, first column, the deadline for the *Transmittal of Applications* is corrected to read "August 6, 2010."

FOR FURTHER INFORMATION CONTACT: Angela Hernandez-Marshall, U.S. Department of Education, 400 Maryland Avenue, SW., room 3E308, Washington, DC 20202–6200. Telephone: 202–205–1909 or by e-mail: *smallerlearningcommunities@ed.gov.*

If you use a TDD, call the Federal Relay Service, toll free, at 1–800–877–8339.

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) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

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: June 25, 2010.

Thelma Meléndez de Santa Ana,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2010–15917 Filed 6–29–10; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Proposed Waivers and Extensions of Project Periods: Presidential Academies and Congressional Academies

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Notice of proposed waiver and extension of project period.

SUMMARY: The Secretary proposes to waive the requirements in 34 CFR 75.250 and 75.261(c)(2) of the Education Department General Administrative Regulations (EDGAR), as they apply to projects funded under the Presidential Academies for American History and Civics Education, and 34 CFR 75.261(c)(2), as it applies to the project funded under the Congressional Academies for Students of American History and Civics Education. These regulations, respectively, generally prohibit project periods exceeding five years and any project period extensions involving the obligation of additional Federal funds. A waiver as proposed would mean that (1) the project period for the two current five-year grants funded under the Presidential Academies for American History and Civics Education would be extended through fiscal year (FY) 2012, for up to an additional 24-month budget period, instead of ending in FY 2010, and these grantees could thus receive additional Federal funding (out of FY 2010 funds) beyond the five-year limitation contained in 34 CFR 75.250 and notwithstanding the limitation in 34 CFR 75.261(c)(2) that prohibits extension of a project period if it involves the obligation of additional Federal funds; and (2) the project period of the one current three-year grantee funded under the Congressional Academies for Students of American History and Civics Education would be extended through FY 2012, for up to an additional 24-month budget period, instead of ending in FY 2010, and this grantee would continue to receive additional Federal funds (out of FY 2010 funds) notwithstanding the limitation in 34 CFR 75.261(c)(2) that prohibits extension of a project period if it involves the obligation of additional Federal funds.

DATES: We must receive your comments on or before July 30, 2010.

ADDRESSES: Address all comments about this notice to Kelly O'Donnell, U.S. Department of Education, 400 Maryland Avenue, SW., room 4W253, Washington, DC 20202–5960. If you prefer to send your comments by e-mail, use the following address: *Academies@ed.gov.* You must include the term "Waiver" in the subject line of your electronic message.

FOR FURTHER INFORMATION CONTACT: Kelly O'Donnell. Telephone: (202) 205–5231.

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: *Invitation to Comment:* We invite you to submit comments regarding this notice.

During and after the comment period, you may inspect all public comments about this notice of proposed waiver and extension of project period in room 4W335, 400 Maryland Avenue, SW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Washington, DC time, Monday through Friday of each week, except Federal holidays.

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

Background

The Presidential Academies for American History and Civics Education (Presidential Academies) program funds projects that offer workshops for both veteran and new teachers of American history and civics to strengthen their knowledge of, and preparation for, teaching these subjects. The Congressional Academies for Students of American History and Civics Education (Congressional Academies) program funds projects that help students to develop a broader and deeper understanding of these subjects. Currently, the Presidential Academies program funds two grantees, and the Congressional Academies program funds one grantee.

Entities that have been historically eligible for these programs are: Institutions of higher education (IHEs), museums, libraries, and other public and private agencies, organizations, and institutions (including for-profit institutions) and consortia of such agencies, organizations, and institutions. Applicants must provide evidence of their organization's demonstrated expertise in historical methodology or the teaching of history.

We seek this waiver and extension of project period in order to enable each of the current grantees to strengthen the quality of its evaluation and other data collection and reporting, and to conduct one additional round of academy activities as approved in each grant award. We believe the additional time and resources will provide information to strengthen this grant competition as well as similar professional development grant programs in coming years.

The Presidential and Congressional Academies projects are relatively small, with defined intervention strategies consisting of summer workshops and seminars. The small number of grants and the focus of the projects provide a confined and structured environment in which to collect data. Grantees will evaluate the effect of their new and previous activities on teacher content knowledge and student achievement in American history.

The additional budget period will provide resources and time for the grantees to: (1) Collect information about the components and design of their new and previous activities, (2) analyze their intervention strategies to identify the components of each, (3) develop data collection rubrics to determine if and the extent to which one or more of the components are integrated into the participants' classroom teaching, (4) collect data from the participating teachers on whether and what specific components of the professional development intervention are linked to improved content knowledge and student achievement, (5) conduct an additional round of academies in 2011 (but not in 2012), and (6) prepare and submit to the Department a final report. Although the budget periods will be extended for up to 24 months to allow for completion of the evaluation activities, grantees would receive only one additional year's worth of funds out of the FY 2010 appropriation.

In the case of these projects we believe it is preferable to review requests for continuation awards from the current grantees and extend currently funded projects, rather than

hold a new competition in FY 2010. Authorizing current grantees to request additional funds would be a more appropriate and effective means of continuing current projects and would result in a more cost-effective use of Federal funds.

Therefore, the Secretary proposes to waive the requirements in 34 CFR 75.250, which prohibit project periods exceeding five years, and the requirements in 34 CFR 75.261(c)(2), which limit the extension of a project period if it involves the obligation of additional Federal funds. With this waiver and extension of project period: (1) Current Presidential Academies and Congressional Academies grantees would receive FY 2010 funds and continue to operate through FY 2012 to implement an additional budget period of up to 24 months; and (2) we would not announce a new competition or make new awards under the Presidential Academies or Congressional Academies programs in FY 2010.

If the waiver of 34 CFR 75.250 and 34 CFR 75.261(c)(2) proposed in this notice is made, the requirements applicable to continuation awards for current Presidential Academies and Congressional Academies grantees in 34 CFR 75.253 would apply to any continuation awards sought by eligible current grantees under these programs.

The waiver of 34 CFR 75.250 and 75.261(c)(2) would not exempt current Presidential Academies and Congressional Academies grantees from the account-closing provisions of 31 U.S.C. 1552(a), nor would it extend the availability of funds previously awarded to current grantees. As a result of 31 U.S.C. 1552(a), appropriations available for a limited period may be used for payment of valid obligations for only five years after the expiration of their period of availability for Federal obligation. After that time, the unexpended balance of those funds is canceled and returned to the U.S. Treasury Department and is unavailable for restoration for any purpose.

We will announce the final waiver and extension of project period, if any, in a notice in the **Federal Register.** We will determine the final waiver and extension of project period after considering responses to this notice and other information available to the Department.

Proposed Waiver and Extension of Project Period—Presidential Academies and Congressional Academies

The Secretary proposes to waive the requirements in 34 CFR 75.250 and 75.261(c)(2), which prohibit project periods exceeding five years and extensions of project periods that involve the obligation of additional Federal funds, for the current Presidential Academies and Congressional Academies grantees.

Regulatory Flexibility Act Certification

The Secretary certifies that this proposed waiver and extension of project period would not have a significant economic impact on a substantial number of small entities.

The small entities that would be affected by this notice are those that have been historically eligible to receive an award under a competition for the Presidential Academies and Congressional Academies programs:

(1) Institutions of higher education.

(2) Museums.

(3) Libraries.

(4) Other public and private agencies, organizations and institutions (including for-profit institutions).

(5) Consortia of such agencies, organizations, and institutions that show their organizations' demonstrated expertise in historical methodology or the teaching of history.

The Secretary certifies that the proposed waiver and extension of project period would not have a significant economic impact on these entities because the proposed waivers and the activities required to support the additional years of funding would not impose excessive regulatory burdens or require unnecessary Federal supervision. The proposed waiver would impose minimal requirements to ensure the proper expenditure of program funds, including requirements that are standard for continuation awards.

Paperwork Reduction Act of 1995

This notice does not contain any information collection requirements.

Intergovernmental Review

These programs are subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism. The Executive Order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for these programs.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT.**

Electronic Access to This Document: 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.*

(Catalog of Federal Domestic Assistance Numbers 84.215A, Presidential Academies for American History and Civics Education, and 84.215D, Congressional Academies for Students of American History and Civics Education)

Program Authority: 20 U.S.C. 6713.

Dated: June 25, 2010.

James H. Shelton, III,

Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. 2010–15921 Filed 6–29–10; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Energy Employees Occupational Illness Compensation Program Act of 2000; Revision to List of Covered Facilities

AGENCY: Department of Energy.

ACTION: Notice of revision of list of covered facilities.

SUMMARY: The Department of Energy ("Department" or "DOE") periodically publishes or revises a list of facilities covered under the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended ("EEOICPA" or "Act"). This notice amends the previous lists by (1) Removing two facilities designated as atomic weapons employer (AWE) facilities that should not have been so designated; (2) correcting the covered periods for three listed AWE facilities; and (3) identifying an additional work site for each of two previously listed facilities. In addition, for one of the listed facilities for which a second work site is being identified, there is a related change in the covered period. Previous lists or revisions were published on April 9, 2009, June 28, 2007, November 30, 2005, August 23, 2004, July 21, 2003, December 27, 2002, June 11, 2001,

and January 17, 2001. DOE intends to provide any future updates to its facility list only on its Web site.

ADDRESSES: The Department welcomes comments on this notice. Comments should be addressed to: Patricia R. Worthington, PhD, Director, Office of Health and Safety (HS–10), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Patricia R. Worthington, PhD, Director, Office of Health and Safety (HS–10), (301) 903–5926.

SUPPLEMENTARY INFORMATION:

Purpose

The EEOICPA establishes a program to provide compensation to certain employees who develop illnesses as a result of their employment with AWEs, DOE and its predecessor Agencies, certain of its contractors and subcontractors, and listed beryllium vendors. Section 3621(4) of the Act (codified at 42 U.S.C. 7384l(4)) defines an AWE as "an entity, other than the United States, that—(A) processed or produced, for use by the United States, material that emitted radiation and was used in the production of an atomic weapon, excluding uranium mining and milling; and (B) is designated by the Secretary of Energy as an [AWE] for the purposes of the compensation program." Section 3621(5) defines an AWE facility as "a facility, owned by an [AWE], that is or was used to process or produce, for use by the United States, material that emitted radiation and was used in the production of an atomic weapon, excluding uranium mining or milling." The Act defines a DOE facility, in pertinent part, as "any building, structure, or premise, including the grounds upon which such building, structure, or premise is located—(A) in which operations are, or have been, conducted by, or on behalf of, the Department of Energy . . .; and (B) with regard to which the Department of Energy has or had—(i) a proprietary interest; or (ii) entered into a contract with an entity to provide management and operation, management and integration, environmental remediation services, construction, or maintenance services."

It has recently come to the attention of the Department that one facility was previously mistakenly designated as an AWE facility because the designated facility was owned by the U.S. Government, and the statutory definitions of AWE and AWE facility exclude facilities owned by the United States. A second entity identified as an AWE facility is being removed from the list because the work performed by that entity was not related to production of an atomic weapon and was not performed for, or on behalf of, DOE or its predecessor Agencies. DOE has also recently become aware of additional information regarding the work locations for two previously listed AWEs and related periods of covered work; and needed corrections for the covered time period for three other covered facilities on the list. This new information is reflected in changes to the list of covered facilities. DOE intends to provide any future updates to its facility list only on its Web site found at: *http://www.hss.doe.gov/healthsafety/FWSP/Advocacy/faclist/findfacility.cfm.*

This notice formally makes the changes to the list as indicated below:

- Painsville Site (Diamond Magnesium Company) of Ohio is no longer designated as an AWE facility because the work performed at that site was not related to atomic weapons production and was not conducted by, or on behalf of, DOE or its predecessor Agencies.
- St. Louis Airport Storage Site is no longer designated as an AWE facility because the facility was owned by the U.S. Government. However, it is currently designated by the Department of Labor as a DOE facility.
- The facility description for Babcock and Wilcox Technologies, Inc. (BWXT), Nuclear Facility in Lynchburg, Virginia, is modified by adding a second site where covered operations took place to reflect recently discovered information. In addition, the covered time period is being changed to include the period of time covered work was performed at this second site. Thus, an additional time from 1956 to 1959 is being added.
- The covered period for Blockson Chemical Company in Joliet, Illinois, is changed from 1951–1962 to 1951–June 1960 because newly discovered information indicates that no uranium processing took place at that facility for the Atomic Energy Commission (AEC), a predecessor to DOE, after June 1960.
- The facility description for Carborundum Company, of Niagara Falls, New York, is changed by adding a second distinct work location for this company, and the time period of the work performed is changed to include the years 1943–1944 and 1959–1967. These changes are made to reflect recently discovered information.
- The covered period for Texas City Chemicals, Inc. (TCC), Texas City, Texas, is changed from 1952–1956 to October 1953–September 1955 to reflect recently discovered records, which indicates that the work on behalf of AEC was not begun until October 1953 and ended in September 1955.
- The covered period for the Wah Chang facility in Albany, Oregon, is changed from 1956–1959 to 1971–1972 based on recently discovered information.

Issued in Washington, DC, on June 21, 2010.

Glenn S. Podonsky,

Chief Health, Safety and Security Officer, Office of Health, Safety and Security.

[FR Doc. 2010–15903 Filed 6–29–10; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Paducah, KY

AGENCY: Department of Energy (DOE).

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Paducah. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, July 15, 2010, 6 p.m.

ADDRESSES: Barkley Centre, 111 Memorial Drive, Paducah, Kentucky 42001.

FOR FURTHER INFORMATION CONTACT: Reinhard Knerr, Deputy Designated Federal Officer, Department of Energy Paducah Site Office, Post Office Box 1410, MS–103, Paducah, Kentucky 42001, (270) 441–6825.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management and related activities.

Tentative Agenda

- Call to Order, Introductions, Review of Agenda
- Deputy Designated Federal Officer's Comments
- Federal Coordinator's Comments
- Liaisons' Comments
- Administrative Issues
- Presentations
- Subcommittee Chairs' Comments
- Public Comments
- Final Comments
- Adjourn

Breaks Taken as Appropriate.

Public Participation: The EM SSAB, Paducah, welcomes the attendance of the public at its advisory committee

meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Reinhard Knerr at least seven days in advance of the meeting at the telephone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Reinhard Knerr at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Reinhard Knerr at the address and phone number listed above. Minutes will also be available at the following Web site: *http://www.pgdpcab.org/meetings.html.*

Issued at Washington, DC, on June 25, 2010.

Rachel Samuel,

Deputy Committee Management Officer.

[FR Doc. 2010–15905 Filed 6–29–10; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an open meeting of the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling (the Commission). The Commission was organized pursuant to the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) (the Act). The Act requires that agencies publish these notices in the **Federal Register**. The Charter of the Commission can be found at: *http://energy.gov/news/documents/EXEC–2010–010234_2.pdf.*

DATES: Monday, July 12, 2010, 9 a.m.–6 p.m. and Tuesday, July 13, 2010, 9 a.m.–4 p.m.

ADDRESSES: Hilton New Orleans Riverside, River Room and Port Starboard Room, Two Poydras Street, New Orleans, LA 70130; telephone number: 1–504–561–0500.

FOR FURTHER INFORMATION CONTACT: Christopher A. Smith, Designated Federal Officer, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585; telephone (202) 586–0716 or facsimile (202) 586–6221; e-mail *BPDeepwaterHorizon Commission@hq.doe.com.*

SUPPLEMENTARY INFORMATION:

Background: The President directed that the Commission be established to examine the relevant facts and circumstances concerning the root causes of the Deepwater Horizon explosion, fire and oil spill and develop options to guard against, and mitigate the impact of, any oil spills associated with offshore drilling in the future.

The Commission is composed of seven members appointed by the President to serve as special Government employees. The members were selected because of their extensive scientific, legal, engineering, and environmental expertise, and their knowledge of issues pertaining to the oil and gas industry.

Purpose of the Meeting: Inform the Commission members about the current status of the oil spill in the Gulf of Mexico. The meeting will provide the Commission with the opportunity to hear presentations and statements from various experts and provide additional information for the Commission's consideration.

Tentative Agenda: The first day of the meeting is expected to start on July 12 at 9 a.m. Presentations to the Commission are expected to begin shortly thereafter. Public comments can be made on July 12 from 4 p.m. to 6 p.m. The second day of the meeting is expected to start on July 13 at 9 a.m. Presentations to the Commission are expected to begin shortly thereafter. Public comments can be made on July 13 from 3 p.m. to 4 p.m.

Public Participation: Individuals and representatives of organizations who would like to offer comments may do so on July 12 from 4 p.m. to 6 p.m. and July 13 from 3 p.m. to 4 p.m. Approximately three hours total will be reserved for public comments. Time allotted per speaker will depend on the number who wish to speak but will not exceed 5 minutes. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Those wishing to speak on July 12 should register to do so beginning on July 12 at 9 a.m. and those wishing to speak on July 13 should register to do so beginning on July 13 at 9 a.m.

Those not able to attend the meeting or have insufficient time to address the committee are invited to send a written statement to Christopher A. Smith, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, or e-mail *BPDeepwaterHorizon Commission@hq.doe.com.* This notice is being published less than 15 days before the date of the meeting due to the national emergency that the Commission is addressing.

Minutes: The minutes of the meeting will be available by contacting Mr. Smith. He may be reached at the postal address or e-mail address above.

Issued in Washington, DC on June 25, 2010.

Carol A. Matthews,

Committee Management Officer.

[FR Doc. 2010–15985 Filed 6–28–10; 11:15 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

DOE/NSF Nuclear Science Advisory Committee

AGENCY: Department of Energy, Office of Science.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the DOE/NSF Nuclear Science Advisory Committee (NSAC). The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Friday, July 30, 2010. 9 a.m.–4 p.m.

ADDRESSES: Crystal City Marriott at Reagan National Airport, 1999 Jefferson Davis Highway, Arlington, Virginia 22202, 703–413–5500.

FOR FURTHER INFORMATION CONTACT: Brenda L. May, U.S. Department of Energy; SC–26/Germantown Building, 1000 Independence Avenue, SW., Washington, DC 20585–1290; Telephone: 301–903–0536.

SUPPLEMENTARY INFORMATION:

Purpose of Meeting: To provide advice and guidance on a continuing basis to the Department of Energy and the National Science Foundation on scientific priorities within the field of basic nuclear science research.

Tentative Agenda: Agenda will include discussions of the following:

Friday, July 30, 2010

- Perspectives from Department of Energy and National Science Foundation.

• Update from the Department of Energy and National Science Foundation's Nuclear Physics Office.

• Technical Talk on Deep Underground Science and Engineering Laboratory (DUSEL).

• Public Comment (10-minute rule).

Public Participation: The meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of these items on the agenda, you should contact Brenda L. May, 301–903–0536 or *Brenda.May@science.doe.gov* (e-mail). You must make your request for an oral statement at least 5 business days before the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: The minutes of the meeting will be available on the U.S. Department of Energy's *Office of Nuclear Physics* Web site for viewing.

Rachel Samuel,

Deputy Committee Management Officer.

[FR Doc. 2010–15920 Filed 6–29–10; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP10–464–000]

Dominion Transmission, Inc.; Notice of Application

June 23, 2010.

Take notice that on June 18, 2010, Dominion Transmission, Inc. (DTI), 120 Tredegar Street, Richmond, Virginia 23219, filed in Docket No. CP10–464–000 an application pursuant to section 7(b) of the Natural Gas Act and Part 157 the Commission's Rules and Regulations for all the necessary authorizations required to refunctionalize as gathering and to abandon by sale approximately 2.5 miles of 6 inch diameter pipeline segment known as TL–415 located in Potter County, Pennsylvania, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Copies of this filing are available for review at the Commission in the Public Reference Room, or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TTY, (202) 502–8659.

Questions regarding this application should be directed to Margaret H. Peters, Assistant General Counsel, DominionTransmission, Inc., 701 East Cary Street, Richmond, Virginia 23219, telephone (804) 771–3992, FAX (804) 771–3940, and e-mail *Margaret.H.Peters@dom.com*.

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, before the comment date of this notice, 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.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a) (1) (iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the "e-Filing" link. 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.

Comment Date: July 14, 2010.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–15835 Filed 6–29–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 459–298]

Union Electric Company dba AmerenUE; Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

June 23, 2010.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-project use of project lands and waters.

b. *Project No:* 459–298.

c. *Date Filed:* June 16, 2010.

d. *Applicant:* Union Electric Company dba Ameren/UE.

e. *Name of Project:* Osage Hydroelectric Project.

f. *Location:* The proposed non-project use would be located near mile marker 31.2 + 5.7 in the Big Niangua Arm of Lake of the Ozarks, in Camden County, Missouri.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Mr. Jeff Green, Shoreline Supervisor, AmerenUE, P.O. Box 993, Lake Ozark, MO 65049, (573) 365–9214.

i. *FERC Contact:* Any questions on this notice should be addressed to Shana High at (202) 502–8674.

j. *Deadline for filing comments, motions to intervene, and protest:* July 23, 2010.

Comments, Motions to Intervene, and Protests may be filed electronically via the Internet. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site 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://www.ferc.gov.filing-comments.asp.* Please include the

project number (P–459–298) on any comments or motions filed.

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 requests Commission authorization to permit Portofino Condominiums, LLC to construct two new docks and modify two existing docks. The total number of boat slips after construction and modification would increase to 124 from 24. The docks would serve Portofino Condominiums, a residential community.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via 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.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–15839 Filed 6–29–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR10–38–000]

Louisville Gas and Electric Company; Notice of Baseline Filing

June 23, 2010.

Take notice that on June 21, 2010, Louisville Gas and Electric Company submitted a baseline filing of its FERC Operating Statement for services provided under Section 311 of the Natural Gas Policy Act of 1978 ("NGPA").

Any person desiring to participate in this rate proceeding must file a motion to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 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 Friday, July 2, 2010.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–15832 Filed 6–29–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR10–39–000]

Crosstex North Texas Pipeline, L.P.; Notice of Baseline Filing

June 23, 2010.

Take notice that on June 21, 2010, Crosstex North Texas Pipeline, L.P. submitted a baseline filing of its FERC Operating Statement for services provided under Section 311 of the Natural Gas Policy Act of 1978 ("NGPA").

Any person desiring to participate in this rate proceeding must file a motion to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an

intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern time on Friday, July 2, 2010.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–15841 Filed 6–29–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR10–40–000]

Crosstex LIG, LLC; Notice of Baseline Filing

June 23, 2010.

Take notice that on June 21, 2010, Crosstex LIG, LLC submitted a baseline filing of its FERC Operating Statement for services provided under Section 311 of the Natural Gas Policy Act of 1978 ("NGPA").

Any person desiring to participate in this rate proceeding must file a motion to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 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 Friday, July 2, 2010.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–15840 Filed 6–29–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR10–31–000]

DCP Guadalupe Pipeline, LLC; Notice of Baseline Filing

June 23, 2010.

Take notice that on June 10, 2010, DCP Guadalupe Pipeline, LLC submitted a baseline filing of its Storage Statement of Operating Conditions for services provided under Section 311 of the Natural Gas Policy Act of 1978 ("NGPA").

Any person desiring to participate in this rate proceeding must file a motion to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 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 Friday, July 2, 2010.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–15838 Filed 6–29–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR10–37–000]

Washington 10 Storage Corporation; Notice of Baseline Filing

June 23, 2010.

Take notice that on June 18, 2010, Washington 10 Storage Corporation submitted a baseline filing of its Statement of Operating Conditions for services provided under Section 311 of the Natural Gas Policy Act of 1978 ("NGPA").

Any person desiring to participate in this rate proceeding must file a motion to intervene or to protest this filing must

file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 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 Friday, July 2, 2010.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–15836 Filed 6–29–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings # 1

June 23, 2010.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC10–68–000.

Applicants: Allegheny Energy Inc., FirstEnergy Corp.

Description: FirstEnergy Corp and Allegheny Energy, Inc. submit their response to the FERC's 6/10/10 letter requesting additional information re an application.

Filed Date: 06/21/2010.

Accession Number: 20100622–0005.

Comment Date: 5 p.m. e.t. on Monday, July 12, 2010.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG06–73–000.

Applicants: BG Dighton Power, LLC.

Description: Notice of Self-Recertification of Exempt Wholesale Generator Status of Dighton Power, LLC.

Filed Date: 06/10/2010.

Accession Number: 20100610–5020.

Comment Date: 5 p.m. e.t. on Friday, July 2, 2010

Docket Numbers: EG98–79–000.

Applicants: MASSPOWER.

Description: Notice of Self-Recertification of Exempt Wholesale Generator Status of MASSPOWER.

Filed Date: 06/10/2010.

Accession Number: 20100610–5022.

Comment Date: 5 p.m. e.t. on Friday, July 2, 2010.

Docket Numbers: EG99–220–000.

Applicants: Lake Road Generating Company, LP.

Description: Notice of Self-Recertification of Exempt Wholesale Generator Status of Lake Road Generating Co., L.P.

Filed Date: 06/10/2010.

Accession Number: 20100610–5021.

Comment Date: 5 p.m. e.t. on Friday, July 2, 2010.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER02–537–027; ER03–983–024; ER06–738–024; ER06–739–024; ER07–501–023; ER07–758–020; ER08–649–016.

Applicants: Cogen Technologies Linden Venture, L.P., Fox Energy Company LLC, Birchwood Power Partners, L.P., Shady Hills Power Company, L.L.C., East Coast Power Liden Holding, LLC, EFS Parlin Holdings, LLC, Inland Empire Energy Center, LLC.

Description: Third Supplement to Notice of Non-Material Changes in Status of East Coast Power Linden Holding, LLC, *et al.*

Filed Date: 06/22/2010.

Accession Number: 20100622–5112.

Comment Date: 5 p.m. e.t. on Tuesday, July 13, 2010.

Docket Numbers: ER09–412–013.

Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection, LLC submits Substitute Fifth Revised Sheet 572 et al to FERC Electric Tariff, Sixth Revised Volume 1.

Filed Date: 06/22/2010.

Accession Number: 20100623–0201.

Comment Date: 5 p.m. e.t. on Tuesday, July 13, 2010.

Docket Numbers: ER10–549–001.

Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection, LLC submits compliance filing in order to clarify the inclusion of certain baseline upgrades as reliability project in the PJM Regional Expansion Plan.

Filed Date: 06/22/2010.

Accession Number: 20100622–0204.

Comment Date: 5 p.m. e.t. on Tuesday, July 13, 2010.

Docket Numbers: ER10–882–000.

Applicants: ISO New England Inc., New England Power Pool.

Description: ISO New England Inc provides responses to the Commission Deficiency Letter issued on May 14, 2010 re a proposal to revise the Forward Capacity Market rules.

Filed Date: 06/14/2010.

Accession Number: 20100615–0005.

Comment Date: 5 p.m. e.t. on Tuesday, July 6, 2010.

Docket Numbers: ER10–1316–000.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc submits an executed Large Generator Interconnection Agreement with Western Farmers Electric Cooperative etc.

Filed Date: 05/25/2010.

Accession Number: 20100525–0234.

Comment Date: 5 p.m. e.t. on Wednesday, June 30, 2010.

Docket Numbers: ER10–1522–000.

Applicants: Occidental Chemical Corporation.

Description: Occidental Chemical Corporation submits tariff filing per 35.12: Baseline Tariff Filing, to be effective 6/22/2010.

Filed Date: 06/22/2010.

Accession Number: 20100622–5048.

Comment Date: 5 p.m. e.t. on Tuesday, July 13, 2010.

Docket Numbers: ER10–1523–000.

Applicants: New Hampshire Transmission, LLC.

Description: New Hampshire Transmission, LLC submits Notice of Succession and a revised rate schedule.

Filed Date: 06/22/2010.

Accession Number: 20100622–0212.

Comment Date: 5 p.m. e.t. on Tuesday, July 13, 2010.

Docket Numbers: ER10–1524–000.

Applicants: California Independent System Operator Corporation.

Description: The California Independent System Operator Corporation submits Second Revised

Sheet 802B *et al.* to FERC Electric Tariff, Fourth Replacement Volume 1 to be effective 8/23/10.

Filed Date: 06/22/2010.

Accession Number: 20100623–0202.

Comment Date: 5 p.m. e.t. on Tuesday, July 13, 2010.

Docket Numbers: ER10–1525–000.

Applicants: KGen Hot Spring LLC.

Description: KGen Hot Spring LLC submits tariff filing per 35.12: Initial Baseline Market Based Rate Tariff Filing to be effective 6/23/2010 under ER10–01525–000 Filing Type: 400.

Filed Date: 06/23/2010.

Accession Number: 20100623–5028.

Comment Date: 5 p.m. e.t. on Wednesday, July 14, 2010.

Docket Numbers: ER10–1526–000.

Applicants: KGen Hinds LLC.

Description: KGen Hinds LLC submits tariff filing per 35.12: Initial Baseline Market Based Rate Tariff Filing to be effective 6/23/2010 under ER10–01526–000 Filing Type: 400.

Filed Date: 06/23/2010.

Accession Number: 20100623–5029.

Comment Date: 5 p.m. e.t. on Wednesday, July 14, 2010.

Docket Numbers: ER10–1527–000.

Applicants: KGen Murray I and II LLC.

Description: KGen Murray I and II LLC submits tariff filing per 35.12: Initial Baseline Market Based Rate Tariff to be effective 6/23/2010 under ER10–1527 Filing Type: 400.

Filed Date: 06/23/2010.

Accession Number: 20100623–5030.

Comment Date: 5 p.m. e.t. on Wednesday, July 14, 2010.

Docket Numbers: ER10–1528–000.

Applicants: New York State Electric & Gas Corp.

Description: New York State Electric & Gas Corporation supplement to Rate Schedule 200—Facilities Agreement between NYSEG and the NYPA.

Filed Date: 06/23/2010.

Accession Number: 20100623–0203.

Comment Date: 5 p.m. e.t. on Wednesday, July 14, 2010.

Docket Numbers: ER10–1529–000.

Applicants: Northern Iowa Windpower, LLC.

Description: Northern Iowa Windpower, LLC submits tariff filing per 35.12: Baseline Filing of Northern Iowa Windpower, LLC to be effective 6/23/2010.

Filed Date: 06/23/2010.

Accession Number: 20100623–5091.

Comment Date: 5 p.m. e.t. on Wednesday, July 14, 2010.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES10–41–000.

Applicants: National Grid USA.

Description: Supplement to Application of National Grid USA for authorization to issue Securities under Section 204 of the Federal Power Act.

Filed Date: 06/22/2010.

Accession Number: 20100622–5108.

Comment Date: 5 p.m. e.t. on Friday, July 02, 2010.

Docket Numbers: ES10–47–000.

Applicants: Indianapolis Power & Light Company.

Description: Indianapolis Power & Light Company submits its Amended Application for Issuance of Short-Term Debt Instruments pursuant to Section 204 of the FPA.

Filed Date: 06/22/2010.

Accession Number: 20100622–5109.

Comment Date: 5 p.m. e.t. on Friday, July 2, 2010.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214) on or before 5 p.m e.t. on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

As it relates to any qualifying facility filings, the notices of self-certification [or self-recertification] listed above, do not institute a proceeding regarding qualifying facility status. A notice of self-certification [or self-recertification] simply provides notification that the entity making the filing has determined the facility named in the notice meets the applicable criteria to be a qualifying facility. Intervention and/or protest do not lie in dockets that are qualifying facility self-certifications or self-recertifications. Any person seeking to challenge such qualifying facility status may do so by filing a motion pursuant to 18 CFR 292.207(d)(iii). Intervention and protests may be filed in response to notices of qualifying facility dockets other than self-certifications and self-recertifications.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–15850 Filed 6–29–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. DI10–12–000]

Antrim Treatment Trust; Notice of Declaration of Intention and Soliciting Comments, Protests, and/or Motions To Intervene

June 23, 2010.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Declaration of Intention.

b. *Docket No:* DI10–12–000.

c. *Date Filed:* May 21, 2010.

d. *Applicant:* Antrim Treatment Trust.

e. *Name of Project:* Antrim Micro-Hydropower Project.

f. *Location:* The proposed Antrim Micro-Hydropower Project will be located on an unnamed creek, tributary to Wilson Creek, near the town of Antrim, Tioga County, Pennsylvania.

g. *Filed Pursuant to:* Section 23(b)(1) of the Federal Power Act, 16 U.S.C. 817(b).

h. *Applicant Contact:* Bryan J. Page, BioMost, Inc. 434 Spring Street Ext., Mars, PA 16046; telephone: (724) 776–0161; Fax: (724) 776–0166; e-mail: *http://www.bmi@biomost.com.*

i. *FERC Contact:* Any questions on this notice should be addressed to Henry Ecton, (202) 502–8768, or e-mail address: *henry.ecton@ferc.gov.*

j. *Deadline for filing comments, protests, and/or motions:* July 23, 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 filed with: 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 at *http://www.ferc.gov.filing-comments.asp.*

Please include the docket number (DI10–12–000) on any comments, protests, and/or motions filed.

k. *Description of Project:* The proposed Antrim Micro-Hydropower Project will consist of: (1) A collection pond, containing acidic metal-laden coal mine drainage, conveyed to a water treatment plant through a 12-inch PVC pipe; (2) an 1,100-foot-long, 18-inch-diameter HDPA pipe penstock from the treatment plant; (3) a powerhouse, located on the penstock, containing a Turgo turbine with a rated output of 86 kW, with an 80-kW horizontal induction generator; (4) a 16-inch diameter, approximately 8-foot-long tailrace, emptying into an unnamed steam; (5) a transmission line extending approximately 1,100-feet to the treatment plant, where it will be connected to the interstate grid; and (6) appurtenant facilities.

When a Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the interests of interstate or foreign commerce would be affected by the proposed project. The Commission also determines whether or not the project: (1) Would be located on a navigable waterway; (2) would occupy or affect public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) if applicable, has involved or would involve any construction subsequent to 1935 that may have increased or would increase the project's head or generating capacity, or have otherwise significantly modified the project's pre-1935 design or operation.

l. *Locations of the Application:* Copies of this filing are on file with the Commission and are available for public inspection. This filing may be viewed on the Web at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. 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, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "PROTESTS", AND/OR "MOTIONS TO INTERVENE", as applicable, and the Docket Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

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.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–15834 Filed 6–29–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. NJ10–2–000]

Orlando Utilities Commission; Notice of Filing

June 23, 2010.

Take notice that on June 11, 2010, the Orlando Utilities Commission filed, pro forma revised tariff sheets for inclusion in its open access transmission tariff, pursuant to section 205 of the Federal Power Act (FPA), 16 U.S.C. 824d, and part 35 of the Federal Energy Regulatory Commission's regulations under the FPA, 18 CFR 35.0 *et seq.* (2009).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call

(866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on July 12, 2010.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–15833 Filed 6–29–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR10–32–000]

Public Service Company of Colorado; Notice of Filing

June 23, 2010.

Take notice that on June 10, 2010, Public Service Company of Colorado submitted a revised Statement of Operating Conditions for services provided under Section 311 of the Natural Gas Policy Act of 1978 ("NGPA").

Any person desiring to participate in this rate proceeding must file a motion to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 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 Friday, July 2, 2010.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–15837 Filed 6–29–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12555–004]

Mahoning Creek Hydroelectric Company, LLC; Notice of Intent To Issue a Supplemental Environmental Assessment for the Proposed Mahoning Creek Hydroelectric Project

June 23, 2010.

On March 23, 2010, Commission staff issued an Environmental Assessment (EA) for the proposed Mahoning Creek Hydroelectric Project. On April 22, 2010, the U.S. Army Corps of Engineers, Pittsburgh District (Corps) filed comments on the EA. On June 17, 2010, Commission staff hosted a teleconference with the Corps to discuss their comments on the EA. Mahoning Creek Hydroelectric Company and the Pennsylvania Fish & Boat Commission also participated in the teleconference. In response to these activities, Commission staff intend to issue a supplemental EA that will address comments on the EA and provide additional clarification and analysis of several outstanding issues discussed during the teleconference.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–15842 Filed 6–29–10; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2009–0727; FRL–8829–4]

Lauryl Sulfate Salts; Antimicrobial Registration Review Final Work Plan and Proposed Registration Review Decision; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's final work plan and proposed registration review decision for the pesticide lauryl sulfate salts, case number 4061 and opens a public comment period on the proposed decision. Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, that the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

DATES: Comments must be received on or before August 30, 2010.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2009–0727, by one of the following methods:

- *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.
- *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305–5805.

Instructions: Direct your comments to docket identification (ID) number EPA–HQ–OPP–2009–0727. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The regulations.gov website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you

provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the docket index available at *http://www.regulations.gov*. Although, listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: *For pesticide specific information, contact*: Monisha Harris, Chemical Review Manager, Antimicrobials Division (7510P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–0410; fax number: (703) 308–8090; e-mail address: *harris.monisha@epa.gov*.

For general information on the registration review program, contact: Lance Wormell, Antimicrobials Division (7510P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 603–0523; fax number: (703) 308–8090; e-mail address: *wormell.lance@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the chemical review manager listed under **FOR FURTHER INFORMATION CONTACT**.

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI*. Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments*. When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Background

A. What Action is the Agency Taking?

Pursuant to 40 CFR 155.58, this notice announces the availability of EPA's proposed registration review decision for the pesticide lauryl sulfate salts, case number 4061, and opens a 60–day public comment period on the proposed decision. Sodium lauryl sulfate (PC Code 079011) is the only active ingredient in case 4061. There is one registered product that contains sodium lauryl sulfate as an active ingredient. The product Kleenex® Brand Antiviral Tissues contains 2.02% sodium lauryl sulfate and is registered by Kimberly-Clark Global Sales, LLC (EPA Reg. No. 9402–10). The tissues also contain citric acid as an active ingredient at 7.51%. Products containing sodium lauryl sulfate as an active ingredient were first registered in 1948 and sodium lauryl sulfate is widely used as an intentionally-added inert ingredient in pesticide products.

The registration review docket for a pesticide includes earlier documents related to the registration review of the case. For example, the review opened with the posting of a summary document, containing a preliminary work plan, for public comment.

The documents in the initial docket described the Agency's rationales for not conducting additional risk assessments for the registration review of lauryl sulfate salts. This proposed registration review decision continues to be supported by those rationales included in documents in the initial docket.

Following public comment, the Agency will issue a final registration review decision for products containing lauryl sulfate salts.

The registration review program is being conducted under congressionally mandated time frames, and EPA recognizes the need both to make timely decisions and to involve the public. Section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, required EPA to establish by regulation procedures for reviewing pesticide registrations, originally with a goal of reviewing each pesticide's registration every 15 years to ensure that a pesticide continues to meet the FIFRA standard for registration. The Agency's final rule to implement this program was issued in

August 2006 and became effective in October 2006, and appears at 40 CFR part 155, subpart C. The Pesticide Registration Improvement Act of 2003 (PRIA) was amended and extended in September 2007. FIFRA, as amended by PRIA in 2007, requires EPA to complete registration review decisions by October 1, 2022, for all pesticides registered as of October 1, 2007.

The registration review final rule at 40 CFR 155.58(a) provides for a minimum 60–day public comment period on all proposed registration review decisions. This comment period is intended to provide an opportunity for public input and a mechanism for initiating any necessary amendments to the proposed decision. All comments should be submitted using the methods in **ADDRESSES**, and must be received by EPA on or before the closing date. These comments will become part of the docket for lauryl sulfate salts. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

The Agency will carefully consider all comments received by the closing date and will provide a "Response to Comments Memorandum" in the docket. The final registration review decision will explain the effect that any comments had on the decision and provide the Agency's response to significant comments.

Background on the registration review program is provided at: *http://www.epa.gov/oppsrrd1/registration_review*. Links to earlier documents related to the registration review of this pesticide are provided at: *http://www.epa.gov/oppsrrd1/registration_review/lauryl-sulfate/index.html*.

B. What is the Agency's Authority for Taking this Action?

Section 3(g) of FIFRA and 40 CFR part 155, subpart C, provide authority for this action.

List of Subjects

Environmental protection, Administrative practice and procedure, Pesticides and pests, antimicrobials, Lauryl sulfate salts.

Dated: June 8, 2010.

Joan Harrigan-Farrelly,

Director, Antimicrobials Division, Office of Pesticide Programs.

[FR Doc. 2010–15210 Filed 6–29–10; 8:45 a.m.]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2010–0420; FRL–8828–9]

Formaldehyde Gas; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a quarantine exemption request from EPA's, Office of Emergency Management, Office of Solid Waste and Emergency Response (OSWER) to use formaldehyde gas (CAS No. 82115–62–6) to decontaminate non-food contact surfaces to control *Bacillus anthracis.* The applicant proposes the use of a new chemical which has not been registered by the EPA.

DATES: Comments must be received on or before July 15, 2010.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2010–0420, by one of the following methods:

- *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.
- *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305–5805.

Instructions: Direct your comments to docket ID number EPA–HQ–OPP–2010–0420. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The regulations.gov website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the docket index available at *http://www.regulations.gov*. Although, listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Princess Campbell, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–8033; fax number: (703) 605–0781; e-mail address: *campbell.princess@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).

- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *www.regulations.gov* or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticide(s) discussed in this document, compared to the general population.

II. What Action is the Agency Taking?

Under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), at the discretion of the Administrator, a Federal or State agency may be exempted from any provision of FIFRA if the Administrator determines that emergency conditions exist which require the exemption. EPA has requested the Administrator to issue a quarantine exemption for the use of formaldehyde gas on non-food contact surfaces to control *Bacillus anthracis*. Information in accordance with 40 CFR part 166 was submitted as part of this request.

As part of this request, the applicant asserts that this quarantine exemption will enable responders to have effective decontamination antimicrobial pesticide products, following either an accidental or intentional release of *Bacillus anthracis* spores. If remediation of anthrax contaminated sites does not occur, several deaths could result, and government and business activities would cease in affected areas. This could have a serious impact if contamination is intentional and widespread. This chemical has already been used, after issuance of crisis exemptions to inactivate anthrax spores at specific locations during previous contamination events.

It is impossible to estimate in advance the total amount of product which may be used under this exemption. This product will be used only in response to confirmed cases of anthrax contamination, and only on an as needed basis.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 of FIFRA require publication of a notice of receipt of an application for a quarantine exemption proposing:

Use of a new chemical (i.e., an active ingredient) which has not been registered by EPA.

The notice provides an opportunity for public comment on the application.

The Agency, will review and consider all comments received during the comment period in determining whether to issue the quarantine exemption requested by the EPA's OSWER.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: June 21, 2010.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2010–15755 Filed 6–29–10; 8:45 a.m.]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9170–2]

Science Advisory Board Staff Office; Notification of a Public Meeting of the Science Advisory Board Ecological Processes and Effects Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA or Agency) Science Advisory Board (SAB) Staff Office announces a public meeting of the SAB Ecological Processes and Effects Committee (EPEC). The SAB EPEC, augmented with other experts, will provide advice on technologies and systems to minimize the impacts of invasive species in vessel ballast water discharge.

DATES: The meeting dates are Thursday, July 29, 2010 from 9 a.m. to 5 p.m. (Eastern Time) and Friday, July 30, 2010 from 8:30 a.m. to 2:30 p.m. (Eastern Time).

ADDRESSES: The meeting will be held at the St. Regis Hotel, 923 16th Street, NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Members of the public who wish to obtain further information about this meeting must contact Dr. Thomas Armitage, Designated Federal Officer (DFO). Dr. Armitage may be contacted at the EPA Science Advisory Board

(1400F), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; or via telephone/voice mail; (202) 564–2155; fax (202) 565–2098; or e-mail at *armitage.thomas@epa.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the SAB EPEC augmented with other experts will hold a public meeting to provide advice on technologies and systems to minimize the impacts of invasive species in vessel ballast water discharge. The SAB was established by 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 the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App. 2. The SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

Background: Vessel ballast water discharges are a major source of nonidigenous species introductions to marine, estuarine, and freshwater ecosystems of the United States. Ballast water discharges are regulated by EPA under authority of the Clean Water Act (CWA) and the U.S. Coast Guard under authority of the Nonindigenous Aquatic Nuisance Prevention and Control Act, as amended (NANPCA). NANPCA generally requires vessels equipped with ballast water tanks and bound for ports or places in the United States after operating beyond the U.S. Exclusive Economic Zone to conduct a mid-ocean ballast water exchange, retain their ballast water onboard, or use an alternative environmentally sound ballast water management method approved by the U.S. Coast Guard. Under the authority of the CWA, EPA's Vessel General Permit, in addition to the mid-ocean exchange, requires the flushing and exchange of ballast water by vessels in Pacific near-shore voyages and saltwater flushing of ballast water tanks that are empty or contain only un-pumpable residual ballast water.

While useful in reducing the presence of potentially invasive organisms in ballast water, ballast water exchange and saltwater flushing can have variable effectiveness and may not always be feasible due to vessel safety concerns. On August 28, 2009, the U.S. Coast Guard proposed establishing standards for concentrations of living organisms that can be discharged in vessel ballast water (74 FR 44632), and some States have established standards of their own. In addition, a number of studies and reports have been published on the status and efficacy of ballast water treatment technologies, and data collected on the efficacy of certain systems is available.

EPA's Office of Water (OW) has requested SAB review of technical documents and available data on the efficacy of ballast water treatment systems and advice on improving the performance of such systems. In response, the SAB Staff Office requested public nomination of experts and formed an augmented SAB Ecological Processes and Effects Committee [**Federal Register** Notice dated February 25, 2010 (75 FR 8700–8701)]. The augmented EPEC will provide advice on technologies and systems to minimize the impacts of invasive species in vessel ballast water discharge. The purpose of the meeting on July 29–30, 2010 is to receive background briefings and formulate preliminary comments on this subject.

Availability of Meeting Materials: The meeting agenda, SAB Committee roster, charge to the Committee, and other meeting material will be posted on the SAB Web site at *https://www.epa.gov/sab* in advance of the meeting. Inquiries regarding the technical information for this advisory should be directed to Dr. Ryan Albert of EPA's Office of Water at a*lbert.ryan@epa.gov* or (202) 564–0763 or Mr. Marcus Zobrist of EPA's Office of Water at *zobrist.marcus@epa.gov* or (202) 564–8311.

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. Interested parties should contact Dr. Armitage, DFO, in writing (preferably via e-mail) at the contact information noted above by July 22, 2010 to be placed on a list of public speakers for the meeting. *Written Statements:* Written statements should be received in the SAB Staff Office no later than July 22, 2010 so that the information may be made available to the SAB Committee members for their consideration. Written statements should be supplied to the DFO in the following formats: One hard copy with original signature, and one electronic copy via e-mail (acceptable file format: Adobe Acrobat PDF, WordPerfect, MS Word, MS PowerPoint, or Rich Text files in IBM–PC/Windows 98/2000/XP format). Submitters are requested to provide two versions of each document 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 Dr. Armitage at the phone number or e-mail address noted above, preferably at least ten days prior to the meeting to give EPA as much time as possible to process your request.

Dated: June 24, 2010.

Vanessa T. Vu,

Director, EPA Science Advisory Board Staff Office.

[FR Doc. 2010–15896 Filed 6–29–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9170–1]

Science Advisory Board Staff Office; Notification of a Public Teleconference of the Air Quality Modeling Subcommittee of the Advisory Council on Clean Air Compliance Analysis (Council)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA Science Advisory Board (SAB) Staff Office announces a public teleconference of the Air Quality Modeling Subcommittee (AQMS) of the Advisory Council on Clean Air Compliance Analysis (Council) to review additional information on particulate matter inventories for EPA's air quality modeling work for the Second Section 812 Prospective Benefit-Cost Study of the Clean Air Act.

DATES: The AQMS will conduct a public teleconference on August 11, 2010. The teleconference will begin at 12 noon and end by 2 p.m. (Eastern Time).

ADDRESSES: The teleconference will be conducted by telephone only.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing to obtain general information concerning the

public teleconference may contact Ms. Stephanie Sanzone, Designated Federal Officer (DFO), via telephone at (202) 343–9697 or e-mail at *sanzone.stephanie@epa.gov*. General information about the Council can be found on the EPA Web site at *http://www.epa.gov/advisorycouncilcaa*.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2, notice is hereby given that the Air Quality Modeling Subcommittee (AQMS) of the Advisory Council on Clean Air Compliance Analysis (Council) will hold a public teleconference to discuss additional information on estimates of fine particulate matter ($PM_{2.5}$) emissions and air quality changes for the Second Section 812 Benefit-Cost Analysis of the Clean Air Act. The Council was established in 1991 pursuant to the Clean Air Act (CAA) Amendments of 1990 (*see* 42 U.S.C. 7612) to provide advice, information and recommendations on technical and economic aspects of analyses and reports EPA prepares on the impacts of the CAA on the public health, economy, and environment of the United States. The Council is a Federal Advisory Committee chartered under FACA. The AQMS will provide advice through the Council and will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

Background: Pursuant to Section 812 of the 1990 Clean Air Act Amendments (CAAA), EPA conducts periodic studies to assess benefits and costs of programs implemented pursuant to the Clean Air Act. The Council has provided advice on an EPA retrospective study published in 1997 and an EPA prospective study completed in 1999. EPA initiated a second prospective study to evaluate the benefits and costs of EPA Clean Air programs for years 1990–2020. The Council has previously provided advice on the analytical blueprint for this study. EPA's Office of Air and Radiation (OAR) is now nearing completion of the analytical work for the second prospective study. The AQMS met on February 19, 2010 [**Federal Register** Notice dated January 26, 2010 (75 FR 4070–4071)] to review technical documents pertaining to modeling of air quality for seven emissions scenarios: a 1990 baseline simulation; and simulations for 2000, 2010 and 2020 with and without the CAAA. The AQMS held a follow-up teleconference meeting on March 15, 2010 to discuss information provided by EPA on proposed adjustments to estimated emissions of primary $PM_{2.5}$ from particular sources and the effects on the estimated air quality changes between scenarios based on those revised emissions estimates. Materials for the February 19 and March 15 meetings are available on the Council Web site at *http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr_activites/2nd%20Prospective%20812%20-%20AQMS?OpenDocument.*

In a resulting advisory report (EPA–COUNCIL–10–002), the AQMS recommended that "the scaling procedure [for $PM_{2.5}$] should be clearly documented in the draft modeling report * * * or in a separate document that also describes the MATS [Modeled Attainment Test Software] adjustment procedure and results, including the results of MATS with and without scaling of emissions." In response to this recommendation, the EPA has provided a memorandum (dated June 14, 2010) that documents the adjustment procedure and $PM_{2.5}$ results for a number of metropolitan areas. The purpose of the August 11, 2010 teleconference meeting is to discuss the MATS memorandum and provide final advice to the Council and the Agency on the reasonableness of the primary $PM_{2.5}$ emissions revisions and the resulting re-estimated air quality concentration changes between scenarios that will be used for benefit estimation in the Second Section 812 Prospective Study.

Technical Contacts: The Office of Air and Radiation technical contact for the Second Section 812 Benefit-Cost Analysis of the Clean Air Act is Mr. Jim DeMocker at (202) 564–1673 or *democker.jim@epa.gov*.

Availability of Meeting Materials: The meeting materials, including the review materials and meeting agenda for the August 2010 teleconference, will be posted to the Council Web site at *http://www.epa.gov/advisorycouncilcaa* prior to the meeting. EPA draft documents provided to the AQMS also are available at *http://www.epa.gov/oar/sect812/prospective2.html.*

Procedures for Providing Public Input: Interested members of the public may submit relevant written or oral information for the AQMS to consider on the topics of this advisory activity. *Oral Statements:* In general, individuals or groups requesting an oral presentation at a teleconference meeting will be limited to three minutes per speaker, with no more than a total of one hour for all speakers. Interested parties should contact Ms. Sanzone at the contact information provided above by August 4, 2010, to be placed on the public speaker list for the August 11, 2010 meeting. *Written Statements:* Written statements should be received in the SAB Staff Office by August 4, 2010, so that the information can be made available to the AQMS for their consideration prior to the meeting. Written statements should be supplied to Ms. Sanzone in the following formats: one hard copy with original signature and one electronic copy via e-mail (acceptable file format: Adobe Acrobat PDF, MS Word, WordPerfect, MS PowerPoint, or Rich Text files). Submitters are asked to provide electronic versions of each document 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 Ms. Sanzone at (202) 343–9697, or via e-mail at *sanzone.stephanie@epa.gov*, preferably at least ten (10) days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: June 23, 2010.

Vanessa T. Vu,

Director, EPA Science Advisory Board Staff Office.

[FR Doc. 2010–15894 Filed 6–29–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2010–0519; FRL–8832–6]

Certain New Chemicals; Receipt and Status Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a premanufacture notice (PMN) or an application for a test marketing exemption (TME), and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from May 10, 2010 to May 28, 2010, consists of the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

DATES: Comments identified by the specific PMN number or TME number, must be received on or before July 30, 2010.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2010–0519, by one of the following methods:

• *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.

• *Mail*: Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

• *Hand Delivery*: OPPT Document Control Office (DCO), EPA East Bldg., Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. Attention: Docket ID Number EPA–HQ–OPPT–2010–0519. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564–8930. Such deliveries are only accepted during the DCO's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to docket ID number EPA–HQ–OPPT–2010–0519. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The regulations.gov website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the docket index available at *http://www.regulations.gov*. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically at *http://www.regulations.gov*, or, if only available in hard copy, at the OPPT Docket. The OPPT Docket is located in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Docket visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor bags are processed through an X-ray machine and subject to search. Visitors will be provided an EPA/DC badge that must be visible at all times in the building and returned upon departure.

FOR FURTHER INFORMATION CONTACT: *For technical information contact*: Bernice Mudd, Information Management Division 7407M, Office of Chemical Safety Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 564–8951; fax number: (202) 564–8955; e-mail address: *mudd.bernice@epa.gov*.

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; e-mail address: *TSCA-Hotline@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter of the premanufacture notices addressed in the action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI*. Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments*. When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Why is EPA Taking this Action?

Section 5 of TSCA requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a PMN or an application for a TME and to publish periodic status reports on the chemicals

under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from May 10, 2010 to May 28, 2010, consists of the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. Receipt and Status Report for PMNs

This status report identifies the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. If you are interested in information that is not included in the following tables, you may contact EPA as described in Unit II. to access additional non-CBI information that may be available.

In Table I of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the PMNs received by EPA during this period: the EPA case number assigned to the PMN; the date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer; the potential uses identified by the manufacturer in the PMN; and the chemical identity.

I. 34 PREMANUFACTURE NOTICES RECEIVED FROM: 5/10/10 TO 5/28/10

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–10–0372	05/07/10	08/04/10	CBI	(S) Curing agent for epoxy resin in protective coatings	(G) Benzaldehyde, reaction products with polyalkylenepolyamines, hydrogenated, *N*-aryl derivates
P–10–0373	05/10/10	08/07/10	CBI	(G) Open,non-dispersive (resin)	(G) Adipic acid polyester
P–10–0374	05/12/10	08/09/10	CBI	(S) Epoxy curing agent for use in flooring applications	(G) Modified polyalkylene polyamine reacted with Bisphenol A diglycidyl ether and modified epoxy resin
P–10–0375	05/12/10	08/09/10	CBI	(S) Binder for wood floor lacquers	(G) Dimer fatty acid based polyester polyurethane
P–10–0376	05/11/10	08/08/10	CBI	(G) Catalyst	(G) Organophosphine-cyclic ketone complex
P–10–0377	05/11/10	08/08/10	CBI	(G) Co-cure material for thermoset resins	(S) Phenol, 4,4′-(1-methylethylidene) bis[2-(2-propen-1-yl)-,1,1′-diacetate
P–10–0378	05/17/10	08/14/10	CBI	(G) Adhesive	(G) Metal oxide modified with alkyl and vinyl-terminated polysiloxanes
P–10–0379	05/17/10	08/14/10	CBI	(G) Ingredient in asphalt manufacture	(G) Vegetable oil, ester, polyoumd, oxidized
P–10–0380	05/17/10	08/14/10	CBI	(G) Ingredient in asphalt manufacture	(G) Vegetable oil, ester, polyoumd, oxidized
P–10–0381	05/17/10	08/14/10	CBI	(G) Ingredient in asphalt manufacture	(G) Vegetable oil, ester, polyoumd, oxidized
P–10–0382	05/17/10	08/14/10	CBI	(G) Ingredient in asphalt manufacture	(G) Vegetable oil, ester, polyoumd, oxidized
P–10–0383	05/17/10	08/14/10	CBI	(G) Ingredient in asphalt manufacture	(G) Vegetable oil, ester, polyoumd, oxidized
P–10–0384	05/17/10	08/14/10	CBI	(G) Ingredient in asphalt manufacture	(G) Vegetable oil, ester, polyoumd, oxidized
P–10–0385	05/14/10	08/11/10	CBI	(G) Colorant raw material	(G) Phosphonic acid, *P,P′*-[[(4-substitutedl)amino]methylene]bis-,potassium salt (1:1)
P–10–0386	05/14/10	08/11/10	CBI	(G) Colorant raw material	(G) Phosphonic acid, *P,P′*-[[(4-substitutedl)amino]methylene]bis-
P–10–0387	05/18/10	08/15/10	CBI	(S) A component in ultraviolet light / electron beam curable formulations	(G) Bisphenol-A diglycidyl ether copolymer, 2-propenoate
P–10–0388	05/18/10	08/15/10	KMC Exim	(G) Adhesive additive	(G) 2-propenoic acid, 2-methyl-, polymer with alkyl 2-propenoates, ethenyl acetate and methyl-2-methyl-2-propenoate
P–10–0389	05/19/10	08/16/10	CBI	(G) Leather treatment component	(G) Amino acid, *N*-(2-aminoalkyl)-, salt (1:1), polymers with cycloaliphatic diamine, alkyldiisocyanate, alpha-hydro-omega-hydroxy(alkyldiyl) and polyalkyl glycol mono alkyl ether blocked, alkyldiisocyanate-aromatic diisocyanate, polyalkyl glycol mono alkyl ether blocked
P–10–0390	05/19/10	08/16/10	CBI	(G) Leather coating component	(G) Aromatic dicarboxylic acid, polymer with cycloaliphatic diamine, aliphatic diisocyanate, aliphatic dicarboxylic acid, aliphatic diol, polyether diol, and dihydroxy aliphatic carboxylic acid compound compound with aliphatic triamine

I. 34 PREMANUFACTURE NOTICES RECEIVED FROM: 5/10/10 TO 5/28/10—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–10–0391	05/25/10	08/22/10	CBI	(G) Industrial solvent and reactive intermediate	(G) Hydroxy acid, methyl ester
P–10–0392	05/25/10	08/22/10	CBI	(G) Emulsion polymer	(G) Dispersion copolymer of styrene-butadiene-isobornyl acrylate
P–10–0393	05/25/10	08/22/10	CBI	(G) Curing agent	(G) Epoxy-amine polymer
P–10–0394	05/25/10	08/22/10	CBI	(G) Chemical reactant	(G) Aromatic carboxylic acid
P–10–0395	05/25/10	08/22/10	CBI	(G) Chemical intermediate	(G) Organic carboxylic acid
P–10–0396	05/25/10	08/22/10	CBI	(G) Chemical intermediate	(G) Heteroaromatic compound
P–10–0397	05/25/10	08/22/10	CBI	(G) Thermoset and thermoplastic polymers additive	(G) Organic antioxidant
P–10–0398	05/26/10	08/23/10	CBI	(G) Additive, open, non-dispersive use	(G) Amine neutralized polyacrylic acid
P–10–0399	05/26/10	08/23/10	CBI	(G) Additive, open, non-dispersive use	(G) Styrene-maleinate copolymer
P–10–0400	05/26/10	08/23/10	CBI	(G) Additive, open, non-dispersive use	(G) 2-(dimethylamino)ethyl methyl-2-propenoate, polymer with alkyl-substituted methyl-2-propenoate and akyl-substituted-2-propenoate, salt with mono(alkyl-substituted polyalkoxy)butanedione
P–10–0401	05/26/10	08/23/10	CBI	(G) Additive, open, non-dispersive use	(G) Styrene, copolymer with acrylic acid, salt with alkoxylated alkenylamine
P–10–0402	05/26/10	08/23/10	Kemira Chemicals, Inc.	(S) Scale inhibitor for crude oil and gas production	(G) Polycarboxylic acid derivative
P–10–0403	05/26/10	08/23/10	CBI	(G) Polymer composites, nondispersive use	(G) Acetoacetanilide reaction product with multifunctional acrylate
P–10–0404	05/27/10	08/24/10	CBI	(G) Chemical intermediate, destructive use	(G) Graphite oxide
P–10–0405	05/26/10	08/23/10	CBI	(G) Surfactant additive for dispersive use in fire fighting foams and vapor suppressing foams	(G) Perfluorinated amphoteric surfactant

In Table II of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the Notices of Commencement to manufacture received:

II. 21 NOTICES OF COMMENCEMENT FROM: 5/10/10 TO 5/28/10

Case No.	Received Date	Commencement Notice End Date	Chemical
P–03–0785	05/25/10	05/12/10	(G) Propoxylated fatty alcohol esters
P–08–0023	05/12/10	12/26/09	(G) Alkanedioic acid, polymer with 1,4-butanediol and 2-hydroxypropanoic acid
P–08–0351	05/18/10	04/28/10	(G) Isocyanate terminated polyurethane
P–08–0440	05/10/10	04/22/10	(G) Acrylic nitrile copolymer
P–08–0441	05/10/10	04/22/10	(G) Acrylic ester nitrile copolymer
P–09–0167	05/21/10	05/12/10	(G) Substituted styrene acrylate copolymer
P–09–0207	05/17/10	05/02/10	(G) Alcohol ethoxylate
P–09–0437	05/13/10	04/28/10	(G) Fatty acids, polymers with substituted carbocycles, alkyldiol, alkylaldehyde, substituted heterocycle, substituted alkyldiol, polyoumd modified oil and resin acids, carboxymethyl ethers compounds with substituted alcohol
P–09–0439	05/10/10	04/28/10	(G) Silicones, aminomodified, hydroformiates
P–09–0521	05/19/10	05/03/10	(G) Dialkyl imidazolium salt
P–10–0063	05/19/10	04/13/10	(G) Aromatic discarboxylic acid, polymer with 1,3-diisocyanatomethylbenzene, .alpha., .alpha′.-[(1-methylethylidene)di-4,1-phenylene]bis[.omega.-hydroxypoly[oxy(methyl-1-2, ethanediyl)]] and 2,2′-oxybis[etehanol]
P–10–0076	05/11/10	04/29/10	(S) Benzene, 4-bromo-1,2-dimethyl-
P–10–0086	05/11/10	04/13/10	(G) Epoxidized benzoxazine
P–10–0089	05/19/10	04/28/10	(G) Dialkyl imidazolium salt
P–10–0104	05/25/10	05/14/10	(S) Silicic acid, 1-ethenylhexyl ethyl ester
P–10–0132	05/21/10	04/27/10	(G) Aromatic hydrocarbon
P–10–0134	05/10/10	05/01/10	(G) Alkyl sulfide, manufacture of, by-products from, distn. lights
P–10–0145	05/25/10	05/14/10	(S) Silicic acid, 9-decen-1-yl ethyl ester
P–10–0151	05/18/10	04/27/10	(S) 1,2-propanediol, 3-(3,4-dihydro-1(2*H*)-quinolinyl)-
P–10–0156	05/19/10	05/06/10	(G) Substituted phenyl azo substituted phenyl alkyl substituted indole

II. 21 NOTICES OF COMMENCEMENT FROM: 5/10/10 TO 5/28/10—Continued

Case No.	Received Date	Commencement Notice End Date	Chemical
P–10–0176	05/11/10	04/22/10	(G) Aliphatic polycarboxylic acid, polymer with aromatic polycarboxylic acid and aliphatic polyol

List of Subjects

Environmental protection, Chemicals, Premanufacturer notices.

Dated: June 21, 2010.

Gloria Drayton-Miller,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2010–15648 Filed 6–29–10; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2010–0194; FRL–8830–1]

Dynamac Corporation; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that pesticide related information submitted to EPA's Office of Pesticide Programs (OPP) pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA), including information that may have been claimed as Confidential Business Information (CBI) by the submitter, will be transferred to Dynamac Corporation in accordance with 40 CFR 2.307(h)(3) and 2.308(i)(2). Dynamac Corporation has been awarded a contract to perform work for OPP, and access to this information will enable Dynamac Corporation to fulfill the obligations of the contract.

DATES: Dynamac Corporation will be given access to this information on or before July 6, 2010.

FOR FURTHER INFORMATION CONTACT: Felicia Croom, Information Technology and Resources Management Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–0786; e-mail address: *croom.felicia@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action applies to the public in general. As such, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2010-0194. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

II. Contractor Requirements

Under this contract number, the contractor will perform the following:

Under Contract No. EP10H001452, the contractor shall review and/or update approximately 280 Data Evaluation Records (DERs) per contract period to address the evaluation of endocrine-related effects cited in the Other Scientifically Relevant Information (OSRI). The contractor shall retrieve some or all of an estimated 6,000 journal articles cited in the OSRI that provide information on the endocrine disruption potential of the chemicals under consideration.

The Test Order Recipients may submit journal articles that will require review of published mammalian literature submitted as OSRI. Journal articles may by submitted for nine Tier 1 Assays. It is estimated that the submission may include up to 10 articles/assays x 9 per chemical x 67 chemicals for a total of 6,000 journals articles.

The contractor shall review some or all of the journal articles retrieved and prepare a Journal Article Review summary (JARs) containing the parameters/endpoints evaluated in the studies.

The contractor shall perform expert analyses of difficult and complex toxicological issues as defined in written technical direction from the Contracting Officer Representative (COR). The technical direction will provide key scientific questions and data sets, as appropriate, that the contractor shall analyze and answer. These analyses shall assess the overall significance of the findings as they relate to the expected human health effects. Such studies may focus on endocrinology (including endocrine disruption), epidemiology, immunology, cholinesterase inhibition, synergistic interaction, behavioral pharmacology biostatics, mode of action studies, and risk assessment. To conduct these complex analyses, the contractor shall identify expert scientists in the required scientific disciplines, convene and/or attend work groups or meeting to conduct coordinated reviews, conduct the workgroup or meetings, and prepare draft reports.

This contract involves no subcontractors.

OPP has determined that the contract described in this document involves work that is being conducted in connection with FIFRA, in that pesticide chemicals will be the subject of certain evaluations to be made under this contract. These evaluations may be used in subsequent regulatory decisions under FIFRA.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 4, 6, and 7 of FIFRA and under sections 408 and 409 of FFDCA.

In accordance with the requirements of 40 CFR 2.307(h)(3), the contract with Dynamac Corporation, prohibits use of the information for any purpose not specified in this contract; prohibits disclosure of the information to a third party without prior written approval from the Agency; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release

and to handle it in accordance with the *FIFRA Information Security Manual*. In addition, Dynamac Corporation is required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to Dynamac Corporation until the requirements in this document have been fully satisfied. Records of information provided to Dynamac Corporation will be maintained by EPA Project Officers for this contract. All information supplied to Dynamac Corporation by EPA for use in connection with this contract will be returned to EPA when Dynamac Corporation has completed its work.

List of Subjects

Environmental protection, Business and industry, Government contracts, Government property, Security measures.

Dated: June 21, 2010.

Oscar Morales,

Acting Director, Office of Pesticide Programs.

[FR Doc. 2010–15456 Filed 6–29–10; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

June 24, 2010.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501 – 3520. Comments are requested concerning: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, and (e) ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a currently valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before August 30, 2010. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202–395–5167 or via the Internet at Nicholas_A._Fraser@omb.eop.gov and to the Federal Communications Commission via email to PRA@fcc.gov.

FOR FURTHER INFORMATION CONTACT: Judith B. Herman, Office of Managing Director, (202) 418–0214. For additional information, contact Judith B. Herman, OMD, 202–418–0214 or email judith–b.herman@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1140.

Title: Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: State, local or tribal government.

Number of Respondents and Responses: 50 respondents; 200 responses.

Estimated Time Per Response: 1 hour – 200 hours.

Frequency of Response: On occasion, quarterly and one time reporting requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. sections 151, 154, 301, 303, 332 and 337.

Total Annual Burden: 18,250 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: There is no need for confidentiality.

Needs and Uses: In the Order in PS Docket No. 06–229, FCC 10–79, the Commission grants, with conditions, 21 waiver petitions filed by public safety entities ("Petitioners") seeking early deployment of statewide or local public safety broadband networks in the 700 MHz spectrum. This waiver serves the public interest by allowing state and local jurisdictions to begin broadband deployment and speed services to the public safety community. This will also allow the Petitioners to take advantage of available or potential funding, either through grants or planned budgetary expenditures, as well as to take advantage of economies of scale and other cost saving measures for deployments that are already planned. In addition, Petitioners could benefit from the announced plans of some commercial carriers to begin construction of LTE–based networks this year and early next year, which would result in significant cost–savings. On May 21, 2010, the Commission's Public Safety and Homeland Security Bureau released a Public Notice providing further guidance on the requirements set forth in the Order.

One of the conditions for such waiver is the submission of interoperability plans to the Commission's Emergency Response Interoperability Center ("ERIC"). The Commission recently decided to establish ERIC to promote appropriate technical requirements that will ensure interoperability for these early deployments from their inception, as well as for any future deployed networks. Given the rapidly evolving nature of 3GPP deployments and standards, submission of the Petitioners' interoperability plans will help ensure interoperability and roaming among these early deployments.

Another condition of waiver is certification by Petitioners that their vendors are participating actively in the PSCR/DC Demonstration Network which will provide an open platform for development and testing of public safety 700 MHz LTE broadband equipment. This is important to ensure that, early in the deployment stage, new broadband equipment is being developed to support the network meets public safety's use expectations, will work in a multivendor environment, and allows for roaming across multiple networks.

We also require each Petitioner to enter into a de facto spectrum lease with the Public Safety Spectrum Trust ("PSST") in accordance with the terms and conditions of the Order. These leases must be submitted for approval by the Commission's Chief of the Public Safety and Homeland Security Bureau within 60 days of approval by OMB.

We also require each Petitioner, before deployment, to coordinate and address interference mitigation needs without any adjacent or bordering jurisdictions that also plan deployment, memorialize these agreements in

writing, and submit them to ERIC within 30 days of their completion. Similarly, we require that parties provide ERIC with notice of any changes or updates within 30 days.

In light of the novel nature of these deployments and the ongoing standards and equipment development for LTE, we emphasize that diligent pursuit of deployment is expected. In this respect, we also require Petitioners to file, in consultation with the PSST, 30 days after approval by OMB and quarterly thereafter, status reports with the Commission's Public Safety and Homeland Security Bureau addressing the Petitioners' progress in three areas: 1) planning; 2) funding; and 3) deployment.

The Commission requested emergency OMB approval on June 1, 2010 for this new information collection. We received OMB approval on June 18, 2010. Emergency OMB approvals are only granted for six months. Therefore, the Commission is now required to conduct all the regular submission processes when seeking the three year clearance from OMB. We are now requesting an extension (no change in the reporting requirements). There is no change in the Commission's burden estimates.

Federal Communications Commission.

Marlene H. Dortch,

Secretary,

Office of the Secretary,

Office of Managing Director.

[FR Doc. 2010–15788 Filed 6–29–10; 8:45 am]

BILLING CODE 6712–01–S

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority, Comments Requested

June 24, 2010.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501 – 3520. Comments are requested concerning: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, and (e) ways to further reduce the information collection burden for small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a currently valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before August 30, 2010. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202–395–5167 or via the Internet at Nicholas_A._Fraser@omb.eop.gov and to the Federal Communications Commission via email to PRA@fcc.gov.

FOR FURTHER INFORMATION CONTACT: Judith B. Herman, Office of Managing Director, (202) 418–0214. For additional information, contact Judith B. Herman, OMD, 202–418–0214 or email judith–b.herman@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0950.

Title: Bidding Credits for Tribal Lands.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for–profit, not–for–profit institutions, and state, local or tribal government.

Number of Respondents and Responses: 5 respondents; 5 responses.

Estimated Time Per Response: 10 – 180 hours.

Frequency of Response: On occasion reporting requirement and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. section 309(j).

Total Annual Burden: 1,000 hours.

Total Annual Cost: $180,000.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: There is no need for confidentiality.

Needs and Uses: The Commission will submit this expiring information collection to the Office of Management and Budget (OMB) after this comment period to obtain the full three year clearance from them. There is no change in the reporting requirements. The Commission is reporting a 400 hour increase in burden which is due to an increase in the number of respondents.

On June 8, 2000, the Commission adopted a Report and Order which established rules and policies to encourage deployment of wireless services to tribal lands pursuant to the objectives and requirements of Section 309(j)(3) and (4) of the Communications Act of 1934, as amended, and in conjunction with data from the U.S. Census which indicted that communities on tribal lands have historically had less access to telecommunications services than any other segment of the population.

On March 7, 2003, the Commission adopted a Second Report and Order which extended the time period during which winning bidders can negotiate with relevant tribes to obtain the certification needed to obtain the bidding credit in a particular market from 90 days to 180 days. Further, the Second Report and Order clarified various administrative matters involved in implementing the bidding credit.

On August 18, 2004, the Commission adopted a Third Report and Order which raised the wireline telephone penetration rate at which tribal lands are eligible for a bidding credit from 70 percent or less, to 85 percent or less, and increased the amount of the bidding credit available to carriers that pledge to deploy on and serve qualifying tribal lands.

Since the last submission to the OMB, the Commission has adjusted the number of respondents/responses, burden hours and annual costs. This is due to the changing number licenses estimated to be auctioned during a given year. Although few applicants are actually affected, the number of potential participants is in the hundreds, perhaps thousands. In other words, while few applicants have sought to participate in the Tribal Land Bidding Credit (TLBC) program, almost all applicants for licenses for which TLBCs are available could take part in the program. Because so many could possibly take part in the TLBC program, the Commission needs to continue OMB approval for this expiring collection.

Federal Communications Commission.

Marlene H. Dortch,

Secretary,

Office of the Secretary,

Office of Managing Director.

[FR Doc. 2010–15789 Filed 6–29–10; 8:45 am]

BILLING CODE 6712–01–S

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority, Comments Requested

June 24 2010.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501 – 3520. Comments are requested concerning: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, and (e) ways to further reduce the information collection burden for small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a currently valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before August 30, 2010. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202–395–5167 or via the Internet at Nicholas_A._Fraser@omb.eop.gov and to the Federal Communications Commission via email to PRA@fcc.gov.

FOR FURTHER INFORMATION CONTACT: Judith B. Herman, Office of Managing Director, (202) 418–0214. For additional information, contact Judith B. Herman, OMD, 202–418–0214, or email judith–b.herman@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0076.

Title: Common Carrier Annual Employment Report.

Form No.: FCC Form 395.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for–profit.

Number of Respondents and Responses: 1,000 respondents, 1,000 responses.

Estimated Time Per Response: 1 hour.

Frequency of Response: Annual reporting requirement and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. sections 154, 303, and 307 – 310.

Total Annual Burden: 1,000 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: There is no need for confidentiality.

Needs and Uses: The Annual Employment Report, FCC Form 395, is a data collection device to enforce the FCC's Equal Employment Opportunity (EEO) rules. All common carrier licensees or permittees with sixteen (16) or more full–time employees are required to file this report and retain it for a two–year period. The report identifies each carrier's staff by gender, race, color and/or national origin in each of ten major job categories. The Commission has updated its race/ethnicity and job categories on the FCC Form 395 to conform with the race/ethnicity and job categories used by the Equal Employment Opportunity Commission (EEOC).

The information describes the applicant's compliance with the EEO rules. The information issued by the Commission and public interest groups to compile industry employment trends.

Federal Communications Commission.

Marlene H. Dortch,

Secretary,

Office of the Secretary,

Office of Managing Director.

[FR Doc. 2010–15790 Filed 6–29–10; 8:45 am]

BILLING CODE 6712–01–S

FEDERAL COMMUNICATIONS COMMISSION

[IB Docket No. 04–286; DA 10–1101]

Fifth Meeting of the Advisory Committee for the 2012 World Radiocommunication Conference

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, this notice advises interested persons that the fifth meeting of the WRC–12 Advisory Committee will be held at the Federal Communications Commission. The purpose of the meeting is to continue preparations for the 2012 World Radiocommunication Conference. The WRC–12 Advisory Committee will consider any preliminary views and draft proposals introduced by the WRC–12 Advisory Committee's Informal Working Groups.

DATES: July 28, 2010, 11 a.m. to 12 noon.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Room TW–C305, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Alexander Roytblat, Designated Federal Official, WRC–12 Advisory Committee, FCC International Bureau, Strategic Analysis and Negotiations Division, at (202) 418–7501.

SUPPLEMENTARY INFORMATION: The Federal Communications Commission established the WRC–12 Advisory Committee to provide advice, technical support and recommendations relating to the preparation of United States proposals and positions for the 2012 World Radiocommunication Conference (WRC–12).

In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, this notice advises interested persons of the fifth meeting of the WRC–12 Advisory Committee. The WRC–12 Advisory Committee has an open membership. All interested parties are invited to participate in the WRC–12 Advisory Committee and to attend its meetings. The proposed agenda for the fifth meeting is as follows:

Agenda

Fifth Meeting of the WRC–12 Advisory Committee, Federal Communications Commission, 445 12th Street, S.W., Room TW–C305, Washington, DC 20554, July 28, 2010, 11 a.m. to 12 noon.

1. Opening Remarks.
2. Approval of Agenda.

3. Approval of the Minutes of the Fourth Meeting.
4. Informal Working Group Reports and Documents Relating to Preliminary Views and Draft Proposals.
5. Future Meetings.
6. Other Business.

Federal Communications Commission.

Mindel De La Torre,

Chief, International Bureau.

[FR Doc. 2010–15951 Filed 6–29–10; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[CG Docket No. 02–278; DA 10–997]

Consumer & Governmental Affairs Bureau Seeks Comment on a Petition for Expedited Clarification and Declaratory Ruling, Filed by Global Tel*Link Corporation (Global Tel), Concerning Applicability of the Telephone Consumer Protection Act and Federal Communications Commission Rules

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Commission seeks comment on Global Tel*Link Corporation's Petition for Expedited Clarification and Declaratory ruling concerning applicability of the Telephone Consumer Protection Act and its rules. Specifically, Global Tel asks the Commission to declare that the TCPA and associated FCC rules are inapplicable to Global Tel's use of automatic notifications before completing calls to certain persons dialed by prison inmates.

DATES: Comments are due on or before July 15, 2010. Reply comments are due on or before July 26, 2010.

ADDRESSES: Interested parties may submit comments and reply comments identified by [CG Docket No. 02–278], by any of the following methods:

• *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the Commission's Electronic Comment Filing System (ECFS), through the Commission's Web site: *http://fjallfoss.fcc.gov/ecfs*, or the Federal eRulemaking Portal: *http://www.regulations.gov.* Filers should follow the instructions provided on the Web site for submitting comments.

• For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket number, which in this instance is [CG Docket No. 02–278]. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to *ecfs@fcc.gov,* and include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in response.

• *Paper Filers:* Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the FCC continues to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.

• All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW., Room TW–A325, Washington, DC 20554. The filing hours are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

• Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

• U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Karen Johnson, Consumer and Governmental Affairs Bureau, Policy Division, at (202) 418–7706 (voice), or e-mail *Karen.Johnson@fcc.gov.*

SUPPLEMENTARY INFORMATION: On March 4, 2010, Global Tel*Link Corporation (Global Tel) filed a Petition for Expedited Clarification and Declaratory Ruling regarding applicability of the Telephone Consumer Protection Act (TCPA) and Federal Communications Commission (FCC or Commission) rules to its calling practices.

See Petition for Expedited Clarification and Declaratory Ruling, filed by Global Tel*Link Corporation on March 4, 2010 (*Petition*). The TCPA, Public Law 102–243, 105 Stat. 2394 (1991), is codified at 47 U.S.C. 227.

This is a summary of the Commission's Public Notice DA 10–997, which seeks comment on Global Tel's petition. Pursuant to 47 CFR 1.415 and 1.419 of the Commission's rules, interested parties may file comments and reply comments on or before the dates indicated above. This proceeding shall be treated as a permit-but-disclose proceeding under the *ex parte* rules, which are codified at 47 CFR 1.1200(a) and 1.1206. Therefore, *ex parte* presentations will be allowed but must be disclosed in accordance with the requirements of § 1.1206(b) of the Commission's Rules, 47 CFR 1.1206(b). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. *See* 47 CFR 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in § 1.1206(b) of the Commission's rules, 47 CFR 1.1206(b).

The full text of document DA 10–997 and any subsequently filed documents in this matter will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554, (202) 418–0270. Document DA 10–997 and any subsequently filed documents in this matter may also be purchased from the Commission's duplicating contractor at the contractor's Web site, *www.bcpiweb.com,* or by calling (800) 378–3160. Furthermore, document DA 10–997 and any subsequently filed documents in this matter may be found by searching ECFS at *http://fjallfoss.fcc.gov/ecfs* (insert [CG Docket No. 02–278] into the Proceeding block).

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY). Document DA 10–997 can also be downloaded in Word or Portable Document Format (PDF) at: *http://www.fcc.gov/cgb/policy/.*

Synopsis

On March 4, 2010, Global Tel*Link Corporation (Global Tel) filed a Petition for Expedited Clarification and Declaratory Ruling regarding applicability of the Telephone Consumer Protection Act (TCPA) and Federal Communications Commission (FCC or Commission) rules to its calling practices. Specifically, Global Tel asks the Commission to declare that the TCPA and associated FCC rules are inapplicable to Global Tel's use of automatic notifications before

completing calls to certain persons dialed by prison inmates.

According to the *Petition,* correctional facilities contract with Global Tel to provide out-bound communication services for incarcerated persons. When an inmate without a pre-paid calling card or debit calling account sanctioned by the correctional facility attempts to call an individual for the first time, and that individual is not served by a local exchange carrier with which Global Tel has a billing arrangement or the inmate has dialed a called party's cell phone, the call cannot be completed unless and until a billing arrangement with the called party is established. Once the inmate dials the desired number, Global Tel captures the number and initiates an automated interactive voice response notification to inform the called party that an incarcerated person is attempting to contact him or her and the called party must establish an account in order to receive the call. Global Tel makes three attempts to notify the called party to establish an account to receive inmate calls. Without the relief requested in the *Petition,* according to Global Tel, it is exposed to risk of unnecessary litigation from persons bringing private actions under the TCPA.

In relevant part, the TCPA regulates the use of automated telephone equipment. Section 227(b)(1)(B) of the TCPA makes it unlawful to place a non-emergency telephone call to a residential line "using an artificial or prerecorded voice" without the recipient's consent unless the call is "exempted by rule or order of the Commission under paragraph (2)(B)." Paragraph (2)(B), in turn, authorizes the Commission to enact limited exemptions from this ban, including an exemption for calls "that are not made for a commercial purpose" or "do not include the transmission of any unsolicited advertisement." Further, section 227(b)(1)(A) of the TCPA prohibits the use of any automatic telephone dialing system or an artificial or prerecorded voice to call any telephone number assigned to a cellular telephone service absent an emergency purpose or the "prior express consent of the called party." Section 227(b)(2)(C) gives the Commission authority to exempt from this prohibition only those "calls to a telephone number assigned to a cellular telephone service that are not charged to the called party, subject to such conditions as the Commission may prescribe as necessary in the interest of the privacy rights the provision is intended to protect."

Global Tel presents several arguments to support its request for a declaratory ruling. First, Global Tel argues that the automated notification calls that it places to inform a called party that an incarcerated person has dialed the party's telephone number and that a payment account is required to receive the call are not solicitation or telemarketing calls, but instead simply inform a called party how to establish an account for the purpose of receiving calls from an inmate. Global Tel asserts its notification calls should be exempt pursuant to section 227(b)(2)(B) of the TCPA because the calls are not made for a commercial purpose and do not transmit an unsolicited advertisement. Global Tel further asserts that the Commission's ruling that autodialed and prerecorded message calls to wireless numbers that are provided by the called party to a creditor in connection with an existing debt are permissible as calls made with the "prior express consent" of the called party makes its prerecorded message calls to parties called by inmates permissible. Global Tel contends that the inmate possesses the prior express consent of the called party to be contacted at the number provided. Global Tel states that its interactive voice recognition platform is neither a predictive dialer nor a form of autodialing as contemplated by the TCPA. Lastly, Global Tel argues that although the TCPA should not apply to its notification calls and practices, these calls and practices meet the technical and procedural standards for artificial or prerecorded voice systems set forth in section 227(d)(3) of the TCPA.

Federal Communications Commission.

Colleen Heitkamp,

Division Chief, Consumer and Governmental Affairs Bureau.

[FR Doc. 2010–15950 Filed 6–29–10; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 16, 2010.

A. Federal Reserve Bank of Minneapolis (Jacqueline G. King, Community Affairs Officer) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. Paul Bennett Lewis, Mendota Heights, Minnesota, to become co-trustee of the 2004 Children's Trust, 2004 Grandchildren's Trust, and 2005 Grandchildren's Trust to gain control of Fidelity Holding Company, Minnetonka, Minnesota, and thereby gain control of Fidelity Bank, Edina, Minnesota.

Board of Governors of the Federal Reserve System, June 25, 2010.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2010–15860 Filed 6–29–10; 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 July 26, 2010.

A. Federal Reserve Bank of New York (Ivan Hurwitz, Vice President) 33 Liberty Street, New York, New York 10045–0001:

1. Woori Finance Holdings Co., Ltd, Seoul, Korea; to acquire at least 51 percent of the voting shares of Hanmi Financial Corp., Los Angeles, California, and thereby indirectly acquire Hanmi Bank, Los Angeles, California.

Federal Reserve Bank of New York (Ivan Hurwitz, Vice President) 33 Liberty Street, New York, New York 10045–0001:

Board of Governors of the Federal Reserve System, June 24, 2010.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2010–15786 Filed 6–29–10; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. 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 the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 16, 2010.

A. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. First Texas BHC, Inc., Fort Worth, Texas, to engage de novo in lending and servicing activities through its subsidiary, SWB Recovery, Inc., Fort Worth, Texas, pursuant to section 225.28 (b)(1) of Regulation Y.

Board of Governors of the Federal Reserve System, June 25, 2010.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2010–15861 Filed 6–29–10; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within ten days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's Web site (*http://www.fmc.gov*) or by contacting the Office of Agreements at (202) 523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 012032–005.

Title: CMA CGM/MSC/Maersk Line North and Central China-US Pacific Coast Two-Loop Space Charter, Sailing and Cooperative Working Agreement.

Parties: A.P. Moller-Maersk A/S, CMA CGM S.A., and Mediterranean Shipping Company S.A.

Filing Party: Wayne R. Rohde, Esq.; Sher and Blackwell LLP; 1850 M Street, NW., Suite 900; Washington, DC 20036.

Synopsis: The amendment reinstates a suspended service loop, makes adjustments to space allocations, and restates the Agreement.

Agreement No.: 201118–003.

Title: Lease and Operating Agreement between Philadelphia Regional Port Authority and Penn Warehousing & Distribution, Inc.

Parties: Philadelphia Regional Port Authority and Penn Warehousing and Distribution, Inc.

Filing Party: Paul D. Coleman, Esq.; Hoppel, Mayer & Coleman; 1050 Connecticut Ave. NW., 10th Floor; Washington, DC 20036.

Synopsis: The amendment adjusts rental fees for an additional improvement of the facility.

Dated: June 25, 2010.

By Order of the Federal Maritime Commission.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2010–15948 Filed 6–29–10; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for a license as a Non-Vessel-Operating Common Carrier (NVO) and/or Ocean Freight Forwarder (OFF)—Ocean Transportation Intermediary (OTI) pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. Chapter 409 and 46 CFR 515). Notice is also hereby given of the filing of applications to amend an existing OTI license or the Qualifying Individual (QI) for a license.

Interested persons may contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

A. C. Global, LLC (OFF & NVO), 70 Grand Avenue, River Edge, NJ 07661. Sophie Persits, President (Qualifying Individual). Application Type: License Transfer.

ALG Global Logistics Inc. (OFF & NVO), 400 Continental Blvd.—6th Floor, El Segundo, CA 90245. Lorrie Vidal, CEO (Qualifying Individual). Application Type: New OFF & NVO.

Alisped U.S.A. Inc. (NVO), 147–55 175th Street—Suite 108, Jamaica, NY 11434. Lorenzo Giusti, Treasurer (Qualifying Individual), Adriano Cerretelli, Owner. Application Type: QI Change.

All West Coast Shipping Inc. dba West Coast Shipping (NVO) 1065 Broadway Avenue, San Pablo, CA 94806. Aleksandr Naumov, Vice President & COO (Qualifying Individual), Andrey Naumov, President & Secretary. Application Type: QI Change.

Arlette P. Porras dba RA International (OFF & NVO), 1900 Los Alamitos Drive, Placentia, CA 92870. Arlette P. Porras, Sole Proprietor (Qualifying Individual). Application Type: New OFF and NVO License.

Delmar International (N.Y.) Inc. (OFF & NVO), 147–55 175th Street, Jamaica, NY 11434. Officers: Ricky Kam Sing Ho, Vice President (Qualifying Individual), Harrison Cutler, Chairman. Application Type: QI Change.

Demanko HLC Logistics, Inc. (NVO), 3 Melvin Street, Wakefield, MA 01880.

Kevin F. O'Donnell, Vice President (Qualifying Individual), Oscar DeVlaminck, President. Application Type: New NVO License.

India Maritime Agency LLC (NVO), 25 E. Spring Valley Avenue—Suite 100, Maywood, NJ 07607. Joseph Monaghan, President/CEO (Qualifying Individual). Application Type: New NVO License.

Montgomery International, Inc. (OFF), 341 Ericson Ave.—P.O. Box 124, Essington, PA 19029. Ari M. Bobrow, Export Manager (Qualifying Individual), Jimmy Montgomery, President. Application Type: New OFF License.

Seamaster Logistics, Inc. (NVO), 800 Federal Blvd., Carteret, NJ 07008. Myles O'Brien, President & CEO, (Qualifying Individual) Robert Agresti, CFO & Treasurer. Application Type: QI Change.

Sooner Solutions LLC (OFF), 33200 E. Lake Holm Drive SE., Auburn, WA 98092. Jean F. Keller, Member (Qualifying Individual). Application Type: New OFF License.

Supreme International Ltd. (OFF), 9204 South Commercial Avenue—Suite 209, Chicago, IL 60617. Bosun A. Dominic, President & CEO (Qualifying Individual). Application Type: New OFF License.

Dated: June 25, 2010.

Karen V. Gregory,

Secretary.

[FR Doc. 2010–15946 Filed 6–29–10; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL TRADE COMMISSION

[File No. 092 3093]

Twitter, Inc.; Analysis of Proposed Consent Order to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order — embodied in the consent agreement — that would settle these allegations.

DATES: Comments must be received on or before July 26, 2010.

ADDRESSES: Interested parties are invited to submit written comments electronically or in paper form. Comments should refer to"Twitter, Inc., File No. 092 3093" 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 Commission 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).[1]

Because paper mail addressed to the FTC is subject to delay due to heightened security screening, please consider submitting your comments in electronic form. Comments filed in electronic form should be submitted by using the following weblink: (*http://public.commentworks.com/ftc/twitter*) and following the instructions on the web-based form. To ensure that the Commission considers an electronic comment, you must file it on the web-based form at the weblink: (*http://public.commentworks.com/ftc/twitter*). If this Notice appears at (*http://www.regulations.gov/search/index.jsp*), you may also file an electronic comment through that website. The Commission will consider all comments that 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.

A comment filed in paper form should include the "Twitter, Inc., File No. 092 3093" reference 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 D), 600 Pennsylvania Avenue, NW, Washington, DC 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.

The Federal Trade Commission Act ("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 Commission 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*).

FOR FURTHER INFORMATION CONTACT: Laura Berger (202-326-2471), Bureau of Consumer Protection, 600 Pennsylvania Avenue, NW, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46(f), and § 2.34 the Commission Rules of Practice, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for June 24, 2010), on the World Wide Web, at (*http://www.ftc.gov/os/actions.shtm*). A paper copy can be obtained from the FTC Public Reference Room, Room 130-H, 600 Pennsylvania Avenue, NW, Washington, D.C. 20580, either in person or by calling (202) 326-2222.

[1] The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

Public comments are invited, and may be filed with the Commission in either paper or electronic form. All comments should be filed as prescribed in the **ADDRESSES** section above, and must be received on or before the date specified in the **DATES** section.

Analysis of Agreement Containing Consent Order to Aid Public Comment

The Federal Trade Commission has accepted, subject to final approval, a consent agreement from Twitter, Inc. ("Twitter").

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

Since approximately July 2006, Twitter has operated (*www.twitter.com*), a social networking website that enables consumers who use Twitter ("users") to send "tweets" – brief updates of 140 characters or less – to their "followers" (*i.e.*, users who sign up to receive such updates) via email and phone text. Consumers who use Twitter can follow other individuals, as well as commercial, media, governmental, or nonprofit entities. Twitter offers privacy settings through which a user may choose to designate tweets as nonpublic. In addition, Twitter collects certain information about its users that it does not make public ("nonpublic user information"). Such information includes: an email address, Internet Protocol ("IP") addresses, mobile telephone number (for users who receive updates by phone), and the username for any Twitter account that a user has chosen to "block" from exchanging tweets with the user. This nonpublic user information cannot be viewed by other users or any other third parties, but – with the exception of IP addresses – can be viewed after login by the account owner.

The Commission's complaint alleges that Twitter violated Section 5(a) of the FTC Act by falsely representing to consumers that it uses at least reasonable safeguards to protect user information from unauthorized access. The complaint further alleges that, through its statements regarding the privacy settings it offers to enable users to keep their tweets private, Twitter falsely represented that it maintains at least reasonable safeguards to honor the privacy choices exercised by users. Despite these representations, Twitter engaged in a number of practices that, taken together, failed to provide reasonable and appropriate security to prevent unauthorized access to nonpublic user information and honor the privacy choices exercised by such users in designating certain tweets as nonpublic. Specifically, Twitter failed to prevent unauthorized administrative control of the Twitter system, which includes the ability to: reset a user's account password, view a user's nonpublic tweets and other nonpublic user information, and send tweets on behalf of a user. Among other things, Twitter failed to:

a. establish or enforce policies sufficient to make administrative passwords hard to guess, including policies that: (1) prohibit the use of common dictionary words as administrative passwords; or (2) require that such passwords be unique – *i.e.*, different from any password that the employee uses to access third-party programs, websites, and networks;

b. establish or enforce policies sufficient to prohibit storage of administrative passwords in plain text in personal email accounts;

c. suspend or disable administrative passwords after a reasonable number of unsuccessful login attempts;

d. provide an administrative login webpage that is made known only to authorized persons and is separate from the login webpage provided to other users;

e. enforce periodic changes of administrative passwords, such as by setting these passwords to expire every 90 days;

f. restrict each person's access to administrative controls according to the needs of that person's job; and

g. impose other reasonable restrictions on administrative access, such as by restricting access to specified IP addresses.

The complaint alleges that between January and May 2009, intruders exploited these failures on two occasions in order to obtain unauthorized administrative control of the Twitter system. Through this administrative control, the intruders were able to: (1) gain unauthorized access to nonpublic tweets and nonpublic user information, and (2) reset users' passwords and send unauthorized tweets from users' accounts.

The proposed order applies to "nonpublic consumer information" from or about an individual consumer. "Nonpublic consumer information" is defined broadly to mean nonpublic, individually-identifiable information from or about an individual consumer, including, but not limited to, an individual consumer's: (a) email address; (b) Internet Protocol ("IP") address or other persistent identifier; (c) mobile telephone number; and (d) nonpublic communications made using Twitter's microblogging platform. The proposed order contains provisions designed to prevent Twitter from engaging in the future in practices similar to those alleged in the complaint.

Part I of the proposed order prohibits Twitter from misrepresenting the security, privacy, confidentiality, or integrity of any "nonpublic consumer information."

Part II of the proposed order requires Twitter to establish and maintain a comprehensive information security program in writing that is reasonably designed to protect the security, privacy, confidentiality, and integrity of nonpublic consumer information. The security program must contain administrative, technical, and physical safeguards appropriate to Twitter's size and complexity, the nature and scope of its activities, and the sensitivity of the nonpublic consumer information. Specifically, the order requires Twitter to:

- designate an employee or employees to coordinate and be accountable for the information security program;
- identify reasonably-foreseeable, material risks, both internal and external, that could result in the unauthorized disclosure, misuse, loss, alteration, destruction, or other compromise of nonpublic consumer information or in unauthorized administrative control of the Twitter system and assess the sufficiency of any safeguards in place to control these risks;
- design and implement reasonable safeguards to control the risks identified through risk assessment and regularly test or monitor the effectiveness of the safeguards' key controls, systems, and procedures;
- develop and use reasonable steps to select and retain service providers capable of appropriately safeguarding nonpublic consumer information they receive from respondent, and require service providers by contract to implement and maintain appropriate safeguards; and
- evaluate and adjust its information security program in light of the results

of the testing and monitoring, any material changes to its operations or business arrangements, or any other circumstances that it knows or has reason to know may have a material impact on the effectiveness of its information security program.

Part III of the proposed order requires that Twitter obtain within 180 days, and on a biennial basis thereafter for ten (10) years, an assessment and report from a qualified, objective, independent third-party professional, certifying, among other things, that: it has in place a security program that provides protections that meet or exceed the protections required by Part II of the proposed order; and its security program is operating with sufficient effectiveness to provide reasonable assurance that the security, privacy, confidentiality, and integrity of nonpublic consumer information is protected.

Parts IV through VIII of the proposed order are reporting and compliance provisions. The proposed order requires Twitter to retain for a period of five (5) years from the date received, documents that contradict, qualify, or call into question its compliance with this order. Part IV further requires that Twitter retain all materials relied upon to prepare the third-party assessments for a period of three (3) years after the date that each assessment is prepared. In addition, Part IV requires that Twitter retain all "widely-disseminated statements" that describe the extent to which it maintains and protects the security, privacy, confidentiality, or integrity of any nonpublic consumer information, along with all materials relied upon in making or disseminating such statements, for a period of three (3) years after the date of preparation or dissemination, whichever is later. Part IV also requires Twitter to maintain for six (6) months from the date received all consumer complaints directed at Twitter or forwarded to Twitter from a third party that relate to the activities alleged in the proposed complaint. Finally, Part IV requires that Twitter maintain for two (2) years from the date received copies of all subpoenas and communications with law enforcement, if such communications relate to Twitter's compliance with the order.

Part V requires dissemination of the order now and in the future to principals, officers, directors, and managers, and to all current and future employees, agents, and representatives having responsibilities relating to the subject matter of the order. Part VI ensures notification to the FTC of changes in corporate status. Part VII mandates that Twitter submit an initial compliance report to the FTC and make available to the FTC subsequent reports. Part VIII is a provision "sunsetting" the order after twenty (20) years, with certain exceptions.

The purpose of the analysis is to aid public comment on the proposed order. It is not intended to constitute an official interpretation of the proposed order or to modify its terms in any way.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2010–15827 Filed 6–29–10; 1:40 pm]

BILLING CODE 6750–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier OS–0990–New; 30-day notice]

Agency Information Collection Request; 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, e-mail your request, including your address, phone number, OMB number, and OS document identifier, to *Sherette.funncoleman@hhs.gov,* or call the Reports Clearance Office on (202) 690–5683. Send written comments and recommendations for the proposed information collections within 30 days of this notice directly to the OS OMB Desk Officer; faxed to OMB at 202–395–5806.

Proposed Project: Activities to Assess the Feasibility of Creating and Maintaining a National Registry of Child Abuse and Neglect Perpetrators—OMB No. 0990–NEW—Office of the Assistant Secretary for Planning and Evaluation.

Abstract: This study will assess the feasibility of implementing a national registry of child maltreatment perpetrators. The study has two components: a Prevalence Study, and a Key Informant Survey. The Prevalence Study will provide national estimates of the number of persons who have been found to be substantiated perpetrators of child maltreatment in more than one State. The data for this component of the study will come primarily from records from the National Child Abuse and Neglect Data System. These data will be supplemented with encoded names and dates of birth of all substantiated child maltreatment perpetrators over a five year period in order to facilitate inter-state record matching, and will be collected from the States.

The Key Informant Survey will collect information in several areas including: the structure and content of State repositories of data on child maltreatment perpetrators; current legal mandates and policies concerning the sharing of information on substantiated perpetrators; existing practices for sharing information on child maltreatment perpetrators with other states; and perceived benefits and costs to participation in a national registry that may affect States' future participation.

This is a one-time data collection effort. The affected public consists of the 50 States, the District of Columbia, and Puerto Rico. Respondents will include staff designated by state child welfare directors including IT staff, department attorneys, and state child welfare administrators. The length of the request is for two years.

ESTIMATED ANNUALIZED BURDEN TABLE

Instrument	Type of respondent	Number of respondents	Number of responses per respondent	Average burden (in hours) per response	Total burden hours
Prevalence Study	State IT Staff	52	1	30	1,560
Key Informant Survey: Legal/Policy Questionnaire	Attorney from Child Welfare Agency.	52	1	3	156
Key Informant Survey: Practices Questionnaire	State Administrator.	52	1	3	156
Key Informant Survey: Technical Information on Data Repositories Questionnaire.	State administrator.	52	1	2	104
Total					1,976

Seleda Perryman,

Office of the Secretary, Paperwork Reduction Act Clearance Officer.

[FR Doc. 2010–15800 Filed 6–29–10; 8:45 am]

BILLING CODE 4150–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier OS–0990–0001; 30-day notice]

Agency Information Collection Request; 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, e-mail your request, including your address, phone number, OMB number, and OS document identifier, to *Sherette.funncoleman@hhs.gov,* or call the Reports Clearance Office on (202) 690–5683. Send written comments and recommendations for the proposed information collections within 30 days of this notice directly to the OS OMB Desk Officer; faxed to OMB at 202–395–5806.

Proposed Project: Application for Waiver of the 2-Year Foreign Residence Requirement of the Exchange Visitor Waiver Program, OMB No. 0990–0001—Reinstatement without change, Office of the Secretary, Office of Global Health Affairs.

Abstract: The Office of Global Health Affairs is requesting an extension on a previous approved collection OMB # 0990–0001—Application for Waiver of the 2-Year Foreign Residence Requirement of the Exchange Visitor Waiver Program. The form and supplementary information sheets are used by this Department to make determination in accordance with its published regulations, as to whether or not to request from the Department of State, a waiver of the two-year foreign residence requirement for applicants in the United States on a J–1 visa. The affected public is business for profit, not-for profit institutions, Federal Government, State, Local or Tribal Government.

ESTIMATED ANNUALIZED BURDEN TABLE

Forms	Type of respondent	Number of respondents	Number of responses per respondent	Average burden (in hours) per response	Total burden hours
HHS–426	Research Applications	150	1	10	1,500
HHS–426	Clinical Care Research	50	1	10	500
Total					2,000

Seleda Perryman,

Office of the Secretary, Paperwork Reduction Act Clearance Officer.

[FR Doc. 2010–15803 Filed 6–29–10; 8:45 am]

BILLING CODE 4150–38–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier OS–0937–0025; 30-day notice]

Agency Information Collection Request; 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this

collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, e-mail your request, including your address, phone number, OMB number, and OS document identifier, to *Sherette.funncoleman@hhs.gov,* or call the Reports Clearance Office on (202) 690–5683. Send written comments and recommendations for the proposed information collections within 30 days of this notice directly to the OS OMB Desk Officer; faxed to OMB at 202–395–5806.

Proposed Project: Application for Appointment as a Commissioned Officer in the United States Public Health Service Commissioned Corps, OMB No. 0937–0025—Reinstatement with change, Office of Commissioned Corps Force Management, Office of Public Health and Science.

Abstract: Pursuant to the Paperwork Reduction Act of 1995, the Office of Commissioned Corps Force Management (OCCFM), Office of Public Health and Science(OPHS), requests that the Office of Management and Budget (OMB) approve form PHS–50, "Application for Appointment as a Commissioned Officer in the United States Public Health Service Commissioned Corps," (OMB No. 0937–0025) and form PHS–1813, "Reference Request for Applicants to the United States Public Health Service Commissioned Corps" (OMB No. 0937–0025).

The principal purpose for collecting the information is to permit HHS to determine eligibility for appointment of applicants into the Commissioned Corps of the U.S. Public Health Service (Corps). The application packet pertains only to individual health professionals who wish to apply for appointment in the Corps. This is a request for a 3-year approval.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Interested Health Professionals	Prequalification Questionnaire	8,400	1	10/60	1,400
Health Professionals	Form PHS–50	2,500	1	1	2,500
References (college professors/teachers).	Form PHS–1813	10,000	1	15/60	2,500
Total					6,400

Seleda Perryman,

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 2010–15806 Filed 6–29–10; 8:45 am]

BILLING CODE 4150–49–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0990–0220; 30-day notice]

Agency Information Collection Request; 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, e-mail your request, including your address, phone number, OMB number, and OS document identifier, to *Sherette.funncoleman@hhs.gov,* or call the Reports Clearance Office on (202) 690–5683. Send written comments and recommendations for the proposed information collections within 30 days of this notice directly to the OS OMB Desk Officer; faxed to OMB at 202–395–5806.

Proposed Project: Voluntary Academic and Industry DHHS Partner Surveys—OMB No. 0990–0220—Extension—OS—Office of Grants and Acquisition Policy and Accountability.

Abstract: To comply with E.O. 12862 and 5 U.S.C. 305, the Department of Health and Human Services plans to continue surveying its grant recipients and contractors over a three year period to compile and evaluate their opinions about the Department's grants and acquisition processes, ultimately to improve our business processes. The survey is voluntary. This is an extension, without change, of a currently approved collection. The respondents are vendors and grant recipients. The purpose of the information collection is for program evaluation and program planning or management.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondent	Number of respondents	Number of responses per respondent	Average burden (in hours) per response	Total burden hours
Vendors	1,000	1	12/60	200
Grant Recipients	1,667	1	10/60	279
Total				479

Seleda Perryman,

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 2010–15805 Filed 6–29–10; 8:45 am]

BILLING CODE 4150–24–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0990–New]

Agency Information Collection Request; 60-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed information collection request for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, e-mail your request, including your address, phone number, OMB number, and OS document identifier, to *Sherette.funncoleman@hhs.gov,* or call the Reports Clearance Office on (202) 690–6162. Written comments and recommendations for the proposed information collections must be directed to the OS Paperwork Clearance Officer at the above e-mail address within 60 days.

Proposed Project: Regional Extension Center (REC) Cooperative Agreement Program OMB No. 0990–NEW—Office of the National Coordinator for Health Information Technology.

Abstract: The REC Cooperative Agreement program has been targeted as the Department of Health and Human Services' (HHS) high priority programs and is supportive of HHS Strategic Goal 1: Health Care, objective 1.3: Improve health care quality, safety, cost, and value. Each Regional Center is required to plan and implement the outreach, education and technical assistance necessary to meet the objective of assisting providers in its geographic service area to achieve meaningful use of electronic health records (EHR). Each Center is required to report data on a monthly basis, throughout the 24-month duration of the first project period, including the number of providers registered via signed agreements with the REC, the number of providers who have purchased and are using an ONC-certified HER, with e-prescribing and quality reporting functionalities, and the number of providers who have become meaningful users of EHR, in a certification process determined by the Center for Medicaid and Medicare Services (CMS). The tool provides a data hub and central location for program participants to collect this data. Additionally, it allows for the synergy of grantee business processes and technology to increase transparency, portability, and accuracy of ONC-monthly and ARRA-quarterly reporting requirements.

ESTIMATED ANNUALIZED BURDEN TABLE

Forms (if necessary)	Type of respondent	Number of respondents	Number of responses per respondent	Average urden hours per response	Total burden hours
CRM Tool	Regional Extension Center	60	12	1.5	1,080

Seleda Perryman,

Office of the Secretary, Paperwork Reduction Act Clearance Officer.

[FR Doc. 2010–15802 Filed 6–29–10; 8:45 am]

BILLING CODE 4150–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier OS–0990–New; 30-day notice]

Agency Information Collection Request; 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or

other forms of information technology to minimize the information collection burden.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, e-mail your request, including your address, phone number, OMB number, and OS document identifier, to *Sherette.funncoleman@hhs.gov,* or call the Reports Clearance Office on (202) 690–5683. Send written comments and recommendations for the proposed information collections within 30 days of this notice directly to the OS OMB Desk Officer; faxed to OMB at 202–395–5806.

Proposed Project: Comprehensive Communication Campaign for HITECH Act—OMB No. 0990–NEW—Office National Coordinator for Health Information Technology (ONC).

Abstract: As part of the Health Information Technology for Economic and Clinical Health Act (HITECH Act) of 2009, ONC is proposing to conduct a nationwide communication campaign to meet the Congressional mandate to educate the public about privacy and security of electronically exchanged personal health information. ONC requires formative and process information about different segments of the public to conduct the campaign effectively. Data collection will occur continuously through the 24 months of the campaign. The data will be used to inform campaign strategies, messages, materials and Web sites.

ONC is collaborating with the HHS Office of Civil Rights to oversee the education and communication activities. The purpose of the campaign is to reach consumers, patients and health care providers to:

- Build approval for HIT adoption and meaningful use.
- Increase patient and provider participation in electronic health information exchange.
- Educate the public about the uses of personal health information and privacy and security protections available to them.
- Generate participation in HITECH programs (*e.g.* loans, grants, and contracts).

Electronic health information exchange promises an array of potential benefits for individuals and the U.S. health care system through improved health care quality, safety, and efficiency. At the same time, this environment also poses new challenges and opportunities for protecting health information. Health information technology and electronic health information exchange may also provide individuals with new, more effective methods to engage with their health care providers and affect how their health information may be exchanged.

ESTIMATED ANNUALIZED BURDEN HOUR TABLE

Form	Number of respondents	Number of responses per respondent	Average burden (in hours) per response	Total burden hours
In-depth interview screening	500	1	10/60	83
In-depth interview main interview	360	1	1	360
Focus group screening	800	1	10/60	133
Focus group main interview	400	1	2	800
Web-based message testing main interview	660	1	1	660
Omnibus survey questions main interview	4,000	1	10/60	667
Card sorting screening	400	1	10/60	67
Card sorting main interview	100	1	1.5	150
Total				2,920

Seleda Perryman,

Office of the Secretary, Paperwork Reduction Act Clearance Officer.

[FR Doc. 2010–15801 Filed 6–29–10; 8:45 am]

BILLING CODE 4150–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Final Effect of Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) gives notice concerning the final effect of the HHS decision to designate a class of employees at the Canoga Avenue Facility, Los Angeles County, California, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000. On May 14, 2010, as provided for under 42 U.S.C. 7384q(b), the Secretary of HHS designated the following class of employees as an addition to the SEC:

All employees of the Department of Energy, its predecessor agencies, and its contractors and subcontractors who worked at the Canoga Avenue Facility, Los Angeles County, California, from January 1, 1955 through December 31, 1960 for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees in the Special Exposure Cohort.

This designation became effective on June 13, 2010, as provided for under 42 U.S.C. 7384*l*(14)(C). Hence, beginning on June 13, 2010, members of this class of employees, defined as reported in this notice, became members of the Special Exposure Cohort.

FOR FURTHER INFORMATION CONTACT: Stuart L. Hinnefeld, Interim Director, Division of Compensation Analysis and Support, National Institute for Occupational Safety and Health (NIOSH), 4676 Columbia Parkway, MS C–46, Cincinnati, OH 45226, Telephone 513–533–6800 (this is not a toll-free number). Information requests can also be submitted by e-mail to *DCAS@CDC.GOV.*

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2010–15930 Filed 6–29–10; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Announcement of Meeting of the Secretary's Advisory Committee on National Health Promotion and Disease Prevention Objectives for 2020

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of Public Health and Science, Office of Disease Prevention and Health Promotion.

ACTION: Notice of meeting.

Authority: 42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended. The Committee is governed by the provision of Public Law 92—463, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

SUMMARY: The U.S. Department of Health and Human Services (HHS) announces the next federal advisory committee meeting regarding the national health promotion and disease prevention objectives for 2020. This meeting will be open to the public and will be held online via WebEx software. The Secretary's Advisory Committee on National Health Promotion and Disease Prevention Objectives for 2020 will address efforts to develop the nation's health promotion and disease prevention objectives and strategies to improve the health status and reduce health risks for Americans by the year 2020. The Committee will provide to the Secretary of Health and Human Services advice and consultation for developing and implementing the next iteration of national health promotion and disease prevention goals and objectives and provide recommendations for initiatives to occur during the initial implementation phase of the goals and objectives. The meeting's agenda will include the Committee's review of the work and recommendations of its subcommittees on Priorities, Social Determinants of Health, and Action Steps and Evidence. HHS will use the recommendations to inform the development and implementation of Healthy People 2020—health objectives for the next decade. The intent is to develop and launch objectives designed to improve the health status and reduce health risks for Americans by the year 2020.

DATES: The Committee will meet on July 26, 2010 from 12 p.m. to 3 p.m. Eastern Daylight Time (EDT).

ADDRESSES: The meeting will be held online, via WebEx software. For detailed instructions about how to make sure that your windows computer and browser is set up for WebEx, please visit the "Secretary's Advisory Committee" Web page of the Healthy People Web site at: *http://www.healthypeople.gov/hp2020/advisory/default.asp.*

FOR FURTHER INFORMATION CONTACT: Emmeline Ochiai, Designated Federal Officer, Secretary's Advisory Committee on National Health Promotion and Disease Prevention Objectives for 2020, U.S. Department of Health and Human Services, Office of Public Health and Science, Office of Disease Prevention and Health Promotion, 1101 Wootton Parkway, Room LL–100, Rockville, MD 20852, (240) 453–8259 (telephone), (240) 453–8281 (fax). Additional information is available on the Internet at *http://www.healthypeople.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of Meeting: Every 10 years, through the Healthy People initiative, HHS leverages scientific insights and lessons from the past decade, along with the new knowledge of current data, trends, and innovations to develop the next iteration of national health promotion and disease prevention objectives. Healthy People provides science-based, 10-year national objectives for promoting health and preventing disease. Since 1979, Healthy People has set and monitored national health objectives to meet a broad range of health needs, encourage collaborations across sectors, guide individuals toward making informed health decisions, and measure the impact of our prevention and health promotion activities. Healthy People 2020 will reflect assessments of major risks to health and wellness, changing public health priorities, and emerging issues related to our nation's health preparedness and prevention.

Public Participation at Meeting: Members of the public are invited to listen to the online Committee meeting. There will be no opportunity for oral public comments during the online Committee meeting. Written comments, however, can be submitted through the Healthy People Web site at: *http://www.healthypeople.gov/hp2020/comments/* or they can be e-mailed to *HP2020@hhs.gov.*

To listen to the Committee meeting, individuals must pre-register to attend at the Healthy People Web site located at *http://www.healthypeople.gov.* Participation in the meeting is limited. Registrations will be accepted until maximum WebEx capacity is reached and must be completed by 9 a.m. EDT on July 26, 2010. A waiting list will be maintained should registrations exceed WebEx capacity. Individuals on the waiting list will be contacted as additional space for the meeting becomes available.

Registration questions may be directed to Hilary Scherer at *HP2020@norc.org* (e-mail), (301) 634–9374 (phone) or (301) 634–9301 (fax).

Dated: June 25, 2010.

Penelope Slade-Sawyer,

Deputy Assistant Secretary for Health, (Disease Prevention and Health Promotion).

[FR Doc. 2010–15929 Filed 6–29–10; 8:45 am]

BILLING CODE 4150–32–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Secretary's Advisory Committee on Human Research Protections

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of Public Health and Science.

ACTION: Notice.

SUMMARY: Pursuant to Section 10(a) of the Federal Advisory Committee Act, U.S.C. Appendix 2, notice is hereby given that the Secretary's Advisory Committee on Human Research Protections (SACHRP) will hold its twenty-third meeting. The meeting will be open to the public. Information about SACHRP and the meeting agenda will be posted on the SACHRP Web site at: *http://www.hhs.gov/ohrp/sachrp/index.html.*

DATES: The meeting will be held on Tuesday, July 20, 2010 from 8:30 a.m. until 5:15 p.m. and Wednesday, July 21, 2010 from 8:30 a.m. until 5:15 p.m.

ADDRESSES: The Sheraton National Hotel, 900 South Orme Street, Arlington, Virginia 22204. Phone: 703–521–1900.

FOR FUTHER INFORMATION CONTACT: Jerry Menikoff, M.D., J.D., Director, Office for Human Research Protections (OHRP), or Julia Gorey, J.D., Executive Director, SACHRP; U.S. Department of Health and Human Services, 1101 Wootton Parkway, Suite 200, Rockville, Maryland 20852; 240–453–8141; fax: 240–453–6909; e-mail address: *Julia.Gorey@hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the authority of 42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended, SACHRP was established to provide expert advice and recommendations to the Secretary of Health and Human Services and the Assistant Secretary for Health on issues and topics pertaining to or associated with the protection of human research subjects.

On July 20, 2010, the SACHRP Subpart A Subcommittee (SAS) will

make a report focusing on informed consent and future use of specimens or data. SAS is charged with developing recommendations for consideration by SACHRP about the application of subpart A of 45 CFR part 46 in the current research environment. This subcommittee was established by SACHRP at its October 2006 meeting. Following the SAS report and lunch, there will be a panel of speakers discussing the emergence of ethics consultations services, and whether such ethical discussions should occur more appropriately within the domain of the IRB. July 20 will conclude with time devoted to a discussion of future directions for SAS.

On July 21, 2010, the morning will begin with a panel discussing regulatory challenges that are posed by the increasing use of the internet and electronic media in human subjects research. After lunch, a panel will focus on the genetic research involving members of the Havasupai Indian tribe, which was the focus of a recently settled lawsuit brought by the Havasupai Indian tribe against the Arizona State University, and the implications this research and the related legal settlement present for informed consent and biospecimen research. The day will conclude with a report from the Subcommittee on Harmonization (SOH). The SOH was established by SACHRP at its July 2009 meeting, and is charged with identifying and prioritizing areas in which regulations and/or guidelines for human subjects research adopted by various agencies or offices within HHS would benefit from harmonization, consistency, clarity, simplification and/or coordination. Public comment will be heard on both days.

Public attendance at the meeting is limited to space available. Individuals who plan to attend the meeting and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the designated contact persons. Members of the public will have the opportunity to provide comments on both days of the meeting. Public comment will be limited to five minutes per speaker. Any members of the public who wish to have printed materials distributed to SACHRP members for this scheduled meeting should submit materials to the Executive Director, SACHRP, prior to the close of business Friday, July 16, 2010.

Dated: June 23, 2010.

Jerry Menikoff,

Director, Office for Human Research Protections, Executive Secretary, Secretary's Advisory Committee on Human Research Protections.

[FR Doc. 2010–15807 Filed 6–29–10; 8:45 am]

BILLING CODE 4150–36–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Center for Faith-Based and Neighborhood Partnerships; Office of Health Reform Statement of Organization, Functions, and Delegations of Authority

Part A, Office of the Secretary, Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (HHS), as last amended at 75 FR 20364–5, dated April 19, 2010, and Chapter AA, Immediate Office of the Secretary, as last amended at 75 FR 20364–5, dated April 19, 2010, are being amended to establish two new chapters, Chapter AAE, "Office of Health Reform (AAE)," and Chapter AW, "Center for Faith-Based and Neighborhood Partnerships," in the Office of the Secretary. The changes are as follows:

I. Under Part A, Chapter AA, Section AA.10 Organization, after "The Secretary (AA)," insert the following: "Office of Health Reform (AAE)."

II. Under Part A, Chapter AA, Section AA.10 Organization, insert the following: "Center for Faith-Based and Neighborhood Partnerships (AW)."

III. Under chapter AA, establish a new chapter AAE, "Office of Health Reform," to read as follows:

Chapter AAE, Office of Health Reform

AAE.00 Mission
AAE.10 Organization
AAE.20 Functions

AAE.00 Mission. The Office of Health Reform shall direct and coordinate the Department of Health and Human Services' (HHS') efforts to implement the health reform legislation and reform the health care system.

AAE.10 Organization. The Office of Health Reform is headed by a Director who reports to the Secretary and who serves as the Secretary's principal advisor on HHS' activities relating to health reform implementation.

AAE.20 Functions. The Office of Health Reform's responsibilities include: (1) Coordinating and liaising with the White House on health reform implementation matters; (2) serving as a representative, on behalf of the Secretary and HHS, to other Federal agencies in matters related to health reform; and (3) coordinating with HHS' Operating and Staff Divisions, as well as other Federal agencies, in developing and implementing a comprehensive health reform plan.

IV. Under Part A, establish a new Chapter AW, "Center for Faith-Based and Neighborhood Partnerships" to read as follows:

Chapter AW, Center for Faith-Based and Neighborhood Partnerships.

AW.00 Mission
AW.10 Organization
AW.20 Functions

AW.00 Mission. The Center for Faith-Based and Neighborhood Partnerships (CFBNP) coordinates the Department of Health and Human Services' (HHS') efforts to support partnerships between HHS and faith and community-based nonprofit organizations in health care and human services sectors in order to better serve people and communities.

AW.10 Organization. CFBNP is headed by a Director, appointed by the Secretary in consultation with the White House Office of Faith-Based and Neighborhood Partnerships, who reports to the Secretary and who serves as the Secretary's principal advisor on HHS' activities relating to faith-based and neighborhood partnership activities.

AW.20 Functions. CFBNP engages and communicates with the grassroots, ensuring that local institutions that hold community trust have up-to-date information regarding health and human service activities and resources in their area. CFBNP also works to enable community and faith-based organizations to partner with the government through both non-fiduciary and fiduciary partnerships to achieve both HHS' and the President's goals for the Faith-based and Neighborhood Partnership Initiative, which include: strengthening the role of community organizations in the economic recovery and poverty reduction; reducing unintended pregnancies and supporting maternal and child health; promoting responsible fatherhood and healthy families; and fostering interfaith dialogue and collaboration with leaders and scholars around the world and at home.

Dated: June 22, 2010.

E.J. Holland, Jr.,

Assistant Secretary for Administration.

[FR Doc. 2010–15858 Filed 6–29–10; 8:45 am]

BILLING CODE 4150–24–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB review; Comment Request

Title: Child Care Development Fund (CCDF)—Reporting Improper Payments.

OMB No.: 0970–0323.

Description: The Improper Payments Information Act of 2002 requires Federal agencies to annually report error rate measures. Section 2 of the Improper Payments Information Act provides for estimates and reports of improper payments by Federal agencies. Subpart K of 45 CFR, Part 98 requires preparation and submission of a report of errors occurring in the administration of Child Care Development Fund (CCDF) grant funds once every three years. The information collected will be used to prepare the annual Agency Financial Report (AFR) and will provide information necessary to offer technical assistance to grantees.

Respondents: State Grantees, the District of Columbia, and Puerto Rico.

ANNUAL BURDEN ESTIMATES

Instrument	Number of responses	Number of reponses per respondent	Average burden hours per response	Total burden hours
Record Review Worksheet	17	276.38	15.43	72,497.24
Data Entry Form	17	276.38	0.18	845.72
State Improper	17	1	639	10.863

Estimated Total Annual Burden Hours: 84,205.96.

Additional Information

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, *Attn:* ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following:

Office of Management and Budget, Paperwork Reduction Project, Fax: 202–395–7285, Attn: Desk Officer for the Administration for Children and Families.

Dated: June 17, 2010.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2010–15619 Filed 6–29–10; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Two-Year Extension of an Existing Information Collection; 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: Performance Report for Grants and Cooperative Agreements (OMB No. 0915–0061)—Revision

The HRSA Bureau of Health Professions (BHPr) Performance Report for Grants and Cooperative Agreements is used to report grantee activities for Title VII and VIII health professions and nursing education and training programs. The reporting system measures the grantee's success in meeting (1) the objectives of the grant project, and (2) the cross-cutting outcomes developed for the Bureau of Health Professions' Title VII and VIII health professions and nursing education and training programs. The reporting system has two parts: Part I of the performance report is designed to collect information on activities specific to a given program and Part II, the core performance measures, collects data on overall project performance related to the Bureau's strategic goals, objectives, outcomes, and indicators. Progress will be measured based on the objectives of the grant project, and outcome measures and indicators developed by the Bureau to meet requirements of the Government Performance and Results Act (GPRA).

The Bureau will be making minor changes to the previously approved information collection request. First, a couple of tables in Parts I and II have been simplified to eliminate collecting multiple race combinations for two or more races. And second, a new measure will be added to collect outcome data on the State Primary Care Offices (PCOs) program.

The estimated annual burden is as follows:

Report	Number of respondents	Responses per respondent	Total responses	Hours per response	Total burden hours
BHPr Performance Report	1,000	1	1,000	24	24,000
Total	1,000		1,000		24,000

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: June 24, 2010.

Sahira Rafiullah,

Director, Division of Policy and Information Coordination.

[FR Doc. 2010–15830 Filed 6–29–10; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects:

Title: Order/Notice to Withold Income for Child Support.

OMB No.: 0970–0154.

Description: The Social Security Act requires that child support agencies, courts, tribes, private attorneys and all other entities use the OMB approved federal Income Withholding for Support when ordering or sending notice to employers/income withholders of the requirement to withhold income for child support. 42 U.S.C. 666(b)(6)(i) and (ii) requires the use of the Income Withholding for Support form in all cases enforced by child support agencies where payment is made by income withholding, whether the case is processed administratively or through the court. 42 U.S.C. 666(a)(8)(B)(iii) provides that the requirements of section 666(b)(6) are applicable to cases not being enforced by the state child support agency or private cases with initial orders issued on or after January 1, 1994. The form promotes standardization and is used for title IV–D and non-IV–D cases that require income withholding.

The Income Withholding for Support has been modified to address items identified by states and employers/income withholders. The shading on the form was removed because it obscures information when the form is faxed or scanned to an employer/income withholder. Also, a check box has been added to allow employers/income withholders to return the Income Withholding for Support form if payments are not directed through the State Disbursement Unit (SDU) as required by federal and state laws. With the addition of a mechanism to return Income Withholding for Support forms, payment instructions that conflict with federal and state laws will be addressed.

Respondents: Not applicable.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours

Estimated Total Annual Burden Hours: 0.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, *Attn:* ACF Reports Clearance Officer. *E-mail address: infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments 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) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: June 24, 2010.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2010–15798 Filed 6–29–10; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0117]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Guidance for Industry Entitled Hypertension Indication: Drug Labeling for Cardiovascular Outcome Claims

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under

the Paperwork Reduction Act of 1995 (the PRA).

DATES: Fax written comments on the collection of information by July 30, 2010.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or e-mailed to *oira_submission@omb.eop.gov*. All comments should be identified with the OMB control number 0910-new and title Guidance for Industry entitled "Hypertension Indication: Drug Labeling for Cardiovascular Outcome Claims." Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Elizabeth Berbakos, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, 301–796–3792, *Elizabeth.berbakos@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Guidance for Industry entitled "Hypertension Indication: Drug Labeling for Cardiovascular Outcome Claims"—21 CFR 201.56 and 201.57 (OMB Control Number 0910–New)

This guidance is intended to assist applicants in developing labeling for outcome claims for drugs that are indicated to treat hypertension. With few exceptions, current labeling for antihypertensive drugs includes only the information that these drugs are indicated to reduce blood pressure; the labeling does not include information on the clinical benefits related to cardiovascular outcomes expected from such blood pressure reduction. However, blood pressure control is well established as beneficial in preventing serious cardiovascular events, and inadequate treatment of hypertension is acknowledged as a significant public health problem. FDA believes that the appropriate use of these drugs can be encouraged by making the connection between lower blood pressure and improved cardiovascular outcomes more explicit in labeling. The intent of the guidance is to provide common labeling for antihypertensive drugs except where differences are clearly supported by clinical data. The guidance encourages applicants to submit labeling supplements containing the new language.

In the **Federal Register** of March 13, 2008 (73 FR 13546), FDA published the draft guidance entitled "Hypertension Indication: Drug Labeling for Cardiovascular Outcome Claims." The draft guidance contained no information collection subject to OMB review under the PRA. The final guidance, however, contains two new provisions that are subject to OMB review and approval under the PRA, and one new provision that would be exempt from OMB review. Under the PRA, FDA must first obtain OMB approval for this information collection before we may issue the final guidance.

(1) Section IV.C of the guidance requests that the CLINICAL STUDIES section of the Full Prescribing Information of the labeling should include a summary of placebo- or active-controlled trials showing evidence of the specific drug's effectiveness in lowering blood pressure. If trials demonstrating cardiovascular outcome benefits exist, those trials also should be summarized in this section. Table 1 in section V of the guidance contains the specific drugs for which FDA has concluded that such trials exist. If there are no cardiovascular outcome data to cite, one of the following two paragraphs should appear:

"There are no trials of [DRUGNAME] or members of the [name of pharmacologic class] pharmacologic class demonstrating reductions in cardiovascular risk in patients with hypertension," or "There are no trials of [DRUGNAME] demonstrating reductions in cardiovascular risk in patients with hypertension, but at least one pharmacologically similar drug has demonstrated such benefits."

In the latter case, the applicant's submission generally should refer to table 1 in section V of the guidance. If the applicant believes that table 1 is incomplete, it should submit the clinical evidence for the additional information to Docket No. FDA–2008–D–0150. The labeling submission should reference the submission to the docket. FDA estimates that no more than one submission to the docket will be made annually from one company, and that each submission will take approximately 10 hours to prepare and submit. Concerning the recommendations for the CLINICAL STUDIES section of the Full Prescribing Information of the labeling, FDA regulations at §§ 201.56 and 201.57 (21 CFR 201.56 and 201.57) require such labeling, and the information collection associated with these regulations is approved by OMB under OMB Control Number 0910–0572.

(2) Section VI.B of the guidance requests that the format of cardiovascular outcome claim prior approval supplements submitted to FDA under the guidance should include the following information:

1. A statement that the submission is a cardiovascular outcome claim supplement, with reference to the guidance and related Docket No. FDA–2008–D–0150
2. Applicable FDA forms (e.g., 356h, 3397)
3. Detailed Table of Contents
4. Revised labeling:

a. Include draft revised labeling conforming to the requirements in §§ 201.56 and 201.57

b. Include marked-up copy of the latest approved labeling, showing all additions and deletions, with annotations of where supporting data (if applicable) are located in the submission

FDA estimates that approximately 70 cardiovascular outcome claim supplements will be submitted annually from approximately 30 different companies, and that each supplement will take approximately 4 hours to prepare and submit. The guidance also recommends that other labeling changes (e.g., the addition of adverse event data) should be minimized and provided in separate supplements, and that the revision of labeling to conform to §§ 201.56 and 201.57 may require substantial revision to the ADVERSE REACTIONS or other labeling sections.

(3) Section VI.C of the guidance states that applicants are encouraged to include the following statement in promotional materials for the drug.

"[DRUGNAME] reduces blood pressure, which reduces the risk of fatal and nonfatal cardiovascular events, primarily strokes and myocardial infarctions. Control of high blood pressure should be part of comprehensive cardiovascular risk management, including, as appropriate, lipid control, diabetes management, antithrombotic therapy, smoking cessation, exercise, and limited sodium intake. Many patients will require more than one drug to achieve blood pressure goals."

The inclusion of this statement in the promotional materials for the drug would be exempt from OMB review based on 5 CFR 1320.3(c)(2), which states that "The public disclosure of information originally supplied by the Federal government to the recipient for the purpose of disclosure to the public is not included * * *" within the definition of "collection of information."

In the **Federal Register** of March 22, 2010, (75 FR 13547), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received on the information collection.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

	No. of Respondents	No. of Responses per Respondent	Total Annual Responses	Hours per Response	Total Hours
Submission to Docket No. FDA–2008–D–0150	1	1	1	10	10
Cardiovascular Outcome Claim Supplement Submission	30	2.33	70	4	280
Total					290

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: June 24, 2010.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2010–15859 Filed 6–29–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel NIAAA Fellowship & Training Member Conflict Applications.

Date: July 8, 2010.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, 5635 Fishers Lane, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Ranga Srinivas, PhD, Chief, Extramural Project Review Branch, EPRB, NIAAA, National Institutes of Health, 5365 Fishers Lane, Room 2085, Rockville, MD 20852, (301) 451–2067, *srinivar@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the intramural research review cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Support Awards, National Institutes of Health, HHS).

Dated: June 17 2010.

Anna P. Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–15610 Filed 6–29–10; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; 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 Neurological Disorders and Stroke Special Emphasis Panel; SHINE.

Date: July 15, 2010.

Time: 12 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Contact Person: Richard D. Crosland, Ph.D., Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research, NINDS/NIH/DHHS/Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–594–0635, *Rc218u@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: June 24, 2010.

Anna P. Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–15899 Filed 6–29–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0001]

Issues in the Design and Conduct of Clinical Trials for Antibacterial Drug Development; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

SUMMARY: The Food and Drug Administration (FDA) is announcing a public workshop regarding scientific issues in the design and conduct of clinical trials for antibacterial drug development. The public workshop is intended to provide information for and gain perspectives from health care providers, researchers, academia, industry, and regulators on various aspects of design and conduct of clinical trials for antibacterial drugs. The workshop will focus on the design and conduct of non-inferiority (NI) clinical

trials, which are often used in the evaluation of the safety and efficacy of a new antibacterial drug. The input from this public workshop will help in developing topics for further discussion.

Date and Time: The public workshop will be held on August 2, 2010, from 8:30 a.m. to 5:30 p.m. and on August 3, 2010, from 8 a.m. to 4 p.m.

Location: The public workshop will be held at the Crowne Plaza Hotel, 8777 Georgia Ave., Silver Spring, MD 20910. Seating is limited and available only on a first-come, first-served basis.

Contact Persons: Chris Moser or Lori Benner, Center for Drug Evaluation and Research, Food and Drug Administration, Office of Antimicrobial Products, 10903 New Hampshire Ave., Bldg. 22, rm. 6209, Silver Spring, MD 20993–0002, 301–796–1300.

Registration: Registration is free for the public workshop. Interested parties are encouraged to register early because space is limited. Seating will be available on a first-come, first-served basis. To register electronically, e-mail registration information (including name, title, firm name, address, telephone and fax numbers) to *abtrialworkshop@fda.hhs.gov*. Persons without access to the Internet can call Chris Moser or Lori Benner at 301–796–1300 to register (see *Contact Persons*). Persons needing a sign language interpreter or other special accommodations should notify Christine Moser or Lori Benner at least 7 days in advance.

SUPPLEMENTARY INFORMATION: FDA is announcing a public workshop regarding scientific issues in the design and conduct of clinical trials for antibacterial drug development.

Over the past decade, there have been public discussions on NI clinical trial design and the types of infectious disease indications for which the NI clinical trial design is appropriate. This public workshop will provide information on NI trial design, approaches to the justification of NI margins, and the assessment and timing of efficacy endpoints. Challenges in the conduct of clinical trials will be discussed, including good clinical practice and quality system approaches.

The workshop will include presentations and perspectives from FDA and from stakeholders involved in clinical research. The public workshop is intended to provide information for and gain perspective from health care providers, researchers, academia, industry, and regulators on various aspects of the design and conduct of clinical trials for antibacterial drug development. The input from this public workshop will help in developing topics for further discussion.

The agency encourages individuals, patient advocates, industry, consumer groups, health care professionals, researchers, and other interested persons to attend this public workshop.

Transcripts: Please be advised that as soon as a transcript is available, it will be accessible at *http://www.regulations.gov*. It may be viewed at the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD. A transcript will also be available in either hardcopy or on CD–ROM, after submission of a Freedom of Information request. Written requests are to be sent to Division of Freedom of Information (HFI–35), Office of Management Programs, Food and Drug Administration, 5600 Fishers Lane, rm. 6–30, Rockville, MD 20857.

Dated: June 11, 2010.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2010–15814 Filed 6–29–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HOMELAND SECURITY

Proposed Information Quality Guidelines Policy

ACTION: Notice and request for public comment on Proposed Information Quality Guidelines.

SUMMARY: These guidelines should be used to ensure and maximize the quality of disseminated information. The Department's guidelines are based on the guidelines of the Office of Management and Budget (OMB), "Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of the Information Disseminated by Federal Agencies" 67 FR 8452 (Feb. 22, 2002). The guidelines are not intended to be, and should not be construed as, legally binding regulations or mandates. These guidelines are intended only to improve the internal management of DHS and, therefore, are not legally enforceable and do not create any legal rights or impose any legally binding requirements or obligations on the agency or the public. Nothing in these guidelines affects any available judicial review of agency action. These guidelines will serve as the minimum standards for quality within the Department. DHS Components may expand upon these guidelines as necessary, and should use these guidelines to develop or improve their processes for ensuring information disseminated by the Components meet the quality standards. DHS Components should implement processes and mechanisms for receiving, reviewing, and responding to information request that are consistent with these guidelines. DHS Components with existing directives, instructions, and correction processes for information quality may continue to use them, provided they are consistent with the standards and processes established in these guidelines.

The guidelines apply to information disseminated to the public in any medium including textual, graphic, narrative, numerical, or audiovisual forms, including information posted on the Internet. The guidelines also apply to DHS Component-sponsored distribution of information—where the DHS Component directs a third party to distribute information or DHS has the authority to review and approve the information before release. If the Department is to rely on information submitted by a third party that information would need to meet appropriate standards of objectivity and utility.

DATES: Comments are encouraged and will be accepted until July 30, 2010.

Comments: Public comments are invited on the information contained in the proposed policy. Comments on the proposed policy should be submitted electronically to *DHS.INFOQUALITY@DHS.GOV.*

Obtaining a Copy of the Policy: To obtain a copy of the policy please submit a request to *DHS.INFOQUALITY@DHS.GOV* (including your address and telephone number).

FOR FURTHER INFORMATION CONTACT: Department of Homeland Security, Information Quality Program Management Office at 202–447–5959.

Richard A. Spires,

Chief Information Officer.

[FR Doc. 2010–15926 Filed 6–29–10; 8:45 am]

BILLING CODE 9110–9B–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Form I–360, Extension of an Existing Information Collection; Comment Request

ACTION: 60-Day Notice of Information Collection Under Review: Form I–360, Petition for Amerasian, Widow, or Special Immigrant. OMB Control No. 1615–0020.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until August 30, 2010.

During this 60-day period USCIS will be evaluating whether to revise the Form I–360. Should USCIS decide to revise the Form I–360 it will advise the public when it publishes the 30-day notice in the **Federal Register** in accordance with the Paperwork Reduction Act. The public will then have 30-days to comment on any revisions to the Form I–360. **Note:** USCIS will be submitting an OMB 83–C, Correction Worksheet to amend the instructions to the Form I–360 to add special immigrant status for certain Afghans covered under Public Law 111–8.

Written comments and suggestions regarding items contained in this notice, and especially with regard to the estimated public burden and associated response time should be directed to the Department of Homeland Security (DHS), USCIS, Chief, Regulatory Products Division, Clearance Office, 111 Massachusetts Avenue, NW., Washington, DC 20529–2210. Comments may also be submitted to DHS via facsimile to 202–272–8352, or via e-mail at *rfs.regs@dhs.gov*. When submitting comments by e-mail, please add the OMB Control Number 1615–0020 in the subject box.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

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

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

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

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved information collection.

(2) *Title of the Form/Collection: Petition* for Amerasian, Widow or Special Immigrant.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–360. U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as brief abstract: Primary:* Individuals or households. This information collection is used by several prospective classes of aliens who intend to establish their eligibility to immigrate to the United States.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 8,984 responses at 2 hours per response, 6,500 responses at 3 hours per response, and 4,700 at 2.25 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 48,043 annual burden hours.

If you need a copy of the information collection instrument, please visit the Web site at: *http://www.regulations.gov/*.

We may also be contacted at: USCIS, Regulatory Products Division, 111 Massachusetts Avenue, NW., Washington, DC 20529–2210, Telephone number 202–272–8377.

Dated: June 25, 2010.

Stephen Tarragon,

Deputy Chief, Regulatory Products Division, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2010–15862 Filed 6–29–10; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Form I–485 and Supplements A and E, Extension of a Currently Approved Information Collection; Comment Request

ACTION: 60-Day Notice of Information Collection Under Review: Form I–485 and Supplements A and E, Application to Register Permanent Residence or Adjust Status; OMB Control Number 1615–0023.

The Department of Homeland Security, U.S. Citizenship and Immigration Services will be submitting the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for 60 days until August 30, 2010.

During this 60-day period USCIS will be evaluating whether to revise the Form I–485 and Supplements A and E. Should USCIS decide to revise the Form I–485 and Supplements A and E it will advise the public when it publishes the 30-day notice in the **Federal Register** in accordance with the Paperwork Reduction Act. The public will then have 30-days to comment on any revisions to the Form I–485 and Supplements A and E.

Written comments and suggestions regarding items contained in this notice, and especially with regard to the estimated public burden and associated response time should be directed to the Department of Homeland Security (DHS), USCIS, Chief, Regulatory Products Division, Clearance Office, 111 Massachusetts Avenue, NW., Washington, DC 20529–2210. Comments may also be submitted to DHS via facsimile to 202–272–8352, or via e-mail at *rfs.regs@dhs.gov.* When submitting comments by e-mail please add the OMB Control Number 1615–0023 in the subject box.

Written comments and suggestions from the public and affected agencies concerning the collection of information should address one or more of the following four points:

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

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

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

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this Information Collection

(1) *Type of Information Collection:* Extension of a currently approved information collection.

(2) *Title of the Form/Collection:* Application to Register Permanent Residence or Adjust Status.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–485, and Supplements A and E. U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or Households. The information collected is used to determine eligibility to adjust status under section 245 of the Immigration and Nationality Act.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Form I–485—614,921 responses at 6 hours and 15 minutes (6.25) per response; Supplement A—3,888 responses at 13 minutes (.216) per response; Supplement E—31,000 responses at one hour per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 3,875,095 annual burden hours.

If you need a copy of the information collection instrument, please visit: *http://www.regulations.gov/.*

We may also be contacted at: USCIS, Regulatory Products Division, 111 Massachusetts Avenue, NW., Washington, DC 20529–2210, telephone number 202–272–8377.

Dated: June 24, 2010.

Stephen Tarragon,

Deputy Chief, Regulatory Products Division, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2010–15857 Filed 6–29–10; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Form I–751, Extension of a Currently Approved Information Collection; Comment Request

ACTION: 60–Day Notice of Information Collection Under Review: Form I–751, Petition to Remove Conditions on Residence; OMB Control No. 1615–0038.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until August 30, 2010.

During this 60 day period, USCIS will be evaluating whether to revise the Form I–751. Should USCIS decide to revise Form I–751 we will advise the public when we publish the 30-day notice in the **Federal Register** in accordance with the Paperwork Reduction Act. The public will then have 30 days to comment on any revisions to the Form I–751.

Written comments and suggestions regarding items contained in this notice, and especially with regard to the estimated public burden and associated response time should be directed to the Department of Homeland Security (DHS), USCIS, Chief, Regulatory Products Division, Clearance Office, 111 Massachusetts Avenue, NW., Washington, DC 20529–2210. Comments may also be submitted to DHS via facsimile to 202–272–8352, or via e-mail at *rfs.regs@dhs.gov.* When submitting comments by e-mail, please add the OMB Control Number 1615–0038 in the subject box.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

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

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

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

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of an existing information collection.

(2) *Title of the Form/Collection:* Petition to Remove Conditions on Residence.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–751. U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals and households. This form is used by USCIS to verify the petitioner's status and determine whether the conditional resident is eligible to have his or her status removed.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 118,008 responses at 3 hours and 20 minutes (3.333 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 393,321 annual burden hours.

If you need a copy of the information collection instrument, please visit the Web site at: *http://www.regulations.gov/.*

We may also be contacted at: USCIS, Regulatory Products Division, 111 Massachusetts Avenue, NW., Washington, DC 20529–2210, Telephone number 202–272–8377.

Dated: June 24, 2010.

Stephen Tarragon,

Deputy Chief, Regulatory Products Division, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2010–15855 Filed 6–29–10; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Form I–129, Revision of an Existing Information Collection; Comment Request

ACTION: 30-Day Notice of Information Collection Under Review: Form I–129, Petition for Nonimmigrant Worker; OMB Control Number 1615–0009.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on February 8, 2010 at 75 FR 6212, allowing for a 60-day public comment period. USCIS received 54 comments for this information collection. A discussion of the comments and USCIS' responses are discussed in item 8 of the supporting statement that can be viewed at: *http://www.regulations.gov.*

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until July 30, 2010. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Department of Homeland Security (DHS), and to the Office of Management and Budget (OMB) USCIS Desk Officer. Comments may be submitted to: USCIS, Chief, Regulatory Products Division, Clearance Office, 111 Massachusetts Avenue, Washington, DC 20529–2210. Comments may also be submitted to DHS via facsimile to 202–272–8352 or via e-mail at *rfs.regs@dhs.gov*, and to the OMB USCIS Desk Officer via facsimile at 202–395–5806 or via e-mail at *oira_submission@omb.eop.gov.*

When submitting comments by e-mail please make sure to add OMB Control Number 1615–0009 in the subject box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(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 agencies estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

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

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a currently approved information collection.

(2) *Title of the Form/Collection:* Petition for Nonimmigrant Worker.

(3) *Agency form number, if any and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–129. U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as brief abstract: Primary: Businesses.* This form is used by an employer to petition for aliens to come to the U.S. temporarily to perform services, labor, and training or to request extensions of stay or changes in nonimmigrant status for nonimmigrant workers.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 364,048 responses at 2.75 hours per response; and 18,500 (Religious Workers) at 3 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 1,056,632 annual burden hours.

If you have additional comments, suggestions, or need a copy of the information collection instrument, please visit the Web site at: *http://www.regulations.gov.*

We may also be contacted at: USCIS, Regulatory Products Division, 111 Massachusetts Avenue, NW., Suite 3008, Washington, DC 20529–2210, telephone number 202–272–8377.

Dated: June 24, 2010.

Stephen Tarragon,

Deputy Chief, Regulatory Products Division, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2010–15864 Filed 6–29–10; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–1915–DR; Docket ID FEMA–2010–0002]

South Dakota; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of South Dakota (FEMA–1915–DR), dated May 13, 2010, and related determinations.

DATES: *Effective Date:* June 20, 2010.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Recovery Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective June 20, 2010.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2010–15866 Filed 6–29–10; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[Docket No. USCBP–2010–0022]

Notice of Meeting of the Advisory Committee on Commercial Operations of Customs and Border Protection (COAC)

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security (DHS).

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: The Advisory Committee on Commercial Operations of U.S. Customs and Border Protection (COAC) will meet on Wednesday, August 4, 2010, in Detroit, Michigan. The meeting will be open to the public.

DATES: COAC will meet Wednesday, August 4, 2010, from 1 p.m.–5 p.m. EST. Please note that the meeting may close early if the committee completes its business. If you plan on attending, please register either online at *https://apps.cbp.gov/te_registration/index.asp?w=27*, or by e-mail to *tradeevents@dhs.gov* by close-of-business on July 30, 2010.

ADDRESSES: The meeting will be held at the The Atheneum Suite Hotel, 1000 Brush Avenue, Grand Ballroom, 8th floor, Detroit, Michigan 48226, Phone: (313) 962–2323 or (800) 772–2323. The public is invited to submit comments and/or written material on any of the identified agenda items as set forth below. Please note that any comments or written materials that are mailed should reach the contact person at the address listed below before July 30, 2010, so that copies of your submitted materials can be distributed to committee members prior to the meeting. Comments must be identified by USCBP–2010–0022 and may be submitted by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *E-mail: tradeevents@dhs.gov.* Include the docket number in the subject line of the message.
- *Fax:* 202–325–4290.
- *Mail:* Ms. Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection, Department of Homeland Security, 1300 Pennsylvania Avenue, NW., Room 5.2–A, Washington, DC 20229.

Instructions: All submissions received must include the words "Department of Homeland Security" and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov*, including any personal information provided.

Docket: For access to the docket to read background documents or comments received by COAC, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection, Department of Homeland Security, 1300 Pennsylvania Avenue, NW., Room 5.2–A, Washington, DC 20229; *tradeevents@dhs.gov*; telephone 202–344–1440; facsimile 202–325–4290.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (5 U.S.C. App.), DHS hereby announces the meeting of the Advisory Committee on Commercial Operations of Customs and Border Protection (COAC). COAC is tasked with providing advice to the Secretary of Homeland Security, the Secretary of the Treasury, and the Commissioner of U.S. Customs and Border Protection (CBP) on matters pertaining to the commercial operations of CBP and related functions within DHS or the Department of the Treasury.

The sixth meeting of the eleventh term of COAC will be held at the date, time and location specified above. A tentative agenda for the meeting is set forth below.

Tentative Agenda

1. Trade Facilitation Subcommittee.
2. Importer Security Filing Subcommittee ("10+2").
3. Intellectual Property Rights Enforcement Subcommittee.
4. Agriculture Subcommittee.
5. Air Cargo Security Subcommittee.
6. Automation Subcommittee.
7. Global Supply Chain Security Subcommittee.
8. Bond Subcommittee.

Procedural

This meeting is open to the public; however, participation in COAC deliberations is limited to committee members, Department of Homeland Security officials, and persons invited to attend the meeting for special presentations. Please note that the meeting may close early if all business is finished.

All visitors must check-in at The Atheneum Suite Hotel at the Grand Ballroom, 8th floor, with CBP officials at the registration desk.

Since seating is limited, all persons attending this meeting should provide notice by close-of-business on July 30, by registering online at *https://apps.cbp.gov/te_registration/index.asp?w=27* or, alternatively, by contacting Ms. Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection, Department of Homeland Security, 1300 Pennsylvania Avenue, NW., Washington, DC 20229; *tradeevents@dhs.gov*; telephone 202–344–1440; facsimile 202–325–4290.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Ms. Wanda Tate as soon as possible.

Dated: June 24, 2010.

Kimberly Marsho,

Director, Office of Trade Relations, U.S. Customs and Border Protection.

[FR Doc. 2010–15904 Filed 6–29–10; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Quarterly IRS Interest Rates Used in Calculating Interest on Overdue Accounts and Refunds on Customs Duties

AGENCY: Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: This notice advises the public of the quarterly Internal Revenue Service interest rates used to calculate interest on overdue accounts (underpayments) and refunds (overpayments) of customs duties. For the calendar quarter beginning July 1, 2010, the interest rates for overpayments will be 3 percent for corporations and 4 percent for non-corporations, and the interest rate for underpayments will be 4 percent. This notice is published for the convenience of the importing public and Customs and Border Protection personnel.

DATES: *Effective Date:* July 1, 2010.

FOR FURTHER INFORMATION CONTACT: Ron Wyman, Revenue Division, Collection and Refunds Branch, 6650 Telecom Drive, Suite #100, Indianapolis, Indiana 46278; telephone (317) 614–4516.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to 19 U.S.C. 1505 and Treasury Decision 85–93, published in the **Federal Register** on May 29, 1985 (50 FR 21832), the interest rate paid on applicable overpayments or underpayments of customs duties must

be in accordance with the Internal Revenue Code rate established under 26 U.S.C. 6621 and 6622. Section 6621 was amended (at paragraph (a)(1)(B) by the Internal Revenue Service Restructuring and Reform Act of 1998, Pub. L. 105–206, 112 Stat. 685) to provide different interest rates applicable to overpayments: one for corporations and one for non-corporations.

The interest rates are based on the Federal short-term rate and determined by the Internal Revenue Service (IRS) on behalf of the Secretary of the Treasury on a quarterly basis. The rates effective for a quarter are determined during the first-month period of the previous quarter.

In Revenue Ruling 2010–14, the IRS determined the rates of interest for the calendar quarter beginning July 1, 2010, and ending on September 30, 2010. The interest rate paid to the Treasury for underpayments will be the Federal short-term rate (1%) plus three percentage points (3%) for a total of four percent (4%). For corporate overpayments, the rate is the Federal short-term rate (1%) plus two percentage points (2%) for a total of three percent (3%). For overpayments made by non-corporations, the rate is the Federal short-term rate (1%) plus three percentage points (3%) for a total of four percent (4%). These interest rates are subject to change for the calendar quarter beginning October 1, 2010, and ending December 31, 2010.

For the convenience of the importing public and Customs and Border Protection personnel the following list of IRS interest rates used, covering the period from before July of 1974 to date, to calculate interest on overdue accounts and refunds of customs duties, is published in summary format.

Beginning date	Ending date	Under-payments (percent)	Over-payments (percent)	Corporate Overpayments (Eff. 1–1–99) (percent)
070174	063075	6	6	
070175	013176	9	9	
020176	013178	7	7	
020178	013180	6	6	
020180	013182	12	12	
020182	123182	20	20	
010183	063083	16	16	
070183	123184	11	11	
010185	063085	13	13	
070185	123185	11	11	
010186	063086	10	10	
070186	123186	9	9	
010187	093087	9	8	
100187	123187	10	9	
010188	033188	11	10	
040188	093088	10	9	
100188	033189	11	10	
040189	093089	12	11	
100189	033191	11	10	
040191	123191	10	9	
010192	033192	9	8	
040192	093092	8	7	
100192	063094	7	6	
070194	093094	8	7	
100194	033195	9	8	
040195	063095	10	9	
070195	033196	9	8	
040196	063096	8	7	
070196	033198	9	8	
040198	123198	8	7	
010199	033199	7	7	6
040199	033100	8	8	7
040100	033101	9	9	8
040101	063001	8	8	7
070101	123101	7	7	6
010102	123102	6	6	5
010103	093003	5	5	4
100103	033104	4	4	3
040104	063004	5	5	4
070104	093004	4	4	3
100104	033105	5	5	4
040105	093005	6	6	5
100105	063006	7	7	6
070106	123107	8	8	7
010108	033108	7	7	6
040108	063008	6	6	5
070108	093008	5	5	4
100108	123108	6	6	5
010109	033109	5	5	4
040109	093010	4	4	3

Dated: June 24, 2010.

David V. Aguilar,

Acting Commissioner, U.S. Customs and Border Protection.

[FR Doc. 2010–15909 Filed 6–29–10; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5380–N–26]

Notice of Proposed Information Collection: Comment Request; Minimum Property Standards for Multifamily and Care-Type Facilities

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

ACTION: Notice.

SUMMARY: The Department of Housing and Urban Development (HUD) developed the Minimum Property Standards (MPS) program in order to minimize potential losses for single and multi-family homes purchased with insured loans. To achieve this objective, the program established a system to review, evaluate, and approve construction materials for use in such homes to ensure that the homes would perform for the life of the loan. The end goal of the MPS program is to establish certain minimum standards for buildings constructed under HUD housing programs.

DATES: *Comments Due Date:* August 30, 2010.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Leroy McKinney Jr., Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410; e-mail *leroy.mckinneyjr@hud.gov* or telephone (202) 402–5564 or the number for the Federal Information Relay Service (1–800–877–8339).

FOR FURTHER INFORMATION CONTACT: Program Contact, Elizabeth Cocke, Office of Manufactured Housing, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708–6423 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Minimum Property Standards for Multifamily and Care-type facilities.

OMB Control Number, if applicable: 2502–0321.

Description of the need for the information and proposed use: The minimum property standards describe physical standards for housing. They are intended to provide a sound basis for determining the acceptability of housing built under the HUD mortgage insurance and low-rent public housing programs.

Agency form numbers, if applicable: None.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The number of burden hours is 8400. The number of respondents is 1200, the number of responses is 1200, the frequency of response is on occasion, and the burden hour per response is 10.

Status of the proposed information collection: This is an extension of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: June 24, 2010.

Ronald Y. Spraker,

Associate General Deputy Assistant Secretary for Housing.

[FR Doc. 2010–15873 Filed 6–29–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5383–N–12]

Notice of Proposed Information Collection for Public Comment for the Housing Choice Voucher Program; Application, Allowances for Tenant-Furnished Utilities, Inspections, Financial Reports, Request for Tenancy Approval, Housing Voucher, Portability Information, Housing Assistance Payments Contracts and Tenancy Addenda, Homeownership Obligations, Tenant Information for Owner, Voucher Transfers, Homeownership Contracts of Sale, Information for Additional Renewal Funding, and the Project-Based Voucher Program

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* August 30, 2010.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name/or OMB Control number and should be sent to: Leroy McKinney, Jr., Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW., Room 4178, Washington, DC 20410–5000; telephone 202–402–5564, (this is not a toll-free number) or e-mail Mr. McKinney at *Leroy.McKinneyJr@hud.gov.* Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339. (Other than the HUD USER information line and TTY numbers, telephone numbers are not toll-free).

FOR FURTHER INFORMATION CONTACT: Dacia Rogers, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street, SW., Room 4116, Washington, DC 20410; telephone 202–402–3374, (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for

review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, as amended).

This notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection 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 submissions of responses.

This Notice Also Lists the Following Information

Title of Proposal: Housing Choice Voucher (HCV) Program: Application, Allowances for Tenant-Furnished Utilities, Inspections, Financial Reports, Request for Tenancy Approval, Housing Voucher, Portability Information, Housing Assistance Payments (HAP) Contracts, Tenancy Addendum, Homeownership Obligations, Tenant Information for Owner, Voucher Transfers, Homeownership Contracts of Sale, Information Requirements for Additional Renewal Funding and the Project-Based Voucher program.

OMB Control Number: 2577–0169.

Description of the Need for the Information and Proposed Use: Public Housing Agencies (PHA) will prepare an application for funding which specifies the number of units requested, as well as the PHA's objectives and plans for administering the HCV program. The application is reviewed by the HUD Field Office and ranked according to the PHA's administrative capability, the need for housing assistance, and other factors specified in the Notice of Funding Availability (NOFA). The PHAs must establish a utility allowance schedule for all utilities and other services. Units must be inspected using HUD prescribed forms to determine if the units meet the housing quality standards (HQS) of the HCV program. PHAs are also required to maintain financial reports in accordance with accepted accounting standards. The PHA is required to submit one financial document into an internet-based Voucher Management System four times a year. After the family is issued a HCV to search for a unit, the family must complete and submit to the PHA a Request for Tenancy Approval when it finds a unit which is suitable for its needs. Initial PHAs will use a standardized form to submit portability information to the receiving PHA who will also use the form for monthly portability billing. PHAs and Owners will enter into HAP Contacts each providing information on rents, payments, certifications, notifications, and Owner agreement in a form acceptable to the PHA. A tenancy addendum is included in the HAP contract as well as incorporated in the lease between the owner and the family. Families that participate in the Homeownership program will execute a statement regarding their responsibilities and execute contracts of sale including an additional contract of sale for new construction units. PHAs that wish to voluntarily transfer their HCV programs will notify HUD for approval and, once approved, all affected families and owners of the divested PHA. PHAs participating in the Project-Based Voucher program will enter into Agreements with developing owners, HAP contacts with the existing and New Construction/Substantial Rehabilitation owners, Statement of Family Responsibility with the family and a lease Addendum will be provided for execution between the family and the owner.

Agency form numbers: HUD–52515, HUD–52667, HUD–52580, HUD–52580–A, HUD–52681, HUD–52681–B, HUD–52672, HUD–52517, HUD–52646, HUD–52665, HUD–52641, HUD–52641–A, HUD 52642, HUD 52642–A, HUD 52649, HUD 52531A, 52531B, HUD 52530A, HUD 52530B, HUD 52530C, HUD 52578B.

Members of the Affected Public: State and Local Governments, businesses or other for-profits.

Estimation of the Total Number of Hours Needed to Prepare the Information Collection including the Number of Respondents, Frequency of response, and hours of response: The Number of respondents (2450 PHAs + 245,000 families + 245,000 tenant-based owners) = 492,450 total respondents. Hours per response varies for each form varies from annually, quarterly and on-occasion. Total annual burden hours 1,238,448.

Status of the Proposed Information Collection: Extension of a currently approved collection.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: June 24, 2010.

Merrie Nichols-Dixon,

Acting Deputy Assistant Secretary for Policy, Programs, and Legislative Initiatives.

[FR Doc. 2010–15874 Filed 6–29–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5383–N–11]

Proposed Information Collection to OMB Indian Housing Block Grant (IHBG) Program (Combined and Simplified Indian Housing Plan and Annual Performance Reporting Requirements); Withdrawal of Notice

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice, withdrawal.

SUMMARY: The Office of the Chief Information Officer is announcing the withdrawal of the Indian Housing Block Grant (IHBG) Program (Combined and Simplified Indian Housing Plan and Annual Performance Reporting Requirements) proposed information collection published on May 21, 2010.

DATES: The withdrawal is effective *June 30, 2010.*

FOR FURTHER INFORMATION CONTACT: Dacia Rogers, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street, SW., Room 4116, Washington, DC 20410; telephone 202–402–3374, (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: HUD established a working group to streamline the Indian Housing Plan (IHP) and Annual Performance Report (APR) to address the amendments which were made in the NAHASDA Reauthorization Act of 2008. The objective of the IHP/APR streamlining was to reduce the reporting burden on tribes and tribally designated housing entities. It was HUD's intention to publish the notice to maintain momentum as we continued with the negotiated rule making process. At this time, HUD is withdrawing the emergency comment request for the Indian Housing Block Grant (IHBG) Program (Combined and Simplified Indian Housing Plan and Annual Performance Reporting Requirements) Notice of Proposed Information Collection published on May 21, 2010. Tribes and tribally designated housing entities should continue to use the current versions of the Indian Housing Plan and Annual Performance Report until further notice.

Title of Proposed Notice: Indian Housing Block Grant Program (Combined Indian Housing Plan and Annual Performance Reporting Requirements) .

Description of Information Collection: This is a withdrawal of a proposed information collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. ch. 35, as amended.

Dated: June 24, 2010.

Merrie Nichols-Dixon,

Acting Deputy Assistant Secretary for Policy, Programs, and Legislative Initiatives.

[FR Doc. 2010–15875 Filed 6–29–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5420–N–01]

Notice of Regulatory Waiver Requests Granted for the First Quarter of Calendar Year 2010

AGENCY: Office of the General Counsel, HUD.

ACTION: Notice.

SUMMARY: Section 106 of the Department of Housing and Urban Development Reform Act of 1989 (the HUD Reform Act) requires HUD to publish quarterly **Federal Register** notices of all regulatory waivers that HUD has approved. Each notice covers the quarterly period since the previous **Federal Register** notice. The purpose of this notice is to comply with the requirements of section 106 of the HUD Reform Act. This notice contains a list of regulatory waivers granted by HUD during the period beginning on January 1, 2010 and ending on March 31, 2010.

FOR FURTHER INFORMATION CONTACT: For general information about this notice, contact Camille E. Acevedo, Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, 451 7th Street, SW., Room 10282,Washington, DC 20410–0500, telephone (202) 708–1793 (this is not a toll-free number). Persons with hearing- or speech-impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

For information concerning a particular waiver that was granted and for which public notice is provided in this document, contact the person whose name and address follow the description of the waiver granted in the accompanying list of waivers that have been granted in the first quarter of calendar year 2010.

SUPPLEMENTARY INFORMATION: Section 106 of the HUD Reform Act added a new section 7(q) to the Department of Housing and Urban Development Act (42 U.S.C. 3535(q)), which provides that:

1. Any waiver of a regulation must be in writing and must specify the grounds for approving the waiver;

2. Authority to approve a waiver of a regulation may be delegated by the Secretary only to an individual of Assistant Secretary or equivalent rank, and the person to whom authority to waive is delegated must also have authority to issue the particular regulation to be waived;

3. Not less than quarterly, the Secretary must notify the public of all waivers of regulations that HUD has approved, by publishing a notice in the **Federal Register**. These notices (each covering the period since the most recent previous notification) shall:

a. Identify the project, activity, or undertaking involved;

b. Describe the nature of the provision waived and the designation of the provision;

c. Indicate the name and title of the person who granted the waiver request;

d. Describe briefly the grounds for approval of the request; and

e. State how additional information about a particular waiver may be obtained.

Section 106 of the HUD Reform Act also contains requirements applicable to waivers of HUD handbook provisions that are not relevant to the purpose of this notice.

This notice follows procedures provided in HUD's Statement of Policy on Waiver of Regulations and Directives issued on April 22, 1991 (56 FR 16337). In accordance with those procedures and with the requirements of section 106 of the HUD Reform Act, waivers of regulations are granted by the Assistant Secretary with jurisdiction over the regulations for which a waiver was requested. In those cases in which a General Deputy Assistant Secretary granted the waiver, the General Deputy Assistant Secretary was serving in the absence of the Assistant Secretary in accordance with the office's Order of Succession.

This notice covers waivers of regulations granted by HUD from January 1, 2010 through March 31, 2010. For ease of reference, the waivers granted by HUD are listed by HUD program office (for example, the Office of Community Planning and Development, the Office of Fair Housing and Equal Opportunity, the Office of Housing, and the Office of Public and Indian Housing, etc.). Within each program office grouping, the waivers are listed sequentially by the regulatory section of title 24 of the Code of Federal Regulations (CFR) that is being waived. For example, a waiver of a provision in 24 CFR part 58 would be listed before a waiver of a provision in 24 CFR part 570.

Where more than one regulatory provision is involved in the grant of a particular waiver request, the action is listed under the section number of the first regulatory requirement that appears in 24 CFR and that is being waived. For example, a waiver of both § 58.73 and § 58.74 would appear sequentially in the listing under § 58.73.

Waiver of regulations that involve the same initial regulatory citation are in time sequence beginning with the earliest-dated regulatory waiver.

Should HUD receive additional information about waivers granted during the period covered by this report (the first quarter of calendar year 2010) before the next report is published (the second quarter of calendar year 2010), HUD will include any additional waivers granted for the first quarter in the next report.

Accordingly, information about approved waiver requests pertaining to HUD regulations is provided in the Appendix that follows this notice.

Dated: June 24, 2010.

Helen R. Kanovsky,

General Counsel.

Appendix—Listing of Waivers of Regulatory Requirements Granted by Offices of the Department of Housing and Urban Development January 1, 2010 through March 31, 2010

Note to Reader: More information about the granting of these waivers, including a copy of the waiver request and approval, may be obtained by contacting the person whose name is listed as the contact person directly after each set of regulatory waivers granted.

The regulatory waivers granted appear in the following order:

I. Regulatory waivers granted by the Office of Community Planning and Development.

II. Regulatory waivers granted by the Office of Housing.

III. Regulatory waivers granted by the Office of Public and Indian Housing.

I. Regulatory Waivers Granted by the Office of Community Planning and Development

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

• *Regulation:* 24 CFR 58.22(a).

Project/Activity: The State of Louisiana Department of Culture,

Recreation and Tourism received an Economic Development Initiative Special Purpose (EDI–SP) grant in the amount of $745,575 for the Poverty Point restoration project in Delhi, LA. The State of Louisiana will use the EDI–SP funds to build a new visitor center, fishing pier, boat ramp, canoe launch, trails and utility improvements. The visitor center will provide space for educational exhibits describing the natural and cultural history associated with the site. Subsequent to the January 23, 2004 appropriation for the EDI–SP grant, but prior to the completion of a federal environmental review and any release of funds from HUD, the State of Louisiana spent non-HUD funds on construction activities for the project.

Nature of Requirement: HUD's regulation at 24 CFR 58.22(a) requires that an environmental review be performed and a request for release of funds be completed and certified prior to the commitment of non-HUD funds to a project using HUD funds.

Granted by: Mercedes M. Márquez, Assistant Secretary for Community Planning and Development.

Date Granted: January 28, 2010.

Reason Waived: The waiver was granted based on the following findings: The above project would further the HUD mission and advance HUD program goals related to community development; the errors made in the environmental process for the commitment of non-HUD funds were made in good faith and the State of Louisiana did not willfully violate the applicable regulations; no HUD funds were committed; and, based on the revised environmental assessment and the HUD field inspection, granting a waiver will not result in any unmitigated, adverse environmental impact.

Contact: Danielle Schopp, Office of Environment and Energy, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street, SW., Room 7250, Washington, DC 20410–7000, telephone (202) 402–4442.

• *Regulation:* 24 CFR 58.22(a).

Project/Activity: Liberty Trinity Garden Apartment Homes is a 76-unit tax-credit project for the elderly to be built in the City of Liberty, TX under the auspices of the Orange Regional HOME Consortium (ORHC). The project will include $571,586 of HOME funds, which will be used for the construction of five of the units with rents at 30 percent of median income for twenty years.

The environmental review for the property was completed and submitted to the HUD San Antonio Field Office on October 26, 2007 where it was determined that the developer had used non-HUD funds to acquire the property for this development after submission of a HOME grant application, but prior to the completion of the environmental review.

Nature of Requirement: HUD's regulation at 24 CFR 58.22(a) requires that an environmental review be performed and a request for release of funds be completed and certified prior to the commitment of non-HUD funds to a project using HUD funds.

Granted by: Mercedes M. Márquez, Assistant Secretary for Community Planning and Development.

Date Granted: March 22, 2010.

Reason Waived: The waiver was granted based on the following findings: the above project would further the HUD mission and advance HUD program goals related to community development; the errors made in the environmental process for the commitment of non-HUD funds were made in good faith and the Orange HOME Consortium in the State of Texas did not willfully violate the applicable regulations; no HUD funds were committed; and, based on the environmental assessment and the HUD field inspection, granting a waiver will not result in any unmitigated, adverse environmental impact.

Contact: Danielle Schopp, Office of Environment and Energy, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street, SW., Room 7250, Washington, DC 20410–7000, telephone (202) 402–4442.

• *Regulation:* 24 CFR 91.520(a).

Project/Activity: The State of Pennsylvania CDBG Program.

Nature of Requirement: Section 91.520(a) of HUD's regulations (24 CFR 91.520(a)) requires the State of Pennsylvania to submit its annual performance report within 90 days after the end of its program year.

Granted by: Mercedes Márquez, Assistant Secretary for Community Planning and Development.

Date Granted: March 29, 2010.

Reason Waived: The State of Pennsylvania was unable to generate accurate reports from HUD's Integrated Disbursement Information System (IDIS) upon which it relies to summarize financial and performance data entered into the system. HUD's correction of the system issues could not be completed in time for the State to meet the due date for its Consolidated Annual Performance and Evaluation Report (CAPER).

Contact: Diane Lobasso, Director, State and Small Cities Division, Office of Block Grant Assistance, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street, SW., Room 7184, Washington, DC 20410–7000, telephone (202) 402–2191.

• *Regulation:* 24 CFR 91.520(d).

Project/Activity: Joliet, IL Consolidated Plan.

Nature of Requirement: Section 91.520(d) of HUD's regulations requires that the Department of Housing and Urban Development must approve or disapprove a plan within 30 days of receiving the resubmission of a plan that was disapproved.

Granted by: Mercedes Márquez, Assistant Secretary for Community Planning and Development.

Date Granted: March 31, 2010.

Reason Waived: HUD notified the City of Joliet, IL that its 2010 Consolidated Plan was disapproved because the plan lacked satisfactory certifications required as part of a complete Consolidated Plan submission under 24 CFR part 91. The waiver was granted to provide the City sufficient time to provide the assurances necessary to meet the criteria for HUD approval of certifications satisfactory to the Secretary that it will affirmatively further fair housing and administer the City's CDBG grant in conformity with anti-discrimination laws and other applicable laws.

Contact: Yolanda Chávez, Deputy Assistant Secretary for Grant Programs, Department of Housing and Urban Development, 451 7th Street, SW., Room 7204, Washington, DC 20410–7000, telephone (202) 708–2111.

• *Regulation:* Notice of Allocations, Application Procedures, and Requirements for Homelessness Prevention and Rapid Re-Housing Program Grantees under the American Recovery and Reinvestment Act of 2009 (Recovery Act of 2009), issued March 19, 2009 (HPRP Notice).

Project/Activity: Homelessness Prevention and Rapid Re-Housing Program (HPRP) grantee, the City of Ontario, California, requested a waiver of the limitation on eligible subgrantees in order to subgrant HPRP funds to the Ontario Housing Authority (OHA).

Nature of Requirement: Subsections III.B. and III.C. of the HPRP Notice provides that metropolitan cities, urban counties, and territories may distribute all or part of their grant amounts to private non-profit organizations or another local government.

Granted by: Mercedes Marquez. Assistant Secretary for Community Planning and Development.

Date Granted: February 16, 2010.

Reason Waived: The City provided sufficient information for HUD to grant the waiver on the basis of the following: HPRP participants would be selected in a manner that would ensure OHA residents are not unfairly selected over other eligible individuals and families; (2) utilizing OHA as a subgrantee would result in an efficient and effective program that benefits HPRP participants; and (3) OHA was found to have proven capacity to serve homeless persons.

Contact: Ann M. Oliva, Director, Office of Special Needs Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street, SW., Room 7262, Washington, DC 20410–7000, telephone number (202) 708–4300.

II. Regulatory Waivers Granted by the Office of Housing—Federal Housing Administration (FHA)

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

• *Regulation:* 24 CFR 200.85(b).

Project/Activity: North Pointe II, Fort Smith, Arkansas, Project #082–35411.

Nature of Requirement: HUD's regulation at 24 CFR 200.85(b) prohibits an inferior lien being placed on a property with a HUD FHA-insured mortgage, which will be repaid from mortgage proceeds other than surplus cash or residual receipts.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: March 24, 2010.

Reason Waived: The waiver was granted to give the owner the authority to service the HOME loan from project operating funds, which would make it possible for the project to be constructed and serve as an affordable housing resource. Low-Income Housing Tax Credits (LIHTC), tied with HUD HOME funds, and allowed the project to be feasible. The Arkansas Development Finance Authority (ADFA) requires monthly principal and interest payments as a condition of the HOME funds loan.

Contact: Daniel L. Sullivan, Director, Housing Policy, Multifamily Development, Office of Multifamily Housing, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 6148, Washington, DC 20410–8000, telephone (202) 708–1142.

• *Regulation:* 24 CFR 203.4(b).

Project/Activity: PNC Mortgage, a division of PNC Bank, National Association, Downers Grove, IL.

Nature of Requirement: HUD's regulation at 24 CFR 203.4(b) provides that to be approved for Lender Insurance, a mortgagee must have had an acceptable claim and default record for at least two years prior to its application for participation in the Lender Insurance (LI) program.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: January 14, 2010.

Reason Waived: In November 2009, National City Bank (which had LI Authority) completed its merger into PNC Bank, National Association (which did not have LI authority). HUD determined that using National City Bank's claim and default performance for the past two years to calculate whether PNC Bank's default and claim record is acceptable in order to qualify as an LI participant is sufficient. Furthermore, all FHA-insured loans that will be processed underwritten, closed and insured by PNC Bank would use the same resources that were used by National City Bank, whose default and claim record qualified it for acceptance into the Program without a waiver of the regulations in question.

Contact: Margaret E. Burns, Director, Office of Single Family Housing Program Development, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 9278, Washington, DC 20410–8000, telephone (202) 708–2121.

• *Regulation:* 24 CFR 203.37a(b)(2).

Project/Activity: Rehabilitation and returning to the housing market foreclosed and abandoned homes.

Nature of Requirement: HUD's regulation at 24 CFR 203.37a(b)(2) provides that, generally, a mortgage for a property will not be eligible for FHA insurance if the contract of sale for the purchase of the property is executed within 90 days of the prior acquisition by the seller.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: January 15, 2010.

Reason Waived: FHA research found that acquiring, rehabilitating and the reselling recently acquired properties to prospective homeowners often takes less than 90 days. Prohibiting the use of FHA mortgage insurance for a subsequent resale within 90 days of acquisition adversely impacts the willingness of sellers to allow contracts from potential FHA buyers because they must consider holding costs and the risk of vandalism associated with allowing a property to sit vacant over a 90-day period of time. The waiver would permit buyers to use FHA-insured financing to purchase HUD-owned properties, bank-owned properties, or properties resold through private sales. During this period in which foreclosures remain high, the waiver would allow homes to resell as quickly as possible, helping to stabilize real estate prices and to revitalize neighborhoods and communities. Under the waiver, forward mortgages on these properties are eligible for FHA insurance if the sale is an arms-length transaction. If the resale price exceeds the acquisition price by twenty percent or more, the lender must justify and document the increase in value, and the buyer must receive a home inspection prior to closing.

Contact: Margaret E. Burns, Director, Office of Single Family Housing Program Development, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 9278, Washington, DC 20410–8000, telephone (202) 708–2121.

• *Regulation:* 24 CFR 219.220(b).

Project/Activity: Cathedral Place Apartments Park (Mobile County), Mobile, Alabama—FHA Project Number 062–44043. The owner requested permission to defer repayment of the Flexible Subsidy loan on this project. The deferral would enable urgent repairs and rehabilitation to be completed for revitalization of the project.

Nature of Requirement: Section 219.220(b) of HUD's regulations governs the repayment of operating assistance provided under the Flexible Subsidy Program for Troubled Projects prior to May 1, 1996 and states: "Assistance that has been paid to a project owner under this subpart must be repaid at the earlier of the expiration of the term of the mortgage, termination of mortgage insurance, prepayment of the mortgage, or sale of the project * * *." Either of these actions would typically terminate FHA involvement with the property, and the Flexible Subsidy Loan would be repaid, in whole, at that time.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: January 14, 2010.

Reason Waived: This regulation was waived in order to exempt Catholic Housing of Mobile, Incorporated, from the requirement to repay the Flexible Subsidy Operating Assistance Loan upon prepayment/refinancing of the loan; thereby allowing financing to rehabilitate the property and ensure

preservation of the project as an affordable housing resource.

Contact: Robert G. Iber, Acting Director, Office of Asset Management, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 6148, Washington, DC 20410–8000, telephone (202) 708–3730.

• *Regulation:* 24 CFR 891.100(c) and 24 CFR 891.808(a).

Project/Activity: Erbograph Apartments Senior Housing, New York, NY, Project Number: 012–EE364/NY36–S071–010.

Nature of Requirement: Section 891.100(c) provides that the sponsor may only transfer the capital advance funds to the owner formed by the sponsor and section 891.808(a) provides that a sponsor may transfer the fund reservation directly to the owner or to the general partner of the owner, or the sponsor may be the general partner of the mixed-finance owner if the sponsor meets the applicable statutory and regulatory requirements.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: March 23, 2010.

Reason Waived: The waiver was granted to permit the capital advance funds to flow from the sponsor through an intermediary third party before reaching the mixed-finance owner to satisfy Internal Revenue Service (IRS) tax code.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 6130, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.100(d).

Project/Activity: Villa Serena, Chico, CA, Project Number: 136–HD021/CA30–Q071–001.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to closing.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: March 4, 2010.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 6130, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.100(d).

Project/Activity: Bayberry Courts, Inc., South Kingstown, RI, Project Number: 016–HD049/RI43–Q051–002.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to closing.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: March 4, 2010.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 6130, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.100(d).

Project/Activity: Independent Living Horizons Thirteen, Harlem, GA, Project Number: 061–EE169/GA06–S081–005.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to closing.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: March 11, 2010.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 6130, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.100(d).

Project/Activity: Swope Gardens, Kansas City, MO, Project Number: 084–HD062/MO16–Q081–003.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to closing.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: March 11, 2010.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 6130, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.100(d).

Project/Activity: Richard Walz Apartments, Jefferson City, MO, Project Number: 086–HD050/MO36–Q081–003.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to closing.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: March 29, 2010.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 6130, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.100(d).

Project/Activity: Westfield Towers, Aliquippa, PA, Project Number: 033–EE136/PA28–S081–003.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to closing.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: March 29, 2010.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 6130, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.100(d).

Project/Activity: Atoka Tumaha Okla, Atoka, OK, Project Number: 118–EE050/OK56–S081–003.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to closing.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: March 30, 2010.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 6130, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.100(d) and 24 CFR 891.165.

Project/Activity: Top House, Topsfield, MA, Project Number: 023–HD225/MA06–Q061–001.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing. Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: March 18, 2010.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources. The sponsor/owner required additional time to redesign the project to meet the requirements of the Department of Mental Retardation.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 6130, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: Lafayette Manor, Staten Island, NY, Project Number: 012–EE336/NY06–S051–004.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: January 12, 2010.

Reason Waived: Additional time was needed for the firm commitment to be processed and for the project to be initially closed.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 6130, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: Enola A. Dew Village Apartments, Chicago, IL, Project Number: 071–EE232/IL06–S071–001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: January 12, 2010.

Reason Waived: Additional time was needed for the sponsor/owner to obtain the building permits, submit the initial/final closing documents and for the project to be initially closed.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 6130, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: Villa Matti (f/k/a Villa Maria II), Miami Beach. FL, Project Number: 066–EE111/FL29–S061–005.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: January 13, 2010.

Reason Waived: Additional time was needed to finalize the secondary financing and initial closing documents.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 6130, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: Casa Del Pueblo II, Tucson, AZ, Project Number: 123–EE103/AZ20–S061–009.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: January 13, 2010.

Reason Waived: Additional time was needed for the sponsor/owner to obtain a clear title for the site and for the city of Tucson to approve a lot split and for the project to be initially closed.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 6130, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: West Bergen ILP 2005, Ridgewood, NJ, Project Number: 031–HD145/NJ39–Q051–001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: January 13, 2010.

Reason Waived: Additional time was needed to resolve objections raised by the neighbors to the NJ Council on Affordable Housing (COAH) and for the project to reach initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 6130, Washington, DC 20410–8000 telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: Homes of Care III, Groveland, MA, Project Number: 023–HD227/MA06–Q071–001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: January 13, 2010.

Reason Waived: Additional time was needed for the sponsor/owner to resolve an issue with the town concerning a water hook up fee and for the project to achieve an initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant

Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 6130, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: Parham House, Vista, CA, Project Number: 129–EE031/CA33–S061–001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: January 13, 2010.

Reason Waived: Additional time was needed to finalize the secondary funding and for the project to achieve an initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 6130, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: Arbor Court, Fresno, CA, Project Number: 121–HD083/CA39–Q041–003.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: January 13, 2010.

Reason Waived: Additional time was needed for completion of specifications review by the city, resubmission of the firm commitment application and for the project to be initially closed.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 6130, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: North Highlands VOA Living Center, North Highlands, CA, Project Number: 136–HD019/CA30–Q061–001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: January 13, 2010.

Reason Waived: Additional time was needed for the sponsor/owner to finalize secondary funding documents with the Sacramento County Housing and Redevelopment Agency and for the project to achieve an initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 6130, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: Tomlinson Apartments, Vista, CA, Project Number: 129–HD030/CA33–Q041–001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: January 25, 2010.

Reason Waived: Additional time was needed for the sponsor/owner to work with the architect and contractors to reduce the construction cost, to obtain additional funds and for the project to be initially closed.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 6130, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: 29th Avenue Apartments, San Francisco, CA, Project Number: 121–HD089/CA39–Q071–001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: February 2, 2010.

Reason Waived: Additional time was needed to process the revised firm commitment application and for the project to achieve an initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 6130, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: Lake Serenity, Jackson, MS, Project Number: 065–EE049/MS26–S071–001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: February 4, 2010.

Reason Waived: Additional time was needed for the project to achieve an initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 6130, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: Pensacola VOA Living Center, Pensacola, FL, Project Number: 063–HD025/FL29–Q071–003.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: February 26, 2010.

Reason Waived: Additional time was needed to finalize the initial closing documents and for the project to achieve an initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 6130, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: Garrett House, Wilmington, DE, Project Number: 032–HD036/DE26–Q061–002.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: March 4, 2010.

Reason Waived: Additional time was needed for the sponsor/owner to resolve some issues with the initial closing documents and for the project to reach an initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 6130, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: St. Joseph Place, Kansas City, MO, Project Number: 084–EE073/MO16–S071–002.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: March 11, 2010.

Reason Waived: Additional time was needed for the closing documents to be reviewed and for the project to achieve an initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 6130, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: Sheldon Terrace Apartments, New Haven, CT, Project Number: 017–HD040/CT26–Q071–001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: March 26, 2010.

Reason Waived: Additional time was needed for the sponsor/owner to obtain signed easements from three neighbors and for the project to achieve an initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 6130, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: Senior City, Federal Way, WA, Project Number: 127–EE061/WA19–S071–002.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: March 29, 2010.

Reason Waived: Additional time was needed for this mixed finance project, which is being developed as a capital advance upon completion project, to complete construction and reach initial/final closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 6130, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: Darlington Road Supportive Housing, Pittsburgh, PA, Project Number: 033–HD104/PA28–Q071–001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: March 30, 2010.

Reason Waived: Additional time was needed for the firm commitment to be processed, amendment funds to be approved and for the project to achieve an initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 6130, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.205.

Project/Activity: Immanuel Trinity Courtyard III, Omaha, NE, Project Number: 103–EE039/NE26–S081–001.

Nature of Requirement: Section 891.205 requires the owner to be a single-purpose private nonprofit organization that is established by the sponsor to receive the capital advance and project rental assistance payments to develop and operate supportive housing for the elderly as its legal owner.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: February 1, 2010.

Reason Waived: Having the same ownership-entity for this project and two other projects would result in substantial annual cost savings and provide efficient management and supportive services for the project.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 6130, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.401(c).

Project/Activity: Carolina Place, Rock Hill, South Carolina—FHA Project Number 054–HD002.

Nature of Requirement: Section 891.410 of HUD's regulations relates to admission of families to projects for elderly or handicapped families that receive reservations under Section 202 of the Housing Act of 1959, as amended by section 801 of the National Affordable Housing Act of 1990. Section 891.410(c) limits occupancy to very low-income elderly persons. To qualify, households must include a minimum of one person who is at least 62 years of age at the time of initial occupancy.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: March 3, 2010.

Reason Waived: This waiver was granted to allow the managing agent to waive regulations determining eligibility and selection of tenants due to a leasing error which allowed admission of an ineligible tenant. An audit revealed that the tenant's income was above the very low-income limit. The tenant does, however, meet other criteria for admission to this Section 811 Capital Advance project. Waiver of the regulation allowed the tenant to continue to reside in the unit but pay market rent. This waiver was granted only for this property and this tenant.

Contact: Robert G. Iber, Acting Director, Office of Asset Management, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 6148, Washington, DC 20410–8000, telephone (202) 708–3730.

• *Regulation:* 24 CFR 891.805.

Project/Activity: Erbograph Apartments Senior Housing, New York, NY, Project Number: 012–EE364/NY36–S071–010.

Nature of Requirement: Section 891.805 provides that this entity be a private nonprofit organization with a

501(c)(3) or 501(c)(4) tax exemption (in the case of supportive housing for the elderly), or a nonprofit organization with a 501(c)(3) (in the case of supportive housing for persons with disabilities).

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: January 14, 2010.

Reason Waived: The waiver was granted to allow the use of a corporation, where the nonprofit sponsor is the sole shareholder, as the sole general partner of the mixed-finance owner because the New York Not-for-Profit Corporation Law does not permit a not-for-profit corporation to act as a partner in a partnership.

Contact: Willie Spearmon, Director, Office of Housing Assistance and GrantAdministration, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 6130, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.808(a).

Project/Activity: Erbograph Apartments Senior Housing, New York, NY, Project Number: 012–EE364/NY36–S071–010.

Nature of Requirement: Section 891.808(a) provides that a sponsor may transfer the fund reservation directly to the owner or to the general partner of the owner, or the sponsor may be the general partner of the mixed-finance owner if the sponsor meets the applicable statutory and regulatory requirements.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: January 14, 2010.

Reason Waived: The waiver was granted to permit the capital advance funds to flow from the sponsor through an intermediary third party before reaching the mixed-finance owner to satisfy IRS tax code and to allow the tax credits to flow to the limited partner.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 6130, Washington, DC 20410–8000, telephone (202) 708–3000.

III. Regulatory Waivers Granted by the Office of Public and Indian Housing

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

• *Regulation:* 24 CFR 85.6(c), 24 CFR 85.32(e), 24 CFR 85.32(e)(2).

Project/Activity: Hampton Redevelopment and Housing Authority, Hampton, Virginia.

Nature of Requirement: The above-referenced regulations in 24 CFR part 85, provide that when original or replacement equipment acquired under a grant is no longer needed for the original project or program or for other activities currently or previously supported by a Federal agency, disposition of the equipment will be made as follows: (1) Items of equipment with a current per-unit fair market value of less than $5,000 may be retained, sold or otherwise disposed of with no further obligation to the awarding agency; and (2) Items of equipment with a current per unit fair market value in excess of $5,000 may be retained or sold and the awarding agency shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the equipment.

Granted By: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: February 19, 2010.

Reason Waived: The review of request found that the PHA presented good cause for exemption to 24 CFR 85.32 and thereby agreed to waive the requirement to reimburse HUD for its participation in the property, with the following stipulations: (1) in the event that the property is sold after ten years of the date of this letter, any future sales proceeds associated with the property must be used to support affordable housing; and (2) any sale of the property prior to ten years from the date of this letter would be subject to a formal disposition request under Section 18 of the Housing Act of 1937. Additionally, HUD clarified that the agency has the authority to assign the personal property in the maintenance building to the Central Office Cost Center (COCC) of the PHA.

Contact: Johnson Abraham, Acting Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street, SW., Suite 100, Washington, DC 20410–5000, telephone (202) 475–8736.

• *Regulation:* 24 CFR 85.32(e)(2).

Project/Activity: Housing Authority of the City of Goldsboro, Goldsboro, North Carolina.

Nature of Requirement: HUD's regulation at 24 CFR 85.32(e)(2) provides that when original or replacement equipment acquired under a grant is no longer needed for the original project or program or for other activities currently or previously supported by a Federal agency, disposition of the equipment will be made as follows: (1) Items of equipment with a current per-unit fair market value of less than $5,000 may be retained, sold or otherwise disposed of with no further obligation to the awarding agency; and (2) Items of equipment with a current per unit fair market value in excess of $5,000 may be retained or sold and the awarding agency shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the equipment.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: February 19, 2010.

Reason Waived: The agency decided to contract out lawn and landscaping for each development rather than maintain agency equipment and staff employees for that purpose at the COCC. Subsequently, the COCC sold the tractor for $5,480.62, which was no longer needed for the operation of its projects. The agency requested a waiver to reimburse HUD for its participation in those personal assets in excess of $5,000, provided the agency use the sales proceeds for affordable housing purposes. The agency wanted to use the sale proceeds toward the unplanned purchase for the two replacement sewers at the COCC. HUD found that the agency presented good cause, and waived, the requirement under 24 CFR 85.32(e)(2) in the case of personal property in excess of $5,000, to reimburse HUD for its participation in those assets, provided the agency use the sales proceeds for affordable housing purposes as decided.

Contact: Johnson Abraham, Acting Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street, SW., Suite 100, Washington, DC 20410–5000, telephone (202) 475–8736.

• *Regulation:* 24 CFR 85.32(e)(2).

Project/Activity: Everett Housing Authority, Everett, Washington.

Nature of Requirement: HUD's regulation at 24 CFR 85.32(e)(2) provides that when original or replacement equipment acquired under a grant is no longer needed for the original project or program or for other activities currently or previously supported by a Federal agency, disposition of the equipment will be made as follows: (1) Items of equipment with a current per unit fair market value of less than 5,000 may be retained, sold or otherwise disposed of with no further obligation to the awarding agency; and

(2) Items of equipment with a current per unit fair market value in excess of $5,000 may be retained or sold and the awarding agency shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the equipment.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: March 9, 2010.

Reason Waived: Under asset management, and in accordance with HUD guidance, the agency has assigned various equipment no longer needed for the operation of any individual projects or AMPs to the COCC but are needed in the overall operation of the agency's projects and programs. Of this equipment, 15 items are valued in excess of $5,000. Accordingly, the agency requested a waiver of 24 CFR 85.32(e)(2) to reimburse HUD for its participation in those personal assets in excess of $5,000, provided the agency uses any future sales proceeds for affordable housing purposes. HUD found that the agency has presented good cause, in the case of the equipment in excess of $5,000, to reimburse the Department for its participation in those assets, provided the COCC uses this equipment for affordable housing purposes.

Contact: Johnson Abraham, Acting Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street, SW., Suite 100, Washington, DC 20410–5000, telephone (202) 475–8736.

• *Regulation:* 24 CFR 941.306(b) and (c).

Project/Activity: Park Avenue Block 5B.

Nature of Requirement: HUD's regulations at 24 CFR 941.306(b) and (c) require that the construction of units be within the Total Development Costs (TDC) and limit Housing Construction Costs (HCC).

Granted by: Deborah Hernandez for Sandra B. Henriquez, Assistant Secretary of Public and Indian Housing.

Date Granted: March 10, 2010.

Reason Waived: The Housing Authority of the City of County of Denver received funds under the American Reinvestment and Recovery Act (ARRA) to meet the Green Communities Criteria and complete 90 mixed-income rental units, of which 30 will be public housing. A waiver of TDC/HCC limits was allowed under the ARRA and in the Notice of Funding Availability (NOFA) for the Capital Fund Recovery Competition Grants (CFRC) for the use of ARRA funds in the redevelopment of public housing units.

Contact: Dominique Blom, Deputy Assistant Secretary for the Office of Public Housing Investments, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 4130, Washington, DC 20140, telephone (202) 402–4181.

• *Regulation:* 24 CFR 941.606(n)(1)(ii)(B).

Project/Activity: Phase II AD Price, Buffalo, NY.

Nature of Requirement: HUD's regulation at 24 CFR 941.606(n)(1)(ii)(B) requires that if an owner entity wants to serve as general contractor; it may self-award subject to demonstration to HUD's satisfaction that its bid is the lowest competitive offer.

Granted by: Sandra B. Henriquez, Assistant Secretary of Public and Indian Housing.

Date Granted: January 27, 2010.

Reason Waived: The regulation was waived on the basis of the independent cost estimate submitted by Buffalo Municipal Housing Authority.

Contact: Dominique Blom, Deputy Assistant Secretary for the Office of Public Housing Investments, Office of Public Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 4130, Washington, DC 20140–5000, telephone (202) 402–4181.

• *Regulation:* 24 CFR 941.606(n)(1)(ii)(B).

Project/Activity: Sheridan Station, Phase I (Grant: DC39URD001I107), Washington, DC.

Nature of Requirement: HUD's regulation at 24 CFR 941.606(n)(1)(ii)(B) requires that if an owner entity wants to serve as general contractor; it may self-award subject to demonstration to HUD's satisfaction that its bid is the lowest competitive offer.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing

Date Granted: February 3, 2010.

Reason Waived: The regulation was waived on the basis of the independent cost estimate submitted by the District of Columbia Housing Authority.

Contact: Dominique Blom, Deputy Assistant Secretary for the Office of Public Housing Investments, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 4130, Washington, DC 20140–5000, telephone (202) 402–4181.

• *Regulation:* 24 CFR 941.606(n)(1)(ii)(B).

Project/Activity: Delona Gardens and Campbell Terrace (Grant: NC19URD009I107) Fayetteville, NC.

Nature of Requirement: HUD's regulation at 24 CFR 941.606(n)(1)(ii)(B) requires that if an owner entity wants to serve as general contractor; it may self-award subject to demonstration to HUD's satisfaction that its bid is the lowest competitive offer.

Granted by: Sandra B. Henriquez, Assistant Secretary of Public and Indian Housing.

Date Granted: February 19, 2010.

Reason Waived: The regulation was waived on the basis of the independent cost estimate submitted by the Fayetteville Metropolitan Housing Authority.

Contact: Dominique Blom, Deputy Assistant Secretary for the Office of Public Housing Investments, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 4130, Washington, DC 20140–5000, telephone (202) 402–4181.

• *Regulation:* 24 CFR 941.606(n)(1)(ii)(B).

Project/Activity: Red Oak Townhomes (Grant: GA06URD264I102), Atlanta, GA

Nature of Requirement: HUD's regulation at 24 CFR 941.606(n)(1)(ii)(B) requires that if an owner entity wants to serve as general contractor; it may self-award subject to demonstration to HUD's satisfaction that its bid is the lowest competitive offer.

Granted by: Sandra B. Henriquez, Assistant Secretary of Public and Indian Housing.

Date Granted: March 5, 2010.

Reason Waived: The regulation was waived on the basis of the independent cost estimate submitted by the Housing Authority of Fulton County.

Contact: Dominique Blom, Deputy Assistant Secretary for the Office of Public Housing Investments, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 4130, Washington, DC 20140–5000, telephone (202) 402–4181.

• *Regulation:* 24 CFR 941.606(n)(1)(ii)(B).

Project/Activity: Renaissance Preserve Family Apartments (Grant: FL14URD047I105), Fort Myers, FL.

Nature of Requirement: HUD's regulation at 24 CFR 941.606(n)(1)(ii)(B) requires that if an owner entity wants to serve as general contractor; it may self-award subject to demonstration to HUD's satisfaction that its bid is the lowest competitive offer.

Granted by: Sandra B. Henriquez, Assistant Secretary of Public and Indian Housing.

Date Granted: April 1, 2010.

Reason Waived: The regulation was waived on the basis of the independent

cost estimate submitted by the Housing Authority of the City of Fort Myers.

Contact: Dominique Blom, Deputy Assistant Secretary for the Office of Public Housing Investments, Office of Public and Indian Housing, 451 7th Street, SW., Room 4130, Washington, DC 20140–5000, telephone (202) 402–4181.

• *Regulation:* 24 CFR 941.610(a) (1)–(a)(7).

Project/Activity: Charlotte Housing Authority (CHA), Charlotte, NC.

Nature of Requirement: HUD's regulation at 24 CFR 941.610(a)(1)–(a)(7) requires HUD's review and approval of certain legal documents relating to mixed-finance development before a closing can occur and public housing funds can be released.

Granted by: Sandra B. Henriquez, Assistant Secretary of Public and Indian Housing.

Date Granted: March 17, 2010.

Reason Waived: To streamline the review process and expedite closing, CHA certified to the validity of certain legal documents. HUD still performed a standard development review of the project.

Contact: Dominique Blom, Deputy Assistant Secretary for the Office of Public Housing Investments, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 4130, Washington, DC 20140–5000, telephone (202) 402–4181.

• *Regulation* 24 CFR 960.206(b)(3).

Project/Activity: Pennington County Housing and Redevelopment Commission (PCHRC), 1805 West Fulton Street, suite 601, Rapid City, SD 57702–4380.

Nature of Requirement: HUD's regulation at 24 CFR 960.206(b)(3) states that public housing agencies (PHAs) may adopt an admission preference for families that include a person with disabilities. However, PHAs may not adopt a preference for persons with a specific disability.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: February 23, 2010.

Reason Waived: The waiver was granted to avoid the displacement and possible homelessness of developmentally disabled people in Pennington County, SD. A unique situation existed because the development for which the waiver was sought had housed people with developmental disabilities exclusively since it opened in 1977. HUD's regulations at the time of the development's inception permitted the PCHRC to utilize the housing development for individuals with this specific disability exclusively. The development was established to operate in combination with a service provider that serves individuals with developmental disabilities.

Contact: Renee Kneppar, Housing Program Specialist, Office of Public Housing Management and Occupancy Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 4214, Washington, DC 20410–5000, telephone (202) 402–6263.

• *Regulation:* 24 CFR 982.505(d).

Project/Activity: Lexington Housing Authority (LHA), Lexington, MA.

Nature of Requirement: HUD's regulation at 24 CFR 982.505(d) states that a public housing agency may only approve a higher payment standard for a family as a reasonable accommodation if the higher payment standard is within the basic range of 90 to 110 percent of the fair market rent (FMR) for the unit size.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing

Date Granted: January 15, 2010.

Reason Waived: The applicant, who has a disabled daughter, requires a wheelchair-accessible unit. To provide a reasonable accommodation so that this client and her family can remain in her current unit and pay no more than 40 percent of her adjusted income toward the family share, the LHA was allowed to approve an exception payment standard that exceeded the basic range of 90 to 110 percent of the FMR.

Contact: Laure Rawson, Acting Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 4210, Washington, DC 20410–5000, telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.505(d).

Project/Activity: Sioux Falls Housing and Redevelopment Commission (SFHRC), Sioux Falls, SD.

Nature of Requirement: HUD's regulation at 24 CFR 982.505(d) states that a public housing agency may only approve a higher payment standard for a family as a reasonable accommodation if the higher payment standard is within the basic range of 90 to 110 percent of the fair market rent (FMR) for the unit size.

Granted By: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing

Date Granted: January 20, 2010.

Reason Waived: The participant, who is disabled, requires certain features in her unit to accommodate her disabilities. To provide a reasonable accommodation so that this client can remain in her current unit and pay no more than 40 percent of her adjusted income toward the family share, the SFHRC was allowed to approve an exception payment standard that exceeded the basic range of 90 to 110 percent of the FMR.

Contact: Laure Rawson, Acting Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 4210, Washington, DC 20410–5000, telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.505(d).

Project/Activity: Brattleboro Housing Authority (BHA), Brattleboro, VT.

Nature of Requirement: HUD's regulation at 24 CFR 982.505(d) states that a public housing agency may only approve a higher payment standard for a family as a reasonable accommodation if the higher payment standard is within the basic range of 90 to 110 percent of the fair market rent (FMR) for the unit size.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing

Date Granted: February 3, 2010.

Reason Waived: The applicant, who is disabled, requires certain features in her unit to accommodate her disabilities. To provide a reasonable accommodation so that this client could be assisted in a unit that meets her needs and pay no more than 40 percent of her adjusted income toward the family share, the BHA was allowed to approve an exception payment standard that exceeded the basic range of 90 to 110 percent of the FMR.

Contact: Laure Rawson, Acting Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 4210, Washington, DC 20410–5000, telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.505(d).

Project/Activity: Housing Authority of Thurston County (HATC), Thurston County, WA.

Nature of Requirement: HUD's regulation at 24 CFR 982.505(d) states that a public housing agency may only approve a higher payment standard for a family as a reasonable accommodation if the higher payment standard is within

the basic range of 90 to 110 percent of the fair market rent (FMR) for the unit size.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: February 23, 2010.

Reason Waived: The applicant, who is disabled, needs to remain in her current two-bedroom unit where she has a rotating caregiver as well as other support staff. To provide a reasonable accommodation so that this client could be assisted in her current unit and pay no more than 40 percent of her adjusted income toward the family share, the HATC was allowed to approve an exception payment standard that exceeded the basic range of 90 to 110 percent of the FMR.

Contact: Laure Rawson, Acting Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 4210, Washington, DC 20410–5000, telephone (202) 708–0477.

• *Regulation:* 24 CFR 983.51, 983.204(b) and 983.206(b).

Project/Activity: New York City Housing (NYCHA), New York, NY.

Nature of Requirement: HUD's regulation at 24 CFR 983.51 requires competitive selection of owner proposals for project-based vouchers unless the units were competitively selected under a similar competitive process as described in the regulation. HUD's regulation at 24 CFR 983.204(b) states that in the case of existing housing, the housing assistance payments (HAP) contract must be executed promptly after PHA selection of the owner proposal and PHA inspection of the housing. HUD's regulation at 24 CFR 983.206(b) allows the PHA to add units to an existing PBV HAP contract only during the three-year period immediately following the execution date of that contract.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing

Date Granted: February 25, 2010.

Reason Waived: These waivers were granted to ensure the preservation of affordable housing by allowing the mixed-finance modernization of up to 18,000 units, and by providing a guarantee that 2,236 units currently occupied by families with tenant protection tenant-based vouchers would remain available for very low income families upon turnover through the project-based voucher program.

Contact: Laure Rawson, Acting Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 4210, Washington, DC 20410–5000, telephone (202) 708–0477.

• *Regulation:* 24 CFR 984.303(d).

Project/Activity: Cumberland Housing Authority (CHA), Cumberland, Rhode Island.

Nature of Requirement: HUD's regulation at 24 CFR 984.303(d) limits the extensions of FSS contracts by a public housing agency to 2 years beyond the initial 5-year term of the FSS contract.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: March 30, 2010.

Reason Waived: CHA requested the waiver extend the FSS contract of an FSS participant for 1 month beyond the maximum term to permit him to complete his final goal of being welfare free for 12 months. The waiver was granted because the participant was impeded by illness, involuntary job loss, and complications of gaining full custody of his daughter. Good cause was found to waive the maximum 2-year contract extension for this participant.

Contact: Laure Rawson, Acting Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 4210, Washington, DC 20410–5000, telephone (202) 708–0477.

• *Regulation:* 24 CFR 984.303(d).

Project/Activity: Sonoma County Housing Authority (SCHA), Santa Rosa, CA.

Nature of Requirement: HUD's regulation at 24 CFR 984.303(d) limits the extensions of FSS contracts by a public housing agency to 2 years beyond the initial 5-year term of the FSS contract.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing

Date Granted: February 03, 2010.

Reason Waived: SCHA provided evidence that the participant worked diligently against substantial odds to meet goals of FSS contract. Failure to complete within contract term was due to serious illness as well as job market conditions during severe economic downturn in California.

Contact: Laure Rawson, Acting Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 4210, Washington, DC 20410–5000, telephone (202) 708–0477.

[FR Doc. 2010–15876 Filed 6–29–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Water Act

Notice is hereby given that on June 2, 2010, a proposed Consent Decree (the "Decree") in *United States* v. *Colaska, Inc. d/b/a QAP,* Civil Case No. 3:10–cv–00116–RRB, was lodged with the United States District Court for the District of Alaska.

In a complaint, filed on the same day, the United States alleged that Colaska, Inc., ("Colaska") was liable, pursuant to Section 309(b) and (d) of the Clean Water Act, 33 U.S.C. 1319(b) and (d), for civil penalties and injunctive relief for violating the Act's requirements governing the discharge of storm water at a road and bridge construction site in Anchorage, Alaska during the summer of 2005, in violation of Section 402 of the Act, 33 U.S.C. 1342.

Pursuant to the Decree, Colaska will (1) pay a civil penalty of $50,000, and (2) undertake various actions which shall adequately train critical employees, and increase the frequency and quality of inspections at active projects, and ensure compliance with storm water regulations.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Colaska, Inc., d/b/a QAP,* D.J. Ref. 90–5–1–1–08977/2.

During the public comment period, the Decree may be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent

Decree Library, please enclose a check in the amount of $7.75 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Maureen Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2010–15808 Filed 6–29–10; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Water Act

Notice is hereby given that on June 2, 2010, a proposed Consent Decree (the "Decree") in *United States* v. *Granite Construction Company, successor-in-interest to Wilder Construction Company,* Civil Case No. 3:10-cv-00117–RRB, was lodged with the United States District Court for the District of Alaska.

In a complaint filed on the same day, the United States alleged that Granite Construction Company ("Granite") was liable, pursuant to Section 309(b) and (d) of the Clean Water Act, 33 U.S.C. 1319(b) and (d), for civil penalties and injunctive relief for violating the Act's requirements governing the discharge of storm water at two road and bridge construction sites in Soldotna and Anchorage, Alaska, during 2006, in violation of Section 402 of the Act, 33 U.S.C. 1342.

Pursuant to the Decree, Granite will (1) pay a civil penalty of $250,000, and (2) undertake various actions which shall adequately train critical employees, and increase the frequency and quality of inspections at active projects, and ensure compliance with storm water regulations.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Granite Construction Company, successor-in-interest to Wilder Construction Company,* D.J. Ref. 90–5–1–1–08977/1.

During the public comment period, the Decree may be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $7.75 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Maureen Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2010–15809 Filed 6–29–10; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed Collection, Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed revision to the "American Time Use Survey (ATUS)." A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the Addresses section of this notice.

DATES: Written comments must be submitted to the office listed in the Addresses section of this notice on or before August 30, 2010.

ADDRESSES: Send comments to Carol Rowan, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 4080, 2 Massachusetts Avenue, NE., Washington, DC 20212. Written comments also may be transmitted by fax to 202–691–5111 (this is not a toll free number).

FOR FURTHER INFORMATION CONTACT: Carol Rowan, BLS Clearance Officer, at 202–691–7628 (this is not a toll free number). (See **ADDRESSES** section.)

SUPPLEMENTARY INFORMATION:

I. Background

The ATUS is the Nation's first federally administered, continuous survey on time use in the United States. It measures, for example, time spent with children, working, sleeping, or doing leisure activities. In the United States, several existing Federal surveys collect income and wage data for individuals and families, and analysts often use such measures of material prosperity as proxies for quality of life. Time-use data substantially augment these quality-of-life measures. The data also can be used in conjunction with wage data to evaluate the contribution of non-market work to national economies. This enables comparisons of production between nations that have different mixes of market and non-market activities.

The ATUS develops nationally representative estimates of how people spend their time. Respondents also report who was with them during activities, where they were, how long each activity lasted, and if they were paid. All of this information has numerous practical applications for sociologists, economists, educators, government policymakers, businesspersons, health researchers, and others, potentially answering the following questions:

- Do the ways people use their time vary across demographic and labor force characteristics, such as age, sex, race, ethnicity, employment status, earnings, and education?
- How much time do parents spend in the company of their children, either actively providing care or being with them while socializing, relaxing, or doing other things?
- How are earnings related to leisure time—do those with higher earnings spend more or less time relaxing and socializing?
- Where do people work—at a workplace, in their homes, or someplace else?

The ATUS data are collected on an ongoing, monthly basis, so time series data will eventually become available, allowing analysts to identify changes in how people spend their time.

II. Current Action

Office of Management and Budget clearance is being sought for the ATUS. This survey collects information on how individuals in the United States use their time. Collection is done on a continuous basis with the sample drawn monthly. The survey sample is drawn from households completing their final month of interviews for the Current Population Survey (CPS). Households are selected to ensure a representative demographic sample, and one individual from each household is selected to take part in one Computer Assisted Telephone Interview. In this interview, respondents are asked to report all of their activities for one pre-assigned 24-hour day, which is the day prior to the interview. A short series of summary questions and CPS updates follows the core time diary collection. After each full year of collection, annual national estimates of time use for an average weekday or weekend day are available.

Beginning in January 2011, it is proposed that questions about eldercare be added to the ATUS to replace questions currently asked about missed days. The eldercare questions are designed to collect data on who is providing unpaid eldercare, the time they spend providing this care, and the types of eldercare activities they do. The proposed addition of eldercare questions will be a permanent change to the ATUS. Eldercare is a topic that aligns closely with the ATUS goal of collecting information about time spent in unpaid, productive activities, and it is a topic of interest to researchers, particularly because the U.S. population is aging.

The proposed eldercare questions will replace questions about missed days. The missed-days questions ask respondents for information about the number of days they were away from home in the month before the interview and the reasons why they were away. The data from these questions are under-used and BLS is not aware of any publications that have used them. It is proposed that the missed-days questions be permanently dropped from the survey.

Also beginning in January 2011, questions sponsored by the Department of Labor's Women's Bureau about workers' access to and use of leave are proposed to be added to the ATUS as a Leave module. These questions will be included for 12 months (through December 2011). The questions will ask employed wage and salary workers about their access to paid and unpaid leave, their use of leave in the previous 7 days, and their ability to vary their work schedules instead of taking leave. Data from the Leave module will provide a richer description of work. The data will provide information about the types of leave available to workers, the reasons for which workers are able to take leave, their leave activity, and information about whether workers can adjust their schedules to balance personal and work obligations instead of taking leave. The module will also provide more information about the relationship between workers' use of leave and their use of time.

Because the ATUS sample is a subset of households completing interviews for the CPS, the same demographic information collected from that survey is available for ATUS respondents. Comparisons of activity patterns across characteristics such as sex, race, age, disability status, and education of the respondent, as well as the presence of children and the number of adults living in the respondent's household, are possible.

III. Desired Focus of Comments

The Bureau of Labor Statistics is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Type of Review: Revision of a currently approved collection.

Agency: Bureau of Labor Statistics.

Title: American Time Use Survey.

OMB Number: 1220–0175.

Affected Public: Individuals or households.

Total Respondents: 13,200 per year.

Frequency: Monthly.

Total Responses: 13,200.

Average Time Per Response: 16 minutes for the main ATUS interview, with an additional 5 minutes for the proposed Leave module.

Estimated Total Burden Hours: 3,520 hours per year for the main ATUS and 4,620 hours per year when the Leave module is included.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, this 24th day of June 2010.

Kimberley Hill,

Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 2010–15865 Filed 6–29–10; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed Collection, Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed new collection of the "Forms Design and Pilot Testing for the BLS Green Practices and Processes Project." A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section of this notice on or before August 30, 2010.

ADDRESSES: Send comments to Carol Rowan, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 4080, 2 Massachusetts Avenue, NE.,

Washington, DC 20212. Written comments also may be transmitted by fax to 202–691–5111 (this is not a toll free number).

FOR FURTHER INFORMATION CONTACT: Carol Rowan, BLS Clearance Officer, at 202–691–7628 (this is not a toll free number).

SUPPLEMENTARY INFORMATION:

I. Background

The Occupational Employment Statistics Program (OES) program has been funded to collect and produce objective and reliable information on occupational employment and wages for green jobs at the establishment level. This information collection will be conducted through special topic surveys on the green economy. This work is necessary to meet the publication objective outlined in the President's FY2010 budget proposal.

The Bureau of Labor Statistics (BLS) presented its approach to measuring green jobs and the proposed definition of green jobs in a March 16th, 2010, **Federal Register** Notice (75 FR 12571). The measurement approach includes two types of surveys: One on jobs related to producing green goods and services, and one on jobs related to using environmentally friendly production processes and practices.

The latter approach will be accomplished through a special employer survey. The proposed research is to assist BLS in developing and testing this survey. This project includes developing survey forms and information collection protocols to provide information on environmentally friendly production processes implemented by businesses across all industries; collecting information on the presence of those activities; and collecting the number, occupation, and wages paid to employees of the establishment performing those activities. This research is necessary for BLS to develop, design, and test survey forms to produce objective and reliable information on these practices.

II. Current Action

Office of Management and Budget clearance is being sought for the "Forms Design and Pilot Testing for the BLS Green Practices and Processes Project." It is the goal of BLS and its OES program to produce economic statistics on employment related to use of environmentally friendly processes across the U.S. economy. Using its business establishment register, the OES program intends to survey establishments about these activities and the associated employment. The survey will identify employers performing green activities, determine whether they have any employees performing tasks associated with these activities, gather information to classify those employees according to the Standard Occupational Classification (SOC) system, and collect wage rate information.

III. Desired Focus of Comments

The Bureau of Labor Statistics is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Type of Review: New collection.

Agency: Bureau of Labor Statistics.

Title: Forms Design and Pilot Testing for the BLS Green Practices and Processes Project.

OMB Number: 1220–NEW.

Affected Public: Private sector businesses or other for-profits; not-for-profit institutions, small businesses or organizations; State and local governments.

Total Respondents: 2,200.

Frequency: One time.

Total Responses: 2,450.

Average Time per Response: 21 minutes.

Estimated Total Burden Hours:

Form	Total respondents	Frequency	Total responses	Average time per response (min)	Estimated total burden (hours)
Forms Panel testing	1700	One time	1,700	20	567
Web Panel	500	One time	500	20	167
Follow-up interviews		One time	250	30	125
Totals	2,200		2,450		858

The respondents contacted for the follow-up interviews are a subset of the respondents contacted during the forms panel testing. About 250 respondents will be contacted twice, once during the panel testing and a second time for the follow-up interview. This is reflected in the difference between the total number of respondents and the total number of responses.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, this 24th day of June 2010.

Kimberley Hill,

Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 2010–15869 Filed 6–29–10; 8:45 am]

BILLING CODE 4510–24–P

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC–2010–0153]

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. ch. 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on April 16, 2010.

1. *Type of submission, new, revision, or extension:* Revision.

2. *The title of the information collection:*

NRC Form 136, "Security Termination Statement".
NRC Form 237, "Request for Access Authorization".
NRC Form 277, "Request for Visit or Access Authorization".

3. *Current OMB approval number:*

3150–0049, NRC Form 136.
3150–0050, NRC Form 237.
3150–0051, NRC Form 277.

4. *The form number if applicable:*

NRC Form 136.
NRC Form 237.
NRC Form 277.

5. *How often the collection is required:*

NRC Form 136: Routinely.
NRC Form 237 and 277: On occasion.

6. *Who will be required or asked to report:* NRC Form 136, NRC employees, licensees and contractors. NRC Form 237, NRC contractors, subcontractors, licensee employees, employees of other government agencies, and other individuals who are not NRC employees. NRC Form 277, Any employees of approximately 68 licensees and 7 contracts who hold an NRC access authorization and need to make a visit to NRC, other contractor/licensees or government agencies in which access to classified information will be involved or unescorted area access is desired.

7. *The estimated number of annual responses:*

NRC Form 136: 300.
NRC Form 237: 420.
NRC Form 277: 60.

8. *The estimated number of annual respondents:*

NRC Form 136: 300.
NRC Form 237: 420.
NRC Form 277: 60.

9. *An estimate of the total number of hours needed annually to complete the requirement or request:*

NRC Form 136: 50.

NRC Form 237: 84.

NRC Form 277: 10.

10. *Abstract:* The NRC Form 136 is completed by NRC employees, licensees, and contractors that are leaving the NRC. NRC Form 237 is completed by NRC contractors, subcontractors, licensee employees, employees of other government agencies, and other individuals who are not NRC employees that require an NRC access authorization. NRC Form 277 affects NRC contractor and licensees who have been granted and NRC access authorization and require verification of that access authorization and need-to-know in conjunction with a visit to NRC, other contractors/licensees or government agencies in which access to classified information will be involved or unescorted area access is desired.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html.* The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by July 30, 2010. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Christine J. Kymn, Desk Officer, Office of Information and Regulatory Affairs (3150–0049; 0050; 0051), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be e-mailed to *Christine.J.Kymn@omb.eop.gov* or submitted by telephone at (202) 395–4638.

The NRC Clearance Officer is Tremaine Donnell, (301) 415–6258.

Dated at Rockville, Maryland, this 24th day of June, 2010.

For the Nuclear Regulatory Commission.

Tremaine Donnell,

NRC Clearance Officer, Office of Information Services.

[FR Doc. 2010–15884 Filed 6–29–10; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC–2010–0214]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

SUMMARY: The NRC invites public comment about our intention to request the OMB's approval for renewal of an existing information collection that is summarized below. We are required to publish this notice in the **Federal Register** under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* 10 CFR Part 34, "Licenses for Radiography and Radiation Safety Requirements for Radiographic Operations."

2. *Current OMB approval number:* 3150–0007

3. *How often the collection is required:* Applications for new licenses and amendments may be submitted at any time. Applications for renewal are submitted every 10 years. Reports are submitted as events occur.

4. *Who is required or asked to report:* Applicants for and holders of specific licenses authorizing the use of licensed radioactive material for radiography.

5. *The number of annual respondents:* 745 (647 Agreement State licensees plus 98 NRC licensees).

6. *The number of hours needed annually to complete the requirement or request:* 284,868 hours (503 reporting + 284,365 recordkeeping). The NRC licensees' total burden is 37,681 hours (69 reporting plus 37,612 recordkeeping). The Agreement State licensees' total burden is 247,187 hours (434 reporting plus 246,753 recordkeeping).

7. *Abstract:* 10 CFR part 34 establishes radiation safety requirements for the use of radioactive material in industrial radiography. The information in the applications, reports and records is used by the NRC staff to ensure that the health and safety of the public is protected and that licensee possession and use of source and byproduct material is in compliance with license and regulatory requirements.

Submit, by August 30, 2010, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F21, Rockville, Maryland 20852. OMB clearance requests are available at the NRC worldwide Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html.* The document will be available on the NRC home page site for 60 days after the signature date of this notice. Comments submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed. Comments submitted should reference Docket No. NRC–2010–0214. You may submit your comments by any of the following methods. Electronic comments: Go to *http://www.regulations.gov* and search for Docket No. NRC–2010–0214. Mail comments to NRC Clearance Officer, Tremaine Donnell (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Questions about the information collection requirements may be directed to the NRC Clearance Officer, Tremaine Donnell (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, by telephone at 301–415–6258, or by e-mail to *INFOCOLLECTS.Resource@NRC.GOV.*

Dated at Rockville, Maryland, this 18th day of June 2010.

For the Nuclear Regulatory Commission,

Tremaine Donnell,

NRC Clearance Officer, Office of Information Services.

[FR Doc. 2010–15888 Filed 6–29–10; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2009–0396]

Notice of Issuance of Regulatory Guide

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Issuance and Availability of Regulatory Guide 2.5, Revision 1, "Quality Assurance Program Requirements for Research and Test Reactors".

FOR FURTHER INFORMATION CONTACT: R. A. Jervey, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 251–7404 or e-mail *RAJ@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is issuing a revision to an existing guide in the agency's "Regulatory Guide" series. This series was developed to describe and make available to the public information, such as methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

Regulatory Guide 2.5, Revision 1, "Quality Assurance Program Requirements for Research and Test Reactors" was issued with a temporary identification as Draft Regulatory Guide, DG–2001, in September 2009. The Regulatory Guide endorses guidance within ANSI/ANS–15.8, "Quality Assurance Program Requirements for Research Reactors," issued in September 1995, and reaffirmed in September 2005.

The American National Standards Institute (ANSI) and the American Nuclear Society (ANS) issued ANSI/ANS–15.8 in August 1976. The NRC subsequently endorsed this guidance in Revision 0 to Regulatory Guide 2.5, "Quality Assurance Program Requirements for Research Reactors," in October 1977. Because of significant changes made to management programs and to the expected level of detail and documentation of program elements for nonpower (research and test) reactors, ANSI/ANS–15.8–1995 was issued, and later reaffirmed in September 2005, to incorporate the acknowledged enhancements to quality assurance programs.

II. Further Information

In September 2009, DG–2001 was published with a public comment period of 60 days from the issuance of the guide. The staff's response to the public comment received is located in the NRC's Agencywide Documents Access and Management System (ADAMS) under Accession Number ML100120426. The regulatory analysis may be found in ADAMS under Accession No. ML101650030. Electronic copies of Regulatory Guide 2.5, Revision 1 are available through the NRC's public Web site under "Regulatory Guides" at *http://www.nrc.gov/reading-rm/doc-collections/.*

In addition, regulatory guides are available for inspection at the NRC's Public Document Room (PDR) located at Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852–2738. The PDR's mailing address is USNRC PDR, Washington, DC 20555–0001. The PDR can also be reached by telephone at (301) 415–4737 or (800) 397–4209, by fax at (301) 415–3548, and by e-mail to *pdr.resource@nrc.gov.*

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

Dated at Rockville, Maryland, this 22nd day of June, 2010.

For the Nuclear Regulatory Commission.

Andrea D. Valentin,

Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2010–15883 Filed 6–29–10; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Privacy Act of 1974; Systems of Records

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of changes to systems of records and addition of routine use.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) is proposing a new routine use applicable to all of its existing systems of records maintained pursuant to the Privacy Act of 1974, *as amended* (5 U.S.C. 552a), adding a new routine use to an existing system of records, and is amending its systems of records to make technical and clarifying changes.

DATES: Comments on the proposed routine uses must be received on or before July 30, 2010. The routine uses and amendments to PBGC's system of

records will become effective August 9, 2010, without further notice, unless comments results in a contrary determination and a notice is published to that effect.

ADDRESSES: You may submit written comments to PBGC by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the Web site instructions for submitting comments.
- *E-mail: reg.comments@pbgc.gov.*
- *Fax:* 202–326–4224.
- *Mail or Hand Delivery:* Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026.

Comments received, including personal information provided, will be posted to *http://www.pbgc.gov.* Copies of comments may also be obtained by writing to Disclosure Division, Office of General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026, or calling 202–326–4040 during normal business hours. (TTY and TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4040.)

FOR FURTHER INFORMATION CONTACT: Margaret E. Drake, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, 1200 K Street, NW., Washington, DC 20005–4026, 202–326–4400, extension 3228 (TTY and TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4400). For access to any of the PBGC's systems of records, contact E. William FitzGerald, Disclosure Officer, Office of the General Counsel, Disclosure Division, at the above address, 202–326–4040. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: PBGC is proposing to alter each of its systems of records maintained pursuant to the Privacy Act of 1974, *as amended,* by establishing a new general routine use and adding a new routine use to an existing system of records, PBGC–6, Plan Participant and Beneficiary Data–PBGC (last updated at 68 FR 12389 (March 14, 2003)). PBGC is also amending its systems of records to make technical and clarifying changes after undertaking a periodic review of those systems as required under Appendix 1 to the Office of Management and Budget (OMB) Circular A–130, *Management of Federal Information Resources* (Nov. 28, 2000). The systems of records being amended are: PBGC–1, Correspondence Between the PBGC and Persons Outside of the PBGC—PBGC (last published at 60 FR 57464 (Nov. 15, 1995), PBGC–2, Disbursements—PBGC (last published at 60 FR 57464 (Nov. 15, 1995), PBGC–3, Employee Payroll, Leave and Attendance Records—PBGC (last updated at 61 FR 18184 (April 24, 1996)), PBGC–4, Employee Travel Records—PBGC (last published at 60 FR 57465 (Nov. 15, 1995)), PBGC–5, Personnel Files—PBGC, (last published at 60 FR 57466 (Nov. 15, 1995)), PBGC–6, Plan Participant and Beneficiary Data—PBGC (last updated at 68 FR 12389 (March 14, 2003)), PBGC–8, Employee Relations Files—PBGC (last published at 60 FR 57467 (Nov. 15, 1995)), PBGC–9, Plan Participant and Beneficiary Address Identification File—PBGC (last published at 60 FR 57468 (Nov. 15, 1995)), PBGC–10, Administrative Appeals File—PBGC (last published at 60 FR 57469 (Nov. 15, 1995)), PBGC–11, Call Detail Records—PBGC (last published at 60 FR 57469 (Nov. 15, 1995)), PBGC–12, Security Investigation Records—PBGC (last updated at 66 FR 17587 (April 2, 2001)), PBGC–13, Debt Collection—PBGC (last updated at 65 FR 25398 (May 1, 2000)), PBGC–14, My Plan Administration Account Authentication Records—PBGC (last published at 68 FR 74656 (Dec. 24, 2003)), PBGC–15, Emergency Notification Records—PBGC (last published at 70 FR 30497 (May 26, 2005)), PBGC–16, Employee Online Directory—PBGC (last published at 73 FR 51024 (Aug. 29, 2008)), and PBGC–17, Office of Inspector General Investigative File System—PBGC (last published at 74 FR 14168 (March 30, 2009)).

General Routine Uses

PBGC is proposing to amend its Prefatory Statement of General Routine Uses by establishing a new general routine use that will apply to all its systems of records. PBGC's Prefatory Statement of General Routine Uses was last published at 60 FR 57462, 57563–57564 (Nov. 15, 1995).

Proposed routine use G9 will permit PBGC to respond effectively to a suspected or confirmed data breach by allowing for the disclosure of information to those individuals affected by the breach, as well as to others who are in a position to assist in PBGC's response efforts, either by a role in preventing, minimizing or remedying harms from the breach. PBGC is proposing to establish the routine use to comply with the guidance issued by OMB in memorandum M–07–16, *Safeguarding Against and Responding to the Breach of Personally Identifiable Information* (May 22, 2007), and the President's Identity Theft Task Force's Strategic Plan (April 11, 2007), published at *http://www.identitytheft.gov/reports/StrategicPlan.pdf.*

The Privacy Act authorizes PBGC to adopt routine uses that are consistent with the purpose for which information is collected. 5 U.S.C. 552a(a)(7) and (b)(3). OMB, in its initial Privacy Act guidance, also recognized routine uses that are necessary and proper for the efficient conduct of the government and in the best interest of both the individual and the public. 40 FR 28948, 28953 (July 9, 1975). A routine use to provide for disclosure in connection with response and remedial efforts in the event of a breach of federal data would qualify as a necessary and proper use of information. Proposed routine use G9 will apply to all systems of records.

Revising Routine Uses in PBGC System of Records PBGC–3 and PBGC–6

PBGC–3

For PBGC–3, PBGC is deleting a routine use for disclosure to the Department of Labor that is no longer necessary.

PBGC–6

PBGC is proposing to revise routine use 9 under its system of records entitled PBGC–6, Plan Participant and Beneficiary Data—PBGC that was last revised at 68 FR 12389, 12390 (Mar. 14, 2003). The revised routine use will permit PBGC to periodically disclose the names and addresses of participants and beneficiaries to licensees of the United States Postal Service (USPS) to update the address records from change-of-address information submitted to USPS by customers who are relocating. The existing routine use limits disclosure of names and addresses to USPS licensees when "mail sent to the individual at the last known address is returned as undeliverable."

This revision is necessary because of a change in USPS mailing standards that require bulk mailers such as PBGC to update addresses within 95 days before any mailing from change-of-address information submitted to USPS. *See* 39 CFR 111.1 (2009), *incorporating by reference* the Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM) § 443.3.9.1, at *http://pe.usps.com/text/dmm300/443.htm.* To meet the revised mailing standard, PBGC will use the National Change of Address Linkage System (NCOA Link) offered through licensees of the USPS. NCOA Link is a USPS-

approved method for updating addresses. *See* DMM § 443.3.9.2.

To protect the privacy of individuals, disclosure of PBGC records under the routine use will be made under a contract that subjects licensees of the Postal Service and its employees to criminal penalties under the Privacy Act. The contract will provide that the records disclosed by PBGC will be used exclusively for updating addresses under NCOA Link and must be returned to PBGC or destroyed when the process is completed. The records will be exchanged electronically in an encrypted format.

Technical and Clarifying Amendments

In addition to establishing new general routine use G9, PBGC is amending PBGC–1, Correspondence Between the PBGC and Persons Outside of the PBGC—PBGC, PBGC–2, Disbursements—PBGC, PBGC–3, Employee Payroll, Leave and Attendance Records—PBGC, PBGC–4, Employee Travel Records—PBGC, PBGC–5, Personnel Files—PBGC, PBGC–6, Plan Participant and Beneficiary Data—PBGC, PBGC–8, Employee Relations Files—PBGC, PBGC–9, Plan Participant and Beneficiary Address Identification File—PBGC, PBGC–10, Administrative Appeals File—PBGC, PBGC–11, Call Detail Records—PBGC, PBGC–12, Security Investigation Records—PBGC, PBGC–13, Debt Collection—PBGC, PBGC–14, My Plan Administration Account Authentication Records—PBGC, PBGC–15, Emergency Notification Records—PBGC, PBGC–16, Employee Online Directory—PBGC, and PBGC–17, Office of Inspector General Investigative File System—PBGC, to correct and update the categories of individuals covered by the system, categories of records in the system, purposes, storage, retrievability, safeguards, retention and disposal, records in the system, and record source categories. The amendments clarify the nature and purposes of the systems of records and reflect changes that have occurred since they were last published.

For the convenience of the public, PBGC's Prefatory Statement of General Routine Uses with proposed general routine use G9 and the amended systems of records are published in full below with changes italicized.

Issued in Washington, DC, this 24 day of June 2010.

Vincent Snowbarger,

Acting Director, Pension Benefit Guaranty Corporation.

Prefatory Statement of General Routine Uses

The following routine uses are incorporated by reference into various systems of records, as set forth below.

G1. Routine Use—Law Enforcement: In the event that a system of records maintained by PBGC to carry out its functions indicates a violation or potential violation of law, whether criminal, civil, or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be disclosed to the appropriate agency, whether federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

G2. Routine Use—Disclosure When Requesting Information: A record from this system of records may be disclosed to a federal, state, or local agency or to another public or private source maintaining civil, criminal, or other relevant enforcement information or other pertinent information, if and to the extent necessary to obtain information relevant to a PBGC decision concerning the hiring or retention of an employee, the retention of a security clearance, or the letting of a contract.

G3. Routine Use—Disclosure of Existence of Record Information: With the approval of the Director, Human Resources Department (or his or her designee), the fact that this system of records includes information relevant to a federal agency's decision in connection with the hiring or retention of an employee, the retention of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit may be disclosed to that federal agency.

G4. Routine Use—Disclosure in Litigation: A record from this system of records may be disclosed in a proceeding before a court or other adjudicative body in which PBGC, an employee of the PBGC in his or her official capacity, or an employee of PBGC in his or her individual capacity if the PBGC (or the Department of Justice (DOJ)) has agreed to represent him or her is a party, or the United States or any other federal agency is a party and the PBGC determines that it has an interest in the proceeding, if the PBGC determines that the record is relevant to the proceeding and that the use is compatible with the purpose for which PBGC collected the information.

G5. Routine Use—Disclosure to the Department of Justice in Litigation: When PBGC, an employee of PBGC in his or her official capacity, or an employee of PBGC in his or her individual capacity whom PBGC has agreed to represent is a party to a proceeding before a court or other adjudicative body, or the United States or any other federal agency is a party and PBGC determines that it has an interest in the proceeding, a record from this system of records may be disclosed to the DOJ if PBGC is consulting with the DOJ regarding the proceeding or has decided that the DOJ will represent PBGC, or its interest, in the proceeding and PBGC determines that the record is relevant to the proceeding and that the use is compatible with the purpose for which PBGC collected the information.

G6. Routine Use—Disclosure to OMB: A record from this system of records may be disclosed to the OMB in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

G7. Routine Use—Congressional Inquiries: A record from this system of records may be disclosed to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

G8. Routine Use—Disclosure to Labor Organizations: A record from this system of records may be disclosed to an official of a labor organization recognized under 5 U.S.C. Chapter 71 when necessary for the labor organization to perform properly its duties as the collective bargaining representative of PBGC employees in the bargaining unit.

G9. Routine Use—Disclosure in Response to a Federal Data Breach. A record from this system of records may be disclosed to appropriate agencies, entities, and persons when (1) PBGC suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) PBGC has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by PBGC or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and

persons is reasonably necessary to assist in connection with PBGC's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

PBGC–1

SYSTEM NAME:

Correspondence Between PBGC and Persons Outside the PBGC—PBGC.

SYSTEM CLASSIFICATION:

Not Applicable.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have corresponded with PBGC and with components of PBGC and individuals who have received replies in response to their correspondence with PBGC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence containing the name and address of the correspondent and other information regarding various aspects of PBGC and Title IV of the Employee Retirement Income Security Act of 1974, as amended.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302.

PURPOSE(S):

This system of records is maintained for programmatic and regulatory purposes (including use in adjudicatory proceedings).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

General Routine Uses G1 through G7, *and G9* (see Prefatory Statement of General Routine Uses) apply to this system of records.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained manually in file folders and/or in *electronic* form.

RETRIEVABILITY:

Records are indexed by name of correspondent or plan.

SAFEGUARDS:

Paper records are kept in file folders in areas of restricted access that are locked after office hours. Electronic records are stored on computer networks and protected by assigning user identification numbers to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

RETENTION AND DISPOSAL:

General requests for information that do not involve administrative action, policy decisions, or special research are destroyed *1 year* after reply. Correspondence with members of Congress is destroyed 1 year after the end of the fiscal year in which it is received or sent.

SYSTEM MANAGER(S) AND ADDRESS:

Correspondence is kept by the director of the department to which the correspondence was addressed or the director of the department who replied. These department directors are: General Counsel, Office of the General Counsel; Inspector General, Office of Inspector General; *Chief Counsel, Office of Chief Counsel;* Director, *Policy and Research Department;* Director, Communications and Public Affairs Department; Director, Financial Operations Department; Director, *Budget and Organizational Performance Department;* Director, Procurement Department; Director, Contract and Controls Review Department; *Chief Information Officer, Office of Information Technology;* Director, *Department of Insurance Supervision and Compliance;* Director, Facilities and Services Department; Director, Human Resources Department; Director, *Benefits Administration and Payment Department. Correspondence addressed to or replied to by the Office of the Director is kept by the Deputy Director and Chief Operating Officer.* PBGC's address is: 1200 K Street, NW., Washington, DC 20005–4026.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR Part *4902.*

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Same as notification procedure.

RECORD SOURCE CATEGORIES:

Individuals writing to PBGC and PBGC's responses.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

PBGC–2

SYSTEM NAME:

Disbursements—PBGC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are consultants and vendors to PBGC.

CATEGORIES OF RECORDS IN THE SYSTEMS:

Payment vouchers, including SF 1082.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302; *44 U.S.C. 3101.*

PURPOSE(S):

This system of records is maintained for use in determining amounts to be paid and in effecting payments by the Department of the Treasury to consultants and vendors.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. A record from this system of records may be transmitted to the United States Department of Treasury to effect payments to consultants and vendors.

2. General Routine Uses G1 through G7, *and G9* (see Prefatory Statement of General Routine Uses) apply to this system of records.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Information may be disclosed to a consumer reporting agency in accordance with 31 U.S.C. 3711(f) (5 U.S.C. 552a(b)(12)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained manually in file folders *and/or in electronic format, including magnetic tapes or discs.*

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Records are kept in file cabinets in areas of restricted access that are locked after office hours. *Electronic records are stored on computer networks and are protected by assigning user identification numbers to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.*

RETENTION AND DISPOSAL:

Records created after June 30, 1975, are destroyed 6 years and 3 months after

date of voucher. *Records may also be maintained on PBGC's network back-up tapes.*

SYSTEM MANAGER(S) AND ADDRESS:

Director, Financial Operation Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR Part *4902.*

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Same as notification procedure.

RECORD SOURCE CATEGORIES:

Individuals who are consultants and vendors to PBGC.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

PBGC–3

SYSTEM NAME:

Employee Payroll, Leave, and Attendance Records—PBGC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of PBGC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names; addresses; social security numbers and employee numbers; earnings records; leave status and data; jury duty data; military leave data; time and attendance records, including number of regular, overtime, holiday, and compensatory hours worked; co-owner and/or beneficiary of bonds; marital status and number of dependents; and notifications of personnel actions. The records listed herein are included only as pertinent or applicable to the individual employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302; *44 U.S.C. 3101.*

PURPOSE(S):

This system of records is maintained to perform functions involving employee leave, attendance, and payments, including determinations relating to the amounts to be paid to employees, the distribution of pay according to employee directions (for savings bonds and allotments, to financial institutions, and for other authorized purposes), and tax withholdings and other authorized deductions, and for statistical purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. A record from this system of records may be disclosed to the United States Department of the Interior to effect payments to employees.

2. General Routine Uses G1 through G9 (see Prefatory Statement of General Routine Uses) apply to this system of records.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Information may be disclosed to a consumer reporting agency in accordance with 31 U.S.C. 3711(f) (5 U.S.C. 552a(b)(12)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained manually in file folders and/or in automated form, *including magnetic tapes or discs.*

RETRIEVABILITY:

Records are indexed by name and/or employee or social security number.

SAFEGUARDS:

Manual records are kept in file cabinets in areas of restricted access that are locked after office hours. *Electronic records are stored on computer networks and protected by assigning user identification numbers to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.*

RETENTION AND DISPOSAL:

Records are maintained for various periods of time, as provided in National Archives and Records Administration General Records Schedule 2. *Records are also maintained on PBGC's network back-up tapes.*

SYSTEM MANAGER(S) AND ADDRESS:

Director, Financial Operations Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR Part *4902.*

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Same as notification procedure.

RECORD SOURCE CATEGORIES:

Subject individual and the Office of Personnel Management.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

PBGC–4

SYSTEM NAME:

Employee Travel Records—PBGC.

SYSTEM CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of PBGC who have filed travel vouchers and related documents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Travel vouchers and related documents filed by employees of PBGC.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. *6701;* 29 U.S.C. 1302; *44 U.S.C. 3101.*

PURPOSE(S):

This system of records is maintained to perform functions related to travel on behalf of PBGC, including determinations involving travel authorization and arrangements and documentation of travel advances and reimbursements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. A record from this system of records may be disclosed to the United States Department of Treasury to effect reimbursement of employees for travel expenses.

2. General Routine Uses G1 through *G9* (see Prefatory Statement of General Routine Uses) apply to this system of records.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Information may be disclosed to a consumer reporting agency in accordance with 31 U.S.C. 3711(f) (5 U.S.C. 552a(b)(12)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained manually in file folders *and/or in electronic format, including magnetic tapes and discs.*

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Records are kept in file cabinets in areas of restricted access that are locked after office hours. *Electronic records are stored on computer network and protected by assigning user identification numbers to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.*

RETENTION AND DISPOSAL:

Records are maintained for various periods of time, as provided in National Archives and Records Administration General Records Schedule 9. *Records are also maintained on PBGC's network back-up tapes.*

SYSTEM MANAGER(S) AND ADDRESS:

Director, Financial Operations Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR Part *4902.*

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Same as notification procedure.

RECORD SOURCE CATEGORIES:

Current and former PBGC employee vouchers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

PBGC–5

SYSTEM NAME:

Personnel Files—PBGC.

SYSTEM CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and applicants for employment with PBGC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel records that PBGC maintains, including applications and related information for attorneys maintained by the Office of the General Counsel. (Records included in the permanent Official Personnel Folder are maintained as a system of records by the Office of Personnel Management (OPM/GOVT–1) and are not included in this system of records.)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302; *44 U.S.C. 3101.*

PURPOSE(S):

This system of records is used in carrying out authorized personnel functions, including the evaluation of qualifications; determinations about status, eligibility, and rights and benefits under pertinent laws and regulations governing federal employment; and computations of length of service.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

General Routine Uses G1 through *G9* (see Prefatory Statement of General Routine Uses) apply to this system of records.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper form in file folders and/or in *electronic* form, *including magnetic tapes and discs.*

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Access is restricted to agency personnel or contractors whose responsibilities require access. Paper records are kept in areas of restricted access that are locked after office hours. Electronic records are stored on computer networks and protected by assigning user identification numbers to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

RETENTION AND DISPOSAL:

Temporary personnel file records are destroyed when *superseded or obsolete, or upon separation or transfer of employee from PBGC.* Applications for employment are destroyed after the receipt of an OPM inspection report or 2 years after date of application, whichever is sooner. Applications for training are destroyed 5 years *after completion of a specific training program.*

Records are also maintained on PBGC's network back-up tapes.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Human Resources Department, and Administrative Officer, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR Part *4902.*

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Same as notification procedure.

RECORD SOURCE CATEGORIES:

Subject individuals, present and past employers, and references given by any subject individuals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

PBGC–6

SYSTEM NAME:

Plan Participant and Beneficiary Data—PBGC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026 and/or field benefit administrator, plan administrator, and paying agent worksites.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Participants and beneficiaries in terminating and terminated pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974, as amended ("ERISA").

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, addresses, telephone numbers, sex, social security numbers and other Social Security Administration information, dates of birth, dates of hire, salary, marital status, domestic relations orders, time of plan participation, eligibility status, pay status, benefit data, health-related information, insurance information where plan benefits are provided by private insurers, initial and final PBGC determinations (29 CFR 4003.21 and 4003.59). The records listed herein are included only as pertinent or applicable to the individual plan participant or beneficiary.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1055, 1056(d)(3), 1302, 1321, 1322, 1322a, 1341, 1342 and 1350; *44 U.S.C. 3101.*

PURPOSE(S):

This system of records is maintained for use in determining whether

participants and beneficiaries are eligible for benefits under plans covered by Title IV of ERISA, the amounts of benefits to be paid, making benefit payments, and collecting benefit overpayments. Names, addresses, and telephone numbers are used to survey customers to measure their satisfaction with PBGC's benefit payment services and to track (for follow up) those who do not respond to surveys.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. A record from this system of records may be disclosed to third parties, such as banks, insurance companies, or trustees, to make benefit payments to plan participants and beneficiaries.

2. A record from this system of records may be disclosed, in furtherance of proceedings under Title IV of ERISA, to a contributing sponsor (or other employer who maintained the plan), including any predecessor or successor, and any member of the same controlled group.

3. A record from this system of records may be disclosed, upon request for a purpose authorized under Title IV of ERISA, to an official of a labor organization recognized as the collective bargaining representative of the individual about whom a request is made.

4. Names, addresses, and telephone numbers of participants and beneficiaries and information pertaining to debts owed by such participants and beneficiaries to PBGC may be disclosed to a debt collection agency or firm to collect a claim. Disclosure shall be made only under a contract that binds any such contractor or employee of such contractor to the criminal penalties of the Privacy Act. The information so disclosed shall be used exclusively pursuant to the terms and conditions of such contract and shall be used solely for the purposes prescribed therein. The contract shall provide that the information so disclosed shall be returned at the conclusion of the debt collection effort.

5. The name and social security number of a participant employed or formerly employed as a pilot by a commercial airline may be disclosed to the Federal Aviation Administration (FAA) to obtain information relevant to the participant's eligibility or continued eligibility for disability benefits.

6. Names and social security numbers of plan participants and beneficiaries may be disclosed to the Internal Revenue Service (IRS) to obtain current addresses from tax return information and to the Social Security Administration (SSA) to obtain current addresses. Such information will be disclosed only if PBGC has no address for an individual or if mail sent to the individual at the last known address is returned as undeliverable.

7. Names and last known addresses may be disclosed to an official of a labor organization recognized as the collective bargaining representative of participants for posting in union halls or for other means of publication to obtain current addresses of participants and beneficiaries. Such information will be disclosed only if PBGC has no address for an individual or if mail sent to the individual at the last known address is returned as undeliverable.

8. Names, social security numbers, last known addresses, and dates of birth and death may be disclosed to private firms and agencies that provide locator services, including credit reporting agencies and debt collection firms or agencies, to locate participants and beneficiaries. Such information will be disclosed only if PBGC has no address for an individual or if mail sent to the individual at the last known address is returned as undeliverable. Disclosure shall be made only under a contract that subjects the firm or agency providing the service and its employees to the criminal penalties of the Privacy Act. The information so disclosed shall be used exclusively pursuant to the terms and conditions of such contract and shall be used solely for the purposes prescribed therein. The contract shall provide that the information so disclosed shall be returned at the conclusion of the locating effort.

9. *Names and addresses may be disclosed to licensees of the United States Postal Service (USPS) to obtain current addresses under the USPS's National Change of Address Linkage System (NCOA Link). Disclosure shall be made only under a contract that binds the licensee of the Postal Service and its employees to the criminal penalties of the Privacy Act. The contract shall provide that the records disclosed by PBGC shall be used exclusively for updating addresses under NCOA Link and must be returned to PBGC or destroyed when the process is completed. The records will be exchanged electronically in an encrypted format.*

10. Names and last known addresses may be disclosed to other participants in, and beneficiaries under, a pension plan to obtain the current addresses of individuals. Such information will be disclosed only if PBGC has no address for an individual or if mail sent to the individual at the last known address is returned as undeliverable.

11. Names and last known addresses of participants and beneficiaries, and the names and addresses of participants' former employers, may be disclosed to the public to obtain current addresses of the individuals. Such information will be disclosed to the public only if PBGC is unable to make benefit payments to the participants and beneficiaries because the address it has does not appear to be current or correct.

12. The name of a participant's pension plan, the actual or estimated amount of a participant's benefit under Title IV of ERISA, the form(s) in which the benefit is payable, and whether the participant is currently receiving benefit payments under the plan or (if not) the earliest date(s) such payments could commence may be disclosed to the participant's spouse, former spouse, child, or other dependent solely to obtain a qualified domestic relations order under 29 U.S.C. 1056(d) and 26 U.S.C. 414(p). PBGC will disclose the information only upon the receipt of a notarized, written request by a prospective alternate payee that describes the requester's relationship to the participant and states that the information will be used solely to obtain a qualified domestic relations order under state domestic relations law. PBGC will notify the participant of any information disclosed to a prospective alternate payee under this routine use. Any person who knowingly and willfully requests or obtains any record concerning an individual under false pretenses is subject to a criminal penalty under 5 U.S.C. 552a(i)(3).

13. Information from a participant's initial determination under 29 CFR 4003.1(b) (excluding the participant's address, telephone number, social security number, and any sensitive medical information) may be disclosed to a participant's spouse, former spouse, child, or other dependent who is an alternate payee under a qualified domestic relations order issued pursuant to 29 U.S.C. 1056(d) and 26 U.S.C. 414(p) to explain how PBGC determined the benefit due the alternate payee so that the alternate payee can pursue an administrative appeal of the benefit determination under 29 CFR 4003.51. PBGC will notify the participant of the information disclosed to an alternate payee under this routine use.

14. The names, addresses, social security numbers, and dates of birth of eligible PBGC pension recipients may be disclosed to the Department of Treasury and the Department of Labor to implement the income tax credit for

health insurance costs under 26 U.S.C. 35 and the program for advance payment of the tax credit under 26 U.S.C. 7527.

15. The names, addresses, social security numbers, and dates of birth of eligible PBGC pension recipients residing in a particular state may be disclosed to the state's workforce agency if the agency received a National Emergency Grant from the Department of Labor under the Workforce Investment Act of 1988 to provide health insurance coverage assistance and support services for state residents under 29 U.S.C. 2918(a) and (f).

16. General Routine Uses G1 and G4 through G7, *and G9* (see Prefatory Statement of General Routine Uses) apply to this system of records.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Information may be disclosed to a consumer reporting agency in accordance with 31 U.S.C. 3711(f) (5 U.S.C. 552a(b)(12)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper and electronic form.

RETRIEVABILITY:

Records are indexed by plan and participant and/or beneficiary name. Customer satisfaction survey responses are aggregated for statistical purposes after they have been received by PBGC and are not retrievable by a participant or beneficiary's name or other assigned identifier.

SAFEGUARDS:

Paper records are kept in file folders in areas of restricted access that are locked after office hours. Electronic records are stored on computer networks and protected by assigning user identification numbers to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

RETENTION AND DISPOSAL:

Records for plan participants are transferred to the Washington National Federal Records Center 6 months after either the final payment to a participant and/or beneficiary or PBGC's final determination that a participant or beneficiary is not entitled to any benefits and are destroyed 7 years after such payment or determination.

Records are also maintained on PBGC's network back-up tapes.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Benefit Administration and Payments Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC's regulations: 29 CFR part 4902.

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORDS PROCEDURE:

Same as notification procedure.

PBGC–8

SYSTEM NAME:

Employee Relations Files 8–PBGC.

SYSTEM CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former PBGC employees with respect to whom PBGC has initiated a reduction-in-force or a disciplinary or performance-based action and PBGC employees who have initiated grievances *under an administrative grievance procedure or under an applicable collective bargaining agreement.*

CATEGORIES OF RECORDS IN THE SYSTEM:

Notices of reductions-in-force or disciplinary or performance-based actions and employees' replies to such notices, employees' notices of grievance and appeal, investigative reports, records of proceedings, appeal decisions, and related information. (Records of actions proposed or taken in accordance with 5 CFR Part 315 (Subpart H or I) or Part 752 are maintained as a system of records by the Office of Personnel Management (OPM) (OPM/GOVT–3) and are not included in this system of records.)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302; *44 U.S.C. 3101.*

PURPOSE(S):

This system of records is maintained for use in decision-making involving grievances and appeals by PBGC employees regarding compensation, benefits, or other terms and conditions of employment, including terms and conditions of employment under an applicable collective bargaining agreement, and reductions-in-force and certain disciplinary and performance-based actions involving PBGC employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. A record from this system of records may be disclosed to OPM, the Merit Systems Protection Board, the Federal Labor Relations Authority, or the Equal Employment Opportunity Commission to carry out its authorized functions (under 5 U.S.C. 1103, 1204, 7105, and 42 U.S.C. 2000e–4, in that order).

2. General Routine Uses G1 through *G9* (see Prefatory Statement of General Routine Uses) apply to this system of records.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper form in file folders and/or in electronic form, including magnetic tapes or discs.

RETRIEVABILITY:

Records are indexed by employee name.

SAFEGUARDS:

Access is restricted to agency personnel or contractors whose responsibilities require access. Paper records are kept in areas of restricted access that are locked after office hours. Electronic records are stored on computer networks and protected by assigning user identification numbers to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

RETENTION AND DISPOSAL:

Registers and related records used to effect reduction-in-force actions are maintained as provided in the National Archives and Record Administration General Records Schedule 1. Records relating to grievances raised by employees, except Equal Employment Opportunity complaints, are maintained for 7 years after the close of the matter as provided in the National Archives and Record Administration General Records Schedule 1 and PBGC Schedule 1.2. Records related to disciplinary or performance based actions are maintained for 7 years as provided in the National Archives and Record Administration General Records Schedule 1 and PBGC Schedule 1.2.

Records are also maintained on PBGC's network back-up tapes.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Human Resources Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR part *4902.*

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Same as notification procedure.

RECORD SOURCE CATEGORIES:

Records in this system of records are provided by an affected employee, the employee's supervisors, other PBGC employees, and from investigations and interviews.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

PBGC–9

SYSTEM NAME:

Plan Participant and Beneficiary Address Identification File—PBGC.

SYSTEM CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Certain participants and beneficiaries in terminating and terminated pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974, as amended.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, social security numbers, addresses, and names of pension plans.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

26 U.S.C. 6103 and 26 CFR 301.6103(l)(2)-3; 29 U.S.C. 1055, 1056(d)(3), 1302, 1321, 1322, 1322a, 1341, 1342, and 1350; *44 U.S.C. 3101.*

PURPOSE(S):

This system of records is maintained to locate participants and beneficiaries under pension plans covered by Title IV of ERISA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. A record from this system of records may be disclosed only to a person to whom disclosure is permitted by 26 U.S.C. 6103 and 26 CFR 301.6103(i)–1.

2. *General Routine Uses G1 and G4 through G7, and G9 (see Prefatory Statement of General Routine Uses) apply to this system of records.*

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained manually in file folders and/or in *electronic* form, *including magnetic tapes or discs.*

RETRIEVABILITY:

Records are indexed by participant or beneficiary name and social security number.

SAFEGUARDS:

Records are kept in locked file cabinets in areas of restricted access under procedures that meet IRS safeguarding standards. *Electronic records are stored on computer networks and protected by assigning user identification numbers to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.*

RETENTION AND DISPOSAL:

Records of a participant or beneficiary who verifies the address are transferred to PBGC–6. All other records are retained for 2 years from the date the request was sent to the IRS and then are sent to the IRS for disposal or are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, *Benefits Administration and Payments Department,* Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR part *4902.*

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Same as notification procedure.

RECORD SOURCE CATEGORIES:

PBGC–6 and the IRS.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

PBGC–10

SYSTEM NAME:

Administrative Appeals File—PBGC.

SYSTEM CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Participants and beneficiaries in terminated pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974, as amended, who have filed administrative appeals with PBGC's Appeals Board pursuant *to 29 CFR 4003.1(b)(6), (7), (8), or (10),* Rules for Administrative Review of Agency Decisions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names of pension plans, names of participants, beneficiaries, *and alternate payees,* and personal information such as addresses, social security numbers, sex, dates of birth, dates of hire, salary, marital status (including domestic relations orders), medical records, dates of commencement of plan participation or employment, statements regarding employment, dates of termination of plan participation or retirement, benefit payment data, pay status, Social Security Administration ("SSA") information, insurance claims and awards, workman's compensation awards, calculations of benefit amounts, calculations of amounts subject to recapture, correspondence and other information relating to appeals, and initial and final PBGC determinations (*29 CFR4003.22 and 4003.59*). The records listed herein are included only as pertinent or applicable to the individual participant, beneficiary, *and/or alternate payee.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1055, 1056(d)(3), 1302, 1321, 1322, 1322a, 1341, 1342, 1345, and 1350.

PURPOSE(S):

This system of records is maintained for use in appeals of matters specified in *29 CFR 4003.1(b)(6), (7), (8), and (10)* and in subsequent agency actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. General Routine Uses G1, G4, G5, G6, G7, and G8 apply to this system of records.

2. A record from this system of records may be disclosed to third parties who may be aggrieved by the decision of the Appeals Board under *29 CFR 4003.57,* including disclosure to the contributing sponsor (or other employer who maintained the plan) including any predecessor or successor, and any member of the same controlled group.

3. A record from this system of records may be disclosed, upon request, to an *attorney* representative *or a non-attorney representative* who has a power of attorney for the subject individual, under *29 CFR 4003.6.*

4. A record from this system of records may be disclosed to third parties, such as banks, insurance companies, and trustees, to make benefit payments to plan participants and beneficiaries.

5. A record from this system of records may be disclosed to third parties, such as contractors and expert witnesses, to obtain expert analysis of an issue necessary to resolve an appeal.

6. The name and social security number of a participant may be disclosed to an official of a labor organization recognized as the collective bargaining representative of the participant to obtain information relevant to the resolution of an appeal.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained manually in file folders and/or in *electronic* form.

RETRIEVABILITY:

Records are indexed by participant or beneficiary name, plan name, and appeal number or extension request number.

SAFEGUARDS:

Paper records are kept in file folders in areas of restricted access that are locked after office hours. Electronic records are stored on computer networks and protected by assigning user identification numbers to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

RETENTION AND DISPOSAL:

Paper records for a closed appeal file are retained for *30 days* after the Appeals Board's final determination. Thereafter, the closed appeal file is transferred to *a records storage facility* and destroyed *40 years later.*

Electronic records are destroyed or deleted 135 years after a determination that all participants have been paid.

SYSTEM MANAGER(S) AND ADDRESS:

Manager of the Appeals *Division, Office of the General Counsel,* Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR Part *4902.*

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Same as notification procedure.

RECORD SOURCE CATEGORIES:

Information in this system of records may be received from the plan administrator, the contributing sponsor (or other employer who maintained the plan), including any predecessor, successor, or member of the same controlled group, the labor organization recognized as the collective bargaining representative of a participant, the SSA, a third party affected by the decision, and the participant or beneficiary.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

PBGC–11

SYSTEM NAME:

Call Detail Records—PBGC.

SYSTEM CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, contract employees, and consultants of PBGC, and officials of a labor organization representing PBGC employees who have made long distance or other toll calls from PBGC telephones *or PBGC-issued portable electronic devices.*

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to use of PBGC telephones and *PBGC-issued portable electronic devices* to place toll calls and receive calls; records indicating assignment of telephone extension numbers *PBGC-issued portable electronic devices* to employees and other covered individuals; records relating to location of telephone extensions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302; *44 U.S.C. 3101.*

PURPOSE(S):

This system of records is maintained to control the costs of operating PBGC's telephone system by, among other things, monitoring telephone usage by PBGC employees and other covered individuals and obtaining reimbursement for unauthorized toll calls.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. A record from this system of records may be disclosed to contract employees and consultants of PBGC and officials of a labor organization representing PBGC employees to determine individual responsibility for telephone calls, but only to the extent that such disclosures consist of comprehensive lists of called numbers and length of calls.

2. General Routine Uses G1, G3, G4, G5, G7 *through G9* (see Prefatory Statement of General Routine Uses) apply to this system of records.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Information may be disclosed to a consumer reporting agency in accordance with 31 U.S.C. 3711(f) (5 U.S.C. 552a(b)(12)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained manually in file folders and in *electronic* form, *including magnetic tapes and discs.*

RETRIEVABILITY:

Records are retrieved by name of employee or other covered individual, telephone extension number, or telephone number called.

SAFEGUARDS:

Manual records are kept in areas of restricted access that are locked after office hours. *Electronic records are stored on computer networks and protected by assigning user identification numbers to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.*

RETENTION AND DISPOSAL:

Records are retained for 2 years and then destroyed.

Records are also maintained on PBGC's network back-up tapes.

SYSTEM MANAGER(S) AND ADDRESS:

Director, *Office of Information Technology,* Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR Part *4902.*

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Same as notification procedure.

RECORD SOURCE CATEGORIES:

Telephone *and PBGC-issued portable electronic device* assignment records; call detail listings; private telephone billing information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

PBGC–12

SYSTEM NAME:

Personnel Security Investigation Records—PBGC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees and applicants for employment with PBGC. *Current and former* individuals who work, or who are being considered for work, for PBGC as contractors or as employees of contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigatory material regarding an individual's character, conduct, and behavior, including: Records of arrests and convictions for violations of law; reports of interviews with the subject of the investigation and with persons such as present and former supervisors, neighbors, co-workers, associates, and educators who may have information about the subject of the investigation; reports about the qualifications of an individual for a specific position; reports of inquiries to law enforcement agencies, employers, and educational institutions; reports of action after an Office of Personnel Management (OPM) or Federal Bureau of Investigation field investigation; and other information or correspondence relating to or developed from the above.

This system of records is distinct from the OPM's Privacy Act system of records, OPM/Central-9 (Personnel Investigation Records), which covers records of personnel security investigations conducted by the OPM with respect to employees or applicants for employment with PBGC.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302; *44 U.S.C. 3101; Executive Order 10450;* 5 CFR § 5.2(c) and (d); 5 CFR parts 731 and 736; and OMB Circular No. A–130—Revised, Appendix III, 61 FR 6428.

PURPOSE(S):

This system of records is maintained to document investigations of individuals' character, conduct, and behavior. Records are used, in accordance with Federal personnel regulations, in making determinations relating to an individual's suitability and fitness for PBGC employment or work for PBGC as a contractor or as an employee of a contractor, access to information, and security clearance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. A record from this system of records may be disclosed to *an authorized* source from which information is requested in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, or identify the type of information requested.

2. A record from this system of records may be disclosed to OPM, the Merit Systems Protection Board, the Federal Labor Relations Authority, or the Equal Employment Opportunity Commission to carry out its authorized functions (under 5 U.S.C. 1103, 1204, and 7105, and 42 U.S.C. 2000e–4, in that order).

3. General Routine Uses G1 through *G9* (see Prefatory Statement of General Routine Uses) apply to this system of records.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper and electronic form*, including magnetic tapes and discs.*

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Paper records are kept in file cabinets in areas of restricted access that are locked after office hours. Electronic records are stored on computer networks and protected by assigning user identification numbers to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

RETENTION AND DISPOSAL:

Records are destroyed upon notification of death or not later than 5 years after separation or transfer of employee, or no later than 5 years after contract relationship expires, whichever is applicable.

Records are also maintained on PBGC's network back-up tapes.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Facilities and Services Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR Part 4902.

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Same as notification procedure.

RECORD SOURCE CATEGORIES:

Information contained in this system of records is obtained from the following: (a) Applications and other personnel and security forms; (b) personal interviews with the individual that is the subject of the investigation and with persons such as employers, references, neighbors, and associates who may have information about the subject of the investigation; (c) investigative records and notices of personnel actions furnished by other federal agencies; (d) sources such as educational institutions, police departments, credit bureaus, probation officials, prison officials, and doctors; and (e) public records such as court filings and publications such as newspapers, magazines, and periodicals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system of records is exempt from the access and contest and certain other provisions of the Privacy Act (5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G) through (I), and (f)) to the extent that disclosure would reveal the identity of a source who furnished information to PBGC under an express promise of confidentiality or, prior to September 27, 1975, under an implied promise of confidentiality (5 U.S.C. 552a(k)(5)).

PBGC–13

SYSTEM NAME:

Debt Collection—PBGC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026 and/or field benefit administrator, plan administrator, and paying agent worksites.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Anyone who may owe a debt to PBGC, including but not limited to: Employees *and former employees* of PBGC; individuals who are consultants and vendors to PBGC; participants and beneficiaries in terminating and terminated pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974, as amended (ERISA), and individuals who received benefit payments *to which they are not entitled.*

CATEGORIES OF RECORDS IN THE SYSTEM:

Names; addresses; social security numbers; taxpayer identification numbers; employee number; travel vouchers and related documents filed by employees of PBGC; invoices filed by consultants and vendors to PBGC; records of benefit payments made to participants and beneficiaries in terminating and terminated pension plans covered by Title IV of ERISA; and other relevant records relating to the debt including the amount, status, and history of the debt, and the program under which the debt arose. The records listed herein are included only as pertinent or applicable to the individual debtor.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302; 31 U.S.C. 3711(e) & (g); *44 U.S.C. 3101.*

PURPOSE(S):

This system of records is maintained for the purpose of collecting debts owed to PBGC by various individuals, including, but not limited to, PBGC's employees *and former employees,* consultants and vendors, participants and beneficiaries in terminating and terminated pension plans covered by Title IV of ERISA, and individuals who received benefit payments to which they are not entitled. This system facilitates PBGC's compliance with the Debt Collection Improvement Act of 1996.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. A record from this system of records may be disclosed to the United States Department of Treasury for cross-servicing to effect debt collection in accordance with 31 U.S.C. 3711(e).

2. General Routine Uses G1 and G4 through *G9* (see Prefatory Statement of General Routine Uses) apply to this system of records.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Information may be disclosed to a consumer reporting agency in accordance with 31 U.S.C. 3711(e) (5 U.S.C. 552a(b)(12)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper and electronic form, including magnetic tapes or discs.

RETRIEVABILITY:

Records are indexed by any one or more of the following: employer identification number; social security number; plan number; and name of debtor, plan, plan sponsor, plan administrator, participant or beneficiary.

SAFEGUARDS:

Paper records are kept in file folders in areas of restricted access that are locked after office hours. Electronic records are stored on computer networks and protected by assigning user identification numbers to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

RETENTION AND DISPOSAL:

Records relating to the debts of consultants and vendors are destroyed 6 years and 3 months after the date of the voucher, *unless the transaction is at or below the simplified acquisition threshold, in which case records are destroyed 3 years after the date of final payment.*

Records relating to debts of PBGC employees *and former employees* involving payroll, leave, attendance, and travel are maintained for various periods of time, as provided in National Archives and Records Administration General Records Schedules 2 and 9.

Records relating to debts of participants and beneficiaries in terminating and terminated pension plans covered by Title IV of ERISA are transferred to the Washington National Federal Records Center 6 months after either the final payment to a participant and/or beneficiary, or the PBGC's final determination that a participant or beneficiary is not entitled to any benefits, and are *usually* destroyed 7 years after such payment or determination.

Records relating to debts of other individuals are maintained until their disposition is authorized by the National Archives and Records Administration.

Records are also maintained on PBGC's network back-up tapes.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Financial Operations Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR part 4902.

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Same as notification procedure.

RECORD SOURCE CATEGORIES:

Subject individual, plan administrators, labor organization officials, firms or agencies providing locator services, and other Federal agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

PBGC–14

SYSTEM NAME:

My Plan Administration Account Authentication Records—PBGC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who register to use the My PAA application to make PBGC filings and payments electronically via PBGC's Internet Web site (*http://www.pbgc.gov*), including individuals acting for plan sponsors, plan administrators, and pension practitioners such as enrolled actuaries and other benefit professionals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include the user's name, work telephone number, work e-mail address, other contact information, a temporary, PBGC-issued user ID and password, a user-selected user ID and password, and a secret question/secret answer combination for authentication. *Records maintained* for each pension plan *for which* the user intends to participate in making filings with PBGC *include* the *plan* name, employer identification number (EIN), and plan number (PN); the plan administrator's name, address, phone number, and e-mail address; other contact information; and the role that the user will play in the filing process, *e.g.,* creating and editing filings, signing filings

electronically as the plan administrator, signing filings electronically as the enrolled actuary, or authorizing payments to PBGC.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302, 1306, 1307, 1341, and 1343; *44 U.S.C. 3101.*

PURPOSE(S):

This system of records is maintained for use in verifying the identity of, and authenticating actions taken by, individuals who register to use the My PAA application to make PBGC filings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

PBGC General Routine Uses G1, G4, G5, G6, G7, *and G9* apply to this system of records (See Prefatory Statement of General Routine Uses).

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in automated form in computer databases maintained by PBGC.

RETRIEVABILITY:

Records are indexed by name, user ID and password, and by plan name and EIN/PN.

SAFEGUARDS:

PBGC has adopted appropriate administrative, technical, and physical controls in accordance with PBGC's Automated Information Systems Security Program to protect the security, integrity, and availability of the information, and to assure that records are not disclosed to unauthorized individuals.

RETENTION AND DISPOSAL:

Records are maintained in accordance with PBGC's established records disposition schedule for premium-related records.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Financial Operations Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR part 4902.

RECORD ACCESS PROCEDURES:

An individual may access his or her records via the My PAA application available on PBGC's Internet Web site (*http://www.pbgc.gov*), or by following the procedures outlined at 29 CFR part 4902.

CONTESTING RECORD PROCEDURES:

Same as notification procedure.

RECORD SOURCE CATEGORIES:

Subject individual and other registered users.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

PBGC–15

SYSTEM NAME:

PBGC–15, Emergency Notification Records—PBGC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

PBGC employees and individuals who work for PBGC as contractors or as employees of contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include name, title, organizational component, employer, PBGC and personal telephone numbers, PBGC and personal e-mail addresses, other contact information, user ID, a temporary, PBGC-issued password, and a user-selected password.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302; *44 U.S.C. 3101; Executive Order 12656,* 53 FR 47491 (1988); Presidential Decision Directive 67 (1998).

PURPOSE(S):

This system of records is maintained for use in notifying PBGC employees and individuals who work for PBGC as contractors or employees of contractors of PBGC's operating status in the event of an emergency, natural disaster or other event affecting PBGC operations; for contacting employees or contractors who are out of the office on leave or after regular duty hours to obtain information necessary for official business; or to contact friends or family members if an employee or contractor experiences a medical emergency in the workplace.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

PBGC General Routine Uses G1, G4, G5, G7, *and G9* apply to this system of records (*See* Prefatory Statement of General Routine Uses).

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in an electronic database that is available to authorized PBGC employees and contractors who have been granted access to PBGC's Intranet Web site. *Paper printouts are also maintained by authorized PBGC personnel in accordance with PBGC's continuity of operations plan.*

RETRIEVABILITY:

Records are indexed by name, organizational component, or user ID and password.

SAFEGUARDS:

PBGC has adopted appropriate administrative, technical, and physical controls in accordance with PBGC's Automated Information Systems Security Program to protect the security, integrity, and availability of the information, and to assure that *paper and electronic* records are not disclosed to or accessed by unauthorized individuals.

RETENTION AND DISPOSAL:

Records are maintained until they are *superseded or obsolete.*

SYSTEM MANAGER(S) AND ADDRESS:

Director, Facilities and Services Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR part 4902.

RECORD ACCESS PROCEDURES:

An employee or contractor may access his or her record with a valid user-id and password via the electronic notification and messaging system through PBGC's Intranet Web site, or by following the procedures outlined at 29 CFR part 4902.

CONTESTING RECORD PROCEDURES:

Same as notification procedure.

RECORD SOURCE CATEGORIES:

Subject individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

PBGC–16

SYSTEM NAME:

PBGC–16, Employee Online Directory—PBGC

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

PBGC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee's name, photograph, organizational component and title, supervisor's name, PBGC street address, room or workstation number, and telephone number and extension.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302; *44 U.S.C. 3101.*

PURPOSE(S):

This system of records is used by PBGC employees and employees of PBGC's contractors to identify other PBGC employees by name, *face,* organizational component or title, or supervisor, and to access contact information for PBGC employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

PBGC General Routine Uses G1 through *G9* apply to this system of records (*See* Prefatory Statement of General Routine Uses).

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Not applicable.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in electronic format in a database that is available to authorized PBGC employees and employees of PBGC's contractors who have been granted access to PBGC's Intranet Web site.

RETRIEVABILITY:

Records are retrieved by name, or organizational component.

SAFEGUARDS:

PBGC has adopted appropriate administrative, technical, and physical controls to protect the security, integrity, and availability of information maintained in electronic format, and to assure that records are not disclosed to or accessed by anyone who does not have a need-to-know to perform official duties.

RETENTION AND DISPOSAL:

Records are maintained until the subject leaves PBGC employment.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Communications and Public Affairs Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR part 4902.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Same as notification procedure.

RECORD SOURCE CATEGORIES:

Subject individual and PBGC personnel records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

PBGC–17

SYSTEM NAME:

PBGC–17, Office of Inspector General Investigative File System—PBGC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Office of Inspector General, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026; *Washington National Records Center, 4205 Suitland Road, Suitland, MD 20746–8001.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Persons who are named individuals in investigations conducted by OIG.
2. Complainants and subjects of complaints collected through the operation of the OIG Hotline.
3. Other individuals, including witnesses, sources, and members of the general public, who are named individuals in connection with investigations conducted by OIG.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information within this system relates to OIG investigations carried out under applicable statutes, regulations, policies, and procedures. The investigations may relate to criminal, civil, or administrative matters. These OIG files may contain investigative reports; copies of financial, contractual, and property management records maintained by PBGC; background data including arrest records, statements of informants and witnesses, and laboratory reports of evidence analysis; search warrants, summonses and subpoenas; and other information related to investigations. Personal data in the system may consist of names, Social Security numbers, addresses, fingerprints, handwriting samples, reports of confidential informants, physical identifying data, voiceprints, polygraph tests, photographs, and individual personnel and payroll information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. App. 3.

PURPOSES:

This system of records is used to maintain information related to investigations of criminal, civil, or administrative matters.

ROUTINE USES OF RECORDS MAINTAINED IN SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

PBGC General Routine Uses G1, G2, G4, G5, G7, and G9 (see Prefatory Statement of General Routine Uses) apply to this system of records. In addition:

1. A record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings or after conviction may be disclosed to a federal, state, local, or foreign prison; probation, parole, or pardon authority; or any other agency or individual involved with the maintenance, transportation, or release of such a person.
2. A record relating to a case or matter may be disclosed to an actual or potential party or his or her attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings.
3. A record may be disclosed to any source, either private or governmental, when reasonably necessary to elicit information or obtain the cooperation of a witness or informant when conducting any official investigation or during a trial or hearing or when preparing for a trial or hearing.
4. A record relating to a case or matter may be disclosed to a foreign country, through the United States Department of State or directly to the representative of such country, under an international treaty, convention, or executive agreement; or to the extent necessary to assist such country in apprehending or returning a fugitive to a jurisdiction that seeks that individual's return.
5. A record originating exclusively within this system of records may be

disclosed to other federal offices of inspectors general and councils comprising officials from other federal offices of inspectors general, as required by the Inspector General Act of 1978, as amended. The purpose is to ensure that OIG audit and investigative operations can be subject to integrity and efficiency peer reviews, and to permit other offices of inspectors general to investigate and report on allegations of misconduct by senior OIG officials as directed by a council, the President, or Congress. Records originating from any other PBGC systems of records, which may be duplicated in or incorporated into this system, also may be disclosed with all personally identifiable information redacted.

6. A record may be disclosed to the Department of the Treasury and the Department of Justice when the OIG seeks an *ex parte* court order to obtain taxpayer information from the Internal Revenue Service.

7. A record may be disclosed to a "consumer reporting agency," as that term is defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) and the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)), to obtain information in the course of an investigation, audit, or evaluations.

8. A record may be disclosed to any governmental, professional or licensing authority when such record reflects on qualifications, either moral, educational or vocational, of an individual seeking to be licensed or to maintain a license.

9. A record may be disclosed to any direct or indirect recipient of federal funds, e.g., a contractor, where such record reflects problems with the personnel working for a recipient, and disclosure of the record is made to permit a recipient to take corrective action beneficial to the government.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The information in the records is maintained in a variety of media, including paper, magnetic tapes or discs, and an automated database. The records are maintained in limited access areas *during all times; electronic records are maintained in computers and networks that require multiple individual identifications and passwords.*

Records are also maintained on magnetic tapes and back-up hard drives.

RETRIEVABILITY:

Records are indexed by name or other personal identifier, subject category, or assigned case number.

SAFEGUARDS:

Paper records, computers, and computer-storage media are located in controlled-access areas under supervision of program personnel. Access to these areas is limited to authorized personnel, who must be identified with a badge. Access to records is limited to individuals whose official duties require such access. Contractors and licensees are subject to contract controls and unannounced on-site audits and inspections. Computers are protected by mechanical locks, card-key systems, or other physical-access control methods. The use of computer systems is regulated with installed security software, computer-logon identifications, and operating-system controls including access controls, terminal and transaction logging, and file-management software.

RETENTION AND DISPOSAL:

1. Official investigative case files, evidence and custody files, and informant files are retained up to 11 years after closeout of the investigation. If significant, the files are transferred to the National Archives and Records Administration.

2. Information reports, investigative analysis reports, and inquiry files are retained up to 6 years after closeout of the investigation.

3. Internal administrative reports are retained up to 3 years after closeout of the investigation.

Records existing on paper are destroyed by burning, pulping, or shredding. Records existing on computer storage media are destroyed according to the applicable PBGC media sanitization practice.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026.

NOTIFICATION PROCEDURE:

This system is exempt from the notification requirements. However, consideration will be given to inquiries made in compliance with 29 CFR 4902.3.

RECORD ACCESS PROCEDURES:

This system is exempt from the access requirements. However, consideration will be given to requests made in compliance with 29 CFR 4902.3.

CONTESTING RECORD PROCEDURES:

Exempt. However, consideration will be given requests made in compliance with 29 CFR 4902.3.

RECORD SOURCE CATEGORIES:

The information contained in this system may be derived or received from individual complainants, witnesses, interviews conducted during investigations, Federal, state and local government records, individual or company records, claim and payment files, employer medical records, insurance records, court records, articles from publications, financial data, bank information, telephone data, insurers, service providers, other law enforcement organizations, grantees and subgrantees, contractors and subcontractors, and other sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(j) and (k), PBGC has established regulations at 29 CFR 4902.11 that exempt records in this system depending on their purpose.

[FR Doc. 2010–15872 Filed 6–29–10; 8:45 am]

BILLING CODE 7709–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 29331; File No. 812–13218]

Lazard Global Total Return and Income Fund, Inc., et al.; Notice of Application

June 24, 2010.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of application under section 6(c) of the Investment Company Act of 1940 ("Act") for an exemption from section 19(b) of the Act and rule 19b–1 under the Act.

Summary of Application: Applicants request an order to permit certain registered closed-end investment companies to make periodic distributions of long-term capital gains with respect to their outstanding common stock as frequently as monthly in any one taxable year, and as frequently as distributions are specified by or in accordance with the terms of any outstanding preferred stock that such investment companies may issue.

Applicants: Lazard Global Total Return and Income Fund, Inc. ("LGI"), Lazard World Dividend & Income Fund, Inc. ("LOR") (each, a "Fund") and Lazard Asset Management LLC (the "Investment Adviser").

Filing Dates: The application was filed on July 25, 2005 and amended on

July 15, 2009, September 3, 2009, May 5, 2010 and June 8, 2010.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on July 20, 2010, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090; Applicants, 30 Rockefeller Plaza, New York, New York 10112–6300, Contact: Brian D. Simon, Esq.

FOR FURTHER INFORMATION CONTACT: Emerson S. Davis, Senior Counsel, at (202) 551–6868, or Julia K. Gilmer, Branch Chief, at (202) 551–6821 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm,* or by calling (202) 551–8090.

Applicants' Representations

1. Each of LGI and LOR is a closed-end management investment company registered under the Act.[1] LGI's investment objective is total return, consisting of capital appreciation and income. LOR's investment objective is total return through a combination of dividends, income and capital appreciation. The common shares issued by LGI and LOR are listed on the NYSE. As of the date of the application, LGI and LOR did not intend to issue any shares of preferred stock. Applicants believe that the shareholders of LGI and LOR are generally conservative, dividend-sensitive investors who desire current income periodically.

2. The Investment Adviser, a subsidiary of Lazard Frères & Co., is registered as an investment adviser under the Investment Advisers Act of 1940. The Investment Adviser serves as investment adviser to LGI and LOR.

3. Applicants state that on June 2, 2009 and August 20, 2009, respectively, the boards of directors of LGI and LOR (each, a "Board"), including a majority of the members of each Board who are not "interested persons" as defined in section 2(a)(19) of the Act (the "Independent Directors"), reviewed information regarding the purpose and terms of a proposed distribution policy, the relationship between LGI's or LOR's distribution rate on its common shares under the policy and its total return (in relation to net asset value per share), whether the rate of distribution would exceed LGI's or LOR's expected total return in relation to its net asset value per share and any reasonably foreseeable material effects of such policy on LGI's or LOR's long-term total return (in relation to market price and net asset value per share). Applicants state that the Independent Directors of LGI and LOR also considered what conflicts of interest the Investment Adviser and the affiliated persons of the Investment Adviser and LGI and LOR might have with respect to the adoption or implementation of such policy. Applicants further state that after considering such information, the Board, including the Independent Directors, approved a distribution policy with respect to each of LGI's and LOR's common shares (each a "Plan") and determined that such Plan is in the best interests of each respective Fund's common shareholders.

4. Applicants state that the purpose of LGI's and LOR's Plans is to make fixed periodic distributions to provide steady cash flow to LGI's and LOR's shareholders. Under each Plan, each of LGI and LOR would distribute to its respective common shareholders a periodic, level distribution as frequently as monthly, based on a fixed amount per share, a fixed percentage of market price or a fixed percentage of the Fund's net asset value per common share, any of which may be adjusted from time to time. Applicants state that the minimum annual distribution rate with respect to LGI's and LOR's common stock would be independent of performance during any particular period but would be expected to correlate with such Fund's performance over time. Applicants further explain that each distribution on the common shares would be at the stated rate then in effect, except for extraordinary distributions and potential increases or decreases in the final dividend periods in light of the Fund's performance for the entire calendar year and to enable the Fund to comply with the distribution requirements of Subchapter M of the Internal Revenue Code ("Code") for the calendar year.

5. Prior to a Fund relying on the Order, the Fund's Board, including a majority of its Independent Directors, will adopt policies and procedures under rule 38a–1 under the Act that (a) are reasonably designed to ensure that all notices sent to the Fund's shareholders pursuant to section 19(a) of the Act, rule 19a–1 under the Act and condition IV below (each a "19(a) Notice") include the disclosure required by rule 19a–1 under the Act and by condition II.A. below, and that all other written communications by the Fund or its agents regarding distributions under the Fund's Plan include the disclosure required by condition III.A. below and (b) that require each Fund to keep records that demonstrate its compliance with all of the conditions of the requested order and that are necessary for such Fund to form the basis for, or demonstrate the calculation of, the amounts disclosed in its 19(a) Notices.

Applicants' Legal Analysis

1. Section 19(b) generally makes it unlawful for any registered investment company to make long-term capital gains distributions more than once every twelve months. Rule 19b–1 limits the number of capital gains dividends, as defined in section 852(b)(3)(C) of the Code ("distributions"), that a fund may make with respect to any one taxable year to one, plus a supplemental "clean up" distribution made pursuant to section 855 of the Code not exceeding 10% of the total amount distributed for the year, plus one additional capital gain dividend made in whole or in part to avoid the excise tax under section 4982 of the Code.

2. Section 6(c) provides, in relevant part, that the Commission may exempt any person or transaction from any provision of the Act to the extent that such exemption is necessary or

[1] All existing registered closed-end investment companies that currently intend to rely on the requested order are named as applicants. Applicants request that the order also apply to each registered closed-end investment company that in the future is advised by the Investment Adviser (including any successor in interest) or by an entity controlling, controlled by, or under common control (within the meaning of section 2(a)(9) of the Act) with the Investment Adviser. Any closed-end investment company that relies on the requested order in the future will comply with the terms and conditions of the order and will satisfy each of the representations in the application except that such representations will be made in respect of actions by the board of trustees or directors of such future fund and will be made at a future time. LGI, LOR and as the context requires, such future funds, are collectively referred to as the "Funds" and separately as a "Fund". A successor in interest is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization.

appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

3. Applicants state that the one of the concerns leading to the enactment of section 19(b) and adoption of rule 19b–1 was that shareholders might be unable to distinguish between frequent distributions of capital gains and dividends from investment income. Applicants state, however, that rule 19a–1 effectively addresses this concern by requiring that a separate statement showing the sources of a distribution (*e.g.,* estimated net income, net short-term capital gains, net long-term capital gains and/or return of capital) accompany any distributions (or the confirmation of the reinvestment of distributions) estimated to be sourced in part from capital gains or capital. Applicants also state that the same information is, or will be, included in each Fund's annual report to shareholders and on its IRS Form 1099–DIV, which is sent to each common and preferred shareholder who received distributions during a particular year (including shareholders who have sold shares during a particular year).

4. Applicants further state that each of the Funds will make the additional disclosures required by the conditions set forth below, and each of them will adopt compliance policies and procedures in accordance with rule 38a–1 under the Act to ensure that all 19(a) Notices and disclosures are sent to shareholders. Applicants argue that rule 19a–1, the Plans and the compliance policies would ensure that each Fund's shareholders are provided sufficient information to understand that their periodic distributions are not tied to the Fund's net investment income (which for this purpose is the Fund's taxable income other than from capital gains) and realized capital gains to date, and may not represent yield or investment return. Applicants also state that compliance with each Fund's compliance procedures and condition III set forth below will ensure that prospective shareholders and third parties are provided with the same information. Accordingly, applicants assert that continuing to subject the Funds to section 19(b) and rule 19b–1 would afford shareholders no extra protection.

5. Applicants note that section 19(b) and rule 19b–1 also were intended to prevent certain improper sales practices, including, in particular, the practice of urging an investor to purchase shares of a fund on the basis of an upcoming capital gains dividend ("selling the dividend"), where the dividend would result in an immediate corresponding reduction in NAV and would be in effect a taxable return of the investor's capital. Applicants assert that the "selling the dividend" concern should not apply to closed-end investment companies, such as the Funds, which do not continuously distribute shares. According to applicants, if the underlying concern extends to secondary market purchases of shares of closed-end funds that are subject to a large upcoming capital gains dividend, adoption of a periodic distribution plan actually helps minimize the concern by avoiding, through periodic distributions, any buildup of large end-of-the-year distributions.

6. Applicants also note that common shares of closed-end funds that invest primarily in equity securities often trade in the marketplace at a discount to their NAV. Applicants believe that this discount may be reduced if the Fund is permitted to pay relatively frequent dividends on their common shares at a consistent rate, whether or not those dividends contain an element of long-term capital gain.

7. Applicants assert that the application of rule 19b–1 to a Plan actually could have an inappropriate influence on portfolio management decisions. Applicants state that, in the absence of an exemption from rule 19b–1, the adoption of a periodic distribution plan imposes pressure on management (i) not to realize any net long-term capital gains until the point in the year that the fund can pay all of its remaining distributions in accordance with rule 19b–1, and (ii) not to realize any long-term capital gains during any particular year in excess of the amount of the aggregate pay-out for the year (since as a practical matter excess gains must be distributed and accordingly would not be available to satisfy pay-out requirements in following years), notwithstanding that purely investment considerations might favor realization of long-term gains at different times or in different amounts. Applicants assert that the limitation on the number of capital gain distributions that a fund may make with respect to any one year imposed by rule 19b–1 may prevent the normal and efficient operation of a periodic distribution plan whenever that fund's realized net long-term capital gains in any year exceed the total of the periodic distributions that may include such capital gains under the rule.

8. Applicants also assert that rule 19b–1 may force fixed regular periodic distributions under a periodic distribution plan to be funded with returns of capital [2] (to the extent net investment income and realized short-term capital gains are insufficient to fund the distribution), even though realized net long-term capital gains otherwise could be available. To distribute all of a fund's long-term capital gains within the limits in rule 19b–1, a fund may be required to make total distributions in excess of the annual amount called for by its periodic distribution plan, or to retain and pay taxes on the anomalous excess amount. Applicants assert that the requested order would minimize these anomalous effects of rule 19b–1 by enabling the Funds to realize long-term capital gains as often as investment considerations dictate without fear of violating rule 19b–1.

9. Applicants state that Revenue Ruling 89–81 under the Code requires that a fund that seeks to qualify as a regulated investment company under the Code and that has both common stock and preferred stock outstanding designate the types of income, e.g., investment income and capital gains, in the same proportion as the total distributions distributed to each class for the tax year. To satisfy the proportionate designation requirements of Revenue Ruling 89–81, whenever a fund has realized a long-term capital gain with respect to a given tax year, the fund must designate the required proportionate share of such capital gain to be included in common and preferred stock dividends. Applicants state that although rule 19b–1 allows a fund some flexibility with respect to the frequency of capital gains distributions, a fund might use all of the exceptions available under the rule for a tax year and still need to distribute additional capital gains allocated to the preferred stock to comply with Revenue Ruling 89–81.

10. Applicants assert that the potential abuses addressed by section 19(b) and rule 19b–1 do not arise with respect to preferred stock issued by a closed-end fund. Applicants assert that such distributions are fixed or determined in periodic auctions by reference to short-term interest rates rather than by reference to performance of the issuer and Revenue Ruling 89–81 determines the proportion of such distributions that are comprised of the long-term capital gains.

11. Applicants also submit that the "selling the dividend" concern is not applicable to preferred stock, which entitles a holder to no more than a periodic dividend at a fixed rate or the

[2] Returns of capital as used in the application means return of capital for financial accounting purposes and not for tax accounting purposes.

rate determined by the market, and, like a debt security, is priced based upon its liquidation value, dividend rate, credit quality and frequency of payment. Applicants state that investors buy preferred shares for the purpose of receiving payments at the frequency bargained for, and do not expect the liquidation value of their shares to change.

12. Applicants request an order under section 6(c) granting an exemption from the provisions of section 19(b) and rule 19b–1 to permit each Fund to make periodic capital gain distributions (as defined in section 852(b)(3)(C) of the Code) as often as monthly in any one taxable year in respect of its common shares and as often as specified by or determined in accordance with the terms thereof in respect of its preferred shares.

Applicants' Conditions

Applicants agree that the order of the Commission granting the requested relief will be subject to the following conditions:

I. *Compliance Review and Reporting.* The Fund's chief compliance officer will: (a) Report to the Fund's Board, no less frequently than once every three months or at the next regularly scheduled quarterly Board meeting, whether (i) the Fund and its Investment Adviser have complied with the conditions of the Order, and (ii) a material compliance matter, as defined in rule 38a–1(e)(2) under the Act, has occurred with respect to such conditions; and (b) review the adequacy of the policies and procedures adopted by the Board no less frequently than annually.

II. *Disclosures to Fund Shareholders:* A. Each 19(a) Notice disseminated to the holders of the Fund's common shares, in addition to the information required by section19(a) and rule 19a–1:

1. Will provide, in a tabular or graphical format:

(a) The amount of the distribution, on a per common share basis, together with the amounts of such distribution amount, on a per common share basis and as a percentage of such distribution amount, from estimated: (A) Net investment income; (B) net realized short-term capital gains; (C) net realized long-term capital gains; and (D) return of capital or other capital source;

(b) The fiscal year-to-date cumulative amount of distributions, on a per common share basis, together with the amounts of such cumulative amount, on a per common share basis and as a percentage of such cumulative amount of distributions, from estimated: (A) Net investment income; (B) net realized short-term capital gains; (C) net realized long-term capital gains; and (D) return of capital or other capital source;

(c) The average annual total return in relation to the change in NAV for the 5-year period (or, if the Fund's history of operations is less than five years, the time period commencing immediately following the Fund's first public offering) ending on the last day of the month ended immediately prior to the most recent distribution record date compared to the current fiscal period's annualized distribution rate expressed as a percentage of NAV as of the last day of the month prior to the most recent distribution record date; and

(d) The cumulative total return in relation to the change in NAV from the last completed fiscal year to the last day of the month prior to the most recent distribution record date compared to the fiscal year-to-date cumulative distribution rate expressed as a percentage of NAV as of the last day of the month prior to the most recent distribution record date.

Such disclosure shall be made in a type size at least as large and as prominent as the estimate of the sources of the current distribution; and

2. Will include the following disclosure:

(a) "You should not draw any conclusions about the Fund's investment performance from the amount of this distribution or from the terms of the Fund's Plan";

(b) "The Fund estimates that it has distributed more than its income and net realized capital gains; therefore, a portion of your distribution may be a return of capital. A return of capital may occur, for example, when some or all of the money that you invested in the Fund is paid back to you. A return of capital distribution does not necessarily reflect the Fund's investment performance and should not be confused with 'yield' or 'income' "[3]; and

(c) "The amounts and sources of distributions reported in this 19(a) Notice are only estimates and are not being provided for tax reporting purposes. The actual amounts and sources of the amounts for tax reporting purposes will depend upon the Fund's investment experience during the remainder of its fiscal year and may be subject to changes based on tax regulations. The Fund will send you a Form 1099–DIV for the calendar year that will tell you how to report these distributions for federal income tax purposes."

Such disclosure shall be made in a type size at least as large as and as prominent as any other information in the 19(a) Notice and placed on the same page in close proximity to the amount and the sources of the distribution.

B. On the inside front cover of each report to shareholders under rule 30e–1 under the Act, the Fund will:

1. Describe the terms of the Plan (including the fixed amount or fixed percentage of the distributions and the frequency of the distributions);

2. Include the disclosure required by condition II.A.2.(a) above;

3. State, if applicable, that the Plan provides that the Board may amend or terminate the Plan at any time without prior notice to Fund shareholders; and

4. Describe any reasonably foreseeable circumstances that might cause the Fund to terminate the Plan and any reasonably foreseeable consequences of such termination.

C. Each report provided to shareholders under rule 30e–1 and each prospectus filed with the Commission on Form N–2 under the Act, will provide the Fund's total return in relation to changes in NAV in the financial highlights table and in any discussion about the Fund's total return.

III. *Disclosure to Shareholders, Prospective Shareholders and Third Parties:* A. Each Fund will include the information contained in the relevant 19(a) Notice, including the disclosure required by condition II.A.2 above, in any written communication (other than a communication on Form 1099) about the Plan or distributions under the Plan by the Fund, or agents that the Fund has authorized to make such communication on the Fund's behalf, to any Fund common shareholder, prospective common shareholder or third-party information provider;

B. The Fund will issue, contemporaneously with the issuance of any 19(a) Notice, a press release containing the information in the 19(a) Notice and will file with the Commission the information contained in such 19(a) Notice, including the disclosure required by condition II.A.2 above, as an exhibit to its next filed Form N–CSR; and

C. The Fund will post prominently a statement on its (or the Investment Adviser's) Web site containing the information in each 19(a) Notice, including the disclosure required by condition II.A.2 above, and will maintain such information on such Web site for at least 24 months.

IV. *Delivery of 19(a) Notices to Beneficial Owners:* If a broker, dealer, bank or other person ("financial intermediary") holds common stock

[3] The disclosure in condition II.A.2.(b) will be included only if the current distribution or the fiscal year-to-date cumulative distributions are estimated to include a return of capital.

issued by a Fund in nominee name, or otherwise, on behalf of a beneficial owner, the Fund: (a) Will request that the financial intermediary, or its agent, forward the 19(a) Notice to all beneficial owners of the Fund's shares held through such financial intermediary; (b) will provide, in a timely manner, to the financial intermediary, or its agent, enough copies of the 19(a) Notice assembled in the form and at the place that the financial intermediary, or its agent, reasonably requests to facilitate the financial intermediary's sending of the 19(a) Notice to each beneficial owner of the Fund's shares; and (c) upon the request of any financial intermediary, or its agent, that receives copies of the 19(a) Notice, will pay the financial intermediary, or its agent, the reasonable expenses of sending the 19(a) Notice to such beneficial owners.

V. *Additional Board Determinations for Funds Whose Shares Trade at a Premium:* If: A. A Fund's common shares have traded on the exchange that they primarily trade on at the time in question at an average premium to NAV equal to or greater than 10%, as determined on the basis of the average of the discount or premium to NAV of the Fund's common shares as of the close of each trading day over a 12-week rolling period (each such 12-week rolling period ending on the last trading day of each week); and

B. The Fund's annualized distribution rate for such 12-week rolling period, expressed as a percentage of NAV as of the ending date of such 12-week rolling period, is greater than the Fund's average annual total return in relation to the change in NAV over the 2-year period ending on the last day of such 12-week rolling period; then:

1. At the earlier of the next regularly scheduled meeting or within four months of the last day of such 12-week rolling period, the Board including a majority of the Independent Directors:

(a) Will request and evaluate, and the Investment Adviser will furnish, such information as may be reasonably necessary to make an informed determination of whether the Plan should be continued or continued after amendment;

(b) Will determine whether continuation, or continuation after amendment, of the Plan is consistent with the Fund's investment objective(s) and policies and in the best interests of the Fund and its shareholders, after considering the information in condition V.B.1.(a) above; including, without limitation:

(1) Whether the Plan is accomplishing its purpose(s);

(2) The reasonably foreseeable material effects of the Plan on the Fund's long-term total return in relation to the market price and NAV of the Fund's common shares; and

(3) The Fund's current distribution rate, as described in condition V.B above, compared with the Fund's average annual taxable income or total return over the 2-year period, as described in condition V.B, or such longer period as the Board deems appropriate; and

(c) Based upon that determination, will approve or disapprove the continuation, or continuation after amendment, of the Plan; and

2. The Board will record the information considered by it, including its consideration of the factors listed in condition V.B.1.(b) above, and the basis for its approval or disapproval of the continuation, or continuation after amendment, of the Plan in its meeting minutes, which must be made and preserved for a period of not less than six years from the date of such meeting, the first two years in an easily accessible place.

VI. *Public Offerings:* A Fund will not make a public offering of the Fund's common shares other than:

A. A rights offering below NAV to holders of the Fund's common shares;

B. An offering in connection with a dividend reinvestment plan, merger, consolidation, acquisition, spin-off or reorganization of the Fund; or

C. An offering other than an offering described in conditions VI.A and VI.B above, provided that, with respect to such other offering:

1. The Fund's annualized distribution rate for the six months ending on the last day of the month ended immediately prior to the most recent distribution record date,[4] expressed as a percentage of NAV per share as of such date, is no more than 1 percentage point greater than the Fund's average annual total return for the 5-year period ending on such date;[5] and

2. The transmittal letter accompanying any registration statement filed with the Commission in connection with such offering discloses that the Fund has received an order under section 19(b) to permit it to make periodic distributions of long-term capital gains with respect to its common stock as frequently as twelve times each year, and as frequently as distributions are specified by or determined in accordance with the terms of any outstanding preferred stock that such Fund may issue.

VII. *Amendments to Rule 19b–1:* The requested order will expire on the effective date of any amendments to rule 19b–1 that provide relief permitting certain closed-end investment companies to make periodic distributions of long-term capital gains with respect to their outstanding common stock as frequently as twelve times each year.

For the Commission, by the Division of Investment Management, under delegated authority.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–15887 Filed 6–29–10; 8:45 am]

BILLING CODE 8010–01–P

[4] If the Fund has been in operation fewer than six months, the measured period will begin immediately following the Fund's first public offering.

[5] If the Fund has been in operation fewer than five years, the measured period will begin immediately following the Fund's first public offering.

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Aris Industries, Inc., Bene Io, Inc., Commodore Separation Technologies, Inc., Food Integrated Technologies, Inc., Gap Instrument Corp., Skysat Communications Network Corp., and Vicon Fiber Optics Corp.; Order of Suspension of Trading

June 28, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Aris Industries, Inc. because it has not filed any periodic reports since the period ended June 30, 2004.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Bene Io, Inc. because it has not filed any periodic reports since the period ended September 30, 2000.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Commodore Separation Technologies, Inc. because it has not filed any periodic reports since the period ended June 30, 2004.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Food Integrated Technologies, Inc. because it has not filed any periodic reports since the period ended January 31, 1997.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Gap

Instrument Corp. because it has not filed any periodic reports since the period ended September 30, 1997.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Skysat Communications Network Corp. because it has not filed any periodic reports since the period ended September 30, 1997.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Vicon Fiber Optics Corp. because it has not filed any periodic reports since the period ended September 30, 2003.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies. Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EDT on June 28, 2010, through 11:59 p.m. EDT on July 12, 2010.

By the Commission.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2010–16000 Filed 6–28–10; 11:15 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62358; File No. SR–NSX–2010–06]

Self-Regulatory Organizations; National Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Implement an Equity Rights Program

June 22, 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 June 15, 2010, National Stock Exchange, Inc. ("NSX®" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change, as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comment on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NSX is proposing to implement an equity rights program pursuant to which warrants may be purchased that would allow equity in the Exchange's parent holding company to be acquired based on, among other things, a participating ETP Holder's payment of an initial purchase price for the warrants and achievement of certain liquidity adding volume thresholds on the Exchange over a six month measuring period.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.nsx.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 Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

With this rule change, the Exchange is proposing to implement an equity rights program pursuant to which warrants for common stock of the Exchange's parent holding company, NSX Holdings, Inc. ("Holdings"), will be issued to each ETP Holder who participates in the program in exchange for such ETP Holder participant's initial cash capital contribution of $250,000, and with such warrants being exercisable upon the achievement by the participating ETP Holder of the following liquidity adding volume thresholds (measured as a percentage of total consolidated average daily volume) on the Exchange during a six month measurement period commencing June 15, 2010:

	Participating ETP holder's liquidity adding ADV as % of total consolidated ADV	Participating ETP holder's total exercisable warrants
Tier 1:	> 15 basis points	4,575
Tier 2:	> 25 and < 30 basis points	19,575
Tier 3:	> 30 and < 35 basis points	22,075
Tier 4:	> 35 and < 40 basis points	24,575
Tier 5:	> 40 basis points	24,575 plus participation in bonus pool.

For purposes of the program, the term "Liquidity Adding ADV" means, with respect to a participating ETP Holder, the number of shares such ETP Holder has executed as a liquidity provider on average per trading day (excluding partial trading days) across all tapes on NSX for the measuring period in which the executions occurred. The term "Total Consolidated ADV" means average daily volume reported by all exchanges and trade reporting facilities to the consolidated transaction reporting plans for Tape A, B and C securities. For purposes of calculating an ETP Holder's Liquidity Adding ADV as a percentage of Total Consolidated ADV over the measuring period, the 10 days during the measuring period constituting that ETP Holder's lowest ratio of liquidity adding volume to total consolidated volume will be excluded. In addition, the number of shares executed by ETP Holders under common ownership and control may be aggregated for purposes of calculating average daily volumes.

Total Bonus Pool shares shall equal the number of warrant holders achieving Tier 5 multiplied by 10,000. Each warrant holder eligible for participation in the Bonus Pool shall be

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

entitled to exercise its Bonus Pool warrants for a number of Bonus Pool shares determined by the following formula: number of shares in Bonus Pool multiplied by a fraction, the numerator of which is the eligible holder's Liquidity Adding ADV in excess of 40 basis points of Total Consolidated ADV and the denominator of which is the total of all eligible holders' Liquidity Adding ADV in excess of 40 basis points of Total Consolidated ADV.

The maximum number of shares issued under the program will be 103,724. The number of shares that would otherwise be issued to warrant holders if in excess of this limit will, at the time of warrant exercise, be reduced for each warrant on a pro rata basis. Warrant exercise will not be permitted to the extent that exercise would result in a warrant holder's pro forma ownership in Holdings exceeding 19.9% or any lower percentage cap that is applicable to such warrant holder due to legal or regulatory limitations. The warrants are not transferrable, and all shares issued pursuant to the terms of the warrants are subject to ownership and voting limits and transfer restrictions as stated in Holding's Certificate of Incorporation and By-laws.

Each participating ETP Holder will also receive the option to participate in any second rights program made by the Exchange and Holdings covering a six month measuring period shortly following the current measuring period, on the same terms and conditions as all other participants in such program, but with the new cash contribution required for participation in such program fixed at $250,000. All other participants in any such second program will pay a cash contribution that is the same for each such participant, in an amount that is based on a determination made by Holdings at the time of announcement of any such program.

Participants must have executed the definitive documentation (including a Warrant Purchase Agreement) and tendered the minimum cash investment by June 30, 2010. All program terms, rights and obligations are subject to final documentation to be executed by participating ETP Holders, which final documentation may contain terms that supplement those summarized herein.

In addition to the payment of the purchase price and the execution of the purchase agreement, participating ETP Holders must qualify as "accredited investors" (as such term is defined in Regulation D of the Securities Act of 1933). All participating ETP Holders will participate on the same terms, conditions and restrictions. This filing shall not constitute an offer to sell or a solicitation of an offer to buy securities.

Measurement Period and Notice

The Exchange intends to commence the six month measurement period for the equity award program on June 15, 2010. The Exchange will provide ETP Holders with notice of the implementation of this program through the issuance of a Regulatory Circular and will post a copy of this rule filing on the Exchange's Web site (*http://www.nsx.com*). Any ETP Holder that is interested in participating in this program may contact John J. McCoy, Chief Legal Officer of the Exchange, at (201) 499–1854, for more information and legal documentation. Execution among the parties of a non-disclosure agreement regarding such additional program information will be required.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6(b) of the Act,[3] in general, and Section 6(b)(4) of the Act,[4] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using the facilities of the Exchange. Moreover, the proposed rule change is not discriminatory in that all ETP Holders are eligible to participate (or elect to not participate) in the program on the same terms and conditions.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has taken effect upon filing pursuant to Section 19(b)(3)(A)(ii) of the Act[5] and subparagraph (f)(2) of Rule 19b–4[6] thereunder, because, as provided in (f)(2), it changes "a due, fee or other charge applicable only to a member" (known on the Exchange as an ETP Holder). At any time within sixty (60) days of the filing of such proposed 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 investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NSX–2010–06 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–NSX–2010–06. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing will also be available for inspection and copying at the principal office of the self-regulatory organization. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(4).

[5] 15 U.S.C. 78s(b)(3)(A)(ii).

[6] 17 CFR 240.19b–4.

should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NSX–2010–06 and should be submitted on or before July 21, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–15822 Filed 6–29–10; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62366; File No. SR–BX–2010–041]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Extending the Effective Date of the Rule Governing the Exchange's Directed Order Process on the Boston Options Exchange

June 23, 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 June 21, 2010, NASDAQ OMX BX, Inc. (the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASDAQ OMX BX, Inc. (the "Exchange") proposes to extend the effective date of the amended rule governing the Exchange's Directed Order process on the Boston Options Exchange ("BOX") from June 25, 2010 to December 31, 2010. The text of the proposed rule change is attached as Exhibit 5.[5] The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at *http://nasdaqomxbx.cchwallstreet.com/NASDAQOMXBX/Filings/.*

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

On March 14, 2006, the Exchange proposed an amendment to the BOX Rules governing the Directed Order[6] process on BOX.[7] The Rules were amended to clearly state that the BOX Trading Host identifies to an Executing Participant ("EP") the identity of the firm entering a Directed Order. The amended rule was to be effective until June 30, 2006, ("Pilot Program") while the Securities and Exchange Commission ("Commission") considered a corresponding Exchange proposal[8] to amend its rules to permit EPs to choose the firms from whom they will accept Directed Orders, while providing complete anonymity of the firm entering a Directed Order.[9]

On June 20, 2006, September 11, 2006, January 16, 2007, July 2, 2007, January 18, 2008, January 26, 2009, May 21, 2009, November 24, 2009, February 22, 2010, and April 15, 2010 the Exchange proposed extending the effective date of the amended rule governing the Directed Order process on BOX from June 30, 2006 to September 30, 2006,[10] from September 30, 2006 until January 31, 2007,[11] from January 31, 2007 until July 31, 2007,[12] from July 31, 2007 until January 31, 2008,[13] from January 31, 2008 until January 31, 2009,[14] from January 31, 2009 until May 29, 2009,[15] from May 29, 2009 until November 30, 2009,[16] from November 30, 2009 until February 26, 2010,[17] from February 26, 2010 until April 30, 2010,[18] and from April 30, 2010 until June 25, 2010,[19] respectively, while the Commission considered the corresponding Exchange proposal.

This filing from the Exchange again proposes extending the effective date of the amended rule governing its Directed Order process on BOX, from June 25, 2010 to December 31, 2010.[20] In the event the Commission reaches a decision with respect to the corresponding Exchange proposal to amend the BOX Rules before December 31, 2010, the amended rule governing the Directed Order process on the BOX will cease to be effective at the time of that decision.

2. Basis

The amended rule is designed to clarify the information contained in a Directed Order. This proposed rule filing seeks to extend the amended rule's effectiveness from June 25, 2010 to December 31, 2010. This extension will afford the Commission the necessary time to consider the

[7] 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)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] The Commission notes that the text of the proposed rule change is attached as Exhibit 5 to the Form 19b–4, but is not attached to this Notice.

[6] Capitalized terms not otherwise defined herein shall have the meanings prescribed within the BOX Rules.

[7] *See* Securities Exchange Act Release No. 53516 (March 20, 2006), 71 FR 15232 (March 27, 2006) (SR–BSE–2006–14).

[8] *See* Securities Exchange Act Release No. 53357 (February 23, 2006), 71 FR 10730 (March 2, 2006) (SR–BSE–2005–52).

[9] The Exchange submitted Partial Amendment No. 5 to SR–BSE–2005–52 on April 30, 2010 to remove the previously proposed rule text regarding the anonymity provision for Directed Orders that are passed on to the EP.

[10] *See* Securities Exchange Act Release No. 54082 (June 30, 2006), 71 FR 38913 (July 10, 2006) (SR–BSE–2006–29).

[11] *See* Securities Exchange Act Release No. 54469 (September 19, 2006), 71 FR 56201 (September 26, 2006) (SR–BSE–2006–38).

[12] *See* Securities Exchange Act Release No. 55139 (January 19, 2007), 72 FR 3448 (January 25, 2007) (SR–BSE–2007–01).

[13] *See* Securities Exchange Act Release No. 56014 (July 5, 2007), 72 FR 38104 (July 12, 2007) (SR–BSE–2007–31).

[14] *See* Securities Exchange Act Release No. 57195 (January 24, 2008), 73 FR 5610 (January 30, 2008) (SR–BSE–2008–04).

[15] *See* Securities Exchange Act Release No. 59311 (January 28, 2009), 74 FR 6071 (February 4, 2009) (SR–BX–2009–007).

[16] *See* Securities Exchange Act Release No. 59983 (May 27, 2009), 74 FR 26445 (June 2, 2009) (SR–BX–2009–027).

[17] *See* Securities Exchange Act Release No. 61065 (November 25, 2009), 74 FR 62860 (December 1, 2009) (SR–BX–2009–076).

[18] *See* Securities Exchange Act Release No. 61577 (February 24, 2010), 75 FR 9464 (March 2, 2010) (SR–BX–2010–017).

[19] *See* Securities Exchange Act Release No. 61929 (April 16, 2010), 75 FR 21085 (April 22, 2010) (SR–BX–2010–031).

[20] In the event that a decision is not reached with respect to the corresponding Exchange proposal before December 31, 2010 the Exchange will consider whether to submit another filing under Rule 19b–4(f)(6) extending this rule and system process.

Exchange's corresponding proposal to amend the BOX rule to permit EPs to choose the firms from whom they will accept Directed Orders. Accordingly, the Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,[21] in general, and Section 6(b)(5) of the Act,[22] in particular, in that it is designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism for a free and open market and a national market system and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) by its terms does not become operative for 30 days after the date of this filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A)[23] of the Act and Rule 19b–4(f)(6) thereunder.[24]

A proposed rule change filed under Rule 19b–4(f)(6)[25] normally may not become operative prior to 30 days after the date of filing. However, Rule 19b–4(f)(6)(iii)[26] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requests that the Commission waive the 30-day operative delay, as specified in Rule 19b–4(f)(6)(iii),[27] which would make the rule change effective and operative upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because such waiver would continue to conform the BOX rules to BOX's current practice without interruption and clarify that Directed Orders on BOX are not anonymous.[28] Accordingly, the Commission designates the proposed rule change operative upon filing with the Commission.

At any time within 60 days of the filing of such proposed 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 investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–BX–2010–041 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BX–2010–041. 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 inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2010–041 and should be submitted on or before July 21, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–15823 Filed 6–29–10; 8:45 am]

BILLING CODE 8011–01–P

[21] 15 U.S.C. 78f(b).

[22] 15 U.S.C. 78f(b)(5).

[23] 15 U.S.C. 78s(b)(3)(A).

[24] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to provide the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission deems this requirement to have been met.

[25] 17 CFR 240.19b–4(f)(6).

[26] 17 CFR 240.19b–4(f)(6)(iii).

[27] *Id.*

[28] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[29] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62371; File No. SR–OCC–2010–04]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Proposed Rule Change To Revise Its By-Laws and Rules To Establish a Clearing Fund Amount Intended To Support Losses Under a Defined Set of Default Scenarios

June 24, 2009.

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 March 16, 2010, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") a proposed rule change and on June 6, 2010, filed an amendment to the proposed rule change. The proposed rule change, as amended, is described in

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Items I, II, and III below, which Items have been substantially prepared by OCC. 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 the Substance of the Proposed Rule Change

The purpose of this proposed rule change is to revise OCC's By-Laws and Rules to establish a clearing fund amount intended to support losses under a defined set of default scenarios.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC 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. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

This proposed rule change would revise OCC's By-Laws and Rules to establish a clearing fund amount required to support losses under a defined set of default scenarios. Currently, the amount of clearing fund is calculated monthly and is based on a fixed percentage of the average total daily margin requirements during the previous month.[3]

Under the proposed formula for determining the size of the clearing fund, the level of the fund would be equal to the larger of the amount of the charge to the fund that would result from (i) a default by the single "clearing member group" the default of which would be likely to result in the largest draw against the clearing fund or (ii) an event involving the near-simultaneous default of two randomly-selected "clearing member groups".[4] Initially, the confidence levels employed by OCC in calculating the charge likely to result from a default by OCC's largest "clearing member group" and the default of two randomly-selected "clearing member groups" would be 99% and 99.9% respectively. OCC would have discretion to employ different confidence levels in these calculations but could not employ confidence levels of less than 99%.[5] The size of the clearing fund would continue to be recalculated monthly based on average daily calculations for the previous month. In no event would the size of the total clearing fund be permitted to be less than one billion dollars.[6]

In considering whether to revise the clearing fund sizing formula, OCC compared the size of the clearing fund that would have resulted from application of the revised formula to the actual size of the clearing fund for each month from February 2008 through September 2009.[7] This analysis revealed that the size of the clearing fund under the revised formula would have been on average 10% larger than under the current formula. In September and October 2008, two months of extreme volatility in the U.S. securities markets, the revised formula would have resulted in a clearing fund size approximately 31% and 27% greater than under the current formula. The average monthly change in the size of the clearing fund and the standard deviation of clearing fund size from month-to-month under the two formulas were broadly similar.[8]

OCC believes the proposed new formula for calculating clearing fund is a better predictor of losses that would be likely to result from the default scenarios described above and would establish an adequate clearing fund to cover losses without OCC having to require clearing members to replenish the clearing fund. The existing formula for determining the amount of clearing fund is intended to establish an amount reasonably designed to cover losses resulting from one or more clearing member defaults. OCC believes the formula adequately serves that purpose. Nevertheless, OCC believes the proposed formula is a better predictor of the actual losses likely to result from such defaults. This is because the existing formula only indirectly accounts for potential losses by setting the amount of the clearing fund as a percentage of the previous month's average daily margin requirements. In contrast, the proposed formula would directly account for various types of default scenarios. Therefore, in OCC's view, the proposed formula would be more likely to result in adequate clearing fund levels if such scenarios occur and would more closely align the size of the clearing fund with its intended purpose of absorbing losses from clearing member defaults and avoid disruption of the clearance process even during extreme market conditions. Article VIII, Section 6 of OCC's By-Laws, which obligates clearing members to satisfy deficiencies in their clearing fund deposits resulting from pro-rata charges or otherwise,[9] would remain unchanged.

The specific amendments proposed to OCC's By-Laws and Rules to facilitate the proposed changes to its clearing fund calculation, can be found at *http://www.optionsclearing.com/about/publications/bylaws.jsp.* If approved by the Commission, OCC would implement the revised formula for determining the size of its clearing fund after sixty days notice to clearing members.

2. Statutory Basis

OCC believes the proposed rule changes are consistent with the requirements of Section 17A of the Act[10] and the rules and regulations thereunder because the proposed rule changes would facilitate prompt and accurate clearance and settlement of securities transactions by creating a more direct correlation between the clearing fund size and estimated losses from a defined set of default scenarios.

(B) Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change would impose any burden on competition.

[3] Under the current formula, if 6% does not result in a clearing fund amount of at least one billion dollars, then OCC collects a higher percentage of the previous month's average daily margin requirement that will result in a fund level of at least one billion dollars. However, in no event is the percentage permitted to exceed 7%.

[4] The term "clearing member group" would be defined to mean a clearing member and any member affiliates of such clearing member (proposed new definition in Article I of OCC's By-Laws.).

[5] Proposed Interpretations & Policies .02 to Rule 1001.

[6] Proposed Interpretations & Policies .01 to Rule 1001.

[7] The data used for this analysis was obtained prior to implementation of the changes approved in SR–OCC–2007–20. Accordingly, the data does not account for the effects those changes had on OCC's clearing fund size calculation. SR–OCC–2007–20 allowed certain securities to be analyzed as a single portfolio under OCC's risk management methodology, the System for Theoretical Analysis and Numerical Simulations ("STANS"), and consequently allowed OCC to more accurately measure risk in Clearing Members accounts and more precisely set margin requirements to reflect such risk.

[8] The comparative data described in this paragraph was obtained using confidence levels of 99% and above. OCC estimates that using only a 99% confidence level would have lowered the total size of the clearing fund calculated using the proposed methodology by an average of approximately one half of a percent.

[9] This is subject to a cap equal to 100% of a clearing member's then-required deposit if it promptly withdraws from membership and closes out or transfers its open positions.

[10] 15 U.S.C. 78q–1.

(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 been solicited or received. OCC will notify the Commission of any written comments received by OCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five 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 ninety 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 the proposed rule change or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and 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–OCC–2010–04 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Elizabeth M. Murphy, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–OCC–2010–04. 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 20549–1090, on official business days between the hours of 10 am and 3 pm. Copies of such filings will also be available for inspection and copying at the principal office of the OCC and on OCC's Web site at *http://www.optionsclearing.com/about/publications/bylaws.jsp.* 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–OCC–2010–04 and should be submitted on or before July 21, 2010.

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[11]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–15892 Filed 6–29–10; 8:45 am]

BILLING CODE 8010–01–P

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62368; File No. SR–NYSEARCA–2010–60]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by NYSE Arca, Inc. Amending NYSE Arca Equities Rule 7.11 To Set Forth How the Exchange Will Handle Order Flow During a Regulatory Halt for a Security Listed on an Exchange Other Than NYSE Arca

June 23, 2010.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the "Act")[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on June 22, 2010, NYSE Arca, Inc. (the "Exchange" or "NYSE Arca") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend NYSE Arca Equities Rule 7.11 to set forth how the Exchange will handle order flow during a regulatory halt for a security listed on an exchange other than NYSE Arca. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and *http://www.nyse.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend NYSE Arca Equities Rule 7.11 to revise how the Exchange will handle order flow during a regulatory halt for a security listed on an exchange other than NYSE Arca.

Rule 7.11 was approved by the Commission on June 10, 2010.[4] The Exchange filed to amend Rule 7.11 to add subsection (f) to the Rule, which addresses how orders will be handled when another primary listing market issues a trading pause or a regulatory halt.[5] Pursuant to Rule 7.11(f), upon the receipt of a trading pause or regulatory halt message from another primary listing market, the Exchange will take the following actions: (i) Maintain all resting orders in the Book; (ii) cancel any unexecuted portion of Market Orders and Pegged Orders; (iii) accept and process all cancellations; (iv) accept and route new Market Orders to the

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 62252 (June 10, 2010), 75 FR 34186 (June 16, 2010) (SR–NYSEArca–2010–41).

[5] *See* Securities Exchange Act Release No. 62281 (June 11, 2010), 75 FR 34504 (June 17, 2010) (SR–NYSEArca–2010–52).

primary market; (v) accept and route PO and PO+ Orders to the primary market; and (vi) reject all other orders until the stock has reopened.

Before the amendment to add section (f) to the Rule, the Exchange accepted all entry and cancellation of orders during a regulatory halt invoked by another market. While the Exchange believes that it is appropriate during a regulatory halt to take the actions set forth in Rule 7.11(f), the Exchange notes that not all regulatory halts have the same basis and there are times when the Exchange believes that trading should continue, notwithstanding whether another market has invoked a regulatory halt. For example, if trading has halted on another market because of an initial public offering, the Exchange believes it should be able to accept order flow during such a halt.

To enable the Exchange to accept order flow during certain regulatory halts, the Exchange proposes to revert back to how it handled order flow during a regulatory halt before it amended Rule 7.11. As proposed, during a regulatory halt, the Exchange will continue to accept all order entry and cancellation messages and will not reject any orders during a regulatory halt. The Exchange therefore proposes to amend Rule 7.11(f) to delete the reference to regulatory halts. The Exchange will continue to follow the procedures set forth in Rule 7.11(f) when another primary listing market invokes a trading pause.

The Exchange also proposes a technical amendment to change the term "Corporation" to "Exchange" in Rule 7.11(d).

2. Statutory Basis

The statutory basis for the proposed rule change is Section 6(b)(5) of the Securities Exchange Act of 1934 (the "Act"),[6] which requires the rules of an exchange to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. The proposed rule change also is designed to support the principles of Section 11A(a)(1)[7] of the Act in that it seeks to assure fair competition among brokers and dealers and among exchange markets. The Exchange believes that the proposed rule meets these requirements in that it promotes transparency for how order flow will be handled during a regulatory halt for a security listed on an exchange other than NYSE Arca.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[8] and Rule 19b–4(f)(6) thereunder.[9] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[10] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[11] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission notes that the Exchange, upon reflection, has decided to revert to its former manner of handling orders during regulatory halts. The proposed rule change does not raise any new substantive issues. For these reasons, the Commission believes that the waiver of the 30-day operative delay is consistent with the protection of investors and the public interest.[12]

At any time within 60 days of the filing of the proposed 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 investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSEARCA–2010–60 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEARCA–2010–60. 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 copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the NYSE's principal office and on its Internet Web site at *http://www.nyse.com.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78k–1(a)(1).

[8] 15 U.S.C. 78s(b)(3)(A)(iii).

[9] 17 CFR 240.19b–4(f)(6).

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 240.19b–4(f)(6)(iii).

[12] For purposes only of waiving the 30-day operative delay of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEARCA–2010–60 and should be submitted on or before July 21, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–15893 Filed 6–29–10; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62369; File No. SR–NYSEArca–2010–59]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by NYSE Arca To Expand and Permanently Establish Its Short Term Option Program

June 23, 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 June 17, 2010, NYSE Arca, Inc. ("NYSE Arca" or the "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by NYSE Arca. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 5.10(b), Rule 5.19, and Rule 6.4 Commentary .07 so as to rename, make changes to, and make permanent the One Week Option Series Pilot Program. The text of the proposed rule change is attached as Exhibit 5 to the 19b–4 form. A copy of this filing is available on the Exchange's Web site at *http://www.nyse.com*, at the Exchange's principal office, on the Commission's Web site at *http://*www.sec.gov, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend Rule 6.4 Commentary .07 to increase the number of One Week Options Series in an underlying class from five to twenty. The proposed change is based on an approved rule of the Chicago Board Options Exchange, Inc. ("CBOE"). The Exchange is proposing to adopt the Pilot Program on a permanent basis. In addition, the Exchange is amending the name of the Pilot to be the Short Term Options Series Program and proposing, by amending Rule 5.19, certain non-substantive changes to reorganize its rule text related to Short Term Option Series so that applicable terms are located within a single section of the relevant rules. The Exchange is also amending Rule 6.4 to allow the Short Term Option Opening Date to be either a Thursday or Friday (or, if the Exchange is not open for business on the respective Thursday or Friday, the first business day immediately prior to that respective Thursday or Friday), based on a rule change adopted by the CBOE.[3]

On July 12, 2005, the Securities and Exchange Commission ("Commission") approved the Pilot Program.[4] The Pilot Program allows NYSE Arca to list and trade One Week Option Series, which would expire one week after the date on which a series is opened. Under the Pilot Program, NYSE Arca can select up to five approved option classes on which One Week Option Series could be opened.

If selected for the Pilot Program, the Exchange may open up to five One Week Option Series for each expiration date in that class. The strike price of each One Week Option Series are fixed at a price per share, with approximately the same number of strike prices above and below the value of the underlying security or calculated index value at about the time that the One Week Option Series is opened.

The Exchange proposes to adopt the Pilot Program on a permanent basis. The current Pilot expires on July 12, 2010.

While NYSE Arca did not list any Short Term Option Series during most of the Pilot Period, it did recently list Short Term Options Series in multiply listed issues selected by NYSE Amex LLC ("NYSE Amex").[5] There has been continued investor interest in trading short-term options at the Chicago Board Options Exchange ("CBOE"), and significant investor interest in Short Term Options Series in the four issues selected by NYSE Amex. The CBOE adopted their Pilot Program on a permanent basis after four years of trading "weeklys" on four index products, and found no operational or capacity related problems.[6] In order to remain competitive in listing Short Term Option Series in multiply listed classes, and to have the ability to respond to customer interests if warranted, the Exchange proposes to adopt its Pilot Program on a permanent basis.

In the original proposal to establish the Pilot Program the Exchange stated that if it were to propose an extension or an expansion of the program, the Exchange would submit, along with any filing proposing such amendments to the program, a Pilot Program report ("Report"). The Report would provide an analysis of the Pilot Program covering the entire period during which the Pilot Program was in effect. Since the Exchange did not have any Short Term Options Series listed as part of the Pilot Program until very recently, there is no data available to compile such a report at this time. Therefore there is no Report associated with the program included with this proposal to adopt the Program on a permanent basis. NYSE Arca does commit to providing a Report on Short

[13] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Act Release No. 62170, (May 25, 2010) 75 FR 30889 (June 2, 2010) (SR–CBOE–2010–048).

[4] *See* Exchange Act Release No. 52013, (July 12, 2005) 70 FR 41471 (July 19, 2005). The Pilot has been extended each year. *See* Exchange Act Release No. 54052 (June 27, 2006) 71 FR 38679 (July 7, 2006); Exchange Act Release No. 56048 (July 11, 2007) 72 FR 39653 (July 19, 2007); Exchange Act Release No. 58085, (July 2, 2008) 73 FR 39767 (July 10, 2008); Exchange Act Release No. 60285 (July 10, 2009) 74 FR 34816 (July 17, 2009).

[5] On June 3, 2010, NYSE Amex listed Short Term Options Series expiring June 11, 2010 in NASDAQ 100 Tracking Stock (QQQQ); SPDR S&P 500 ETF (SPY); iShares Russell 2000 Index Fund (IWM); and DIAMONDS Trust (DIA).

[6] *See* Securities Exchange Act Release No. 59824 (April 27, 2009), 74 FR 20518 (May 4, 2009) (SR–CBOE–2009–018).

Term Option Series to the Commission no later than May 31, 2011, covering the period from June 3, 2010 through March 31, 2011.

To reduce investor confusion, the Exchange is proposing to rename the Pilot Program as the Short Term Options Series Program, consistent with other markets that have similar programs.

NYSE Arca is proposing to modify the terms of the Pilot Program to provide that up to twenty (as opposed to five) Short Term Option Series may be opened for each expiration date. The Exchange believes this increase in the number of series will provide investors with greater flexibility in the trading of Short Term Option Series by allowing investors to establish options positions that are better tailored to meet their investment objectives. NYSE Arca also believes that allowing for the increased number of series would allow us to better maintain an orderly market, meet customer demand and respond in scenarios when the market price of the underlying moves substantially from the exercise price or prices of the series already opened, which we anticipate will occur as evidenced with the recent volatility in the market.

Consistent with the existing Pilot Program provisions: (i) Approximately the same number of strike prices would be opened above and below the value of the underlying security or calculated index value at about the time the Short Term Option Series are initially opened for trading; (ii) if the Exchange has opened less than twenty Short Term Option Series for a given expiration date, additional series may be opened for trading on the Exchange when the Exchange deems it necessary to maintain an orderly market, to meet customer demand or when the current value of the underlying security or index moves substantially from the exercise price or prices of the series already opened; and (iii) in any event, the total number of series for a given expiration date will not exceed twenty series.

The Exchange is also changing the Pilot Program rules to include a condition that any strike prices initially listed by the Exchange shall be within thirty percent (30%) above or below the closing price of the underlying security on the preceding day or the current value of the underlying index, as applicable. Any additional strike prices listed by the Exchange shall be within thirty percent (30%) above or below the current price of the underlying security or current value of the underlying index, as applicable. Under the rule change, the Exchange may also open additional strike prices of Short Term Option Series that are more than 30% above or below the current price of the underlying security or current value of the underlying index, as applicable, provided that demonstrated customer interest exists for such series, as expressed by institutional, corporate or individual customers or their brokers. Market-Makers trading for their own account shall not be considered when determining customer interest under this provision. The opening of the new Short Term Option Series shall not affect the series of options of the same class previously opened. The Exchange believes there is sufficient investor interest and demand to increase the number of series.

The Exchange is also proposing to allow Short Term Options Series to be opened on any Thursday (or Friday) that expire on the Friday of the following business week, similar to a recently adopted rule change of the CBOE.[7] This will provide market participants an opportunity to "roll" expiring positions; that is, trade out of an expiring Short Term Option Series and re-establish a new position in the Short Term Option Series expiring one week later. Since the last trading day for A.M.-settled Short Term Option Series on indexes is generally a Thursday, and new A.M.-settled Short Term Options Series on indexes are generally listed on Friday, new and expiring A.M.-settled Short Term Options Series are never available concurrently.

As a result, it is impossible to implement a position roll in A.M.-settled Short Term Options on indexes. The Exchange has been advised that opening A.M.-settled Short Term Options on indexes just one day earlier, and providing an opportunity to roll, would enhance the value of A.M.-settled Short Term Options on indexes as a risk management tool.

In order to avoid investor confusion, the Exchange is proposing to permit the listing of all Short Term Option series (equity and index) on any Thursday or Friday. As proposed, the rule changes give the Exchange the flexibility to list Short Term Option series on any Thursday or Friday, and do not restrict listing to a particular day.

The Exchange believes that the Program provides investors with additional means of managing their risk exposures and carrying out their investment objectives. The Exchange also represents that is has the necessary system capacity to support the option series listed under the Program and the proposed increase in number of series.

[7] *See* Exchange Act Release No. 62170 (May 25, 2010) 75 FR 30889 (June 2, 2010).

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b)[8] of the Securities Exchange Act of 1934 (the "Act"), in general, and furthers the objectives of Section 6(b)(5)[9] in particular in that it is designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, to remove impediments to and to perfect the mechanism for a free and open market and a national market system and, in general, to protect investors and the public interest. The Exchange believes that increasing the number of available strikes in One Week Options Series will provide investors with additional means of managing their risk and carrying out their investment objectives.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[10] and Rule 19b–4(f)(6) thereunder.[11] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[12] and Rule 19b–4(f)(6)(iii) thereunder.[13]

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A)(iii).

[11] 17 CFR 240.19b–4(f)(6).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change,

Continued

The Exchange has requested that the Commission waive the 30-day operative delay. The Commission believes that waiver of the operative delay is consistent with the protection of investors and the public interest because the proposal is substantially similar to that of another exchange that was approved by the Commission.[14] Therefore, the Commission designates the proposal operative upon filing.[15]

At any time within 60 days of the filing of the proposed 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 investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca-2010–59 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2010–59. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2010–59 and should be submitted on or before July 21, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–15824 Filed 6–29–10; 8:45 am]

BILLING CODE 8011–01–P

at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied the pre-filing requirement.

[14] *See* Securities Exchange Act Release No. 59824 (April 27, 2009), 74 FR 20518 (May 4, 2009) (SR–CBOE–2009–018).

[15] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62370; File No. SR–NYSEAmex–2010–62]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by NYSE AMEX LLC to Expand and Permanently Establish Its Short Term Option Program

June 23, 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 June 17, 2010, NYSE Amex LLC ("NYSE Amex" or the "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by NYSE Amex. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 903, Rule 900C, and Rule 903C so as to make changes to, and make permanent the Short Term Option Series Pilot. The text of the proposed rule change is attached as Exhibit 5 to the 19b–4 form. A copy of this filing is available on the Exchange's Web site at *http://www.nyse.com*, at the Exchange's principal office, on the Commission's Web site at *http://www.sec.gov*, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend Rule 903 Commentary .10 to increase the number of Short Term Options Series in an underlying class from five to twenty. The proposed change is based on an approved rule of the Chicago Board Options Exchange, Inc. ("CBOE"). The Exchange is proposing to adopt the Pilot Program on a permanent basis. In addition, the Exchange is proposing, by amending Rule 903C, certain non-substantive changes to reorganize its rule text related to Short Term Option Series so that applicable terms are located within a single section of the relevant rules. The Exchange is also amending Rule 903 to allow the Short Term Option Opening Date to be either a Thursday or Friday (or, if the Exchange is not open for business on the respective Thursday or Friday, the first business day immediately prior to that respective Thursday or Friday), based on a rule change adopted by the CBOE.[3]

[3] *See* Exchange Act Release No. 62170, (May 25, 2010) 75 FR 30889 (June 2, 2010) (SR–CBOE–2010–048).

On July 12, 2005, the Securities and Exchange Commission ("Commission") approved the Pilot Program.[4] The Pilot Program allows NYSE Amex to list and trade Short Term Option Series, which would expire one week after the date on which a series is opened. Under the Pilot Program, NYSE Amex can select up to five approved option classes on which Short Term Option Series could be opened.

If selected for the Pilot Program, the Exchange may open up to five Short Term Option Series for each expiration date in that class. The strike price of each Short Term Option Series are fixed at a price per share, with approximately the same number of strike prices above and below the value of the underlying security or calculated index value at about the time that the Short Term Option Series is opened.

The Exchange proposes to adopt the Pilot Program on a permanent basis. The current Pilot expires on July 12, 2010.

While NYSE Amex did not list any Short Term Option Series during most of the Pilot Period, it did recently select four multiply listed issues in which to list Short Term Options Series.[5] There has been continued investor interest in trading short-term options at the Chicago Board Options Exchange ("CBOE"), and significant investor interest in Short Term Options Series in the four issues selected by NYSE Amex. The CBOE adopted their Pilot Program on a permanent basis after four years of trading "weeklys" on four index products, and found no operational or capacity related problems.[6] In order to remain competitive in listing Short Term Option Series in multiply listed classes, and to have the ability to respond to customer interests if warranted, the Exchange proposes to adopt its Pilot Program on a permanent basis.

In the original proposal to establish the Pilot Program the Exchange stated that if it were to propose an extension or an expansion of the program, the Exchange would submit, along with any filing proposing such amendments to the program, a Pilot Program report ("Report"). The Report would provide an analysis of the Pilot Program covering the entire period during which the Pilot Program was in effect. Since the Exchange did not have any Short Term Options Series listed as part of the Pilot Program until very recently, there is no data available to compile such a report at this time. Therefore there is no Report associated with the program included with this proposal to adopt the Program on a permanent basis. NYSE Amex does commit to providing a Report on Short Term Option Series to the Commission no later than May 31, 2011, covering the period from June 3, 2010 through March 31, 2011.

NYSE Amex is proposing to modify the terms of the Pilot Program to provide that up to twenty (as opposed to five) Short Term Option Series may be opened for each expiration date. The Exchange believes this increase in the number of series will provide investors with greater flexibility in the trading of Short Term Option Series by allowing investors to establish options positions that are better tailored to meet their investment objectives. NYSE Amex also believes that allowing for the increased number of series would allow us to better maintain an orderly market, meet customer demand and respond in scenarios when the market price of the underlying moves substantially from the exercise price or prices of the series already opened, which we anticipate will occur as evidenced with the recent volatility in the market.

Consistent with the existing Pilot Program provisions: (i) Approximately the same number of strike prices would be opened above and below the value of the underlying security or calculated index value at about the time the Short Term Option Series are initially opened for trading; (ii) if the Exchange has opened less than twenty Short Term Option Series for a given expiration date, additional series may be opened for trading on the Exchange when the Exchange deems it necessary to maintain an orderly market, to meet customer demand or when the current value of the underlying security or index moves substantially from the exercise price or prices of the series already opened; and (iii) in any event, the total number of series for a given expiration date will not exceed twenty series.

The Exchange is also changing the Pilot Program rules to include a condition that any strike prices initially listed by the Exchange shall be within thirty percent (30%) above or below the closing price of the underlying security on the preceding day or the current value of the underlying index, as applicable. Any additional strike prices listed by the Exchange shall be within thirty percent (30%) above or below the current price of the underlying security or current value of the underlying index, as applicable. Under the rule change, the Exchange may also open additional strike prices of Short Term Option Series that are more than 30% above or below the current price of the underlying security or current value of the underlying index, as applicable, provided that demonstrated customer interest exists for such series, as expressed by institutional, corporate or individual customers or their brokers. Market-Makers trading for their own account shall not be considered when determining customer interest under this provision. The opening of the new Short Term Option Series shall not affect the series of options of the same class previously opened. The Exchange believes there is sufficient investor interest and demand to increase the number of series.

The Exchange is also proposing to allow Short Term Options Series to be opened on any Thursday (or Friday) that expire on the Friday of the following business week, similar to a recently adopted rule change of the CBOE.[7] This will provide market participants an opportunity to "roll" expiring positions; that is, trade out of an expiring Short Term Option Series and re-establish a new position in the Short Term Option Series expiring one week later. Since the last trading day for A.M.-settled Short Term Option Series on indexes is generally a Thursday, and new A.M.-settled Short Term Options Series on indexes are generally listed on Friday, new and expiring A.M.-settled Short Term Options Series are never available concurrently.

As a result, it is impossible to implement a position roll in A.M.-settled Short Term Options on indexes. The Exchange has been advised that opening A.M.-settled Short Term Options on indexes just one day earlier, and providing an opportunity to roll, would enhance the value of A.M.-settled Short Term Options on indexes as a risk management tool.

In order to avoid investor confusion, the Exchange is proposing to permit the listing of all Short Term Option series (equity and index) on any Thursday or Friday. As proposed, the rule changes give the Exchange the flexibility to list Short Term Option series on any Thursday or Friday, and do not restrict listing to a particular day.

[4] *See* Exchange Act Release No. 52014, (July 12, 2005) 70 FR 41244 (July 18, 2005); The Pilot has been extended each year. *See* Exchange Act Release No. 54131 (July 12, 2006) 71 FR 40760 (July 18, 2006); Exchange Act Release No. 56046 (July 11, 2007) 72 FR 39105 (July 17, 2007); Exchange Act Release No. 58084 (July 2, 2008) 73 FR 39743 (July 10, 2008); Exchange Act Release No. 60286 (July 10, 2009) 74 FR 34834 (July 17, 2009).

[5] On June 3, 2010, the Exchange listed Short Term Options Series expiring June 11, 2010 in NASDAQ 100 Tracking Stock (QQQQ); SPDR S&P 500 ETF (SPY); iShares Russell 2000 Index Fund (IWM); and DIAMONDS Trust (DIA).

[6] *See* Securities Exchange Act Release No. 59824 (April 27, 2009), 74 FR 20518 (May 4, 2009) (SR–CBOE–2009–018).

[7] *See* Exchange Act Release No. 62170 (May 25, 2010) 75 FR 30889 (June 2, 2010).

The Exchange believes that the Pilot Program will provide investors with additional means of managing their risk exposures and carrying out their investment objectives. The Exchange also represents that is has the necessary system capacity to support the option series listed under the Pilot Program and the proposed increase in number of series.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b)[8] of the Securities Exchange Act of 1934 (the "Act"), in general, and furthers the objectives of Section 6(b)(5)[9] in particular in that it is designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, to remove impediments to and to perfect the mechanism for a free and open market and a national market system and, in general, to protect investors and the public interest. The Exchange believes that increasing the number of available strikes in Short Term Options Series will provide investors with additional means of managing their risk and carrying out their investment objectives.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[10] and Rule 19b–4(f)(6) thereunder.[11] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[12] and Rule 19b–4(f)(6)(iii) thereunder.[13]

The Exchange has requested that the Commission waive the 30-day operative delay. The Commission believes that waiver of the operative delay is consistent with the protection of investors and the public interest because the proposal is substantially similar to that of another exchange that was approved by the Commission.[14] Therefore, the Commission designates the proposal operative upon filing.[15]

At any time within 60 days of the filing of the proposed 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 investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSEAmex–2010–62 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–NYSEAmex-2010–62. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEAmex–2010–62 and should be submitted on or before July 21, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–15825 Filed 6–29–10; 8:45 am]

BILLING CODE 8011–01–P

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A)(iii).

[11] 17 CFR 240.19b–4(f)(6).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied the pre-filing requirement.

[14] *See* Securities Exchange Act Release No. 59824 (April 27, 2009), 74 FR 20518 (May 4, 2009) (SR–CBOE–2009–018).

[15] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[16] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Interest Rates

The Small Business Administration publishes an interest rate called the optional "peg" rate (13 CFR 120.214) on a quarterly basis. This rate is a weighted average cost of money to the government for maturities similar to the average SBA direct loan. This rate may be used as a base rate for guaranteed fluctuating interest rate SBA loans. This rate will be 4.000 (4) percent for the July–September quarter of FY 2010.

Pursuant to 13 CFR 120.921(b), the maximum legal interest rate for any third party lender's commercial loan which funds any portion of the cost of a 504 project (see 13 CFR 120.801) shall be 6% over the New York Prime rate or, if that exceeds the maximum interest rate permitted by the constitution or

laws of a given State, the maximum interest rate will be the rate permitted by the constitution or laws of the given State.

Richard C. Blewett,

Acting Director, Office of Financial Assistance.

[FR Doc. 2010–15856 Filed 6–29–10; 8:45 am]

BILLING CODE P

DEPARTMENT OF STATE

[Public Notice Number: 7005]

U.S. Advisory Commission on Public Diplomacy; Notice of Meeting

The U.S. Advisory Commission on Public Diplomacy will hold a public meeting on July 20, 2010 from 9 a.m. to 11 a.m. in the conference room of the International Foundation for Electoral Systems (IFES) located at 1850 K Street, NW., Fifth Floor, Washington, DC 20006.

The Commissioners will discuss public diplomacy issues, including measurement of U.S. government public diplomacy efforts.

The Advisory Commission was originally established under Section 604 of the United States Information and Exchange Act of 1948, as amended (22 U.S.C. 1469) and Section 8 of Reorganization Plan Numbered 2 of 1977. It was reauthorized pursuant to Public Law 11–70 (2009), 22 U.S.C. 6553.

The Advisory Commission is a bipartisan panel created by Congress to assess public diplomacy policies and programs of the U.S. government and publicly funded nongovernmental organizations. The Commission reports its findings and recommendations to the President, the Congress and the Secretary of State and the American people. Current Commission members include William Hybl of Colorado, who serves as Chairman; Jay Snyder of New York; Penne Korth Peacock of Texas; Lyndon Olson of Texas; John Osborn of Pennsylvania; and Lezlee Westine of Virginia.

The public may attend this meeting as seating capacity allows. To attend this meeting and for further information, please contact Gerald McLoughlin at (202) 632–6570, e-mail: *acpdmeeting@state.gov.* Any member of the public requesting reasonable accommodation at this meeting should contact Mr. McLoughlin prior to July 15th. Requests received after that date will be considered, but might not be possible to fulfill.

Dated: June 24, 2010.

Carl Chan,

Executive Director, ACPD.

[FR Doc. 2010–15895 Filed 6–29–10; 8:45 am]

BILLING CODE 4710–11–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

[Docket No. DOT–OST–2010–0076]

Notice of Funding Availability for the Department of Transportation's National Infrastructure Investments Under the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act for 2010

AGENCY: Office of the Secretary of Transportation, DOT.

ACTION: Notice of extension of deadline to submit pre-applications.

SUMMARY: On June 1, 2010, DOT published a notice (75 FR 30461) announcing the availability of funding and requesting proposals for DOT's National Infrastructure Investments grant program under the FY 2010 Appropriations Act. The DOT is referring to the grants for National Infrastructure Investments as "TIGER II Discretionary Grants." Through this notice, DOT is extending the deadline to submit pre-applications for TIGER II Discretionary Grants from July 16, 2010, at 5 p.m. EDT to July 26, 2010, at 5 p.m. EDT. The deadline for submitting final applications is not being extended, and remains August 23, 2010, at 5 p.m. EDT.

DATES: Pre-applications must be submitted by July 26, 2010, at 5 p.m. EDT (the "Pre-Application Deadline"). Final applications must be submitted through Grants.gov by August 23, 2010, at 5 p.m. EDT (the "Application Deadline"). The DOT pre-application system opened on June 23, 2010 to allow prospective applicants to submit pre-applications. Subsequently, the Grants.gov "Apply" function will open on July 30, 2010, allowing applicants to submit applications. While applicants are encouraged to submit pre-applications in advance of the Pre-Application Deadline, pre-applications will not be reviewed until after the Pre-Application Deadline. Similarly, while applicants are encouraged to submit applications in advance of the Application Deadline, applications will not be evaluated, and awards will not be made, until after the Application Deadline. Pursuant to the FY 2010 Appropriations Act, the DOT will evaluate all applications and announce the projects that have been selected to receive TIGER II Discretionary Grants no sooner than September 15, 2010.

ADDRESSES: Pre-applications must be submitted electronically to DOT, and applications must be submitted electronically through Grants.gov. Only pre-applications received by DOT and applications received through Grants.gov will be deemed properly filed. Instructions for submitting pre-applications to DOT and applications through Grants.gov are included in Section VIII (*Pre-Application and Application Cycle*) of the June 1 notice of funding availability (75 FR 30461).

FOR FURTHER INFORMATION CONTACT: For further information concerning this notice, please contact the TIGER II Discretionary Grant program manager via e-mail at *TIGERIIGrants@dot.gov,* or call Robert Mariner at 202–366–8914. A TDD is available for individuals who are hearing impaired at 202–366–3993. In addition, DOT will regularly post answers to questions and requests for clarifications on DOT's Web site at *http://www.dot.gov/recovery/ost/TIGERII.*

SUPPLEMENTARY INFORMATION: On April 26, 2010, DOT published an interim notice (75 FR 21695) announcing the availability of funding and requesting proposals for the Department of Transportation's National Infrastructure Investments program under 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)) (the "FY 2010 Appropriations Act"). The DOT is referring to the grants for National Infrastructure Investments under the FY 2010 Appropriations Act as "TIGER II Discretionary Grants." Because this is a new program, the interim notice also requested comments on the proposed selection criteria and guidance for awarding TIGER II Discretionary Grants. The DOT considered the comments that were submitted in accordance with the interim notice and published an additional notice revising some elements of the interim notice on June 1, 2010 (75 FR 30461). This notice makes one additional revision to the notice published on June 1, 2010. This notice extends the deadline for submitting pre-applications from July 16, 2010, at 5 p.m. EDT to July 26, 2010, at 5 p.m. EDT. The deadline for submitting final applications is not being extended, and remains August 23, 2010, at 5 p.m. EDT.

Issued on: June 24, 2010.

Ray LaHood,

Secretary.

[FR Doc. 2010–15936 Filed 6–29–10; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2010–0072]

Agency Information Collection Activities: Notice of Request for Extension of Currently Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for extension of currently approved information collection.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for renewal of an existing information collection that is summarized below under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by August 30, 2010.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 2010–0072 by any of the following methods:

Web Site: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Gloria Williams, 202–366–5032, Department of Transportation, Federal Highway Administration, Office of Highway Policy Information, 1200 New Jersey Avenue, SE., Washington, DC 20590, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: *Title:* Certification of Enforcement of the Heavy Vehicle Use Tax.

OMB Control #: 2125–0541

Background: Title 23 United States Code, Section 141(c), provides that a State's apportionment of funds under 23 U.S.C. 104(b)(4) shall be reduced in an amount up to 25 percent of the amount to be apportioned during any fiscal year beginning after September 30, 1984, if vehicles subject to the Federal heavy vehicle use tax are lawfully registered in the State without having presented proof of payment of the tax. The annual certification by the State Governor or designated official regarding the collection of the heavy vehicle use tax serves as the FHWA's primary means of determining State compliance. The FHWA has determined that an annual certification of compliance by each State is the least obtrusive means of administering the provisions of the legislative mandate. In addition, States are required to retain for 1 year a Schedule 1, IRS Form 2290, Heavy Vehicle Use Tax Return (or other suitable alternative provided by regulation). The FHWA conducts compliance reviews at least once every 3 years to determine if the annual certification is adequate to ensure effective administration of 23 U.S.C. 141(c).

The estimated annual reporting burden is 102 hours; the estimated recordkeeping burden is 510 hours for a total of 612 hours. The 50 States and the District of Columbia share this burden. Preparing and processing the annual certification is estimated to require 2 hours per State. Recordkeeping is estimated to require an average of 10 hours per State.

Respondents: 50 State Transportation Departments, and the District of Columbia for a total of 51 respondents.

Frequency: Annually.

Estimated Average Annual Burden per Response: The average burden to submit the certification and to retain required records is 12 hours per respondent.

Estimated Total Annual Burden Hours: Total estimated average annual burden is 612 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection of information is necessary for the U.S. DOT's performance, including whether the information will have practical utility; (2) the accuracy of the U.S. DOT's estimate of the burden of the proposed information collection; (3) ways to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: June 24, 2010.

Juli Huynh,

Chief, Management Programs and Analysis Division.

[FR Doc. 2010–15891 Filed 6–29–10; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Buy America Waiver Notification

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate for the purchase of non-domestic steel tubing API 5L, grade X52–PSLI, for construction of Federal-aid project # IM–HPP–080–5(086) in New Jersey State.

DATES: The effective date of the waiver is July 1, 2010.

FOR FURTHER INFORMATION CONTACT: For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, (202) 366–1562, or via e-mail at gerald.yakowenko@dot.gov. For legal questions, please contact Mr. Michael Harkins, FHWA Office of the Chief Counsel, (202) 366–4928, or via e-mail at michael.harkins@dot.gov. Office hours for the FHWA are from 7:45 a.m. to 4:15 p.m., est., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded from the **Federal Register**'s home page at: *http://www.archives.gov* and the Government Printing Office's database at: *http://www.access.gpo.gov/nara.*

Background

The FHWA's Buy America policy in 23 CFR 635.410 requires a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in a Federal-aid construction project. The regulation also provides for a waiver of the Buy America requirements when the

application would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not sufficiently available. This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate to use non-domestic Steel tubing, APL 5L, grade X52–PSLI, in New Jersey State.

In accordance with Division A, section 123 of the "Consolidated Appropriations Act, 2010" (Pub. L. 111–117), the FHWA published a notice of intent to issue a waiver on its Web site for the steel tubing, APL 5L, grade X52–PSLI, (*http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=45*) on March 1st. The FHWA received no comments in response to the publication, which suggests that the steel tubing may not be available domestically. During the 15-day comment period, the FHWA conducted additional nationwide review to locate potential domestic manufacturers for the steel tubing, APL 5L, grade X52–PSLI. Based on all the information available to the agency, the FHWA concludes that there are no domestic manufacturers for the steel tubing, APL 5L, grade X52–PSLI.

In accordance with the provisions of section 117 of the SAFETEA–LU Technical Corrections Act of 2008 (Pub. L. 110–244, 122 Stat.1572), the FHWA is providing this notice as its finding that a waiver of Buy America requirements is appropriate. The FHWA invites public comment on this finding for an additional 15 days following the effective date of the finding. Comments may be submitted to the FHWA's Web site via the link provided to the Ney Jersey waiver page noted above.

(Authority: 23 U.S.C. 313; Pub. L. 110–161, 23 CFR 635.410)

Issued on: June 23, 2010.

Victor M. Mendez,

Administrator.

[FR Doc. 2010–15810 Filed 6–29–10; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Buy America Waiver Notification

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate for use of non-domestic 22 mm Industrial dock steel chain, 400 ft, in construction of Federal-aid project # BH–7826 (210) in Maine and the use of non-domestic U69 guard bars in construction of American Recovery and Reinvestment Act (Pub. L. 111–5) (Recovery Act) project # RR–1654 in Portland, Oregon.

DATES: The effective date of the waiver is July 1, 2010.

FOR FURTHER INFORMATION CONTACT: For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, (202) 366–1562, or via e-mail at *gerald.yakowenko@dot.gov.* For legal questions, please contact Mr. Michael Harkins, FHWA Office of the Chief Counsel, (202) 366–4928, or via e-mail at *michael.harkins@dot.gov.* Office hours for the FHWA are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded from the **Federal Register's** home page at: *http://www.archives.gov* and the Government Printing Office's database at: *http://www.access.gpo.gov/nara.*

Background

The FHWA's Buy America policy in 23 CFR 635.410 requires a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in a Federal-aid construction project. The regulation also provides for a waiver of the Buy America requirements when the application of such requirements would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not sufficiently available. This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate for the use of non-domestic 22 mm Industrial dock steel chain, 400 ft, in Maine, and U69 guard bars in Oregon.

In accordance with the Division I, section 126 of the "Omnibus Appropriations Act, 2009" (Pub. L. 111–8), the FHWA published a notice of intent to issue a waiver for non-domestic 22mm Industrial deck fender chain, 400 ft. (*http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=40*) on November 5. The FHWA received no comments in response to this notice which suggested that the 22 mm Industrial dock fender chain, 400 ft is available domestically. On November 13, FHWA published a notice of intent to issue a waiver for non-domestic turnouts (Manganese turnout castings, U69 guard bars, LV braces), and Weld kits (*http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=41*). The FHWA received four comments which confirmed domestic availability of Manganese castings, LV braces, and Weld kits. During the 15-day comment periods, the FHWA conducted additional nationwide review to locate potential domestic manufacturers for the 22 mm Industrial dock fender steel chain, 400 ft, and U69 guard bars. Based on all the information available to the agency, the FHWA concludes that there are no domestic manufacturers for the 22 mm Industrial dock fender steel chain and U69 guard bars. Thus, the FHWA concludes that a Buy America waiver is appropriate for 22 mm Industrial dock fender steel chain and U69 guard bars, but not appropriate for Manganese turnout castings, LV braces, and Weld kits by 23 CFR 635.410(c)(1).

In accordance with the provisions of section 117 of the SAFETEA–LU Technical Corrections Act of 2008 (Pub. L. 110–244, 122 Stat.1572), the FHWA is providing this notice as its finding that a waiver of Buy America requirements is appropriate for the 22 mm Industrial dock fender steel chain and U69 guard bars. The FHWA invites public comment on this finding for an additional 15 days following the effective date of the finding. Comments may be submitted to the FHWA's Web sites via the links provided to the Oregon and Maine waiver pages noted above.

Authority: 23 U.S.C. 313; Pub. L. 110–161, 23 CFR 635.410.

Issued on: June 23, 2010.

Victor M. Mendez,

Administrator.

[FR Doc. 2010–15846 Filed 6–29–10; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Buy America Waiver Notification

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate for the use of the non-domestic alloy stainless steel 65061A double-ended beam, RLSCA–50k weighing system for relocation and upgrade of an existing motor carrier weigh station under Federal-aid project no. X–NH–S009 (329) in Oregon.

DATES: The effective date of the waiver is July 1, 2010.

FOR FURTHER INFORMATION CONTACT: For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, (202) 366–1562, or via e-mail at *gerald.yakowenko@dot.gov.* For legal questions, please contact Mr. Michael Harkins, FHWA Office of the Chief Counsel, (202) 366–4928, or via e-mail at *michael.harkins@dot.gov.* Office hours for the FHWA are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded from the **Federal Register**'s home page at: *http://www.archives.gov* and the Government Printing Office's database at: *http://www.access.gpo.gov/nara.*

Background

The FHWA's Buy America policy in 23 CFR 635.410 requires a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in a Federal-aid construction project. The regulation also provides for a waiver of the Buy America requirements when the application would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not sufficiently available. This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate to use for the non-domestic alloy stainless steel 65061A double-ended beam, RLSCA–50k weighing system.

In accordance with section 123 of Division A of the "Consolidated Appropriations Act, 2010" (Pub. L. 111–117), the FHWA published a notice of intent to issue a waiver on its Web site for the alloy stainless steel 65061A double-ended beam, RLSCA–50k weighing system (*http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=49*) on May 25, 2010. The FHWA received no comments in response to the publication, which suggests that the alloy stainless steel 65061A double-ended beam, RLSCA–50k weighing system may not be available domestically. During the 15-day comment period, the FHWA conducted additional nationwide review to locate potential domestic manufacturers for the alloy stainless steel 65061A double-ended beam, RLSCA–50k weighing system. Based on all the information available to the agency, the FHWA concludes that there are no domestic manufacturers for the alloy stainless steel 65061A double-ended beam, RLSCA–50k weighing system.

In accordance with the provisions of section 117 of the SAFETEA–LU Technical Corrections Act of 2008 (Pub. L. 110–244, 122 Stat.1572), the FHWA is providing this notice as its finding that a waiver of Buy America requirements is appropriate. The FHWA invites public comment on this finding for an additional 15 days following the effective date of the finding. Comments may be submitted to the FHWA's Web site via the link provided to the Oregon waiver page noted above.

(Authority: 23 U.S.C. 313; Pub. L. 110–161, 23 CFR 635.410)

Issued on: June 23, 2010.

Victor M. Mendez,

Administrator.

[FR Doc. 2010–15847 Filed 6–29–10; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Buy America Waiver Notification

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate for use of non-domestic 1" diameter hollow core threaded share anchor rods in construction of Federal-aid project # X–STP–1525 (004) in Oregon.

DATES: The effective date of the waiver is July 1, 2010.

FOR FURTHER INFORMATION CONTACT: For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, (202) 366–1562, or via e-mail at *gerald.yakowenko@dot.gov*. For legal questions, please contact Mr. Michael Harkins, FHWA Office of the Chief Counsel, (202) 366–4928, or via e-mail at *michael.harkins@dot.gov*. Office hours for the FHWA are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded from the **Federal Register**'s home page at: *http://www.archives.gov* and the Government Printing Office's database at: *http://www.access.gpo.gov/nara.*

Background

The FHWA's Buy America policy in 23 CFR 635.410 requires a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in a Federal-aid construction project. The regulation also provides for a waiver of the Buy America requirements when the application of such requirements would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not sufficiently available. This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate for the use of non-domestic 1″ diameter hollow core threaded share anchor rods for construction of a Federal-aid project in Oregon.

In accordance with the Division I, section 126 of the "Omnibus Appropriations Act, 2009" (Pub. L. 111–8), the FHWA published on its Web site a notice of intent to issue a waiver for the 1″ diameter hollow core threaded share anchor rods (*http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=43*) on November 5th. The FHWA received four comments in response to this proposed waiver. Two of the comments concerned the availability of 1″ diameter hollow core threaded anchor rods and the other two were general comments unrelated to the domestic availability of this product. With respect to the two comments concerning the domestic availability of this product, one comment agreed that the product is not domestically available. The other comment noted three Web sites to manufacturers that may be able to produce this product. The FHWA spoke to representatives from two of the manufacturers who confirmed that they do not make the product. With respect to the third Web site (rods.pronto.com), the FHWA could not locate a specific Web site with this address.

In addition, during the 15-day comment period, the FHWA conducted additional nationwide review to locate potential domestic manufacturers for the 1″ diameter hollow core threaded share anchor rods. Based on all the information available to the agency, the FHWA concludes that there are no domestic manufacturers for the 1″ diameter hollow core threaded share anchor rods. Thus, the FHWA concludes that a Buy America waiver is appropriate for the 1″ diameter hollow core threaded share anchor rods.

In accordance with the provisions of section 117 of the SAFETEA—LU Technical Corrections Act of 2008 (Pub. L. 110–244, 122 Stat.1572), the FHWA is providing this notice as its finding that a waiver of Buy America requirements is appropriate. The FHWA invites public comment on this finding for an additional 15 days following the effective date of the finding. Comments may be submitted to the FHWA's Web site via the link provided to the Oregon waiver pages noted above.

Authority: 23 U.S.C. 313; Pub. L. 110–161, 23 CFR 635.410.

Issued on: June 23, 2010.

King W. Gee,

Associate Administrator for Infrastructure.

[FR Doc. 2010–15849 Filed 6–29–10; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration Buy America Waiver Notification

Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate for the use of non-domestic Machinery and Motor brakes for rehabilitation of Federal-aid project SFTL–234R; Platt Street movable Bridge project in Tampa, Florida.

DATES: The effective date of the waiver is July 1, 2010.

FOR FURTHER INFORMATION CONTACT: For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, (202) 366–1562, or via e-mail at *gerald.yakowenko@dot.gov.* For legal questions, please contact Mr. Michael Harkins, FHWA Office of the Chief Counsel, (202) 366–4928, or via e-mail at *michael.harkins@dot.gov.* Office hours for the FHWA are from 7:45 a.m. to 4:15 p.m., e.s.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded from the Federal Register home page at: *http://www.archives.gov* and the Government Printing Office's database at: *http://www.access.gpo.gov/nara.*

Background

The FHWA's Buy America policy in 23 CFR 635.410 requires a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in a Federal-aid construction project. The regulation also provides for a waiver of the Buy America requirements when the application would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not sufficiently available. This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate to use non-domestic Machinery and Motor Brakes; 230/460 Volts, three-phase, 60 Hz. The use of the Machinery and Motor brakes is to meet the Federal design code, AASHTO LRFD for Movable Highway Bridge Design Specifications for bascule bridges.

In accordance with section 123 of Division A of the "Consolidated Appropriations Act, 2010" (Pub. L. 111–117), the FHWA published a notice of intent to issue a waiver on its Web site for Machinery and Motor brakes (*http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=47*) on April 7, 2010. The FHWA received no comments in response to the publication, which suggests that the Machinery and Motor brakes may not be available domestically. During the 15-day comment period, the FHWA conducted additional nationwide review to locate potential domestic manufacturers for Machinery and Motor brakes. Based on all the information available to the agency, the FHWA concludes that there are no domestic manufacturers for the Machinery and Motor brakes; 230/460 Volts AC, three-phase, 60 HZ.

In accordance with the provisions of section 117 of the SAFETEA–LU Technical Corrections Act of 2008 (Pub. L. 110–244, 122 Stat.1572), the FHWA is providing this notice as its finding that a waiver of Buy America requirements is appropriate. The FHWA invites public comment on this finding for an additional 15 days following the effective date of the finding. Comments may be submitted to the FHWA's Web site via the link provided to the Florida waiver page noted above.

Authority: 23 U.S.C. 313; Pub. L. 110–161, 23 CFR 635.410.

Issued on: June 23, 2010.

Victor M. Mendez,

Administrator.

[FR Doc. 2010–15820 Filed 6–29–10; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Buy America Waiver Notification

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate for the purchase of foreign seismic isolation bearing for construction of Federal-aid project #BHS–37XX(001) in Washington State.

DATES: The effective date of the waiver is July 1, 2010.

FOR FURTHER INFORMATION CONTACT: For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, (202) 366–1562, or via e-mail at *gerald.yakowenko@dot.gov.* For legal questions, please contact Mr. Michael Harkins, FHWA Office of the Chief Counsel, (202) 366–4928, or via e-mail at *michael.harkins@dot.gov.* Office hours for the FHWA are from 7:45 a.m. to 4:15 p.m., est., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded from the **Federal Register**'s home page at: *http://www.archives.gov* and the Government Printing Office's database at: *http://www.access.gpo.gov/nara.*

Background

The FHWA's Buy America policy in 23 CFR 635.410 requires a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in a Federal-aid construction project. The regulation also provides for a waiver of the Buy America requirements when the application would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not sufficiently available. This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate to use non-domestic seismic isolation bearings in Washington State.

In accordance with Division A, section 123 of the "Consolidated Appropriations Act, 2010" (Pub. L. 111–117), the FHWA published a notice of intent to issue a waiver on its Web site for the seismic isolation bearing (*http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=44*) on

February 16. The FHWA received no comments in response to the notice which suggests that the seismic isolation bearings may not be available domestically. During the 15-day comment period, the FHWA conducted additional nationwide review to locate potential domestic manufacturers for the seismic isolation bearing. Based on all the information available to the agency, the FHWA concludes that there are no domestic manufacturers for the seismic isolation bearing.

In accordance with the provisions of section 117 of the SAFETEA—LU Technical Corrections Act of 2008 (Pub. L. 110–244, 122 Stat.1572), the FHWA is providing this notice as its finding that a waiver of Buy America requirements is appropriate. The FHWA invites public comment on this finding for an additional 15 days following the effective date of the finding. Comments may be submitted to the FHWA's Web site via the link provided to the Washington waiver page noted above.

(Authority: 23 U.S.C. 313; Pub. L. 110–161, 23 CFR 635.410)

Issued on: June 23, 2010.

Victor M. Mendez,

Administrator.

[FR Doc. 2010–15799 Filed 6–29–10; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 57 (Sub-No. 59X)]

Soo Line Railroad Company—Discontinuance of Trackage Rights Exemption—in Wayne, Washtenaw, Oakland, Livingston, Ingham, Clinton, Eaton, Barry, Ionia, Kent, Ottawa, Allegan, Van Buren, and Berrien Counties, MI, LaPorte, Porter, and Lake Counties, IN, and Cook County, IL

Soo Line Railroad Company (Soo Line) [1] has filed a verified notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments and Discontinuances of Service* to discontinue its overhead trackage rights over approximately 298 miles of rail line owned and/or operated by CSX Transportation, Inc. (CSXT) extending between Chicago, Ill., and Rougemere Yard in Dearborn Mich.[2] The Line traverses the following United States Postal Service Zip Codes: In Michigan 48120, 48126, 48228, 48239, 48150, 48170, 48168, 48167, 48178, 48116, 48843, 48855, 48836, 48892, 48895, 48864, 48823, 48912, 48906, 48837, 48861, 48890, 48849, 48815, 49302, 49301, 49512, 49508, 49507, 49503, 49509, 49519, 49518, 49428, 49426, 49464, 49424, 49423, 49419, 49408, 49450, 49056, 49027, 49013, 49057, 49098, 49038, 49022, 49085, 49127, 49106, 49125, 49128, 49116, 49129, and 49117; in Indiana 46360, 46304, 46368, 46403, 46402, 46406, 46312, and 46394; and in Illinois 60131, 60171, 60707, 60639, 60651, 60644, 60624, 60623, 60632, 60629, 60652, 60636, 60621, 60620, 60619, and 60617.

Soo has certified that: (1) No local traffic has moved over the line via Soo Line's overhead trackage rights for at least 2 years; (2) any Soo Line overhead traffic can be rerouted over other lines; (3) no formal complaint filed by a user of Soo Line's overhead trackage rights service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance of service shall be protected under *Oregon Short Line Railroad–Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on July 30, 2010, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA for continued rail service under 49 CFR 1152.27(c)(2) [3] must be filed by July 12, 2010.[4] Petitions to reopen must be filed by July 20, 2010, with: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to Soo Line's representative: Terence M. Hynes, Sidley Austin LLP, 1501 K Street, NW., Washington, DC 20005.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: June 24, 2010.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Kulunie L. Cannon,

Clearance Clerk.

[FR Doc. 2010–15817 Filed 6–29–10; 8:45 am]

BILLING CODE 4915–01–P

[1] Soo Line is a wholly owned indirect subsidiary of Canadian Pacific Railway Company.

[2] Soo Line acquired those overhead trackage from CSXT's predecessor, the Chesapeake and Ohio Railway Company, pursuant to an agreement dated July 16, 1985. *See Soo Line R.R..—Joint Use of Lines—Chesapeake and Ohio Ry.,* Docket No. FD 30703 (ICC served Sept. 10, 1986). On June 15, 2010, CSXT submitted a letter stating that it supports the discontinuance of service over the 298 miles of line by Soo Line and that CSXT and Soo Line have agreed to terminate that agreement. CSXT states that it has provided local and overhead service during the term of the agreement and will continue to do so after Soo Line discontinues its overhead service on the line.

[3] Each OFA must be accompanied by the filing fee, which currently is set at $1,500. *See* 49 CFR 1002.2(f)(25).

[4] Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate. Likewise, no environmental or historical documentation is required here under 49 CFR 1105.6(c) and 1105.8(b), respectively.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans), pursuant to 23 U.S.C. 326.

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans and other Federal agencies that are final within the meaning of 23 U.S.C. 139(*l*)(1). The actions relate to a proposed local roadway project, a pedestrian overcrossing spanning Ted Williams Parkway on Shoal Creek Drive in the County of San Diego, State of California. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(*l*)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before December 27, 2010. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then the shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Kevin Hovey, Senior Environmental Planner, Division of Environmental Analysis, California Department of Transportation, 4050 Taylor Street, San Diego, CA 92110, Regular Office Hours 7 a.m. to 3 p.m., Telephone number 619–688–0240, e-mail *Kevin.Hovey@dot.ca.gov.*

SUPPLEMENTARY INFORMATION: Effective June 7, 2010, the FHWA assigned, and the California Department of Transportation (Caltrans) assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 326. Notice is hereby given that Caltrans has taken final agency actions subject to 23 U.S.C. 139(*l*)(1) by issuing licenses, permits, and approvals for the following project in the State of California: The project is located in the Carmel Mountain Ranch Community of the City of San Diego along Shoal Creek Drive. The proposed project will construct a pedestrian bridge over Ted Williams Parkway (a six lane primary arterial) from the northeast corner of Shoal Creek Drive to the southeast corner adjacent to Shoal Creek Elementary School. Project will be constructed in less than six months and will be constructed in two phases. The FHWA project reference number is HPLU 5004(168). The actions by the Federal agencies, and the laws under which such actions were taken, are described in the project files. The Categorical Exclusion, approved on 6/14/2010, and other project records are available by contacting Caltrans at the addresses provided above.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. National Environmental Policy Act (NEPA);

2. Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU);

3. Migratory Bird Treaty Act;

4. Title VI of the Civil Rights Act of 1964;

5. National Historic Preservation Act of 1966;

6. Historic Sites Act of 1935.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(*l*)(1).

Issued on: June 24, 2010.

Karen Bobo,

Director, Local Programs, Federal Highway Administration, Sacramento, California.

[FR Doc. 2010–15868 Filed 6–29–10; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2010–30]

Petitions for Exemption; Summary of Petitions Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before July 20, 2010.

ADDRESSES: You may send comments identified by Docket Number FAA–2010–0580 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For more information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jan Thor, (425–227–2127), Standardization Branch, ANM–113, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98057–3356., or Brenda Sexton, (202) 267–3664, Office of Rulemaking, ARM–1, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on June 24, 2010.

Pamela Hamilton-Powell,

Director, Office of Rulemaking.

Petitions for Exemption

Docket No.: FAA–2010–0580.

Petitioner: Jet Aviation Engineering Services, L.P.

Section of 14 CFR Affected: § 25.601.

Description of Relief Sought: To provide relief from the requirements of § 25.601,

Amendment 25–0, for two remote passenger compartments on a Boeing Model 747–468 airplane, S/N 28343 being modified by Jet Aviation to be used as a VIP airplane for the Saudi Arabian Head of State. The first is an in-flight occupiable forward lower deck passenger rest area with an alternating tread stairway. The second is an in-flight occupiable upper deck compartment with a curved segmented stairway between the main and upper deck.

[FR Doc. 2010–15854 Filed 6–29–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Proposed Collection; Comment Request

AGENCY: Community Development Financial Institutions Fund, Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: The U.S. Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Community Development Financial Institutions (CDFI) Fund, Department of the Treasury, is soliciting comments concerning the Capital Magnet Fund (CMF) Application.

DATES: Written comments should be received on or before August 30, 2010 to be assured of consideration.

ADDRESSES: Direct all comments to David Dworkin, Program Manager, Community Development Financial Institutions Fund, U.S. Department of the Treasury, 601 13th Street, NW., Suite 200 South, Washington, DC 20005, by e-mail to *cdfihelp@cdfi.treas.gov* or by facsimile to (202) 622–7754. This is not a toll-free number.

FOR FURTHER INFORMATION CONTACT: The CMF Application may be obtained from the CMF page of the CDFI Fund's Web site at *http://www.cdfifund.gov.* Requests for additional information should be directed to David Dworkin, Program Manager, Community Development Financial Institutions Fund, U.S. Department of the Treasury, 601 13th Street, NW., Suite 200 South, Washington, DC 20005, or call (202) 622–6355. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

Title: Capital Magnet Fund Application.

OMB Number: 1559–0036.

Abstract: The purpose of the CMF is to competitively award grants to certified CDFIs and qualified nonprofit housing organizations to finance affordable housing and related community development projects. The CMF was authorized in July of 2008 under Section 1339 of the Housing and Economic Recovery Act of 2008 (Pub. L. 110–289), and $80 million was appropriated for this initiative under the Consolidated Appropriations Act of 2010 (Pub. L. 111–117).

Current Actions: New collection.

Type of Review: Regular Review.

Affected Public: Certified and certifiable CDFIs and qualified nonprofit housing organizations.

Estimated Number of Respondents: 250.

Estimated Annual Time per Respondent: 50 hours.

Estimated Total Annual Burden Hours: 12,500 hours.

Requests for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval. All comments will become a matter of public record and will be published on the CDFI Fund Web site at *http://www.cdfifund.gov.* Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the CDFI Fund, including whether the information shall have practical utility; (b) the accuracy of the CDFI Fund's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Authority: Pub. L. 110–289.

Dated: June 23, 2010.

Scott Berman,

Acting Chief Operating Officer, Community Development Financial Institutions Fund.

[FR Doc. 2010–15897 Filed 6–29–10; 8:45 am]

BILLING CODE 4810–70–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Blocking of Specially Designated National Pursuant to Executive Order 13413

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control ("OFAC") is publishing the name of one individual whose property and interests in property have been blocked pursuant to Executive Order 13413 of October 27, 2006, "Blocking Property of Certain Persons Contributing to the Conflict in the Democratic Republic of Congo".

DATES: The designation by the Director of OFAC of the one individual identified in this notice, pursuant to Executive Order 13413 of October 27, 2006, is effective on June 24, 2010.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*http://www.treas.gov/ofac*) via facsimile through a 24-hour fax-on demand service, tel.: (202) 622–0077.

Background

On October 27, 2006, the President signed Executive Order 13413 (the "Order") pursuant to, inter alia, the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), section 5 of the United Nations Participation Act, as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code. In the Order, the President found that the situation in the Democratic Republic of the Congo constitutes and unusual and extraordinary threat to the foreign policy of the United States. The President identified seven individuals as subject to the economic sanctions in the Annex to the Order.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in, or thereafter come within, the United States, or within the possession or control of United States persons, of the persons listed in the Annex, as well as those persons determined by the Secretary of the Treasury, after consultation with the Secretary of State, to meet any of the criteria set forth in subparagraphs (a)(ii)(A)—(a)(ii)(G) of Section 1.

On June 24, 2010, the Director of OFAC exercised the Secretary of the Treasury's authority to designate, pursuant to one or more of the criteria set forth in Section 1 of the Order, the individual listed below.

The listing of the blocked individual as follows:

KAKWAVU BUKANDE, Jerome (a.k.a. KAKAWAVU BAKONDE, Jerome; a.k.a. GAKWAVU BOKANDE, Jerome; a.k.a. GAGAKWAVU, Jerome); Kinshasa, Aru, Congo, Democratic Republic of the; DOB 1964; POB Masisi, Nord-Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRCONGO]

Dated: June 24, 2010.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2010–15826 Filed 6–29–10; 8:45 am]

BILLING CODE 4811–45–P

DEPARTMENT OF THE TREASURY

Fiscal Service

Prompt Payment Interest Rate; Contract Disputes Act

AGENCY: Bureau of the Public Debt, Fiscal Service, Treasury.

ACTION: Notice.

SUMMARY: For the period beginning July 1, 2010, and ending on December 31, 2010, the prompt payment interest rate is 3⅛ per centum per annum.

ADDRESSES: Comments or inquiries may be mailed to Dorothy Dicks, Reporting Team Leader, Federal Borrowings Branch, Division of Accounting Operations, Office of Public Debt Accounting, Bureau of the Public Debt, Parkersburg, West Virginia 26106–1328. A copy of this Notice is available at *http://www.treasurydirect.gov.*

DATES: Effective July 1, 2010, to December 31, 2010.

FOR FURTHER INFORMATION CONTACT: Crystal Hanna, Manager, Federal Borrowings Branch, Office of Public Debt Accounting, Bureau of the Public Debt, Parkersburg, West Virginia 26106–1328, (304) 480–5103; Dorothy Dicks, Reporting Team Leader, Federal Borrowings Branch, Division of Accounting Operations, Office of Public Debt Accounting, Bureau of the Public Debt, Parkersburg, West Virginia, 26106–1328, (304) 480–5115; Paul Wolfteich, Chief Counsel, Office of the Chief Counsel, Bureau of the Public Debt, (202) 504–3705; or Brenda L. Hoffman, Attorney-Advisor, Office of the Chief Counsel, Bureau of the Public Debt, (202) 504–3706.

SUPPLEMENTARY INFORMATION: An agency that has acquired property or service from a business concern and has failed to pay for the complete delivery of property or service by the required payment date shall pay the business concern an interest penalty. 31 U.S.C. 3902(a). The Contract Disputes Act of 1978, Sec. 12, Public Law 95–563, 92 Stat. 2389, and the Prompt Payment Act of 1982, 31 U.S.C. 3902(a), provide for the calculation of interest due on claims at the rate established by the Secretary of the Treasury.

The Secretary of the Treasury has the authority to specify the rate by which the interest shall be computed for interest payments under section 12 of the Contract Disputes Act of 1978 and under the Prompt Payment Act. Under the Prompt Payment Act, if an interest penalty is owed to a business concern, the penalty shall be paid regardless of whether the business concern requested payment of interest. 31 U.S.C. 3902(c)(1). Agencies must pay the interest penalty calculated with the interest rate, which is in effect at the time the agency accrues the obligation to pay a late payment interest penalty. 31 U.S.C. 3902(a). "The interest penalty shall be paid for the period beginning on the day after the required payment date and ending on the date on which payment is made." 31 U.S.C. 3902(b).

Therefore, notice is given that the Secretary of the Treasury has determined that the rate of interest applicable for the period beginning July 1, 2010, and ending on December 31, 2010, is 3⅛ per centum per annum.

David Lebryk,

Acting Fiscal Assistant Secretary.

[FR Doc. 2010–16050 Filed 6–28–10; 4:15 pm]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies Acceptable on Federal Bonds—Change in Business Address and Redomestication; Safeco National Insurance Company

AGENCY: Financial Management Service, Fiscal Service, Treasury.

ACTION: Notice.

SUMMARY: This is Supplement No. 14 to the Treasury Department Circular 570, 2009 Revision, published July 1, 2009, at 74 FR 31536.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch at (202) 874–6850.

SUPPLEMENTARY INFORMATION: Notice is hereby given by the Treasury that Safeco National Insurance Company (NAIC# 24759) formally changed its "Business Address" to "62 Maple Avenue, Keene, NH 03431" effective immediately. In addition, Safeco National Insurance Company (NAIC# 24759) has redomesticated from the state of Missouri to the state of New Hampshire effective October 1, 2009. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570 ("Circular"), 2009 Revision, to reflect these changes.

The Circular may be viewed and downloaded through the Internet at *http://www.fms.treas.gov/c570.*

Questions concerning this Notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Financial Accounting and Services Division, Surety Bond Branch, 3700 East-West Highway, Room 6F01, Hyattsville, MD 20782.

Dated: June 17, 2010.

William J. Erie,

Acting Director, Financial Accounting and Services Division.

[FR Doc. 2010–15613 Filed 6–29–10; 8:45 am]

BILLING CODE M

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies Acceptable on Federal Bonds—Change in State of Incorporation United States Fidelity and Guaranty Company

AGENCY: Financial Management Service, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: This is Supplement No. 18 to the Treasury Department Circular 570, 2009 Revision, published July 1, 2009, at 74 FR 31536.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch at (202) 874–6850.

SUPPLEMENTARY INFORMATION: Notice is hereby given that United States Fidelity and Guaranty Company (NAIC# 25887) has redomesticated from the state of Maryland to the state of Connecticut effective December 15, 2009. Federal bond approving officials should annotate their reference copies of the Treasury Department Circular 570 ("Circular"), 2009 Revision, to reflect this change.

The Circular may be viewed and downloaded through the Internet at *http://www.fms.treas.gov/c570.*

Questions concerning this notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Financial Accounting and Services Division, Surety Bond Branch, 3700 East-West Highway, Room 6F01, Hyattsville, MD 20782.

Dated: June 17, 2010.

William J. Erie,

Acting Director, Financial Accounting and Services Division.

[FR Doc. 2010–15614 Filed 6–29–10; 8:45 am]

BILLING CODE 4810–35–M

Federal Register

Wednesday,
June 30, 2010

Part II

Department of Energy

Federal Energy Regulatory Commission

18 CFR Part 35

Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities; Proposed Rule

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 35

[Docket No. RM10–23–000]

Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities

Issued June 17, 2010.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is proposing to amend the transmission planning and cost allocation requirements established in Order No. 890 to ensure that Commission-jurisdictional services are provided on a basis that is just, reasonable and not unduly discriminatory or preferential. With respect to transmission planning, the proposed rule would provide that local and regional transmission planning processes account for transmission needs driven by public policy requirements established by State or Federal laws or regulations; improve coordination between neighboring transmission planning regions with respect to interregional facilities; and remove from Commission-approved tariffs or agreements a right of first refusal created by those documents that provides an incumbent transmission provider with an undue advantage over a nonincumbent transmission developer. Neither incumbent nor nonincumbent transmission facility developers should, as a result of a Commission-approved tariff or agreement, receive different treatment in a regional transmission planning process. Further, both should share similar benefits and obligations commensurate with that participation, including the right, consistent with State or local laws or regulations, to construct and own a facility that it sponsors in a regional transmission planning process and that is selected for inclusion in the regional transmission plan. With respect to cost allocation, the proposed rule would establish a closer link between transmission planning processes and cost allocation and would require cost allocation methods for intraregional and interregional transmission facilities to satisfy newly established cost allocation principles.

DATES: Comments are due August 30, 2010.

ADDRESSES: You may submit comments, identified by docket number by any of the following methods:

- *Agency Web Site: http://www.ferc.gov.* Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format.
- *Mail/Hand Delivery:* Commenters unable to file comments electronically must mail or hand deliver an original and 14 copies of their comments to: Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street, NE., Washington, DC 20426.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the Comment Procedures Section of this document

FOR FURTHER INFORMATION CONTACT:

Russell Profozich, Federal Energy Regulatory Commission, Office of Energy Policy and Innovation, 888 First Street, NE., Washington, DC 20426, (202) 502–6478.

John Cohen, Federal Energy Regulatory Commission, Office of the General Counsel, 888 First Street, NE., Washington, DC 20426, (202) 502–8705.

SUPPLEMENTARY INFORMATION:

Notice of Proposed Rulemaking

Table of Contents

	Paragraph Nos.
I. Introduction	*1*
II. Background	*6*
A. Order Nos. 888 and 890	*6*
B. Technical Conferences and Notice of Request for Comments on Transmission Planning and Cost Allocation	*13*
C. Additional Developments Since Issuance of Order No. 890	*25*
III. The Need for Reform	*32*
IV. Proposed Reforms: Transmission Planning	*44*
A. Participation in the Regional Planning Process	*45*
B. Public Policy Driven Projects	*55*
C. Opportunities for Undue Discrimination Against Nonincumbent Transmission Developers	*71*
1. Nonincumbent Transmission Developer Participation in the Transmission Planning Process	*71*
2. Proposed Reforms Regarding Nonincumbents	*87*
D. Interregional Coordination	*102*
1. The Need for Interregional Planning Reforms	*102*
2. Proposed Interregional Planning Reforms	*114*
V. Proposed Reforms: Cost Allocation	*121*
A. Introduction	*121*
1. Order No. 890's Transmission Planning Principle on Cost Allocation for New Transmission Facilities	*121*
2. October 2009 Notice and Subsequent Comments	*129*
B. Legal Authority and Need for Reform	*138*
1. The Cost Causation Principle	*139*
2. Need for Reform	*148*
C. Proposed Reforms	*155*
1. Intraregional Cost Allocation	*164*
2. Interregional Cost Allocation	*170*
VI. Compliance Filings	*179*
VII. Information Collection Statement	*182*
VIII. Environmental Analysis	*186*
IX. Regulatory Flexibility Act Analysis	*187*
X. Comment Procedures	*188*
XI. Document Availability	*192*
Regulatory Text	

Paragraph Nos.

Appendix A: List of Short Names of Commenters on the Federal Energy Regulator Commission's Notice of Request for Comments on Transmission Planning Processes Under Order No. 890—Docket No. AD09–8–000, October 2009
Appendix B: *Pro Forma* Open Access Transmission Tariff Attachment K

Notice of Proposed Rulemaking

Issued June 17, 2010.

I. Introduction

1. In this Notice of Proposed Rulemaking (Proposed Rule), the Federal Energy Regulatory Commission (Commission) is proposing to reform its electric transmission planning and cost allocation requirements for public utility transmission providers. The proposed reforms are intended to correct deficiencies in transmission planning and cost allocation processes so that the transmission grid can better support wholesale power markets and thereby ensure that Commission-jurisdictional services are provided at rates, terms and conditions that are just and reasonable and not unduly discriminatory or preferential.

2. This Proposed Rule builds on Order No. 890,[1] in which the Commission reformed the *pro forma* open access transmission tariff (OATT). Among other changes, Order No. 890 required each public utility transmission provider to have a coordinated, open, and transparent regional transmission planning process. Order No. 890 also established nine transmission planning principles, one of which addressed cost allocation for new projects.

3. The Commission acknowledges that significant work has been done in recent years to enhance regional transmission planning processes. The reforms proposed herein seek to build on this progress by improving the effectiveness of regional transmission planning and the efficiency of resulting transmission development. In formulating this proposal, the Commission has sought to balance competing interests and identify a package of reforms that, if implemented, would support the development of transmission facilities identified by the region as necessary to satisfy reliability standards, reduce congestion, and enable compliance with public policy requirements established by State or Federal laws or regulations. The Commission recognizes that opinions may differ as to whether the proposal as formulated will best achieve the Commission's goals. The Commission therefore seeks comment on the reforms proposed herein and encourages commenters to identify enhancements to the reforms that could better support the efficient and effective development of transmission facilities.

4. With respect to transmission planning, the reforms proposed in this Proposed Rule would provide that: (1) Local and regional transmission planning processes account for transmission needs driven by public policy requirements established by State or Federal laws or regulations; (2) coordination between neighboring transmission planning regions is improved with respect to facilities that are proposed to be located in both regions, as well as interregional facilities that could address transmission needs more efficiently than separate intraregional facilities; and (3) a right of first refusal that is created by a document subject to the Commission's jurisdiction and that provides an incumbent utility with an undue advantage over nonincumbent transmission project developers is removed from that document. Neither incumbent nor nonincumbent transmission facility developers should, as a result of a Commission-approved OATT or agreement, receive different treatment in a regional transmission planning process. Further, both should share similar benefits and obligations commensurate with that participation, including the right, consistent with State or local laws or regulations, to construct and own a facility that it sponsors in a regional transmission planning process and that is selected for inclusion in the regional transmission plan. The Commission preliminarily finds that these proposed reforms are needed to protect against unjust and unreasonable rates, terms and conditions and undue discrimination in the provision of Commission-jurisdictional services.

5. With respect to transmission cost allocation, the Commission is proposing to require public utility transmission providers to establish a closer link between cost allocation and regional transmission planning processes in which the beneficiaries of new transmission facilities are identified, as well as to establish principles that cost allocation methods must satisfy. The Commission sees these proposals as steps that would increase the likelihood that facilities included in regional transmission plans are actually constructed. For example, establishing a closer link between transmission planning and cost allocation processes would diminish the likelihood that a transmission facility would be included in a regional transmission plan, only to later encounter cost allocation disputes that inhibit construction of that facility.

II. Background

A. Order Nos. 888 and 890

6. In Order No. 888,[2] issued in 1996, the Commission found that it was in the economic interest of transmission providers to deny transmission service or to offer transmission service on a basis that is inferior to that which they provide to themselves.[3] Concluding that unduly discriminatory and anticompetitive practices existed in the electric industry and that, absent Commission action, such practices would increase as competitive pressures in the industry grew, the Commission in Order No. 888 and the accompanying *pro forma* OATT implemented open access to transmission facilities owned, operated, or controlled by a public utility.

7. As part of those reforms, Order No. 888 and the *pro forma* OATT set forth certain minimum requirements for transmission planning. For example, the *pro forma* OATT required a public utility transmission provider to account for the needs of its network customers in its transmission planning activities on the same basis as it provides for its own needs.[4] The *pro forma* OATT also required that new facilities be constructed to meet the service requests of long-term firm point-to-point

[1] *Preventing Undue Discrimination and Preference in Transmission Service,* Order No. 890, FERC Stats. & Regs. ¶ 31,241, *order on reh'g,* Order No. 890–A, FERC Stats. & Regs. ¶ 31,261 (2007), *order on reh'g,* Order No. 890–B, 123 FERC ¶ 61,299 (2008), *order on reh'g,* Order No. 890–C, 126 FERC ¶ 61,228 (2009), *order on clarification,* Order No. 890–D, 129 FERC ¶ 61,126 (2009).

[2] *Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities,* Order No. 888, FERC Stats. & Regs. ¶ 31,036 (1996), *order on reh'g,* Order No. 888–A, FERC Stats. & Regs. ¶ 31,048, *order on reh'g,* Order No. 888–B, 81 FERC ¶ 61,248 (1997), *order on reh'g,* Order No. 888–C, 82 FERC ¶ 61,046 (1998), *aff'd in relevant part sub nom. Transmission Access Policy Study Group* v. *FERC,* 225 F.3d 667 (D.C. Cir. 2000), *aff'd sub nom. New York* v. *FERC,* 535 U.S. 1 (2002).

[3] Order No. 888, FERC Stats. & Regs. ¶ 31,036 at 31,682.

[4] *See* Section 28.2 of the *pro forma* OATT.

customers.[5] While Order No. 888–A went on to encourage utilities to engage in joint and regional transmission planning with other utilities and customers, it did not require those actions.[6]

8. In early 2007, the Commission issued Order No. 890 to remedy flaws in the *pro forma* OATT that the Commission identified based on the decade of experience since the issuance of Order No. 888. Among other things, the Commission found that *pro forma* OATT obligations related to transmission planning were insufficient to eliminate opportunities for undue discrimination in the provision of transmission service. The Commission stated that particularly in an era of increasing transmission congestion and the need for significant new transmission investment, it could not rely on the self-interest of transmission providers to expand the grid in a not unduly discriminatory manner. Among other shortcomings in the *pro forma* OATT, the Commission pointed to the lack of clear criteria regarding the transmission provider's planning obligation; the absence of a requirement that the overall transmission planning process be open to customers, competitors, and State commissions; and the absence of a requirement that key assumptions and data underlying transmission plans be made available to customers.

9. In light of these findings, one of the primary goals of the reforms undertaken in Order No. 890 was to address the lack of specificity regarding how customers and other stakeholders should be treated in the transmission planning process. To remedy the potential for undue discrimination in transmission planning activities, the Commission required each public utility transmission provider to develop a transmission planning process that satisfies nine principles and to clearly describe that process in a new attachment to its OATT (Attachment K). The Order No. 890 transmission planning principles are: (1) Coordination; (2) openness; (3) transparency; (4) information exchange; (5) comparability; (6) dispute resolution; (7) regional participation; (8) economic planning studies; and (9) cost allocation for new projects.[7]

10. The transmission planning reforms adopted in Order No. 890 apply to all public utility transmission providers, including Commission-approved regional transmission organizations (RTOs) and independent system operators (ISOs). The Commission also stated that it expected all non-public utility transmission providers to participate in the planning processes required by Order No. 890. The Commission noted that reciprocity dictates that non-public utility transmission providers that take advantage of open access due to improved planning should be subject to the same requirements as jurisdictional transmission providers.[8] The Commission stated that a coordinated, open, and transparent regional planning process cannot succeed unless all transmission owners participate. However, the Commission did not invoke its authority under FPA section 211A, which allows the Commission to require an unregulated transmitting utility (*i.e.,* a non-public utility transmission provider) to provide transmission services on a comparable and not unduly discriminatory or preferential basis.[9] The Commission instead stated that if it found on the appropriate record that non-public utility transmission providers are not participating in the planning processes required by Order No. 890, then the Commission may exercise its authority under FPA section 211A on a case-by-case basis.

11. On December 7, 2007, pursuant to Order No. 890, most public utility transmission providers and several non-public utility transmission providers submitted compliance filings that describe their proposed transmission planning processes.[10] The Commission addressed these filings in a series of orders that were issued throughout 2008. Generally, the Commission accepted the compliance filings to be effective December 7, 2007, subject to further compliance filings as necessary for the proposed transmission planning processes to satisfy the nine transmission planning principles. The Commission issued additional orders on Order No. 890 transmission planning compliance filings in the spring and summer of 2009.

12. As a result of these compliance filings, RTOs and ISOs have enhanced their regional transmission planning processes, making them more open, transparent, and inclusive. Regions of the country outside of RTO and ISO regions have also made significant strides with respect to transmission planning by working together to enhance existing, or create new, regional transmission planning processes.[11] These improvements to transmission planning processes have given customers and other stakeholders the opportunity to participate in the identification of regional needs and corresponding solutions, thereby facilitating the development of more efficient and effective transmission expansion plans.

B. Technical Conferences and Notice of Request for Comments on Transmission Planning and Cost Allocation

13. In several of the above-noted orders issued in 2008 and early 2009 on filings submitted to comply with the Order No. 890 transmission planning requirements, the Commission stated that it would continue to monitor implementation of these transmission planning processes. The Commission also announced its intention to convene regional technical conferences in 2009.

14. Consistent with the Commission's announcement, Commission staff in September 2009 convened three regional technical conferences in Philadelphia, Atlanta, and Phoenix, respectively. The focus of the technical conferences was to: (1) Determine the progress and benefits realized by each transmission provider's transmission planning process, obtain customer and other stakeholder input, and discuss any areas that may need improvement; (2) examine whether existing transmission planning processes adequately consider needs and solutions on a regional or interconnection-wide basis to ensure adequate and reliable supplies at just and reasonable rates; and (3) explore whether existing processes are sufficient to meet emerging challenges to the transmission system, such as the development of interregional transmission facilities and the integration of large amounts of location-constrained generation. Issues discussed

[5] *See* Sections 13.5, 15.4, & 27 of the *pro forma* OATT.

[6] Order No. 888–A, FERC Stats. & Regs. ¶ 31,048 at 30,311.

[7] Order No. 890, FERC Stats. & Regs. ¶ 31,241 at P 418–601.

[8] *Id.* P 441.

[9] FPA section 211A(b) provides, in pertinent part, that "the Commission may, by rule or order, require an unregulated transmitting utility to provide transmission services—(1) at rates that are comparable to those that the unregulated transmitting utility charges itself; and (2) on terms and conditions (not relating to rates) that are comparable to those under which the unregulated transmitting utility provides transmission services to itself and that are not unduly discriminatory or preferential." 16 U.S.C. 824j (2006).

[10] A small number of transmission providers were granted extensions.

[11] The regional transmission planning processes that public utility transmission providers in regions outside of RTOs and ISOs have relied on to comply with certain requirements of Order No. 890 are the North Carolina Transmission Planning Collaborative, Southeast Inter-Regional Participation Process, SERC Reliability Corporation, ReliabilityFirst Corporation, Mid-Continent Area Power Pool, Florida Reliability Coordination Council, WestConnect, ColumbiaGrid, and Northern Tier Transmission Group.

at the technical conferences included the effectiveness of the current transmission planning processes, the development of regional and interregional transmission plans, and the effectiveness of existing cost allocation methods used by transmission providers and alternatives to those methods.

15. Following these technical conferences, the Commission in October 2009 issued a Notice of Request for Comments.[12] The October 2009 Notice presented numerous questions with respect to enhancing regional transmission planning processes and allocating the cost of transmission.

16. In response to the October 2009 Notice, the Commission received 107 initial comments and 45 reply comments.[13] Many of these comments are discussed in greater detail later in this Proposed Rule, in the context of the Commission's proposals on specific issues.

17. In general, some commenters oppose additional Commission action at this time with respect to transmission planning. Among these commenters, some argue that existing transmission planning processes are adequate to achieve the Commission's stated goals.[14] Some of these commenters highlight work already underway in their own transmission planning regions, arguing that no Commission action is needed at least in those regions. Other commenters argue that existing processes are new or are being revised and should be given time to mature before additional changes are proposed. Many of these commenters state that if the Commission chooses to act, it should do so in a manner that does not disrupt existing transmission planning processes. Some commenters that oppose Commission action on transmission planning at this time state that it is important to maintain what they describe as a "bottom-up" approach to transmission planning, in which regional transmission planning is based on transmission planning conducted by the individual transmission-owning utilities in a transmission planning region.[15]

18. Many other commenters support additional Commission action on transmission planning at this time.[16] These commenters offer a wide range of views on why and how the planning process should be improved. Although these commenters express diverse views, there appears to be a consensus among those supporting action that the Commission should—at a minimum—provide guidance about planning for large, interregional transmission projects.

19. Many commenters that support Commission action on transmission planning raise issues related to the procedural characteristics or geographic scope of existing transmission planning processes. Some commenters contend that the Order No. 890 transmission planning principles should be extended to support interregional coordination, while others argue that additional planning principles are necessary to ensure the effectiveness of transmission planning processes. Some commenters suggest that the type of "bottom-up" transmission planning described above is insufficient,[17] and other commenters advocate changes such as establishing a regional or interconnection-wide planning coordinator.[18] A few commenters suggest that the Commission add to the OATT a *pro forma* seams agreement that includes joint collaborative planning and cost allocation across planning regions.[19] Still other commenters support changes to transmission planning processes, but caution against adopting a one-size-fits-all or an interconnectionwide approach.[20]

20. Other commenters that support Commission action on transmission planning argue that some existing transmission planning processes provide an incumbent transmission owner with an unfair advantage over merchant and independent transmission project developers, such as by providing an incumbent transmission owner with a right of first refusal[21] to construct a transmission facility that is included in a regional transmission plan and meets certain other criteria.[22] These commenters argue that such practices discourage other, merchant and independent transmission developers'[23] participation in the transmission planning process and present a significant barrier to transmission investment. Other commenters state that projects proposed by merchant and independent transmission project developers need to be included fully in regional transmission planning processes on the same basis as other projects.[24]

21. Still other commenters that support Commission action on transmission planning express concern that current transmission planning processes do not adequately assess all of the potential benefits associated with transmission project proposals.[25] Some of these commenters state that more attention needs to be devoted to analyzing the benefits associated with economic-based projects and incorporating such projects into regional transmission plans.[26] PJM states that generic planning principles are needed to deal with the various social, environmental and economic impacts of regional transmission projects. In addition, several commenters recommend that the Commission incorporate State and Federal public policy objectives into the transmission planning process,[27] noting, for example, that doing so could facilitate cost-effective achievement of those objectives. Commenters also

[12] *Federal Energy Regulatory Commission, Transmission Planning Processes Under Order No. 890; Notice of Request for Comments;* Docket No. AD09–8–000, October 8, 2009 (October 2009 Notice).

[13] *See* Appendix A for a list of the commenters and their abbreviated names.

[14] *E.g.,* Dominion, Large Public Power Council, Midwest ISO, New York PSC, Northern Tier Transmission Group, and WECC.

[15] *E.g.,* Ohio Commission, PPL, Southern Companies, and WECC.

[16] *E.g.,* American Transmission, CAlifornians for Renewable Energy, Dayton Power and Light, E.ON, LS Power, NRG, Pioneer Transmission, San Diego Gas & Electric, and Transmission Access Policy Study Group.

[17] *E.g.,* Calvin Daniels (commenting as an individual).

[18] *E.g.,* AEP.

[19] *E.g.,* Midwest ISO Transmission Owners, National Rural Electric Coops, and SPP.

[20] *E.g.,* Pacific Gas and Electric and Transmission Agency of Northern California.

[21] A right of first refusal is defined, for the purposes of this proposed rulemaking, as the right of an incumbent transmission owner to construct, own, and propose cost recovery for any new transmission project that is: (1) Located within its service territory; and (2) approved for inclusion in a transmission plan developed through the Order No. 890 planning process.

[22] *E.g.,* AWEA, EPSA, LS Power, and Transmission Dependent Utility Systems.

[23] Merchant transmission projects are defined as those for which the costs of constructing the proposed transmission facilities will be recovered through negotiated rates instead of cost-based rates. For purposes of this proposed rulemaking, an incumbent transmission developer is an entity that develops a project within its own service territory. We note that a transmission owner that proposes a project outside of its own service territory is not considered an incumbent for purposes of that project.

[24] *E.g.,* Allegheny Companies, AEP, CAlifornians for Renewable Energy, Delaware Municipal and Southwestern Electric, E.ON Climate & Renewables North America, Great River Energy, Sun Flower and Mid-Kansas, National Nuclear Security Administration Service Center, Organization of MISO States, and Transmission Agency of Northern California.

[25] *E.g.,* AEP, AWEA, Baltimore Gas and Electric, Energy Future Coalition, Exelon, Green Energy Express, ITC Holdings, MidAmerican, National Audubon Society, *et al.,* NextEra, and Public Interest Organizations & Renewable Energy Groups.

[26] *E.g.,* MidAmerican and Old Dominion.

[27] *E.g.,* AWEA, Baltimore Gas and Electric, Exelon, Eastern PJM Governors, The Brattle Group, ITC Holdings, LS Power, National Audubon Society, *et al.,* National Grid, NextEra, Old Dominion, PJM, Public Interest Organizations & Renewable Energy Groups, Renewable Energy Systems Americas, and Trans-Elect.

recommend that the Commission provide for flexibility so that each transmission planning region could determine which resources it would use to fulfill these public policy objectives.[28]

22. The Commission's questions in the October 2009 Notice with respect to allocating the cost of transmission also drew wide-ranging responses. For example, some commenters express concern that the lack of a link between transmission planning and cost allocation procedures may unnecessarily block or delay needed projects.[29] Other commenters support establishing a generic cost allocation method as a backstop that would apply when parties or transmission planning regions cannot agree on a cost allocation method.[30]

23. Some commenters indicate that the Commission should provide more detailed guidelines or principles for allocating the costs of new transmission facilities.[31] These commenters generally agree that those who share in the benefits of transmission facilities should be responsible for their costs. However, there is not a consensus on how this principle should be implemented, what benefits should be considered for purposes of cost allocation, or how to determine who is a beneficiary.

24. Some commenters urge the Commission to avoid rushing to a one-size-fits-all approach to determining beneficiaries of transmission projects, due to the varying nature of projects and benefits.[32] Others express the view that it is difficult to quantify certain benefits that they consider relevant, such as carbon emission reduction, integration of renewable generation, or the most efficient use of existing rights-of-way.[33] Other commenters suggest that there are ways to factor difficult to quantify benefits into the planning process such that they are adequately considered.[34]

C. Additional Developments Since Issuance of Order No. 890

25. Other developments with important implications for transmission planning have occurred amid the above-noted Order No. 890 compliance efforts on transmission planning and as the Commission gathered information through the technical conferences and the October 2009 Notice discussed above.

26. For example, in February 2009, Congress enacted the American Recovery and Reinvestment Act (ARRA), which provided $80 million for the U.S. Department of Energy (DOE), in coordination with the Commission, to support the development of interconnection-based transmission plans for the Eastern, Western, and Texas interconnections. In seeking applications for use of those funds, DOE described the initiative as intended to: (1) Improve coordination between electric industry participants and states on the regional, interregional, and interconnection-wide levels with regard to long-term electricity policy and planning; (2) provide better quality information for industry planners and State and Federal policymakers and regulators, including a portfolio of potential future supply scenarios and their corresponding transmission requirements; (3) increase awareness of required long-term transmission investments under various scenarios, which may encourage parties to resolve cost allocation and siting issues; and (4) facilitate and accelerate development of renewable or other low-carbon generation resources.[35]

27. In December 2009, DOE announced award selections for much of this ARRA funding. In each interconnection, applicants awarded funds under what DOE defined as Topic A are responsible for conducting interconnection-level analysis and transmission planning. Applicants awarded funds under Topic B are to facilitate greater cooperation among states and stakeholders within each interconnection to guide the analyses and planning performed under Topic A.[36] Broad participation in sessions to date related to this initiative suggest that the availability of Federal funds to pursue these goals has increased awareness of the potential for greater coordination among regions in transmission planning.

28. DOE has also been involved in the development of several recent reports that may have implications for transmission planning. In its 2008 report, *20% Wind Energy by 2030,* DOE concludes that "[s]ignificant expansion of the transmission grid will be required under any future electric industry scenario. Expanded transmission will increase reliability, reduce costly congestion and line losses, and supply access to low-cost remote resources, including renewables."[37]

29. Similarly, in its 2009 report, *Keeping the Lights On in a New World,* the DOE Electricity Advisory Committee concluded that expanding and strengthening the nation's transmission infrastructure is becoming increasingly important for two reasons: "First, increasing transmission capability will help ensure a reliable electric supply and provide greater access to economically priced power. Second, the growth in renewable energy development, stimulated in part by State-adopted renewable portfolio standards (RPS) and the possibility of a national RPS, will require significant new transmission to bring these resources, which are often remotely located, to consumer load centers."[38]

30. The number of states that have adopted renewable portfolio standard measures, as well as the target levels set in those measures, has continued to increase. Some 30 states and the District of Columbia have now adopted renewable portfolio standard measures. These measures typically require that a certain percentage of energy sales (MWh) or installed capacity (MW) come from renewable energy resources, with the target level and qualifying resources varying among the renewable portfolio standard measures.

31. In its role as the Commission-designated Electric Reliability Organization, the North American Electric Reliability Corporation (NERC) concluded that significant transmission expansion will be needed to comply with renewable mandates. Even in the absence of a national renewable portfolio standard, NERC has stated that "an analysis of the past 14 years shows that the siting and construction of transmission lines will need to significantly accelerate to maintain reliability over the coming years."[39] In

[28] *E.g.,* Consolidated Edison, *et al.*

[29] *E.g.,* ITC Holdings, AEP, American Transmission, Green Energy Express, and WIRES.

[30] *E.g.,* American Transmission; National Grid; and NEPOOL Participants.

[31] *E.g.,* APPA, Green Energy Express, ITC Holdings, NEPOOL Participants, NextEra, Ohio Commission, Solar Energy Industries, and Transmission Access Policy Study Group.

[32] *E.g.,* APPA, Bonneville, California ISO, ColumbiaGrid, Consolidated Edison, *et al.,* Dayton Power and Light, EEI, Entergy, Midwest ISO, Southern Companies.

[33] *E.g.,* California ISO, Electricity Consumers Resource Council, MidAmerican, National Grid.

[34] *E.g.,* AWEA, Energy Future Coalition, Entergy, Exelon, ITC Holdings, Integrys, *et al.*

[35] Department of Energy, *Recovery Act—Resource Assessment and Interconnection-Level Transmission Analysis and Planning Funding Opportunity Announcement,* at 5–6 (June 15, 2009).

[36] *Id.* at 4–8.

[37] Department of Energy, *20% Wind Energy by 2030,* at 93 (July 2008).

[38] Electricity Advisory Committee, *Keeping the Lights On in a New World,* at 45 (Jan. 2009). The Electricity Advisory Committee was formed to provide advice to DOE in implementing the Energy Policy Act of 2005 and the Energy Independence and Security Act of 2007, and in modernizing the nation's electricity delivery infrastructure. The Electricity Advisory Committee includes representatives from industry, academia, and state government.

[39] North American Electric Reliability Corporation, *2009 Long-Term Reliability Assessment: 2009–2018,* October 2009, at 29.

its 2009 assessment of transmission needs, NERC found that if a national renewable portfolio standard of 15 percent were adopted, an additional 40,000 miles of transmission lines would be needed and "transmission would be a key component to accommodating new resources, linking geographically remote generation to demand centers."[40]

III. The Need for Reform

32. The Commission notes that transmission planning processes, particularly at the regional level, have seen substantial improvement through compliance with Order No. 890. As noted above, these improvements have increased opportunities for customers and other stakeholders to participate in the identification of regional needs and corresponding solutions, facilitating the development of more efficient and effective transmission plans. The Commission believes that the expanded cooperation and collaboration that is now occurring in transmission planning both among transmission providers and between transmission providers and their stakeholders is to be commended.

33. Although Order No. 890 became effective just a few years ago, there have been significant changes in the nation's electric power industry in those few years that require the Commission to consider additional reforms to transmission planning and cost allocation to reflect these new circumstances. These changes have been widely recognized within the industry.[41] Our intention in this Proposed Rule is not to disrupt the progress that is already being made with respect to transmission planning and investment in transmission infrastructure, but rather to address remaining deficiencies in transmission planning and cost allocation processes so that the transmission grid can better support wholesale power markets and thereby ensure that Commission-jurisdictional services are provided at rates, terms and conditions that are just and reasonable and not unduly discriminatory or preferential.

34. The siting, permitting, and cost allocation of transmission facilities face significant challenges. These challenges may be present whether an interstate transmission project is proposed to be located within a single region for which transmission planning is conducted in accordance with Order No. 890 (*i.e.,* an intraregional transmission facility) or is instead proposed to be located in more than one such transmission planning region (*i.e.,* an interregional transmission facility). The failure to address these challenges also can lead to increases in congestion costs. For example, PJM stated recently that prices for new generating capacity in the eastern part of its transmission planning region have increased due to constraints on its transmission system. Observing that capacity prices in the western portion of PJM were $27.73 per megawatt-day, while capacity prices in the transmission-constrained areas of PJM were between $226.15 and $247.14 per megawatt-day, PJM noted that "the great difference in prices for the eastern portion of PJM compared with elsewhere shows the need for increased transmission line capacity into the region. Transmission line additions and upgrades would reduce capacity price differences."[42]

35. In light of the comments and developments discussed above, one deficiency that has arisen is the lack of a requirement for a regional transmission plan, without which the construction of new transmission facilities could be inhibited. Additionally, in the absence of such a requirement, the facilities best suited to meet the needs of a particular region may not be identified.

36. Another deficiency that has arisen since the issuance of Order No. 890 involves transmission needs driven by public policy requirements established by State or Federal laws or regulations. For example, State policies to promote increased reliance on renewable energy resources, such as the renewable portfolio standard measures discussed above, accentuate the need for transmission to deliver electricity from location-constrained renewable energy resources to load centers. Other State policies, such as goals for use of energy efficiency or demand response, may lower load forecasts within a given load zone and thereby affect transmission planning determinations. In addition, states may adopt economic development policies associated with meeting energy needs that may be relevant to assumptions made in a transmission planning process. Future public policy requirements established by Federal laws or regulations also could have a significant effect on transmission planning.

37. However, existing transmission planning processes generally were not designed to account for, and do not explicitly consider, these types of public policy requirements established by State or Federal laws or regulations. Indeed, some comments submitted in response to the October 2009 Notice indicate that current transmission planning processes may not permit consideration of public policy requirements within regional transmission plans.[43] As discussed in greater detail below, the Commission preliminarily finds that the failure to account explicitly for such public policy requirements in the transmission planning process may result in undue discrimination and rates, terms, and conditions of service that are not just and reasonable.

38. A third deficiency involves obstacles to nonincumbent transmission project developers' participation in regional transmission planning processes. The Commission in recent years has seen increasing interest in transmission investment among these developers. Such interest, however, often has been coupled with expressions of concern about the treatment of merchant and independent transmission project developers in relevant transmission planning processes.[44] Many commenters raised similar concerns in response to the October 2009 Notice, describing what they see as remaining opportunities for undue discrimination against nonincumbent transmission project developers in transmission planning processes. Such undue discrimination could discourage these developers from presenting projects in regional transmission planning processes, which, in turn, could inhibit development of beneficial transmission facilities.

39. A fourth deficiency involves the relative lack of coordination between transmission planning regions. In Order No. 890, the Commission found that when transmission providers engage in

[40] North American Electric Reliability Corporation, *2009 Scenario Reliability Assessment: 2009–2018,* October 2009, at 9.

[41] For example, a trend of increased investment in the country's transmission infrastructure has emerged in recent years. EEI attributes that trend to, among other factors, recognition of the reliability and other developments discussed above, as well as enactment of the Energy Policy Act of 2005 and the Commission's implementation of its new transmission pricing policies. EEI has also observed that even amid this trend of increased investment in transmission infrastructure, transmission projects that would be located in more than one state "face significant challenges for siting, permitting, cost allocation and cost recovery." *Transmission Projects: At a Glance,* Prepared by Edison Electric Institute with assistance from Navigant Consulting, Inc., February 2010, at iii–iv. EEI has also stated that "[t]hese challenges must be resolved to facilitate the movement of large quantities of renewable energy." *Transmission Projects Supporting Renewable Resources,* Prepared by Edison Electric Institute, February 2009, at iv.

[42] PJM Interchange, News Release, May 14, 2010.

[43] *E.g.,* Baltimore Gas and Electric, Eastern PJM Governors, ITC Holdings, LS Power, National Grid, Old Dominion, PJM, and Trans-Elect.

[44] *See, e.g., Green Energy Express LLC,* 129 FERC ¶ 61,165 (2009); *Western Grid Dev., LLC,* 130 FERC ¶ 61,056 (2010); *Pioneer Transmission LLC,* 126 FERC ¶ 61,281 (2009).

regional transmission planning, they may identify solutions to regional needs that are more efficient than those that would have been identified if needs and potential solutions were evaluated only independently by each individual transmission provider.[45] Similarly, in the absence of coordination between transmission planning regions, transmission providers may not identify more efficient and cost-effective solutions to the individual needs identified in their respective utility-level and regional transmission planning processes, potentially including interregional transmission projects. In the few years since the issuance of Order No. 890, interest in multiregional facilities has grown significantly.[46] The October 2009 Notice observed that the lack of coordinated planning over the seams of current transmission planning regions could be needlessly increasing costs for customers of individual transmission providers. Accordingly, the Order No. 890 transmission planning requirements may not be just and reasonable in that they may not be sufficient to address the need for greater coordination in interregional transmission planning.

40. Finally, we preliminarily conclude that existing methods for allocating the costs of new transmission may not be just and reasonable because they may inhibit the development of efficient, cost-effective transmission facilities necessary to produce just and reasonable rates. While challenges associated with allocating the cost of transmission are not new, those challenges appear to have become more acute as the need for transmission infrastructure has grown. For example, the expansion of regional power markets and the increasing adoption of State policies to promote increased reliance on renewable energy resources have led to a growing need for regional or interregional transmission facilities. Meanwhile, determining the benefits of adding transmission infrastructure to the grid is a complex process, particularly for projects that affect multiple utilities' transmission systems and therefore may have multiple beneficiaries. In such circumstances, any individual beneficiary of a project has an incentive to defer investment in the hopes that other beneficiaries will value the project enough to fund its development.

41. Moreover, as stated in the October 2009 Notice, constructing new transmission facilities requires a significant amount of capital. Therefore, a threshold consideration for any company considering investing in transmission is whether it will have a reasonable opportunity to recover its costs. However, there are few rate structures in place today that provide for the allocation and recovery of costs for projects that are proposed to be located either within a transmission planning region that is outside of an RTO or ISO, or in more than one transmission planning region. The lack of such rate structures creates significant risk for transmission project developers that they will have no identified group of customers from which to recover the cost of their investment.

42. Therefore, the Commission proposes to reform transmission planning and cost allocation processes as described in the following sections of this Proposed Rule. Although focused on discrete aspects of the transmission planning and cost allocation processes, these reforms are integrally related and should be understood as a package. With these related reforms, more transmission projects would be considered in the transmission planning process on an equitable basis, and more facilities that are included in transmission plans are likely to move forward to construction.

43. The Commission recognizes that many of the existing regional transmission planning processes are comprised of both public utility and non-public utility transmission providers. Consistent with the approach taken in Order No. 890,[47] the Commission expects all public utility and non-public utility transmission providers to participate in the regional transmission planning and cost allocation processes proposed by this Proposed Rule. Reciprocity dictates that non-public utility transmission providers that take advantage of open access, including improved regional transmission planning and cost allocation, should be subject to the same requirements as public utility transmission providers. We are encouraged, based on the efforts that followed Order No. 890, that both public utility and non-public utility transmission providers collaborate in a number of regional transmission planning processes. We therefore do not believe it is necessary at this time to invoke our authority under FPA section 211A, which allows us to require non-public utility transmission providers to provide transmission services on a comparable and not unduly discriminatory or preferential basis. However, if the Commission finds on the appropriate record that non-public utility transmission providers are not participating in the regional transmission planning and cost allocation processes proposed in this Proposed Rule, the Commission may exercise its authority under FPA section 211A on a case-by-case basis.

IV. Proposed Reforms: Transmission Planning

44. Transmission planning is a critical component of the provision of transmission service in interstate commerce. Among other purposes, transmission planning is the means by which the transmission needs of a given area and the facilities that are best suited to meet those needs are identified. Based on the comments received in response to the October 2009 Notice and the other developments and considerations discussed above, the Commission believes that further steps with respect to transmission planning may be necessary to protect against unjust and unreasonable rates, terms and conditions and undue discrimination in the provision of Commission-jurisdictional services.

A. Participation in the Regional Planning Process

45. In Order No. 890, the Commission adopted a regional participation principle as a necessary component of a public utility transmission provider's transmission planning process. To meet that principle, the Commission required that each public utility transmission provider coordinate with interconnected systems to: (1) Share system plans to ensure that the plans are simultaneously feasible and otherwise use consistent assumptions and data; and (2) identify system enhancements that could relieve congestion or integrate new resources.[48] This requirement for coordination at the regional level can be contrasted with the separate requirement in Order No. 890 that each public utility transmission provider use an open and transparent process to develop a transmission plan for its own control area.[49] In other words, by adopting the regional participation principle, the Commission

[45] "The coordination of planning on a regional basis will also increase efficiency through the coordination of transmission upgrades that have region-wide benefits, as opposed to pursuing transmission expansion on a piecemeal basis." Order No. 890, FERC Stats. & Regs. ¶ 31,241 at P 524.

[46] *See, e.g., Pioneer Transmission LLC,* 126 FERC ¶ 61,281 (2009); *Green Power Express,* 127 FERC ¶ 61,031 (2009).

[47] Order No. 890, FERC Stats. & Regs. ¶ 31,241 at P 441.

[48] Order No. 890, FERC Stats. & Regs. ¶ 31,241 at P 523.

[49] *Id.* P 494, 523.

did not require development of a comprehensive regional transmission plan.

46. The Commission explained that in complying with the regional participation principle, the specific features of a public utility transmission provider's regional transmission planning process should take account of and accommodate, where appropriate, existing institutions, as well as historical practices and the physical characteristics of the region.[50] The Commission recognized that regional transmission planning already occurs, for example, as part of the NERC Regional Entity planning process.[51] The Commission urged public utility transmission providers to closely examine whether improvements in these regional transmission planning processes could be implemented to satisfy the requirements of Order No. 890 imposed on individual transmission providers.[52]

47. The Commission also stated that to satisfy the regional participation principle, an existing transmission planning process must be open and inclusive and address both reliability and economic considerations.[53] The Commission required each public utility transmission provider to participate in a transmission planning process that facilitates regional participation and that is open to all interested customers and stakeholders.[54] However, the Commission did not require each regional transmission planning process to comply with each of the nine transmission planning principles established in Order No. 890.[55]

48. On compliance with these Order No. 890 requirements, many public utility transmission providers relied on existing regional entities and transmission planning processes, modified as necessary, to comply with the regional participation principle.[56]

49. Since the issuance of Order No. 890, it has become apparent to the Commission that Order No. 890's regional participation principle may not be sufficient, in and of itself, to ensure an open, transparent, inclusive, and comprehensive regional transmission planning process. Without such a process, each transmission provider will not have information needed to assess proposed projects and determine which project or group of projects could satisfy local and regional needs more efficiently and cost-effectively. As a result, the rates, terms and conditions of transmission services may not be just and reasonable. For example, greater regional coordination in transmission planning would expand opportunities for transmission providers, their transmission customers, and other stakeholders to identify and implement regional solutions to local and regional needs that are more cost-effective than those proposed in the transmission planning process of individual transmission providers. In addition, more effective regional transmission planning could better facilitate the integration of location-constrained renewable energy resources, which may be needed to fulfill public policy requirements such as the renewable portfolio standards adopted by many states.

50. Given this concern, we propose to require that each public utility transmission provider participate in a regional transmission planning process that produces a regional transmission plan and that meets the following transmission planning principles established in Order No. 890: (1) Coordination; (2) openness; (3) transparency; (4) information exchange; (5) comparability; (6) dispute resolution; and (7) economic planning studies.[57]

51. More specifically, we propose to require that each regional transmission planning process consider and evaluate transmission facilities and other non-transmission solutions that may be proposed and develop a regional transmission plan that identifies the transmission facilities that cost-effectively meet the needs of transmission providers, their transmission customers, and other stakeholders.[58] When an individual transmission provider engages in local transmission planning, it considers and evaluates transmission facilities and non-transmission solutions that are proposed and then develops a local transmission plan that identifies what transmission facilities are needed to meet the needs of its native load (if any), transmission customers, and other stakeholders. Likewise, the regional transmission planning process would consider and evaluate transmission facilities and non-transmission solutions that are proposed and develop a regional transmission plan that identifies what transmission facilities are needed to meet the needs of transmission customers and other stakeholders in the region.[59]

52. In addition, because of the increased importance of regional transmission planning that is designed to produce a regional transmission plan, transmission customers and other stakeholders must be provided with an opportunity to participate meaningfully in that process. Therefore, we propose to apply the above-noted Order No. 890 transmission planning principles to the regional transmission planning process, which would ensure that transmission customers and other stakeholders can express their needs before a regional transmission plan is finalized and thus help to identify solutions that more efficiently address the region's needs. Similarly, ensuring access to the models and data used in the regional transmission planning process would allow transmission customers and other stakeholders to determine if their needs are being addressed in a cost-effective manner. Greater access to information and transparency would also help transmission customers and other stakeholders to recognize and understand the benefits that they will receive from a transmission facility that is included in a regional transmission plan. This consideration is particularly important in light of our proposal below to require that each public utility transmission provider have a cost allocation method for transmission

[50] *Id.* P 524.

[51] *Id.* P 528.

[52] *Id.* P 526.

[53] *Id.* P 528.

[54] Order No. 890–A, FERC Stats. & Regs. ¶ 31,261 at P 226.

[55] *See, e.g., Entergy Services, Inc.,* 124 FERC ¶ 61,268, at P 104 (2008).

[56] As we note above, the regional transmission planning processes that public utility transmission providers in regions outside of RTOs and ISOs have relied on to comply with certain requirements of Order No. 890 are North Carolina Transmission Planning Collaborative, Southeast Inter-Regional Participation Process, SERC Reliability Corporation, ReliabilityFirst Corporation, Mid-Continent Area Power Pool, Florida Reliability Coordination Council, WestConnect, ColumbiaGrid, and Northern Tier Transmission Group.

[57] This proposal does not include the regional participation principle and cost allocation for new projects principle of Order No. 890 because we address interregional coordination in transmission planning and cost allocation for transmission facilities included in a regional transmission plan elsewhere in this Proposed Rule.

[58] When evaluating potential solutions to identified needs, transmission providers must evaluate proposals for transmission, generation, and demand resources against one another based on criteria set forth in their tariffs. *See* Order No. 890, FERC Stats. & Regs. ¶ 31,241 at P 494–95; Order No. 890–A, FERC Stats. & Regs. ¶ 31,261 at P 216. The Commission also has recognized that in appropriate circumstances alternative technologies may be eligible for treatment as transmission for ratemaking purposes. *Western Grid,* 130 FERC ¶ 61,056 (2010).

[59] As noted in Order No. 890, the planning obligations proposed here do not address or dictate which investments identified in a transmission plan should be undertaken by transmission providers. Order No. 890, FERC Stats. & Regs. ¶ 31,241 at P 438. As also noted in Order No. 890, the ultimate responsibility for transmission planning remains with transmission providers. With that said, the Commission fully intends that the transmission planning processes provide for the timely and meaningful input and participation of customers into the development of transmission plans. *Id.* P 454.

facilities included in its regional transmission plan that reflects the benefits that those facilities provide.

53. Although the explicit requirement for a public utility transmission provider to participate in a regional transmission planning process that complies with the Order No. 890 transmission planning principles identified above would be new, we note that the existing regional transmission planning processes that many utilities relied upon to comply with the requirements of Order No. 890 may require only modest changes to fully comply with these requirements.

54. We seek comment on any issue of interest or concern related to the requirements proposed in this section of the Proposed Rule.

B. Public Policy Driven Projects

55. In Order No. 890, the Commission included an Economic Planning Studies principle among the nine transmission planning principles. The Commission stated that its primary objective in adopting that principle was "to ensure that the transmission planning process encompasses more than reliability considerations." [60] The Commission explained that although planning to maintain reliability is a critical priority, transmission planning also involves economic considerations.[61]

56. More specifically, the Commission stated that when conducting transmission planning to serve native load customers, a prudent vertically integrated transmission provider will plan not only to maintain reliability, but also consider whether transmission upgrades or other investments can reduce the overall costs of serving native load.[62] The Commission identified this potential for undue discrimination among a transmission provider's customers as a justification to implement the Economic Planning Studies principle requiring transmission providers to make available to their customers services that are comparable to those they are performing on behalf of their native loads.[63]

57. The Economic Planning Studies principle requires that stakeholders be given the right to request a defined number of high priority studies annually through the transmission planning process. As defined in Order No. 890, these high priority studies are intended to identify solutions that could relieve transmission congestion or integrate new resources and loads, including upgrades to integrate new resources or loads on an aggregated or regional basis.[64]

58. In Order No. 890, the Commission also required each public utility transmission provider to coordinate its transmission planning activities with the relevant State and local regulatory authorities that choose to participate in the transmission planning process and stated its expectation that "all transmission providers will respect states' concerns." [65] As such, State and local regulatory authorities may fully participate in the existing Order No. 890 transmission planning process and identify, among other issues, public policy requirements established by State or Federal laws or regulations that they see as relevant to transmission needs. However, when choosing whether to include a proposed transmission project in its local or regional transmission plan, a public utility transmission provider has no explicit obligation under Order No. 890 or the *pro forma* OATT to evaluate the project based on its potential to facilitate the achievement of public policy requirements established by State or Federal laws or regulations.

59. The October 2009 Notice observed that some areas are struggling with how to adequately address transmission expansion necessary to, for example, integrate renewable generation resources into the transmission system. The October 2009 Notice attributed these difficulties in part to the fact that planning transmission facilities necessary to meet State resource requirements, such as the renewable portfolio standard measures discussed above, must be integrated with existing transmission planning processes that are based on metrics or tariff provisions focused on reliability or in some cases production cost savings.[66] Drawing on these observations, the October 2009 Notice sought comment as to whether reliability impact studies are properly aligned with evaluations of economic-based projects or projects proposed to satisfy renewable energy standards. To the extent that assessments of various possible project benefits are not properly aligned, the October 2009 Notice sought comment as to how reliability assessments, economic evaluations and assessments of a project's ability to meet public policy goals could be aligned to better identify options that meet all of these regional needs.[67]

60. The Commission received a number of comments on these issues, expressing a range of opinions. Several commenters argue that the existing transmission planning and stakeholder processes properly align reliability impact studies with evaluations of other projects designed to meet economic-based or public policy requirements.[68] Other commenters suggest that it would be inappropriate for the Commission to require that renewable energy standards be incorporated into the transmission planning process.[69] For example, Public Power Council contends that the Commission lacks jurisdiction to require that the resources necessary to comply with State renewable energy standards are accounted for in the transmission planning process, as such standards are State-level policies.[70]

61. In addition, several commenters recommend that the Commission incorporate public policy objectives into the transmission planning process.[71] For example, PJM argues that "additional guidance from the Commission is needed if public policy imperatives such as aggressive integration of renewable resources are to be met." [72] PJM states that while ensuring system reliability should remain the primary goal of the transmission planning process, providing for incorporation of public policy objectives, where applicable, could facilitate cost-effective achievement of those objectives. In particular, PJM suggests that the Commission move beyond a strict application of "bright line" criteria currently used for reliability and economic projects and allow transmission providers more flexibility

[60] Order No. 890, FERC Stats. & Regs. ¶ 31,241 at P 542.

[61] *Id.*

[62] The Commission further stated that such upgrades could, for example, reduce congestion (redispatch) costs or integrate efficient new resources (including demand resources) and new or growing loads. *Id.*

[63] Order No. 890–A, FERC Stats. & Regs. ¶ 31,261 at P 240.

[64] Order No. 890, FERC Stats. & Regs. ¶ 31,241 at P 547–48.

[65] *Id.* P 574.

[66] October 2009 Notice at 3.

[67] *Id.* at 4.

[68] *E.g.,* Dominion, Entergy, Large Public Power Council, Midwest ISO, New York PSC, Northern Tier Transmission Group, Southern Companies, WestConnect Planning Parties, and WECC. In addition, PSEG Companies state that while it is true that reliability impact studies are performed independently of economic planning, such a distinction is appropriate because ensuring reliability is the primary objective of the planning process.

[69] *E.g.,* Massachusetts Departments and Public Power Council.

[70] Massachusetts Departments share a similar concern.

[71] *E.g.,* AWEA, Baltimore Gas and Electric, Public Interest Organizations & Renewable Energy Groups, Exelon, Eastern PJM Governors, ITC Holdings, LS Power, National Grid, NextEra, Old Dominion, PJM, Renewable Energy Systems Americas, Trans-Elect, and The Brattle Group.

[72] PJM Order No. 890 Technical Conference Comments, op. cit. at 6.

to take into account the multiple reliability, economic, or public policy-based benefits a single project may be able to provide.[73]

62. Other commenters propose various approaches to incorporating public policy objectives into the transmission planning process. Some of these commenters argue that if the goal of the transmission planning process is to allow load-serving entities to satisfy their resource needs, such needs could include resources required to comply with State and Federal public policy objectives.[74] Still other commenters recommend that the Commission provide flexibility in the transmission planning process so that each region can determine which resources it will use to fulfill any applicable public policy objectives.[75]

63. To ensure that each public utility transmission provider's transmission planning process supports rates, terms, and conditions of transmission service in interstate commerce that are just and reasonable and not unduly discriminatory or preferential, the Commission preliminarily finds that transmission needs driven by public policy requirements established by State or Federal laws or regulations should be taken into account in the transmission planning process. Indeed, consideration of such public policy requirements raises issues similar to those raised in the Commission's discussion in Order No. 890 of the Economic Planning Studies principle.[76] When conducting transmission planning to serve native load customers, a prudent transmission provider will not only plan to maintain reliability and consider whether transmission upgrades or other investments can reduce the overall costs of serving native load, but also consider how to enable compliance with relevant public policy requirements established by State or Federal laws or regulations in a cost-effective manner. Therefore, we propose to find that, to avoid acting in an unduly discriminatory manner, a public utility transmission provider must consider these same needs on behalf of all of its customers. In addition, providing for incorporation of public policy requirements established by State or Federal laws or regulations in transmission planning processes, where applicable, could facilitate cost-effective achievement of those requirements.

64. To address these issues, we propose to revise the requirements established in Order No. 890 with respect to local and regional transmission planning processes.[77] Specifically, we propose to require each public utility transmission provider to amend its OATT such that its local and regional transmission planning processes explicitly provide for consideration of public policy requirements established by State or Federal laws or regulations that may drive transmission needs. After consulting with stakeholders, a public utility transmission provider may include in the transmission planning process additional public policy objectives not specifically required by State or Federal laws or regulations. This proposed requirement would be a supplement to, and would not replace, any existing requirements with respect to consideration of reliability needs and application of the economic studies principle in the transmission planning process.

65. The Commission does not propose to identify the public policy requirements established by State or Federal laws or regulations that must be considered in individual local and regional transmission planning processes. Instead, we propose to require each public utility transmission provider to coordinate with its customers and other stakeholders to identify public policy requirements established by State or Federal laws or regulations that are appropriate to include in its local and regional transmission planning processes.

66. We propose to require each public utility transmission provider to specify in its OATT the procedures and mechanisms in its local and regional transmission planning processes for evaluating transmission projects proposed to achieve public policy requirements established by State or Federal laws or regulations. If a public utility transmission provider believes that its existing transmission planning processes satisfy these requirements, then it must make that demonstration in its compliance filing.

67. This proposed requirement is intended to clarify the objectives that would be considered in local and regional transmission planning processes. As we stated in Order No. 890, we believe that the transparency provided under open transmission planning processes can provide useful information that would help states to coordinate transmission and generation siting decisions, allow consideration of regional resource adequacy requirements, facilitate consideration of demand response and load management programs at the State level, and address other factors states wish to consider.

68. Another benefit of this proposed requirement to consider public policy requirements established by State or Federal laws or regulations within the transmission planning process is that adherence with this proposed requirement may eventually increase the proportion of transmission network investment that is constructed pursuant to proactive transmission planning processes, thereby reducing the proportion of network upgrades that would otherwise be triggered by individual generator interconnection requests, which can be time consuming and inefficient. If more of the transmission network were expanded under the type of regional transmission planning process described above, then the network upgrades triggered by interconnection requests should be less significant in size and cost than they have been in the past and the associated differences in cost allocation provisions may become less significant as well.

69. This proposed requirement is not intended in any way to infringe upon State authority with respect to integrated resource planning.[78] In addition, to the extent that a public utility transmission provider has an obligation to comply with public policy requirements established by State or Federal laws or regulations, such as the State renewable portfolio standard measures discussed above, this proposed requirement is not intended to convert a failure to satisfy that obligation into a violation of its OATT. In other words, while a public utility transmission provider would be required to identify and consider public policy requirements established by State or Federal laws or regulations in its local and regional transmission planning processes, this proposed requirement would not establish an

[73] *Citing, PJM Interconnection, L.L.C.,* 119 FERC ¶ 61,265 (2007) (directing PJM to adopt a formulaic approach to applying metrics used to choose economic projects).

[74] *E.g.,* APPA and Bay Area Municipal Transmission Group.

[75] *E.g.,* Consolidated Edison, et al.

[76] In Order No. 890, the Commission intended the economic planning studies principle to be sufficiently broad to identify solutions that could relieve transmission congestion or integrate new resources and loads, including upgrades to integrate new resources and loads on an aggregated or regional basis. The Commission recognizes that its statements with respect to the economic planning studies principle may have contributed to confusion as to whether public policy requirements may be considered in the transmission planning process.

[77] By "local" transmission planning process, we mean the transmission planning process that a pubic utility transmission provider performs for its individual service territory or footprint pursuant to the requirements of Order No. 890.

[78] Order No. 890, FERC Stats. & Regs. ¶ 31,241 at P 479, n.274.

independent obligation to satisfy those requirements.

70. We seek comment on any issue of interest or concern related to the requirements proposed in this section of the Proposed Rule. In particular, we seek comment as to whether public policy requirements established by State or Federal laws or regulations should be considered in the transmission planning process. Further, we seek comment on how planning criteria based on public policy requirements should be formulated, including whether it is more appropriate to use flexible criteria instead of "bright line" metrics when determining which projects are to be included in the regional transmission plan, whether the use of flexible criteria would provide undue discretion as to whether a project is included in a regional transmission plan, and whether the use of "bright line" metrics may inappropriately result in alternating inclusion and exclusion of a single project over successive planning cycles and therefore create inappropriate disruptions in long-term transmission planning.

C. Opportunities for Undue Discrimination Against Nonincumbent Transmission Developers

1. Nonincumbent Transmission Developer Participation in the Transmission Planning Process

71. As discussed above, Order No. 890 sought to reduce opportunities for undue discrimination and preference in the provision of transmission service. With regard to the transmission planning process, the Commission established nine transmission planning principles to prevent undue discrimination. However, Order No. 890 did not specifically address the potential for undue preference to incumbent utilities over nonincumbent transmission developers through practices applied within transmission planning processes.

72. The October 2009 Notice observed that in some areas, when a nonincumbent transmission developer participates in the transmission planning process, it may lose the opportunity to construct its proposed project to the incumbent transmission owner if that owner has a right of first refusal to construct any transmission facility in its service territory. The October 2009 Notice also observed that in some areas, merchant transmission developers choose to plan proposed facilities outside of the transmission providers' planning processes.[79]

73. The October 2009 Notice posed several questions relating to merchant and independent transmission developers' participation in the regional transmission planning process. The October 2009 Notice sought comment on how projects proposed by merchant or independent transmission developers should be treated in the regional transmission planning process. The October 2009 Notice also asked whether these types of developers should be required to participate in the regional transmission planning process and, if so, at what point they should be required to engage in that process. In addition, the October 2009 Notice asked whether the right of first refusal for incumbent transmission owners unreasonably impedes the development of merchant and independent transmission and, if so, how that impediment could be addressed. Finally, the October 2009 Notice asked whether there are barriers to merchant and independent transmission developers' participation in the regional transmission planning process other than rights of first refusal.[80]

74. These questions generated extensive comments. For example, many commenters argue that a project proposed by a merchant or independent transmission developer should be treated on the same basis as all other proposed projects.[81] Also, a number of commenters assert that merchant and independent developers should be required to participate in the transmission planning process.[82] For example, Southern Companies asserts that it would be discriminatory if the Commission did not require merchant and independent developers to participate in the transmission planning process, as jurisdictional and non-jurisdictional transmission providers are required to do.

75. Other commenters state that merchant and independent developers should not be treated similarly or required to participate in the transmission planning process. For example, Chinook and Zephyr and ITC Holdings state that because the business model of merchant and independent transmission developers is different from that of vertically-integrated utilities, different transmission planning requirements are appropriate for them. Chinook and Zephyr also argue that regional transmission planning requirements should apply to a merchant developer only after it is operating under a Commission-approved OATT. Dayton Power and Light contends that while any transmission facility that is necessary to meet NERC reliability criteria, regardless of ownership, should be required to be included in the transmission planning process, merchant and independent projects planned for nonreliability reasons can be developed independently of the transmission planning process, subject to appropriate interconnection requirements.

76. Other commenters emphasize the importance of allowing merchant and independent developers to participate actively in the transmission planning process.[83] Generally, these commenters argue that merchant and independent transmission developers should either participate in the transmission planning process as early as practical, at the beginning of the transmission planning cycle, or as soon as they have a proposal that is developed well enough to be considered. Pattern Transmission also suggests that the Commission should better define the transmission planning process and the roles of its participants to ensure a level playing field for independent transmission developers.

77. The questions about whether an incumbent transmission owner's right of first refusal unreasonably impedes merchant or independent transmission development and, if so, how this impediment could be addressed, also generated extensive comments. Many commenters state that a right of first refusal does not unreasonably impede merchant and independent transmission development.[84] Various commenters

[79] October 2009 Notice at 3.

[80] *Id.* at 4.

[81] *E.g.,* Allegheny Companies, AEP, CAlifornians for Renewable Energy, Delaware Municipal and Southwestern Electric, E.ON Climate & Renewables North America, Great River Energy, Sun Flower and Mid-Kansas, National Nuclear Security Administration Service Center, Organization of MISO States, and Transmission Agency of Northern California.

[82] *E.g.,* APPA, CAlifornians for Renewable Energy, Delaware Municipal and Southwestern Electric, Dominion, Exelon, Integrys, Old Dominion, Sun Flower and Mid-Kansas, Large Public Power Council, Midwest ISO, National Nuclear Security Administration Service Center, National Rural Electric Coops, New England States' Committee on Electricity, New York PSC, Organization of MISO States, Pacific Gas and Electric, Ohio Commission, SPP, San Diego Gas & Electric, South Carolina Electric & Gas, Transmission Access Policy Study Group, Transmission Agency of Northern California, Transmission Dependent Utility Systems, and Xcel.

[83] *E.g.,* Green Energy Express, ITC Holdings, Pattern Transmission, and Starwood.

[84] *E.g.,* Allegheny Companies, AEP, Ameren, Baltimore Gas and Electric, Dominion, EEI, Great River Energy, Integrys, et al., Sun Flower and Mid-Kansas, Large Public Power Council, MidAmerican, Midwest ISO Transmission Owners, National Grid, Northern Tier Transmission Group, Old Dominion, PPL, PSEG Companies, Ohio Commission, San Diego Gas & Electric, Southern California Edison,

present a range of reasons that it is appropriate for an incumbent transmission provider to have a right of first refusal, including that the incumbent transmission owner: (1) Has a legally enforceable obligation to maintain reliability on its systems and faces penalties for noncompliance; (2) is obligated under State law to provide reliable service at the lowest reasonable cost; (3) may be required to build facilities included in an RTO's or ISO's regional plan, an obligation that merchant and independent transmission developers lack; (4) is best situated to develop transmission facilities within its service territory, as it is most familiar with the design and operation of its system, its customers' needs, and State and local permitting and siting processes; and (5) may be able to provide transmission services at a lower cost than a merchant or independent transmission developer because it enjoys economies of scale with respect to the staff and resources necessary to maintain and operate new transmission facilities.

78. Some commenters contend that the right of first refusal should be preserved because an incumbent transmission owner that voluntarily joined an RTO or ISO did so with the understanding that it would retain the right to invest in and earn a return on new facilities within its system.[85] According to Midwest ISO Transmission Owners, eliminating a right of first refusal could provide a disincentive for RTO membership. Similarly, the California ISO asserts that without a right of first refusal, a transmission owner may have less incentive to participate in an RTO or ISO.

79. However, other commenters argue that a right of first refusal impedes transmission development and provides an undue advantage to an incumbent transmission owner.[86] Such commenters present a number of reasons for eliminating a right of first refusal, including the following: (1) A right of first refusal provides a disincentive for a merchant or independent developer to propose a project, especially a proposal for a transmission facility that spans multiple utilities' service territories, because any investment that it makes in developing a proposal may be lost if an incumbent transmission owner can exercise its right of first refusal or otherwise delay the project or prevent construction of the project; (2) by discouraging competition and new entry, a right of first refusal likely increases costs to ratepayers; and (3) a merchant or independent transmission developer may have difficulty obtaining financing if investors perceive that its proposed project could be subject to a right of first refusal or is otherwise at a disadvantage compared to a project sponsored by an incumbent transmission owner.

80. Among other comments on this issue, Startrans claims that for an incumbent transmission owner, a Commission-approved right of first refusal effectively creates a Federal franchise for transmission development derived from a State franchise for retail electricity. Transmission Agency of Northern California contends that a right of first refusal also may "diminish the incentive for the incumbent utilities to conceive projects in their own service territory."[87]

81. Responding to arguments in favor of a right of first refusal, some commenters argue that concerns about the reliability of a merchant or independent transmission developer's project are unfounded, as the merchant or independent transmission developer will be subject to NERC reliability standards and to the same penalties for noncompliance as an incumbent transmission owner.[88] Pattern Transmission states that a merchant or independent developer has a financial incentive to construct and operate facilities safely and reliably in accordance with all applicable regulatory and industry standards, as its investment is at risk if it does otherwise. With regard to an incumbent transmission owner's obligation to build, some commenters assert that it is not a burden, but rather a privilege, as the incumbent transmission owner is assured the opportunity to recover its costs and earn a return on its investment through the rate base. These commenters argue that a merchant or independent developer would be willing to compete for such an obligation.[89] In response to concerns that a merchant or independent developer would submit an inaccurately low bid to construct a proposed transmission facility, some commenters claim that such a developer is no more likely to do so than an incumbent transmission owner.[90] These same commenters argue that, contrary to what some commenters assert, an incumbent transmission owner will not leave an RTO or ISO if the right of first refusal is eliminated.

82. While some commenters advocate elimination of all rights of first refusal, other commenters support more limited restrictions. For example, Exelon states that "where an independent developer bids on transmission expansion that is justified under existing planning criteria and will be included in rate base, the incumbent transmission owner should be required to match the bid to invoke its right of first refusal."[91] Several commenters argue that a right of first refusal should be allowed for reliability-based projects, but may not be necessary for economic-based or other projects.[92] While AWEA and LS Power both maintain that the right of first refusal should be eliminated, they contend that if the right of first refusal is preserved then those practices should apply only to local reliability projects. Moreover, AWEA asserts that a right of first refusal should be required to be exercised within ninety days. Similarly, ITC Holdings contends that a right of first refusal will continue to impede transmission development if the time for exercising it is allowed to continue indefinitely, and Pacific Gas and Electric argues that any right of first refusal should be exercised in a timely manner. Transmission Access Policy Study Group, however, states that the Commission may need to take other steps in addressing this issue in addition to limiting the time in which a right of first refusal may be exercised. In addition, several commenters contend that placing restrictions on a right of first refusal makes the practice no less discriminatory.[93]

83. EEI argues that while "in general, applicability of a right of first refusal does not create an impediment to transmission planning or development" and that in many cases, "incumbent transmission owners are better situated to build needed transmission within their franchised service territories," if

Southern Companies, WestConnect Planning Parties, and Xcel. However, Old Dominion suggests that the Commission could eliminate the right of first refusal if merchant and independent transmission developers were subject to the same rules and had the same responsibilities as incumbent transmission owners, and could recover their costs through the RTO/ISO tariff.

[85] *E.g.,* Ameren, MidAmerican, and Midwest ISO Transmission Owners.

[86] *E.g.,* American Forest and Paper, AWEA, CAlifornians for Renewable Energy, EPSA, Indicated Partners, Modesto Irrigation District, NationalWind, NextEra, Renewable Energy Systems Americas, Startrans, Starwood, Transmission Access Policy Study Group, Transmission Agency of Northern California, and Transmission Dependent Utility Systems.

[87] Transmission Agency of Northern California at 3.

[88] *E.g.,* Green Energy Express and Pattern Transmission.

[89] *E.g.,* Indicated Partners and Startrans.

[90] *E.g.,* Indicated Partners.

[91] Exelon at 12.

[92] *E.g.,* Allegheny Companies, Dominion, Large Public Power Council, and SPP.

[93] *E.g.,* Indicated Partners.

the Commission finds it necessary to address the exercise of a right of first refusal, it should do so on a case-specific basis.[94] Similarly, the California ISO recommends that the Commission allow the right of first refusal to be addressed through individual RTO and ISO stakeholder processes, rather than adopting generic right of first refusal regulations. Pacific Gas and Electric states that this proceeding should not preempt the California ISO's development of a right of first refusal proposal. In contrast, SPP states that additional clarification and a generally applicable policy regarding the right of first refusal is necessary. The Organization of MISO States argues that, while a right of first refusal may limit competition, any modifications must recognize various State regulatory structures and respect State jurisdiction and statutes. The Alabama PSC argues that the Commission should adopt policies that encourage merchant transmission development only if the State commissions in a region support such policies.

84. In response to the question in the October 2009 Notice regarding barriers to merchant and independent transmission developers' participation in the regional transmission planning process other than a right of first refusal, several commenters state that there are none or that they are unaware of any.[95] However, Pattern Transmission suggests that the uncertainty of recovering the costs associated with participation in the transmission planning process can be a barrier to participation by merchant and independent transmission developers, particularly if the planning process is inefficient and deadlines are not met. Pattern Transmission also asserts that an incumbent transmission owner has an advantage in developing proposals as it has priority access to data. Green Energy Express states that the Commission should ensure "a level playing field with regard to the flow of information, the determination of need, and related interactions between an RTO or ISO or other transmission planning region, incumbent transmission owners and developers, and independent, nonincumbent developers."[96]

85. LS Power states that there are several additional barriers to third party developers' participation in regional transmission planning processes, some of which are unique to certain markets. For example, LS Power states that there are regions in which an independent developer cannot become a transmission owner until it has completed a project and owns the resulting transmission facility. Additionally, LS Power states that it is difficult to develop a project in a region where the load-serving entity is also a transmission owner, as the incumbent utility is often responsible for both generation and transmission planning and resource procurement and may have an incentive to expand its rate base by investing in transmission infrastructure rather than support independent transmission development.

86. Northern Tier Transmission Group suggests that some merchant transmission developers self-impose a barrier to successful participation in the transmission planning process in that they do not submit comparable planning data. As such, Northern Tier Transmission Group is unable to include their projects in its analytical studies.

2. Proposed Reforms Regarding Nonincumbents

87. Based on the comments submitted in response to the October 2009 Notice, there appear to be opportunities for undue discrimination and preferential treatment against nonincumbent transmission developers within existing regional transmission planning processes. Where an incumbent transmission provider has a right of first refusal, a nonincumbent transmission developer risks losing its investment in developing a proposal for submittal to the regional transmission planning process, even if that proposal is selected for inclusion in the regional transmission plan. We are concerned that it may be unduly discriminatory or preferential to deny a nonincumbent transmission developer that sponsors a project that is included in a regional transmission plan the rights of an incumbent transmission provider that are created by a transmission provider's OATT or agreements subject to the Commission jurisdiction.

88. In addition, under these circumstances, nonincumbent transmission developers may be less likely to participate in the regional transmission planning process. If the regional transmission planning process does not consider and evaluate projects proposed by nonincumbents, it cannot meet the principle of being "open." Moreover, such a planning process may not result in a cost-effective solution to regional transmission needs and projects that are included in a transmission plan therefore may be developed at a higher cost than necessary. The result may be that regional transmission services may be provided at rates, terms and conditions that are not just and reasonable.

89. To address these issues, we propose a framework that reflects the following reforms, including the elimination from a transmission provider's OATT or agreements subject to the Commission's jurisdiction of provisions that establish a Federal right of first refusal for an incumbent transmission provider with respect to facilities that are included in a regional transmission plan. Neither incumbent nor nonincumbent transmission facility developers should, as a result of a Commission-approved OATT or agreement, receive different treatment in a regional transmission planning process. Further, both should share similar benefits and obligations commensurate with that participation, including the right, consistent with State or local laws or regulations, to construct and own a facility that it sponsors in a regional transmission planning process and that is selected for inclusion in the regional transmission plan. The Commission proposes that the tariff changes to implement these proposed reforms would be developed through an open and transparent process involving the public utility transmission provider, its customers, and other stakeholders.

90. First, we propose to require that each public utility transmission provider must revise its OATT to demonstrate that the regional transmission planning process in which it participates has established appropriate qualification criteria for determining an entity's eligibility to propose a project in the regional transmission planning process, whether that entity is an incumbent transmission owner or a nonincumbent transmission developer. These criteria must be included in the public utility transmission provider's OATT and must not be unduly discriminatory or preferential. However, it would not be unduly discriminatory or preferential to have appropriate qualification criteria for all potential transmission owners. Such criteria should be designed to demonstrate that each potential transmission owner has the necessary financial and technical expertise to develop, construct, own, operate, and maintain transmission facilities.[97] Any such criteria must be approved by the Commission. Although we do not

[94] EEI at 9–10.

[95] *E.g.,* Allegheny Companies, CAlifornians for Renewable Energy, Integrys, *et al.,* Maine PUC and Public Advocate, New York PSC, and Xcel.

[96] Green Energy Express at 10.

[97] Nothing would preclude the incumbent transmission owner from agreeing to operate and maintain the facilities. Additionally, nothing in this Proposed Rule is intended to change existing RTO and ISO operational procedures and practices.

propose here to establish a single set of qualification criteria that would apply in all regional transmission planning processes, we seek comment on whether we should do so and if so, what these criteria should be. Instead, we propose that each public utility transmission provider, in cooperation with customers and other stakeholders in its transmission planning region, must participate in a regional transmission planning process that develops qualification criteria that satisfy the requirements of this Proposed Rule.

91. Second, we propose to require that each public utility transmission provider must revise its OATT to include a form by which a prospective project sponsor would provide information in sufficient detail to allow the proposed project to be evaluated in the regional transmission planning process.[98] In connection with the other aspects of the framework discussed in this section, we also propose to require that all proposals to be considered in a given transmission planning cycle must be submitted by a single, specified date, to minimize the opportunity for other entities to propose slight modifications to already submitted projects.

92. Third, we propose to require that each public utility transmission provider participate in a regional transmission planning process that evaluates the proposals submitted to the regional planning process through a transparent and not unduly discriminatory or preferential process. Each public utility transmission provider would be required to describe in its OATT the process used for evaluating whether to include a proposed transmission facility in the regional transmission plan.[99]

93. Fourth, with respect to facilities that are included in a regional transmission plan, we propose to require removal from a transmission provider's OATT or agreements subject to the Commission's jurisdiction provisions that establish a Federal right of first refusal for an incumbent transmission provider.[100] We also propose to require each public utility transmission provider to amend its OATT to describe how the regional transmission planning process in which it participates provides for the sponsor (whether an incumbent transmission provider or a nonincumbent transmission developer) of a facility that is selected through the regional transmission planning process for inclusion in the regional transmission plan to have a right, consistent with State or local laws or regulations, to construct and own that facility.

94. Moreover, because a regional transmission planning process may result in modifications to proposed projects in order to better meet the needs of the region, the public utility transmission provider must ensure that its regional transmission planning process has a mechanism to determine which proposal the modified project is most similar to, with the sponsor of the most similar project having the right, consistent with State or local laws or regulations to construct and own the facilities.

95. Fifth, we propose to require that if a proposed project is not included in a regional transmission plan and if the project's sponsor resubmits that proposed project in a future transmission planning cycle, that sponsor would have the right to develop that project under the foregoing rules even if one or more substantially similar projects are proposed by others in the future transmission planning cycle. The OATT must state that this priority to develop the proposed facility continues for a defined period of time (*e.g.,* for resubmission annually in subsequent transmission planning cycles over a 5-year period).

96. Sixth, we propose to require that, if an incumbent transmission project developer may recover the cost of a transmission facility for a selected project through a regional cost allocation method, a nonincumbent transmission project developer must enjoy that same eligibility. More specifically, each public utility transmission provider must participate in a regional planning process that provides that, when a project proposed by a nonincumbent transmission developer is included in a regional transmission plan, that developer must have an opportunity comparable to that of an incumbent transmission owner to recover the costs associated with developing the project and constructing the transmission facility. Costs associated with a project that is not included in the regional transmission plan, whether proposed by an incumbent or by a nonincumbent transmission provider, may not be recovered through a transmission planning region's cost allocation process.

97. We emphasize that these proposed reforms would apply only to facilities that are evaluated in a regional transmission planning process and selected for inclusion in a regional transmission plan. We do not propose to modify any existing obligation for an incumbent transmission owner to build unsponsored projects that are identified as necessary in a regional transmission plan.[101] In addition, where an incumbent transmission owner has the right to build, own, and recover costs for upgrades to its own existing transmission facilities (*e.g.,* tower change out and reconductoring), such right would not be affected by the reforms proposed here.

98. We also emphasize that these proposed reforms would affect only a right of first refusal established in a transmission provider's OATT or agreements subject to the Commission's jurisdiction. This Proposed Rule does not address, propose to change, or seek to preempt any State or local laws or regulations.

99. Finally, we do not propose here to require a transmission developer that does not seek to use the regional cost allocation process to participate in the regional transmission planning process, as some commenters recommend. For example, because a merchant transmission developer assumes all financial risk for developing its project and constructing the proposed facilities, it is unnecessary to require such a developer to participate in a regional transmission planning process for purposes of identifying the beneficiaries of its project or securing eligibility to use a regional cost allocation method. A

[98] The information about its proposed project that a sponsor provides also should include, as relevant, engineering studies, cost analyses, and any other detailed reports completed by the project sponsor as needed to facilitate evaluation of the project in the regional transmission planning process.

[99] The description would need to provide sufficient detail so that an entity that proposed a project could determine why the project was included or not included in the regional transmission plan. In addition to addressing concerns about undue discrimination or preference, the description would facilitate understanding of the relative weight placed on various benefits associated with competing proposals (*e.g.,* one proposal might address only a reliability-driven transmission need, while another proposal might also provide greater benefits in terms of congestion relief or advancement of public policy requirement established by State or Federal laws or regulations that a transmission planning region has identified).

[100] If a Commission-approved tariff or agreement contains a reference to a right provided under state or local laws or regulations, such a provision would not be subject to this requirement.

[101] For example, in some RTO and ISO regions, transmission owners have obligations to build certain transmission facilities identified by the RTO or ISO. As new transmission owners, including nonincumbent transmission owners, join the RTO or ISO, they will incur the obligations accompanying that status in the RTO or ISO's tariff and other governing documents. We note that provisions imposing such obligations may need to be modified to reflect how they will apply to nonincumbent transmission project developers. We also note that before turning to a transmission owner with such an obligation, the RTO or ISO could conduct a competitive bidding process to assign construction rights for an unsponsored project in its regional transmission plan.

developer that does not seek to use the regional cost allocation process nevertheless would be required to comply with all reliability requirements applicable to facilities in the transmission planning region in which its project would be located. In addition, such a developer is not prohibited from participating—and, indeed, is encouraged to participate—in the regional transmission planning process.

100. As discussed above, in response to the October 2009 Notice, many commenters link the right of first refusal for an incumbent utility to its obligation to construct new facilities if called upon to do so. While the Commission acknowledges these comments, we preliminarily find that these two practices are not, and should not be, linked within regional transmission planning processes. That is, while a public utility transmission owner may have accepted an obligation to build in relation to its membership in an RTO or ISO, this obligation is not directly dependent on that transmission provider having a corresponding right of first refusal with regard to a proposal to construct and own a new transmission facility located in that region. What is important from the Commission's perspective is that the documents approved by the Commission must not be unduly discriminatory. The Commission preliminarily finds that neither incumbent nor nonincumbent transmission facility developers should, as a result of a Commission approved OATT or agreement, receive different treatment in the transmission planning and selection process, and both should share similar benefits and obligations commensurate with that participation.

101. We seek comment on how the reforms proposed in this section of the Proposed Rule would affect the rights, obligations, and responsibilities of incumbent and nonincumbent transmission providers. In particular, we seek comment on the relationship or lack of relationship between a right of first refusal and an obligation to build. We also seek comment on whether it would be appropriate to retain a Federal right of first refusal in an OATT or other documents subject to the Commission's jurisdiction. If not, why not? If so, would it be appropriate to retain an obligation to build for an incumbent transmission provider while removing a Federal right of first refusal for that incumbent?

D. Interregional Coordination

1. The Need for Interregional Planning Reforms

102. As discussed above, the transmission planning principles established in Order Nos. 890 and 890–A establish a framework for transmission planning at the local and regional levels. In Order No. 890–A, the Commission emphasized that effective regional planning should include coordination among regions. Further, the Commission stated that regions and subregions should coordinate as necessary to share data, information and assumptions to maintain reliability and allow customers to consider the resource options that span the regions.[102] In several of the Order No. 890 compliance orders, the Commission requested more detailed information regarding compliance with this aspect of the regional participation principle.[103]

103. Within that Order No. 890 and 890–A framework, transmission providers in certain parts of the country have organized subregional transmission planning groups for the purpose of collectively developing plans for upgrades on their combined transmission systems. These subregional transmission plans are then analyzed at a regional level to ensure that, if implemented, they will be simultaneously feasible and meet reliability requirements.[104] Additionally, some neighboring transmission providers have undertaken joint transmission planning pursuant to bilateral agreements.[105] However, as observed in the October 2009 Notice, there are few processes in place to analyze whether alternative interregional solutions would more efficiently or effectively meet the needs identified in individual regional transmission plans.[106]

104. The October 2009 Notice posed several questions related to this issue, including whether existing transmission planning processes are adequate to identify and evaluate potential solutions to needs affecting the systems of multiple transmission providers. The October 2009 Notice also sought comment as to what processes should govern the identification and selection of projects that affect multiple systems.[107]

105. In response to the October 2009 Notice, some commenters state that the need for supplemental interregional transmission planning processes cannot be evaluated until stakeholders gain more experience with the regional transmission planning processes conducted pursuant to Order No. 890, and thus oppose Commission action on this issue at this time.[108] Other commenters state that the lack of interregional planning is a considerable problem and that transmission planning could be enhanced by increasing the amount of coordination that occurs between neighboring transmission planning regions.[109]

106. More specifically, several commenters advocate expansion of interregional transmission planning, but disagree as to the extent to which interregional coordination should be institutionalized. Proposals range from requiring regional transmission planning entities to comply with Order No. 890 transmission planning principles,[110] to requiring greater coordination among existing transmission planning regions,[111] to expanding the authorities of regional transmission planning entities.[112] Some

[102] Order No. 890–A, FERC Stats. & Regs. ¶ 31,261 at P 226.

[103] *See, e.g., Southern Co. Servs., Inc.;* 124 FERC ¶ 61,265, at P 70 (2008); *United States Department of Energy—Bonneville Power Administration,* 124 FERC ¶ 61,054, at P 65 (2008); *Southwest Power Pool, Inc.,* 124 FERC ¶ 61,028, at P 49 (2008).

[104] Such analysis is consistent with one aspect of the Regional Participation transmission planning principle that the Commission established in Order No. 890. On that issue, the Commission stated: "[I]n addition to preparing a system plan for its own control area on an open and nondiscriminatory basis, each transmission provider will be required to coordinate with interconnected systems to: (1) Share system plans to ensure that they are simultaneously feasible and otherwise use consistent assumptions and data, and (2) identify system enhancements that could relieve congestion of integrate new resources * * *" Order No. 890, FERC Stats. & Regs. ¶ 31,241 at P 523.

[105] *See, e.g.,* Joint Operating Agreement Between the Midwest Independent Transmission System Operator, Inc. and PJM Interconnection, L.L.C. (Midwest Independent Transmission System Operator, Inc., Second Revised Rate Schedule FERC No. 5; PJM Interconnection, L.L.C. Second Revised Rate Schedule FERC No. 38).

[106] October 2009 Notice at 2.

[107] *Id.* at 3.

[108] *E.g.,* American Transmission, Consolidated Edison, et al., Dominion, Eastern Interconnection Planning Collaborative Analysis Team, Imperial Irrigation District, New York ISO, Public Power Council, South Carolina Electric & Gas, and Southern Companies.

[109] *E.g.,* Duke, Exelon, NextEra, Ohio Commission, Old Dominion, Organization of MISO States, PSEG Companies, Transmission Access Policy Study Group, and Transmission Dependent Utility Systems.

[110] *E.g.,* Old Dominion.

[111] *E.g.,* AWEA, Pioneer Transmission, PSEG Companies, Public Interest Organizations & Renewable Energy Groups, Transmission Access Policy Study Group, and Transmission Dependent Utility Systems.

[112] Regional transmission planning entities would be empowered "to make specific project recommendations at the end of the planning process and to enter binding, near-juridical findings of fact and conclusions related to the need and economic benefits of specific projects or solutions." San Diego Gas & Electric at 6.

commenters suggest that the Commission should require interregional transmission planning or develop *pro forma* seams agreements that describe the requirements for coordinating transmission planning with a neighboring transmission planning region.[113]

107. San Diego Gas & Electric, for example, states that, in the West, transmission planning is a hodgepodge of balkanized processes resulting in a flood of proposed interstate transmission facilities but with virtually no consideration given to which of the proposed facilities would be most effective in meeting the needs of the broadest set of constituents. San Diego Gas & Electric also states that little serious consideration is given to how various project proposals could be modified, combined, or eliminated so as to make the best possible use of available transmission corridors, minimize adverse environmental impacts, and enhance overarching system efficiencies.[114]

108. Pioneer Transmission states that it has a unique perspective on interregional transmission planning issues, as it spent the last year and a half working with the Midwest ISO and PJM in an effort to develop extra high voltage transmission facilities that will be located in both the Midwest ISO and PJM footprints. Pioneer Transmission states that although the Midwest ISO and PJM have undertaken various studies and have worked cooperatively with Pioneer Transmission, they have been hampered in their efforts to assess the Pioneer project for inclusion in their transmission plans because neither RTO has in place formal procedures for evaluating interregional projects.[115]

109. The Ohio Commission states in its comments that "[j]ust as the development of RTOs and ISOs was encouraged to better coordinate individual transmission owners' and operators' plans, the development of inter-regional planning committees to review and coordinate individual and RTO and ISO plans should be encouraged." [116] The California ISO states that it would be easier to analyze and justify transmission facilities that would be located in more than one region if the underlying data were consistent in all of the areas that are part of evaluating the transmission project in question.[117] Similarly, Public Interest Organizations & Renewable Energy Groups state that the Commission should require coordinated transmission infrastructure plan development by regional or interregional transmission planning authorities informed by interconnection-wide assessments and broad stakeholder input.

110. The October 2009 Notice also recognized that proposals to implement interconnectionwide transmission planning were being developed in response to the above-noted funding opportunities that DOE offered under the American Recovery and Reinvestment Act of 2009. The October 2009 Notice observed that it was not clear whether those activities would result in a regular process for jointly identifying and evaluating alternatives to solutions identified in transmission plans developed through existing transmission planning processes conducted in accordance with Order No. 890.[118]

111. In response to the October 2009 Notice, some commenters state that interconnectionwide transmission planning undertaken pursuant to the ARRA should be given a chance to mature before the Commission takes additional action with respect to transmission planning.[119] Other commenters emphasize that funding under the ARRA is an important one-time opportunity, but should not be viewed as a prerequisite for initiating or expanding upon other transmission planning efforts.[120] For example, Exelon states that the ARRA-funded transmission planning for the Eastern Interconnection is a positive effort, but is aimed at evaluating what would happen under various scenarios rather than at evaluating solutions and identifying the best solution for any given transmission planning problem. AWEA states that the Commission should not rely on interconnectionwide transmission planning undertaken pursuant to the ARRA as the sole means for reforming the transmission planning process because the ARRA-funded efforts cannot be expected to lead to the near-term changes that need to be implemented in order to support development of renewable energy resources.

112. The Commission supports and encourages the interconnectionwide transmission planning efforts being undertaken pursuant to the ARRA. As noted above, broad participation in sessions to date related to these efforts suggests that that the availability of Federal funds to pursue interconnectionwide transmission planning has increased awareness of the potential for greater coordination among regions in transmission planning. The Commission anticipates that the ARRA-funded efforts will enhance transmission planning by, among other actions, building upon local and regional transmission planning processes and improving capabilities to model the development of transmission enhancements for the various scenarios of interest to State and Federal policy makers and other stakeholders, as well as Canadian provincial policy makers in the Western Interconnection. We emphasize that this Proposed Rule, which does not require interconnectionwide planning or cost allocation, is not intended to interfere with the efforts already underway in ARRA-funded transmission planning initiatives.

113. However, even with these important steps toward interconnection-wide scenario analysis, the Commission remains concerned that the lack of coordinated transmission planning processes across the seams of neighboring transmission planning regions could be needlessly increasing costs for customers of transmission providers. These circumstances may result in transmission rates that are unjust and unreasonable. Therefore, the Commission proposes reforms that are intended to improve coordination between neighboring transmission planning regions with respect to facilities that are proposed to be located in both regions, as well as interregional facilities that could address transmission needs more efficiently than separate intraregional facilities.

2. Proposed Interregional Planning Reforms

114. We propose to require each public utility transmission provider through its regional transmission planning process to coordinate with the public utility transmission providers in each of its neighboring transmission planning regions within its interconnection to address transmission planning issues, as discussed below.[121] This coordination between transmission planning regions must be reflected in an

[113] *E.g.,* AEP, Energy Future Coalition, Old Dominion, Pioneer Transmission, Public Interest Organizations & Renewable Energy Groups, SPP, Transmission Access Policy Study Group, and Transmission Dependent Utility Systems.

[114] San Diego Gas & Electric at 5.

[115] Pioneer Transmission at 1–2.

[116] Ohio Commission Comments at 6.

[117] California ISO at 8.

[118] October 2009 Notice at 2–3.

[119] *E.g.,* ColumbiaGrid, NARUC, New England States' Committee on Electricity, and Organization of MISO States.

[120] *E.g.,* Eastern Interconnection Planning Collaborative Analysis Team, Entergy, and Progress Energy.

[121] This proposal does not require a public utility transmission provider to enter into an interregional transmission planning agreement with a neighboring transmission planning region in another interconnection.

interregional transmission planning agreement to be filed with the Commission.

115. The interregional transmission planning agreement may be developed on behalf of the public utility transmission providers within multiple transmission planning regions. For example, two RTOs may set forth the requirements of their interregional transmission planning coordination as part of an overall joint operating agreement between them. A public utility transmission provider that is not in an RTO or ISO may, for example, work with other transmission providers that participate in its regional transmission planning process to create and enter into a multilateral interregional transmission planning agreement with transmission providers in a neighboring transmission planning region. Although not required under this proposal, we encourage public utility transmission providers to explore possible multilateral interregional transmission planning agreements among several, or even all, regions within an interconnection, building on processes developed through the ARRA-funded transmission planning initiatives. We note that multilateral interregional transmission planning agreements may minimize the growing number of planning meetings that some stakeholders suggest pose barriers to their meaningful participation in the planning processes, given their limited resources.

116. The interregional transmission planning agreement must include a detailed description of the process for coordination between public utility transmission providers in neighboring transmission planning regions with respect to facilities that are proposed to be located in both regions, as well as interregional facilities that are not proposed but that could address transmission needs more efficiently than separate intraregional facilities.

117. While the Commission encourages every interregional transmission planning agreement to be tailored to best fit the needs of the regions entering into the agreement, there are certain elements that we propose each public utility transmission provider must ensure are included in any interregional transmission planning agreement in which it participates. Including these elements will help to ensure a proactive, comprehensive process. Specifically, we propose that an interregional transmission planning agreement must include: (1) A commitment to coordinate and share the results of respective regional transmission plans to identify possible interregional facilities that could address transmission needs more efficiently than separate intraregional facilities; (2) an agreement to exchange at least annually planning data and information; (3) a formal procedure to identify and jointly evaluate transmission facilities that are proposed to be located in both regions; and (4) a commitment to maintain a Web site or e-mail list for the communication of information related to the coordinated planning process.

118. With respect to the third proposed requirement for an interregional transmission planning agreement, the Commission proposes that the sponsor of a project that would be located in both transmission planning regions to which that agreement applies must first propose its project in the transmission planning process of each of those transmission planning regions. The Commission further proposes that such a submission would trigger a procedure established by the interregional transmission planning agreement, under which the transmission planning regions would coordinate their reviews of and jointly evaluate the proposed project. The Commission proposes that such coordination and joint evaluation must be conducted in the same general timeframe as, rather than subsequent to, each transmission planning region's individual consideration of the proposed project. Finally, the Commission proposes that inclusion of the interregional transmission project in each of the relevant regional transmission plans would be a prerequisite to application of an interregional cost allocation method that satisfies the cost allocation principles proposed below in this NOPR.

119. We seek comment on any issue of interest or concern related to the requirements proposed in this section of the Proposed Rule, including the proposed required elements of an interregional transmission planning agreement and any other elements that should be part of an interregional transmission planning agreement. In particular, we seek comment on how such an agreement would be implemented in non-RTO or ISO regions and on the impact that an interregional transmission planning agreement would likely have on the development of interregional transmission facilities.

120. We recognize that development of interregional transmission planning agreements would take time and would necessarily depend on progress at the regional level. Accordingly, the Commission proposes to require the interregional transmission planning agreements to be submitted to the Commission no later than one year after the effective date of the final rule issued in this proceeding.

V. Proposed Reforms: Cost Allocation

A. Introduction

1. Order No. 890's Transmission Planning Principle on Cost Allocation for New Transmission Facilities

121. In Order No. 890, the Commission found that there is a close relationship between transmission planning, which identifies needed transmission facilities, and the allocation of costs of the transmission facilities in the plan. The Commission stated that knowing how the costs of new transmission facilities would be allocated is critical to the development of new infrastructure, because transmission providers and customers cannot be expected to support the construction of new transmission unless they understand who will pay the associated costs.[122]

122. In light of this close relationship, the Commission included a principle entitled "Cost Allocation for New Projects" among the Order No. 890 transmission planning principles. The Commission stated that the Order No. 890 Cost Allocation principle was intended to apply to projects that did not fit under existing cost allocation methods. As examples of such projects, the Commission cited regional projects involving several transmission owners and economic projects that are identified pursuant to the Order No. 890 economic planning studies principle for transmission planning, rather than through individual requests for transmission service.[123]

123. The Commission did not impose a particular cost allocation method in Order No. 890, but instead permitted public utility transmission providers, customers, and other stakeholders to determine a method that would be appropriate given the needs of the region. While allowing this flexibility among regions, the Commission also stated that providing some overall guidance on the issue was appropriate. The Commission stated that when considering a dispute over cost allocation, it would exercise its judgment by weighing several factors. First, the Commission stated that it would consider whether a cost allocation proposal fairly assigns costs among participants, including those who cause the costs to be incurred and

[122] Order No. 890, FERC Stats. & Regs. ¶ 31,241 at P 557.

[123] *Id.* P 558.

those that otherwise benefit from them. Second, the Commission stated that it would consider whether a cost allocation proposal provides adequate incentives to construct new transmission. Third, the Commission stated that it would consider whether the proposal is generally supported by State authorities and participants across the region.[124]

124. The Commission also stated that these factors are particularly important as applied to economic projects that are identified pursuant to the Order No. 890 economic planning studies principle for transmission planning, such as upgrades to reduce congestion or enable groups of customers to access new generation. The Commission stated that, as a general matter, the beneficiaries of any such project should agree to support its costs. The Commission recognized, however, that there are free rider problems associated with new transmission investment, such that customers who do not agree to support a particular project may nonetheless receive substantial benefit from it. The Commission also stated that a range of solutions to free rider problems is available, noting that different regions have attempted to address those problems in a variety of ways.[125]

125. To comply with the cost allocation principle, the Commission directed each public utility transmission provider to clearly define the details of its cost allocation method as part of a new attachment to its OATT. The Commission stated that each proposal should identify the types of new projects that are not covered under previously existing cost allocation methods and, therefore, would be affected by the Order No. 890 cost allocation principle.[126] The Commission also stated that it is important that each region address these cost allocation issues up front, at least in principle, rather than having them relitigated each time a project is proposed.[127] The Commission explained that up-front identification of how the cost of a facility will be allocated will allow transmission providers, customers, and potential investors to make the decision whether or not to build that facility on an informed basis.[128]

126. After several rounds of compliance filings, the Commission approved various public utility transmission providers' proposals pursuant to the cost allocation principle. The Commission found that the proposals adequately identified both the types of new projects that were not covered under previously existing cost allocation methods and new methods for allocating the cost of those projects.

127. Particularly in transmission planning regions outside of the RTO and ISO footprints, many of the cost allocation methods that the Commission accepted in the Order No. 890 compliance proceedings rely exclusively on a "participant funding" approach to cost allocation. Under a participant funding approach to cost allocation, the costs of a new transmission facility are allocated only to entities that volunteer to bear those costs.

128. For example, El Paso Electric proposed in its Order No. 890 compliance filing to use a cost allocation method in which such entities would share the costs proportionally based on each participant's desired use of the facility to be constructed.[129] Other members of WestConnect, such as Public Service Company of Colorado, filed and now use similar participant funding cost allocation methods.[130] South Carolina Electric & Gas included in its Order No. 890 compliance filing the Southeast Inter-Regional Participation Process (SIRPP) provisions stating that costs for economics-driven upgrades will be born entirely by the transmission owner that builds the facilities.[131] Similarly, Entergy filed and had approved a method where the costs for projects developed under its Regional Planning Process and its interregional transmission planning process would be born by the party that constructs the facilities.[132] ColumbiaGrid and the Northern Tier Transmission Group both utilize a study committee process whereby alternative cost allocation methods can be proposed for projects within their respective regions.[133] However, both ColumbiaGrid and Northern Tier Transmission Group use a process where, if no agreement on cost allocation among the study team participants or the project proponents is obtained, the entities requesting the project will bear the costs.

2. October 2009 Notice and Subsequent Comments

129. As discussed above, in the October 2009 Notice, the Commission posed a number of questions with respect to allocating the cost of transmission facilities. Those questions drew wide-ranging responses as to whether further Commission action on cost allocation is needed at this time and, if so, what that action should be.

130. Among the commenters, there is general agreement that the Commission should not supersede existing, ongoing processes in various parts of the country that are attempting to address regional and interregional cost allocation issues.

131. Nonetheless, commenters supporting further Commission action on cost allocation at this time generally assert that the Commission should provide more detailed guidelines or principles for allocating the costs of new transmission facilities.[134] Many commenters argue that a clear path to cost recovery is necessary for a new transmission project to move beyond the evaluation stage and to be included in any regional transmission planning process and ultimately to proceed to construction.[135] Such commenters indicate that risks associated with cost recovery—together with the risks associated with permitting and siting—are among the most significant obstacles to the construction of a new transmission facility, especially if customers that are allocated costs do not perceive that they will benefit from the proposed facility.[136] Old Dominion emphasizes that many of the obstacles inhibiting transmission development are interrelated, but that greater certainty on cost allocation would likely ease access to capital for proposed facilities.[137]

132. Several commenters specifically address cost allocation as an impediment to the development of generation to satisfy renewable portfolio

[124] *Id.* P 559.

[125] *Id.* P 561 ("[D]ifferent regions have attempted to address such issues in a variety of ways, such as by assigning transmission rights only to those who financially support a project or spreading a portion of the cost of certain high-voltage projects more broadly than the immediate beneficiary/supporters of the project.").

[126] *Id.* P 558.

[127] *Id.* P 561.

[128] Order No. 890–A, FERC Stats. & Regs. ¶ 31,261 at P 251. The Commission also stated that neither adoption of a cost allocation method nor identification of an upgrade (whether driven by reliability or economics) in a transmission plan triggers an obligation to build. *Id.*

[129] *El Paso Electric Company,* 124 FERC ¶ 61,051, at P 44 (2008).

[130] *Xcel Energy Services, Inc.—Public Service Company of Colorado,* 124 FERC ¶ 61,052 (2008).

[131] *South Carolina Electric & Gas Company,* 127 FERC ¶ 61,275, at P 50 (2009).

[132] *Entergy Services, Inc.,* 127 FERC ¶ 61,272 (2009).

[133] *See Avista Corporation,* 128 FERC ¶ 61,065 (2009) and *Idaho Power Company,* 128 FERC ¶ 61,064 (2009).

[134] *E.g.,* APPA, National Rural Electric Coops, Transmission Access Policy Study Group, Transmission Dependent Utility Systems, and California ISO.

[135] *E.g.,* American Transmission, AWEA, E.ON Climate & Renewables North America, Energy Future Coalition, and NextEra.

[136] *E.g.,* AWEA, Transmission Dependent Utility Systems, Xcel, Transmission Access Policy Study Group, and National Rural Electric Coops.

[137] Old Dominion at 26.

standards implemented by the states.[138] AWEA, for example, states that cost allocation policies are the biggest impediment to construction of new transmission facilities, regardless of location, and that costs should be assigned to all entities that benefit from a new facility. AWEA further comments that a participant funding cost allocation method does not achieve that goal.[139] These commenters also state that uncertainty over cost allocation imposes significant costs on customers attempting to export energy from renewable resources and inhibit planning for the integration of the most economic generation resources into the transmission grid. Maine PUC and Public Advocate state that the existing ISO–NE cost allocation methods are not optimal when considering large amounts of wind integration.[140]

133. Similarly, the majority of commenters that address cost allocation for large, interregional transmission facilities agree that the Commission should provide more guidance on cost allocation.[141] Some commenters complain that as a general matter, the Commission has addressed cost allocation methods only for facilities within the footprint of a single transmission provider or a single RTO or ISO, and not for interregional projects. For example, AEP states that it has experienced delays in developing transmission facilities that cross RTO boundaries as a result of uncertainty over cost allocation, as well as difficulties with how the facilities are to be planned.

134. Some of these commenters assert that the expansion of regional power markets and the increasing adoption by State governments of renewable energy requirements have led to a growing need for new transmission facilities that cross several utility and/or RTO or ISO regions. These commenters generally support, or state that they do not oppose, the Commission establishing a process to help stakeholders address cost allocation matters over larger geographic areas. For example, California ISO and the California Commission comment that, although cost allocation within the California ISO works well, they support the Commission creating a process to consider cost allocation over a larger region in the West.

135. In addition, the comments in response to the October 2009 Notice reflect a general consensus that those who share in the benefits of transmission projects should also share in their costs. However, there is no consensus on what types of benefits should be considered or how such benefits should be calculated. Certain commenters, for example, support recognition of a broad spectrum of benefits that may stem from transmission development, such as environmental impacts, land conservation and energy security.[142] Other commenters urge the Commission to avoid a uniform approach to determining the benefits of transmission projects.[143]

136. Several commenters suggest that if the Commission decides to establish a default cost allocation method for new transmission facilities, such a method should be employed and enforced only when stakeholders are unable to agree upon their own regional cost allocation method or methods.[144] For example, American Transmission, National Grid, Northern Tier Transmission Group, and NEPOOL Participants state that the Commission could create a generic cost allocation method as a backstop, which would apply when parties or regions could not come to their own agreement. Other commenters express the view that the Commission should create one or more rebuttable presumptions about who benefits from various types of facilities in order to make cost allocation easier.[145]

137. Finally, many commenters state that no further generic Commission action on cost allocation is needed at this time because the processes in their own regions already address, or are now working to address, cost allocation. For example, in the Southeast, some commenters state that their processes for cost allocation are working well and argue that the Commission should continue to allow regional flexibility on cost allocation processes.[146] Similarly, in the West, some commenters state that cost allocation in their region is not a problem.[147]

B. Legal Authority and Need for Reform

138. Based on the comments received in response to the October 2009 Notice, the Commission believes that further reform with respect to transmission cost allocation methods may be necessary in order to ensure that the rates, terms and conditions of transmission service in interstate commerce are just and reasonable and not unduly discriminatory or preferential.

1. The Cost Causation Principle

139. Under sections 205 and 206 of the FPA, the Commission is responsible for ensuring that the rates, terms, and conditions for transmission of electricity in interstate commerce are just, reasonable, and not unduly discriminatory or preferential.[148] With respect to this responsibility, the Commission and the courts have found that the costs of jurisdictional transmission facilities must be allocated in a manner that satisfies the "cost causation" principle.

140. The U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit) has defined the cost causation principle as follows: "[I]t has been traditionally required that all approved rates reflect to some degree the costs actually caused by the customer who must pay them."[149] The U.S. Court of Appeals for the Seventh Circuit (Seventh Circuit) recently quoted and elaborated on that definition, stating, "All approved rates must reflect to some degree the costs actually caused by the customer who must pay them. Not surprisingly, we evaluate compliance with this unremarkable principle by comparing the costs assessed against a party to the burdens imposed or benefits drawn by that party. To the extent that a utility benefits from the costs of new facilities, it may be said to have 'caused' a part of those costs to be incurred, as without the expectation of its contributions the facilities might not have been built, or might have been delayed."[150] The Commission has

[138] *E.g.,* AWEA at 9–10, American Transmission and Exelon.

[139] AWEA at 4. *See also* Transmission Access Policy Study Group at 25–27.

[140] Maine PUC and Public Advocate at 7–8.

[141] *E.g.,* AEP, ITC Holdings, and Exelon.

[142] *E.g.,* AEP, AWEA, Baltimore Gas and Electric, Energy Future Coalition, Green Energy Express, ITC Holdings, MidAmerican, National Audubon Society, NextEra, and Public Interest Organizations & Renewable Energy Groups.

[143] *E.g.,* ColumbiaGrid, ConEd, Delaware Municipal and Southwestern Electric, and Northeast Utilities.

[144] *E.g.,* American Transmission, National Grid, Northern Tier Transmission Group, and NEPOOL Participants.

[145] *E.g.,* ITC Holdings, MidAmerican, PJM, Solar Energy Industries, and WIRES.

[146] *E.g.,* Entergy, Southern Companies, and Florida Transmission Providers.

[147] *E.g.,* ColumbiaGrid, Northern Tier Transmission Group, Transmission Agency of Northern California, Salt River Project and WestConnect Planning Parties.

[148] 16 U.S.C. 824d, 824e.

[149] *K N Energy, Inc.* v. *FERC,* 968 F.2d 1295, 1300 (D.C. Cir. 1992) (*K N Energy*).

[150] *Illinois Commerce Comm'n* v. *FERC,* 576 F.3d 470, 476 (7th Cir. 2009) (*Illinois Commerce Commission*) (citing *K N Energy,* 968 F.2d at 1300; *Transmission Access Policy Study Group* v. *FERC,* 225 F.3d 667, 708 (D.C. Cir. 2000); *Pacific Gas & Elec. Co.* v. *FERC,* 373 F.3d 1315, 1320–21 (D.C. Cir. 2004); *Midwest ISO Transmission Owners* v. *FERC,* 373 F.3d 1361, 1368 (D.C. Cir. 2004) (*Midwest ISO*

frequently made similar statements with respect to the cost causation principle. For example, as noted above, the Commission stated in Order No. 890 that one factor it weighs when considering a dispute over cost allocation is whether a cost allocation proposal fairly assigns costs among participants, including those who cause the costs to be incurred and those that otherwise benefit from them.[151]

141. In applying the cost causation principle, the Commission has generally allocated costs to beneficiaries that have entered a voluntary arrangement with the public utility that is seeking to recover those costs. One example of a voluntary cost recovery arrangement with a public utility is voluntary membership in an RTO or ISO that makes an entity subject to the cost allocation provisions of the RTO's or ISO's tariff.[152] The Commission also has permitted joint-ownership agreements where the owners share the costs of the new transmission facilities.

142. The cost causation principle, however, is not limited to voluntary arrangements. Indeed, if the Commission were limited to allocating costs only to beneficiaries that voluntarily accept those costs, then the Commission could not fulfill its responsibilities under the FPA. If the Commission could not address free rider problems associated with new transmission investment, then it could not ensure that transmission rates are just and reasonable and not unduly discriminatory. The cost causation principle provides that costs should be allocated to those who cause them to be incurred and those that otherwise benefit from them, as the Commission also recognized in Order No. 890. In other words, the Commission may determine that an entity's status as a beneficiary of a transmission facility identified through an appropriate process is relevant for purposes of applying the cost causation principle, even if that beneficiary has not entered a voluntary arrangement with (*e.g.,* as a customer of) the public utility that is seeking to recover the costs of that facility.

143. The Commission has expressed a willingness to make such a determination. For example, when presented with concerns about parallel path flow,[153] the Commission has offered repeatedly that if a public utility can demonstrate that a transaction is a burden on its system, then that utility can propose a transmission service rate for Commission consideration that would account for the unauthorized use of its system.[154] The Commission has cautioned against the hasty submittal of such unilateral filings, describing its general policy as expecting owners and controllers of transmission facilities to attempt to resolve parallel path flow issues on a consensual, regional basis.[155] Nonetheless, if approved by the Commission, such a proposal to address parallel path flow would allow a public utility to recover costs from a beneficiary of its system in the absence of a voluntary arrangement between the utility and that beneficiary.

144. The Commission also affirmatively required costs of transmission facilities to be allocated to beneficiaries in the absence of a voluntary arrangement in a series of orders involving the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) and PJM Interconnection, L.L.C. (PJM). Specifically, the Commission directed Midwest ISO and PJM to develop cost allocation methods for new facilities in one of their footprints that benefit entities in the other's footprint.[156] Echoing precedent applying the cost causation principle, the Commission later conditionally accepted a proposal that Midwest ISO and PJM submitted in compliance with that directive on the grounds that it "more accurately identifies the beneficiaries and allocates the associated costs" than did the cost allocation methods that were previously in place.[157]

145. These examples show that the Commission has asserted its authority to allocate the costs of jurisdictional facilities to beneficiaries whether or not those beneficiaries have entered into a voluntary agreement with the public utility that is seeking to recover those costs.

146. In addition, courts have affirmed that the cost causation principle allows the Commission to allocate at least some types of costs to beneficiaries that are not customers of the public utility that is seeking to recover the costs in question. For example, the D.C. Circuit addressed this issue in a case that involved a proposal for Midwest ISO to recover administrative costs through a charge that would apply to transmission loads subject to the Midwest ISO's tariff rates: *i.e.,* new wholesale loads and unbundled retail loads, but not bundled retail loads and loads served pursuant to grandfathered contracts.[158] Describing the core issue as whether the Commission's orders comported with the cost causation principle, the D.C. Circuit found that the Commission reasonably allocated the administrative costs more broadly than Midwest ISO proposed.[159] After stating that the subject costs were the administrative costs of having an ISO, the D.C. Circuit found that the Commission correctly determined that bundled and grandfathered loads should share the cost of having an ISO because they drew benefits from Midwest ISO.[160]

147. Thus, in applying the cost causation principle, the Commission may allocate costs of a transmission facility to a beneficiary identified through an appropriate process, such as a Commission-approved transmission planning process, even if that beneficiary has not entered a voluntary arrangement with the public utility that

Transmission Owners); *Alcoa Inc.* v. *FERC,* 564 F.3d 1342 (D.C. Cir. 2009); *Sithe/Independence Power Partners, L.P.* v. *FERC,* 285 F.3d 1, 4–5 (D.C. Cir. 2002) (*Sithe*); 16 U.S.C. 824d).

[151] Order No. 890, FERC Stats. & Regs. ¶ 31,241 at P 559.

[152] The Commission notes that RTO or ISO membership does not eliminate the need to satisfy the other aspects of the cost causation principle that are discussed above.

[153] The Commission has described the phenomenon of parallel path flow as follows: "In general, utilities transact with one another based on a contract path concept. For pricing purposes, parties assume that power flows are confined to a specified sequence of interconnected utilities that are located on a designated contract path. However, in reality power flows are rarely confined to a designated contract path. Rather, power flows over multiple parallel paths that may be owned by several utilities that are not on the contract path. The actual power flow is controlled by the laws of physics which cause power being transmitted from one utility to another to travel along multiple parallel paths and divide itself along the lines of least resistance. This parallel path flow is sometimes called 'loop flow.'" *Indiana Michigan Power Co. and Ohio Power Co.,* 64 FERC ¶ 61,184, at 62,545 (1993).

[154] *See, e.g., Amer. Elec. Power Svc. Corp.,* 49 FERC ¶ 61,377, at 62,381 (1989).

[155] *Id. See also Southern California Edison Co.,* 70 FERC ¶ 61,087, at 61,241–42 (1995).

[156] *Midwest Indep. Transmission Sys. Operator, Inc.,* 109 FERC ¶ 61,168, at P 60 (2004) (citing *Midwest Indep. Transmission Sys. Operator, Inc.,* 106 FERC ¶ 61,251, at P 56–57 (2004)). The Commission noted that Midwest ISO and PJM had committed in a Joint Operating Agreement to develop such a method for allocating the costs of certain facilities through their joint regional planning committee. *Id.* The Commission did not base the above-noted directive on the existence of the Joint Operating Agreement, which Midwest ISO and PJM developed in order to comply with a previous Commission directive. *See Alliance Cos.,* 100 FERC ¶ 61,137, at P 48, 53 (2002).

[157] *Midwest Indep. Transmission Sys. Operator, Inc.,* 113 FERC ¶ 61,194, at P 10 (2005). *See also Midwest Indep. Transmission Sys. Operator, Inc.,* 122 FERC ¶ 61,084 (2008); *Midwest Indep. Transmission Sys. Operator, Inc.,* 129 FERC ¶ 61,102 (2009).

[158] *Midwest ISO Transmission Owners,* 373 F.3d 1361. The D.C. Circuit stated that the subject costs "are primarily MISO's startup expenses—particularly those pertaining to the MISO Security Center—and certain expenses pertaining to the creation and administration of MISO's open access tariff." *Id.* at 1369.

[159] *Id.* at 1370.

[160] *Id.* at 1370–71.

is seeking to recover the costs of that facility. After satisfying this standard with respect to beneficiary identification, the cost causation principle also requires the Commission to ensure that the costs allocated to a beneficiary under a cost allocation method are at least roughly commensurate with the benefits that are expected to accrue to that entity.[161] On this point, the D.C. Circuit has explained that "the cost causation principle does not require exacting precision in a ratemaking agency's allocation decisions."[162]

2. Need for Reform

148. The Commission's responsibility under FPA sections 205 and 206 to ensure that transmission rates are just and reasonable and not unduly discriminatory or preferential is not new, nor is the Commission's recognition of the cost causation principle. However, the circumstances in which the Commission must fulfill its statutory responsibilities change with developments in the electric industry, such as changes with respect to the demands placed on the transmission grid.

149. The Commission has previously recognized changes in circumstances that warranted changes in the manner by which public utilities recover transmission costs. In the early 1990s, the Commission identified "dramatic changes which the electric industry has faced, and will face in the near term," such as "increased reliance on market forces to meet power supply needs; new market entrants such as exempt wholesale generators; a significant number of utility mergers and combinations; more highly integrated operation of various power pools; and substantial bulk power trading among electric systems," as well as the initial filing of open access transmission tariffs.[163] To account for those developments and the industry's changing needs, the Commission issued a policy statement that increased flexibility with respect to transmission pricing.[164]

150. Many of those changes have not only continued but also accelerated in recent years. For example, as commenters stated in response to the October 2009 Notice, the further expansion of regional power markets has led to a growing need for new transmission facilities that cross several utility, RTO, ISO or other regions. The industry's continuing transition from relatively localized trading to larger regional power markets also results, among other effects, in broader diffusion of the benefits associated with transmission upgrades and new transmission facilities.

151. Similarly, the increasing adoption of State resource policies, such as renewable portfolio standard measures, has contributed to rapid growth of location-constrained renewable energy resources that are frequently remote from load centers, as well as a growing need for new transmission facilities that cross several utility and/or RTO or ISO regions. Transmission facilities that are needed to comply with State renewable portfolio standard measures illustrate the increasing potential for benefits associated with meeting public policy-driven transmission needs.

152. More generally, as stated above, challenges associated with allocating the cost of transmission appear to have become more acute as the need for transmission infrastructure has grown. As noted above, constructing new transmission facilities requires a significant amount of capital. Therefore, a threshold consideration for any company considering investing in transmission is whether it will have a reasonable opportunity to recover its costs. However, there are few rate structures in place today that provide both for analysis of the beneficiaries of a transmission facility that is proposed to be located within a transmission planning region that is outside of an RTO or ISO, or in more than one transmission planning region, and for corresponding allocation and recovery of the facility's costs. The lack of such rate structures creates significant risk for transmission developers that they will have no identified group of customers from which to recover the cost of their investment. In addition, cost allocation within RTO or ISO regions, particularly those that encompass several states, is often contentious and prone to litigation because it is difficult to reach an allocation of costs that is perceived as fair. Some comments filed in response to the October 2009 Notice present these types of concerns and state the resultant uncertainty regarding cost allocation remains an impediment to development of needed transmission facilities.

153. The risk of the free rider problems associated with new transmission investment that the Commission described in Order No. 890 is also particularly high for projects that affect multiple utilities' transmission systems and therefore may have multiple beneficiaries. With respect to such projects, any individual beneficiary has an incentive to defer investment in the hopes that other beneficiaries will value the project enough to fund its development. On one hand, a cost allocation method that relies exclusively on a participant funding approach, without respect to other beneficiaries of a transmission facility, increases this incentive and, in turn, the likelihood that needed transmission facilities will not be constructed in a timely manner. On the other hand, if costs are allocated to entities that will receive no benefit from a transmission facility, then those entities are more likely to oppose inclusion of the facility in a regional transmission plan or to otherwise impose obstacles that delay or prevent the facility's construction.

154. In light of these challenges and recent developments affecting the industry, the Commission is concerned that existing cost allocation methods may not appropriately account for benefits associated with new transmission facilities and, thus, may result in rates that are not just and reasonable or are unduly discriminatory or preferential.

C. Proposed Reforms

155. The Commission proposes to amend its regulations to address the concerns discussed above.

156. First, we propose to more closely align transmission planning and cost allocation processes. A transmission planning process includes a facility in a transmission plan in order to achieve a specific purpose or purposes, such as to avoid an impending violation of a Reliability Standard, reduce congestion and thereby increase access to lower-cost resources, or enable compliance with public policy requirements established by State or Federal laws or regulations. Because such purposes involve the identification of expected beneficiaries—either explicitly or implicitly—establishing a closer link between transmission planning and cost

[161] *Illinois Commerce Commission,* 576 F.3d at 476–77 ("We do not suggest that the Commission has to calculate benefits to the last penny, or for that matter to the last million or ten million or perhaps hundred million dollars."). *See also Midwest ISO Transmission Owners,* 373 F.3d 1361 at 1369 ("we have never required a ratemaking agency to allocate costs with exacting precision."); *Sithe,* 285 F.3d 1 at 5.

[162] *Midwest ISO Transmission Owners,* 373 F.3d 1361 at 1371 (citing *Sithe,* 285 F.3d 1 at 5).

[163] *See Notice of Technical Conference and Request for Comments in Inquiry Concerning the Commission's Pricing Policy for Transmission Services Provided by Public Utilities under the Federal Power Act,* 58 FR 36400, at 36401 (1993).

[164] *Policy Statement in Inquiry Concerning the Commission's Pricing Policy for Transmission Services Provided by Public Utilities under the Federal Power Act,* FERC Stats. & Regs., Regulations Preambles January 1991–June 1996 ¶ 31,005 (1994).

allocation will address in part the Commission's concern that existing cost allocation methods may not appropriately account for benefits associated with new transmission facilities.

157. The Commission has previously suggested that transmission planning at least on a regional basis is closely related to cost allocation. As noted above, this premise underlies the Commission's establishment in Order No. 890 of a transmission planning principle on cost allocation for new transmission facilities. In addition, the Commission has explained that it may be appropriate to have different cost allocation methods for facilities that are planned for different purposes or pursuant to different transmission planning processes. For example, the Commission distinguished between existing facilities in Midwest ISO and PJM for which it found that license plate rates are appropriate, and new facilities in those regions for which it approved broader cost allocation methods.[165] The Commission found it significant that Midwest ISO and PJM plan the construction of new facilities based on each RTO's independent transmission planning process, which helps to ensure that new projects are necessary to meet the reliability and economic needs of each RTO's system as a whole. The Commission also noted that Midwest ISO and PJM plan certain new facilities pursuant to a joint RTO planning process under a Joint Operating Agreement. By contrast, the Commission stated that decisions to build existing facilities within Midwest ISO and PJM were not made as part of any regional planning process.[166]

158. The Commission recognizes that identifying which types of benefits are relevant for cost allocation purposes, which entities are receiving those benefits, and the relative benefits that accrue to various beneficiaries can be difficult and controversial. The Commission believes that a transparent transmission planning process is the appropriate forum to address these issues. In addition, addressing these issues through the transmission planning process would increase the likelihood that facilities included in transmission plans are actually constructed, rather than being included in a transmission plan only to later encounter cost allocation disputes that prevent their construction.

159. Accordingly, the Commission proposes to require that every public utility transmission provider have in place a method, or set of methods, for allocating the costs of new transmission facilities that are included in the transmission plan produced by the transmission planning process in which it participates. If the public utility transmission provider is an RTO or ISO, then the method or methods would be required to be set forth in the RTO or ISO tariff. In other transmission planning regions, each public utility transmission provider located within the region would be required to set forth in its tariff the method or methods for cost allocation used in its transmission planning region.

160. An RTO or ISO or the public utility transmission providers in a transmission planning region may have a single cost allocation method for all new transmission facilities or different methods for different types of facilities. For example, cost allocation methods may distinguish among facilities that are driven by needs associated with maintaining reliability, relieving congestion, and achieving public policy requirements established by State or Federal laws or regulations, all of which would be required to be considered in the regional transmission planning process as explained elsewhere in this Proposed Rule. The Commission recognizes that several transmission planning regions that have different cost allocation methods by type of project currently have transmission planning procedures and cost allocation methods that refer only to the first two categories of transmission projects. The Proposed Rule would permit a public utility transmission provider or transmission planning region to distinguish or not distinguish among these three types of transmission facilities, as long as each of the three is considered in the transmission planning process and there is a means for allocating the costs of each type of facility to beneficiaries.

161. Second, we propose to require that each public utility transmission provider within a transmission planning region develop a method for allocating the costs of a new interregional transmission facility between the two neighboring transmission planning regions in which the facility is located or among the beneficiaries in the two neighboring transmission planning regions.

162. Third, to ensure that the cost allocation method or methods are just and reasonable and not unduly discriminatory or preferential, we propose to assess each cost allocation method based upon the cost allocation principles set out in the following sections, one set of principles for intraregional facilities and another for interregional facilities. To reiterate, we propose that the cost allocation method or methods be applied to new transmission facilities included in the transmission plan produced by the transmission planning process in which the public utility transmission provider participates.

163. Finally, we note that under our proposals, public utility transmission providers will have the first opportunity to develop cost allocation methods for intraregional and interregional transmission facilities in consultation with customers and other stakeholders. In the event that no agreement can be reached, the Commission would use the record in the relevant compliance filing proceeding as a basis to develop a cost allocation method or methods that meets the Commission's proposed requirements.

1. Intraregional Cost Allocation

164. An intraregional transmission facility is defined as a transmission facility located entirely within the geographic boundaries of one transmission planning region. As proposed here, each RTO or ISO on behalf of its transmission owning members, or the individual public utility transmission providers in a non-RTO or ISO transmission planning region, would be required to demonstrate through a compliance filing that it has a cost allocation method or methods that address cost recovery for each new transmission facility included in its regional transmission plan and that satisfy the following principles:

(1) The cost of transmission facilities must be allocated to those within the transmission planning region that benefit from those facilities in a manner that is at least roughly commensurate with estimated benefits.[167] In determining the beneficiaries of transmission facilities, a regional transmission planning process may consider benefits including, but not limited to the extent to which transmission facilities, individually or in the aggregate, provide for maintaining reliability and sharing reserves, production cost savings and congestion relief, and/or meeting public policy

[165] *Amer. Elec. Power Serv. Corp.* v. *Midwest Indep. Transmission Sys. Operator, Inc.,* 122 FERC ¶ 61,083, at P 13–24 (2008).

[166] *Id.* P 96.

[167] *Illinois Commerce Commission,* 576 F.3d at 476–77 ("We do not suggest that the Commission has to calculate benefits to the last penny, or for that matter to the last million or ten million or perhaps hundred million dollars."). *See also Midwest ISO Transmission Owners,* 373 F.3d 1361 at 1369 ("we have never required a ratemaking agency to allocate costs with exacting precision."); *Sithe,* 285 F.3d 1 at 5.

requirements established by State or Federal laws or regulations that may drive transmission needs.[168]

(2) Those that receive no benefit from transmission facilities, either at present or in a likely future scenario, must not be involuntarily allocated the costs of those facilities.

(3) If a benefit to cost threshold is used to determine which facilities have sufficient net benefits to be included in a regional transmission plan for the purpose of cost allocation, it must not be so high that facilities with significant positive net benefits are excluded from cost allocation. A transmission planning region or public utility transmission provider may want to choose such a threshold to account for uncertainty in the calculation of benefits and costs. If adopted, such a threshold may not include a ratio of benefits to costs that exceeds 1.25 unless the transmission planning region or public utility transmission provider justifies and the Commission approves a greater ratio.

(4) The allocation method for the cost of an intraregional facility must allocate costs solely within that transmission planning region unless another entity outside the region or another transmission planning region voluntarily agrees to assume a portion of those costs.[169] However, the transmission planning process in the original region must identify consequences for other transmission planning regions, such as upgrades that may be required in another region and, if there is an agreement for the original region to bear costs associated with such upgrades, then the original region's cost allocation method or methods must include provisions for allocating the costs of the upgrades among the entities in the original region.

(5) The cost allocation method and data requirements for determining benefits and identifying beneficiaries for a transmission facility must be transparent with adequate documentation to allow a stakeholder to determine how they were applied to a proposed transmission facility.

(6) A transmission planning region may choose to use a different cost allocation method for different types of transmission facilities in the regional plan, such as transmission facilities needed for reliability, congestion relief, or to achieve public policy requirements established by State or Federal laws or regulations. Each cost allocation method must be set out clearly and explained in detail in the compliance filing for this rule.

165. In proposing these principles, the Commission does not intend to prescribe a uniform approach to cost allocation for new intraregional transmission facilities. To the contrary, we recognize that regional differences may warrant distinctions in cost allocation methods among transmission planning regions. Therefore, this Proposed Rule would allow the public utility transmission providers in each transmission planning region to develop a transmission cost allocation method that best suits the needs of that transmission planning region.

166. However, the Commission proposes that, if the public utility transmission providers in a transmission planning region, in consultation with customers and other stakeholders, cannot agree on a cost allocation method for new intraregional transmission facilities that satisfies these principles, the Commission would use the record in the relevant compliance filing proceeding as a basis for applying these principles to develop a cost allocation method that meets the Commission's requirements. Consistent with the Commission's intention not to prescribe a uniform approach, this cost allocation method would not necessarily be the same for every transmission planning region where the public utility transmission providers are unable to agree on a cost allocation method that satisfies the principles.

167. The Commission recognizes that several approaches to cost allocation may satisfy the proposed principles. For example, a postage stamp cost allocation method may be appropriate where all customers within a specified transmission planning region are found to benefit from the use or availability of a facility or class or group of facilities (*e.g.,* all transmission facilities at 345 kV or higher), especially if the distribution of benefits associated with a class or group of facilities is likely to vary considerably over the long depreciation life of the facilities amid changing power flows, fuel prices, population patterns, and local economic developments. Similarly, other methods that propose cost allocation to a narrower class of beneficiaries may be appropriate, provided that the method reflects an evaluation of beneficiaries and is adequately defined and supported by the transmission planning region.

168. In addition, the principles proposed in this rulemaking do not foreclose the opportunity for a transmission developer or individual customer to voluntarily assume the costs of a new transmission facility. In other words, the proposed principles would not prohibit voluntary participant funding. However, if a transmission developer believes that others in the transmission planning region may benefit from a new transmission facility and want to seek broader cost allocation, then that developer must be permitted to propose its project in the regional transmission planning process that will evaluate the project's beneficiaries. If the facility is included in the regional transmission plan, the costs of that facility must be eligible for allocation pursuant to the Commission-approved method for allocating the cost of a new transmission facility in that plan.[170] As stated above, a cost allocation method that relies exclusively on a participant funding approach, without respect to other beneficiaries of a transmission facility, exacerbates the free rider problem that the Commission described in Order No. 890. Such a cost allocation method would not satisfy the proposed principles.

169. With regard to a new transmission facility that is located entirely within one transmission owner's service territory, a transmission owner may not unilaterally invoke the regional cost allocation method to require the allocation of the costs of a new transmission facility to other entities in its transmission planning region. However, if the regional transmission planning process determines that a new facility located solely within a transmission owner's service territory would provide benefits to others in the region, allocating the facility's costs according to that region's intraregional cost allocation method would be permitted.

2. Interregional Cost Allocation

170. An interregional transmission facility is one that in located within two or more transmission planning regions. In the past, most transmission upgrades

[168] As discussed above, the Commission proposes to require each public utility transmission provider to amend its OATT such that its local and regional transmission planning processes explicitly provide for consideration of public policy requirements established by state or Federal laws or regulations that may drive transmission needs.

[169] In addition, the Commission preliminarily finds that this principle does not affect the cross-border cost allocation methods developed by PJM and the Midwest ISO in response to Commission directives related to their intertwined configuration. *Midwest Indep. Transmission Sys. Operator, Inc.,* 113 FERC ¶ 61,194, at P 10 (2005); *Midwest Indep. Transmission Sys. Operator, Inc.,* 122 FERC ¶ 61,084 (2008); *Midwest Indep. Transmission Sys. Operator, Inc.,* 129 FERC ¶ 61,102 (2009).

[170] However, certain transmission developers may seek to participate in the regional transmission planning process only for coordination purposes (*e.g.,* to perform a reliability check for a participant-funded or merchant transmission project), in which case the transmission plan would not include a cost allocation for such projects.

were planned and constructed to meet the needs of customers within a given transmission planning region. However, new transmission facilities located within multiple transmission planning regions are now being considered by transmission providers in various parts of the nation. For example, as discussed above, development of renewable energy resources is increasing rapidly, in part in response to State renewable portfolio standard requirements. However, many of these resources are located far from load centers. New transmission facilities located within multiple transmission planning regions may be necessary to deliver the output of these renewable energy resources.

171. There are few rate structures in place today that provide for the allocation and recovery of costs of interregional transmission facilities. We are concerned that the absence of clear cost allocation rules for interregional transmission facilities could impede the development of such facilities, because of uncertainty regarding recovery of associated costs. In addition, the combined size of the multiple transmission planning regions in which an interregional facility would be located may increase the potential for both free ridership and the allocation of costs to those that receive no benefit from a facility.

172. Therefore, we propose to require that the public utility transmission providers located in each pair of neighboring transmission planning regions develop a mutually agreeable method for allocating between the two transmission planning regions the costs of a new transmission facility that is located within both regions and that is eligible for interregional cost recovery pursuant to the region's interregional transmission planning agreement developed in accordance with the requirement proposed above. In an RTO or ISO region, we propose that the method must be filed to become a part of the relevant tariffs. In other transmission planning regions, we propose that the cost allocation method be filed as part of the OATT of each public utility transmission provider in the region.

173. A group of three or more transmission planning regions within an interconnection—or all of the transmission planning regions within an interconnection—may agree on and file a common method for allocating the costs of a new interregional transmission facility. However, the Commission does not propose to require such agreements among more than two neighboring transmission planning regions.

174. Each cost allocation method filed in accordance with this proposal would be required to comply with the following principles:

(1) The costs of a new interregional facility must be allocated to each transmission planning region in which that facility is located in a manner that is at least roughly commensurate with the estimated benefits of that facility in each of the transmission planning regions. In determining the beneficiaries of interregional transmission facilities, transmission planning regions may consider benefits including, but not limited to, those associated with maintaining reliability and sharing reserves, production cost savings and congestion relief, and meeting public policy requirements established by State or Federal laws or regulations that may drive transmission needs.[171]

(2) A transmission planning region that receives no benefit from an interregional transmission facility that is located in that region, either at present or in a likely future scenario, must not be involuntarily allocated any of the costs of that facility.[172]

(3) If a benefit-cost threshold ratio is used to determine whether an interregional transmission facility has sufficient net benefits to qualify for interregional cost allocation, this ratio must not be so large as to exclude a facility with significant positive net benefits from cost allocation. The public utility transmission providers located in the neighboring transmission planning regions may choose to use such a threshold to account for uncertainty in the calculation of benefits and costs. If adopted, such a threshold, may not include a ratio of benefits to costs that exceeds 1.25 unless the pair of regions justifies and the Commission approves a higher ratio.

(4) Costs allocated for an interregional facility must be assigned only to transmission planning regions in which the facility is located. Costs cannot be assigned involuntarily under this rule to a transmission planning region in which that facility is not located. However, the interregional planning process must identify consequences for other transmission planning regions, such as upgrades that may be required in a third transmission planning region and, if there is an agreement among the transmission providers in the regions in which the facility is located to bear costs associated with such upgrades, then the interregional cost allocation method must include provisions for allocating the costs of the upgrades within the transmission planning regions in which the facility is located.

(5) The cost allocation method and data requirements for determining benefits and identifying beneficiaries for an interregional facility must be transparent with adequate documentation to allow a stakeholder to determine how they were applied to a proposed transmission facility.

(6) The public utility transmission providers located in neighboring transmission planning regions may choose to use a different cost allocation method for different types of interregional facilities, such as transmission facilities needed for reliability, congestion relief, or to achieve public policy requirements established by State or Federal laws or regulations. Each cost allocation method must be set out and explained in detail in the compliance filing for this rule.

175. As with intraregional cost allocation, we are not proposing to require a uniform method of cost allocation for interregional transmission facilities. There may be legitimate reasons for the public utility transmission providers located in neighboring transmission planning regions to adopt different cost allocation methods. The Commission recognizes that several approaches to cost allocation may satisfy the proposed principles.[173]

176. Therefore, we propose to allow methods for allocating the costs of new interregional facilities to differ among pairs of transmission planning regions, as long as each method satisfies the proposed interregional cost allocation principles listed above. Moreover, the method used for allocating interregional transmission facility costs between any two transmission planning regions may be different from the method used by the public utility transmission providers located in either of those transmission planning regions to allocate the costs of new intraregional facilities. In addition, the cost allocation method used by the

[171] As discussed above, the Commission proposes to require each public utility transmission provider to amend its OATT such that its local and regional transmission planning processes explicitly provide for consideration of public policy requirements established by state or Federal laws or regulations that may drive transmission needs.

[172] For example, a DC line that runs from a first transmission planning region, through a second transmission planning region, and into a third transmission planning region, with no tap in the second region, may not provide any benefits to the second region.

[173] For the reasons discussed above with respect to cost allocation for intraregional transmission facilities, a cost allocation method that relies exclusively on a participant funding approach, without respect to other beneficiaries of a transmission facility, would not satisfy the proposed principles for interregional cost allocation.

public utility transmission providers located in a transmission planning region to allocate the costs of new intraregional facilities could be different from the cost allocation method by which the public utility transmission providers in the same transmission planning region further allocate costs to be borne by that transmission planning region pursuant to an agreed-upon method for allocating the costs of interregional facilities.

177. Similar to our proposal for intraregional transmission facilities, we propose that if the public utility transmission providers in coordination with their customers and other stakeholders in a pair of neighboring transmission planning regions cannot agree on a cost allocation method for new interregional transmission facilities that satisfies these principles, then the Commission would use the record in the relevant compliance filing proceedings as a basis for applying the principles to develop an interregional cost allocation method that meets the Commission's requirements. Such a cost allocation method would not necessarily be the same for every pair of neighboring transmission planning regions that is unable to agree on a cost allocation method that satisfies the principles.

178. We seek comment on any issue of interest or concern related to the requirements proposed in this section of the Proposed Rule. In particular, we seek comment on the appropriateness and application of the proposed cost allocation principles with respect to new intraregional and interregional transmission facilities. If commenters believe that additional principles should apply to cost allocation for either intraregional or interregional transmission facilities, the Commission asks commenters to submit and explain the need for those principles.

VI. Compliance Filings

179. The Commission proposes that each public utility transmission provider must comply with the requirements of this Proposed Rule. With the exception of the proposed requirements with respect to interregional transmission planning agreements and an interregional cost allocation method or methods, the Commission proposes to require each public utility transmission provider to submit a compliance filing within six months of the effective date of the final rule in this proceeding revising its OATT or other document(s) subject to the Commission's jurisdiction as necessary to demonstrate that it meets the proposed requirements set forth in this Proposed Rule.[174] The Commission proposes to require each public utility transmission provider to submit a compliance filing within one year of the effective date of the final rule in this proceeding to demonstrate that it meets the proposed requirements set forth in the Proposed Rule with respect to interregional transmission planning agreements. The Commission proposes to require each public utility transmission provider to submit a compliance filing within one year of the effective date of the final rule in this proceeding revising its OATT as necessary to demonstrate that it meets the proposed requirements set forth in this Proposed Rule with respect to an interregional cost allocation method or methods.

180. The Commission would assess whether each compliance filing satisfies the proposed requirements and principles stated above and issue additional orders as necessary to ensure that each public utility transmission provider meets the requirements of this Proposed Rule.

181. The Commission proposes that transmission providers that are not public utilities would have to adopt the requirements of this Proposed Rule as a condition of maintaining the status of their safe harbor tariff or otherwise satisfying the reciprocity requirement of Order No. 888.[175]

VII. Information Collection Statement

182. The following collection of information contained in this Proposed Rule is subject to review by the Office of Management and Budget (OMB) under section 3507(d) of the Paperwork Reduction Act of 1995.[176] OMB's regulations require approval of certain information collection requirements imposed by agency rules.[177] The Commission solicits comments on the Commission's need for this information, whether the information will have practical utility, the accuracy of the burden estimates, ways to enhance the quality, utility and clarity of the information to be collected or retained, and any suggested methods for minimizing respondents' burden, including the use of automated information techniques.

Burden Estimate: The estimated public reporting burdens for the proposed reporting requirements are as follows:

FERC–917—Proposed reporting requirements in RM10–23	Annual number of respondents (Filers)	Annual number of responses	Hours per response	Total annual hours in year 1	Total annual hours in subsequent years
Participation in a transparent and open intraregional transmission planning process that meets transmission planning principles, includes consideration of public policy requirements, identifies and evaluates facilities to meet needs, develops cost allocation method, and produces an intraregional transmission plan that describes and incorporates a cost allocation method that meets the Commission's principles.	134	134	100 hrs. in Year 1; 50 hrs. in subsequent years.	13,400	6,700

[174] *See* Appendix B for the proposed *pro forma* Attachment K consistent with this NOPR.

[175] Order No. 888, FERC Stats. & Regs. ¶ 31,036 at 31,760–63.

[176] 44 U.S.C. 3507(d).

[177] 5 CFR 1320.11.

FERC–917—Proposed reporting requirements in RM10–23	Annual number of respondents (Filers)	Annual number of responses	Hours per response	Total annual hours in year 1	Total annual hours in subsequent years
Coordination, development, and filing with the Commission of interregional planning agreements that meet the Commission's requirements, that include consideration of public policy requirements, and that incorporate cost allocation methods that meets the Commission's principles; provide or post ongoing communications, and provide annual data exchange.	134	134	125 hrs. in Year 1; 50 hrs. in subsequent years.	16,750	6,700
Conforming tariff changes for local transmission planning, including those related to consideration of public policy requirements; and conforming tariff changes for intraregional and interregional planning.	134	134	50 hrs. in Year 1; 25 hours in subsequent years.	6,700	3,350
Total Estimated Additional Burden Hours, Proposed for FERC–917 in NOPR in RM10–23.	.....	.....	.....	36,850	16,750

Cost To Comply: The Commission has projected costs of compliance for the reporting requirements as follows:

Year 1: $4,200,900 [36,850 hours × $114 per hour [178]]

Subsequent Years: $1,909,500 [or 16,750 hours × $114 per hour]

OMB's regulations require it to approve certain information collection requirements imposed by an agency rule. The Commission is submitting notification of this Proposed Rule to OMB. The Commission proposes to make the reporting requirements mandatory.

Title: FERC–917.

Action: Proposed Collection.

OMB Control No. 1902–0233.

Respondents: Electric Utility Transmission Providers. RTOs and ISOs also may file some materials on behalf of their members.

Frequency of responses: Initial filing and subsequent filings.

Necessity of the Information:

183. Building on the reforms in Order No. 890, the Federal Energy Regulatory Commission is proposing amendments to the *pro forma* OATT to correct certain deficiencies in transmission planning and cost allocation requirements for public utility transmission providers. The purpose of this proposed rulemaking is to strengthen the *pro forma* OATT, so that the transmission grid can better support wholesale power markets and ensure that Commission-jurisdictional services are provided at rates, terms and conditions that are just and reasonable and not unduly discriminatory or preferential. We propose to achieve this goal by reforming electric transmission planning requirements and establishing a closer link between cost allocation and regional transmission planning processes.

184. *Internal Review:* The Commission has reviewed the proposed changes and has determined that the changes are necessary. These requirements conform to the Commission's need for efficient information collection, communication, and management within the energy industry. The Commission has assured itself, by means of internal review, that there is specific, objective support associated with the information requirements.

185. Interested persons may obtain information on the reporting requirements by contacting the following: Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 [Attention: Ellen Brown, Office of the Executive Director, e-mail: *DataClearance@ferc.gov,* Phone: (202) 502–8663, fax: (202) 273–0873. For submitting comments concerning the collection of information and the associated burden estimate(s), please send your comments to the contact listed above and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503 [Attention: Desk Officer for the Federal Energy Regulatory Commission, phone: (202) 395–4638, fax: (202) 395–7285]. Due to security concerns, comments should be sent electronically to the following e-mail address: *oira_submission@omb.eop.gov.* Please reference OMB Control No. 1902–0233 and the docket number of this proposed rulemaking in your submission.

VIII. Environmental Analysis

186. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.[179] The Commission concludes that neither an Environmental Assessment nor an Environmental Impact Statement is required for this Proposed Rule under section 380.4(a)(15) of the Commission's regulations, which provides a categorical exemption for approval of actions under sections 205 and 206 of the FPA relating to the filing of schedules containing all rates and charges for the transmission or sale of electric energy subject to the Commission's jurisdiction, plus the classification, practices, contracts and regulations that affect rates, charges, classifications, and services.[180]

IX. Regulatory Flexibility Act Analysis

187. The Regulatory Flexibility Act of 1980 (RFA) [181] generally requires a description and analysis of final rules that will have significant economic impact on a substantial number of small entities. This Proposed Rule applies to public utilities that own, control or operate interstate transmission facilities other than those that have received waiver of the obligation to comply with Order Nos. 888, 889 and 890. The total estimated number of public utility transmission providers that, absent waiver, would have to modify their current OATTs by filing the revised pro

[178] The estimated cost of $114 an hour is the average of the hourly costs of: attorney ($200), consultant ($150), technical ($80), and administrative support ($25).

[179] *Regulations Implementing the National Environmental Policy Act,* Order No. 486, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs., Regulations Preambles 1986–1990 ¶ 30,783 (1987).

[180] 18 CFR 380.4(a)(15).

[181] 5 U.S.C. 601–612.

forma OATT is 134. Of these public utility transmission providers, an estimated 10 filers, or 7.3% percent, have output of four million MWh or less per year.[182] The Commission does not consider this a substantial number and, in any event, each of these entities retains its rights to waiver of these requirements. The criteria for waiver that would be applied under this rulemaking for small entities is unchanged from that used to evaluate requests for waiver under Order Nos. 888, 889 and 890. Accordingly, the Commission certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities.

X. Comment Procedures

188. The Commission invites interested persons to submit comments on the matters and issues proposed in this notice to be adopted, including any related matters or alternative proposals that commenters may wish to discuss. Comments are due 60 days from publication in the **Federal Register**. Comments must refer to Docket No. RM10–23–000, and must include the commenter's name, the organization they represent, if applicable, and their address in their comments.

189. The Commission encourages comments to be filed electronically via the eFiling link on the Commission's Web site at *http://www.ferc.gov.* The Commission accepts most standard word processing formats. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.

190. Commenters that are not able to file comments electronically must send an original and 14 copies of their comments to: Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street, NE., Washington, DC 20426.

191. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

[182] A firm is "small" if, including its affiliates, it is primarily engaged in the generation, transmission, and/or distribution of electric energy for sale and its total electric output for the preceding fiscal year did not exceed 4 million megawatt hours. Based on the filers of the annual FERC Form 1 and Form 1–F, as well as the number of companies that have obtained waivers, we estimate that 7.3% of the filers are "small."

XI. Document Availability

192. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through FERC's Home Page (*http://www.ferc.gov*) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5 p.m. Eastern time) at 888 First Street, NE., Room 2A, Washington, DC 20426.

193. From FERC's Home Page on the Internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

194. User assistance is available for eLibrary and the FERC's web site during normal business hours from FERC Online Support at 202–502–6652 (toll free at 1–866–208–3676) or e-mail at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. E-mail the Public Reference Room at *public.referenceroom@ferc.gov.*

List of Subjects in 18 CFR Part 35

Electric power rates, Electric utilities, Reporting and recordkeeping requirements.

By direction of the Commission. Commissioner Moeller is concurring with a separate statement attached.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

In consideration of the foregoing, the Commission proposes to amend part 35, Chapter I, Title 18, *Code of Federal Regulations,* as follows:

PART 35—FILING OF RATE SCHEDULES AND TARIFFS

1. The authority citation for part 35 continues to read as follows:

Authority: 16 U.S.C. 791a–825r, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 71–7352.

2. Amend § 35.28 as follows:

a. Paragraph (c)(1) introductory text and (c)(1)(i) through (c)(1)(iii) are revised.

b. Paragraph (c)(1)(vi) is revised.

c. Paragraphs (c)(3) introductory text, (c)(3)(i), and (c)(3)(ii) are revised.

d. Paragraph (c)(4) is revised.

e. Paragraph (d) (1) is revised.

f. Paragraph (e)(1) introductory text, is revised.

§ 35.28 Non-discriminatory open access transmission tariff.

* * * * *

(c) *Non-discriminatory open access transmission tariffs.*

(1) Every public utility that owns, controls, or operates facilities used for the transmission of electric energy in interstate commerce must have on file with the Commission a tariff of general applicability for transmission services, including ancillary services, over such facilities. Such tariff must be the open access pro forma tariff contained in Order No. 888, FERC Stats. & Regs. ¶ 31,036 (Final Rule on Open Access and Stranded Costs), as revised by the open access pro forma tariff contained in Order No. 890, FERC Stats. & Regs. ¶ 31,241 (Final Rule on Open Access Reforms) and further revised in Order No. ___, FERC Stats. & Regs. ¶ ___ (Final Rule on Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities), or such other open access tariff as may be approved by the Commission consistent with Order No. 888, FERC Stats. & Regs ¶ 31,306, Order No. 890, FERC Stats. & Regs. ¶ 32,241, and Order No. ___, FERC Stats. & Regs. ¶ ___.

(i) Subject to the exceptions in paragraphs (c)(1)(ii), (c)(1)(iii), (c)(1)(iv) and (c)(1)(v) of this section, the pro forma tariff contained in Order No. 888, FERC Stats. & Regs. ¶ 31,036, as revised by the open access pro forma tariff contained in Order No. 890, FERC Stats. & Regs. ¶ 31,241 and further revised in Order No. ___, FERC Stats. & Regs. ¶ ___, and accompanying rates, must be filed no later than 60 days prior to the date on which a public utility would engage in a sale of electric energy at wholesale in interstate commerce or in the transmission of electric energy in interstate commerce.

(ii) If a public utility owns, controls, or operates facilities used for the transmission of electric energy in interstate commerce as of [60 days after date of publication of the Final Rule in the **Federal Register**], it must file the revisions to the pro forma tariff contained in Order No. 890, FERC Stats. & Regs. ¶ 31,241, as amended by Order No.___, FERC Stats. & Regs. ¶ ___, pursuant to section 206 of the FPA and accompanying rates pursuant to section 205 of the FPA in accordance with the procedures set forth in Order No. 890, FERC Stats. & Regs. ¶ 31,241 and Order No. ___, FERC Stats. & Regs ¶ ___.

(iii) If a public utility owns, controls, or operates transmission facilities used for the transmission of electric energy in interstate commerce as of [60 days after date of publication of the Final Rule in the **Federal Register**], such facilities are

jointly owned with a non-public utility, and the joint ownership contract prohibits transmission service over the facilities to third parties, the public utility with respect to access over the public utility's share of the jointly owned facilities must file the revisions to the pro forma tariff contained in Order No. 890, FERC Stats. & Regs. ¶ 31,241 as amended by Order No. ___, FERC Stats. & Regs. ¶ ___, pursuant to section 206 of the FPA and accompanying rates pursuant to section 205 of the FPA.

* * * * *

(vi) Any public utility that seeks a deviation from the pro forma tariff contained in Order No. 888, FERC Stats. & Regs. ¶ 31,036, as revised in Order No. 890, FERC Stats. & Regs. ¶ 31,241 and Order No. ___, FERC Stats. & Regs. ¶ ___, must demonstrate that the deviation is consistent with the principles of Order No. 888, FERC Stats. & Regs. ¶ 31,036, Order No. 890, FERC Stats. & Regs. ¶ 31,241, and Order No. ___, FERC Stats. & Regs. ¶ ___.

* * * * *

(3) Every public utility that owns, controls, or operates facilities used for the transmission of electric energy in interstate commerce, and that is a member of a power pool, public utility holding company, or other multi-lateral trading arrangement or agreement that contains transmission rates, terms or conditions, must have on file a joint pool-wide or system-wide open access transmission tariff, which tariff must be the pro forma tariff contained in Order No. 888, FERC Stats. & Regs. ¶ 31,036, as revised by the pro forma tariff contained in Order No. 890, FERC Stats. & Regs. ¶ 31,241 and further revised in Order No. ___, FERC Stats. & Regs. ¶ ___, or such other open access tariff as may be approved by the Commission consistent with Order No. 888, FERC Stats. & Regs. ¶ 31,036, Order No. 890, FERC Stats. & Regs. ¶ 31,241, and Order No. ___, FERC Stats. & Regs. ¶ ___.

(i) For any power pool, public utility holding company or other multi-lateral arrangement or agreement that contains transmission rates, terms or conditions and that is executed after [60 days after date of publication of the Final Rule in the **Federal Register**], this requirement is effective on the date that transactions begin under the arrangement or agreement.

(ii) For any power pool, public utility holding company or other multi-lateral arrangement or agreement that contains transmission rates, terms or conditions and that is executed on or before [60 days after date of publication of the Final Rule in the **Federal Register**], a public utility member of such power pool, public utility holding company or other multi-lateral arrangement or agreement that owns, controls, or operates facilities used for the transmission of electric energy in interstate commerce must file the revisions to its joint pool-wide or system-wide open access transmission tariff consistent with Order No. 890, FERC Stats. & Regs. ¶ 31,241 as amended by Order No.___, FERC Stats. & Regs. ¶ ___, pursuant to section 206 of the FPA and accompanying rates pursuant to section 205 of the FPA in accordance with the procedures set forth in Order No. 890, FERC Stats. & Regs. ¶ 31,241 and Order No. ___, FERC Stats. & Regs ¶ ___.

* * * * *

(4) Consistent with paragraph (c)(1) of this section, every Commission-approved ISO or RTO must have on file with the Commission a tariff of general applicability for transmission services, including ancillary services, over such facilities. Such tariff must be the pro forma tariff contained in Order No. 888, FERC Stats. & Regs. ¶ 31,036, as revised by the pro forma tariff contained in Order No. 890, FERC Stats. & Regs. ¶ 31,241 and further revised in Order No. ___, FERC Stats. & Regs. ¶ ___, or such other open access tariff as may be approved by the Commission consistent with Order No. 888, FERC Stats. & Reg. ¶ 31,036, Order No. 890, FERC Stats. & Regs. ¶ 31,241, and Order No. ___, FERC Stats. & Regs. ¶ ___.

(i) Subject to paragraph (c)(4)(ii) of this section, a Commission-approved ISO or RTO must file the revisions to the pro forma tariff contained in Order No. 890, FERC Stats. & Regs. ¶ 31,241 as amended by Order No. ___, FERC Stats. & Regs. ¶ ___, pursuant to section 206 of the FPA and accompanying rates pursuant to section 205 of the FPA in accordance with the procedures set forth in Order No. 890, FERC Stats. & Regs. ¶ 31,241 and Order No. ___, FERC Stats. & Regs. ¶ ___.

(ii) If a Commission-approved ISO or RTO can demonstrate that its existing open access tariff is consistent with or superior to the revisions to the pro forma tariff contained in Order No. 888, FERC Stats. & Regs. ¶ 31,036, as revised by the pro forma tariff in Order No. 890, FERC Stats. & Regs. ¶ 31,241 and further revised in Order No. ___, FERC Stats. & Regs. ¶ ___, or any portions thereof, the Commission-approved ISO or RTO may instead set forth such demonstration in its filing pursuant to section 206 in accordance with the procedures set forth in Order No., FERC Stats. & Regs. ¶ ___.

(d) *Waivers.* * * *

(1) No later than [60 days after date of publication of the Final Rule in the **Federal Register**], or

* * * * *

(e) *Non-public utility procedures for tariff reciprocity compliance.*

(1) A non-public utility may submit a transmission tariff and a request for declaratory order that its voluntary transmission tariff meets the requirements of Order No. 888, FERC Stats. & Regs. ¶ 31,036, Order No. 890, FERC Stats. & Regs. ¶ 31,241, and Order No. ___, FERC Stats. & Regs. ¶ ___.

* * * * *

Note: The following appendices will not be published in the *Code of Federal Regulations.*

APPENDIX A—LIST OF SHORT NAMES OF COMMENTERS ON THE FEDERAL ENERGY REGULATORY COMMISSION'S NOTICE OF REQUEST FOR COMMENTS ON TRANSMISSION PLANNING PROCESSES UNDER ORDER NO. 890—DOCKET NO. AD09–8–000, OCTOBER 2009

Short name or acronym	Commenter
3M	3M Company, High Capacity Conductors.
AEP	American Electric Power Service Corporation.
Alabama PSC	Alabama Public Service Commission.
Allegheny Companies	Allegheny Power and Trans-Allegheny Interstate Line Company.
Ameren	Ameren Services Company.
American Antitrust Institute	American Antitrust Institute.
American Forest and Paper	American Forest & Paper Association.
American Transmission	American Transmission Company LLC.
APPA	American Public Power Association.
AREVA T&D	AREVA T&D Inc.

APPENDIX A—LIST OF SHORT NAMES OF COMMENTERS ON THE FEDERAL ENERGY REGULATORY COMMISSION'S NOTICE OF REQUEST FOR COMMENTS ON TRANSMISSION PLANNING PROCESSES UNDER ORDER NO. 890—DOCKET NO. AD09–8–000, OCTOBER 2009—Continued

Short name or acronym	Commenter
AWEA	American Wind Energy Association.
Baltimore Gas and Electric	Baltimore Gas and Electric Company.
Barbara Luchsinger	Barbara Luchsinger.
Bay Area Municipal Transmission Group	City of Santa Clara, California; the City of Palo Alto, California; and the City of Alameda, California.
Bonneville	Bonneville Power Administration.
BP Energy	BP Energy Company.
The Brattle Group	Peter Fox-Penner, Johannes Pfeifenberger, and Delphine Hou.
California ISO	California Independent System Operator Corporation.
Californians for Renewable Energy	Californians for Renewable Energy, Inc.
California PUC	California Public Utilities Commission.
California State Water Project	California Department of Water Resources State Water Project.
Calvin Daniels	Calvin Daniels.
Chinook and Zephyr	Chinook Power Transmission, LLC and Zephyr Power Transmission, LLC.
Clean Line	Clean Line Energy Partners, LLC.
Coalition To Advance Renewable Energy Through Bulk Energy Storage	Coalition To Advance Renewable Energy Through Bulk Energy Storage.
ColumbiaGrid	ColumbiaGrid.
Consolidated Edison, et al.	Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc.
Dayton Power and Light	Dayton Power and Light Company.
Delaware Municipal and Southwestern Electric	Delaware Municipal Electric Corporation, Inc. and Southwestern Electric Cooperative, Inc.
Dominion	Dominion Resources Services, Inc.
Duke	Duke Energy Corporation.
Eastern Interconnection Planning Collaborative Analysis Team	Eastern Interconnection Planning Collaborative Analysis Team.
Eastern PJM Governors	Governors of New Jersey, Delaware, Maryland, and Virginia.
EEI	Edison Electric Institute.
Electricity Consumers Resource Council	Electricity Consumers Resource Council.
ENE (Environment Northeast)	ENE Environment Northeast.
Energy Future Coalition	Energy Future Coalition.
Entergy	Entergy Services, Inc.
E.ON	E.ON U.S. LLC.
E.ON Climate & Renewables North America	E.ON Climate & Renewables North America.
EPSA	Electric Power Supply Association.
Exelon	Exelon Corporation.
Federal Trade Commission	Federal Trade Commission.
FirstEnergy	FirstEnergy Affiliates.
Florida Transmission Providers	Florida Power & Light, Progress Energy Florida, Tampa Electric Company, and JEA.
Georgia Transmission Corporation	Georgia Transmission Corporation.
Great River Energy	Great River Energy.
Green Energy Express	Green Energy Express, LLC.
Illinois Commission	Illinois Commerce Commission.
Imperial Irrigation District	Imperial Irrigation District (CA).
Independent Power Producers Coalition-West	Independent Power Producers Coalition-West.
Indicated Partners	Green Energy Express LLC; Transmission Technology Solutions LLC; SouthWestern Power Group II, LLC; Nevada Hydro Company; LS Power Transmission, LLC; and Pattern Transmission LP.
Integrys, et al.	Wisconsin Public Service Corporation, Upper Peninsula Power Company, and Integrys Energy Services, Inc.
ISO New England	ISO New England Inc.
ITC Holdings	ITC Holdings Corp.
Kelson Companies	Cottonwood Energy Company LP; Dogwood Energy LLC; and Magnolia Energy LP.
Large Public Power Council	Austin Energy; Chelan County Public Utility District No. 1; Clark Public Utilities; Colorado Springs Utilities; CPS Energy (San Antonio); IID Energy; JEA (Jacksonville, FL); Long Island Power Authority; Lower Colorado River Authority; MEAG Power; Nebraska Public Power District; New York Power Authority; Omaha Public Power District; Orlando Utilities Commission; Platte River Power Authority; Puerto Rico Electric Power Authority; Sacramento Municipal Utility District; Salt River Project; Santee Cooper; Seattle City Light; Snohomish County Public Utility District No. 1; and Tacoma Public Utilities.
Long Island Power Authority, et al.	Long Island Power Authority, Consolidated Edison Company of New York, Inc., and Orange and Rockland Utilities, Inc.
Lorraine Fleming	Lorraine Fleming.
LS Power	LS Power Transmission, LLC.

APPENDIX A—LIST OF SHORT NAMES OF COMMENTERS ON THE FEDERAL ENERGY REGULATORY COMMISSION'S NOTICE OF REQUEST FOR COMMENTS ON TRANSMISSION PLANNING PROCESSES UNDER ORDER NO. 890—DOCKET NO. AD09–8–000, OCTOBER 2009—Continued

Short name or acronym	Commenter
Maine PUC and Public Advocate	Maine Public Utilities Commission and the Maine Office of the Public Advocate.
Massachusetts Attorney General	Massachusetts Attorney General.
Massachusetts Departments	Massachusetts Department of Public Utilities and Massachusetts Department of Energy Resources.
MEAG Power	MEAG Power.
MidAmerican	MidAmerican Energy Holdings Company.
Midwest ISO	Midwest Independent Transmission System Operator, Inc.
Midwest ISO Transmission Owners	Ameren Services Company (as agent for Union Electric Company, Central Illinois Public Service Company, Central Illinois Light Co., and Illinois Power Company); City of Columbia Water and Light Department (Columbia, MO); City Water, Light & Power (Springfield, IL); Great River Energy; Hoosier Energy Rural Electric Cooperative, Inc.; Indiana Municipal Power Agency; Indianapolis Power & Light Company; (Minnesota Power (and its subsidiary Superior Water, L&P); Montana-Dakota Utilities Co.; Northern Indiana Public Service Company; Northern States Power Company (Minnesota and Wisconsin corporations); Northwestern Wisconsin Electric Company; Otter Tail Power Company; Southern Illinois Power Cooperative; Southern Indiana Gas & Electric Company; Southern Minnesota Municipal Power Agency; Wabash Valley Power Association, Inc.; and Wolverine Power Supply Cooperative, Inc.
Modesto Irrigation District	Modesto Irrigation District.
NARUC	National Association of Regulatory Utility Commissioners.
National Audubon Society, et al.	National Audubon Society; Conservation Law Foundation; Energy Future Coalition; ENE (Environment Northeast); Environmental Defense Fund; Natural Resources Defense Council; Piedmont Environmental Council; Sierra Club; Sustainable FERC Project; and Union of Concerned Scientists.
National Grid	National Grid USA.
National Nuclear Security Administration Service Center	National Nuclear Security Administration Service Center in Albuquerque, New Mexico.
National Rural Electric Coops	National Rural Electric Cooperative Association.
NationalWind	NationalWind.
NEPOOL Participants	New England Power Pool Participants Committee.
Nevada Hydro	Nevada Hydro Company, Inc.
New England Clean Energy Council	New England Clean Energy Council.
New England States' Committee on Electricity	New England States' Committee on Electricity.
New Jersey Board	New Jersey Board of Public Utilities.
New York ISO	New York Independent System Operator, Inc.
New York PSC	New York State Public Service Commission.
NextEra	NextEra Energy Resources, LLC.
Northeast Utilities	Northeast Utilities Service Company.
Northern Tier Transmission Group	Northern Tier Transmission Group.
Northwest State Commissions and Consumer Counsel	Idaho Public Utilities Commission, Montana Consumer Counsel, Montana Public Service Commission, Public Utility Commission of Oregon, Utah Public Service Commission, and Wyoming Public Service Commission.
NRG	NRG Energy, Inc.
Ohio Commission	Public Utilities Commission of Ohio.
Old Dominion	Old Dominion Electric Cooperative.
Organization of MISO States	Organization of MISO States.
Pacific Gas and Electric	Pacific Gas and Electric Company.
Pattern Transmission	Pattern Transmission LP.
Peter C. Luchsinger M.D.	Peter C. Luchsinger M.D.
PHI Companies	Pepco Holdings, Inc.; Potomac Electric and Power Company; Delmarva Power & Light Company; and Atlantic City Electric Company.
Pioneer Transmission	Pioneer Transmission, LLC.
PJM	PJM Interconnection, LLC.
PPL	PPL Electric Utilities Corporation.
Progress Energy	Progress Energy, Inc.
PSEG Companies	Public Service Electric and Gas Company; PSEG Power LLC; PSEG Energy Resources & Trade LLC.

APPENDIX A—LIST OF SHORT NAMES OF COMMENTERS ON THE FEDERAL ENERGY REGULATORY COMMISSION'S NOTICE OF REQUEST FOR COMMENTS ON TRANSMISSION PLANNING PROCESSES UNDER ORDER NO. 890—DOCKET NO. AD09–8–000, OCTOBER 2009—Continued

Short name or acronym	Commenter
Public Interest Organizations & Renewable Energy Groups	Alliance for Clean Energy New York; American Wind Energy Association; Center for Energy Efficiency & Renewable Technologies; Citizens Utility Board of Wisconsin; Conservation Law Foundation; Environmental Defense Fund; Environmental Law & Policy Center; Fresh Energy; National Audubon Society; Natural Resources Defense Council; Northeast Energy Efficiency Partnerships; Northwest Energy Coalition; Office of the Ohio Consumers' Counsel; Pace Energy and Climate Center; Piedmont Environmental Council; Project for Sustainable FERC Energy Policy; Sierra Club; Southern Alliance for Clean Energy; Union of Concerned Scientists; Western Grid Group; and Wind on the Wires.
Public Power Council	Public Power Council.
Renewable Energy Systems Americas	Renewable Energy Systems Americas Inc.
RRI Energy	RRI Energy, Inc.
Salt River Project	Salt River Project Agricultural Improvement and Power District.
San Diego Gas & Electric	San Diego Gas & Electric Company.
Solar Energy Industries	Solar Energy Industries Association.
South Carolina Electric & Gas	South Carolina Electric & Gas Company.
Southern California Edison	Southern California Edison Company.
Southern Companies	Southern Company Services, Inc.
SPP	Southwest Power Pool, Inc.
Startrans	Startrans IO, LLC.
Starwood	Starwood Energy Group Global, LLC.
State Representative Sloan	State Representative Tom Sloan.
Sunflower and Mid-Kansas	Sunflower Electric Power Corporation and Mid-Kansas Electric Company, LLC.
Trans-Elect	Trans-Elect Development Company, LLC.
Transmission Access Policy Study Group	Transmission Access Policy Study Group.
Transmission Agency of Northern California	Transmission Agency of Northern California.
Transmission Dependent Utility Systems	Arkansas Electric Cooperative Corporation, Golden Spread Electric Cooperative, Inc., Kansas Electric Power Cooperative, Inc., North Carolina Electric Membership Corporation, Old Dominion Electric Cooperative, and Seminole Electric Cooperative, Inc.
Upper Great Plains Transmission Coalition	Upper Great Plains Transmission Coalition.
WECC	Western Electricity Coordinating Council.
WestConnect Planning Parties	Arizona Public Service Company, Basin Electric Power Cooperative, Black Hills Corporation, El Paso Electric Company, Imperial Irrigation District, NV Energy, Public Service Company of Colorado, Public Service Company of New Mexico, Sacramento Municipal Utility District, Salt River Project Agricultural Improvement and Power District, Southwest Transmission Cooperative, Inc., Transmission Agency of Northern California, Tri-State Generation and Transmission Association, Inc., Tucson Electric Power Company.
WIRES	Working Group for Investment in Reliable and Economic Electric Systems.
Xcel	Xcel Energy Services Inc.

Appendix B: Pro Forma Open Access Transmission Tariff

Attachment K

Transmission Planning Process

Local Transmission Planning

The Transmission Provider shall establish a coordinated, open and transparent planning process with its Network and Firm Point-to-Point Transmission Customers and other interested parties to ensure that the Transmission System is planned to meet the needs of both the Transmission Provider and its Network and Firm Point-to-Point Transmission Customers on a comparable and not unduly discriminatory basis. The Transmission Provider's coordinated, open and transparent planning process shall be provided as an attachment to the Transmission Provider's Tariff.

The Transmission Provider's planning process shall satisfy the following nine principles, as defined in the Final Rule in Docket No. RM05–25–000: Coordination, openness, transparency, information exchange, comparability, dispute resolution, regional participation, economic planning studies, and cost allocation for new projects. The planning process shall also include the procedures and mechanisms for evaluating transmission projects proposed to achieve public policy requirements established by State or Federal laws or regulations consistent with the Final Rule in Docket No. RM10–23–000. The planning process shall also provide a mechanism for the recovery and allocation of planning costs consistent with the Final Rule in Docket No. RM05–25–000.

The description of the Transmission Provider's planning process must include sufficient detail to enable Transmission Customers to understand:

(i) The process for consulting with customers and neighboring transmission providers;

(ii) The notice procedures and anticipated frequency of meetings;

(iii) The methodology, criteria, and processes used to develop a transmission plan;

(iv) The method of disclosure of criteria, assumptions and data underlying a transmission plan;

(v) The obligations of and methods for Transmission Customers to submit data to the Transmission Provider;

(vi) The dispute resolution process;

(vii) The Transmission Provider's study procedures for economic upgrades to address congestion or the integration of new resources;

(viii) The Transmission Provider's procedures and mechanisms for evaluating transmission projects proposed to achieve public policy requirements established by State or Federal laws or regulations; and

(ix) The relevant cost allocation method or methods.

Intraregional Transmission Planning

The Transmission Provider shall participate in a regional transmission planning process through which transmission facilities and non-transmission solutions may be proposed and evaluated. The regional transmission planning process also shall develop a regional transmission plan that identifies the transmission facilities necessary to meet the needs of transmission providers and transmission customers in the transmission planning region. The regional transmission planning process must not be unduly discriminatory and must be consistent with the provision of Commission-jurisdictional services at rates, terms and conditions that are just and reasonable, as described in the Final Rule in Docket No. RM10–23–000. The regional transmission planning process shall be described in an attachment to the Transmission Provider's Tariff.

The Transmission Provider's regional transmission planning process shall satisfy the following seven principles, as set out and explained in the Final Rule in Docket No. RM05–25–000: coordination, openness, transparency, information exchange, comparability, dispute resolution, and economic planning studies. The regional transmission planning process shall also include the procedures and mechanisms for evaluating transmission projects proposed to achieve public policy requirements established by State or Federal laws or regulations consistent with the Final Rule in Docket No. RM10–23–000. The regional transmission planning process shall provide a mechanism for the recovery and allocation of planning costs consistent with the Final Rule in Docket No. RM05–25–000.

Nothing in the regional transmission planning process shall include an unduly discriminatory process for transmission project submission and selection. The regional transmission planning process shall provide on a not unduly discriminatory basis for the sponsor of a facility that is selected through the regional transmission planning process for inclusion in the regional transmission plan to have a right, consistent with State or local laws or regulations, to construct and own that facility and to recover the cost of that facility through the applicable regional cost allocation method.

The description of the regional transmission planning process must include sufficient detail to enable Transmission Customers to understand:

(i) The process for consulting with customers;

(ii) The notice procedures and anticipated frequency of meetings;

(iii) The methodology, criteria, and processes used to develop a transmission plan;

(iv) The method of disclosure of criteria, assumptions and data underlying transmission plan;

(v) The obligations of and methods for transmission customers to submit data;

(vi) The dispute resolution process;

(vii) The study procedures for economic upgrades to address congestion or the integration of new resources;

(viii) The procedures and mechanisms for evaluating transmission projects proposed to achieve public policy requirements established by State or Federal laws or regulations; and

(ix) The relevant cost allocation method or methods.

The regional transmission planning process must include a cost allocation method or methods that satisfy the six principles set forth in the final rule in Docket No. RM10–23–000.

Interregional Transmission Planning

The Transmission Provider, through its regional transmission planning process, must coordinate with the public utility transmission providers in each neighboring transmission planning region within its interconnection to address transmission planning issues related to interregional transmission facilities. This coordination between each pair of transmission planning regions must be reflected in an interregional transmission planning agreement filed with the Commission. The interregional transmission planning agreement must include a detailed description of the process for coordination between public utility transmission providers in neighboring transmission planning regions (i) With respect to each interregional transmission facility that is proposed to be located in both transmission planning regions and (ii) to identify possible interregional transmission facilities that could address transmission needs more efficiently than separate intraregional transmission facilities.

The Transmission Provider must ensure that the following elements are included in any interregional transmission planning agreement in which it participates:

(1) A commitment to coordinate and share the results of each transmission planning region's regional transmission plans to identify possible interregional facilities that could address transmission needs more efficiently than separate intraregional facilities;

(2) An agreement to exchange at least annually planning data and information;

(3) A formal procedure to identify and jointly evaluate transmission facilities that are proposed to be located in both transmission planning regions; and

(4) A commitment to maintain a website or e-mail list for the communication of information related to the coordinated planning process.

The Transmission Provider must work with transmission providers located in neighboring transmission planning regions to develop a mutually agreeable method or methods for allocating between the two transmission planning regions the costs of a new interregional transmission facility that is located within both transmission planning regions. Such cost allocation method or methods must satisfy the six principles set forth in the final rule in Docket No. RM10–23–000.

United States of America Federal Energy Regulatory Commission

Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities

Docket No. RM10–23–000

Issued June 17, 2010.

MOELLER, Commissioner, *concurring:*

As I have repeatedly stressed in my years on this Commission, promoting investment in our nation's transmission infrastructure has been my top policy priority.[1] Robust electric transmission infrastructure is the ultimate "enabling" energy technology, as it can provide a more efficient electric system, enhanced reliability, increased access to less expensive and often cleaner resources, and the ability to harness location-constrained renewable resources. Conversely, the lack of adequate transmission investments often disproportionately raises consumer rates due to congestion, threatens the reliability of the nation's bulk power system, and increases reliance on older and dirtier generating resources.

While I am not certain that every policy in this proposed rule will ultimately be adopted, I am certain that building needed transmission lines is often the lowest-cost way to improve the delivery of electricity service. Although the Commission could have addressed regional cost allocation several years ago when it first became apparent that the organized markets were not reaching consensus on the issue, that wait is over and the Commission is now considering specific proposals to resolve cost allocation.

Given that the U.S. Congress is examining cost allocation at this time, our issuance of this proposed rule comes at a potentially sensitive time. While Congress is now considering several measures that deal directly with issues addressed in this proposed rule, I expect that this Commission will defer to the legislative branch as we move forward in our deliberations. This proposed rule, and the comments to follow, will provide the Congress with the

[1] *NSTAR Elec. Co.,* 125 FERC ¶ 61,313 (2008) (Moeller, Comm'r, dissenting in part) ("* * * the Commission should do what it can to encourage capital investment in needed transmission infrastructure projects."); *Commonwealth Edison Co. and Commonwealth Edison Co. of Indiana,* 125 FERC ¶ 61,250 (2008) (Moeller, Comm'r, dissenting) ("* * * now is not the time for this Commission to discourage investment in needed transmission infrastructure."); *New York Indep. Sys. Operator, Inc.,* 129 FERC ¶ 61,045 (2009) (Moeller, Comm'r, dissenting) ("The main issue here is whether needed transmission is being built * * * I have encouraged investment in transmission infrastructure * * *"); *Southern California Edison Co.,* 129 FERC ¶ 61,013 (2009) (Moeller, Comm'r, dissenting in part) ("The transmission that is needed in this nation will not be built unless the companies that build it can attract adequate investment dollars.")

framework of the issues that we consider relevant and the opportunity for Congress to provide further guidance to us. Thus, our action today is not intended to interfere with that process, but rather to add helpful information and evidence that will be useful in the formation of Federal legislation.

Also controversial will be the question of whether incumbent utilities should retain rights of first refusal that were created under the Commission's jurisdiction. Alas, the question of whether transmission developers can compete on par with an incumbent transmission-owning utility is no longer theoretical. In recent cases, the Commission has been confronted with particular situations where competitors could be discouraged (or altogether blocked) from building a transmission project if the incumbent utility retains the right of first refusal.[2] While initial rulings have been rendered in these cases, the generic issue is ready for further discussion in this rulemaking.

Resolving controversial issues is rarely easy and I expect today's proposed rule to be both lauded and criticized. The changes proposed here are significant, but the future success of the organized markets and the nation's electric transmission system depend on resolving these long-debated and controversial issues.

Staff's efforts here have resulted in a proposal that will lead to a much needed conversation on how to best encourage needed capital investment. This will not be an easy matter to address when it comes before the Commission for a vote on the final rule, and for that reason this Commission should carefully consider the comments that we will receive. I will do my part to ensure that this Commission does not lose sight of the ultimate goal: A final rule that results in needed capital investment.

D. Moeller,
Commissioner.

[FR Doc. 2010–15735 Filed 6–29–10; 8:45 am]

BILLING CODE P

[2] *Primary Power, LLC,* 131 FERC ¶ 61,015 (2010) (reh'g pending) and *Cent. Transmission, LLC* v. *PJM Interconnection L.L.C.,* 131 FERC ¶ 61,243 (2010).

Federal Register

Wednesday,
June 30, 2010

Part III

Department of Agriculture

Forest Service

36 CFR Part 242

Department of the Interior

Fish and Wildlife Service

50 CFR Part 100

Subsistence Management Regulations for Public Lands in Alaska—2010–11 and 2011–12 Subsistence Taking of Wildlife Regulations; Subsistence Taking of Fish on the Yukon River Regulations; Final Rule

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 242

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 100

[Docket No. FWS–R7–SM–2009–0001; 70101–1261–0000L6]

RIN 1018–AW30

Subsistence Management Regulations for Public Lands in Alaska—2010–11 and 2011–12 Subsistence Taking of Wildlife Regulations; Subsistence Taking of Fish on the Yukon River Regulations

AGENCIES: Forest Service, Agriculture; Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This final rule establishes regulations for seasons, harvest limits, methods, and means related to taking of wildlife for subsistence uses in Alaska during the 2010–11 and 2011–12 regulatory years. The Federal Subsistence Board (Board) completes the biennial process of revising subsistence hunting and trapping regulations in even-numbered years and subsistence fishing and shellfish regulations in odd-numbered years; public proposal and review processes take place during the preceding year. The Board also addresses customary and traditional use determinations during the applicable biennial cycle. This rulemaking replaces the wildlife taking regulations that expire on June 30, 2010. This rule also revises customary and traditional use determinations and the regulations defining size limitations for gillnet mesh used for harvesting salmon in the Yukon River drainage.

DATES: Sections __.24(a)(1), __.25 and __.26 are effective July 1, 2010. Section __.27(i)(3)(xiii)(A) is effective April 1, 2011, through March 31, 2011.

ADDRESSES: The Board meeting transcripts are available for review at the Office of Subsistence Management, 1011 East Tudor Road, Mail Stop 121, Anchorage, Alaska 99503, or on the Office of Subsistence Management Web site (*http://alaska.fws.gov/asm/index.cfml*).

FOR FURTHER INFORMATION CONTACT: Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Peter J. Probasco, Office of Subsistence Management; (907) 786–3888 or *subsistence@fws.gov*. For questions specific to National Forest System lands, contact Steve Kessler, Subsistence Program Leader, USDA, Forest Service, Alaska Region, (907) 743–9461 or *skessler@fs.fed.us.*

SUPPLEMENTARY INFORMATION:

Background

Under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126), the Secretary of the Interior and the Secretary of Agriculture (Secretaries) jointly implement the Federal Subsistence Management Program (Program). This Program grants a preference for subsistence uses of fish and wildlife resources on Federal public lands and waters in Alaska. The Secretaries first published regulations to carry out this program in the **Federal Register** on May 29, 1992 (57 FR 22940). These regulations have subsequently been amended several times. Because this Program is a joint effort between Interior and Agriculture, these regulations are located in two titles of the Code of Federal Regulations (CFR): Title 36, "Parks, Forests, and Public Property," and Title 50, "Wildlife and Fisheries," at 36 CFR 242.1–28 and 50 CFR 100.1–28, respectively. The regulations contain subparts as follows: Subpart A, General Provisions; Subpart B, Program Structure; Subpart C, Board Determinations; and Subpart D, Subsistence Taking of Fish and Wildlife.

Federal Subsistence Board

Consistent with subpart B of these regulations, the Secretaries established a Federal Subsistence Board to administer the Federal Subsistence Management Program. The Board comprises:

- Chair, appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture;
- Alaska Regional Director, U.S. Fish and Wildlife Service;
- Alaska Regional Director, U.S. National Park Service;
- Alaska State Director, U.S. Bureau of Land Management;
- Alaska Regional Director, U.S. Bureau of Indian Affairs; and
- Alaska Regional Forester, U.S. Forest Service.

Through the Board, these agencies participate in the development of regulations for subparts A, B, and C, which set forth the basic program, and they continue to work together on regularly revising the subpart D regulations, which, among other things, set forth specific harvest seasons and limits.

Federal Subsistence Regional Advisory Councils

In administration of the Program, Alaska is divided into 10 subsistence resource regions, each of which is represented by a Regional Advisory Council. The Regional Advisory Councils provide a forum for rural residents with personal knowledge of local conditions and resources to have a meaningful role in the subsistence management of fish and wildlife on Federal public lands in Alaska. The Regional Advisory Council members represent diverse geographical, cultural, and user interests within each region.

The Board addresses customary and traditional use determinations during the applicable biennial cycle. Section __.24 (customary and traditional use determinations) was originally published in the **Federal Register** on May 29, 1992 (57 FR 22940). The regulations at 36 CFR 242.4 and 50 CFR 100.4 define "customary and traditional use" as "a long-established, consistent pattern of use, incorporating beliefs and customs which have been transmitted from generation to generation* * *." Since 1992, the Board has made a number of customary and traditional use determinations at the request of affected subsistence users. Those modifications, along with some administrative corrections, were published in the **Federal Register** as follows:

MODIFICATIONS TO § __.24.

Federal Register citation	Date of publication:	Rule made changes to the following provisions of __.24:
59 FR 27462	May 27, 1994	Wildlife and Fish/Shellfish.
59 FR 51855	October 13, 1994	Wildlife and Fish/Shellfish.
60 FR 10317	February 24, 1995	Wildlife and Fish/Shellfish.
61 FR 39698	July 30, 1996	Wildlife and Fish/Shellfish.
62 FR 29016	May 29, 1997	Wildlife and Fish/Shellfish.
63 FR 35332	June 29, 1998	Wildlife and Fish/Shellfish.

MODIFICATIONS TO § __.24.—Continued

Federal Register citation	Date of publication:	Rule made changes to the following provisions of __.24:
63 FR 46148	August 28, 1998	Wildlife and Fish/Shellfish.
64 FR 1276	January 8, 1999	Fish/Shellfish.
64 FR 35776	July 1, 1999	Wildlife.
65 FR 40730	June 30, 2000	Wildlife.
66 FR 10142	February 13, 2001	Fish/Shellfish.
66 FR 33744	June 25, 2001	Wildlife.
67 FR 5890	February 7, 2002	Fish/Shellfish.
67 FR 43710	June 28, 2002	Wildlife.
68 FR 7276	February 12, 2003	Fish/Shellfish.
Note: The Board met May 20–22, 2003, but did not make any additional customary and traditional use determinations.		
69 FR 5018	February 3, 2004	Fish/Shellfish.
69 FR 40174	July 1, 2004	Wildlife.
70 FR 13377	March 21, 2005	Fish/Shellfish.
70 FR 36268	June 22, 2005	Wildlife.
71 FR 15569	March 29, 2006	Fish/Shellfish.
71 FR 37642	June 30, 2006	Wildlife.
72 FR 12676	March 16, 2007	Fish/Shellfish.
Note: The Board met December 11–13, 2007, but did not make any additional customary and traditional use determinations.		
72 FR 73426	December 27, 2007	Wildlife/Fish.
73 FR 35726	June 26, 2008	Wildlife.
74 FR 14049	March 30, 2009	Fish/Shellfish.

Current Rule for Wildlife

The Departments published a proposed rule on May 15, 2009 (74 FR 22867), to amend the wildlife sections of subparts C and D of 36 CFR part 242 and 50 CFR part 100. The proposed rule opened a comment period, which closed on November 5, 2009. The Departments advertised the proposed rule by mail, radio, and newspaper. During that period, the Regional Councils met and, in addition to other Regional Council business, received suggestions for proposals from the public. The Board received a total of 107 proposals for changes to subparts C and D. After the comment period closed, the Board prepared a booklet describing the proposals and distributed it to the public. The proposals were also available online. The public then had an additional 30 days in which to comment on the proposals for changes to the regulations.

The 10 Regional Advisory Councils met again, received public comments, and formulated their recommendations to the Board on proposals for their respective regions. The Regional Advisory Councils had a substantial role in reviewing the proposed rule and making recommendations for the final rule. Moreover, a Council Chair, or a designated representative, presented each Council's recommendations at the Board meeting on May 18–20, 2010. These final regulations reflect Board review and consideration of Regional Advisory Council recommendations and public comments. The public received extensive opportunity to review and comment on all changes. In section ___.24(a)(1) corrections to the spelling of certain village names and an updated format have been made, resulting in a more readable document.

Of the 107 proposals, 38 were on the Board's regular agenda and 69 were on the consensus agenda. The consensus agenda is made up of proposals for which there is agreement among the affected Subsistence Regional Advisory Councils, a majority of the Interagency Staff Committee voting members, and the Alaska Department of Fish and Game concerning a proposed regulatory action. Anyone may request that the Board remove a proposal from the consensus agenda and place it on the non-consensus agenda. The Board votes en masse on the consensus agenda after deliberation and action on all other proposals. Of the proposals on the consensus agenda, the Board adopted 16, adopted 15 with modification, rejected 29, deferred 6, and took no action on 3. Analysis and justification for the action taken on each proposal on the consensus agenda are available for review at the Office of Subsistence Management, 1011 East Tudor Road, Mail Stop 121, Anchorage, Alaska 99503, or on the Office of Subsistence Management Web site (*http://alaska.fws.gov/asm/index.cfml*). Of the proposals on the regular agenda, the Board adopted 11, adopted 14 with modification, rejected 6, deferred 5, and took no action on 2.

Current Rule for Fish

The Departments published a proposed rule on April 17, 2008 (73 FR 20887), to amend the fish and shellfish sections of subparts C and D of 36 CFR part 242 and 50 CFR part 100. The proposed rule opened a comment period, which closed on June 30, 2008. During February and March 2008, the Regional Advisory Councils met and received suggestions for proposals from the public. The Board received a total of 15 proposals for changes to subparts C and D. After the comment period closed, the Board prepared a booklet describing the proposals and distributed it to the public. The proposals were also available online. The public then had an additional 30 days in which to comment on the proposals for changes to the regulations.

The 10 Regional Advisory Councils met again, received public comments, and formulated their recommendations to the Board on proposals for their respective regions. The Regional Councils had a substantial role in reviewing the proposed rule and making recommendations for the final rule. The Board met on January 13–15, 2009. During that meeting, the Board decided to further defer two proposals for the Yukon River that had initially been deferred in July 2008 to a point in time not to exceed April 2009. The new deferment would not go beyond April 2010. This action allowed more time to gather additional evidence on the proposals, address the Board's concern

regarding unnecessary restrictions on subsistence users, and allowed time for the Alaska Board of Fisheries to consider similar action. After public notice, the Board met again on April 13, 2010, and addressed these two proposals. The Board adopted one with modification and took no action on the second.

Summary of Non-Consensus Proposals Rejected or Deferred by the Board

The Board rejected, deferred, or took no action on 14 non-consensus proposals. The rejected proposals were recommended for rejection by one or more of the Regional Councils unless noted below.

The Board continued to defer a proposal, submitted in 2008, to remove unit-specific regulations related to the statewide sale of brown bear handicrafts made of skin, hide, pelt, or fur and then limit the sale of brown bear handicrafts made of claws, bones, teeth, sinew, or skulls to occur only between Federally qualified subsistence users. This deferment will allow the Federal-State workgroup, which includes Regional Advisory Council representatives, to complete its work.

The Board rejected a proposal to restrict the taking of deer in parts of Unit 4 to residents of Hoonah based on concerns that it would be detrimental to the satisfaction of rural subsistence needs and it was not supported by substantial evidence since measures are already in place that address the concerns during the deer population recovery. This action was contrary to the Council recommendation.

The Board took no action on a proposal for moose in Unit 13E based on a request from the proponent to withdraw the proposal.

The Board rejected a proposal to add black bears to the species list for furbearers in Units 12, 20, and 25. This proposal was found to violate recognized principles of wildlife conservation. This action was contrary to one of the two Council recommendations.

The Board rejected a proposal that would have required that moose meat remain on the bone until the meat was removed from the field in Unit 25. This proposal was found unnecessarily restrictive and therefore detrimental to the satisfaction of subsistence needs. This action was contrary to the Council recommendation.

The Board rejected a proposal to exclude residents of Fort Greely from the customary and traditional use determinations for caribou and moose based on concerns that it was not supported by substantial evidence and would be detrimental to the satisfaction of subsistence needs for some users. This action was contrary to the Council recommendation.

The Board deferred a proposal to increase the harvest limit for brown bears in Unit 25. This action was taken to allow a workgroup time to develop conservation plans, and then to address this proposal and provide recommendations that could align Federal and State regulations. This deferral would not extend past the next wildlife cycle. The Board's intent is to take action on this proposal when the workgroup completes its recommendation.

The Board deferred a proposal to increase the harvest limit for black bears in Unit 25. This action was taken to allow time for an ongoing study to address black bear population density in the area. The Board will address this action following completion of the study.

The Board rejected a proposal to rescind the delegated authority given to a field office manager and to decrease the harvest limit for caribou in Unit 13. This proposal would have been unnecessarily restrictive to subsistence users and would remove management flexibility to address conservation concerns.

The Board rejected a proposal to adjust the harvest limit and shorten the season for moose in Unit 13. This proposal would have been unnecessarily restrictive to subsistence users.

The Board deferred a proposal to establish a joint Federal-State hunt for Chisana caribou in Unit 12. This action was taken to allow time for the final management plan to be completed for the Chisana caribou herd, as well as to address concerns that were raised by the public during review of the proposal.

The Board deferred a proposal to recognize customary and traditional uses of moose for Unit 19A residents of Aniak, Chuathbaluk, Kalskag, and Lower Kalskag in a portion Unit 21E to allow a workgroup to be established to address subsistence users' concerns.

The Board took no action on a proposal that would have reduced the depth of gillnets used to harvest salmon in the Yukon River drainage based on a lack of substantial evidence. This action was different than one of the four Council recommendations; that Council's recommendation was to oppose the proposal.

Summary of Non-Consensus Proposals Adopted by the Board

The Board adopted or adopted with modification 36 non-consensus proposals. Modifications were suggested by the affected Regional Council(s), developed during the analysis process, or developed during the Board's public deliberations. All of the adopted proposals were recommended for adoption by at least one of the Regional Councils unless noted below.

Statewide

The Board adopted four proposals which do not affect wildlife populations, but clarify existing regulations or simplify regulations by use of delegation of authority letters.

Southeast Alaska

The Board adopted two proposals, one with modification to delegate in-season management authority for wildlife on a species-by-species basis, by letter, to the same managers as presently identified in regulation. This action simplifies current regulations.

The Board adopted a proposal to close marten trapping in the Kuiu Island portion of Unit 3 based on conservation concerns. The season will reopen for Federally qualified users on July 1, 2012.

The Board adopted a proposal to recognize customary and traditional uses of moose for residents of Units 1, 2, 3, 4, and 5 in Unit 1C based on the eight factors for determining customary and traditional use, and took no action on a similar proposal based on this action.

The Board adopted a proposal with modification to shorten the wolverine trapping season in five units based on conservation concerns.

Southcentral Alaska

The Board adopted two proposals to recognize customary and traditional uses of caribou and moose for residents of Hope and Sunrise in Unit 7 based on the eight factors for determining customary and traditional use, and established a caribou season by Federal registration permit to allow opportunity for subsistence users.

The Board adopted a proposal to independently manage the wolverine trapping and lynx seasons in Unit 11 based on its benefit to subsistence users and a stable wolverine population.

Yukon-Kuskokwim Delta

The Board adopted a proposal with modification, to limit the pool of eligible users for moose on the Kuskokwim River segment of Unit 18, based on an ANILCA 804 analysis.

The Board adopted a proposal with modification to increase the harvest limit and length of season for moose in Unit 18, thereby providing additional

opportunity for subsistence users in the lower Yukon areas of Unit 18. This action was based on a healthy moose population.

The Board adopted a proposal with modification to allow the take of moose from a boat under power in a portion of Unit 18 based on current practices of subsistence users in that area.

Western Interior

The Board adopted a proposal with modification to adjust the harvest seasons and limits for moose in Unit 24B to provide opportunity for subsistence users and to align with Alaska Board of Game action.

The Board adopted a proposal to shift the season for moose and align Federal and State seasons in portions of Units 21D, 24C, and 24D and to establish "to be announced" seasons to allow additional opportunity for subsistence users while addressing conservation concerns.

Seward Peninsula

The Board adopted a proposal with modification to lift the closure to harvest coyotes in Unit 22. This allows individuals the opportunity to hunt and trap under State regulations.

The Board adopted a proposal to include Unit 22 in the existing regulations that allow the use of brown bear parts to make handicrafts for sale. This allows for increased utilization of brown bears harvested by subsistence users.

The Board adopted a proposal to allow the harvest of up to three musk oxen and one moose during regularly established seasons in Unit 22E for the Kingikmiut Dance Festival based on its benefit to subsistence users.

The Board adopted a proposal with modification to lengthen the season for moose in Unit 22A to provide additional harvest opportunity for subsistence users.

Eastern Interior

The Board adopted a proposal to lengthen the moose season in Unit 25C to match the seasons in adjoining units. This provides additional harvest opportunity to subsistence users.

The Board adopted a proposal with modification to lengthen the season for moose in Unit 25D; this action provides additional harvest opportunity for subsistence users.

The Board adopted a proposal to decrease the harvest limit and adjust the season for wolves in Unit 20C, that portion within Denali National Park and Preserve. This action was requested by subsistence users and is not likely to be detrimental to the satisfaction of subsistence needs.

Multi-Region

The Board adopted a proposal with modification to increase the length of the winter season and to require a Federal permit for moose in Unit 21E. This action provides additional harvest opportunity for subsistence users.

Yukon River

The Board adopted a proposal with modification to limit the size of gillnet stretch mesh used to harvest salmon in the Yukon River drainage. This action was based on conservation concerns and will become effective in 2011 to match a phase-in period adopted by the Alaska Board of Fisheries. This action was contrary to two of the four Council recommendations.

These final regulations reflect Board review and consideration of Regional Council recommendations and public comments. Because this rule concerns public lands managed by an agency or agencies in both the Departments of Agriculture and the Interior, identical text will be incorporated into 36 CFR part 242 and 50 CFR part 100.

Conformance with Statutory and Regulatory Authorities

Administrative Procedure Act Compliance

The Board has provided extensive opportunity for public input and involvement in compliance with Administrative Procedure Act requirements, including publishing a proposed rule in the **Federal Register**, participation in multiple Regional Council meetings, additional public review and comment on all proposals for regulatory change, and opportunity for additional public comment during the Board meeting prior to deliberation. Additionally, an administrative mechanism exists (and has been used by the public) to request reconsideration of the Board's decision on any particular proposal for regulatory change (36 CFR 242.20 and 50 CFR 100.20). Therefore, the Board believes that sufficient public notice and opportunity for involvement have been given to affected persons regarding Board decisions.

In the more than 20 years the Program has been operating, no benefit to the public has been demonstrated by delaying the effective date of the subsistence regulations. A lapse in regulatory control could affect the continued viability of fish or wildlife populations and future subsistence opportunities for rural Alaskans, and would generally fail to serve the overall public interest. Therefore, the Board finds good cause pursuant to 5 U.S.C. 553(d)(3) to make this rule effective upon the date set forth in **DATES** to ensure continued operation of the subsistence program.

National Environmental Policy Act Compliance

A Draft Environmental Impact Statement (DEIS) for developing a Federal Subsistence Management Program was distributed for public comment on October 7, 1991. That document described the major issues associated with Federal subsistence management as identified through public meetings, written comments, and staff analyses and examined the environmental consequences of four alternatives. Proposed regulations (subparts A, B, and C) that would implement the preferred alternative were included in the DEIS as an appendix. The DEIS and the proposed administrative regulations presented a framework for a regulatory cycle regarding subsistence hunting and fishing regulations (subpart D). The Final Environmental Impact Statement (FEIS) was published on February 28, 1992.

Based on the public comments received, the analysis contained in the FEIS, and the recommendations of the Federal Subsistence Board and the Department of the Interior's Subsistence Policy Group, the Secretary of the Interior, with the concurrence of the Secretary of Agriculture, through the U.S. Department of Agriculture-Forest Service, implemented Alternative IV as identified in the DEIS and FEIS (Record of Decision on Subsistence Management for Federal Public Lands in Alaska (ROD), signed April 6, 1992). The DEIS and the selected alternative in the FEIS defined the administrative framework of a regulatory cycle for subsistence hunting and fishing regulations. The final rule for subsistence management regulations for public lands in Alaska, subparts A, B, and C, implemented the Federal Subsistence Management Program and included a framework for a regulatory cycle for the subsistence taking of wildlife and fish. The following **Federal Register** documents pertain to this rulemaking:

SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA, SUBPARTS A, B, AND C: FEDERAL REGISTER DOCUMENTS PERTAINING TO THE FINAL RULE

Federal Register citation	Date of publication	Category	Details
57 FR 22940	May 29, 1992	Final Rule	"Subsistence Management Regulations for Public Lands in Alaska; Final Rule" was published in the **Federal Register**.
64 FR 1276	January 8, 1999	Final Rule	Amended the regulations to include subsistence activities occurring on inland navigable waters in which the United States has a reserved water right and to identify specific Federal land units where reserved water rights exist. Extended the Federal Subsistence Board's management to all Federal lands selected under the Alaska Native Claims Settlement Act and the Alaska Statehood Act and situated within the boundaries of a Conservation System Unit, National Recreation Area, National Conservation Area, or any new national forest or forest addition, until conveyed to the State of Alaska or to an Alaska Native Corporation. Specified and clarified the Secretaries' authority to determine when hunting, fishing, or trapping activities taking place in Alaska off the public lands interfere with the subsistence priority.
66 FR 31533	June 12, 2001	Interim Rule	Expanded the authority that the Board may delegate to agency field officials and clarified the procedures for enacting emergency or temporary restrictions, closures, or openings.
67 FR 30559	May 7, 2002	Final Rule	Amended the operating regulations in response to comments on the June 12, 2001, interim rule. Also corrected some inadvertent errors and oversights of previous rules.
68 FR 7703	February 18, 2003	Direct Final Rule	Clarified how old a person must be to receive certain subsistence use permits and removed the requirement that Regional Councils must have an odd number of members.
68 FR 23035	April 30, 2003	Affirmation of Direct Final Rule.	Because no adverse comments were received on the direct final rule (67 FR 30559), the direct final rule was adopted.
69 FR 60957	October 14, 2004	Final Rule	Clarified the membership qualifications for Regional Advisory Council membership and relocated the definition of "regulatory year" from subpart A to subpart D of the regulations.
70 FR 76400	December 27, 2005	Final Rule	Revised jurisdiction in marine waters and clarified jurisdiction relative to military lands.
71 FR 49997	August 24, 2006	Final Rule	Revised the jurisdiction of the subsistence program by adding submerged lands and waters in the area of Makhnati Island, near Sitka, AK. This allowed subsistence users to harvest marine resources in this area under seasons, harvest limits, and methods specified in the regulations.
72 FR 25688	May 7, 2007	Final Rule	Revised nonrural determinations.

An environmental assessment was prepared in 1997 on the expansion of Federal jurisdiction over fisheries and is available from the office listed under **FOR FURTHER INFORMATION CONTACT**. The Secretary of the Interior with the concurrence of the Secretary of Agriculture determined that the expansion of Federal jurisdiction did not constitute a major Federal action significantly affecting the human environment and, therefore, signed a Finding of No Significant Impact.

Section 810 of ANILCA

An ANILCA Section 810 analysis was completed as part of the FEIS process on the Federal Subsistence Management Program. The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. The final section 810 analysis determination appeared in the April 6, 1992, ROD and concluded that the Program, under Alternative IV with an annual process for setting subsistence regulations, may have some local impacts on subsistence uses, but will not likely restrict subsistence uses significantly.

During the subsequent environmental assessment process for extending fisheries jurisdiction, an evaluation of the effects of this rule was conducted in accordance with section 810. That evaluation also supported the Secretaries' determination that the rule will not reach the "may significantly restrict" threshold that would require notice and hearings under ANILCA section 810(a).

Paperwork Reduction Act

An agency may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. This proposed rule does not contain any new collections of information that require OMB approval. OMB has reviewed and approved the following collections of information associated with the subsistence regulations at 36 CFR part 242 and 50 CFR part 100: Subsistence hunting and fishing applications, permits, and reports, Federal Subsistence Regional Advisory Council Membership Application/Nomination and Interview Forms (OMB Control No. 1018–0075 expires January 31, 2013).

Regulatory Planning and Review (Executive Order 12866)

The Office of Management and Budget (OMB) has determined that this rule is not significant and has not reviewed this rule under Executive Order 12866. OMB bases its determination upon the following four criteria:

(a) Whether the rule will have an annual effect of $100 million or more on the economy or adversely affect an

economic sector, productivity, jobs, the environment, or other units of the government.

(b) Whether the rule will create inconsistencies with other agencies' actions.

(c) Whether the rule will materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients.

(d) Whether the rule raises novel legal or policy issues.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations, or governmental jurisdictions. In general, the resources to be harvested under this rule are already being harvested and consumed by the local harvester and do not result in an additional dollar benefit to the economy. However, we estimate that two million pounds of meat are harvested by subsistence users annually and, if given an estimated dollar value of $3.00 per pound, this amount would equate to about $6 million in food value statewide. Based upon the amounts and values cited above, the Departments certify that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Small Business Regulatory Enforcement Fairness Act

Under the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801 *et seq.*), this rule is not a major rule. It does not have an effect on the economy of $100 million or more, will not cause a major increase in costs or prices for consumers, and does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Executive Order 12630

Title VIII of ANILCA requires the Secretaries to administer a subsistence priority on public lands. The scope of this Program is limited by definition to certain public lands. Likewise, these regulations have no potential takings of private property implications as defined by Executive Order 12630.

Unfunded Mandates Reform Act

The Secretaries have determined and certify pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.,* that this rulemaking will not impose a cost of $100 million or more in any given year on local or State governments or private entities. The implementation of this rule is by Federal agencies and there is no cost imposed on any State or local entities or tribal governments.

Executive Order 12988

The Secretaries have determined that these regulations meet the applicable standards provided in Sections 3(a) and 3(b)(2) of Executive Order 12988, regarding civil justice reform.

Executive Order 13132

In accordance with Executive Order 13132, the rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment. Title VIII of ANILCA precludes the State from exercising subsistence management authority over fish and wildlife resources on Federal lands unless it meets certain requirements.

Executive Order 13175

The Alaska National Interest Lands Conservation Act does not specifically provide rights to tribes for the subsistence taking of wildlife, fish, and shellfish. However, the Secretaries have elected to provide tribes an opportunity to consult on this rule. The Board provided a variety of opportunities for consultation through: Proposing changes to the existing rule; commenting on proposed changes to the existing rule; engaging in dialogue at the Regional Advisory Council meetings; engaging in dialogue at the Board's meetings; and providing input in person, by mail, e-mail, or phone at any time during the rulemaking process.

Executive Order 13211

This Executive Order requires agencies to prepare Statements of Energy Effects when undertaking certain actions. However, this rule is not a significant regulatory action under E.O. 13211, affecting energy supply, distribution, or use, and no Statement of Energy Effects is required.

Drafting Information

Theo Matuskowitz drafted these regulations under the guidance of Peter J. Probasco of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Additional assistance was provided by

- Daniel Sharp, Alaska State Office, Bureau of Land Management;
- Sandy Rabinowitch and Nancy Swanton, Alaska Regional Office, National Park Service;
- Dr. Glenn Chen and Patricia Petrivelli, Alaska Regional Office, Bureau of Indian Affairs;
- Jerry Berg, Alaska Regional Office, U.S. Fish and Wildlife Service; and
- Steve Kessler, Alaska Regional Office, U.S. Forest Service.

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

Regulation Promulgation

■ For the reasons set out in the preamble, the Federal Subsistence Board amends title 36, part 242, and title 50, part 100, of the Code of Federal Regulations, as set forth below.

PART___—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

■ 1. The authority citation for both 36 CFR part 242 and 50 CFR part 100 continues to read as follows:

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

Subpart C—Board Determinations

■ 2. In subpart C of 36 CFR part 242 and 50 CFR part 100, § __.24(a)(1) is revised to read as follows:

§ __.24 Customary and traditional use determinations.

(a) * * *

(1) *Wildlife determinations.* The rural Alaska residents of the listed communities and areas have a customary and traditional use of the specified species on Federal public lands within the listed areas:

Area	Species	Determination
Unit 1C	Black Bear	Residents of Unit 1C, 1D, 3, Hoonah, Pelican, Point Baker, Sitka, and Tenakee Springs.

Area	Species	Determination
Unit 1A	Brown Bear	Residents of Unit 1A, except no subsistence for residents of Hyder.
Unit 1B	Brown Bear	Residents of Unit 1A, Petersburg, and Wrangell, except no subsistence for residents of Hyder.
Unit 1C	Brown Bear	Residents of Unit 1C, Haines, Hoonah, Kake, Klukwan, Skagway, and Wrangell, except no subsistence for residents of Gustavus.
Unit 1D	Brown Bear	Residents of ID.
Unit 1A	Deer	Residents of Units 1A and 2.
Unit 1B	Deer	Residents of Units 1A, 1B, 2, and 3.
Unit 1C	Deer	Residents of 1C, 1D, Hoonah, Kake, and Petersburg.
Unit 1D	Deer	No Federal subsistence priority.
Unit 1B	Goat	Residents of Units 1B and 3.
Unit 1C	Goat	Residents of Haines, Kake, Klukwan, Petersburg, and Hoonah.
Unit 1B	Moose	Residents of Units 1, 2, 3, and 4.
Unit 1C	Moose	Residents of Units 1, 2, 3, 4, and 5.
Unit 1D	Moose	Residents of Unit 1D.
Unit 2	Deer	Residents of Unit 1A, 2, and 3.
Unit 3	Deer	Residents of Unit 1B, 3, Port Alexander, Port Protection, Pt. Baker, and Meyer's Chuck.
Unit 3, Wrangell and Mitkof Islands	Moose	Residents of Units 1B, 2, and 3.
Unit 4	Brown Bear	Residents of Unit 4 and Kake.
Unit 4	Deer	Residents of Unit 4, Kake, Gustavus, Haines, Petersburg, Pt. Baker, Klukwan, Port Protection, Wrangell, and Yakutat.
Unit 4	Goat	Residents of Sitka, Hoonah, Tenakee, Pelican, Funter Bay, Angoon, Port Alexander, and Elfin Cove.
Unit 5	Black Bear	Residents of Unit 5A.
Unit 5	Brown Bear	Residents of Yakutat.
Unit 5	Deer	Residents of Yakutat.
Unit 5	Goat	Residents of Unit 5A.
Unit 5	Moose	Residents of Unit 5A.
Unit 5	Wolf	Residents of Unit 5A.
Unit 6A	Black Bear	Residents of Yakutat and Unit 6C and 6D, except no subsistence for Whittier.
Unit 6, remainder	Black Bear	Residents of Unit 6C and 6D, except no subsistence for Whittier.
Unit 6	Brown Bear	No Federal subsistence priority.
Unit 6A	Goat	Residents of Unit 5A and 6C, Chenega Bay, and Tatitlek.
Unit 6C and Unit 6D	Goat	Residents of Unit 6C and D.
Unit 6A	Moose	Residents of Units 5A, 6A, 6B and 6C.
Unit 6B and Unit 6C	Moose	Residents of Units 6A, 6B and 6C.
Unit 6D	Moose	No Federal subsistence priority.
Unit 6A	Wolf	Residents of Units 5A, 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
Unit 6, remainder	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
Unit 7	Brown Bear	No Federal subsistence priority.
Unit 7	Caribou	Residents of Hope.
Unit 7, Brown Mountain hunt area	Goat	Residents of Port Graham and Nanwalek.
Unit 7, that portion draining into Kings Bay	Moose	Residents of Chenega Bay, Cooper Landing, Hope, and Tatitlek.
Unit 7, remainder	Moose	Residents of Cooper Landing and Hope.
Unit 7	Sheep	No Federal subsistence priority.
Unit 7	Ruffed Grouse	No Federal subsistence priority.
Unit 8	Brown Bear	Residents of Old Harbor, Akhiok, Larsen Bay, Karluk, Ouzinkie, and Port Lions.
Unit 8	Deer	Residents of Unit 8.
Unit 8	Elk	Residents of Unit 8.
Unit 8	Goat	No Federal subsistence priority.
Unit 9D	Bison	No Federal subsistence priority.
Unit 9A and 9B	Black Bear	Residents of Units 9A, 9B, 17A, 17B, and 17C.
Unit 9A	Brown Bear	Residents of Pedro Bay.
Unit 9B	Brown Bear	Residents of Unit 9B.
Unit 9C	Brown Bear	Residents of Unit 9C, Igiugig, Kakhonak, and Levelock.
Unit 9D	Brown Bear	Residents of Unit 9D and 10 (Unimak Island).
Unit 9E	Brown Bear	Residents of Chignik, Chignik Lagoon, Chignik Lake, Egegik, Ivanof Bay, Perryville, Pilot Point, Ugashik, and Port Heiden/Meshik.
Unit 9A and Unit 9B	Caribou	Residents of Unit 9B, 9C, and 17.
Unit 9C	Caribou	Residents of Unit 9B,9C, 17, and Egegik.
Unit 9D	Caribou	Residents of Unit 9D, Akutan, and False Pass.

Area	Species	Determination
Unit 9E	Caribou	Residents of Unit 9B, 9C, 9E, 17, Nelson Lagoon and Sand Point.
Unit 9A, Unit 9B, Unit 9C and Unit 9E	Moose	Residents of Unit 9A, 9B, 9C, and 9E.
Unit 9D	Moose	Residents of Cold Bay, False Pass, King Cove, Nelson Lagoon, and Sand Point.
Unit 9B	Sheep	Residents of Iliamna, Newhalen, Nondalton, Pedro Bay, Port Alsworth, and residents of Lake Clark National Park and Preserve within Unit 9B.
Unit 9, remainder	Sheep	No determination.
Unit 9	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
Unit 9A, Unit B, Unit C, & Unit E	Beaver	Residents of Units 9A, 9B, 9C, 9E, and 17.
Unit 10 Unimak Island	Brown Bear	Residents of Units 9D and 10 (Unimak Island).
Unit 10 Unimak Island	Caribou	Residents of Akutan, False Pass, King Cove, and Sand Point.
Unit 10, remainder	Caribou	No determination.
Unit 10	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
Unit 11	Bison	No Federal subsistence priority.
Unit 11, north of the Sanford River	Black Bear	Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Units 11 and 12.
Unit 11, remainder	Black Bear	Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Nabesna Road (mileposts 25–46), Slana, Tazlina, Tok Cutoff Road (mileposts 79–110), Tonsina, and Units 11.
Unit 11, north of the Sanford River	Brown Bear	Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Units 11 and 12.
Unit 11, remainder	Brown Bear	Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Nabesna Road (mileposts 25–46), Slana, Tazlina, Tok Cutoff Road (mileposts 79–110), Tonsina, and Units 11.
Unit 11, north of the Sanford River	Caribou	Residents of Unit 11, 12, 13A–D, Chickaloon, Healy Lake, and Dot Lake.
Unit 11, remainder	Caribou	Residents of Unit 11, 13A–D, and Chickaloon.
Unit 11	Goat	Residents of Unit 11, Chitina, Chistochina, Copper Center, Gakona, Glennallen, Gulkana, Mentasta Lake, Slana, Tazlina, Tonsina, and Dot Lake.
Unit 11, north of the Sanford River	Moose	Residents of Unit 11, 12, 13A–D, Chickaloon, Healy Lake, and Dot Lake.
Unit 11, remainder	Moose	Residents of Unit 11, 13A–D, and Chickaloon.
Unit 11, north of the Sanford River	Sheep	Residents of Unit 12, Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Glennallen, Gulkana, Healy Lake, Kenny Lake, Mentasta Lake, Slana, McCarthy/South Wrangell/South Park, Tazlina, Tonsina, residents along the Nabesna Road—Milepost 0–46 (Nabesna Road), and residents along the McCarthy Road—Milepost 0–62 (McCarthy Road).
Unit 11, remainder	Sheep	Residents of Chisana, Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, McCarthy/South Wrangell/South Park, Tazlina, Tonsina, residents along the Tok Cutoff—Milepost 79–110 (Mentasta Pass), residents along the Nabesna Road—Milepost 0–46 (Nabesna Road), and residents along the McCarthy Road—Milepost 0–62 (McCarthy Road).
Unit 11	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
Unit 11	Grouse (Spruce, Blue, Ruffed and Sharp-tailed).	Residents of Units 11, 12, 13 and the residents of Chickaloon, Unit 15, 16, 20D, 22 and 23.
Unit 11	Ptarmigan (Rock, Willow and White-tailed).	Residents of Units 11, 12, 13 and the residents of Chickaloon, 15, 16, 20D, 22 and 23.
Unit 12	Brown Bear	Residents of Unit 12, Dot Lake, Chistochina, Gakona, Mentasta Lake, and Slana.
Unit 12	Caribou	Residents of Unit 12, Dot Lake, Healy Lake, and Mentasta Lake.
Unit 12, that portion within the Tetlin National Wildlife Refuge and those lands within the Wrangell-St. Elias National Preserve north and east of a line formed by the Pickerel Lake Winter Trail from the Canadian border to Pickerel Lake.	Moose	Residents of Unit 12C, 13C, Dot Lake, Healy Lake.

Area	Species	Determination
Unit 12, that portion east of the Nabesna River and Nabesna Glacier, and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border.	Moose	Residents of Unit 12, 13C, and Healy Lake.
Unit 12, remainder	Moose	Residents of Unit 11 north of 62nd parallel, Unit 12, 13A–D and the residents of Chickaloon, Dot Lake, and Healy Lake.
Unit 12	Sheep	Residents of Unit 12, Chistochina, Dot Lake, Healy Lake, and Mentasta Lake.
Unit 12	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
Unit 13	Brown Bear	Residents of Unit 13 and Slana.
Unit 13B	Caribou	Residents of Unit 11, 12 (along the Nabesna Road and Tok Cutoff Road, mileposts 79–110), 13 residents of Unit 20D except Fort Greely, and the residents of Chickaloon.
Unit 13C	Caribou	Residents of Unit 11, 12 (along the Nabesna Road and Tok Cutoff Road, mileposts 79–110), 13 Chickaloon, Dot Lake and Healy Lake.
Unit 13A and Unit 13D	Caribou	Residents of Unit 11, 12 (along the Nabesna Road) 13, and the residents of Chickaloon.
Unit 13E	Caribou	Residents of Unit 11, 12 (along the Nabesna Road) 13, Chickaloon, McKinley Village, and the area along the Parks Highway between mileposts 216 and 239 (except no subsistence for residents of Denali National Park headquarters).
Unit 13D	Goat	No Federal subsistence priority.
Unit 13A and Unit 13D	Moose	Residents of Unit 13, Chickaloon, and Slana.
Unit 13B	Moose	Residents of Unit 13, 20D except for Fort Greely, and the residents of Chickaloon and Slana.
Unit 13C	Moose	Residents of Unit 12, 13 and the residents of Chickaloon, Healy Lake Dot Lake and Slana.
Unit 13E	Moose	Residents of Unit 13, Chickaloon, McKinley Village, Slana, and the area along the Parks Highway between mileposts 216 and 239 (except no subsistence for residents of Denali National Park headquarters).
Unit 13D	Sheep	No Federal subsistence priority.
Unit 13	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
Unit 13	Grouse (Spruce, Blue, Ruffed & Sharp-tailed).	Residents of Unit 11, 13 and the residents of Chickaloon, 15, 16, 20D, 22 & 23.
Unit 13	Ptarmigan (Rock, Willow and White-tailed).	Residents of Unit 11, 13 and the residents of Chickaloon, 15, 16, 20D, 22 & 23.
Unit 14C	Brown Bear	No Federal subsistence priority.
Unit 14	Goat	No Federal subsistence priority.
Unit 14	Moose	No Federal subsistence priority.
Unit 14A and Unit 14C	Sheep	No Federal subsistence priority.
Unit 15A and Unit 15B	Black Bear	Residents of Ninilchik.
Unit 15C	Black Bear	Residents of Ninilchik, Port Graham, and Nanwalek.
Unit 15C	Brown Bear	Residents of Ninilchik.
Unit 15, remainder	Brown Bear	No Federal subsistence priority.
Residents of Units 15A and Unit 15B	Moose	Residents of Cooper Landing, Ninilchik, Nanwalek, Port Graham, and Seldovia.
Unit 15C	Moose	Residents of Ninilchik, Nanwalek, Port Graham, and Seldovia.
Unit 15	Sheep	No Federal subsistence priority.
Unit 15	Ptarmigan (Rock, Willow and White-tailed).	Residents of Unit 15.
Unit 15	Grouse (Spruce)	Residents of Unit 15.
Unit 15	Grouce (Ruffed)	No Federal subsistence priority.
Unit 16B	Black Bear	Residents of Unit 16B.
Unit 16	Brown Bear	No Federal subsistence priority.
Unit 16A	Moose	No Federal subsistence priority.
Unit 16B	Moose	Residents of Unit 16B.
Unit 16	Sheep	No Federal subsistence priority.
Unit 16	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
Unit 16	Grouce (Spruce and Ruffed).	Residents of Unit 11, 13 and the residents of Chickaloon, 15, 16, 20D, 22 & 23.
Unit 16	Ptarmigan (Rock, Willow and White-tailed).	Residents of Unit 11, 13 and the residents of Chickaloon, 15, 16, 20D, 22 & 23.
Unit 17A and that portion of 17B draining into Nuyakuk Lake and Tikchik Lake.	Black Bear	Residents of Unit 9A and B, 17, Akiak, and Akiachak.
Unit 17, remainder	Black Bear	Residents of Unit 9A and B, and 17.

Area	Species	Determination
Unit 17A and 17B, those portions north and west of a line beginning from the Unit 18 boundary at the northwest end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyakuk Lake, northeast to the point where the Unit 17 boundary intersects the Shotgun Hills.	Brown Bear	Residents of Kwethluk.
Unit 17A, remainder	Brown Bear	Residents of Unit 17, Akiak, Akiachak, Goodnews Bay, and Platinum.
Unit 17B, that portion draining into Nuyakuk Lake and Tikchik Lake.	Brown Bear	Residents of Akiak and Akiachak.
Unit 17B and Unit 17C	Brown Bear	Residents of Unit 17.
Unit 17A, that portion west of the Izavieknik River, Upper Togiak Lake, Togiak Lake, and the main course of the Togiak River.	Caribou	Residents of Goodnews Bay, Platinum, Quinhagak, Eek, Tuntutuliak, and Napakiak.
Unit 17A, that portion north of Togiak Lake that includes Izavieknik River drainages.	Caribou	Residents of Akiak, Akiachak, and Tuluksak.
Unit 17A and 17B, those portions north and west of a line beginning from the Unit 18 boundary at the northwest end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyakuk Lake, northeast of the point where the Unit 17 boundary intersects the Shotgun Hills.	Caribou	Residents of Kwethluk.
Unit 17B, that portionof Togiak and National Wildlife Refuge within Unit 17B.	Caribou	Residents of Bethel, Goodnews Bay, Platinum, Quinhagak, Eek, Akiak, Akiachak, Tuluksak, Tuntutuliak, and Napakiak.
Unit 17, remainder	Caribou	Residents of Unit 9B, 17, Lime Village, and Stony River.
Unit 17A and 17B, those portions north and west of a line beginning from the Unit 18 boundary at the northwest end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyakuk Lake, northeast of the point where the Unit 17 boundary intersects the Shotgun Hills.	Moose	Residents of Kwethluk.
Unit 17A, that portion north of Togiak Lake that includes Izavieknik River drainages.	Moose	Residents of Akiak, Akiachak.
Unit 17A, remainder	Moose	Residents of Unit 17, Goodnews Bay and Platinum; however, no subsistence for residents of Akiachak, Akiak and Quinhagak.
Unit 17B, that portion within the Togiak National Wildlife Refuge.	Moose	Residents of Akiak, Akiachak.
Unit 17B, remainder and Unit 17C	Moose	Residents of Unit 17, Nondalton, Levelock, Goodnews Bay, and Platinum.
Unit 17	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
Unit 17	Beaver	Residents of Units 9A, 9B, 9C, 9E, and 17.
Unit 18	Black Bear	Residents of Unit 18, Unit 19A living downstream of the Holokuk River, Holy Cross, Stebbins, St. Michael, Twin Hills, and Togiak.
Unit 18	Brown Bear	Residents of Akiachak, Akiak, Eek, Goodnews Bay, Kwethluk, Mt. Village, Napaskiak, Platinum, Quinhagak, St. Marys, and Tuluksak.
Unit 18	Caribou	Residents of Unit 18, Manokotak, Stebbins, St. Michael, Togiak, Twin Hills, and Upper Kalskag.
Unit 18, that portion of the Yukon River drainage upstream of Russian Mission and that portion of the Kuskokwim River drainage upstream of, but not including, the Tuluksak River drainage.	Moose	Residents of Unit 18, Upper Kalskag, Aniak, and Chuathbaluk.
Unit 18, that portion north of a line from Cape Romanzof to Kusilvak Mountain to Mountain Village, and all drainages north of the Yukon River downstream from Marshall.	Moose	Residents of Unit 18, St. Michael, Stebbins, and Upper Kalskag.
Unit 18, remainder	Moose	Residents of Unit 18 and Upper Kalskag.
Unit 18	Musk ox	No Federal subsistence priority.
Unit 18	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
Unit 19C and Unit 19D	Bison	No Federal subsistence priority.
Unit 19A and Unit 9B	Brown Bear	Residents of Units 19 and 18 within the Kuskokwim River drainage upstream from, and including, the Johnson River.
Unit 19C	Brown Bear	No Federal subsistence priority.
Unit 19D	Brown Bear	Residents of Units 19A and D, Tuluksak and Lower Kalskag.

Area	Species	Determination
Unit 19A and Unit 19B	Caribou	Residents of Units 19A and 19B, Unit 18 within the Kuskokwim River drainage upstream from, and including, the Johnson River, and residents of St. Marys, Marshall, Pilot Station, Russian Mission.
Unit 19C	Caribou	Residents of Unit 19C, Lime Village, McGrath, Nikolai, and Telida.
Unit 19D	Caribou	Residents of Unit 19D, Lime Village, Sleetmute, and Stony River.
Unit 19A and Unit 19B	Moose	Residents of Unit 18 within Kuskokwim River drainage upstream from and including the Johnson River, and residents of Unit 19.
Unit 19B, west of the Kogrukluk River	Moose	Residents of Eek and Quinhagak.
Unit 19C	Moose	Residents of Unit 19.
Unit 19D	Moose	Residents of Unit 19 and Lake Minchumina.
Unit 19	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
Unit 20D	Bison	No Federal subsistence priority.
Unit 20F	Black Bear	Residents of Unit 20F, Stevens Village, and Manley.
Unit 20E	Brown Bear	Residents of Unit 12 and Dot Lake.
Unit 20F	Brown Bear	Residents of Unit 20F, Stevens Village, and Manley.
Unit 20A	Caribou	Residents of Cantwell, Nenana, and those domiciled between mileposts 216 and 239 of the Parks Highway. No subsistence priority for residents of households of the Denali National Park Headquarters.
Unit 20B	Caribou	Residents of Unit 20B, Nenana, and Tanana.
Unit 20C	Caribou	Residents of Unit 20C living east of the Teklanika River, residents of Cantwell, Lake Minchumina, Manley Hot Springs, Minto, Nenana, Nikolai, Tanana, Telida, and those domiciled between mileposts 216 and 239 of the Parks Highway and between mileposts 300 and 309. No subsistence priority for residents of households of the Denali National Park Headquarters.
Unit 20D and Unit 20E	Caribou	Residents of 20D, 20E, and Unit 12 north of the Wrangell-St. Elias National Park and Preserve.
Unit 20F	Caribou	Residents of 20F, 25D, and Manley.
Unit 20A	Moose	Residents of Cantwell, Minto, Nenana, McKinley Village, and the area along the Parks Highway between mileposts 216 and 239, except no subsistence for residents of households of the Denali National Park Headquarters.
Unit 20B, Minto Flats Management Area	Moose	Residents of Minto and Nenana.
Unit 20B, remainder	Moose	Residents of Unit 20B, Nenana, and Tanana.
Unit 20C	Moose	Residents of Unit 20C (except that portion within Denali National Park and Preserve and that portion east of the Teklanika River), Cantwell, "Manley", Minto, Nenana, those domiciled between mileposts 300 and 309 of the Parks Highway, Nikolai, Tanana, Telida, McKinley Village, and the area along the Parks Highway between mileposts 216 and 239. No subsistence for residents of households of the Denali National Park Headquarters.
Unit 20D	Moose	Residents of Unit 20D and residents of Tanacross.
Unit 20E	Moose	Residents of Unit 20E, Unit 12 north of the Wrangell-St. Elias National Preserve, Circle, Central, Dot Lake, Healy Lake, and Mentasta Lake.
Unit 20F	Moose	Residents of Unit 20F, Manley, Minto, and Stevens Village.
Unit 20F	Wolf	Residents of Unit 20F, Stevens Village, and "Manley".
Unit 20, remainder	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
Unit 20D	Grouse, (Spruce, Ruffed and Sharp-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20D, 22, and 23.
Unit 20D	Ptarmigan (Rock and Willow).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20D, 22, and 23.
Unit 21	Brown Bear	Residents of Units 21 and 23.
Unit 21A	Caribou	Residents of Units 21A, 21D, 21E, Aniak, Chuathbaluk, Crooked Creek, McGrath, and Takotna.
Unit 21B and Unit 21C	Caribou	Residents of Units 21B, 21C, 21D, and Tanana.
Unit 21D	Caribou	Residents of Units 21B, 21C, 21D, and Huslia.
Unit 21E	Caribou	Residents of Units 21A, 21E, Aniak, Chuathbaluk, Crooked Creek, McGrath, and Takotna.
Unit 21A	Moose	Residents of Units 21A, 21E, Takotna, McGrath, Aniak, and Crooked Creek.

Area	Species	Determination
Unit 21B and Unit 21C	Moose	Residents of Units 21B, 21C, Tanana, Ruby, and Galena.
Unit 21D	Moose	Residents of Units 21D, Huslia, and Ruby.
Unit 21E	Moose	Residents of Unit 21E and Russian Mission.
Unit 21	Wolf	Residents of Units 6, 9, 10 (Ununitimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
Unit 22A	Black Bear	Residents of Unit 22A and Koyuk.
Unit 22B	Black Bear	Residents of Unit 22B.
Unit 22C, Unit 22D,and Unit 22E	Black Bear	No Federal subsistence priority.
Unit 22	Brown Bear	Residents of Unit 22
Unit 22A	Caribou	Residents of Unit 21D west of the Koyukuk and Yukon Rivers, 22 (except residents of St. Lawrence Island), 23, 24, Kotlik, Emmonak, Hooper Bay, Scammon Bay, Chevak, Marshall, Mountain Village, Pilot Station, Pitka's Point, Russian Mission, St. Marys, Nunam Iqua, and Alakanuk.
Unit 22, remainder	Caribou	Residents of Unit 21D west of the Koyukuk and Yukon Rivers, 22 (except residents of St. Lawrence Island), 23, and 24.
Unit 22	Moose	Residents of Unit 22.
Unit 22A	Musk ox	All rural residents.
Unit 22B, west of the Darby Mountains	Musk ox	Residents of Unit 22B and 22C.
Unit 22B, remainder	Musk ox	Residents of Unit 22B.
Unit 22C	Musk ox	Residents of Unit 22C.
Unit 22D	Musk ox	Residents of Units 22B, 22C, 22D, and 22E (excluding St. Lawrence Island).
Unit 22E	Musk ox	Residents of Units 22E (excluding Little Diomede Island).
Unit 22	Wolf	Residents of Units 23, 22, 21D north and west of the Yukon River, and Kotlik.
Unit 22	Grouse (Spruce)	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20D, 22, and 23.
	Ptarmigan (Rock and Willow).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20D, 22, and 23.
Unit 23	Black Bear	Residents of Unit 23, Alatna, Allakaket, Bettles, Evansville, Galena, Hughes, Huslia, and Koyukuk.
Unit 23	Brown Bear	Residents of Units 21 and 23.
Unit 23	Caribou	Residents of Unit 21D west of the Koyukuk and Yukon Rivers, Galena, 22, 23, 24 including residents of Wiseman but not including other residents of the Dalton Highway Corridor Management Area, and 26A.
Unit 23	Moose	Residents of Unit 23.
Unit 23, south of Kotzebue Sound and west of and including the Buckland River drainage.	Musk ox	Residents of Unit 23 south of Kotzebue Sound and west of and including the Buckland River drainage.
Unit 23, remainder	Musk ox	Residents of Unit 23 east and north of the Buckland River drainage.
Unit 23	Sheep	Residents of Point Lay and Unit 23 north of the Arctic Circle.
Unit 23	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
Unit 23	Grouse (Spruce and Ruffed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20D, 22, and 23.
Unit 23	Ptarmigan (Rock, Willow and White-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20D, 22, and 23.
Unit 24, that portion south of Caribou Mountain, and within the public lands composing or immediately adjacent to the Dalton Highway Corridor Management Area.	Black Bear	Residents of Stevens Village, Unit 24 and Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area.
Unit 24, remainder	Black Bear	Residents of Unit 24 and Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area.
Unit 24, that portion south of Caribou Mountain, and within the public lands composing or immediately adjacent to the Dalton Highway Corridor Management Area.	Brown Bear	Residents of Stevens Village and residents of Unit 24.
Unit 24, remainder	Brown Bear	Residents of Unit 24.
Unit 24	Caribou	Residents of Unit 24, Galena, Kobuk, Koyukuk, Stevens Village, and Tanana.
Unit 24	Moose	Residents of Unit 24, Koyukuk, and Galena.
Unit 24	Sheep	Residents of Unit 24 residing north of the Arctic Circle, Allakaket, Alatna, Hughes, and Huslia.
Unit 24	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
Unit 25D	Black Bear	Residents of Unit 25D.

Area	Species	Determination
Unit 25D	Brown Bear	Residents of Unit 25D.
Unit 25, remainder	Brown Bear	Residents of Unit 25 and Eagle.
Unit 25D	Caribou	Residents of 20F, 25D, and Manley
Unit 25A	Moose	Residents of Unit 25A and 25D.
Unit 25D, west	Moose	Residents of Unit 25D West.
Unit 25D, remainder	Moose	Residents of remainder of Unit 25.
Unit 25A	Sheep	Residents of Arctic Village, Chalkyitsik, Fort Yukon, Kaktovik, and Venetie.
Unit 25B and Unit 25C	Sheep	No Federal subsistence priority.
Unit 25D	Wolf	Residents of Unit 25D.
Unit 25, remainder	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
Unit 26	Brown Bear	Residents of Unit 26 (except the Prudhoe Bay-Deadhorse Industrial Complex), Anaktuvuk Pass, and Point Hope.
Unit 26A and C	Caribou	Residents of Unit 26, Anaktuvuk Pass, and Point Hope.
Unit 26B	Caribou	Residents of Unit 26, Anaktuvuk Pass, Point Hope, and residents of Unit 24 within the Dalton Highway Corridor Management Area.
Unit 26	Moose	Residents of Unit 26 (except the Prudhoe Bay-Deadhorse Industrial Complex), Point Hope, and Anaktuvuk Pass.
Unit 26A	Musk ox	Residents of Anaktuvuk Pass, Atqasuk, Barrow, Nuiqsut, Point Hope, Point Lay, and Wainwright.
Unit 26B	Musk ox	Residents of Anaktuvuk Pass, Nuiqsut, and Kaktovik.
Unit 26C	Musk ox	Residents of Kaktovik.
Unit 26A	Sheep	Residents of Unit 26, Anaktuvuk Pass, and Point Hope.
Unit 26B	Sheep	Residents of Unit 26, Anaktuvuk Pass, Point Hope, and Wiseman.
Unit 26C	Sheep	Residents of Unit 26, Anaktuvuk Pass, Arctic Village, Chalkyitsik, Fort Yukon, Point Hope, and Venetie.
Unit 26	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.

* * * * *

Subpart D—Subsistence Taking of Fish and Wildlife

■ 3. In subpart D of 36 CFR part 242 and 50 CFR part 100, § __.25 is revised to read as follows:

§ ___.25 Subsistence taking of fish, wildlife, and shellfish: general regulations.

(a) *Definitions.* The following definitions apply to all regulations contained in this part:

Abalone iron means a flat device which is used for taking abalone and which is more than 1 inch (24 mm) in width and less than 24 inches (610 mm) in length, with all prying edges rounded and smooth.

ADF&G means the Alaska Department of Fish and Game.

Airborne means transported by aircraft.

Aircraft means any kind of airplane, glider, or other device used to transport people or equipment through the air, excluding helicopters.

Airport means an airport listed in the Federal Aviation Administration's Alaska Airman's Guide and chart supplement.

Anchor means a device used to hold a fishing vessel or net in a fixed position relative to the beach; this includes using part of the seine or lead, a ship's anchor, or being secured to another vessel or net that is anchored.

Animal means those species with a vertebral column (backbone).

Antler means one or more solid, horn-like appendages protruding from the head of a caribou, deer, elk, or moose.

Antlered means any caribou, deer, elk, or moose having at least one visible antler.

Antlerless means any caribou, deer, elk, or moose not having visible antlers attached to the skull.

Bait means any material excluding a scent lure that is placed to attract an animal by its sense of smell or taste; however, those parts of legally taken animals that are not required to be salvaged and which are left at the kill site are not considered bait.

Beach seine means a floating net which is designed to surround fish and is set from and hauled to the beach.

Bear means black bear, or brown or grizzly bear.

Big game means black bear, brown bear, bison, caribou, Sitka black-tailed deer, elk, mountain goat, moose, musk ox, Dall sheep, wolf, and wolverine.

Bow means a longbow, recurve bow, or compound bow, excluding a crossbow or any bow equipped with a mechanical device that holds arrows at full draw.

Broadhead means an arrowhead that is not barbed and has two or more steel cutting edges having a minimum cutting diameter of not less than seven-eighths of an inch.

Brow tine means a tine on the front portion of a moose antler, typically projecting forward from the base of the antler toward the nose.

Buck means any male deer.

Bull means any male moose, caribou, elk, or musk oxen.

Calf means a moose, caribou, elk, musk ox, or bison less than 12 months old.

Cast net means a circular net with a mesh size of no more than 12 inches and weights attached to the perimeter, which, when thrown, surrounds the fish and closes at the bottom when retrieved.

Char means the following species: Arctic char (*Salvelinus alpinis*), lake trout (*Salvelinus namaycush*), brook trout (*Salvelinus fontinalis*), and Dolly Varden (*Salvelinus malma*).

Closed season means the time when fish, wildlife, or shellfish may not be taken.

Crab means the following species: red king crab (*Paralithodes camshatica*), blue king crab (*Paralithodes platypus*), brown king crab (*Lithodes aequispina*), scarlet king crab *Lithodes couesi,* all species of tanner or snow crab

(*Chionoecetes* spp.), and Dungeness crab (*Cancer magister*).

Cub bear means a brown or grizzly bear in its first or second year of life, or a black bear (including cinnamon and blue phases) in its first year of life.

Depth of net means the perpendicular distance between cork line and lead line expressed as either linear units of measure or as a number of meshes, including all of the web of which the net is composed.

Designated hunter or fisherman means a Federally qualified hunter or fisherman who may take all or a portion of another Federally qualified hunter's or fisherman's harvest limit(s) only under situations approved by the Board.

Dip net means a bag-shaped net supported on all sides by a rigid frame; the maximum straight-line distance between any two points on the net frame, as measured through the net opening, may not exceed 5 feet; the depth of the bag must be at least one-half of the greatest straight-line distance, as measured through the net opening; no portion of the bag may be constructed of webbing that exceeds a stretched measurement of 4.5 inches; the frame must be attached to a single rigid handle and be operated by hand.

Diving gear means any type of hard hat or skin diving equipment, including SCUBA equipment; a tethered, umbilical, surface-supplied unit; or snorkel.

Drainage means all of the lands and waters comprising a watershed, including tributary rivers, streams, sloughs, ponds, and lakes, which contribute to the water supply of the watershed.

Drawing permit means a permit issued to a limited number of Federally qualified subsistence users selected by means of a random drawing.

Drift gillnet means a drifting gillnet that has not been intentionally staked, anchored, or otherwise fixed in one place.

Edible meat means the breast meat of ptarmigan and grouse, and, those parts of caribou, deer, elk, mountain goat, moose, musk oxen, and Dall sheep that are typically used for human consumption, which are: The meat of the ribs, neck, brisket, front quarters as far as the distal (bottom) joint of the radius-ulna (knee), hindquarters as far as the distal joint (bottom) of the tibia-fibula (hock) and that portion of the animal between the front and hindquarters; however, *edible meat* of species listed in this definition does not include: Meat of the head, meat that has been damaged and made inedible by the method of taking, bones, sinew, and incidental meat reasonably lost as a result of boning or close trimming of the bones, or viscera. For black bear, brown and grizzly bear, "edible meat" means the meat of the front quarter and hindquarters and meat along the backbone (backstrap).

Federally qualified subsistence user means a rural Alaska resident qualified to harvest fish or wildlife on Federal public lands in accordance with the Federal Subsistence Management Regulations in this part.

Field means an area outside of established year-round dwellings, businesses, or other developments usually associated with a city, town, or village; *field* does not include permanent hotels or roadhouses on the State road system or at State or Federally maintained airports.

Fifty-inch (50-inch) moose means a bull moose with an antler spread of 50 inches or more.

Fish wheel means a fixed, rotating device, with no more than four baskets on a single axle, for catching fish, which is driven by river current or other means.

Fresh water of streams and rivers means the line at which fresh water is separated from salt water at the mouth of streams and rivers by a line drawn headland to headland across the mouth as the waters flow into the sea.

Full curl horn means the horn of a Dall sheep ram; the tip of which has grown through 360 degrees of a circle described by the outer surface of the horn, as viewed from the side, or that both horns are broken, or that the sheep is at least 8 years of age as determined by horn growth annuli.

Furbearer means a beaver, coyote, arctic fox, red fox, lynx, marten, mink, weasel, muskrat, river (land) otter, red squirrel, flying squirrel, ground squirrel, marmot, wolf, or wolverine.

Fyke net means a fixed, funneling (fyke) device used to entrap fish.

Gear means any type of fishing apparatus.

Gillnet means a net primarily designed to catch fish by entanglement in a mesh that consists of a single sheet of webbing which hangs between cork line and lead line, and which is fished from the surface of the water.

Grappling hook means a hooked device with flukes or claws, which is attached to a line and operated by hand.

Groundfish or *bottomfish* means any marine fish except halibut, osmerids, herring and salmonids.

Grouse collectively refers to all species found in Alaska, including spruce grouse, ruffed grouse, sooty grouse (formerly blue), and sharp-tailed grouse.

Hand purse seine means a floating net which is designed to surround fish and which can be closed at the bottom by pursing the lead line; pursing may only be done by hand power, and a free-running line through one or more rings attached to the lead line is not allowed.

Handicraft means a finished product made by a rural Alaskan resident from the nonedible byproducts of fish or wildlife and is composed wholly or in some significant respect of natural materials. The shape and appearance of the natural material must be substantially changed by the skillful use of hands, such as sewing, weaving, drilling, lacing, beading, carving, etching, scrimshawing, painting, or other means, and incorporated into a work of art, regalia, clothing, or other creative expression, and can be either traditional or contemporary in design. The handicraft must have substantially greater monetary and aesthetic value than the unaltered natural material alone.

Handline means a hand-held and operated line, with one or more hooks attached.

Hare or hares collectively refers to all species of hares (commonly called rabbits) in Alaska and includes snowshoe hare and tundra hare.

Harvest limit means the number of any one species permitted to be taken by any one person or designated group, per specified time period, in a Unit or portion of a Unit in which the taking occurs even if part or all of the harvest is preserved. A fish, when landed and killed by means of rod and reel, becomes part of the harvest limit of the person originally hooking it.

Herring pound means an enclosure used primarily to contain live herring over extended periods of time.

Highway means the drivable surface of any constructed road.

Household means that group of people residing in the same residence.

Hung measure means the maximum length of the cork line when measured wet or dry with traction applied at one end only.

Hunting means the taking of wildlife within established hunting seasons with archery equipment or firearms, and as authorized by a required hunting license.

Hydraulic clam digger means a device using water or a combination of air and water used to harvest clams.

Jigging gear means a line or lines with lures or baited hooks, drawn through the water by hand, and which are operated during periods of ice cover from holes cut in the ice, or from shore ice and which are drawn through the water by hand.

Lead means either a length of net employed for guiding fish into a seine, set gillnet, or other length of net, or a length of fencing employed for guiding fish into a fish wheel, fyke net, or dip net.

Legal limit of fishing gear means the maximum aggregate of a single type of fishing gear permitted to be used by one individual or boat, or combination of boats in any particular regulatory area, district, or section.

Long line means either a stationary, buoyed, or anchored line, or a floating, free-drifting line with lures or baited hooks attached.

Marmot collectively refers to all species of marmot that occur in Alaska, including the hoary marmot, Alaska marmot, and the woodchuck.

Mechanical clam digger means a mechanical device used or capable of being used for the taking of clams.

Mechanical jigging machine means a mechanical device with line and hooks used to jig for halibut and bottomfish, but does not include hand gurdies or rods with reels.

Mile means a nautical mile when used in reference to marine waters or a statute mile when used in reference to fresh water.

Motorized vehicle means a motor-driven land, air, or water conveyance.

Open season means the time when wildlife may be taken by hunting or trapping; an open season includes the first and last days of the prescribed season period.

Otter means river or land otter only, excluding sea otter.

Permit hunt means a hunt for which State or Federal permits are issued by registration or other means.

Poison means any substance that is toxic or poisonous upon contact or ingestion.

Possession means having direct physical control of wildlife at a given time or having both the power and intention to exercise dominion or control of wildlife either directly or through another person or persons.

Possession limit means the maximum number of fish, grouse, or ptarmigan a person or designated group may have in possession if they have not been canned, salted, frozen, smoked, dried, or otherwise preserved so as to be fit for human consumption after a 15-day period.

Pot means a portable structure designed and constructed to capture and retain live fish and shellfish in the water.

Ptarmigan collectively refers to all species found in Alaska, including white-tailed ptarmigan, rock ptarmigan, and willow ptarmigan.

Purse seine means a floating net which is designed to surround fish and which can be closed at the bottom by means of a free-running line through one or more rings attached to the lead line.

Ram means a male Dall sheep.

Registration permit means a permit that authorizes hunting and is issued to a person who agrees to the specified hunting conditions. Hunting permitted by a registration permit begins on an announced date and continues throughout the open season, or until the season is closed by Board action. Registration permits are issued in the order requests are received and/or are based on priorities as determined by 50 CFR 100.17 and 36 CFR 242.17.

Regulatory year means July 1–June 30, except for fish and shellfish, for which it means April 1–March 31.

Ring net means a bag-shaped net suspended between no more than two frames; the bottom frame may not be larger in perimeter than the top frame; the gear must be nonrigid and collapsible so that free movement of fish or shellfish across the top of the net is not prohibited when the net is employed.

Rockfish means all species of the genus *Sebastes.*

Rod and reel means either a device upon which a line is stored on a fixed or revolving spool and is deployed through guides mounted on a flexible pole, or a line that is attached to a pole. In either case, bait or an artificial fly or lure is used as terminal tackle. This definition does not include the use of rod and reel gear for snagging.

Salmon means the following species: pink salmon (*Oncorhynchus gorbuscha*); sockeye salmon (*Oncorhynchus nerka*); Chinook salmon (*Oncorhynchus tshawytscha*); coho salmon (*Oncorhynchus kisutch*); and chum salmon (*Oncorhynchus keta*).

Salmon stream means any stream used by salmon for spawning, rearing, or for traveling to a spawning or rearing area.

Salvage means to transport the edible meat, skull, or hide, as required by regulation, of a regulated fish, wildlife, or shellfish to the location where the edible meat will be consumed by humans or processed for human consumption in a manner which saves or prevents the edible meat from waste, and preserves the skull or hide for human use.

Scallop dredge means a dredge-like device designed specifically for and capable of taking scallops by being towed along the ocean floor.

Sea urchin rake means a hand-held implement, no longer than 4 feet, equipped with projecting prongs used to gather sea urchins.

Sealing means placing a mark or tag on a portion of a harvested animal by an authorized representative of the ADF&G; *sealing* includes collecting and recording information about the conditions under which the animal was harvested, and measurements of the specimen submitted for sealing or surrendering a specific portion of the animal for biological information.

Set gillnet means a gillnet that has been intentionally set, staked, anchored, or otherwise fixed.

Seven-eighths curl horn means the horn of a male Dall sheep, the tip of which has grown through seven-eights (315 degrees) of a circle, described by the outer surface of the horn, as viewed from the side, or with both horns broken.

Shovel means a hand-operated implement for digging clams.

Skin, hide, pelt, or fur means any tanned or untanned external covering of an animal's body. However, for bear, the skin, hide, pelt, or fur means the external covering with claws attached.

Snagging means hooking or attempting to hook a fish elsewhere than in the mouth.

Spear means a shaft with a sharp point or fork-like implement attached to one end, which is used to thrust through the water to impale or retrieve fish, and which is operated by hand.

Spike-fork moose means a bull moose with only one or two tines on either antler; male calves are not spike-fork bulls.

Stretched measure means the average length of any series of 10 consecutive meshes measured from inside the first knot and including the last knot when wet; the 10 meshes, when being measured, must be an integral part of the net, as hung, and measured perpendicular to the selvages; measurements will be made by means of a metal tape measure while the 10 meshes being measured are suspended vertically from a single peg or nail, under 5-pound weight.

Subsistence fishing permit means a subsistence harvest permit issued by the Alaska Department of Fish and Game or the Federal Subsistence Board.

Take or *Taking* means to fish, pursue, hunt, shoot, trap, net, capture, collect, kill, harm, or attempt to engage in any such conduct.

Tine or *antler point* refers to any point on an antler, the length of which is greater than its width and is at least one inch.

To operate fishing gear means any of the following: To deploy gear in the water; to remove gear from the water; to

remove fish or shellfish from the gear during an open season or period; or to possess a gillnet containing fish during an open fishing period, except that a gillnet which is completely clear of the water is not considered to be operating for the purposes of minimum distance requirement.

Transportation means to ship, convey, carry, or transport by any means whatever and deliver or receive for such shipment, conveyance, carriage, or transportation.

Trapping means the taking of furbearers within established trapping seasons and with a required trapping license.

Trawl means a bag-shaped net towed through the water to capture fish or shellfish, and includes beam, otter, or pelagic trawl.

Troll gear means a power gurdy troll gear consisting of a line or lines with lures or baited hooks which are drawn through the water by a power gurdy; hand troll gear consisting of a line or lines with lures or baited hooks which are drawn through the water from a vessel by hand trolling, strip fishing, or other types of trolling, and which are retrieved by hand power or hand-powered crank and not by any type of electrical, hydraulic, mechanical, or other assisting device or attachment; or dinglebar troll gear consisting of one or more lines, retrieved and set with a troll gurdy or hand troll gurdy, with a terminally attached weight from which one or more leaders with one or more lures or baited hooks are pulled through the water while a vessel is making way.

Trophy means a mount of a big game animal, including the skin of the head (cape) or the entire skin, in a lifelike representation of the animal, including a lifelike representation made from any part of a big game animal; "trophy" also includes a "European mount" in which the horns or antlers and the skull or a portion of the skull are mounted for display.

Trout means the following species: cutthroat trout (*Oncorhynchus clarki)* and rainbow/steelhead trout (*Oncorhynchus mykiss*).

Unclassified wildlife or unclassified species means all species of animals not otherwise classified by the definitions in this paragraph (a), or regulated under other Federal law as listed in paragraph (i) of this section.

Ungulate means any species of hoofed mammal, including deer, caribou, elk, moose, mountain goat, Dall sheep, and musk ox.

Unit and *Subunit* means one of the geographical areas in the State of Alaska known as Game Management Units, or GMUs, as defined in the codified Alaska Department of Fish and Game regulations found in Title 5 of the Alaska Administrative Code and collectively listed in this part as Units or Subunits.

Wildlife means any hare, ptarmigan, grouse, ungulate, bear, furbearer, or unclassified species and includes any part, product, egg, or offspring thereof, or carcass or part thereof.

(b) Taking fish, wildlife, or shellfish for subsistence uses by a prohibited method is a violation of this part. Seasons are closed unless opened by Federal regulation. Hunting, trapping, or fishing during a closed season or in an area closed by this part is prohibited. You may not take for subsistence fish, wildlife, or shellfish outside established Unit or Area seasons, or in excess of the established Unit or Area harvest limits, unless otherwise provided for by the Board. You may take fish, wildlife, or shellfish under State regulations on public lands, except as otherwise restricted at §§ ____.26 through ____.28. Unit/Area-specific restrictions or allowances for subsistence taking of fish, wildlife, or shellfish are identified at §§ ____.26 through ____.28.

(c) *Harvest limits.*

(1) Harvest limits authorized by this section and harvest limits established in State regulations may not be accumulated unless specified otherwise in §§ ____.26, ____.27. or ____.28.

(2) Fish, wildlife, or shellfish taken by a designated individual for another person pursuant to § ____.10(d)(5)(ii) counts toward the individual harvest limit of the person for whom the fish, wildlife, or shellfish is taken.

(3) A harvest limit may apply to the number of fish, wildlife, or shellfish that can be taken daily, seasonally and/or during a regulatory year or held in possession.

(4) Unless otherwise provided, any person who gives or receives fish, wildlife, or shellfish must furnish, upon a request made by a Federal or State agent, a signed statement describing the following: Names and addresses of persons who gave and received fish, wildlife, or shellfish; the time and place that the fish, wildlife, or shellfish was taken; and identification of species transferred. Where a qualified subsistence user has designated another qualified subsistence user to take fish, wildlife, or shellfish on his or her behalf in accordance with § ____.10(d)(5)(ii), the permit must be furnished in place of a signed statement.

(d) *Fishing by designated harvest permit.*

(1) Any species of fish that may be taken by subsistence fishing under this part may be taken under a designated harvest permit.

(2) If you are a Federally qualified subsistence user, you (beneficiary) may designate another Federally qualified subsistence user to take fish on your behalf. The designated fisherman must obtain a designated harvest permit prior to attempting to harvest fish and must return a completed harvest report. The designated fisherman may fish for any number of beneficiaries but may have no more than two harvest limits in his/her possession at any one time.

(3) The designated fisherman must have in possession a valid designated fishing permit when taking, attempting to take, or transporting fish taken under this section, on behalf of a beneficiary.

(4) The designated fisherman may not fish with more than one legal limit of gear.

(5) You may not designate more than one person to take or attempt to take fish on your behalf at one time. You may not personally take or attempt to take fish at the same time that a designated fisherman is taking or attempting to take fish on your behalf.

(e) *Hunting by designated harvest permit.* If you are a Federally qualified subsistence user (recipient), you may designate another Federally qualified subsistence user to take deer, moose and caribou on your behalf unless you are a member of a community operating under a community harvest system or unless unit-specific regulations in § ____.26 preclude or modify the use of the designated hunter system or allow the harvest of additional species by a designated hunter. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time, unless otherwise specified in unit-specific regulations in § ____.26.

(f) A rural Alaska resident who has been designated to take fish, wildlife, or shellfish on behalf of another rural Alaska resident in accordance with § ____.10(d)(5)(ii) must promptly deliver the fish, wildlife, or shellfish to that rural Alaska resident and may not charge the recipient for his/her services in taking the fish, wildlife, or shellfish or claim for themselves the meat or any part of the harvested fish, wildlife, or shellfish.

(g) *Cultural/educational program permits.*

(1) A qualifying program must have instructors, enrolled students, minimum attendance requirements, and standards for successful completion of the course. Applications must be submitted to the

Federal Subsistence Board through the Office of Subsistence Management and should be submitted 60 days prior to the earliest desired date of harvest. Harvest must be reported and any animals harvested will count against any established Federal harvest quota for the area in which it is harvested.

(2) Requests for follow-up permits must be submitted to the in-season or local manager and should be submitted 60 days prior to the earliest desired date of harvest.

(h) *Permits.* If a subsistence fishing or hunting permit is required by this part, the following permit conditions apply unless otherwise specified in this section:

(1) You may not take more fish, wildlife, or shellfish for subsistence use than the limits set out in the permit;

(2) You must obtain the permit prior to fishing or hunting;

(3) You must have the permit in your possession and readily available for inspection while fishing, hunting, or transporting subsistence-taken fish, wildlife, or shellfish;

(4) If specified on the permit, you must keep accurate daily records of the harvest, showing the number of fish, wildlife, or shellfish taken, by species, location and date of harvest, and other such information as may be required for management or conservation purposes; and

(5) If the return of harvest information necessary for management and conservation purposes is required by a permit and you fail to comply with such reporting requirements, you are ineligible to receive a subsistence permit for that activity during the following regulatory year, unless you demonstrate that failure to report was due to loss in the mail, accident, sickness, or other unavoidable circumstances.

(i) You may not possess, transport, give, receive, or barter fish, wildlife, or shellfish that was taken in violation of Federal or State statutes or a regulation promulgated hereunder.

(j) *Utilization of fish, wildlife, or shellfish.*

(1) You may not use wildlife as food for a dog or furbearer, or as bait, except as allowed for in § ____.26, § ____.27, or § ____.28, or except for the following:

(i) The hide, skin, viscera, head, or bones of wildlife;

(ii) The skinned carcass of a furbearer;

(iii) Squirrels, hares (rabbits), grouse, or ptarmigan; however, you may not use the breast meat of grouse and ptarmigan as animal food or bait;

(iv) Unclassified wildlife.

(2) If you take wildlife for subsistence, you must salvage the following parts for human use:

(i) The hide of a wolf, wolverine, coyote, fox, lynx, marten, mink, weasel, or otter;

(ii) The hide and edible meat of a brown bear, except that the hide of brown bears taken in Units 5, 9B, 17, 18, portions of 19A and 19B, 21D, 22, 23, 24, and 26A need not be salvaged;

(iii) The hide and edible meat of a black bear;

(iv) The hide or meat of squirrels, hares, marmots, beaver, muskrats, or unclassified wildlife.

(3) You must salvage the edible meat of ungulates, bear, grouse, and ptarmigan.

(4) You may not intentionally waste or destroy any subsistence-caught fish or shellfish; however, you may use for bait or other purposes whitefish, herring, and species for which bag limits, seasons, or other regulatory methods and means are not provided in this section, as well as the head, tail, fins, and viscera of legally taken subsistence fish.

(5) Failure to salvage the edible meat may not be a violation if such failure is caused by circumstances beyond the control of a person, including theft of the harvested fish, wildlife, or shellfish, unanticipated weather conditions, or unavoidable loss to another animal.

(6) If you are a Federally qualified subsistence user, you may sell handicraft articles made from the skin, hide, pelt, or fur, including claws, of a black bear.

(i) In Units 1, 2, 3, 4, and 5, you may sell handicraft articles made from the skin, hide, pelt, fur, claws, bones, teeth, sinew, or skulls of a black bear taken from Units 1, 2, 3, or 5.

(ii) [Reserved].

(7) If you are a Federally qualified subsistence user, you may sell handicraft articles made from the skin, hide, pelt, or fur, including claws, of a brown bear taken from Units 1–5, 9A–C, 9E, 12, 17, 20, 22, 23, 24B (only that portion within Gates of the Arctic National Park), 25, or 26.

(i) In Units 1, 2, 3, 4, and 5, you may sell handicraft articles made from the skin, hide, pelt, fur, claws, bones, teeth, sinew, or skulls of a brown bear taken from Units 1, 4, or 5.

(ii) [Reserved].

(8) If you are a Federally qualified subsistence user, you may sell the raw fur or tanned pelt with or without claws attached from legally harvested furbearers.

(9) If you are a Federally qualified subsistence user, you may sell handicraft articles made from the nonedible byproducts (including, but not limited to, skin, shell, fins, and bones) of subsistence-harvested fish or shellfish.

(10) If you are a Federally qualified subsistence user, you may sell handicraft articles made from nonedible byproducts of wildlife harvested for subsistence uses (excluding bear), to include; skin, hide, pelt, fur, claws, bones (except skulls of moose, caribou, elk, deer, sheep, goat and musk ox), teeth, sinew, antlers and/or horns (if not attached to any part of the skull or made to represent a big game trophy) and hooves.

(11) The sale of handicrafts made from the nonedible byproducts of wildlife, when authorized in this part, may not constitute a significant commercial enterprise.

(12) You may sell the horns and antlers not attached to any part of the skull from legally harvested caribou (except caribou harvested in Unit 23), deer, elk, goat, moose, musk ox, and sheep.

(13) You may sell the raw/untanned and tanned hide or cape from a legally harvested caribou, deer, elk, goat, moose, musk ox, and sheep.

(k) The regulations found in this part do not apply to the subsistence taking and use of fish, wildlife, or shellfish regulated pursuant to the Fur Seal Act of 1966 (80 Stat. 1091, 16 U.S.C. 1187); the Endangered Species Act of 1973 (87 Stat. 884, 16 U.S.C. 1531–1543); the Marine Mammal Protection Act of 1972 (86 Stat. 1027; 16 U.S.C. 1361–1407); and the Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 703–711), or to any amendments to these Acts. The taking and use of fish, wildlife, or shellfish, covered by these Acts, will conform to the specific provisions contained in these Acts, as amended, and any implementing regulations.

(l) Rural residents, nonrural residents, and nonresidents not specifically prohibited by Federal regulations from fishing, hunting, or trapping on public lands in an area may fish, hunt, or trap on public lands in accordance with the appropriate State regulations.

■ 4. In subpart D of 36 CFR part 242 and 50 CFR part 100, § ____.26 is added to read as follows:

§ ____.26 Subsistence taking of wildlife.

(a) You may take wildlife for subsistence uses by any method, except as prohibited in this section or by other Federal statute. Taking wildlife for subsistence uses by a prohibited method is a violation of this part. Seasons are closed unless opened by Federal regulation. Hunting or trapping during a

closed season or in an area closed by this part is prohibited.

(b) Except for special provisions found at paragraphs (n)(1) through (26) of this section, the following methods and means of taking wildlife for subsistence uses are prohibited:

(1) Shooting from, on, or across a highway;

(2) Using any poison;

(3) Using a helicopter in any manner, including transportation of individuals, equipment, or wildlife; however, this prohibition does not apply to transportation of an individual, gear, or wildlife during an emergency rescue operation in a life-threatening situation;

(4) Taking wildlife from a motorized land or air vehicle when that vehicle is in motion, or from a motor-driven boat when the boat's progress from the motor's power has not ceased;

(5) Using a motorized vehicle to drive, herd, or molest wildlife;

(6) Using or being aided by use of a machine gun, set gun, or a shotgun larger than 10 gauge;

(7) Using a firearm other than a shotgun, muzzle-loaded rifle, rifle, or pistol using center-firing cartridges, for the taking of ungulates, bear, wolves, or wolverine, except that—

(i) An individual in possession of a valid trapping license may use a firearm that shoots rimfire cartridges to take wolves and wolverine;

(ii) Only a muzzle-loading rifle of .54-caliber or larger, or a .45-caliber muzzle-loading rifle with a 250-grain, or larger, elongated slug may be used to take brown bear, black bear, elk, moose, musk ox, and mountain goat;

(8) Using or being aided by use of a pit, fire, artificial light, radio communication, artificial salt lick, explosive, barbed arrow, bomb, smoke, chemical, conventional steel trap with a jaw spread over 9 inches, or conibear style trap with a jaw spread over 11 inches;

(9) Using a snare, except that an individual in possession of a valid hunting license may use nets and snares to take unclassified wildlife, ptarmigan, grouse, or hares; and, individuals in possession of a valid trapping license may use snares to take furbearers;

(10) Using a trap to take ungulates or bear;

(11) Using hooks to physically snag, impale, or otherwise take wildlife; however, hooks may be used as a trap drag;

(12) Using a crossbow to take ungulates, bear, wolf, or wolverine in any area restricted to hunting by bow and arrow only;

(13) Taking of ungulates, bear, wolf, or wolverine with a bow, unless the bow is capable of casting an inch-wide broadhead-tipped arrow at least 175 yards horizontally, and the arrow and broadhead together weigh at least 1 ounce (437.5 grains);

(14) Using bait for taking ungulates, bear, wolf, or wolverine; except, you may use bait to take wolves and wolverine with a trapping license, and you may use bait to take black bears with a hunting license as authorized in Unit-specific regulations at paragraphs (n)(1) through (26) of this section. Baiting of black bears is subject to the following restrictions:

(i) Before establishing a black bear bait station, you must register the site with ADF&G;

(ii) When using bait, you must clearly mark the site with a sign reading "black bear bait station" that also displays your hunting license number and ADF&G-assigned number;

(iii) You may use only biodegradable materials for bait; you may use only the head, bones, viscera, or skin of legally harvested fish and wildlife for bait;

(iv) You may not use bait within ¼ mile of a publicly maintained road or trail;

(v) You may not use bait within 1 mile of a house or other permanent dwelling, or within 1 mile of a developed campground or developed recreational facility;

(vi) When using bait, you must remove litter and equipment from the bait station site when done hunting;

(vii) You may not give or receive payment for the use of a bait station, including barter or exchange of goods;

(viii) You may not have more than two bait stations with bait present at any one time;

(15) Taking swimming ungulates, bears, wolves, or wolverine;

(16) Taking or assisting in the taking of ungulates, bear, wolves, wolverine, or other furbearers before 3 a.m. following the day in which airborne travel occurred (except for flights in regularly scheduled commercial aircraft); however, this restriction does not apply to subsistence taking of deer, the setting of snares or traps, or the removal of furbearers from traps or snares;

(17) Taking a bear cub or a sow accompanied by cub(s).

(c) Wildlife taken in defense of life or property is not a subsistence use; wildlife so taken is subject to State regulations.

(d) The following methods and means of trapping furbearers for subsistence uses pursuant to the requirements of a trapping license are prohibited, in addition to the prohibitions listed at paragraph (b) of this section:

(1) Disturbing or destroying a den, except that you may disturb a muskrat pushup or feeding house in the course of trapping;

(2) Disturbing or destroying any beaver house;

(3) Taking beaver by any means other than a steel trap or snare, except that you may use firearms in certain Units with established seasons as identified in Unit-specific regulations found in this subpart;

(4) Taking otter with a steel trap having a jaw spread of less than 5⅞ inches during any closed mink and marten season in the same Unit;

(5) Using a net or fish trap (except a blackfish or fyke trap);

(6) Taking or assisting in the taking of furbearers by firearm before 3 a.m. on the day following the day on which airborne travel occurred; however, this does not apply to a trapper using a firearm to dispatch furbearers caught in a trap or snare.

(e) *Possession and transportation of wildlife.*

(1) Except as specified in paragraphs (e)(2) or (f)(1) of this section, or as otherwise provided, you may not take a species of wildlife in any unit, or portion of a unit, if your total take of that species already obtained anywhere in the State under Federal and State regulations equals or exceeds the harvest limit in that unit.

(2) An animal taken under Federal or State regulations by any member of a community with an established community harvest limit for that species counts toward the community harvest limit for that species. Except for wildlife taken pursuant to §____ .10(d)(5)(iii) or as otherwise provided for by this part, an animal taken as part of a community harvest limit counts toward every community member's harvest limit for that species taken under Federal or State of Alaska regulations.

(f) *Harvest limits.*

(1) The harvest limit specified for a trapping season for a species and the harvest limit set for a hunting season for the same species are separate and distinct. This means that if you have taken a harvest limit for a particular species under a trapping season, you may take additional animals under the harvest limit specified for a hunting season or vice versa.

(2) A brown/grizzly bear taken in a Unit or portion of a Unit having a harvest limit of "one brown/grizzly bear per year" counts against a "one brown/grizzly bear every four regulatory years" harvest limit in other Units. You may not take more than one brown/grizzly bear in a regulatory year.

(3) [Reserved].

(g) *Evidence of sex and identity.*

(1) If subsistence take of Dall sheep is restricted to a ram, you may not possess or transport a harvested sheep unless both horns accompany the animal.

(2) If the subsistence taking of an ungulate, except sheep, is restricted to one sex in the local area, you may not possess or transport the carcass of an animal taken in that area unless sufficient portions of the external sex organs remain attached to indicate conclusively the sex of the animal, except that in Units 1–5 antlers are also considered proof of sex for deer if the antlers are naturally attached to an entire carcass, with or without the viscera; and except in Units 11, 13, 19, 21, and 24, where you may possess either sufficient portions of the external sex organs (still attached to a portion of the carcass) or the head (with or without antlers attached; however, the antler stumps must remain attached) to indicate the sex of the harvested moose; however, this paragraph (g)(2) does not apply to the carcass of an ungulate that has been butchered and placed in storage or otherwise prepared for consumption upon arrival at the location where it is to be consumed.

(3) If a moose harvest limit requires an antlered bull, an antler size, or configuration restriction, you may not possess or transport the moose carcass or its parts unless both antlers accompany the carcass or its parts. If you possess a set of antlers with less than the required number of brow tines on one antler, you must leave the antlers naturally attached to the unbroken, uncut skull plate; however, this paragraph (g)(3) does not apply to a moose carcass or its parts that have been butchered and placed in storage or otherwise prepared for consumption after arrival at the place where it is to be stored or consumed.

(h) *Removing harvest from the field.* You must leave all edible meat on the bones of the front quarters and hind quarters of caribou and moose harvested in Units 9, 17, 18, and 19B prior to October 1 until you remove the meat from the field or process it for human consumption. You must leave all edible meat on the bones of the front quarters, hind quarters, and ribs of moose harvested in Unit 21 prior to October 1 until you remove the meat from the field or process it for human consumption. You must leave all edible meat on the bones of the front quarters, hind quarters, and ribs of caribou and moose harvested in Unit 24 prior to October 1 until you remove the meat from the field or process it for human consumption. Meat of the front quarters, hind quarters, or ribs from a harvested moose or caribou may be processed for human consumption and consumed in the field; however, meat may not be removed from the bones for purposes of transport out of the field.

(i) *Returning of tags, marks, or collars.* If you take an animal that has been marked or tagged for scientific studies, you must, within a reasonable time, notify the ADF&G or the agency identified on the collar or marker when and where the animal was taken. You also must retain any ear tag, collar, radio, tattoo, or other identification with the hide until it is sealed, if sealing is required; in all cases, you must return any identification equipment to the ADF&G or to an agency identified on such equipment.

(j) *Sealing of bear skins and skulls.*

(1) Sealing requirements for bear apply to brown bears taken in all Units, except as specified in this paragraph, and black bears of all color phases taken in Units 1–7, 11–17, and 20.

(2) You may not possess or transport from Alaska the untanned skin or skull of a bear unless the skin and skull have been sealed by an authorized representative of ADF&G in accordance with State or Federal regulations, except that the skin and skull of a brown bear taken under a registration permit in Units 5, 9B, 9E, 17, 18, 19A and 19B downstream of and including the Aniak River drainage, 21D, 22, 23, 24, and 26A need not be sealed unless removed from the area.

(3) You must keep a bear skin and skull together until a representative of the ADF&G has removed a rudimentary premolar tooth from the skull and sealed both the skull and the skin; however, this provision does not apply to brown bears taken within Units 5, 9B, 9E, 17, 18, 19A and 19B downstream of and including the Aniak River drainage, 21D, 22, 23, 24, and 26A and which are not removed from the Unit.

(i) In areas where sealing is required by Federal regulations, you may not possess or transport the hide of a bear that does not have the penis sheath or vaginal orifice naturally attached to indicate conclusively the sex of the bear.

(ii) If the skin or skull of a bear taken in Units 9B, 17, 18, and 19A and 19B downstream of and including the Aniak River drainage is removed from the area, you must first have it sealed by an ADF&G representative in Bethel, Dillingham, or McGrath; at the time of sealing, the ADF&G representative must remove and retain the skin of the skull and front claws of the bear.

(iii) If you remove the skin or skull of a bear taken in Units 21D, 22, 23, 24, and 26A from the area or present it for commercial tanning within the area, you must first have it sealed by an ADF&G representative in Barrow, Galena, Nome, or Kotzebue; at the time of sealing, the ADF&G representative must remove and retain the skin of the skull and front claws of the bear.

(iv) If you remove the skin or skull of a bear taken in Unit 5 from the area, you must first have it sealed by an ADF&G representative in Yakutat.

(v) If you remove the skin or skull of a bear taken in Unit 9E from Unit 9, you must first have it sealed by an authorized sealing representative. At the time of sealing, the representative must remove and retain the skin of the skull and front claws of the bear.

(4) You may not falsify any information required on the sealing certificate or temporary sealing form provided by the ADF&G in accordance with State regulations.

(k) *Sealing of beaver, lynx, marten, otter, wolf, and wolverine.* You may not possess or transport from Alaska the untanned skin of a marten taken in Units 1–5, 7, 13E, or 14–16 or the untanned skin of a beaver, lynx, otter, wolf, or wolverine, whether taken inside or outside the State, unless the skin has been sealed by an authorized representative in accordance with State or Federal regulations.

(1) In Unit 18, you must obtain an ADF&G seal for beaver skins only if they are to be sold or commercially tanned.

(2) In Unit 2, you must seal any wolf taken on or before the 30th day after the date of taking.

(l) If you take a species listed in paragraph (k) of this section but are unable to present the skin in person, you must complete and sign a temporary sealing form and ensure that the completed temporary sealing form and skin are presented to an authorized representative of ADF&G for sealing consistent with requirements listed in paragraph (k) of this section.

(m) You may take wildlife, outside of established season or harvest limits, for food in traditional religious ceremonies, which are part of a funerary or mortuary cycle, including memorial potlatches, under the following provisions:

(1) The harvest does not violate recognized principles of wildlife conservation and uses the methods and means allowable for the particular species published in the applicable Federal regulations. The appropriate Federal land manager will establish the number, species, sex, or location of harvest, if necessary, for conservation purposes. Other regulations relating to ceremonial harvest may be found in the unit-specific regulations in § ____.26(n).

(2) No permit or harvest ticket is required for harvesting under this section; however, the harvester must be a Federally qualified subsistence user with customary and traditional use in the area where the harvesting will occur.

(3) In Units 1–26 (except for Koyukon/Gwich'in potlatch ceremonies in Units 20F, 21, 24, or 25):

(i) A tribal chief, village or tribal council president, or the chief's or president's designee for the village in which the religious/cultural ceremony will be held, or a Federally qualified subsistence user outside of a village or tribal-organized ceremony, must notify the nearest Federal land manager that a wildlife harvest will take place. The notification must include the species, harvest location, and number of animals expected to be taken.

(ii) Immediately after the wildlife is taken, the tribal chief, village or tribal council president or designee, or other Federally qualified subsistence user must create a list of the successful hunters and maintain these records, including the name of the decedent for whom the ceremony will be held. If requested, this information must be available to an authorized representative of the Federal land manager.

(iii) The tribal chief, village or tribal council president or designee, or other Federally qualified subsistence user outside of the village in which the religious/cultural ceremony will be held must report to the Federal land manager the harvest location, species, sex, and number of animals taken as soon as practicable, but not more than 15 days after the wildlife is taken.

(4) In Units 20F, 21, 24, and 25 (for Koyukon/Gwich'in potlatch ceremonies only):

(i) Taking wildlife outside of established season and harvest limits is authorized if it is for food for the traditional Koyukon/Gwich'in Potlatch Funerary or Mortuary ceremony and if it is consistent with conservation of healthy populations.

(ii) Immediately after the wildlife is taken, the tribal chief, village or tribal council president, or the chief's or president's designee for the village in which the religious ceremony will be held must create a list of the successful hunters and maintain these records. The list must be made available, after the harvest is completed, to a Federal land manager upon request.

(iii) As soon as practical, but not more than 15 days after the harvest, the tribal chief, village council president, or designee must notify the Federal land manager about the harvest location, species, sex, and number of animals taken.

(n) *Unit regulations.* You may take for subsistence unclassified wildlife, all squirrel species, and marmots in all Units, without harvest limits, for the period of July 1–June 30. Unit-specific restrictions or allowances for subsistence taking of wildlife are identified at paragraphs (n)(1) through (26) of this section.

(1) *Unit 1.* Unit 1 consists of all mainland drainages from Dixon Entrance to Cape Fairweather, and those islands east of the center line of Clarence Strait from Dixon Entrance to Caamano Point, and all islands in Stephens Passage and Lynn Canal north of Taku Inlet:

(i) Unit 1A consists of all drainages south of the latitude of Lemesurier Point including all drainages into Behm Canal, excluding all drainages of Ernest Sound;

(ii) Unit 1B consists of all drainages between the latitude of Lemesurier Point and the latitude of Cape Fanshaw including all drainages of Ernest Sound and Farragut Bay, and including the islands east of the center lines of Frederick Sound, Dry Strait (between Sergief and Kadin Islands), Eastern Passage, Blake Channel (excluding Blake Island), Ernest Sound, and Seward Passage;

(iii) Unit 1C consists of that portion of Unit 1 draining into Stephens Passage and Lynn Canal north of Cape Fanshaw and south of the latitude of Eldred Rock including Berners Bay, Sullivan Island, and all mainland portions north of Chichagof Island and south of the latitude of Eldred Rock, excluding drainages into Farragut Bay;

(iv) Unit 1D consists of that portion of Unit 1 north of the latitude of Eldred Rock, excluding Sullivan Island and the drainages of Berners Bay;

(v) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) Public lands within Glacier Bay National Park are closed to all taking of wildlife for subsistence uses;

(B) Unit 1A—in the Hyder area, the Salmon River drainage downstream from the Riverside Mine, excluding the Thumb Creek drainage, is closed to the taking of bear;

(C) Unit 1B—the Anan Creek drainage within 1 mile of Anan Creek downstream from the mouth of Anan Lake, including the area within a 1-mile radius from the mouth of Anan Creek Lagoon, is closed to the taking of bear;

(D) Unit 1C:

(*1*) You may not hunt within one-fourth mile of Mendenhall Lake, the U.S. Forest Service Mendenhall Glacier Visitor's Center, and the Center's parking area;

(*2*) You may not take mountain goat in the area of Mt. Bullard bounded by the Mendenhall Glacier, Nugget Creek from its mouth to its confluence with Goat Creek, and a line from the mouth of Goat Creek north to the Mendenhall Glacier;

(vi) You may not trap furbearers for subsistence uses in Unit 1C, Juneau area, on the following public lands:

(A) A strip within one-quarter mile of the mainland coast between the end of Thane Road and the end of Glacier Highway at Echo Cove;

(B) That area of the Mendenhall Valley bounded on the south by the Glacier Highway, on the west by the Mendenhall Loop Road and Montana Creek Road and Spur Road to Mendenhall Lake, on the north by Mendenhall Lake, and on the east by the Mendenhall Loop Road and Forest Service Glacier Spur Road to the Forest Service Visitor Center;

(C) That area within the U.S. Forest Service Mendenhall Glacier Recreation Area;

(D) A strip within one-quarter mile of the following trails as designated on U.S. Geological Survey maps: Herbert Glacier Trail, Windfall Lake Trail, Peterson Lake Trail, Spaulding Meadows Trail (including the loop trail), Nugget Creek Trail, Outer Point Trail, Dan Moller Trail, Perseverance Trail, Granite Creek Trail, Mt. Roberts Trail and Nelson Water Supply Trail, Sheep Creek Trail, and Point Bishop Trail;

(vii) Unit-specific regulations:

(A) You may hunt black bear with bait in Units 1A, 1B, and 1D between April 15 and June 15;

(B) You may not shoot ungulates, bear, wolves, or wolverine from a boat, unless you are certified as disabled.

Harvest limits	Open season
HUNTING	
Black Bear: 2 bears, no more than one may be a blue or glacier bear	Sept. 1–June 30.

Harvest limits	Open season
Brown Bear: 1 bear every four regulatory years by State registration permit only	Sept. 15–Dec. 31. Mar. 15–May 31.
Deer:	
Unit 1A—4 antlered deer	Aug. 1–Dec. 31.
Unit 1B—2 antlered deer	Aug. 1–Dec. 31.
Unit 1C—4 deer; however, female deer may be taken only from Sept. 15–Dec. 31	Aug. 1–Dec. 31.
Goat:	
Unit 1A—Revillagigedo Island only	No open season.
Unit 1B—that portion north of LeConte Bay—1 goat by State registration permit only; the taking of kids or nannies accompanied by kids is prohibited.	Aug. 1–Dec. 31.
Unit 1A and Unit 1B—that portion on the Cleveland Peninsula south of the divide between Yes Bay and Santa Anna Inlet.	No open season.
Unit 1A and Unit 1B—remainder —2 goats; a State registration permit will be required for the taking of the first goat and a Federal registration permit for the taking of a second goat. The taking of kids or nannies accompanied by kids is prohibited.	Aug. 1–Dec. 31.
Unit 1C—that portion draining into Lynn Canal and Stephens Passage between Antler River and Eagle Glacier and River, and all drainages of the Chilkat Range south of the Endicott River—1 goat by State registration permit only.	Oct. 1–Nov. 30.
Unit 1C—that portion draining into Stephens Passage and Taku Inlet between Eagle Glacier and River and Taku Glacier.	No open season.
Unit 1C—remainder—1 goat by State registration permit only	Aug. 1–Nov. 30.
Unit 1D—that portion lying north of the Katzehin River and northeast of the Haines highway—1 goat by State registration permit only.	Sept. 15–Nov. 30.
Unit 1D—that portion lying between Taiya Inlet and River and the White Pass and Yukon Railroad	No open season.
Unit 1D—remainder—1 goat by State registration permit only	Aug. 1–Dec. 31.
Moose:	
Unit 1A—1 antlered bull by Federal registration permit	Sept.–Oct. 15.
Unit 1B—1 antlered bull with spike-fork or 50-inch antlers or 3 or more brow tines on one side, or antlers with 2 brow tines on both sides, by State registration permit only.	Sept.–Oct. 15.
Unit 1C—that portion south of Point Hobart including all Port Houghton drainages—1 antlered bull with spike-fork or 50-inch antlers or 3 or more brow tines on one side, or antlers with 2 brow tines on both sides, by State registration permit only.	Sept.–Oct. 15.
Unit 1C—remainder, excluding drainages of Berners Bay—1 antlered bull by State registration permit only	Sept.–Oct. 15.
Unit 1C, Berners Bay	No open season.
Unit 1D	No open season.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black, and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe): 5 hares per day	Sept. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves	Aug. 1–Apr. 30.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (Spruce, Blue, and Ruffed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
TRAPPING	
Beaver: Unit 1—No limit	Dec. 1–May 15.
Coyote: No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black, and Silver Phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Dec. 1–Feb. 15.
Mink and Weasel: No limit	Dec. 1–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Dec. 1–Feb. 15.
Wolf: No limit	Nov. 10–Apr. 30.
Wolverine: No limit	Nov. 10–Mar. 1.

(2) *Unit 2.* Unit 2 consists of Prince of Wales Island and all islands west of the center lines of Clarence Strait and Kashevarof Passage, south and east of the center lines of Sumner Strait, and east of the longitude of the westernmost point on Warren Island.

(i) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) You may not shoot ungulates, bear, wolves, or wolverine from a boat, unless you are certified as disabled.

(ii) [Reserved]

Harvest limits	Open season
HUNTING	
Black Bear: 2 bears, no more than one may be a blue or glacier bear	Sept. 1–June 30.
Deer:	
5 deer; however, no more than one may be a female deer.	July 24–Dec. 31.
Female deer may be taken only during the period Oct. 15–Dec. 31. You are required to report all harvest using a joint Federal/State harvest report. The harvest limit may be reduced to 4 deer based on conservation concerns.	

Harvest limits	Open season
The Federal public lands on Prince of Wales Island, excluding the southeast portion (lands south of the West Arm of Cholmondeley Sound draining into Cholmondeley Sound or draining eastward into Clarence Strait), are closed to hunting of deer from Aug. 1 to Aug. 15, except by Federally qualified subsistence users hunting under these regulations.	
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black, and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe): 5 hares per day	Sept. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves. Federal hunting and trapping season may be closed when the combined Federal-State harvest quota is reached.	Sept. 1–Mar. 31.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (Spruce and Ruffed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
TRAPPING	
Beaver: No limit	Dec. 1–May 15.
Coyote: No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black, and Silver Phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Dec. 1–Feb. 15.
Mink and Weasel: No limit	Dec. 1–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Dec. 1–Feb. 15.
Wolf: No limit. Any wolf taken in Unit 2 must be sealed within 30 days of harvest	Nov. 15–Mar. 31.
Wolverine: No limit	Nov. 10–Mar. 1.

(3) *Unit 3.*

(i) Unit 3 consists of all islands west of Unit 1B, north of Unit 2, south of the center line of Frederick Sound, and east of the center line of Chatham Strait including Coronation, Kuiu, Kupreanof, Mitkof, Zarembo, Kashevaroff, Woronkofski, Etolin, Wrangell, and Deer Islands.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) In the Petersburg vicinity, you may not take ungulates, bear, wolves, and wolverine along a strip one-fourth mile wide on each side of the Mitkof Highway from Milepost 0 to Crystal Lake campground;

(B) You may not take black bears in the Petersburg Creek drainage on Kupreanof Island;

(C) You may not hunt in the Blind Slough draining into Wrangell Narrows and a strip one-fourth mile wide on each side of Blind Slough, from the hunting closure markers at the southernmost portion of Blind Island to the hunting closure markers one mile south of the Blind Slough bridge.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) You may not shoot ungulates, bear, wolves, or wolverine from a boat, unless you are certified as disabled.

Harvest limits	Open season
HUNTING	
Black Bear: 2 bears, no more than one may be a blue or glacier bear	Sept. 1–June 30.
Deer:	
Unit 3—Mitkof, Woewodski, and Butterworth Islands—1 antlered deer	Oct. 15–Oct. 31.
Unit 3—remainder—2 antlered deer	Aug. 1–Nov. 30.
	Dec. 1—Dec. 31, season to be announced.
Moose: 1 antlered bull with spike-fork or 50-inch antlers or 3 or more brow tines on either antler, or antlers with 2 brow tines on both sides by State registration permit only.	Sept. 15–Oct. 15.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black, and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe): 5 hares per day	Sept. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves	Aug. 1–Apr. 30.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (Spruce, Blue, and Ruffed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
TRAPPING	
Beaver:	
Unit 3—Mitkof Island—No limit	Dec. 1–Apr. 15.
Unit 3—except Mitkof Island—No limit	Dec. 1–May 15.
Coyote: No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black, and Silver Phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten:	
Unit 3—except Kuiu Island—No limit	Dec. 1–Feb. 15.
Unit 3—Kuiu Island	No open season (season to reopen to Federally qualified users on July 1, 2012).

Harvest limits	Open season
Mink and Weasel: No limit	Dec. 1–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Dec. 1–Feb. 15.
Wolf: No limit	Nov. 10–Apr. 30.
Wolverine: No limit	Nov. 10–Mar. 1.

(4) *Unit 4.*

(i) Unit 4 consists of all islands south and west of Unit 1C and north of Unit 3 including Admiralty, Baranof, Chichagof, Yakobi, Inian, Lemesurier, and Pleasant Islands.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take brown bears in the Seymour Canal Closed Area (Admiralty Island) including all drainages into northwestern Seymour Canal between Staunch Point and the southernmost tip of the unnamed peninsula separating Swan Cove and King Salmon Bay including Swan and Windfall Islands;

(B) You may not take brown bears in the Salt Lake Closed Area (Admiralty Island) including all lands within one-fourth mile of Salt Lake above Klutchman Rock at the head of Mitchell Bay;

(C) You may not take brown bears in the Port Althorp Closed Area (Chichagof Island), that area within the Port Althorp watershed south of a line from Point Lucan to Salt Chuck Point (Trap Rock);

(D) You may not use any motorized land vehicle for brown bear hunting in the Northeast Chichagof Controlled Use Area (NECCUA) consisting of all portions of Unit 4 on Chichagof Island north of Tenakee Inlet and east of the drainage divide from the northwest point of Gull Cove to Port Frederick Portage, including all drainages into Port Frederick and Mud Bay.

(iii) Unit-specific regulations:

(A) You may shoot ungulates from a boat. You may not shoot bear, wolves, or wolverine from a boat, unless you are certified as disabled;

(B) Five Federal registration permits will be issued by the Sitka or Hoonah District Ranger for the taking of brown bear for educational purposes associated with teaching customary and traditional subsistence harvest and use practices. Any bear taken under an educational permit does not count in an individual's one bear every four regulatory years limit.

Harvest limits	Open season
HUNTING	
Brown Bear:	
Unit 4—Chichagof Island south and west of a line that follows the crest of the island from Rock Point (58° N. lat., 136°21′ W. long.) to Rodgers Point (57°35′ N. lat., 135°33′ W. long.) including Yakobi and other adjacent islands; Baranof Island south and west of a line which follows the crest of the island from Nismeni Point (57°34′ N. lat., 135°25′ W. long.) to the entrance of Gut Bay (56°44′ N. lat. 134°38′ W. long.) including the drainages into Gut Bay and including Kruzof and other adjacent islands—1 bear every four regulatory years by State registration permit only.	Sept. 15–Dec. 31. Mar. 15–May 31.
Unit 4—remainder —1 bear every four regulatory years by State registration permit only	Sept. 15–Dec. 31. Mar. 15–May 20.
Deer: 6 deer; however, female deer may be taken only from Sept. 15–Jan. 31	Aug. 1–Jan. 31.
Goat: 1 goat by State registration permit only	Aug. 1–Dec. 31.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black, and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe): 5 hares per day	Sept. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves	Aug. 1–Apr. 30.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (Spruce, Blue, and Ruffed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
TRAPPING	
Beaver: Unit 4—No limit	Dec. 1–May 15.
Coyote: No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black, and Silver Phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Dec. 1–Feb. 15.
Mink and Weasel: No limit	Dec. 1–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Dec. 1–Feb. 15.
Wolf: No limit	Nov. 10–Apr. 30.
Wolverine: No limit	Nov. 10–Mar. 1.

(5) *Unit 5.*

(i) Unit 5 consists of all Gulf of Alaska drainages and islands between Cape Fairweather and the center line of Icy Bay, including the Guyot Hills:

(A) Unit 5A consists of all drainages east of Yakutat Bay, Disenchantment Bay, and the eastern edge of Hubbard Glacier, and includes the islands of Yakutat and Disenchantment Bays;

(B) Unit 5B consists of the remainder of Unit 5.

(ii) You may not take wildlife for subsistence uses on public lands within Glacier Bay National Park.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) You may not shoot ungulates, bear, wolves, or wolverine from a boat, unless you are certified as disabled;

(C) You may hunt brown bear in Unit 5 with a Federal registration permit in lieu of a State metal locking tag; if you have obtained a Federal registration permit prior to hunting.

Harvest limits	Open season
HUNTING	
Black Bear: 2 bears, no more than one may be a blue or glacier bear	Sept. 1–June 30.
Brown Bear: 1 bear by Federal registration permit only	Sept. 1–May 31.
Deer:	
Unit 5A—1 buck	Nov. 1–Nov. 30.
Unit 5B	No open season.
Goat:	
Unit 5A—that area between the Hubbard Glacier and the West Nunatak Glacier on the north and east sides of Nunatak Fjord.	No open season.
Unit 5A remainder—1 goat by Federal registration permit. The harvest quota will be announced prior to the season. A minimum of four goats in the harvest quota will be reserved for Federally qualified subsistence user.	Aug. 1–Jan. 31.
Unit 5B—1 goat by Federal registration permit only	Aug. 1–Jan. 31.
Moose:	
Unit 5A, Nunatak Bench—1 moose by State registration permit only. The season will be closed when 5 moose have been taken from the Nunatak Bench.	Nov. 15–Feb. 15.
Unit 5A, except Nunatak Bench—1 bull by joint State/Federal registration permit only. From Oct. 8–21, public lands will be closed to taking of moose, except by residents of Unit 5A hunting under these regulations.	Oct. 8–Nov. 15.
Unit 5B—1 antlered bull by State registration permit only. The season will be closed when 25 antlered bulls have been taken from the entirety of Unit 5B.	Sept. 1–Dec. 15.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe): 5 hares per day	Sept. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves	Aug. 1–Apr. 30.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (Spruce and Ruffed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
TRAPPING	
Beaver: No limit	Nov. 10–May 15.
Coyote: No limit	Nov. 10–Feb. 15.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov 10–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Nov. 10–Feb. 15.
Mink and Weasel: No limit	Nov. 10–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Nov. 10–Feb. 15.
Wolf: No limit	Nov. 10–Apr. 30.
Wolverine: No limit	Nov. 10–Mar. 1.

(6) *Unit 6.*

(i) Unit 6 consists of all Gulf of Alaska and Prince William Sound drainages from the center line of Icy Bay (excluding the Guyot Hills) to Cape Fairfield including Kayak, Hinchinbrook, Montague, and adjacent islands, and Middleton Island, but excluding the Copper River drainage upstream from Miles Glacier, and excluding the Nellie Juan and Kings River drainages:

(A) Unit 6A consists of Gulf of Alaska drainages east of Palm Point near Katalla including Kanak, Wingham, and Kayak Islands;

(B) Unit 6B consists of Gulf of Alaska and Copper River Basin drainages west of Palm Point near Katalla, east of the west bank of the Copper River, and east of a line from Flag Point to Cottonwood Point;

(C) Unit 6C consists of drainages west of the west bank of the Copper River, and west of a line from Flag Point to Cottonwood Point, and drainages east of the east bank of Rude River and drainages into the eastern shore of Nelson Bay and Orca Inlet;

(D) Unit 6D consists of the remainder of Unit 6.

(ii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) You may take coyotes in Units 6B and 6C with the aid of artificial lights;

(C) One permit will be issued by the Cordova District Ranger to the Native Village of Eyak to take one bull moose from Federal lands in Units 6B or C for their annual Memorial/Sobriety Day potlatch;

(D) A Federally qualified subsistence user (recipient) who is either blind, 65 years of age or older, at least 70 percent disabled, or temporarily disabled may designate another Federally qualified subsistence user to take any moose, deer, black bear, and beaver on his or her behalf in Unit 6, and goat in Unit 6D, unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients, but may have no more than one harvest limit in his or her possession at any one time;

(E) A hunter younger than 10 years old at the start of the hunt may not be issued a Federal subsistence permit to harvest black bear, deer, goat, moose, wolf, and wolverine;

(F) A hunter younger than 10 years old may harvest black bear, deer, goat, moose, wolf, and wolverine under the direct, immediate supervision of a licensed adult, at least 18 years old. The animal taken is counted against the adult's harvest limit. The adult is responsible for ensuring that all legal requirements are met.

(G) Up to five permits will be issued by the Cordova District Ranger to the

Native Village of Chenega annually to harvest up to five deer total from Federal public lands in Unit 6D for their annual Old Chenega Memorial. Permits will have effective dates of July 1–June 30.

(H) Up to five permits will be issued by the Cordova District Ranger to the Tatitlek IRA Council annually to harvest up to five deer total from Federal public lands in Unit 6D for their annual Cultural Heritage Week. Permits will have effective dates of July 1–June 30.

Harvest limits	Open season
HUNTING	
Black Bear: 1 bear	Sept. 1–June 30.
Deer: 4 deer; however, antlerless deer may be taken only from Oct. 1–Dec. 31	Aug. 1–Dec. 31.
Goats:	
Unit 6A and B—1 goat by State registration permit only	Aug. 20–Jan. 31.
Unit 6C	No open season.
Unit 6D (subareas RG242, RG243, RG244, RG249, RG266 and RG252 only)—1 goat by Federal registration permit only. In each of the Unit 6D subareas, goat seasons will be closed by the Cordova District Ranger when harvest limits for that subarea are reached. Harvest quotas are as follows: RG242—2 goats, RG243—4 goats, RG244—2 goats, RG249—4 goats, RG266—4 goats, RG252—1 goat.	Aug. 20–Jan. 31.
Moose:	
Unit 6C—1 antlerless moose by Federal registration permit only	Sept. 1–Oct. 31.
Unit 6C—1 bull by Federal registration permit only	Sept. 1–Dec. 31.
(In Unit 6C, only one moose permit may be issued per household. A household receiving a State permit for Unit 6C moose may not receive a Federal permit. The annual harvest quota will be announced by the U.S. Forest Service, Cordova Office, in consultation with ADF&G. The Federal harvest allocation will be 100% of the antlerless moose permits and 75% of the bull permits.).	
Unit 6—remainder	No open season.
Beaver: 1 beaver per day, 1 in possession	May 1–Oct. 31.
Coyote:	
Unit 6A and D—2 coyotes	Sept. 1–Apr. 30.
Unit 6B and 6C—No limit	July 1–June 30.
Fox, Red (including Cross, Black and Silver Phases)	No open season.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 10–Jan. 31.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
TRAPPING	
Beaver: No limit	Dec. 1–Apr. 30.
Coyote:	
Unit 6C—south of the Copper River Highway and east of the Heney Range—No limit	Nov. 10–Apr. 30.
Units 6A, 6B, 6C remainder, and 6D—No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Marten: No limit	Nov. 10–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(7) *Unit 7.*

(i) Unit 7 consists of Gulf of Alaska drainages between Gore Point and Cape Fairfield including the Nellie Juan and Kings River drainages, and including the Kenai River drainage upstream from the Russian River, the drainages into the south side of Turnagain Arm west of and including the Portage Creek drainage, and east of 150° W. long., and all Kenai Peninsula drainages east of 150° W. long., from Turnagain Arm to the Kenai River.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take wildlife for subsistence uses in the Kenai Fjords National Park;

(B) You may not hunt in the Portage Glacier Closed Area in Unit 7, which consists of Portage Creek drainages between the Anchorage-Seward Railroad and Placer Creek in Bear Valley, Portage Lake, the mouth of Byron Creek, Glacier Creek, and Byron Glacier; however, you may hunt grouse, ptarmigan, hares, and squirrels with shotguns after September 1.

(C) You may not hunt moose in the Resurrection Creek Closed Area in Unit 7, which consists of the drainages of Resurrection Creek downstream from Rimrock and Highland Creeks including Palmer Creek.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15; except in the drainages of Resurrection Creek and its tributaries.

(B) [Reserved].

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Caribou:	

Harvest limits	Open season
Unit 7—north of the Sterling Highway and west of the Seward Highway—1 Caribou by Federal Registration permit only. The Seward District Ranger will close the Federal season when 5 caribou are harvested by Federal registration permit.	Aug. 10–June 30.
Unit 7, remainder	No open season.
Moose:	
Unit 7—that portion draining into Kings Bay—Public lands are closed to the taking of moose by all users	No open season.
Unit 7, remainder—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only.	Aug. 10–Sept. 20.
Beaver: 1 beaver per day, 1 in possession	May 1–Oct. 10.
Coyote: No limit	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 10–Jan. 31.
Wolf:	
Unit 7—that portion within the Kenai National Wildlife Refuge—2 wolves	Aug. 10–Apr. 30.
Unit 7, remainder—5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce): 10 per day, 20 in possession	Aug. 10–Mar. 31.
Grouse (Ruffed)	No open season.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Mar. 31.
TRAPPING	
Beaver: 20 beaver per season	Nov. 10–Mar. 31.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Jan. 1–Jan. 31.
Marten: No limit	Nov. 10–Jan. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–May 15.
Otter: No limit	Nov. 10–Feb. 28.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(8) *Unit 8.* Unit 8 consists of all islands southeast of the centerline of Shelikof Strait including Kodiak, Afognak, Whale, Raspberry, Shuyak, Spruce, Marmot, Sitkalidak, Amook, Uganik, and Chirikof Islands, the Trinity Islands, the Semidi Islands, and other adjacent islands.

(i) If you have a trapping license, you may take beaver with a firearm in Unit 8 from Nov. 10–Apr. 30.

(ii) [Reserved].

Harvest limits	Open season
HUNTING	
Brown Bear: 1 bear by Federal registration permit only. Up to 1 permit may be issued in Akhiok; up to 1 permit may be issued in Karluk; up to 3 permits may be issued in Larsen Bay; up to 2 permits may be issued in Old Harbor; up to 2 permits may be issued in Ouzinkie; and up to 2 permits may be issued in Port Lions. Permits will be issued by the Kodiak Refuge Manager.	Dec. 1–Dec. 15. Apr. 1–May 15.
Deer: Unit 8—all lands within the Kodiak Archipelago within the Kodiak National Wildlife Refuge, including lands on Kodiak, Ban, Uganik, and Afognak Islands—3 deer; however, antlerless deer may be taken only from Oct. 1–Jan. 31.	Aug. 1–Jan. 31.
Elk: Kodiak, Ban, Uganik, and Afognak Islands—1 elk per household by Federal registration permit only. The season will be closed by announcement of the Refuge Manager, Kodiak National Wildlife Refuge when the combined Federal/State harvest reaches 15% of the herd.	Sept. 15–Nov. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Beaver: 30 beaver per season	Nov. 10–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Mar. 31.
Marten: No limit	Nov. 10–Jan. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Jan. 31.

(9) *Unit 9.*

(i) Unit 9 consists of the Alaska Peninsula and adjacent islands, including drainages east of False Pass, Pacific Ocean drainages west of and excluding the Redoubt Creek drainage; drainages into the south side of Bristol Bay, drainages into the north side of Bristol Bay east of Etolin Point, and including the Sanak and Shumagin Islands:

(A) Unit 9A consists of that portion of Unit 9 draining into Shelikof Strait and Cook Inlet between the southern boundary of Unit 16 (Redoubt Creek) and the northern boundary of Katmai National Park and Preserve;

(B) Unit 9B consists of the Kvichak River drainage except those lands drained by the Kvichak River/Bay between the Alagnak River drainage and the Naknek River drainage;

(C) Unit 9C consists of the Alagnak (Branch) River drainage, the Naknek River drainage, lands drained by the Kvichak River/Bay between the Alagnak River drainage and the Naknek River drainage, and all land and water within Katmai National Park and Preserve;

(D) Unit 9D consists of all Alaska Peninsula drainages west of a line from the southernmost head of Port Moller to the head of American Bay, including the Shumagin Islands and other islands of Unit 9 west of the Shumagin Islands;

(E) Unit 9E consists of the remainder of Unit 9.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take wildlife for subsistence uses in Katmai National Park;

(B) You may not use motorized vehicles, except aircraft, boats, or snowmobiles used for hunting and transporting a hunter or harvested animal parts from Aug. 1–Nov. 30 in the Naknek Controlled Use Area, which includes all of Unit 9C within the Naknek River drainage upstream from and including the King Salmon Creek drainage; however, you may use a motorized vehicle on the Naknek-King Salmon, Lake Camp, and Rapids Camp roads and on the King Salmon Creek trail, and on frozen surfaces of the Naknek River and Big Creek.

(iii) Unit-specific regulations:

(A) If you have a trapping license, you may use a firearm to take beaver in Unit 9B from April 1–May 31 and in the remainder of Unit 9 from April 1–30;

(B) You may hunt brown bear by State registration permit in lieu of a resident tag in Unit 9B, except that portion within the Lake Clark National Park and Preserve, if you have obtained a State registration permit prior to hunting.

(C) In Unit 9B, Lake Clark National Park and Preserve, residents of Iliamna, Newhalen, Nondalton, Pedro Bay, Port Alsworth, residents of that portion of the park resident zone in Unit 9B, and 13,440 permit holders, may hunt brown bear by Federal registration permit in lieu of a resident tag; ten permits will be available with at least one permit issued in each community; however, no more than five permits will be issued in a single community. The season will be closed when four females or ten bears have been taken, whichever occurs first. The permits will be issued and closure announcements made by the Superintendent Lake Clark National Park and Preserve;

(D) Residents of Iliamna, Newhalen, Nondalton, Pedro Bay, and Port Alsworth may take up to a total of 10 bull moose in Unit 9B for ceremonial purposes, under the terms of a Federal registration permit from July 1–June 30. Permits will be issued to individuals only at the request of a local organization. This 10-moose limit is not cumulative with that permitted for potlatches by the State;

(E) For Units 9C and 9E only, a Federally qualified subsistence user (recipient) of Units 9C and 9E may designate another Federally qualified subsistence user of Units 9C and 9E to take bull caribou on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report and turn over all meat to the recipient. There is no restriction on the number of possession limits the designated hunter may have in his/her possession at any one time;

(F) For Unit 9D, a Federally qualified subsistence user (recipient) may designate another Federally qualified subsistence user to take caribou on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than four harvest limits in his/her possession at any one time;

(G) The communities of False Pass, King Cove, Cold Bay, Sand Point, and Nelson Lagoon annually may each take, from October 1–December 31 or May 10–25, one brown bear for ceremonial purposes, under the terms of a Federal registration permit. A permit will be issued to an individual only at the request of a local organization. The brown bear may be taken from either Unit 9D or Unit 10 (Unimak Island) only;

(H) You may hunt brown bear in Unit 9E with a Federal registration permit in lieu of a State locking tag if you have obtained a Federal registration permit prior to hunting.

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Brown Bear:	
Unit 9B—Lake Clark National Park and Preserve—Rural residents of Iliamna, Newhalen, Nondalton, Pedro Bay, Port Alsworth, residents of that portion of the park resident zone in Unit 9B; and 13,440 permit holders—1 bear by Federal registration permit only.	July 1–June 30.
The season will be closed by the Lake Clark National Park and Preserve Superintendent when four females or ten bear have been taken, whichever occurs first.	
Unit 9B, remainder—1 bear by State registration permit only	Sept. 1–May 31.
Unit 9C—1 bear by Federal registration permit only	Oct. 1–May 31.
The season will be closed by the Katmai National Park and Preserve Superintendent in consultation with BLM and FWS land managers and ADF&G, when six females or ten bear have been taken, whichever occurs first.	
Unit 9E—1 bear by Federal registration permit	Sept. 25–Dec. 31. Apr. 15–May 25.
Caribou:	
Unit 9A—2 caribou; no more than 1 caribou may be a bull, and no more than 1 caribou may be taken Aug. 1–Jan. 31.	Aug. 1–Mar. 15.
Unit 9B —2 caribou; no more than 1 caribou may be a bull, and no more than 1 caribou may be taken Aug. 1–Jan. 31.	Aug. 1–Mar. 15.
Unit 9C, that portion within the Alagnak River drainage—2 caribou; no more than 1 caribou may be a bull, and no more than 1 caribou may be taken Aug. 1–Jan. 31.	Aug. 1–Mar. 15.
Unit 9C, remainder—Federal public lands are closed to the taking of caribou..	
Unit 9D—Federal public lands are closed to the taking of caribou.	No open season.
Unit 9E—Federal public lands are closed to the taking of caribou.	No open season.

Harvest limits	Open season
Sheep:	
Unit 9B, that portion within Lake Clark National Park and Preserve—1 ram with ¾ curl or larger horn by Federal registration permit only. By announcement of the Lake Clark National Park and Preserve Superintendent, the summer/fall season will be closed when up to 5 sheep are taken and the winter season will be closed when up to 2 sheep are taken..	July 15–Oct. 15. Jan. 1–Apr. 1
Unit 9B—remainder—1 ram with ⅞ curl or larger horn by Federal registration permit only	Aug. 10–Oct. 10.
Unit 9—remainder—1 ram with ⅞ curl or larger horn	Aug. 10–Sept. 20.
Moose:	
Unit 9A—1 bull	Sept. 1–15.
Unit 9B—1 bull	Aug. 20–Sept. 15. Dec. 1–Jan. 15.
Unit 9C—that portion draining into the Naknek River from the north—1 bull	Sept. 1–15. Dec. 1–31.
Unit 9C—that portion draining into the Naknek River from the south—1 bull by Federal registration permit only. Public lands are closed during December for the hunting of moose, except by Federally qualified subsistence users hunting under these regulations.	Aug. 20–Sept. 15. Dec. 1–31.
Unit 9C—remainder—1 bull	Sept. 1–15. Dec. 15–Jan. 15.
Unit 9D—1 bull by Federal registration permit. Federal public lands will be closed by announcement of the Izembek Refuge Manager to the harvest of moose when a total of 10 bulls have been harvested between State and Federal hunts..	Dec. 15–Jan. 20.
Unit 9E—1 bull, however only antlered bulls may be taken Dec. 1–Jan. 31	Aug. 20–Sept. 20. Dec. 1–Jan. 31.
Beaver: Unit 9B and 9E—2 beaver per day	Apr. 15–May 31.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White): No limit	Dec. 1–Mar. 15.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 10–Feb. 28.
Wolf: 10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Beaver:	
No limit	Oct. 10–Mar. 31
2 beaver per day; only firearms may be used	Apr. 15–May 31.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Arctic (Blue and White): No limit	Nov. 10–Feb. 28.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Nov. 10–Feb. 28.
Marten: No limit	Nov. 10–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Feb. 28.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(10) *Unit 10.*

(i) Unit 10 consists of the Aleutian Islands, Unimak Island, and the Pribilof Islands.

(ii) You may not take any wildlife species for subsistence uses on Otter Island in the Pribilof Islands.

(iii) In Unit 10—Unimak Island only, a Federally qualified subsistence user (recipient) may designate another Federally qualified subsistence user to take caribou on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than four harvest limits in his/her possession at any one time.

(iv) The communities of False Pass, King Cove, Cold Bay, Sand Point, and Nelson Lagoon annually may each take, from October 1–December 31 or May 10–25, one brown bear for ceremonial purposes, under the terms of a Federal registration permit. A permit will be issued to an individual only at the request of a local organization. The brown bear may be taken from either Unit 9D or Unit 10 (Unimak Island) only.

Harvest limits	Open season
HUNTING	
Caribou:	
Unit 10—Unimak Island only	No open season.
Unit 10, remainder—No limit	July 1–June 30.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): No limit	July 1–June 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Wolf: 5 wolves	Aug. 10–Apr. 30.

Harvest limits	Open season
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Ptarmigan (Rock and Willow): 20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): No limit	July 1–June 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Feb. 28.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(11) *Unit 11.* Unit 11 consists of that area draining into the headwaters of the Copper River south of Suslota Creek and the area drained by all tributaries into the east bank of the Copper River between the confluence of Suslota Creek with the Slana River and Miles Glacier.

(i) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) One moose without calf may be taken from June 20–July 31 in the Wrangell-St. Elias National Park and Preserve in Unit 11 or 12 for the Batzulnetas Culture Camp. Two hunters from either Chistochina or Mentasta Village may be designated by the Mt. Sanford Tribal Consortium to receive the Federal subsistence harvest permit. The permit may be obtained from a Wrangell-St. Elias National Park and Preserve office.

(ii) A joint permit may be issued to a pair of a minor and an elder to hunt sheep during the Sept. 21–Oct. 20 hunt. The following conditions apply:

(A) The permittees must be a minor aged 8 to 15 years old and an accompanying adult 60 years of age or older;

(B) Both the elder and the minor must be Federally qualified subsistence users with a positive customary and traditional use determination for the area they want to hunt;

(C) The minor must hunt under the direct immediate supervision of the accompanying adult, who is responsible for ensuring that all legal requirements are met;

(D) Only one animal may be harvested with this permit. The sheep harvested will count against the harvest limits of both the minor and accompanying adult.

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Brown Bear: 1 bear	Aug. 10–June 15.
Caribou:	No open season.
Sheep:	
1 sheep	Aug. 10–Sept. 20.
1 sheep by Federal registration permit only by persons 60 years of age or older	Sept. 21–Oct. 20.
Goat:	
Unit 11—that portion within the Wrangell-St. Elias National Park and Preserve that is bounded by the Chitina and Nizina rivers on the south, the Kennicott River and glacier on the southeast, and the Root Glacier on the east—1 goat by Federal registration permit only.	Aug. 25–Dec. 31.
Unit 11—the remainder of the Wrangell-St. Elias National Park and Preserve—1 goat by Federal registration permit only.	Aug. 10–Dec. 31.
Unit 11—that portion outside of the Wrangell-St. Elias National Park and Preserve	No open season.
Federal public lands will be closed by announcement of the Superintendent, Wrangell-St. Elias National Park and Preserve to the harvest of goats when a total of 45 goats has been harvested between Federal and State hunts.	
Moose: 1 antlered bull by Federal registration permit only	Aug 20–Sept. 20.
Muskrat: No limit	Sept. 20–Jun. 10.
Beaver: 1 beaver per day, 1 in possession	June 1–Oct. 10.
Coyote: 10 coyotes	Aug. 10–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct.1.	Sept. 1–Mar. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 10–Feb. 28.
Wolf: 10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Jan. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Mar. 31.
TRAPPING	
Beaver: No limit	Sept. 25—May 31.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Nov. 10–Feb. 28.
Marten: No limit	Nov. 10–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Feb. 28.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.

Harvest limits	Open season
Wolverine: No limit	Nov. 10–Feb. 28.

(12) *Unit 12*. Unit 12 consists of the Tanana River drainage upstream from the Robertson River, including all drainages into the east bank of the Robertson River, and the White River drainage in Alaska, but excluding the Ladue River drainage.

(i) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30; you may use bait to hunt wolves on FWS and BLM lands;

(B) You may not use a steel trap, or a snare using cable smaller than 3/32 inch diameter to trap coyotes or wolves in Unit 12 during April and October;

(C) One moose without calf may be taken from June 20–July 31 in the Wrangell-St. Elias National Park and Preserve in Unit 11 or 12 for the Batzulnetas Culture Camp. Two hunters from either Chistochina or Mentasta Village may be designated by the Mt. Sanford Tribal Consortium to receive the Federal subsistence harvest permit. The permit may be obtained from a Wrangell–St. Elias National Park and Preserve office.

(ii) A joint permit may be issued to a pair of a minor and an elder to hunt sheep during the Sept. 21–Oct. 20 hunt. The following conditions apply:

(A) The permittees must be a minor aged 8 to 15 years old and an accompanying adult 60 years of age or older;

(B) Both the elder and the minor must be Federally qualified subsistence users with a positive customary and traditional use determination for the area they want to hunt;

(C) The minor must hunt under the direct immediate supervision of the accompanying adult, who is responsible for ensuring that all legal requirements are met;

(D) Only one animal may be harvested with this permit. The sheep harvested will count against the harvest limits of both the minor and accompanying adult.

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Brown Bear: 1 bear	Aug. 10–June 30.
Caribou:	
Unit 12—that portion of the Nabesna River drainage within the Wrangell–St. Elias National Park and Preserve and all Federal lands south of the Winter Trail running southeast from Pickerel Lake to the Canadian border—All hunting of caribou is prohibited on Federal public lands.	No open season.
Unit 12—remainder—1 bull	Sept. 1–20.
Unit 12—remainder—1 caribou may be taken by a Federal registration permit during a winter season to be announced. Dates for a winter season to occur between Oct. 1 and Apr. 30 and sex of animal to be taken will be announced by Tetlin National Wildlife Refuge Manager in consultation with Wrangell–St. Elias National Park and Preserve Superintendent, Alaska Department of Fish and Game area biologists, and Chairs of the Eastern Interior Regional Advisory Council and Upper Tanana/Fortymile Fish and Game Advisory Committee.	Winter season to be announced.
Sheep:	
Unit 12—1 ram with full curl or larger horn	Aug. 10–Sept. 20.
Unit 12—that portion within Wrangell–St. Elias National Park and Preserve—1 ram with full curl horn or larger by Federal registration permit only by persons 60 years of age or older.	Sept. 21–Oct. 20.
Moose:	
Unit 12—that portion within the Tetlin National Wildlife Refuge and those lands within the Wrangell-St. Elias National Preserve north and east of a line formed by the Pickerel Lake Winter Trail from the Canadian border to Pickerel Lake—1 antlered bull. The Nov.–Dec. season is open by Federal registration permit only.	Aug. 24–28. Sept. 8–17. Nov. 20–Dec 10.
Unit 12—that portion east of the Nabesna River and Nabesna Glacier, and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border—1 antlered bull.	Aug. 24–Sept. 30.
Unit 12—remainder—1 antlered bull with spike/fork antlers	Aug. 15–23..
Unit 12—remainder—1 antlered bull	Aug. 24–28. Sept. 1–17.
Beaver: Unit 12—Wrangell–Saint Elias National Park and Preserve—6 beaver per season. Meat from harvested beaver must be salvaged for human consumption.	Sept. 20–May 15.
Coyote: 10 coyotes	Aug. 10–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Mar. 15.
Wolf: 10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31
Grouse (Spruce, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Beaver: 15 beaver per season. Only firearms may be used during Sept. 20–Oct. 31 and Apr. 16–May 15, to take up to 6 beaver. Only traps or snares may be used Nov. 1–Apr. 15. The total annual harvest limit for beaver is 15, of which no more than 6 may be taken by firearm under trapping or hunting regulations. Meat from beaver harvested by firearm must be salvaged for human consumption.	Sept. 20–May 15.
Coyote: No limit	Oct. 15–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Feb. 28.
Lynx: No limit; however, no more than 5 lynx may be taken between Nov. 1 and Nov. 30	Nov. 1–Dec. 31.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.

Harvest limits	Open season
Muskrat: No limit	Sept. 20–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Oct. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Feb. 28.

(13) *Unit 13.*

(i) Unit 13 consists of that area westerly of the east bank of the Copper River and drained by all tributaries into the west bank of the Copper River from Miles Glacier and including the Slana River drainages north of Suslota Creek; the drainages into the Delta River upstream from Falls Creek and Black Rapids Glacier; the drainages into the Nenana River upstream from the southeast corner of Denali National Park at Windy; the drainage into the Susitna River upstream from its junction with the Chulitna River; the drainage into the east bank of the Chulitna River upstream to its confluence with Tokositna River; the drainages of the Chulitna River (south of Denali National Park) upstream from its confluence with the Tokositna River; the drainages into the north bank of the Tokositna River upstream to the base of the Tokositna Glacier; the drainages into the Tokositna Glacier; the drainages into the east bank of the Susitna River between its confluences with the Talkeetna and Chulitna Rivers; the drainages into the north and east bank of the Talkeetna River including the Talkeetna River to its confluence with Clear Creek, the eastside drainages of a line going up the south bank of Clear Creek to the first unnamed creek on the south, then up that creek to lake 4408, along the northeast shore of lake 4408, then southeast in a straight line to the northern most fork of the Chickaloon River; the drainages into the east bank of the Chickaloon River below the line from lake 4408; the drainages of the Matanuska River above its confluence with the Chickaloon River:

(A) Unit 13A consists of that portion of Unit 13 bounded by a line beginning at the Chickaloon River bridge at Mile 77.7 on the Glenn Highway, then along the Glenn Highway to its junction with the Richardson Highway, then south along the Richardson Highway to the foot of Simpson Hill at Mile 111.5, then east to the east bank of the Copper River, then northerly along the east bank of the Copper River to its junction with the Gulkana River, then northerly along the west bank of the Gulkana River to its junction with the West Fork of the Gulkana River, then westerly along the west bank of the West Fork of the Gulkana River to its source, an unnamed lake, then across the divide into the Tyone River drainage, down an unnamed stream into the Tyone River, then down the Tyone River to the Susitna River, then down the southern bank of the Susitna River to the mouth of Kosina Creek, then up Kosina Creek to its headwaters, then across the divide and down Aspen Creek to the Talkeetna River, then southerly along the boundary of Unit 13 to the Chickaloon River bridge, the point of beginning;

(B) Unit 13B consists of that portion of Unit 13 bounded by a line beginning at the confluence of the Copper River and the Gulkana River, then up the east bank of the Copper River to the Gakona River, then up the Gakona River and Gakona Glacier to the boundary of Unit 13, then westerly along the boundary of Unit 13 to the Susitna Glacier, then southerly along the west bank of the Susitna Glacier and the Susitna River to the Tyone River, then up the Tyone River and across the divide to the headwaters of the West Fork of the Gulkana River, then down the West Fork of the Gulkana River to the confluence of the Gulkana River and the Copper River, the point of beginning;

(C) Unit 13C consists of that portion of Unit 13 east of the Gakona River and Gakona Glacier;

(D) Unit 13D consists of that portion of Unit 13 south of Unit 13A;

(E) Unit 13E consists of the remainder of Unit 13.

(ii) Within the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take wildlife for subsistence uses on lands within Mount McKinley National Park as it existed prior to December 2, 1980. Subsistence uses as authorized by this paragraph (m)(13) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980;

(B) You may not use motorized vehicles or pack animals for hunting from Aug. 5–25 in the Delta Controlled Use Area, the boundary of which is defined as: a line beginning at the confluence of Miller Creek and the Delta River, then west to vertical angle benchmark Miller, then west to include all drainages of Augustana Creek and Black Rapids Glacier, then north and east to include all drainages of McGinnis Creek to its confluence with the Delta River, then east in a straight line across the Delta River to Mile 236.7 Richardson Highway, then north along the Richardson Highway to its junction with the Alaska Highway, then east along the Alaska Highway to the west bank of the Johnson River, then south along the west bank of the Johnson River and Johnson Glacier to the head of the Cantwell Glacier, then west along the north bank of the Cantwell Glacier and Miller Creek to the Delta River;

(C) Except for access and transportation of harvested wildlife on Sourdough and Haggard Creeks, Middle Fork trails, or other trails designated by the Board, you may not use motorized vehicles for subsistence hunting in the Sourdough Controlled Use Area. The Sourdough Controlled Use Area consists of that portion of Unit 13B bounded by a line beginning at the confluence of Sourdough Creek and the Gulkana River, then northerly along Sourdough Creek to the Richardson Highway at approximately Mile 148, then northerly along the Richardson Highway to the Middle Fork Trail at approximately Mile 170, then westerly along the trail to the Gulkana River, then southerly along the east bank of the Gulkana River to its confluence with Sourdough Creek, the point of beginning;

(D) You may not use any motorized vehicle or pack animal for hunting, including the transportation of hunters, their hunting gear, and/or parts of game from July 26–September 30 in the Tonsina Controlled Use Area. The Tonsina Controlled Use Area consists of that portion of Unit 13D bounded on the west by the Richardson Highway from the Tiekel River to the Tonsina River at Tonsina, on the north along the south bank of the Tonsina River to where the Edgerton Highway crosses the Tonsina River, then along the Edgerton Highway to Chitina, on the east by the Copper River from Chitina to the Tiekel River, and on the south by the north bank of the Tiekel River.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) Upon written request by the Camp Director to the Glennallen Field Office, 2 caribou, sex to be determined by the Glennallen Field Office Manager of the BLM, may be taken from Aug. 10–Sept. 30 or Oct. 21–Mar. 31 by Federal registration permit for the Hudson Lake Residential Treatment Camp.

Additionally, 1 bull moose may be taken Aug. 1–Sept. 20. The animals may be taken by any Federally qualified hunter designated by the Camp Director. The hunter must have in his/her possession the permit and a designated hunter permit during all periods that are being hunted;

(C) Upon written request from the Ahtna Heritage Foundation to the Glennallen Field Office, either 1 bull moose or 2 caribou, sex to be determined by the Glennallen Field Office Manager of the Bureau of Land Management, may be taken from Aug 1–Sept. 20 for 1 moose or Aug. 10–Sept. 20 for 2 caribou by Federal registration permit for the Ahtna Heritage Foundation's culture camp. The permit will expire on September 20 or when the camp closes, whichever comes first. No combination of caribou and moose is allowed. The animals may be taken by any Federally qualified hunter designated by the Camp Director. The hunter must have in his/her possession the permit and a designated hunter permit during all periods that are being hunted.

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Brown Bear: 1 bear. Bears taken within Denali National Park must be sealed within 5 days of harvest. That portion within Denali National Park will be closed by announcement of the Superintendent after 4 bears have been harvested.	Aug. 10–May 31.
Caribou:	
Unit 13A and 13B—2 caribou by Federal registration permit only. The sex of animals that may be taken will be announced by the Glennallen Field Office Manager of the Bureau of Land Management in consultation with the Alaska Department of Fish and Game area biologist and Chairs of the Eastern Interior Regional Advisory Council and the Southcentral Regional Advisory Council.	Aug. 10–Sept. 30. Oct. 21–Mar. 31.
Unit 13—remainder—2 bulls by Federal registration permit only	Aug. 10–Sept. 30.
You may not hunt within the Trans-Alaska Oil Pipeline right-of-way. The right-of-way is the area occupied by the pipeline (buried or above ground) and the cleared area 25 feet on either side of the pipeline.	Oct. 21–Mar. 31.
Sheep: Unit 13, excluding Unit 13D and the Tok Management Area and Delta Controlled Use Area—1 ram with 7/8 curl or larger horn.	Aug. 10–Sept. 20.
Moose:	
Unit 13E—1 antlered bull moose by Federal registration permit only; only 1 permit will be issued per household	Aug. 1–Sept. 20.
Unit 13—remainder—1 antlered bull moose by Federal registration permit only.	
Aug. 1–Sept. 20.	
Beaver: 1 beaver per day, 1 in possession	June 15–Sept. 10.
Coyote: 10 coyotes	Aug. 10–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct.1.	Sept. 1–Mar. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 10–Feb. 28.
Wolf: 10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Jan. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Mar. 31.
TRAPPING	
Beaver: No limit	Sept. 25–May 31.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Nov. 10–Feb. 28.
Marten: Unit 13—No limit	Nov. 10–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Feb. 28.
Muskrat: No limit	Sept. 25–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Oct. 15–Apr. 30.
Wolverine: No limit	Nov. 10–Jan. 31.

(14) *Unit 14.*

(i) Unit 14 consists of drainages into the north side of Turnagain Arm west of and excluding the Portage Creek drainage, drainages into Knik Arm excluding drainages of the Chickaloon and Matanuska Rivers in Unit 13, drainages into the north side of Cook Inlet east of the Susitna River, drainages into the east bank of the Susitna River downstream from the Talkeetna River, and drainages into the south and west bank of the Talkeetna River to its confluence with Clear Creek, the west side drainages of a line going up the south bank of Clear Creek to the first unnamed creek on the south, then up that creek to lake 4408, along the northeast shore of lake 4408, then southeast in a straight line to the northern most fork of the Chickaloon River:

(A) Unit 14A consists of drainages in Unit 14 bounded on the west by the east bank of the Susitna River, on the north by the north bank of Willow Creek and Peters Creek to its headwaters, then east along the hydrologic divide separating the Susitna River and Knik Arm drainages to the outlet creek at lake 4408, on the east by the eastern boundary of Unit 14, and on the south by Cook Inlet, Knik Arm, the south bank of the Knik River from its mouth to its junction with Knik Glacier, across the face of Knik Glacier and along the north side of Knik Glacier to the Unit 6 boundary;

(B) Unit 14B consists of that portion of Unit 14 north of Unit 14A;

(C) Unit 14C consists of that portion of Unit 14 south of Unit 14A.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take wildlife for subsistence uses in the Fort Richardson and Elmendorf Air Force Base Management Areas, consisting of the

Fort Richardson and Elmendorf Military Reservations;

(B) You may not take wildlife for subsistence uses in the Anchorage Management Area, consisting of all drainages south of Elmendorf and Fort Richardson military reservations and north of and including Rainbow Creek.

(iii) Unit-specific regulations:

Harvest limits	Open season
HUNTING	
Black Bear: Unit 14C—1 bear	Jul. 1–Jun. 30.
Beaver: Unit 14C—1 beaver per day, 1 in possession	May 15–Oct. 31.
Coyote: Unit 14C—2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): Unit 14C—2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe): Unit 14C—5 hares per day	Sept. 8–Apr. 30.
Lynx: Unit 14C—2 lynx	Dec. 1–Jan. 31.
Wolf: Unit 14C—5 wolves	Aug. 10–Apr. 30.
Wolverine: Unit 14C—1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce and Ruffed): Unit 14C—5 per day, 10 in possession	Sept. 8–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): Unit 14C—10 per day, 20 in possession	Sept. 8–Mar. 31.
TRAPPING	
Beaver: Unit 14C—that portion within the drainages of Glacier Creek, Kern Creek, Peterson Creek, the Twentymile River and the drainages of Knik River outside Chugach State Park—20 beaver per season.	Dec. 1–Apr. 15.
Coyote: Unit 14C—No limit	Nov. 10–Feb. 28.
Fox, Red (including Cross, Black and Silver Phases): Unit 14C—1 fox	Nov. 10–Feb. 28.
Lynx: Unit 14C—No limit	Dec. 15–Jan. 31.
Marten: Unit 14C—No limit	Nov. 10–Jan. 31.
Mink and Weasel: Unit 14C—No limit	Nov. 10–Jan. 31.
Muskrat: Unit 14C—No limit	Nov. 10–May 15.
Otter: Unit 14C—No limit	Nov. 10–Feb. 28.
Wolf: Unit 14C—No limit	Nov. 10–Feb. 28.
Wolverine: Unit 14C—2 wolverines	Nov. 10–Jan. 31.

(15) *Unit 15.*

(i) Unit 15 consists of that portion of the Kenai Peninsula and adjacent islands draining into the Gulf of Alaska, Cook Inlet, and Turnagain Arm from Gore Point to the point where longitude line 150°00′ W. crosses the coastline of Chickaloon Bay in Turnagain Arm, including that area lying west of longitude line 150°00′ W. to the mouth of the Russian River, then southerly along the Chugach National Forest boundary to the upper end of Upper Russian Lake; and including the drainages into Upper Russian Lake west of the Chugach National Forest boundary:

(A) Unit 15A consists of that portion of Unit 15 north of the north bank of the Kenai River and the north shore of Skilak Lake;

(B) Unit 15B consists of that portion of Unit 15 south of the north bank of the Kenai River and the north shore of Skilak Lake, and north of the north bank of the Kasilof River, the north shore of Tustumena Lake, Glacier Creek, and Tustumena Glacier;

(C) Unit 15C consists of the remainder of Unit 15.

(ii) You may not take wildlife, except for grouse, ptarmigan, and hares that may be taken only from October 1–March 1 by bow and arrow only, in the Skilak Loop Management Area, which consists of that portion of Unit 15A bounded by a line beginning at the easternmost junction of the Sterling Highway and the Skilak Loop (milepost 76.3), then due south to the south bank of the Kenai River, then southerly along the south bank of the Kenai River to its confluence with Skilak Lake, then westerly along the north shore of Skilak Lake to Lower Skilak Lake Campground, then northerly along the Lower Skilak Lake Campground Road and the Skilak Loop Road to its westernmost junction with the Sterling Highway, then easterly along the Sterling Highway to the point of beginning.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) You may not trap furbearers for subsistence in the Skilak Loop Wildlife Management Area;

(C) You may not trap marten in that portion of Unit 15B east of the Kenai River, Skilak Lake, Skilak River, and Skilak Glacier;

(D) You may not take red fox in Unit 15 by any means other than a steel trap or snare.

Harvest limits	Open season
HUNTING	
Black Bear:	
Units 15A and 15B—2 bears by Federal registration permit	Jul. 1–Jun. 30.
Unit 15C—3 bears	Jul. 1–Jun. 30.
Brown Bear: Unit 15C—1 bear every four regulatory years by Federal registration permit. The season may be opened or closed by announcement from the Kenai National Wildlife Refuge Manager after consultation with ADF&G and the Chair of the Southcentral Alaska Subsistence Regional Advisory Council.	Oct. 1–Nov. 30. to be announced and Apr. 1–Jun. 15, to be announced.
Moose:	
Unit 15A—Skilak Loop Wildlife Management Area	No open season.
Unit 15A—remainder, 15B, and 15C—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only.	Aug. 10–Sept. 20.

Harvest limits	Open season
Units 15B and 15C—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only. The Kenai NWR Refuge Manager is authorized to close the October/November season based on conservation concerns, in consultation with ADF&G and the Chair of the Southcentral Alaska Subsistence Regional Advisory Council.	Oct. 20–Nov. 10.
Coyote: No limit	Sept. 1–Apr. 30.
Hare (Snowshoe): No limit	July 1–Jun. 30.
Lynx: 2 lynx	Nov. 10–Jan. 31.
Wolf:	
Unit 15—that portion within the Kenai National Wildlife Refuge—2 wolves	Aug. 10–Apr. 30.
Unit 15—remainder—5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Grouse (Ruffed):	No open season.
Ptarmigan (Rock, Willow, and White-tailed):.	
Unit 15A and 15B—20 per day, 40 in possession	Aug. 10–Mar. 31.
Unit 15C—20 per day, 40 in possession	Aug. 10–Dec. 31.
Unit 15C—5 per day, 10 in possession	Jan. 1–Mar. 31.
TRAPPING	
Beaver: 20 Beaver per season	Nov. 10–Mar. 31.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): 1 Fox	Nov. 10–Feb. 28.
Lynx: No limit	Jan. 1–Jan. 31.
Marten:	
Unit 15B—that portion east of the Kenai River, Skilak Lake, Skilak River, and Skilak Glacier	No open season.
Remainder of Unit 15—No limit	Nov. 10–Jan. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–May 15.
Otter: Unit 15—No limit	Nov. 10–Feb. 28.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: Unit 15B and C—No limit	Nov. 10–Feb. 28.

(16) *Unit 16.*

(i) Unit 16 consists of the drainages into Cook Inlet between Redoubt Creek and the Susitna River, including Redoubt Creek drainage, Kalgin Island, and the drainages on the west side of the Susitna River (including the Susitna River) upstream to its confluence with the Chulitna River; the drainages into the west side of the Chulitna River (including the Chulitna River) upstream to the Tokositna River, and drainages into the south side of the Tokositna River upstream to the base of the Tokositna Glacier, including the drainage of the Kahiltna Glacier:

(A) Unit 16A consists of that portion of Unit 16 east of the east bank of the Yentna River from its mouth upstream to the Kahiltna River, east of the east bank of the Kahiltna River, and east of the Kahiltna Glacier;

(B) Unit 16B consists of the remainder of Unit 16.

(ii) You may not take wildlife for subsistence uses in the Mount McKinley National Park, as it existed prior to December 2, 1980. Subsistence uses as authorized by this paragraph (m)(16) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15.

(B) [Reserved]

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Caribou: 1 caribou	Aug. 10–Oct. 31.
Moose:	
Unit 16B—Redoubt Bay Drainages south and west of, and including the Kustatan River drainage—1 bull	Sept. 1–15.
Unit 16B—Denali National Preserve only—1 bull by Federal registration permit. One Federal registration permit for moose issued per household.	Sept. 1–30 Dec. 1–Feb. 28
Unit 16B, remainder—1 bull	Sept. 1–30. Dec. 1–Feb. 28.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe): No limit	July 1–Jun. 30.
Lynx: 2 lynx	Dec. 1–Jan. 31.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce and Ruffed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Mar. 31.
TRAPPING	
Beaver: No limit	Oct. 10–May 15.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Dec. 15–Jan. 31.
Marten: No limit	Nov. 10–Feb. 28.

Harvest limits	Open season
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–Jun. 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(17) *Unit 17.*

(i) Unit 17 consists of drainages into Bristol Bay and the Bering Sea between Etolin Point and Cape Newenham, and all islands between these points including Hagemeister Island and the Walrus Islands:

(A) Unit 17A consists of the drainages between Cape Newenham and Cape Constantine, and Hagemeister Island and the Walrus Islands;

(B) Unit 17B consists of the Nushagak River drainage upstream from, and including the Mulchatna River drainage and the Wood River drainage upstream from the outlet of Lake Beverley;

(C) Unit 17C consists of the remainder of Unit 17.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) Except for aircraft and boats and in legal hunting camps, you may not use any motorized vehicle for hunting ungulates, bears, wolves, and wolverine, including transportation of hunters and parts of ungulates, bear, wolves, or wolverine in the Upper Mulchatna Controlled Use Area consisting of Unit 17B, from Aug. 1–Nov. 1.

(B) [Reserved]

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) You may hunt brown bear by State registration permit in lieu of a resident tag if you have obtained a State registration permit prior to hunting;

(C) [Reserved]

(D) If you have a trapping license, you may use a firearm to take beaver in Unit 17 from April 15–May 31. You may not take beaver with a firearm under a trapping license on National Park Service lands.

Harvest limits	Open season
HUNTING	
Black Bear: 2 bears	Aug. 1–May 31.
Brown Bear: Unit 17—1 bear by State registration permit only	Sept. 1–May 31.
Caribou:	
Unit 17A—all drainages west of Right Hand Point—2 caribou; no more than 1 caribou may be a bull, and no more than 1 caribou may be taken Aug. 1–Jan. 31. The season may be closed and harvest limit reduced for the drainages between the Togiak River and Right Hand Point by announcement of the Togiak National Wildlife Refuge Manager.	Aug. 1–Mar. 15.
Units 17A and 17C—that portion of 17A and 17C consisting of the Nushagak Peninsula south of the Igushik River, Tuklung River and Tuklung Hills, west to Tvativak Bay—up to 2 caribou by Federal registration permit. Public lands are closed to the taking of caribou except by residents of Togiak, Twin Hills, Manokotak, Aleknagik, Dillingham, Clark's Point, and Ekuk hunting under these regulations. The harvest objective, harvest limit, and the number of permits available will be announced by the Togiak National Wildlife Refuge Manager after consultation with the Alaska Department of Fish and Game and the Nushagak Peninsula Caribou Planning Committee. Successful hunters must report their harvest to the Togiak National Wildlife Refuge within 24 hours after returning from the field. The season may be closed by announcement of the Togiak National Wildlife Refuge Manager.	Aug. 1–Sept. 30. Dec. 1–Mar. 31.
Units 17A remainder and 17C remainder—selected drainages; a harvest limit of up to 2 caribou will be determined at the time the season is announced. Season, harvest limit, and hunt area to be announced by the Togiak National Wildlife Refuge Manager.	Season to occur sometime within Aug. 1–Mar. 31.
Units 17B and 17C—that portion of 17C east of the Wood River and Wood River Lakes—2 caribou; no more than 1 caribou may be a bull, and no more than 1 caribou from Aug. 1–Jan. 31.	Aug. 1–Mar. 15.
Sheep: 1 ram with full curl or larger horn	Aug. 10–Sept. 20.
Moose:	
Unit 17A—1 bull by State registration permit	Aug. 25–Sept. 20.
Unit 17A—that portion that includes the area east of the west shore of Nenevok Lake, east of the west bank of the Kemuk River, and east of the west bank of the Togiak River south from the confluence Togiak and Kemuk Rivers—1 antlered bull by State registration permit. Up to a 14-day season during the period Dec. 1–Jan. 31 may be opened or closed by the Togiak National Wildlife Refuge Manager after consultation with ADF&G and local users.	Winter season to be announced.
Unit 17B—that portion that includes all the Mulchatna River drainage upstream from and including the Chilchitna River drainage—1 bull by State registration permit. During the period Sept. 1–15, a spike/fork bull or a bull with 50-inch antlers or with 3 or more brow tines on one side may be taken with a State harvest ticket..	Aug. 20–Sept. 15.
Unit 17C—that portion that includes the Iowithla drainage and Sunshine Valley and all lands west of Wood River and south of Aleknagik Lake—1 bull by State registration permit. During the period Sept. 1–15, a spike/fork bull or a bull with 50-inch antlers or with 3 or more brow tines on one side may be taken with a State harvest ticket.	Aug. 20–Sept. 15.
Unit 17B—remainder and 17C—remainder—1 bull by State registration permit. During the period Sept. 1–15, a spike/fork bull or a bull with 50-inch antlers or with 3 or more brow tines on one side may be taken with a State harvest ticket.	Aug. 20–Sept. 15. Dec. 1–31.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): No limit	Dec. 1–Mar. 15.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 10–Feb. 28.

Harvest limits	Open season
Wolf: 10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce and Ruffed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock and Willow): 20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Beaver:	
Unit 17—No limit	Oct. 10–Mar. 31.
Unit 17—2 beaver per day. Only firearms may be used	Apr. 15–May 31.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Arctic (Blue and White Phase): No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Mar. 31.
Lynx: No limit	Nov. 10–Mar. 31.
Marten: No limit	Nov. 10–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Feb. 28.
Muskrat: 2 muskrats	Nov. 10–Feb. 28.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(18) *Unit 18.*

(i) Unit 18 consists of that area draining into the Yukon and Kuskokwim Rivers downstream from a straight line drawn between Lower Kalskag and Paimiut and the drainages flowing into the Bering Sea from Cape Newenham on the south to and including the Pastolik River drainage on the north; Nunivak, St. Matthew, and adjacent islands between Cape Newenham and the Pastolik River.

(ii) In the Kalskag Controlled Use Area, which consists of that portion of Unit 18 bounded by a line from Lower Kalskag on the Kuskokwim River, northwesterly to Russian Mission on the Yukon River, then east along the north bank of the Yukon River to the old site of Paimiut, then back to Lower Kalskag, you are not allowed to use aircraft for hunting any ungulate, bear, wolf, or wolverine, including the transportation of any hunter and ungulate, bear, wolf, or wolverine part; however, this does not apply to transportation of a hunter or ungulate, bear, wolf, or wolverine part by aircraft between publicly owned airports in the Controlled Use Area or between a publicly owned airport within the Area and points outside the Area.

(iii) Unit-specific regulations:

(A) If you have a trapping license, you may use a firearm to take beaver in Unit 18 from Apr. 1–Jun. 10;

(B) You may hunt brown bear by State registration permit in lieu of a resident tag if you have obtained a State registration permit prior to hunting;

(C) You may take caribou from a boat moving under power in Unit 18.

(D) You may take moose from a boat moving under power in that portion of Unit 18, north and west of a line from the Kashunuk River including the north bank from the mouth of the river upstream to the old village of Chakaktolik, west of line from Chakaktolik to Mountain Village and excluding all Yukon River drainages upriver from Mountain Village.

(E) Taking of wildlife in Unit 18 while in possession of lead shot size T, .20 caliber or less in diameter, is prohibited.

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Brown Bear: 1 bear by State registration permit only	Sept. 1–May 31.
Caribou: 2 caribou; no more than 1 caribou may be a bull; no more than 1 caribou may be taken from Aug. 1–Jan. 31	Aug. 1–Mar. 15.
Moose:	
Unit 18—that portion east of a line running from the mouth of the Ishkowik River to the closest point of Dall Lake, then to the east bank of the Johnson River at its entrance into Nunavakanukakslak Lake (N 60°59.41′ Latitude; W162°22.14′ Longitude), continuing upriver along a line ½ mile south and east of, and paralleling a line along the southerly bank of the Johnson River to the confluence of the east bank of Crooked Creek, then continuing upriver to the outlet at Arhymot Lake, then following the south bank east of the Unit 18 border and then north of and including the Eek River drainage. Federal public lands are closed to the taking of moose except by residents of Tuntutuliak, Eek, Napakiak, Napaskiak, Kasigluk, Nunapitchuk, Atmautlauk, Oscarville, Bethel, Kwethluk, Akiachak, Akiak, Tuluksak, Lower Kalskag, and Kalskag.	No open season.
Unit 18—south of and including the Kanektok River drainages to the Goodnews River drainage. Federal public lands are closed to the taking of moose by all users.	No open season.
Unit 18–Goodnews River drainage and south to the Unit 18 boundary—1 antlered bull by State registration permit. Any needed closures will be announced by the Togiak National Wildlife Refuge Manager after consultation with BLM, ADF&G, and the Chair of the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council.	Aug. 25–Sept. 20.
Unit 18—That portion north and west of the Kashunuk River including the north bank from the mouth of the river upstream to the old village of Chakaktolik, west of a line from Chakaktolik to Mountain Village and excluding all Yukon River drainages upriver from Mountain Village—1 antlered bull.	Aug. 10–Sept. 30.

Harvest limits	Open season
Unit 18—That portion north and west of the Kashunuk River including the north bank from the mouth of the river upstream to the old village of Chakaktolik, west of a line from Chakaktolik to Mountain Village and excluding all Yukon River drainages upriver from Mountain Village—1 moose. If 1 antlered bull is taken during the fall season in this area, 1 additional moose may be taken during the winter season. If no moose are taken in the fall season, 2 moose may be taken in the winter season. No more than 2 moose may be harvested in this area in a regulatory year. A federal registration permit is required. The Yukon Delta NWR Manager may restrict the harvest in the winter season to only 1 antlered bull or only 1 moose per regulatory year after consultation with the ADF&G and the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council chair.	Dec. 20–Feb. 28.
Unit 18, remainder—1 antlered bull	Aug. 10–Sept. 30. Dec. 20–Jan. 10.
Beaver: No limit	July 1–June 30.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): 2 foxes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 10–Mar. 31.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce and Ruffed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock and Willow): 20 per day, 40 in possession	Aug. 10–May 30.
TRAPPING	
Beaver: No limit	July 1–June 30.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Arctic (Blue and White Phase): No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit.	Nov. 10–Mar. 31.
Lynx: No limit	Nov. 10–Mar. 31.
Marten: No limit	Nov. 10–Mar. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Mar. 31.

(19) *Unit 19.*

(i) Unit 19 consists of the Kuskokwim River drainage upstream from a straight line drawn between Lower Kalskag and Piamiut:

(A) Unit 19A consists of the Kuskokwim River drainage downstream from and including the Moose Creek drainage on the north bank and downstream from and including the Stony River drainage on the south bank, excluding Unit 19B;

(B) Unit 19B consists of the Aniak River drainage upstream from and including the Salmon River drainage, the Holitna River drainage upstream from and including the Bakbuk Creek drainage, that area south of a line from the mouth of Bakbuk Creek to the radar dome at Sparrevohn Air Force Base, including the Hoholitna River drainage upstream from that line, and the Stony River drainage upstream from and including the Can Creek drainage;

(C) Unit 19C consists of that portion of Unit 19 south and east of a line from Benchmark M#1.26 (approximately 1.26 miles south of the northwest corner of the original Mt. McKinley National Park boundary) to the peak of Lone Mountain, then due west to Big River, including the Big River drainage upstream from that line, and including the Swift River drainage upstream from and including the North Fork drainage;

(D) Unit 19D consists of the remainder of Unit 19.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not take wildlife for subsistence uses on lands within Mount McKinley National Park as it existed prior to December 2, 1980. Subsistence uses as authorized by this paragraph (m)(19) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980;

(B) In the Upper Kuskokwim Controlled Use Area, which consists of that portion of Unit 19D upstream from the mouth of the Selatna River, but excluding the Selatna and Black River drainages, to a line extending from Dyckman Mountain on the northern Unit 19D boundary southeast to the 1,610 foot crest of Munsatli Ridge, then south along Munsatli Ridge to the 2,981 foot peak of Telida Mountain, then northeast to the intersection of the western boundary of Denali National Preserve with the Minchumina-Telida winter trail, then south along the western boundary of Denali National Preserve to the southern boundary of Unit 19D, you may not use aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the Controlled Use Area, or between a publicly owned airport within the area and points outside the area.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30;

(B) You may hunt brown bear by State registration permit in lieu of a resident tag in those portions of 19A and 19B downstream of and including the Aniak River drainage if you have obtained a State registration permit prior to hunting.

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.

Harvest limits	Open season
Brown Bear:	
Unit 19A and 19B—those portions which are downstream of and including the Aniak River drainage—1 bear by State registration permit.	Aug. 10–June 30
Unit 19A, remainder, 19B, remainder, and Unit 19D—1 bear	Aug. 10–June 30.
Caribou:	
Unit 19A—north of Kuskokwim River—2 caribou, no more than 1 caribou may be a bull; no more than 1 caribou may be taken from Aug. 1–Jan. 31.	Aug. 1–Mar. 15.
Unit 19A—south of the Kuskokwim River and Unit 19B (excluding rural Alaska residents of Lime Village)—2 caribou; no more than 1 caribou may be a bull; no more than 1 caribou may be taken Aug. 1–Jan. 31.	Aug. 1–Mar. 15.
Unit 19C—1 caribou	Aug. 10–Oct. 10.
Unit 19D—south and east of the Kuskokwim River and North Fork of the Kuskokwim River—1 caribou	Aug. 10–Sept. 30. Nov. 1–Jan. 31.
Unit 19D, remainder—1 caribou	Aug. 10–Sept. 30.
Unit 19—Residents domiciled in Lime Village only—no individual harvest limit but a village harvest quota of 200 caribou; cows and calves may not be taken from Apr. 1–Aug. 9. Reporting will be by a community reporting system.	July 1–June 30.
Sheep: 1 ram with 7/8 curl horn or larger	Aug. 10–Sept. 20.
Moose:	
Unit 19—Residents of Lime Village only—no individual harvest limit, but a village harvest quota of 28 bulls (including those taken under the State permits). Reporting will be by a community reporting system.	July 1–June 30.
Unit 19A—North of the Kuskokwim River, upstream from but excluding the George River drainage, and south of the Kuskokwim River upstream from and including the Downey Creek drainage, not including the Lime Village Management Area; Federal public lands are closed to the taking of moose.	No open season.
Unit 19A, remainder—1 antlered bull by Federal drawing permit or a State permit. Federal public lands are closed to the taking of moose except by residents of Tuluksak, Lower Kalskag, Upper Kalskag, Aniak, Chuathbaluk, and Crooked Creek hunting under these regulations. The Refuge Manager of the Yukon Delta NWR, in cooperation with the BLM Field Office Manager, will annually establish the harvest quota and number of permits to be issued in coordination with the State Tier I hunt. If the allowable harvest level is reached before the regular season closing date, the Refuge Manager, in consultation with the BLM Field Office Manager, will announce an early closure of Federal public lands to all moose hunting.	Sept. 1–20.
Unit 19B—1 bull with spike-fork or 50-inch antlers or antlers with 4 or more brow tines on one side	Sept. 1–20.
Unit 19C—1 antlered bull	Sept. 1–20.
Unit 19C—1 bull by State registration permit	Jan. 15–Feb. 15.
Unit 19D—that portion of the Upper Kuskokwim Controlled Use Area within the North Fork drainage upstream from the confluence of the South Fork to the mouth of the Swift Fork—1 antlered bull.	Sept. 1–30.
Unit 19D—remainder of the Upper Kuskokwim Controlled Use Area—1 bull	Sept. 1–30. Dec. 1–Feb. 28.
Unit 19D, remainder—1 antlered bull	Sept. 1–30. Dec. 1–15.
Coyote: 10 coyotes	Aug. 10–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Feb. 28.
Wolf:	
Unit 19D—10 wolves per day	Aug. 10–Apr. 30.
Unit 19, remainder—5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Beaver: No limit	Nov. 1–June 10.
Coyote: No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Mar. 31.
Lynx: No limit	Nov. 1–Feb. 28.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Mar. 31.

(20) *Unit 20.*

(i) Unit 20 consists of the Yukon River drainage upstream from and including the Tozitna River drainage to and including the Hamlin Creek drainage, drainages into the south bank of the Yukon River upstream from and including the Charley River drainage, the Ladue River and Fortymile River drainages, and the Tanana River drainage north of Unit 13 and downstream from the east bank of the Robertson River:

(A) Unit 20A consists of that portion of Unit 20 bounded on the south by the Unit 13 boundary, bounded on the east by the west bank of the Delta River, bounded on the north by the north bank of the Tanana River from its confluence with the Delta River downstream to its confluence with the Nenana River, and bounded on the west by the east bank of the Nenana River;

(B) Unit 20B consists of drainages into the north bank of the Tanana River from and including Hot Springs Slough upstream to and including the Banner Creek drainage;

(C) Unit 20C consists of that portion of Unit 20 bounded on the east by the east bank of the Nenana River and on the north by the north bank of the Tanana River downstream from the Nenana River;

(D) Unit 20D consists of that portion of Unit 20 bounded on the east by the east bank of the Robertson River and on the west by the west bank of the Delta River, and drainages into the north bank of the Tanana River from its confluence with the Robertson River downstream to, but excluding, the Banner Creek drainage;

(E) Unit 20E consists of drainages into the south bank of the Yukon River upstream from and including the Charley River drainage, and the Ladue River drainage;

(F) Unit 20F consists of the remainder of Unit 20.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not take wildlife for subsistence uses on lands within Mount McKinley National Park as it existed prior to December 2, 1980. Subsistence uses as authorized by this paragraph (n)(20) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980;

(B) You may not use motorized vehicles or pack animals for hunting from Aug. 5–25 in the Delta Controlled Use Area, the boundary of which is defined as: A line beginning at the confluence of Miller Creek and the Delta River, then west to vertical angle benchmark Miller, then west to include all drainages of Augustana Creek and Black Rapids Glacier, then north and east to include all drainages of McGinnis Creek to its confluence with the Delta River, then east in a straight line across the Delta River to Mile 236.7 of the Richardson Highway, then north along the Richardson Highway to its junction with the Alaska Highway, then east along the Alaska Highway to the west bank of the Johnson River, then south along the west bank of the Johnson River and Johnson Glacier to the head of the Canwell Glacier, then west along the north bank of the Canwell Glacier and Miller Creek to the Delta River;

(C) You may not use firearms, snowmobiles, licensed highway vehicles or motorized vehicles, except aircraft and boats, in the Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending 5 miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, except as follows: Residents living within the Dalton Highway Corridor Management Area may use snowmobiles only for the subsistence taking of wildlife. You may use licensed highway vehicles only on designated roads within the Dalton Highway Corridor Management Area. The residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Stevens Village, and residents living within the Corridor may use firearms within the Corridor only for subsistence taking of wildlife;

(D) You may not use any motorized vehicle for hunting from August 5–September 20 in the Glacier Mountain Controlled Use Area, which consists of that portion of Unit 20E bounded by a line beginning at Mile 140 of the Taylor Highway, then north along the highway to Eagle, then west along the cat trail from Eagle to Crooked Creek, then from Crooked Creek southwest along the west bank of Mogul Creek to its headwaters on North Peak, then west across North Peak to the headwaters of Independence Creek, then southwest along the west bank of Independence Creek to its confluence with the North Fork of the Fortymile River, then easterly along the south bank of the North Fork of the Fortymile River to its confluence with Champion Creek, then across the North Fork of the Fortymile River to the south bank of Champion Creek and easterly along the south bank of Champion Creek to its confluence with Little Champion Creek, then northeast along the east bank of Little Champion Creek to its headwaters, then northeasterly in a direct line to Mile 140 on the Taylor Highway; however, this does not prohibit motorized access via, or transportation of harvested wildlife on, the Taylor Highway or any airport;

(E) You may by permit hunt moose on the Minto Flats Management Area, which consists of that portion of Unit 20 bounded by the Elliot Highway beginning at Mile 118, then northeasterly to Mile 96, then east to the Tolovana Hotsprings Dome, then east to the Winter Cat Trail, then along the Cat Trail south to the Old Telegraph Trail at Dunbar, then westerly along the trail to a point where it joins the Tanana River 3 miles above Old Minto, then along the north bank of the Tanana River (including all channels and sloughs except Swan Neck Slough), to the confluence of the Tanana and Tolovana Rivers and then northerly to the point of beginning;

(F) You may only hunt moose by bow and arrow in the Fairbanks Management Area. The Area consists of that portion of Unit 20B bounded by a line from the confluence of Rosie Creek and the Tanana River, northerly along Rosie Creek to Isberg Road, then northeasterly on Isberg Road to Cripple Creek Road, then northeasterly on Cripple Creek Road to the Parks Highway, then north on the Parks Highway to Alder Creek, then westerly to the middle fork of Rosie Creek through section 26 to the Parks Highway, then east along the Parks Highway to Alder Creek, then upstream along Alder Creek to its confluence with Emma Creek, then upstream along Emma Creek to its headwaters, then northerly along the hydrographic divide between Goldstream Creek drainages and Cripple Creek drainages to the summit of Ester Dome, then down Sheep Creek to its confluence with Goldstream Creek, then easterly along Goldstream Creek to Sheep Creek Road, then north on Sheep Creek Road to Murphy Dome Road, then west on Murphy Dome Road to Old Murphy Dome Road, then east on Old Murphy Dome Road to the Elliot Highway, then south on the Elliot Highway to Goldstream Creek, then easterly along Goldstream Creek to its confluence with First Chance Creek, Davidson Ditch, then southeasterly along the Davidson Ditch to its confluence with the tributary to Goldstream Creek in Section 29, then downstream along the tributary to its confluence with Goldstream Creek, then in a straight line to First Chance Creek, then up First Chance Creek to Tungsten Hill, then southerly along Steele Creek to its confluence with Ruby Creek, then upstream along Ruby Creek to Esro Road, then south on Esro Road to Chena Hot Springs Road, then east on Chena Hot Springs Road to Nordale Road, then south on Nordale Road to the Chena River, to its intersection with the Trans-Alaska Pipeline right of way, then southeasterly along the easterly edge of the Trans-Alaska Pipeline right of way to the Chena River, then along the north bank of the Chena River to the Moose Creek dike, then southerly along the Moose Creek dike to its intersection with the Tanana River, and then westerly along the north bank of the Tanana River to the point of beginning.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear from April 15–June 30; you may use bait to hunt wolves on FWS and BLM lands;

(B) You may not use a steel trap, or a snare using cable smaller than 3/32 inch diameter to trap coyotes or wolves in Unit 20E during April and October;

(C) Residents of Units 20 and 21 may take up to three moose per regulatory year for the celebration known as the Nuchalawoyya Potlatch, under the terms of a Federal registration permit. Permits will be issued to individuals at the request of the Native Village of Tanana only. This three-moose limit is not cumulative with that permitted by the State.

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Brown Bear:	
Unit 20A—1 bear	Sept. 1–May 31.
Unit 20E—1 bear	Aug. 10–June 30.
Unit 20, remainder—1 bear	Sept. 1–May 31.
Caribou:	
Unit 20E—1 caribou by joint State/Federal registration permit only. Up to 900 caribou may be taken under a State/Federal harvest quota. During the fall season the harvest will be restricted to 1 bull and the harvest will not exceed 100 caribou between Aug. 10–29. During the winter season, area closures or hunt restrictions may be announced when Nelchina caribou are present in a mix of more than 1 Nelchina caribou to 15 Fortymile caribou, except when the number of caribou present is low enough that less than 50 Nelchina caribou will be harvested regardless of the mixing ratio for the two herds.	Aug. 10–Sept. 30. Nov. 1–Feb. 28.
Unit 20F—north of the Yukon River—1 caribou	Aug. 10–Mar. 31.
Unit 20F—east of the Dalton Highway and south of the Yukon River—1 caribou; cow caribou may be taken only from Nov. 1–March 31. During the November 1–March 31 season, a State registration permit is required.	Aug. 10–Sept. 20 Nov. 1–Mar. 31.
Moose:	
Unit 20A—1 antlered bull	Sept. 1–20.
Unit 20B—that portion within the Minto Flats Management Area—1 bull by Federal registration permit only	Sept. 1–20. Jan. 10–Feb. 28.
Unit 20B, remainder —1 antlered bull	Sept. 1–20.
Unit 20C—that portion within Denali National Park and Preserve west of the Toklat River, excluding lands within Mount McKinley National Park as it existed prior to December 2, 1980—1 antlered bull; however, white-phased or partial albino (more than 50 percent white) moose may not be taken.	Sept. 1–30. Nov. 15–Dec. 15.
Unit 20C, remainder —1 antlered bull; however, white-phased or partial albino (more than 50 percent white) moose may not be taken.	Sept. 1–30.
Unit 20E—that portion within Yukon–Charley Rivers National Preserve—1 bull	Aug. 20–Sept. 30.
Unit 20E—that portion drained by the Middle Fork of the Fortymile River upstream from and including the Joseph Creek drainage—1 bull.	Aug. 24–Sept. 25.
Unit 20E remainder—1 bull by joint Federal/State registration permit	Aug. 24–Sept. 25.
Unit 20F—that portion within the Dalton Highway Corridor Management Area—1 antlered bull by Federal registration permit only.	Sept. 1–25.
Unit 20F, remainder—1 antlered bull	Sept. 1–25. Dec. 1–10.
Beaver: Unit 20E—Yukon–Charley Rivers National Preserve—6 beaver per season. Meat from harvested beaver must be salvaged for human consumption.	Sept. 20–May 15.
Coyote: 10 coyotes	Aug. 10–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx:	
Unit 20A, 20B, and that portion of 20C east of the Teklanika River—2 lynx	Dec. 1–Jan 31.
Unit 20E—2 lynx	Nov. 1–Jan 31.
Unit 20, remainder—2 lynx	Dec. 1–Jan. 31.
Muskrat:	
Unit 20E, that portion within Yukon-Charley Rivers National Preserve—No limit	Sept. 20–June 10.
Unit 20C, that portion within Denali National Park and Preserve—25 muskrat	Nov. 1–Jun. 10.
Unit 20, remainder	No open season.
Wolf:	
Unit 20—10 wolves	Aug. 10–Apr. 30.
Unit 20C, that portion within Denali National Park and Preserve—1 wolf during the Aug. 10–Oct. 31 period; 5 wolves during the Nov. 1–Apr. 30 period, for a total of 6 wolves for the season.	Aug. 10–Oct. 31. Nov. 1–Apr. 30.
Unit 20C, remainder—10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed): Units 20A, 20B, 20C, 20E, and 20F—15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock and Willow):	
Unit 20—those portions within 5 miles of Alaska Route 5 (Taylor Highway, both to Eagle and the Alaska-Canada boundary) and that portion of Alaska Route 4 (Richardson Highway) south of Delta Junction—20 per day, 40 in possession.	Aug. 10–Mar. 31.
Unit 20, remainder—20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Beaver:	
Units 20A, 20B, 20C, and 20F—No limit	Nov. 1–Apr. 15.
Unit 20E—25 beaver per season. Only firearms may be used during Sept. 20–Oct. 31 and Apr. 16–May 15, to take up to 6 beaver. Only traps or snares may be used Nov. 1–Apr. 15. The total annual harvest limit for beaver is 25, of which no more than 6 may be taken by firearm under trapping or hunting regulations. Meat from beaver harvested by firearm must be salvaged for human consumption.	Sept. 20–May 15.
Coyote:	

Harvest limits	Open season
Unit 20E—No limit	Oct. 15–Apr. 30.
Unit 20, remainder—No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Feb. 28.
Lynx:	
Unit 20A, 20B, and 20C east of the Teklanika River—No limit	Dec. 15–Feb. 15.
Unit 20E—No limit; however, no more than 5 lynx may be taken between Nov. 1 and Nov. 30	Nov. 1–Dec. 31.
Unit 20F and 20C—remainder—No limit	Nov. 1–Feb. 28.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat:	
Unit 20E—No limit	Sept. 20–June 10.
Unit 20, remainder—No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf:	
Unit 20A, 20B, 20C, & 20F—No limit	Nov. 1–Apr. 30.
Unit 20E—No limit	Oct. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Feb. 28.

(21) *Unit 21.*

(i) Unit 21 consists of drainages into the Yukon River upstream from Paimiut to, but not including, the Tozitna River drainage on the north bank, and to, but not including, the Tanana River drainage on the south bank; and excluding the Koyukuk River drainage upstream from the Dulbi River drainage:

(A) Unit 21A consists of the Innoko River drainage upstream from and including the Iditarod River drainage;

(B) Unit 21B consists of the Yukon River drainage upstream from Ruby and east of the Ruby-Poorman Road, downstream from and excluding the Tozitna River and Tanana River drainages, and excluding the Melozitna River drainage upstream from Grayling Creek;

(C) Unit 21C consists of the Melozitna River drainage upstream from Grayling Creek, and the Dulbi River drainage upstream from and including the Cottonwood Creek drainage;

(D) Unit 21D consists of the Yukon River drainage from and including the Blackburn Creek drainage upstream to Ruby, including the area west of the Ruby-Poorman Road, excluding the Koyukuk River drainage upstream from the Dulbi River drainage, and excluding the Dulbi River drainage upstream from Cottonwood Creek;

(E) Unit 21E consists of the Yukon River drainage from Paimiut upstream to, but not including, the Blackburn Creek drainage, and the Innoko River drainage downstream from the Iditarod River drainage.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) The Koyukuk Controlled Use Area, which consists of those portions of Units 21 and 24 bounded by a line from the north bank of the Yukon River at Koyukuk at 64°52.58′ N. lat., 157°43.10′ W. long., then northerly to the confluences of the Honhosa and Kateel Rivers at 65°28.42′ N. lat., 157°44.89′ W. long., then northeasterly to the confluences of Billy Hawk Creek and the Huslia River (65°57′ N. lat., 156°41′ W. long.) at 65°56.66′ N. lat., 156°40.81′ W. long., then easterly to the confluence of the forks of the Dakli River at 66°02.56′ N. lat., 156°12.71′ W. long., then easterly to the confluence of McLanes Creek and the Hogatza River at 66°00.31′ N. lat., 155°18.57′ W. long., then southwesterly to the crest of Hochandochtla Mountain at 65°31.87′ N. lat., 154°52.18′ W. long., then southwest to the mouth of Cottonwood Creek at 65°13.00′ N. lat., 156°06.43′ W. long., then southwest to Bishop Rock (Yistletaw) at 64°49.35′ N. lat., 157°21.73′ W. long., then westerly along the north bank of the Yukon River (including Koyukuk Island) to the point of beginning, is closed during moose hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the controlled use area or between a publicly owned airport within the area and points outside the area; all hunters on the Koyukuk River passing the ADF&G-operated check station at Ella's Cabin (15 miles upstream from the Yukon on the Koyukuk River) are required to stop and report to ADF&G personnel at the check station;

(B) The Paradise Controlled Use Area, which consists of that portion of Unit 21 bounded by a line beginning at the old village of Paimiut, then north along the west bank of the Yukon River to Paradise, then northwest to the mouth of Stanstrom Creek on the Bonasila River, then northeast to the mouth of the Anvik River, then along the west bank of the Yukon River to the lower end of Eagle Island (approximately 45 miles north of Grayling), then to the mouth of the Iditarod River, then down the east bank of the Innoko River to its confluence with Paimiut Slough, then south along the east bank of Paimiut Slough to its mouth, and then to the old village of Paimiut, is closed during moose hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or part of moose; however, this does not apply to transportation of a moose hunter or part of moose by aircraft between publicly owned airports in the Controlled Use Area or between a publicly owned airport within the area and points outside the area.

(iii) In Unit 21D, you may hunt brown bear by State registration permit in lieu of a resident tag if you have obtained a State registration permit prior to hunting. Aircraft may not be used in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears, or parts of bears; however, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iv) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30; and in the Koyukuk Controlled Use Area, you may also use bait to hunt black bear between September 1 and September 25;

(B) If you have a trapping license, you may use a firearm to take beaver in Unit 21(E) from Nov. 1–June 10;

(C) The residents of Units 20 and 21 may take up to three moose per regulatory year for the celebration known as the Nuchalawoyya Potlatch, under the terms of a Federal registration

permit. Permits will be issued to individuals only at the request of the Native Village of Tanana. This three moose limit is not cumulative with that permitted by the State;

(D) The residents of Unit 21 may take up to three moose per regulatory year for the celebration known as the Kaltag/Nulato Stickdance, under the terms of a Federal registration permit. Permits will be issued to individuals only at the request of the Native Village of Kaltag or Nulato. This three moose limit is not cumulative with that permitted by the State.

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Brown Bear:	
Unit 21D—1 bear by State registration permit only	Aug. 10–June 30.
Unit 21, remainder—1 bear	Aug. 10–June 30.
Caribou:	
Unit 21A—1 caribou	Aug. 10–Sept. 30. Dec. 10–Dec. 20.
Unit 21B—that portion north of the Yukon River and downstream from Ukawutni Creek	No open season.
Unit 21C—the Dulbi and Melozitna River drainages downstream from Big Creek	No open season.
Unit 21B remainder, 21C remainder, and 21E—1 caribou	Aug. 10–Sept. 30.
Unit 21D—north of the Yukon River and east of the Koyukuk River—caribou may be taken during a winter season to be announced by the Refuge Manager of the Koyukuk/Nowitna National Wildlife Refuge Manager and the BLM Central Yukon Field Office Manager, in consultation with ADF&G and the Chairs of the Western Interior Subsistence Regional Advisory Council, and the Middle Yukon and Ruby Fish and Game Advisory Committees.	Winter season to be announced.
Unit 21D, remainder—5 caribou per day; however, cow caribou may not be taken May 16–June 30	July 1–June 30.
Moose:	
Unit 21B—that part of the Nowitna River drainage downstream from and including the Little Mud River drainage—1 bull. A State registration permit is required from Sept. 5–25. A Federal registration permit is required from Sept. 26–Oct. 1.	Sept. 5–Oct. 1.
Unit 21B—that part of the Nowitna River drainage downstream from and including the Little Mud River drainage—1 antlered bull. A Federal registration permit is required during the 5-day season and will be limited to one per household. The 5-day season may be announced by the Koyukuk/Nowitna National Wildlife Refuge Manager after consultation with the ADF&G and the Chairs of the Western Interior Regional Advisory Council and the Ruby Fish and Game Advisory Committee.	Five-day season to be announced between Dec. 1 and March 31.
Unit 21A and 21B, remainder—1 bull	Aug. 20–Sept. 25. Nov. 1–30.
Unit 21C—1 antlered bull	Sept. 5–25.
Unit 21D—Koyukuk Controlled Use Area—1 bull;	Sep. 1–25.
1 antlerless moose by Federal permit if authorized by announcement by the Koyukuk/Nowitna NWR manager. Harvest of cow moose accompanied by calves is prohibited. A harvestable surplus of cows will be determined for a quota.	Mar. 1–5 season to be announced.
or	
1 antlered bull by Federal permit, if there is no Mar.1–5 season and if authorized by announcement by the Koyukuk/Nowitna NWR manager and BLM Central Yukon field office manager. A harvestable surplus of bulls will be determined for a quota. Announcement for the Mar. and Apr. seasons and harvest quotas will be made after consultation with the ADF&G area biologist and the Chairs of the Western Interior Regional Advisory Council and Middle Yukon and Koyukuk River Fish and Game Advisory Committee.	Apr. 10–15 season to be announced.
Unit 21D, remainder—1 moose; however, antlerless moose may be taken only during Sept. 21–25 and the Mar. 1–5 season if authorized jointly by the Koyukuk/Nowitna National Wildlife Refuge Manager and the Central Yukon Field Office Manager, Bureau of Land Management. Harvest of cow moose accompanied by calves is prohibited. During the Aug. 22–31 and Sept. 5–25 seasons, a State registration permit is required. During the Mar. 1–5 season a Federal registration permit is required. Announcement for the antlerless moose seasons and cow quotas will be made after consultation with the ADF&G area biologist and the Chairs of the Western Interior Regional Advisory Council and the Middle Yukon Fish and Game Advisory Committee.	Aug. 22–31. Sept. 5–25. Mar. 1–5 season to be announced.
Unit 21E—1 moose; however, only bulls may be taken from Aug. 25–Sept. 30	Aug. 25–Sept. 30. Feb. 15–Mar. 15.
During the Feb. 15–Mar. 15 season a Federal registration permit is required. The permit conditions and any needed closures for the winter season will be announced by the Innoko NWR manager after consultation with the ADF&G area biologist and the Chairs of the Western Interior Regional Advisory Council and the Middle Yukon Fish and Game Advisory Committee as stipulated in a letter of delegation. Moose may not be taken within one-half mile of the Innoko or Yukon River during the winter season.	
Beaver:	
Unit 21E—No limit	Nov. 1–June 10.
Unit 21, remainder	No open season.
Coyote: 10 coyotes	Aug. 10–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Feb. 28.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Beaver: No Limit	Nov. 1–June 10.

Harvest limits	Open season
Coyote: No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Feb. 28.
Lynx: No limit	Nov. 1–Feb. 28.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Mar. 31.

(22) *Unit 22.*

(i) Unit 22 consists of Bering Sea, Norton Sound, Bering Strait, Chukchi Sea, and Kotzebue Sound drainages from, but excluding, the Pastolik River drainage in southern Norton Sound to, but not including, the Goodhope River drainage in Southern Kotzebue Sound, and all adjacent islands in the Bering Sea between the mouths of the Goodhope and Pastolik Rivers:

(A) Unit 22A consists of Norton Sound drainages from, but excluding, the Pastolik River drainage to, and including, the Ungalik River drainage, and Stuart and Besboro Islands;

(B) Unit 22B consists of Norton Sound drainages from, but excluding, the Ungalik River drainage to, and including, the Topkok Creek drainage;

(C) Unit 22C consists of Norton Sound and Bering Sea drainages from, but excluding, the Topkok Creek drainage to, and including, the Tisuk River drainage, and King and Sledge Islands;

(D) Unit 22D consists of that portion of Unit 22 draining into the Bering Sea north of, but not including, the Tisuk River to and including Cape York and St. Lawrence Island;

(E) Unit 22E consists of Bering Sea, Bering Strait, Chukchi Sea, and Kotzebue Sound drainages from Cape York to, but excluding, the Goodhope River drainage, and including Little Diomede Island and Fairway Rock.

(ii) You may hunt brown bear by State registration permit in lieu of a resident tag if you have obtained a State registration permit prior to hunting. Aircraft may not be used in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears, or parts of bears; however, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iii) Unit-specific regulations:

(A) If you have a trapping license, you may use a firearm to take beaver in Unit 22 during the established seasons;

(B) Coyote, incidentally taken with a trap or snare, may be used for subsistence purposes;

(C) A snowmachine may be used to position a hunter to select individual caribou for harvest provided that the animals are not shot from a moving snowmachine;

(D) The taking of one bull moose and up to three musk oxen by the community of Wales is allowed for the celebration of the Kingikmuit Dance Festival under the terms of a Federal registration permit. Permits will be issued to individuals only at the request of the Native Village of Wales. The harvest may only occur within regularly established seasons in Unit 22E. The harvest will count against any established quota for the area;

(E) A Federally qualified subsistence user (recipient) may designate another Federally qualified subsistence user to take musk oxen on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must get a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients in the course of a season, but have no more than two harvest limits in his/her possession at any one time, except in Unit 22E where a resident of Wales or Shishmaref acting as a designated hunter may hunt for any number of recipients, but have no more than four harvest limits in his/her possession at any one time.

Harvest limits	Open season
HUNTING	
Black Bear:	
Unit 22A and 22B—3 bears	Jul. 1–Jun. 30.
Unit 22, remainder	No open season.
Brown Bear:	
Unit 22A, 22B, 22D, and 22E—1 bear by State registration permit only	Aug. 1–May 31.
Unit 22C—1 bear by State registration permit only	Aug. 1–Oct. 31. May 10–25.
Caribou:	
Unit 22B west of Golovin Bay and west of a line along the west bank of the Fish and Niukluk Rivers and excluding the Libby River drainage—5 caribou per day.	Oct. 1–Apr. 30. May 1–Sept. 30, a season may be opened by announcement by the Anchorage Field Office Manager of the BLM, in consultation with ADF&G.
Units 22A, 22B remainder, that portion of Unit 22D in the Kougaruk, Kuzitrin (excluding the Pilgrim River drainage), American, and Agiapuk River Drainages, and Unit 22E, that portion east of and including the Sanaguich River drainage—5 caribou per day; cow caribou may not be taken May 16–June 30.	July 1–June 30.
Moose:	

Harvest limits	Open season
Unit 22A—that portion north of and including the Tagoomenik and Shaktoolik River drainages—1 bull. Federal public lands are closed to hunting except by residents of Unit 22A hunting under these regulations.	Aug. 1–Sept. 30.
Unit 22A—that portion in the Unalakleet drainage and all drainages flowing into Norton Sound north of the Golsovia River drainage and south of the Tagoomenik and Shaktoolik River drainages—Federal public lands are closed to the taking of moose, except that residents of Unalakleet, hunting under these regulations, may take 1 bull by Federal registration permit, administered by the BLM Anchorage Field Office with the authority to close the season in consultation with ADF&G.	Aug. 15–Sept. 14
Unit 22A, remainder—1 bull. However, during the period Jan.1—Feb. 15, only an antlered bull may be taken. Federal public lands are closed to the taking of moose except by residents of Unit 22A hunting under these regulations.	Aug. 1–Sept. 30. Jan. 1–Feb. 15
Unit 22B—west of the Darby Mountains—1 bull by State registration permit. Quotas and any needed closures will be announced by the Anchorage Field Office Manager of the BLM, in consultation with NPS and ADF&G. Federal public lands are closed to the taking of moose except by Federally qualified subsistence users hunting under these regulations.	Sept. 1–14.
Unit 22B—west of the Darby Mountains—1 bull by either Federal or State registration permit. Quotas and any needed season closures will be announced by the Anchorage Field Office Manager of the BLM, in consultation with NPS, and ADF&G. Federal public lands are closed to the taking of moose except by residents of White Mountain and Golovin hunting under these regulations.	Jan. 1–31.
Unit 22B, remainder—1 bull	Aug. 1–Jan. 31.
Unit 22C—1 antlered bull	Sept. 1–14.
Unit 22D—that portion within the Kougarok, Kuzitrin, and Pilgrim River drainages—1 bull by State registration permit. Quotas and any needed closures will be announced by the Anchorage Field Office Manager of the BLM, in consultation with NPS and ADF&G. Federal public lands are closed to the taking of moose except by residents of Units 22D and 22C hunting under these regulations.	Sept. 1–14.
Unit 22D—that portion west of the Tisuk River drainage and Canyon Creek—1 bull by State registration permit. Quotas and any needed closures will be announced by the Anchorage Field Office Manager of the BLM, in consultation with NPS and ADF&G.	Sept. 1–14.
Unit 22D—that portion west of the Tisuk River drainage and Canyon Creek—1 bull by Federal registration permit. Quotas and any needed closures will be announced by the Anchorage Field Office Manager of the BLM, in consultation with NPS and ADF&G. Federal public lands are closed to the taking of moose except by residents of Units 22D and 22C hunting under these regulations.	Dec. 1–31.
Unit 22D, remainder—1 bull	Aug. 10–Sept. 14. Oct. 1–Nov. 30.
Unit 22D, remainder—1 moose; however, no person may take a calf or a cow accompanied by a calf	Dec. 1–31.
Unit 22D, remainder—1 antlered bull	Jan. 1–31.
Unit 22E—1 antlered bull. Federal public lands are closed to the taking of moose except by Federally qualified subsistence users hunting under these regulations.	Aug. 1–Mar. 15.
Musk ox:	
Unit 22B—1 bull by Federal permit or State permit. Federal public lands are closed to the taking of musk ox except by Federally qualified subsistence users hunting under these regulations. Annual harvest quotas and any needed closures will be announced by the Anchorage Field Office Manager of the BLM, in consultation with NPS and ADF&G.	Aug.1–Mar. 15.
Unit 22D—that portion west of the Tisuk River drainage and Canyon Creek—1 musk ox by Federal permit or State permit; however, cows may only be taken during the period Jan. 1–Mar. 15. Annual harvest quotas and any needed closures will be announced by the Superintendent of the Western Arctic National Parklands in consultation with ADF&G and BLM.	Sept.1–Mar. 15.
Unit 22D, that portion within the Kuzitrin River drainages—1 musk ox by Federal permit or State permit; however, cows may only be taken during the period Jan. 1–Mar. 15. Federal public lands are closed to the taking of musk ox except by Federally qualified subsistence users hunting under these regulations. Annual harvest quotas and any needed closures will be announced by the Superintendent of the Bering Land Bridge National Preserve in consultation with ADF&G and BLM.	Aug.1–Mar. 15.
Unit 22D, remainder—1 musk ox by Federal permit or State permit; however, cows may only be taken during the period Jan. 1–Mar. 15. Federal public lands are closed to the taking of musk ox except by Federally qualified subsistence users hunting under these regulations. Annual harvest quotas and any needed closures will be announced by the Superintendent of the Western Arctic National Parklands in consultation with ADF&G and BLM.	Aug. 1–Mar. 15.
Unit 22E—1 musk ox by Federal permit or State permit. Annual harvest quotas and any needed closures will be announced by the Superintendent of the Western Arctic National Parklands in consultation with ADF&G and BLM.	Aug. 1–Mar. 15.
Unit 22, remainder	No open season.
Beaver:	
Unit 22A, 22B, 22D, and 22E—50 beaver	Nov. 1–June 10.
Unit 22, remainder	No open season.
Coyote	No open season.
Fox, Arctic (Blue and White Phase): 2 foxes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes	Nov. 1–Apr. 15.
Hare (Snowshoe and Tundra): No limit	Sept. 1–Apr. 15.
Lynx: 2 lynx	Nov. 1–Apr. 15.
Marten:	
Unit 22A and 22B—No limit	Nov. 1–Apr. 15.
Unit 22, remainder	No open season.
Mink and Weasel: No limit	Nov. 1–Jan. 31.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 15.
Wolverine: 3 wolverines	Sept. 1–Mar. 31.

Harvest limits	Open season
Grouse (Spruce): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock and Willow):	
Unit 22A and 22B east of and including the Niukluk River drainage—40 per day, 80 in possession	Aug. 10–Apr. 30.
Unit 22E—20 per day, 40 in possession	July 15–May 15
Unit 22, remainder—20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Beaver:	
Unit 22A, 22B, 22D, and 22E—50 beaver	Nov. 1–June 10.
Unit 22C.	No open season.
Coyote:	No open season.
Fox, Arctic (Blue and White Phase): No limit	Nov. 1–Apr. 15.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Apr. 15.
Lynx: No limit	Nov. 1–Apr. 15.
Marten: No limit	Nov. 1–Apr. 15.
Mink and Weasel: No limit	Nov. 1–Jan. 31.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Apr. 15.

(23) *Unit 23.*

(i) Unit 23 consists of Kotzebue Sound, Chukchi Sea, and Arctic Ocean drainages from and including the Goodhope River drainage to Cape Lisburne.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not use aircraft in any manner either for hunting of ungulates, bear, wolves, or wolverine, or for transportation of hunters or harvested species in the Noatak Controlled Use Area for the period August 15–September 30. The Area consists of that portion of Unit 23 in a corridor extending five miles on either side of the Noatak River beginning at the mouth of the Noatak River, and extending upstream to the mouth of Sapun Creek. This closure does not apply to the transportation of hunters or parts of ungulates, bear, wolves, or wolverine by regularly scheduled flights to communities by carriers that normally provide scheduled air service.

(B) [Reserved]

(iii) You may hunt brown bear by State registration permit in lieu of a resident tag if you have obtained a State registration permit prior to hunting. Aircraft may not be used in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears, or parts of bears; however, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iv) Unit-specific regulations:

(A) You may take caribou from a boat moving under power in Unit 23;

(B) In addition to other restrictions on method of take found in this § ___.26, you may also take swimming caribou with a firearm using rimfire cartridges;

(C) If you have a trapping license, you may take beaver with a firearm in all of Unit 23 from Nov. 1–Jun. 10;

(D) For the Baird and DeLong Mountain sheep hunts—A Federally qualified subsistence user (recipient) may designate another Federally qualified subsistence user to take sheep on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for only one recipient in the course of a season and may have both his and the recipients' harvest limits in his/her possession at the same time;

(E) A snowmachine may be used to position a hunter to select individual caribou for harvest provided that the animals are not shot from a moving snowmachine;

(F) A Federally qualified subsistence user (recipient) may designate another Federally qualified subsistence user to take musk oxen on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must get a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients, but have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Brown Bear: Unit 23—1 bear by State registration permit	Aug. 1–May 31.
Caribou: 15 caribou per day; however, cow caribou may not be taken May 16–June 30	July 1–June 30.
Sheep:	

Harvest limits	Open season
Unit 23—south of Rabbit Creek, Kiyak Creek, and the Noatak River, and west of the Cutler and Redstone Rivers (Baird Mountains)—1 sheep by Federal registration permit. The total allowable harvest of sheep is 21, of which 15 may be rams and 6 may be ewes. Federal public lands are closed to the taking of sheep except by Federally qualified subsistence users hunting under these regulations.	Aug. 10–April 30. If the allowable harvest levels are reached before the regular season closing date, the Superintendent of the Western Arctic National Parklands will announce an early closure.
Unit 23—north of Rabbit Creek, Kiyak Creek, and the Noatak River, and west of the Aniuk River (DeLong Mountains)—1 sheep by Federal registration permit. The total allowable harvest of sheep for the DeLong Mountains is 8, of which 5 may be rams and 3 may be ewes.	Aug. 10–April 30. If the allowable harvest levels are reached before the regular season closing date, the Superintendent of the Western Arctic National Parklands will announce an early closure.
Unit 23, remainder (Schwatka Mountains)—1 ram with 7/8 curl or larger horn	Aug. 10–Sept. 20.
Unit 23, remainder (Schwatka Mountains)—1 sheep	Oct. 1–Apr. 30.
Moose:	
Unit 23—that portion north and west of and including the Singoalik River drainage, and all lands draining into the Kukpuk and Ipewik Rivers—1 moose; no person may take a calf or a cow accompanied by a calf.	July 1–Mar. 31.
Unit 23—that portion lying within the Noatak River drainage—1 moose; however, antlerless moose may be taken only from Nov. 1–Mar. 31; no person may take a calf or a cow accompanied by a calf.	Aug. 1–Mar. 31.
Unit 23, remainder—1 moose; no person may take a calf or a cow accompanied by a calf	Aug. 1–Mar. 31.
Musk ox:	
Unit 23—south of Kotzebue Sound and west of and including the Buckland River drainage—1 bull by Federal permit or State permit.	Aug. 1–Dec. 31.
or	
1 musk ox by Federal permit or State permit	Jan. 1–Mar. 15.
Federal public lands are closed to the taking of musk ox except by Federally qualified subsistence users hunting under these regulations. Annual harvest quotas and any needed closures will be announced by the Superintendent of the Western Arctic National Parklands, in consultation with ADF&G and BLM.	Aug. 1–Mar. 15.
Unit 23—Cape Krusenstern National Monument—1 bull by Federal permit. Annual harvest quotas and any needed closures will be announced by the Superintendent of Western Arctic National Parklands. Cape Krusenstern National Monument is closed to the taking of musk oxen except by resident zone community members with permanent residence within the Monument or the immediately adjacent Napaktuktuk Mountain area, south of latitude 67°05′ N and west of longitude 162°30′ W hunting under these regulations.	
Unit 23, remainder	No open season.
Beaver: No limit	July 1–June 30.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): No limit	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): No limit	Sept. 1–Mar.15.
Hare: (Snowshoe and Tundra) No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Apr. 15.
Wolf: 15 wolves	Oct. 1–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Muskrat: No limit	July 1–June 30
Grouse (Spruce and Ruffed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Beaver:	
Unit 23—the Kobuk and Selawik River drainages—50 beaver	July 1–June 30.
Unit 23, remainder—30 beaver	July 1–June 30.
Coyote: No limit	Nov. 1–Apr. 15.
Fox, Arctic (Blue and White Phase): No limit	Nov. 1–Apr. 15.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Apr. 15.
Lynx: No limit	Nov. 1–Apr. 15.
Marten: No limit	Nov. 1–Apr. 15.
Mink and Weasel: No limit	Nov. 1–Jan. 31.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Apr. 15.

(24) *Unit 24.*

(i) Unit 24 consists of the Koyukuk River drainage upstream from but not including the Dulbi River drainage:

(A) Unit 24A consists of the Middle Fork of the Koyukuk River drainage upstream from but not including the Harriet Creek and North Fork Koyukuk River drainages, to the South Fork of the Koyukuk River drainage upstream from Squaw Creek, the Jim River Drainage, the Fish Creek drainage upstream from and including the Bonanza Creek drainage, to the 1,410 ft. peak of the hydrologic divide with the northern fork of the Kanuti Chalatna River at N. Lat. 66°33.303′ W. Long. 151°03.637′ and following the unnamed northern fork of the Kanuti Chalatna Creek to the confluence of the southern fork of the Kanuti Chalatna River at N. Lat. 66°27.090′ W. Long. 151 °23.841′, 4.2 miles SSW (194 degrees true) of Clawanmenka Lake and following the unnamed southern fork of the Kanuti Chalatna Creek to the hydrologic divide with the Kanuti River drainage at N. Lat. 66°19.789′ W. Long. 151°10.102′, 3.0 miles ENE (79 degrees true) from the 2,055 ft. peak on that divide, and the Kanuti River drainage upstream from the confluence of an unnamed creek at N. Lat. 66°13.050′ W. Long. 151 °05.864′, 0.9 miles SSE (155 degrees true) of a 1,980 ft. peak on that divide, and following that unnamed creek to the Unit 24 boundary on the hydrologic divide to the Ray River drainage at N. Lat. 66°03.827′ W. Long. 150°49.988′ at the 2,920 ft. peak of that divide;

(B) Unit 24B consists of the Koyukuk River Drainage upstream from Dog Island to the Subunit 24A boundary;

(C) Unit 24C consists of the Hogatza River Drainage, the Koyukuk River Drainage upstream from Batza River on the north side of the Koyukuk River and upstream from and including the Indian River Drainage on the south side of the Koyukuk River to the Subunit 24B boundary;

(D) Unit 24D consists of the remainder of Unit 24.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not use firearms, snowmobiles, licensed highway vehicles, or motorized vehicles, except aircraft and boats, in the Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending 5 miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, except as follows: Residents living within the Dalton Highway Corridor Management Area may use snowmobiles only for the subsistence taking of wildlife. You may use licensed highway vehicles only on designated roads within the Dalton Highway Corridor Management Area. The residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, and Stevens Village, and residents living within the Corridor may use firearms within the Corridor only for subsistence taking of wildlife;

(B) You may not use aircraft for hunting moose, including transportation of any moose hunter or moose part in the Kanuti Controlled Use Area, which consists of that portion of Unit 24 bounded by a line from the Bettles Field VOR to the east side of Fish Creek Lake, to Old Dummy Lake, to the south end of Lake Todatonten (including all waters of these lakes), to the northernmost headwaters of Siruk Creek, to the highest peak of Double Point Mountain, then back to the Bettles Field VOR; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the controlled use area or between a publicly owned airport within the area and points outside the area;

(C) You may not use aircraft for hunting moose, including transportation of any moose hunter or moose part in the Koyukuk Controlled Use Area, which consists of those portions of Unit 21s and 24 bounded by a line from the north bank of the Yukon River at Koyukuk at 64°52.58′ N. lat., 157°43.10′ W. long., then northerly to the confluences of the Honhosa and Kateel Rivers at 65°28.42′ N. lat., 157°44.89′ W. long., then northeasterly to the confluences of Billy Hawk Creek and the Huslia River (65°57′ N. lat., 156°41′ W. long.) at 65°56.66′ N. lat., 156°40.81′ W. long., then easterly to the confluence of the forks of the Dakli River at 66°02.56′ N. lat., 156°12.71′ W. long., then easterly to the confluence of McLanes Creek and the Hogatza River at 66°00.31′ N. lat., 155°18.57′ W. long., then southwesterly to the crest of Hochandochtla Mountain at 65°31.87′ N. lat., 154°52.18′ W. long., then southwest to the mouth of Cottonwood Creek at 65°13.00′ N. lat., 156°06.43′ W. long., then southwest to Bishop Rock (Yistletaw) at 64°49.35′ N. lat., 157°21.73′ W. long., then westerly along the north bank of the Yukon River (including Koyukuk Island) to the point of beginning; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the controlled use area or between a publicly owned airport within the area and points outside the area; all hunters on the Koyukuk River passing the ADF&G operated check station at Ella's Cabin (15 miles upstream from the Yukon on the Koyukuk River) are required to stop and report to ADF&G personnel at the check station.

(iii) You may hunt brown bear by State registration permit in lieu of a resident tag if you have obtained a State registration permit prior to hunting. You may not use aircraft in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears, or parts of bears. However, this prohibition does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iv) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30; and in the Koyukuk Controlled Use Area, you may also use bait to hunt black bear between September 1 and September 25;

(B) Arctic fox, incidentally taken with a trap or snare intended for red fox, may be used for subsistence purposes.

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Brown Bear: Unit 24—1 bear by State registration permit	Aug. 10–June 30.
Caribou:	
Unit 24—that portion south of the south bank of the Kanuti River, upstream from and including that portion of the Kanuti-Kilolitna River drainage, bounded by the southeast bank of the Kodosin–Nolitna Creek, then downstream along the east bank of the Kanuti–Kilolitna River to its confluence with the Kanuti River—1 caribou.	Aug. 10–Mar. 31.
Unit 24, remainder—5 caribou per day; however, cow caribou may not be taken May 16–June 30	July 1–June 30.
Sheep:	

Harvest limits	Open season
Unit 24A and 24B—(Anaktuvuk Pass residents only)—that portion within the Gates of the Arctic National Park—community harvest quota of 60 sheep, no more than 10 of which may be ewes and a daily possession limit of 3 sheep per person, no more than 1 of which may be a ewe.	July 15–Dec. 31.
Unit 24A and 24B—(excluding Anaktuvuk Pass residents)—that portion within the Gates of the Arctic National Park—3 sheep.	Aug. 1–Apr. 30.
Unit 24A—except that portion within the Gates of the Arctic National Park—1 ram with 7/8 curl or larger horn by Federal registration permit only.	Aug. 20–Sept. 30.
Unit 24, remainder—1 ram with 7/8 curl or larger horn	Aug. 10–Sept. 20.
Moose:	
Unit 24A—1 antlered bull by Federal registration permit	Aug. 25–Oct. 1.
Unit 24B—that portion within the John River Drainage—1 moose	Aug. 1–Dec. 31.
Unit 24B—Kanuti National Wildlife Refuge and BLM lands—1 antlered bull. A federal registration permit is required for the Sep. 26–Oct. 1 period.	Dec. 15–Apr. 15 (until Jun. 30, 2014).
A Federal registration permit is required for the Dec.15–Apr. 15 season for the Kanuti National Wildlife Refuge and BLM lands that are within the Koyukuk River drainage upstream of the Henshaw Creek drainage and upstream of and including the Bonanza Creek drainage.	
Federal public lands in the Kanuti Controlled Use Area, as described in Federal regulations, are closed to taking of moose, except by Federally qualified subsistence users of Unit 24, Koyukuk, and Galena hunting under these regulations.	
Unit 24B, remainder 1 antlered bull. A Federal registration permit is required for the Sept. 26–Oct. 1 period	Aug. 25–Oct. 1.
Unit 24C and 24D—that portion within the Koyukuk Controlled Use Area and Koyukuk National Wildlife Refuge—1 bull.	Sep. 1–25.
1 antlerless moose by Federal permit if authorized by announcement by the Koyukuk/Nowitna National Wildlife Refuge Manager and BLM Field Office Manager Central Yukon Field Office. Harvest of cow moose accompanied by calves is prohibited. A harvestable surplus of cows will be determined for a quota.	Mar. 1–5 to be announced.
or	or
1 antlered bull by Federal permit, if there is no Mar. 1–5 season and if authorized by announcement by the Koyukuk/Nowitna National Wildlife Refuge Manager and BLM Field Office Manager Central Yukon Field Office. Harvest of cow moose accompanied by calves is prohibited. Announcement for the Mar. and Apr. seasons and harvest quotas will be made after consultation with the ADF&G Area Biologist and the Chairs of the Western Interior Alaska Subsistence Regional Advisory Council, and the Middle Yukon and Koyukuk River Fish and Game Advisory Committees.	Apr. 10–15 to be announced.
Unit 24C, remainder and Unit 24D, remainder—1 antlered bull. During the Sept. 5–Sept. 25 season, a State registration permit is required.	Aug. 25–Oct. 1.
Coyote: 10 coyotes	Aug. 10–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Feb. 28.
Wolf: 15 wolves; however, no more than 5 wolves may be taken prior to Nov. 1	Aug. 10–Apr. 30.
Wolverine: 5 wolverine; however, no more than 1 wolverine may be taken prior to Nov. 1	Sept. 1–Mar. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock and Willow): 20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Beaver: No limit	Nov. 1–June 10.
Coyote: No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Feb. 28.
Lynx: No limit	Nov. 1–Feb. 28.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Mar. 31.

(25) *Unit 25.*

(i) Unit 25 consists of the Yukon River drainage upstream from but not including the Hamlin Creek drainage, and excluding drainages into the south bank of the Yukon River upstream from the Charley River:

(A) Unit 25A consists of the Hodzana River drainage upstream from the Narrows, the Chandalar River drainage upstream from and including the East Fork drainage, the Christian River drainage upstream from Christian, the Sheenjek River drainage upstream from and including the Thluichohnjik Creek, the Coleen River drainage, and the Old Crow River drainage;

(B) Unit 25B consists of the Little Black River drainage upstream from but not including the Big Creek drainage, the Black River drainage upstream from and including the Salmon Fork drainage, the Porcupine River drainage upstream from the confluence of the Coleen and Porcupine Rivers, and drainages into the north bank of the Yukon River upstream from Circle, including the islands in the Yukon River;

(C) Unit 25C consists of drainages into the south bank of the Yukon River upstream from Circle to the Subunit 20E boundary, the Birch Creek drainage upstream from the Steese Highway bridge (milepost 147), the Preacher Creek drainage upstream from and including the Rock Creek drainage, and the Beaver Creek drainage upstream from and including the Moose Creek drainage;

(D) Unit 25D consists of the remainder of Unit 25.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not use firearms, snowmobiles, licensed highway vehicles or motorized vehicles, except aircraft and boats in the Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending 5 miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, except as follows: Residents living within the Dalton Highway Corridor Management Area may use snowmobiles only for the subsistence taking of wildlife. You may use licensed highway vehicles only on designated roads within the Dalton Highway Corridor Management Area. The residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Stevens Village, and residents living within the Corridor may use firearms within the Corridor only for subsistence taking of wildlife;

(B) The Arctic Village Sheep Management Area consists of that portion of Unit 25A north and west of Arctic Village, which is bounded on the east by the East Fork Chandalar River beginning at the confluence of Red Sheep Creek and proceeding southwesterly downstream past Arctic Village to the confluence with Crow Nest Creek, continuing up Crow Nest Creek, through Portage Lake, to its confluence with the Junjik River; then down the Junjik River past Timber Lake and a larger tributary, to a major, unnamed tributary, northwesterly, for approximately 6 miles where the stream forks into 2 roughly equal drainages; the boundary follows the easternmost fork, proceeding almost due north to the headwaters and intersects the Continental Divide; the boundary then follows the Continental Divide easterly, through Carter Pass, then easterly and northeasterly approximately 62 miles along the divide to the head waters of the most northerly tributary of Red Sheep Creek then follows southerly along the divide designating the eastern extreme of the Red Sheep Creek drainage then to the confluence of Red Sheep Creek and the East Fork Chandalar River.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30 and between August 1 and September 25; you may use bait to hunt wolves on FWS and BLM lands;

(B) You may take caribou and moose from a boat moving under power in Unit 25;

(C) The taking of bull moose outside the seasons provided in this part for food in memorial potlatches and traditional cultural events is authorized in Unit 25D west provided that:

(*1*) The person organizing the religious ceremony or cultural event contact the Refuge Manager, Yukon Flats National Wildlife Refuge prior to taking or attempting to take bull moose and provide to the Refuge Manager the name of the decedent, the nature of the ceremony or cultural event, number to be taken, and the general area in which the taking will occur;

(*2*) Each person who takes a bull moose under this section must submit a written report to the Refuge Manager, Yukon Flats National Wildlife Refuge not more than 15 days after the harvest specifying the harvester's name and address, and the date(s) and location(s) of the taking(s);

(*3*) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in Unit 25D west;

(*4*) Any moose taken under this provision counts against the annual quota of 60 bulls.

Harvest limits	Open season
HUNTING	
Black Bear:	
3 bears	Jul. 1–Jun. 30.
or 3 bears by State community harvest permit	Jul. 1–Jun. 30.
Brown Bear:	
Units 25A and 25B—1 bear	Aug. 10–Jun. 30.
Unit 25C—1 bear	Sept. 1–May 31.
Unit 25D—1 bear	Jul. 1–Jun. 30.
Caribou:	
Unit 25A—in those portions west of the east bank of the East Fork of the Chandalar River extending from its confluence with the Chandalar River upstream to Guilbeau Pass and north of the south bank of the mainstem of the Chandalar River at its confluence with the East Fork Chandalar River west (and north of the south bank) along the West Fork Chandalar River—10 caribou. However, only bulls may be taken May 16–Jun. 30.	Jul. 1–Jun. 30
Unit 25C—that portion west of the east bank of the mainstem of Preacher Creek to its confluence with American Creek, then west of the east bank of American Creek—1 caribou; however, cow caribou may be taken only from Nov. 1–Mar. 31. However, during the November 1–March 31 season, a State registration permit is required.	Aug. 10–Sept. 20. Nov. 1–Mar. 31.
Unit 25C, remainder—1 caribou by joint Federal/State registration permit only. During the fall season the harvest will be restricted to 1 bull and the harvest will not exceed 100 caribou between Aug. 10–29. Up to 600 caribou may be taken under a State/Federal harvest quota.	Aug. 10–Sept. 30. Nov. 1–Feb. 28.
Unit 25D—that portion of Unit 25D drained by the west fork of the Dall River west of 150° W. long.—1 bull	Aug. 10–Sept. 30. Dec. 1–31.
Unit 25A remainder, 25B, and Unit 25D, remainder—10 caribou	July 1–Apr. 30.
Sheep:	
Unit 25A—that portion within the Dalton Highway Corridor Management Area	No open season.
Units 25A—Arctic Village Sheep Management Area—2 rams by Federal registration permit only. Federal public lands, except the drainages of Red Sheep Creek and Cane Creek during the period of Aug. 10–Sept. 20, are closed to the taking of sheep except by rural Alaska residents of Arctic Village, Venetie, Fort Yukon, Kaktovik, and Chalkyitsik hunting under these regulations.	Aug. 10–Apr. 30.
Unit 25A, remainder—3 sheep by Federal registration permit only	Aug. 10–Apr. 30.
Moose:	
Unit 25A—1 antlered bull	Aug. 25–Sept. 25. Dec. 1–10.
Unit 25B—that portion within Yukon-Charley National Preserve—1 bull	Aug. 20–Sept. 30.

Harvest limits	Open season
Unit 25B—that portion within the Porcupine River drainage upstream from, but excluding the Coleen River drainage—1 antlered bull.	Aug. 25–Sept. 30. Dec. 1–10.
Unit 25B—that portion, other than Yukon-Charley National Preserve, draining into the north bank of the Yukon River upstream from and including the Kandik River drainage, including the islands in the Yukon River—1 antlered bull.	Sept. 5–30. Dec. 1–15.
Unit 25B, remainder—1 antlered bull	Aug. 25–Sept. 25. Dec. 1–15.
Unit 25C—1 antlered bull	Aug. 20–Sep. 30.
Unit 25D (west)—that portion lying west of a line extending from the Unit 25D boundary on Preacher Creek, then downstream along Preacher Creek, Birch Creek and Lower Mouth of Birch Creek to the Yukon River, then downstream along the north bank of the Yukon River (including islands) to the confluence of the Hadweenzic River, then upstream along the west bank of the Hadweenzic River to the confluence of Forty and One-Half Mile Creek, then upstream along Forty and One-Half Mile Creek to Nelson Mountain on the Unit 25D boundary—1 bull by a Federal registration permit. Permits will be available in the following villages: Beaver (25 permits), Birch Creek (10 permits), and Stevens Village (25 permits). Permits for residents of 25D (west) who do not live in one of the three villages will be available by contacting the Yukon Flats National Wildlife Refuge Office in Fairbanks or a local Refuge Information Technician. Moose hunting on public land in Unit 25D (west) is closed at all times except for residents of Unit 25D (west) hunting under these regulations. The moose season will be closed by announcement of the Refuge Manager Yukon Flats NWR when 60 moose have been harvested in the entirety (from Federal and non-Federal lands) of Unit 25D (west).	Aug. 25–Feb. 28.
Unit 25D, remainder—1 antlered moose	Aug. 25–Oct. 1. Dec. 1–20.
Beaver:	
Unit 25A, 25B, and 25D—1 beaver per day; 1 in possession	Apr. 16–Oct. 31.
Unit 25C	No open season.
Coyote: 10 coyotes	Aug. 10–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx:	
Unit 25C—2 lynx	Dec. 1–Jan. 31.
Unit 25, remainder—2 lynx	Nov. 1–Feb. 28.
Muskrat:	
Unit 25B and 25C, that portion within Yukon-Charley Rivers National Preserve—No limit	Nov. 1–June 10.
Unit 25, remainder	No open season.
Wolf:	
Unit 25A—No limit	Aug. 10–Apr. 30.
Unit 25, remainder—10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed):	
Unit 25C—15 per day, 30 in possession	Aug. 10–Mar. 31.
Unit 25, remainder—15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock and Willow):	
Unit 25C—those portions within 5 miles of Route 6 (Steese Highway)—20 per day, 40 in possession	Aug. 10–Mar. 31.
Unit 25, remainder—20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Beaver:	
Unit 25C—No limit	Nov. 1–Apr. 15.
Unit 25—remainder—50 beaver	Nov. 1–Apr. 15.
Coyote: No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Feb. 28.
Lynx: No limit	Nov. 1–Feb. 28.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine:	
Unit 25C—No limit	Nov. 1–Feb. 28.
Unit 25, remainder—No limit	Nov. 1–Mar. 31.

(26) *Unit 26.*

(i) Unit 26 consists of Arctic Ocean drainages between Cape Lisburne and the Alaska-Canada border, including the Firth River drainage within Alaska:

(A) Unit 26A consists of that portion of Unit 26 lying west of the Itkillik River drainage and west of the east bank of the Colville River between the mouth of the Itkillik River and the Arctic Ocean;

(B) Unit 26B consists of that portion of Unit 26 east of Unit 26A, west of the west bank of the Canning River and west of the west bank of the Marsh Fork of the Canning River;

(C) Unit 26C consists of the remainder of Unit 26.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not use aircraft in any manner for moose hunting, including transportation of moose hunters or parts of moose during the periods July. 1–Sept. 14 and Jan. 1–Mar. 31 in Unit 26A; however, this does not apply to

transportation of moose hunters, their gear, or moose parts by aircraft between publicly owned airports;

(B) You may not use firearms, snowmobiles, licensed highway vehicles or motorized vehicles, except aircraft and boats, in the Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending 5 miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, except as follows: Residents living within the Dalton Highway Corridor Management Area may use snowmobiles only for the subsistence taking of wildlife. You may use licensed highway vehicles only on designated roads within the Dalton Highway Corridor Management Area. The residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Stevens Village, and residents living within the Corridor may use firearms within the Corridor only for subsistence taking of wildlife.

(iii) You may hunt brown bear in Unit 26A by State registration permit in lieu of a resident tag if you have obtained a State registration permit prior to hunting. You may not use aircraft in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears or parts of bears. However, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iv) Unit-specific regulations:

(A) You may take caribou from a boat moving under power in Unit 26;

(B) In addition to other restrictions on method of take found in this § ___.26, you may also take swimming caribou with a firearm using rimfire cartridges;

(C) In Kaktovik, a Federally qualified subsistence user (recipient) may designate another Federally qualified subsistence user to take sheep or musk ox on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time;

(D) For the DeLong Mountain sheep hunts—A Federally qualified subsistence user (recipient) may designate another Federally qualified subsistence user to take sheep on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for only one recipient in the course of a season and may have both his and the recipient's harvest limits in his/her possession at the same time.

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Brown Bear:	
Unit 26A—1 bear by State registration permit	July 1–May 31.
Unit 26B—1 bear	Sept. 1–May 31.
Unit 26C—1 bear	Aug. 10–June 30.
Caribou:	
Unit 26A—10 caribou per day; however, cow caribou may not be taken May 16–June 30	July 1–June 30.
Unit 26B—10 caribou per day; however, cow caribou may be taken only from Oct. 1–Apr. 30	July 1–June 30.
Unit 26C—10 caribou per day	July 1–Apr. 30.
(You may not transport more than 5 caribou per regulatory year from Unit 26 except to the community of Anaktuvuk Pass.	
Sheep:	
Unit 26A and 26B—(Anaktuvuk Pass residents only)—that portion within the Gates of the Arctic National Park—community harvest quota of 60 sheep, no more than 10 of which may be ewes and a daily possession limit of 3 sheep per person, no more than 1 of which may be a ewe.	July 15–Dec. 31.
Unit 26A—(excluding Anaktuvuk Pass residents)—those portions within the Gates of the Arctic National Park—3 sheep.	Aug. 1–Apr. 30.
Unit 26A—that portion west of Howard Pass and the Etivluk River (DeLong Mountains)—1 sheep by Federal registration permit. The total allowable harvest of sheep for the DeLong Mountains is 8, of which 5 may be rams and 3 may be ewes. If the allowable harvest levels are reached before the regular season closing date, the Superintendent of the Western Arctic National Parklands will announce an early closure.	Aug. 10–April 30.
Unit 26B—that portion within the Dalton Highway Corridor Management Area—1 ram with ⅞ curl or larger horn by Federal registration permit only.	Aug. 10–Sept. 20.
Unit 26A, remainder and 26B, remainder—including the Gates of the Arctic National Preserve—1 ram with ⅞ curl or larger horn.	Aug. 10–Sept. 20.
Unit 26C—3 sheep per regulatory year; the Aug. 10–Sept. 20 season is restricted to 1 ram with ⅞ curl or larger horn. A Federal registration permit is required for the Oct. 1–Apr. 30 season.	Aug. 10–Sept. 20. Oct. 1–Apr. 30.
Moose:	
Unit 26A—that portion of the Colville River drainage upstream from and including the Anaktuvuk River drainage—1 bull.	Aug. 1–Sept. 14.
Unit 26A—that portion of the Colville River drainage upstream from and including the Anaktuvuk River drainage—1 moose; however, you may not take a calf or a cow accompanied by a calf.	Feb. 15–Apr. 15.
Unit 26A—that portion west of 156°00′ W. longitude excluding the Colville River drainage. 1 moose, however, you may not take a calf or a cow accompanied by a calf.	July 1–Sept. 14.
Unit 26A, remainder—1 bull	Aug. 1–Sept. 14.
Unit 26B, excluding the Canning River drainage—1 bull	Sept. 1–14.
Units 26B, remainder and 26C—1 moose by Federal registration permit by residents of Kaktovik only. The harvest quota is 3 moose (2 antlered bulls and 1 of either sex), provided that no more than 2 antlered bulls may be harvested from Unit 26C and cows may not be harvested from Unit 26C. You may not take a cow accompanied by a calf in Unit 26B. Only 3 Federal registration permits will be issued. Federal public lands are closed to the taking of moose except by a Kaktovik resident holding a Federal registration permit and hunting under these regulations.	Jul. 1–Mar. 31.

Harvest limits	Open season
Musk ox: Unit 26C—1 bull by Federal registration permit only. The number of permits that may be issued only to the residents of the village of Kaktovik will not exceed three percent (3%) of the number of musk oxen counted in Unit 26C during a pre-calving census. Public lands are closed to the taking of musk ox, except by rural Alaska residents of the village of Kaktovik hunting under these regulations.	Jul. 15–Mar. 31.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): 2 foxes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases):	
Units 26A and 26B—10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1	Sept. 1–Mar. 15.
Unit 26C—10 foxes	Nov. 1–Apr. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Apr. 15.
Wolf: 15 wolves	Aug. 10–Apr. 30.
Wolverine: 5 wolverine	Sept. 1–Mar. 31.
Ptarmigan (Rock and Willow): 20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Coyote: No limit	Nov. 1–Apr. 15.
Fox, Arctic (Blue and White Phase): No limit	Nov. 1–Apr. 15.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Apr. 15.
Lynx: No limit	Nov. 1–Apr. 15.
Marten: No limit	Nov. 1–Apr. 15.
Mink and Weasel: No limit	Nov. 1–Jan. 31.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Apr. 15.

■ 5. In subpart D of 36 CFR part 242 and 50 CFR part 100, amend § ____.27 by adding new paragraphs (i)(3)(xiii)(A) and (B) to read as follows:

§ ____.27 Subsistence taking of fish.

* * * * *

(i) * * *

(3) * * *

(xiii) * * *

(A) In the Yukon River drainage, you may not take salmon for subsistence fishing using gillnets with stretched mesh larger than 7.5 inches.

(B) [Reserved].

* * * * *

Dated: June 7, 2010.

Peter J. Probasco,

Acting Chair, Federal Subsistence Board.

Dated: June 7, 2010.

Steve Kessler,

Subsistence Program Leader, USDA-Forest Service.

[FR Doc. 2010–15195 Filed 6–29–10; 8:45 am]

BILLING CODE 4310–55–P

Federal Register

Wednesday,
June 30, 2010

Part IV

The President

Memorandum of June 25, 2010—Providing Stability and Security for Medicare Reimbursements

Federal Register
Vol. 75, No. 125
Wednesday, June 30, 2010

Presidential Documents

Title 3—

The President

Memorandum of June 25, 2010

Providing Stability and Security for Medicare Reimbursements

Memorandum for the Secretary of Health and Human Services

I have today signed into law H.R. 3962, the "Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010", which averts a 21.3 percent reduction in the Medicare physician fee schedule and replaces it with a 2.2 percent increase through November 2010. By this memorandum, I request that you immediately take the following steps to minimize any disruption to, or administrative burden on, Medicare physicians and other affected providers and to minimize any disruption in the ability of Medicare beneficiaries to access necessary services:

(a) Direct the Medicare claims administration contractors to immediately implement the legislative update to the physician fee schedule conversion factor;

(b) Provide all appropriate resources for the Medicare claims administration contractors to ensure the update is implemented as rapidly as possible;

(c) Direct the Medicare claims administration contractors to automatically reprocess, to the extent feasible, any claims reflecting the 21.3 percent fee schedule reduction, in order to relieve the administrative burden on physician practices;

(d) Take all necessary steps, to the extent permitted by law, to protect Medicare beneficiaries from any disruption to their access to services that may be occasioned by the reprocessing of claims; and

(e) Reopen the 2010 Annual Participation Enrollment Program through July 16, 2010, to allow physicians and other affected providers an additional opportunity to participate in Medicare.

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

You are hereby authorized and directed to publish this memorandum in the *Federal Register*.

THE WHITE HOUSE,
Washington, June 25, 2010.

[FR Doc. 2010–16128
Filed 6–29–10; 11:15 am]
Billing code 4150–42–P

Reader Aids

Federal Register

Vol. 75, No. 125

Wednesday, June 30, 2010

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6064**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**
TTY for the deaf-and-hard-of-hearing	**741–6086**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **http://www.gpoaccess.gov/nara/index.html**

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access are located at: **http://www.archives.gov/federal__register**

E-mail

FEDREGTOC-L (Federal Register Table of Contents LISTSERV) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **http://listserv.access.gpo.gov** and select *Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings);* then follow the instructions.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html** and select *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC-L and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

Reminders. Effective January 1, 2009, the Reminders, including Rules Going Into Effect and Comments Due Next Week, no longer appear in the Reader Aids section of the Federal Register. This information can be found online at **http://www.regulations.gov.**

CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

FEDERAL REGISTER PAGES AND DATE, JUNE

30267–30686 1
30687–31272 2
31273–31662 3
31663–32074 4
32075–32244 7
32245–32648 8
32649–32840 9
32841–33158 10
33159–33488 11
33489–33672 14
33673–33982 15
33983–34318 16
34319–34616 17
34617–34922 18
34923–35288 21
35289–35604 22
35605–35956 23
35957–36256 24
36257–36504 25
36505–37286 28
37287–37706 29
37707–37974 30

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

Proposed Rules:
9 33734
11 33734
12 33734

2 CFR

2339 31273

3 CFR

Proclamations:
8527 32075
8528 32077
8529 32079
8530 32081
8531 32083
8532 32085
8533 34305
8534 34307
8535 34309
8536 34311
8537 35949
8538 35951

Executive Orders:
13544 33983
13545 37283

Administrative Orders:
Memorandums:
Memorandum of May 21, 2010 32087
Memorandum of June 1, 2010 32245
Memorandum of June 2, 2010 32247
Memorandum of June 10, 2010 33987
Memorandum of June 18, 2010 35953
Memorandum of June 18, 2010 35955
Memorandum of June 25, 2010 37973
Notices:
Notice of June 8, 2010 32841
Notice of June 8, 2010 32843
Notice of June 14, 2010 34317
Notice of June 17, 2010 34921
Presidential Determinations:
No. 2010-09 of June 2, 2010 33489
No. 2010-10 of June 8, 2010 34617

4 CFR

200 37287

5 CFR

Ch. LXXXII 35957
531 34923
630 33491
875 30267

Proposed Rules:
1600 34388
1604 ..... 34654, 36015
1651 ..... 34654, 36015

7 CFR

28 34319
271 33422
273 33422
275 33422
277 33422
301 ..... 34320, 34322
305 34322
755 34336
916 31275
917 31275
920 37288
923 31663
925 34343
930 33673
944 34343
956 34345
989 35959
1218 31279
1470 ..... 31610, 34924
1774 35962
3430 33497
4280 33501

Proposed Rules:
46 32306
319 ..... 30303, 32310
922 37740
930 ..... 31719, 33673
984 34950
1000 ..... 33534, 36015
1215 31730
1755 32313

8 CFR

274 37707

Proposed Rules:
103 33446
204 33446
244 33446
274A 33446

9 CFR

Proposed Rules:
201 35338

10 CFR

72 33678
73 36505
170 34220
171 34220
440 32089

Proposed Rules:
30 ..... 33902, 36212
31 36212

32 ..... 33902, 36212
33 33902
34 33902
35 33902
36 33902
37 33902
39 33902
40 36212
51 33902
70 36212
71 33902
72 33736
73 33902
430 ..... 31224, 31323, 34656, 37594
433 34657
435 34657

12 CFR

205 ..... 31665, 33681
226 37526
230 31673
370 36506
561 33501
604 35966
607 35966
611 30687
612 35966
613 30687
614 35966
615 ..... 30687, 35966
618 35966
619 30687
620 30687
627 35966
701 ..... 34619, 36257
702 34619
704 34619
708a 34619
708b 34619
709 34619
711 34619
712 34619
715 34619
716 34619
717 34619
721 34619
722 34619
741 34619
742 34619
745 34619
747 34619
790 34619
791 34619
792 34619
793 34619
795 34619
1102 36270

Proposed Rules:

25 ..... 35686, 36016
228 ..... 35686, 36016
345 ..... 35686, 36016
563e 35686, 36016
1282 32099

14 CFR

39 ..... 30268, 30270, 30272, 30274, 30277, 30280, 30282, 30284, 30287, 30290, 30292, 30687, 31282, 32090, 32251, 32253, 32255, 32260, 32262, 32263, 32266, 32649, 33159, 33162, 34347, 34349, 34354, 34357, 34924, 35605, 35609, 35611, 35613, 35616, 35619, 35622, 35624, 37708
65 31283
71 ..... 30295, 30689, 31677, 32268, 32269, 32271, 32272, 32651, 32652, 33164, 33165, 33681, 34624, 37291, 37292, 37293, 37294
73 32093
91 ..... 30690, 37711, 37712
97 ..... 32094, 32096, 32653, 32655, 35627, 35629
234 34925
406 30690

Proposed Rules:

21 34953
23 33553
25 37311
33 37311
39 ..... 30740, 31324, 31327, 31329, 31330, 31332, 31731, 31734, 32315, 32863, 33738, 34062, 34390, 34657, 34661, 34663, 34953, 34956, 35354, 35356, 36296, 36298, 36577, 36579, 36581, 37339
65 30742
71 ..... 30746, 32117, 32119, 32120, 32317, 32865, 33556, 33557, 33559, 33560, 33561, 34391, 34393, 36583, 36585, 36586, 36587
234 ..... 32318, 36300
244 ..... 32318, 36300
250 ..... 32318, 36300
253 ..... 32318, 36300
259 ..... 32318, 36300
399 ..... 32318, 36300

15 CFR

730 36482
734 ..... 31678, 36482, 36511
738 ..... 36482, 36511
740 ..... 31678, 36482, 36511
742 ..... 36482, 36511
744 ..... 31678, 36516
748 ..... 31678, 36482
750 31678
766 ..... 31678, 33682
772 ..... 36482, 36511
774 ..... 31678, 33989, 36482, 36511
801 35289
904 35631

Proposed Rules:

700 32122
742 37742
774 37742
902 ..... 32994, 37744

16 CFR

320 31682
1215 ..... 31688, 31691, 33683
1216 ..... 35266, 35282
1500 35279
1512 34360

17 CFR

30 35291
240 33100
241 33100

Proposed Rules:

36 33198
37 33198
38 33198
230 35920
242 32556
270 35920

18 CFR

260 35632
375 32657

Proposed Rules:

35 37884
40 35689
260 35700
342 34959
806 36301
808 36301

19 CFR

162 37707

Proposed Rules:

351 ..... 32341, 34960

20 CFR

404 ..... 30692, 32845, 33166, 33167
405 33167
408 33167
416 ..... 32845, 33167
418 33167
439 31273

Proposed Rules:

1001 33203

21 CFR

73 34360
106 32658
107 32658
312 ..... 32658, 37295
314 37295
558 34361
803 32658
872 33169
1308 ..... 37295, 37300
1310 37301

Proposed Rules:

510 36588
514 36588
558 36588
1301 32140
1309 32140
1310 36306

22 CFR

22 36522
51 36522

24 CFR

3500 36271

Proposed Rules:

1000 36022
3280 34064
3282 35902
3285 35902
3500 31334

25 CFR

900 31699
1000 31699

26 CFR

1 ..... 31736, 32659, 33990, 35643
40 33683
49 33683
54 ..... 34536, 37188
301 33992
602 ..... 33683, 34536, 35643, 37188

Proposed Rules:

1 35710
40 33740
49 33740
54 ..... 34569, 37242

27 CFR

478 31285

28 CFR

542 34625

Proposed Rules:

0 33205
51 33205

29 CFR

1202 32273
1206 32273
1404 30704
2530 32846
2590 ..... 34536, 37188
2578 34626
4022 33688
4044 33688

Proposed Rules:

1910 ..... 32142, 35360

30 CFR

Proposed Rules:

Ch. VII 34666
218 32343
938 ..... 34960, 34962

31 CFR

1 ..... 36535, 36536
560 34630

Proposed Rules:

103 36589
208 34394

32 CFR

320 34634
2001 37254
2003 37254

33 CFR

1 36273
3 36273
8 36273
13 36273
19 36273
23 36273
25 36273
26 36273
27 36273
51 36273
67 36273
81 36273
84 36273
89 36273
96 36273
100 ..... 30296, 32661, 32852, 33502, 33690, 34634
101 36273
104 36273
105 36273
110 36273
114 36273
116 36273
117 ..... 30299, 30300, 32663, 32854, 33505, 37307, 37308
118 36273
120 36273
126 36273
127 36273
128 36273
135 36273
140 36273

141 36273
144 36273
147 32273
148 36273
149 36273
150 36273
151 36273
153 36273
154 ....36273, 37712
155 ....36273, 37712
156 36273
157 36273
159 36273
160 36273
164 36273
165 ....30706, 30708, 32275, 32280, 32664, 32666, 32855, 33170, 33506, 33692, 33694, 33696, 33698, 33701, 33995, 33997, 33999, 34001, 34361, 34362, 34365, 34367, 34369, 34372, 34374, 34376, 34379, 34636, 34639, 34641, 34927, 34929, 34932, 34934, 34936, 35294, 35296, 35299, 35648, 35649, 35651, 35652, 35968, 35970, 36273, 36288, 36292, 37720, 37722
167 36273
169 36273
174 36273
179 36273
181 36273
183 36273
334 34643

Proposed Rules:

100 32866
117 ....30305, 30747, 30750, 32349, 32351, 36313, 36608
165 ....30753, 33741

34 CFR

5 33509
361 32857
371 34296
691 32857

Proposed Rules:

Ch. VI 31338
600 34806
602 34806
603 34806
668 34806
682 34806
685 34806
686 34806
690 34806
691 34806

36 CFR

242 37918

37 CFR

1 36294
2 35973
7 35973
102 36294
104 36294
256 32857

38 CFR

17 ....32668, 32670
21 32293
36 33704
39 34004

Proposed Rules:

4 35711
17 ....30306, 33216

39 CFR

20 ....34017, 35302, 37308
111 ....30300, 31288, 31702, 36537

Proposed Rules:

111 32143
501 30309
3010 34074

40 CFR

7 31702
9 ....35977, 37722
50 35520
51 31514
52 ....30710, 31288, 31290, 31306, 31514, 31709, 31711, 32293, 32673, 32857, 32858, 33172, 33174, 34644, 34939, 37308, 37727
53 35520
58 35520
63 ....31317, 34649, 37730, 37732
70 31514
71 31514
80 37733
81 35302
82 34017
112 37712
141 32295
156 33705
174 34040
180 ....31713, 33190, 34045, 35653, 37734, 37738
228 33708
260 31716
261 ....31716, 33712
262 31716
263 31716
264 31716
265 31716
266 31716
268 31716
270 31716
271 ....35660, 36538
272 ....36538, 36546
300 33724
716 37310
721 35977
1039 37310
1065 ....34653, 37310

Proposed Rules:

7 31738
52 ....30310, 31340, 32353, 33220, 33562, 34669, 34670, 34671, 34964, 36023, 36316
60 ....31938, 32613, 32682
63 ....31896, 32006, 32682, 34673
72 33392
75 33392
81 ....35362, 36023
86 33950
87 36034
98 33950
122 35712
136 35712
156 33744
228 33747
241 ....31844, 32682
257 35128
261 35128
264 35128
265 35128
268 35128
271 ....34674, 35128, 35720, 36609
272 36609
300 ....33747, 34405
302 35128
761 34076
1039 32613
1042 32613
1065 32613
1068 32613

42 CFR

417 32858
422 32858
423 32858
480 32858

Proposed Rules:

412 ....30756, 30918, 34612
413 ....30756, 30918, 34612
482 36610
485 36610

44 CFR

64 ....32302, 35666
65 ....35670, 35672, 35674, 35682
67 34381

Proposed Rules:

67 ....31361, 31368, 32684, 34415

45 CFR

144 37188
146 37188
147 ....34536, 37188
170 36158

Proposed Rules:

301 32145
302 32145
303 32145
307 32145

46 CFR

501 31320

Proposed Rules:

97 ....34574, 34682
148 ....34574, 34682

47 CFR

1 36550
27 ....33729, 35989
36 30301
52 35305
73 34049
76 34941
90 35315

Proposed Rules:

2 33748
15 33220
54 ....32692, 32699
73 ....30756, 33227
90 35363
97 33748

48 CFR

Ch. I 34256, 34291
1 34260
3 34258
4 ....34260, 34271
5 ....34271, 34273
6 34273
8 34271
10 34277
12 34279
13 ....34271, 34273, 34279
14 34279
15 34279
16 34271
19 34260
22 34282
24 34273
25 34282
30 34283
31 ....34285, 34291
44 34277
49 34291
52 ....34258, 34260, 34277, 34279, 34282, 34283, 34286, 34291
53 ....34260, 34286
209 35684
216 32641
217 ....32638, 32639, 34942
225 ....32637, 32640, 34943
228 32642
231 32642
234 32638
239 34946
241 34942
252 ....32642, 33195, 34943, 35684
505 32860
3025 32676
3052 32676

Proposed Rules:

202 33752
203 33752
212 33752
242 33237
252 ....32636, 33752
919 33752
922 33752
923 33752
924 33752
925 33752
926 33752
952 33752
970 32719
3015 32723
3016 32723
3052 32723

49 CFR

234 36551
365 35318
387 35318
390 32860
395 32860
541 34946
571 33515
830 35329
1002 30711
1011 30711
1152 30711
1180 30711

Proposed Rules:

192 36615
195 35366
535 33565
544 34966
571 37343
611 ....31321, 33757

50 CFR

17 35990
100 37918
223 30714
600 30484
622 ....35330, 35335
635 ....30484, 30730, 30732,

33531, 33731
648 .....30739, 34049, 36012, 36659, 37739
660.....33196, 33733
679.....31321, 31717

Proposed Rules:

17 .....30313, 30319, 30338, 30757, 30769, 31387, 32727, 32728, 32869, 34077, 35375, 35398, 35424, 35721, 35746, 35751, 36035, 37350, 37353, 37358
20.....32872
80.....32877
223.....30769
224.....30769q
229.....36318
300.....36619
600.....33570
635.....35432
648.....35435, 37745
660.....32994, 37744
665.....34088
679.....37371
697.....34092

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal-register/laws.html*.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.gpoaccess.gov/plaws/index.html*. Some laws may not yet be available.

H.R. 3951/P.L. 111–193
To designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the "Roy Rondeno, Sr. Post Office Building". (June 28, 2010; 124 Stat. 1308)

Last List June 29, 2010

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://listserv.gsa.gov/archives/publaws-l.html*

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.