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Final Determination Concerning the Commercial and Industrial Equipment: Energy Conservation Standards for High-Intensity Discharge (HID) Lamps

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

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DEPARTMENT OF ENERGY

10 CFR Part 431

[Docket No. EE–DET–03–001]

RIN 1904–AA86


ACTION: Final determination.

SUMMARY: Based on the best available information, the U.S. Department of Energy (DOE) has determined that energy conservation standards for certain high-intensity discharge (HID) lamps are technologically feasible and economically justified, and would likely result in significant energy savings. By notice and comment rulemaking, this final determination initiates the process of establishing test procedures and potential energy conservation standards for this equipment. Pursuant to court order, this final determination must be made by June 30, 2010.

DATES: This rule is effective August 2, 2010.

ADDRESSES: For access to the docket (EE–DET–03–001) to reach background documents, the technical support document (TSD), or comments received, go to the U.S. Department of Energy, Resource Room of the Building Technologies Program, Sixth Floor, 950 L'Enfant Plaza, SW., Washington, DC 20024, (202) 586–2945, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Please call Ms. Brenda Edwards at the above telephone number for additional information about visiting the Resource Room. Copies of certain documents in this proceeding may be obtained from the Office of Energy Efficiency and Renewable Energy’s Web site at http://www1.eere.energy.gov/buildings/appliance_standards/commercial/high_intensity_discharge_lamps.html.


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V. Approval of the Office of the Assistant Secretary

I. Summary of the Determination

The Energy Policy and Conservation Act (EPCA or the Act; 42 U.S.C. 6291 et seq.) requires DOE to issue a final determination regarding whether energy conservation standards for HID lamps would be technologically feasible, economically justified, and would likely result in significant energy savings. DOE has determined that such standards are technologically feasible, economically justified, and would likely result in significant energy savings. Thus, DOE issues a positive final determination today.

In its analysis for this final determination, DOE evaluated potential standards for HID that would lead to a migration from less efficient probe-start metal halide (MH) lamps to more efficient pulse-start MH (PMH) lamps and high-pressure sodium (HPS) lamps. Both PMH and HPS lamps are existing HID technologies that are technically feasible. Further, based on this analysis, DOE has determined that a potential standard setting a level that eliminates inefficient probe-start MH lamps likely would be economically justified and likely would result in significant energy savings. DOE received comments from three different interested parties regarding the April 27, 2010, notice of proposed determination (NOPD). Without exception, the commenters were supportive of the proposed positive determination and of establishing energy conservation standards for HID lamps.

DOE has determined that standards for HID lamps would be expected to be economically justified from the perspective of an individual consumer. According to DOE’s analysis, there is at least one set of standard levels for HID lamps that would reduce the life-cycle cost (LCC) of ownership for the typical consumer (i.e., the increase in equipment cost resulting from a standard would be more than offset by energy cost savings over the life of the lamp-and-ballast system). In response to the NOPD, DOE received comments regarding the LCC analysis, with two of the commenters stating that cost inputs...
and resulting LCC values for baseline and substitute HID lighting systems were too high. (ACEE, No. 22 at p. 2; SDG&E No. 23 at p. 3) 1 DOE examined a large set of cost data in estimating HID lighting system costs for the proposed determination, and did not collect additional data as a result of these comments. If DOE had collected more data and found that its cost estimates were, in fact, too high, this finding would not have changed DOE’s conclusion that energy conservation standards for HID lamps would potentially be economically justified. However, DOE will conduct a more in-depth evaluation of equipment cost inputs for the LCC analysis in an upcoming energy conservation standards rulemaking.

DOE also concludes that standards would be cost-effective from a national perspective. The national net present value (NPV) from standards could be as much as $30.0 billion in 2010$ for products purchased during the 30-year analysis period (2017 to 2046), assuming an annual real discount rate of 3 percent. This forecast considers only the direct financial costs and benefits of standards to consumers, specifically the increased equipment costs of HID lamps and the associated energy cost savings. In its determination analysis, DOE did not monetize or otherwise characterize any other potential costs and benefits of standards, such as manufacturer impacts or power plant emission reductions. Additional effects will be examined in a future analysis of the economic justification of particular standard levels in the context of a standards rulemaking that would set specific energy conservation requirements.

DOE’s analysis also indicates that standards would likely result in significant cumulative energy savings over the 30-year analysis period (2017 to 2046) of at least 11.4 quads. These savings are equivalent to the electricity consumption of approximately 57 million U.S. homes during 1 year. This is a much higher estimate than that announced by DOE in the NOPD. For the NOPD analysis, DOE presented a full range of potential energy savings in chapter 6 of the TSD (section 6.2), and reported the lowest of these results in the notice, which was the initial 2.8 quads estimate that represented the physical energy savings discounted at a 7-percent discount rate, 75 FR 22031, 22032 (April 27, 2010). However, DOE refined its analyses during the comment period—which included a correction to a technical error in the spreadsheet calculation—and is now highlighting the undiscounted physical energy savings of 11.4 quads, in an effort to be more consistent with other DOE determinations. 2 (See, e.g., the non-class A external power supplies rule, 75 FR 27179 [May 14, 2010].) Further documentation supporting the analyses described in this notice is contained in a separate TSD, available from the Office of Energy Efficiency and Renewable Energy’s Web site at http://www1.eere.energy.gov/buildings/appliance_standards/commercial/high_intensity_discharge_lamps.html.

A. Legal Authority

The National Energy Conservation Policy Act of 1978 amended EPCA to add a Part C to Title III of EPCA, 3 which established an energy conservation program for certain industrial equipment. (42 U.S.C. 6311–6317) The Energy Policy Act of 1992 (EPACT 1992), Public Law 102–486, 106 Stat. 2776, also amended EPCA and expanded Title III to include HID lamps. Specifically, EPACT 1992 amended section 346 of EPCA (42 U.S.C. 6317) to provide that the Secretary of Energy (the Secretary) must prescribe testing requirements and energy conservation standards for those HID lamps for which the Secretary determines that energy conservation standards “would be technologically feasible and economically justified, and would likely result in significant energy savings.” (42 U.S.C. 6317(a)(1).)

Pursuant to these requirements of EPCA, because DOE has made a positive final determination, DOE must proceed to establish testing requirements for those HID lamps to which today’s final determination applies. (42 U.S.C. 6317(a)(1)) Subsequently, DOE will conduct a rulemaking to establish appropriate energy conservation standards. During the standards rulemaking, DOE will decide whether and at what level(s) to promulgate energy conservation standards. The decision will be based on an in-depth consideration, with the assistance of public participation, of the technological feasibility, economic justification, and energy savings of specific potential standard levels in the context of the criteria and procedures for prescribing new or amended standards established by section 325(o) and (p) of EPCA. (42 U.S.C. 6295(o)(p).)

B. Background

DOE conducted previous analyses estimating the likely range of energy savings and economic benefits that would result from energy conservation standards for HID lamps, and published draft reports describing its analyses in 2003 4 and 2004. 5 The draft reports and their corresponding technical support documents (referred to as the 2003 TSD and 2004 TSD in today’s notice) were made available for public comment on the Office of Energy Efficiency and Renewable Energy’s Web site at http://www1.eere.energy.gov/buildings/appliance_standards/commercial/high_intensity_discharge_lamps.html. The reports made no recommendation concerning the determination that DOE should make. Parties that submitted comments after the 2003 draft report included the American Council for an Energy-Efficient Economy (ACEEE), the California Department of Transportation (Caltrans), Delta Power Supply (Delta), Edison Electric Institute, National Electrical Manufacturers Association (NEMA), the Pennsylvania Department of Transportation (PennDOT), and Ms. Lucinda Seigel. DOE received comments after the 2004 draft report from ACEEE, Benya Lighting Design (Benya), and NEMA. Those comments were discussed where applicable in the NOPD.

In advance of today’s final determination, DOE published a TSD on the aforementioned web site in conjunction with the NOPD, which was published in the Federal Register on April 27, 2010 (75 FR 22031). In response to the NOPD, DOE received comments from ACEEE, NEMA, and San Diego Gas & Electric Company (SDG&E). All three interested parties were supportive of the proposed positive


2 In December of 2004, DOE published the High-Intensity Discharge Lamps Analysis of Potential Energy Savings. This report can be found at: http://www1.eere.energy.gov/buildings/appliance_standards/commercial/high_intensity_discharge_lamps.html.
determination and of the establishment of energy conservation standards for HID lamps. Where specific comments were received, they are addressed below.

1. Scope of Coverage

For purposes of today’s final determination, DOE limited its analyses to HID technologies. DOE received comments in response to its previous draft reports regarding alternative non-HID technologies including induction and fluorescent lamps. 75 FR 22031, 22033 (April 27, 2010). In comments submitted in response to the NOPD, both ACEEE and SDG&E recommended considering non-HID sources that compete with HID lighting systems. (ACEEE, No. 22 at p. 2) SDG&E specifically identified light-emitting diodes (LEDs) and electronic HID ballasts. (SDG&E, No. 23 at p. 3) However, as stated in the NOPD, non-HID lamp technologies (including electronic HID ballasts) are outside the scope of the determination process 75 FR 22031, 22033 (April 27, 2010). DOE will consider the effects of non-HID lamp technologies (e.g., the penetration of LED products in the HID lighting market, and their effects on future HID lamp shipments) as part of the future energy conservation standards rulemaking.

2. Definitions

In the NOPD, DOE listed the already codified definitions applicable to the determination, including those for “HID lamp,” “mercury vapor (MV) lamp,” and “MH lamp.” DOE also proposed a definition for HPS lamp, to be inserted into Title 10 of the Code of Federal Regulations (10 CFR) 431.452, and included the definition in the list of items for comment. 75 FR 22031, 22033 (April 27, 2010) In comments on the NOPD, NEMA recommended a definition for “HPS lamps” from American National Standard Institute (ANSI) C82.9–1996, “American National Standard for High-Intensity Discharge and Low-Pressure Sodium Lamps, Ballasts and Transformers,” (NEMA, No. 21 at p. 3) Under subsection 3.27, “Definitions,” ANSI C82.9–1996 defines “HPS lamp” as “[a] high-intensity discharge (HID) lamp in which the major portion of the light is produced from radiation from sodium vapor operating at a partial pressure of about 6.67 × 10^2 pascals (50 torr) or greater.” DOE will consider this proposed definition when developing test procedures and potential energy conservation standards for HID lamps.

3. Effects on Small Businesses

In the NOPD, DOE requested comment on the possible effect of energy conservation standards for HID lamps on small businesses. NEMA commented that the full cost of all the components involved (e.g., lamp, ballast, or new fixture) would need to be cost effective for large and small businesses alike. Further, NEMA indicated that the energy savings from a required replacement HID system under new standards should pay for the new equipment in less than 3 years, and that payback periods (PBPs) exceeding 3 years would have negative effects on small businesses. NEMA also noted that the color quality of replacement HID systems must be appropriate for their intended lighting applications, and that eliminating cost-effective lamp types with desired color qualities would also negatively affect small businesses. (NEMA, No. 21 at p. 3) In the upcoming energy conservation standards rulemaking, DOE will consider the comments from NEMA in developing both HID lamp equipment classes and detailed inputs for its LCC analysis, and in identifying potentially affected consumer types for its LCC subgroup analysis.

II. Discussion of the Analysis of High-Intensity Discharge Lamps

A. Purpose and Content

DOE analyzed the feasibility of achieving significant energy savings from energy conservation standards for HID lamps, and presents the results of the related market and technology assessments, engineering analysis, and economic analyses in a TSD for this final determination. In subsequent analyses for the energy conservation standards rulemaking, DOE will perform the analyses required by EPCA. These analyses will involve more precise and detailed information that DOE will develop during the standards rulemaking process and will detail the effects of proposed energy conservation standards for HID lamps.

B. Methodology

To address EPCA requirements that DOE determine whether energy conservation standards for HID lamps would be technologically feasible, economically justified, and would likely result in significant energy savings (42 U.S.C. 6317(b)(1)), DOE’s analysis consisted of five component analyses:

1. A market and technology assessment to characterize where and how HID lamps are used;
2. An engineering analysis to estimate the relationship between product costs and energy use;
3. An LCC analysis to estimate the costs and benefits to users from increased efficacy; in HID lamps; (4) a national energy savings analysis to estimate the potential energy savings on a national scale; and (5) a national consumer impacts analysis to estimate potential economic costs and benefits that would result from improving energy efficacy in the considered HID lamps. These separate analyses are briefly addressed below.

1. Market and Technology Assessment

In support of today’s final determination, DOE conducted research into the market for considered HID lamps, including national annual shipments, the current range of lamp efficacies, lamp applications and utilization, market structure, and distribution channels. In the NOPD, DOE requested data and comments on several analysis inputs. 75 FR 22031, 22042 (April 27, 2010). NEMA responded that it would work with DOE during the rulemaking process for an energy conservation standard to provide additional data for the following analysis inputs:

- Equipment (including lamp, ballast, and fixture) lifetimes;
- Present-year shipments estimates;
- Present-year efficacy distributions;
- Market-growth forecasts; and
- Usage profiles. (NEMA, No. 21 at p. 3)

NEMA also provided specific comments regarding a single efficacy metric (i.e., lumens per watt) for HID lamps, and technology options for increasing HID lighting system efficiency. NEMA commented that factors such as lamp operating position, arc tube shielding for open-fluxure operation, and directional (i.e., reflector) lamp designs will affect lamp efficacies and should be considered in an energy conservation standard. In particular, NEMA suggested that lumens per watt is not an appropriate efficacy metric for directional lamps, and that an appropriate metric has not yet been developed. DOE will consider these factors in developing test procedures and equipment classes in the upcoming energy conservation standards rulemaking. With respect to HID lamp-and-ballast system efficacy, NEMA referenced its whitepaper LSD 54–2010, “The Strengths and Potentials of Metal
Halide Lighting Systems,” as a possible resource for information about HID system efficacy improvements. (NEMA, No. 21 at pp. 2–4) DOE evaluated the whitepaper and found that it does not contain additional data that would substantially affect the analytical results of the preliminary determination analysis.

For today’s final determination, in response to DOE’s request, NEMA provided data on HID lamp shipments, subcategorized by HPS, MV, and MH lamp data from its member manufacturers, for the 5-year period from 2003 to 2008. NEMA provided data for 1990 to 2002 to DOE in previous efforts related to today’s final determination. Based on its market research, DOE found that HID lamps are typically used in commercial, industrial, and municipal applications with differing electricity tariffs. DOE estimates that, on average, HID lamps are used in applications (e.g., municipal (exterior) and industrial) that typically operate 12 hours per day or more.

DOE has concluded, as stated in the NOPD, that dimming of HID lamps is not common. 75 FR 22031, 22034 (April 27, 2010). DOE examined NEMA’s Lighting Systems Division Document LSD 14–2002, “Guidelines on the Application of Dimming High Intensity Discharge Lamps,” to evaluate typical practices for HID dimming. LSD 14–2002 notes the four applicable dimming issues related to this final determination: (1) That dimming ballasts are relatively new to the HID lighting market (having only been commercially available since the 1990s); (2) that HID lamps should not be dimmed below 50 percent of the rated lamp wattage; (3) that color, life, and efficacy are negatively affected by dimming; and (4) that few standards exist for dimming of HID lamp-and-ballast systems (NEMA recommends that users evaluate dimming systems in the field to ensure adequate performance.) Given these barriers to the dimming of HID lamps in typical applications, DOE has assumed that HID lamps are operating at full power for the purpose of the analysis supporting this final determination. NEMA commented that these statements about dimming are true, but that dimming is becoming increasingly important and that legislation (both adopted and pending) features HID dimming. (NEMA, No. 21 at p. 2) As addressed in chapter 2 of the TSD (section 2.4), California requires that indoor metal halide luminaires manufactured after January 1, 2010 comply with at least one enhanced efficiency option (including more efficient ballasts or a dimming ballast); and draft legislation before Congress would require that certain outdoor luminaires (including those using HID sources) manufactured after January 1, 2016 be dimmable. DOE acknowledges that dimming is becoming more prevalent with HID systems, but has decided that consideration of dimming at this time would not substantially alter the results of the determination analysis because of its currently small market share. DOE will consider relevant aspects of dimming in the test procedure and energy conservation standards rulemaking process.

Several comments provided in response to the 2004 draft report addressed elements of the HID lamp market and how standards promulgated by DOE might affect the market. Specifically, Benya commented that standards that effectively banned MV lamps could be warranted and beneficial. (Benya, No. 14 at p. 1) ACEEE commented that DOE should focus on replacing probe-start MH with pulse-start MH, in addition to possibly introducing standards for MV lamps. (ACEEE, No. 16 at p. 1)

Pursuant to EPCA, MV ballasts, except for those with specialty applications (e.g., reprographics), can no longer be manufactured or imported as of January 1, 2008. (42 U.S.C. 6295(ee); 10 CFR 431.286) Consequently, the analysis for this final determination assumes that any MV lamp shipments will service existing MV ballasts only, and that MV lamp shipments will decline as a result.

Moreover, regulations currently in effect in six states (Arizona, California, New York, Oregon, Rhode Island, and Washington) limit the use of probe-start MH technologies by banning fixtures in the wattage range of 150–500 from having probe-start ballasts. DOE’s analysis for today’s final determination includes information regarding the impact of State regulations, and considers market trends in both MV and probe-start MH technologies. In light of this background, DOE agrees with ACEEE’s comment that pulse-start MH lamps should be considered as a substitute for both MV and probe-start MH lamps, and addressed this option in its analysis.

A key factor in the relative performance of different HID lamp technologies is the lamp lifetime. Manufacturers publish the life rating for HID lamps known as B50 (i.e., the point at which 50 percent of a population of lamps is still operating). DOE received information regarding lamp and ballast lifetimes in comments received in response to the 2003 draft report. Specifically, DOE received comments that MV and HPS lamps were typically relamped (i.e., replaced) every 4 years, and MH lamps typically every 2 years. Allegheny further suggested that the lamp life is generally the rated lamp life by the manufacturer. (Caltrans, No. 8 at p. 2; Allegheny, No. 12 at p. 1) Typical life of HID lamps varies with lamp type and wattage, and ranges from 8,000 to greater than 24,000 hours, according to the manufacturer catalog data surveyed and included in chapter 3 of the TSD (sections 3.3–3.5). In determining annual maintenance costs, DOE used median rated lamp lifetime as the basis for relamping schedules.

DOE used the industry-accepted, widely-cited life of magnetic ballasts of 50,000 hours. After the 2003 draft report, Allegheny noted that MV ballast lifetimes are 12 years or greater. (Allegheny, No. 12 at p. 1) Allegheny did not provide the corresponding typical annual operating hours for the MV ballast, however. In the 2003 draft report, DOE assumed that MV lamps were used primarily for fixed (stationary) outdoor lighting (see chapter 2 of the 2003 TSD). DOE retains this assumption for today’s final determination, and assumes an average daily operation of 12 hours (a typical “dusk to dawn” operating scenario), or annual operation of 4,380 hours for MV systems (see TSD chapter 2, section 2.2). By extension, 12 years of dusk-to-dawn operation would total 52,560 hours; therefore, Allegheny’s 12-year-ballast lifetime is consistent with DOE’s assumed lifetime of 50,000 hours.

The life of the light fixture (also known as a luminaire) varies but generally lasts as long as the ballast. After reviewing the NOPD, ACEEE recommended additional research on the frequency of ballast replacement versus fixture replacement to inform the analysis. (ACEEE, No. 22 at p. 2) During the MH lamp fixture public meeting on January 26, 2010, interested parties commented that, for an exterior fixture the ballast would routinely be replaced many times before the fixture would be replaced. (Philips, Metal Halide Lamp Fixture Energy Conservation Standard (EERE–2009–BT–STD–0018, RIN 1904–AC00), Framework Document Public Meeting Transcript, No. 1.2.005 at p. 92) DOE agrees with the commenters that the collection of more lifetime data will be useful for the evaluation of relevant standards, and DOE will more fully evaluate replacement frequencies for lamps, ballasts, and fixtures in the test procedure and energy conservation standards rulemaking.
Another factor that can affect the energy usage of an HID lighting system is the energy usage of the ballast. DOE analyzed the system (lamp and ballast) power since particular lamp technologies are usually associated with a technology-specific ballast design. DOE evaluated manufacturer data, across multiple manufacturers, on ballast performance for multiple HID ballast designs, including constant-wattage autotransformer, constant-wattage isolated, high-reactance autotransformer, and magnetically regulated electronic ballasts. Based on its evaluation, DOE determined that the variation in ballast input power across ballast designs for a given lamp wattage is relatively small when compared to the variation in energy use among different HID lighting system technologies.

For this final determination, DOE analyzed a range of lamp capacities. At least two conventions exist for characterizing HID lamp capacity: (1) Input power and (2) lumen (i.e., light) output. DOE categorized representative HID lamps based on the lumen output (measured in mean lumens) of the analyzed baseline lamp types because as lamps become more efficient, the input power should decrease as the user service (i.e., lumen output) stays the same or increases. Lamp lumen output directly correlates with illumination levels produced by lighting equipment and, therefore, a more relevant measure for lighting applications than wattage, which does not predict illumination levels. The analyzed equipment classes correspond with medium-wattage HID lamps defined as between 150 and 500 watts (W), which was the primary wattage range considered in the 2004 draft report. However, because DOE considers lumen output instead of wattage as a more appropriate measure of lamp utility from a consumer perspective, it uses lumen output as the basis for categorization in today’s final determination as shown in Table II.1 of this notice, which provides the engineering analysis results.

2. Engineering Analysis

In the engineering analysis, DOE identified representative baseline HID lighting systems and energy-efficient substitutes within each lumen output category. Both the baseline system and the energy-efficient substitutes have different input power ratings (i.e., the wattage required by the lamp-and-ballast system), with the input power rating decreasing with the increased efficacy of the substitute. The engineering analysis outputs of cost and energy consumption are critical inputs to subsequent financial cost-benefit calculations for individual consumers, performed in the LCC and the national impacts analysis. DOE developed end-user prices, including a contractor mark-up rate and average national sales tax for analyzed lamp, lamp-and-ballast, and luminaire designs.

DOE did not include MV lamps in the engineering analysis for today’s final determination. DOE forecasts that MV lamp shipments will decline to zero by the compliance date of a potential HID lamps standard, assumed as 2017, because of the statutory ban on the importation and manufacture of MV ballasts after January 1, 2008. (42 U.S.C. 6295(e)) Consequently, DOE did not analyze MV baseline lamps in its LCC analysis because MV fixtures are no longer a viable purchase option. However, DOE did consider the existing MV fixtures in the existing HID installed base when it performed its national energy savings/national consumer benefits analysis. This installed base of MV systems will age and is expected to be replaced with other HID technologies over time.

DOE has examined other currently available commercial equipment for replacing the least efficacious (baseline) HID sources—MV and probe-start MH lamps. ACEEE noted, in response to the 2003 draft report, that any potential standard should address the replacement of probe-start MH lamps with pulse-start MH lamps. (ACEEE, No. 11 at p. 2) Typical substitutes used to replace probe-start MH technologies include HPS and pulse-start MH lamps. HPS lamps are among the most efficacious electric light sources, and are a viable substitute in applications where energy efficiency and/or lower first cost is considered more important than color quality. Pulse-start MH is the most efficient broad spectrum (“white light”) HID technology and has a higher first cost than both MV and HPS. In response to the NOPD, ACEEE commented that further analysis should include HPS and pulse-start MH technologies divides covered equipment into classes by the energy used, capacity, or other performance-related features that impact efficiency, and other factors such as the utility of the product to users. (42 U.S.C. 6317(a)(2)) DOE typically establishes different energy conservation standards for different equipment classes, and will evaluate the efficacy and utility of different MH and HPS lamp designs in developing proposed equipment classes. For the determination analysis, DOE assumed that lower efficacy MH lamps are replaced by a combination of higher efficiency MH and HPS lighting systems.

DOE assumes in the analysis supporting the final determination that changes in lamp technology will lead to changes in the entire lamp system. DOE therefore used a systems approach in analyzing the representative equipment types because both lamps and ballasts determine a system’s energy use and lumen output. Accordingly, the analysis paired lamps with corresponding ballasts to develop representative lamp-and-ballast systems, in order to estimate the actual energy usage and lumen output of operating lamps. In response to the NOPD, NEMA commented that they agreed with this approach. (NEMA, No. 21 at p. 4)

In the engineering analysis, DOE considered only magnetic ballasts because they are the most common ballast used in HID lighting systems. DOE estimated that magnetic ballasts constitute over 90 percent of HID ballasts currently sold, and an even higher percentage of the installed HID ballast stock. Electronic ballasts entered the market at the end of the 1990s and still occupy less than a 10-percent market share because of a variety of technical and operational barriers that are discussed in some detail in chapter 3 of the TSD (section 3.7). In its comments, NEMA stated that greater savings will result from the application of electronic HID ballasts and/or intelligent controls rather than from increasing lamp efficacies. (NEMA, No. 21 at p. 4) While DOE appreciates NEMA’s comment, EPCA specifically directs DOE to prescribe energy conservation standards for HID lamps, and does not provide DOE with the authority to regulate HID ballasts. (42 U.S.C. 6317(a)(2)) DOE notes that it is currently developing energy conservation standards for MH lamp
fixtures that focus on MH lamp ballast efficiency and other performance elements in the context of a separate rulemaking. (EEERE—2009—BT—STD—0018, RIN 1904—AC00) Additionally, the Energy Independence Security Act of 2007 (EISA 2007) mandates minimum ballast efficiencies for MH fixtures sold after January 1, 2009. (42 U.S.C. 6295(hh)(1).) Further, as noted above, MV ballasts can no longer be manufactured or imported. (42 U.S.C. 6295(see); 10 CFR 431.236)

In summary, DOE acknowledges that HID lamp efficacy is in part a function of lamp-and-ballast system design, and identified representative HID systems for its analysis. DOE specifically excluded MV systems from its analysis due to the aforementioned existing EPCA ban on MV ballasts and the anticipated resulting disappearance of MV lamps from the market. Although DOE acknowledges the effects of HID ballast design on overall system efficacy, DOE is only required by EPCA to address potential HID lamp efficacy standards. DOE will consider relevant aspects of ballast design (e.g., electrical characteristics, magnetic versus electronic design, dimming capability) and their impacts on HID lamps in the test procedure and energy conservation rulemaking process.

3. Life-Cycle Cost Analysis

DOE conducted an initial LCC analysis to estimate the net financial benefit to users from potential energy conservation standards that would increase the efficacy of HID lamps. The LCC analysis compared the additional initial cost of a more efficacious lamp and related fixture to the discounted value of electricity savings over the life of the fixture ballast. DOE’s LCC analysis used the following five inputs: (1) Estimated average annual operating hours and lamp lifetimes, (2) estimated average prices for lamps and fixtures, (3) representative maintenance costs, (4) electricity prices paid by users of HID lamps, and (5) the discount rate. For the purpose of today’s final determination, DOE used the additional annual average electricity costs for commercial and industrial applications, obtained from the Energy Information Administration’s (EIA) Annual Energy Outlook 2010 AEO 2010”8 to calculate impacts on the average HID lamp user. The LCC analysis does not include MV lamps because MV ballasts can no longer be imported or manufactured after January 1, 2008 (see TSD chapter 2, section 2.4 and chapter 5, section 5.2). Accordingly, DOE assumed that when MV ballasts fail, consumers will have to switch to another HID technology.

The LCC analysis not only evaluated the replacement of the HID lamp but also those cases in which the whole system would need to be replaced. Given the specificity of HID lamp-and-ballast combinations, DOE assumed that replacement of baseline HID systems with energy-efficient substitutes would, at a minimum, require a new lamp-and-ballast system. In some cases, the physical and operational characteristics of the replacement lamp-and-ballast system may also require replacement of the entire fixture. Consequently, DOE treated lamp-and-ballast and fixture replacement as economic issues in the LCC analysis, which considered the installed cost of the lamp, lamp-and-ballast system, and fixture. In analyzing the lighting system, the ballast has the longer lifetime and therefore represents the lifetime of the system (which may have the lamp replaced several times before the ballast is replaced). DOE therefore set the LCC analysis period equal to the lifetime of the fixture ballast in years (i.e., 50,000 hours divided by the assumed annual operating hours, which equals approximately 9 years and 12 years for interior and exterior applications, respectively). This approach is consistent with the LCC methodology that DOE used in the 2003 draft report (see 2003 TSD chapter 5, section 5.4).

DOE assigned annual operating hours to representative equipment based on two alternative operating scenarios. Exterior lighting applications (e.g., parking lot lighting) were assumed for the commercial operating scenario, where HID lamps with poorer color quality (e.g., HPS) are a viable substitute for lamps with better color quality, depending on energy efficiency and/or first cost requirements. Interior lighting applications were assumed for the industrial operating scenario, where “white light” substitutes with higher color quality (e.g., pulse-start MH) are assumed to be mandatory.

DOE obtained information on hours of operation for the different scenarios from industry publications that provide guidance for installers and lighting engineers. Based upon these sources, DOE estimated 4,200 hours per year of operation for exterior applications and 5,840 hours per year for interior applications. A more detailed discussion of the data sources and the derivation of these estimates are provided in chapter 5 of the TSD (section 5.2).

In the LCC analysis, DOE also included maintenance costs in the estimation of the LCC of HID lighting systems. DOE assumed $225 for each exterior relamping and $74 for each interior relamping, and requested comment on these values in the NOPD. Chapter 5 of the TSD provides the rationale for how both the exterior and interior maintenance costs were derived. No substantive comments were received; therefore, DOE will consider using these maintenance values in the energy conservation standards rulemaking.

For the LCC analysis, DOE estimated average commercial and industrial electricity prices using the 2017 to 2030 forecasts set forth in EIA’s AEO 2010. DOE used the average price for the relevant end-use sector (i.e., commercial or industrial) over the course of the 30-year analysis period (2017–2046). In the NOPD, DOE requested comment as to whether, in the energy conservation standards rulemaking analysis, DOE’s analysis should include the minimum, mean, and maximum energy tariffs for the relevant end use sectors. DOE did not receive any comments relating to this issue, and will consider evaluating minimum, mean, and maximum energy tariffs in the energy conservation standards rulemaking.

In the LCC analysis, the discount rate determines the relative value of future energy savings compared to increases in first costs that may arise from a potential energy conservation standard. DOE estimates the cost of capital for commercial and industrial companies by examining both debt and equity capital, and develops an appropriately weighted average of the cost to the company of equity and debt financing. The resulting average discounted industrial and commercial discount rates used in the LCC analysis are 7.6 percent and 7.0 percent, respectively (see TSD chapter 5, section 5.1). DOE did not receive any comments on the use of the discount rates in response to the NOPD. DOE notes that these commercial and industrial sector discount rates are the same as those used in the final rule for general service fluorescent and incandescent reflector lamps. 74 FR 34080, 34113 (July 14, 2009). In the energy conservation standards rulemaking for HID lamps, DOE will review current economic data in developing updated discount rates, as applicable.

In the 2003 draft report, DOE used available retail catalog pricing for HID lamp and fixture prices. In response, NEMA commented that retail price catalogs are not a good source of actual cost information, and recommended hiring an energy service company to solicit bids on prices. (NEMA, No. 6 at
were directly comparable. DOE also added a contractor mark-up of 13 percent and a sales tax of 7 percent in calculating equipment prices (see TSD chapter 5, section 5.1). As stated in the NOPD, the contractor markup value was recommended by ACEEE in response to the 2003 draft report, and DOE found the value consistent with other lighting rules. 75 FR 22031, 22037 (April 27, 2010). DOE proposed using an average national sales tax of 7 percent in the NOPD. 75 FR 22031, 22037 (April 27, 2010) DOE received comments regarding this proposal. A 7-percent sales tax is consistent with the rate used in the recent non-class A external power supplies final determination. 75 FR 27170, 271741 (May 14, 2010). In the NOPD, DOE invited comment on its selection and analysis of the available HID lighting system price data. ACEEE and SDG&E recommended that DOE revisit the product price assumptions in the LCC because the prices presented in chapter 5 of the NOPD TSD (section 5.1) were high. (ACEEE, No. 22 at p. 2; SDG&E No. 23 at p. 3) DOE will conduct a more in-depth evaluation of equipment pricing in an energy conservation standards rulemaking, as a refined analysis would not change the outcome of today’s positive final determination.

Depending on when different parts of an HID lighting system are replaced, the costs of switching to improved efficacy lamps can involve lamp-and-ballast replacement, or replacement of the entire fixture. For example, an original fixture may not physically accommodate the new ballast required by an improved efficacy lamp, thereby necessitating fixture replacement. The analysis underlying today’s final determination includes lamp-and-ballast and fixture replacement costs when calculating historic lamp shipments data provided by NEMA. Projected shipments were based on the lamp lifetimes, system energy use, and operating scenarios developed for the LCC analysis, as well as estimated market and substitution trends in the base case and standards case. For this initial analysis, DOE did not address the effects of emerging, non-HID lighting technologies (e.g., LEDs) on HID lamp shipments, but notes that an exhaustive shipments analysis is not required for a positive final determination. DOE intends to address emerging technologies in its more robust shipments analysis as part of the energy conservation standards rulemaking process.

In response to the NOPD, DOE received a comment from SDG&E regarding shipment projections starting in 2017. SDG&E recommended that DOE “revise the assumption that new MH fixtures sold in 2017 will contain probe-start ballasts.” (SDG&E, No. 23 at p. 2) ACEEE also recommended that DOE revise its assumptions for MH lamp shipments. (ACEEE, No. 22 at p. 2) DOE acknowledges that both existing Federal and State legislation, as discussed in the TSD, will affect the establishment of probe-start MH fixtures (see NOPD TSD chapter 2, section 2.4). The State bans on ballasts for probe-start MH lamps, as well as more stringent Federal ballast efficiency requirements for probe-start MH lamps, will affect shipments of fixtures containing probe-start MH lamps. However, DOE’s shipment projections were not based on new probe-start MH fixtures being sold in 2017. As discussed in chapter 2 of the NOPD TSD (section 2.1), the majority of existing installed MH fixtures (estimated at 35 million as of 2002) contain probe-start ballasts. These legacy fixtures will require replacement lamps even without replacement of the ballast. Such replacement shipments are reflected in DOE’s shipment projections in the analysis for this determination.11 DOE will further refine the lamp shipment projections as part of the energy conservation standards rulemaking process, consulting fixture shipments data gathered in the MH lamp fixture rulemaking as appropriate.

To estimate potential energy savings from the proposed energy conservation standards case, DOE used a spreadsheet model that calculated total end-use electricity savings in each year of the 30-year analysis period (2017–2046). The model features an equipment-retirement function to calculate the

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number of units sold in a given year, or vintage, which would still be in operation in future years. For example, some of the HID lamps sold in 2030 will operate through 2035. DOE calculated primary energy (i.e., energy used by the power plant) savings associated with end-use electricity (i.e., site energy used by the lamp-and-ballast system) savings using data from EIA’s AEO 2010. These data provided a factor, or an average multiplier, for relating end-use electricity to primary energy use for each year from 2017 to 2030. DOE extrapolated the trend in these years to derive factors for 2031 to 2046. Energy use in both the potential standards case and base case are calculated for all equipment categories and converted to quads. The difference in energy use between every equipment category in these two cases is summed across all years of the analysis period. A more detailed discussion of the national energy savings model, data sources, and results is provided in chapter 6 of the TSD (section 6.1).

5. National Consumer Impacts Analysis

DOE estimated the national economic effect on end-users in terms of the NPV of cumulative benefits during the 30-year analysis period (2017–2046). It considered the effects under the same range of scenarios as it did for estimating national energy savings. It also used the new equipment costs and energy savings for each energy efficiency level that it applied in the LCC analysis. To simplify the analysis, DOE estimated the value of energy savings using the average AEO 2010 forecast electricity price from 2017 to 2030. To estimate the trend in electricity prices after 2030, DOE extrapolated its forecasted electricity prices for 2031 to 2046 by averaging the average rate of price change during 2020–2030. As discussed in chapter 6 of the TSD (section 6.1), DOE discounted future costs and benefits by using a 3-percent and 7-percent discount rate, respectively, according to the “Guidelines and Discount Rates for Benefit Analysis of Federal Programs” issued by the Office of Management and Budget (OMB). (Circular No. A–94, September 2003).

C. Analytical Results

1. Engineering Analysis

As described above, DOE conducted separate analyses examining ten representative HID lamp types: Probe-start MH (175, 250, 360, and 400-watt), PMH (150, 175, and 320-watt), and HPS (100, 150, and 250-watt). These lamp types are categorized by mean lumen output in Table II.1, with some PMH and HPS lamp types appearing in more than one lumen output category.

Table II.1—Representative Substitutes for Baseline Probe-Start Metal Halide Lamps

<table>
<thead>
<tr>
<th>Approximate lumen output</th>
<th>Baseline probe-start MH</th>
<th>Energy efficient option 1, PMH</th>
<th>Energy efficient option 2, HPS</th>
</tr>
</thead>
<tbody>
<tr>
<td>8,800</td>
<td>175</td>
<td>150</td>
<td>100</td>
</tr>
<tr>
<td>13,700</td>
<td>250</td>
<td>175</td>
<td>150</td>
</tr>
<tr>
<td>23,500</td>
<td>360</td>
<td>320</td>
<td>250</td>
</tr>
<tr>
<td>25,200</td>
<td>400</td>
<td>320</td>
<td>250</td>
</tr>
</tbody>
</table>

In the engineering analysis, for a lamp to be considered a suitable option, its replacement had to produce at least 90 percent of the mean lumen output of the baseline system and draw less power than the baseline lamp-and-ballast system. As detailed in chapter 4 of the TSD (section 4.3), power was determined by the lamp-and-ballast input, based in part on the representative ballast type chosen for each option.

2. Life-Cycle Cost and Payback Period Analysis

Table II.2 to Table II.5 present the results for medium wattage probe-start MH lamps and higher-efficiency substitute HID lamps in a lamp-only replacement scenario. In this scenario, a failed baseline lamp is replaced either with an identical baseline lamp, or with a substitute lamp-and-ballast system. These analyses were based on representative, incremental lamp and fixture prices as well as maintenance costs. The upcoming energy conservation standards rulemaking will yield more detailed results than did the representative analyses conducted. Generally, the LCC of a high-efficiency lamp and ballast replacement is higher than the LCC of an inefficient lamp-only replacement.

Table II.2 175-W Probe-Start Metal Halide Baseline

<table>
<thead>
<tr>
<th>Industrial/interior</th>
<th>Commercial/exterior</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Ballast Price</td>
<td>$</td>
</tr>
<tr>
<td>Lamp Price</td>
<td>49.58</td>
</tr>
<tr>
<td>Total First Cost</td>
<td>49.58</td>
</tr>
<tr>
<td>Incremental First Cost</td>
<td>204.73</td>
</tr>
<tr>
<td>Annual Operating Cost</td>
<td>149.23</td>
</tr>
<tr>
<td>Annual Operating Cost Differential</td>
<td>8.21</td>
</tr>
<tr>
<td>LCC (7% Discount Rate)</td>
<td>1,234.57</td>
</tr>
<tr>
<td>LCC Savings</td>
<td>-201.43</td>
</tr>
<tr>
<td>PBP (years)</td>
<td>24.94</td>
</tr>
</tbody>
</table>
This page contains statistical data related to lighting fixture costs and energy savings, comparing baseline and substitute options. The tables provide a detailed breakdown of costs, savings, and payback periods for different scenarios.

### Table II.3: 250-W Probe-Start Metal Halide Baseline

<table>
<thead>
<tr>
<th></th>
<th>Industrial/interior</th>
<th>Commercial/exterio</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Baseline 250 W MH $</td>
<td>Substitute 1 175 W PMH $</td>
</tr>
<tr>
<td>Ballast Price</td>
<td>53.08</td>
<td>159.54</td>
</tr>
<tr>
<td>Lamp Price</td>
<td>53.08</td>
<td>195.76</td>
</tr>
<tr>
<td>Total First Cost</td>
<td>178.85</td>
<td>211.22</td>
</tr>
<tr>
<td>Incremental First Cost</td>
<td>330.11</td>
<td>30.26</td>
</tr>
<tr>
<td>Annual Operating Cost</td>
<td>1,445.34</td>
<td>1,421.98</td>
</tr>
<tr>
<td>LCC (7% Discount Rate)</td>
<td>7.22</td>
<td>23.36</td>
</tr>
</tbody>
</table>

### Table II.4: 360-W Probe-Start Metal Halide Baseline

<table>
<thead>
<tr>
<th></th>
<th>Industrial/interior</th>
<th>Commercial/exterio</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Baseline 360 W MH $</td>
<td>Substitute 1 320 W PMH $</td>
</tr>
<tr>
<td>Ballast Price</td>
<td>56.92</td>
<td>226.43</td>
</tr>
<tr>
<td>Lamp Price</td>
<td>56.92</td>
<td>90.54</td>
</tr>
<tr>
<td>Total First Cost</td>
<td>217.75</td>
<td>316.97</td>
</tr>
<tr>
<td>Incremental First Cost</td>
<td>373.22</td>
<td>11.78</td>
</tr>
<tr>
<td>Annual Operating Cost</td>
<td>1,598.68</td>
<td>1,827.86</td>
</tr>
<tr>
<td>LCC (7% Discount Rate)</td>
<td>22.98</td>
<td>22.98</td>
</tr>
</tbody>
</table>

### Table II.5: 400-W Probe-Start Metal Halide Baseline

<table>
<thead>
<tr>
<th></th>
<th>Industrial/interior</th>
<th>Commercial/exterio</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Baseline 400 W MH $</td>
<td>Substitute 1 320 W PMH $</td>
</tr>
<tr>
<td>Ballast Price</td>
<td>58.08</td>
<td>226.43</td>
</tr>
<tr>
<td>Lamp Price</td>
<td>58.08</td>
<td>90.54</td>
</tr>
<tr>
<td>Total First Cost</td>
<td>237.74</td>
<td>316.97</td>
</tr>
<tr>
<td>Incremental First Cost</td>
<td>395.37</td>
<td>31.77</td>
</tr>
<tr>
<td>Annual Operating Cost</td>
<td>1,733.03</td>
<td>1,827.86</td>
</tr>
<tr>
<td>LCC (7% Discount Rate)</td>
<td>8.15</td>
<td>-94.83</td>
</tr>
</tbody>
</table>

Table II.6 through Table II.9 present the results for medium wattage probe-start MH lamps and higher-efficiency substitute HID lamps in a new construction or fixture replacement scenario. In this scenario, a consumer selects either a baseline or substitute fixture and lamp. In the exterior lighting cases, the HPS substitutes have a lower LCC. These analyses were based on representative and incremental lamp and fixture prices as well as maintenance costs.

### Table II.6: 175-W Probe-Start Metal Halide Baseline

<table>
<thead>
<tr>
<th></th>
<th>Industrial/interior</th>
<th>Commercial/exterio</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Baseline 175 W MH $</td>
<td>Substitute 1 150 W PMH $</td>
</tr>
<tr>
<td>Fixture Price (incl. ballast)</td>
<td>260.51</td>
<td>310.10</td>
</tr>
<tr>
<td>Lamp Price</td>
<td>49.58</td>
<td>64.09</td>
</tr>
<tr>
<td>Total First Cost</td>
<td>310.09</td>
<td>374.19</td>
</tr>
<tr>
<td>Incremental First Cost</td>
<td>406.09</td>
<td>64.10</td>
</tr>
<tr>
<td>Annual Operating Cost</td>
<td>149.23</td>
<td>141.02</td>
</tr>
</tbody>
</table>
The tables below provide a detailed comparison of costs and savings for different types of metal halide lamps. Here are the key points from the tables:

- **Table II.6 175-W Probe-Start Metal Halide Baseline**
- **Table II.7 250-W Probe-Start Metal Halide Baseline**
- **Table II.8 360-W Probe-Start Metal Halide Baseline**
- **Table II.9 400-W Probe-Start Metal Halide Baseline**

NEMA requested a third set of tables showing the LCC when a lamp in an existing fixture must be replaced, but the more efficacious lamp (with ballast) cannot be installed in the existing fixture. This scenario requires purchase of an entirely new fixture, not just a lamp and ballast. (NEMA, No. 21 at p. 4) DOE acknowledges that, in some cases, the ballast for a more efficacious lamp might not fit either mechanically or electrically in the existing fixture, and that a new fixture containing the more efficacious lamp be installed. DOE refers the reader to the tables below.

<table>
<thead>
<tr>
<th>Table II.6 175-W Probe-Start Metal Halide Baseline—Continued</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Industry/interior</strong></td>
</tr>
<tr>
<td><strong>Baseline</strong></td>
</tr>
<tr>
<td>$175 W MH $</td>
</tr>
<tr>
<td><strong>Annual Operating Cost Differential</strong></td>
</tr>
<tr>
<td><strong>LCC (7% Discount Rate)</strong></td>
</tr>
<tr>
<td><strong>LCC Savings</strong></td>
</tr>
<tr>
<td><strong>PBP (years)</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table II.7 250-W Probe-Start Metal Halide Baseline</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Industry/interior</strong></td>
</tr>
<tr>
<td><strong>Baseline</strong></td>
</tr>
<tr>
<td>$250 W MH $</td>
</tr>
<tr>
<td><strong>Fixture Price (incl. ballast)</strong></td>
</tr>
<tr>
<td><strong>Lamp Price</strong></td>
</tr>
<tr>
<td><strong>Total First Cost</strong></td>
</tr>
<tr>
<td><strong>Incremental First Cost</strong></td>
</tr>
<tr>
<td><strong>Annual Operating Cost</strong></td>
</tr>
<tr>
<td><strong>LCC (7% Discount Rate)</strong></td>
</tr>
<tr>
<td><strong>LCC Savings</strong></td>
</tr>
<tr>
<td><strong>PBP (years)</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table II.8 360-W Probe-Start Metal Halide Baseline</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Industry/interior</strong></td>
</tr>
<tr>
<td><strong>Baseline</strong></td>
</tr>
<tr>
<td>$360 W MH $</td>
</tr>
<tr>
<td><strong>Fixture Price (incl. ballast)</strong></td>
</tr>
<tr>
<td><strong>Lamp Price</strong></td>
</tr>
<tr>
<td><strong>Total First Cost</strong></td>
</tr>
<tr>
<td><strong>Incremental First Cost</strong></td>
</tr>
<tr>
<td><strong>Annual Operating Cost</strong></td>
</tr>
<tr>
<td><strong>Annual Operating Cost Differential</strong></td>
</tr>
<tr>
<td><strong>LCC (7% Discount Rate)</strong></td>
</tr>
<tr>
<td><strong>LCC Savings</strong></td>
</tr>
<tr>
<td><strong>PBP (years)</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table II.9 400-W Probe-Start Metal Halide Baseline</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Industry/interior</strong></td>
</tr>
<tr>
<td><strong>Baseline</strong></td>
</tr>
<tr>
<td>$400 W MH $</td>
</tr>
<tr>
<td><strong>Fixture Price (incl. ballast)</strong></td>
</tr>
<tr>
<td><strong>Lamp Price</strong></td>
</tr>
<tr>
<td><strong>Total First Cost</strong></td>
</tr>
<tr>
<td><strong>Incremental First Cost</strong></td>
</tr>
<tr>
<td><strong>Annual Operating Cost</strong></td>
</tr>
<tr>
<td><strong>Annual Operating Cost Differential</strong></td>
</tr>
<tr>
<td><strong>LCC (7% Discount Rate)</strong></td>
</tr>
<tr>
<td><strong>LCC Savings</strong></td>
</tr>
<tr>
<td><strong>PBP (years)</strong></td>
</tr>
</tbody>
</table>
Table II.10 through II.13 present the results for medium wattage probe-start MH lamps and higher-efficiency substitute HID lamps where the lamp has failed and a lamp and ballast cannot be retrofitted into the existing fixture. In this scenario, a consumer either replaces the baseline lamp in the fixture or replaces the fixture with a new substitute fixture and lamp. In this case, the LCC savings is less than in the alternative scenarios presented in previous tables. DOE gave this replacement scenario its proportional weight in the national impact analysis, which aggregated consumer impacts from all cases into national cost and benefit estimates.

### Table II.10 175-W Probe-Start Metal Halide Baseline

<table>
<thead>
<tr>
<th></th>
<th>Industrial/Interior</th>
<th>Commercial/Exterior</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Baseline 175 W MH $</td>
<td>Substitute 1 150 W PMH $</td>
</tr>
<tr>
<td>Fixture Price (incl. ballast)</td>
<td>49.58</td>
<td>310.10</td>
</tr>
<tr>
<td>Lamp Price</td>
<td>49.58</td>
<td>64.09</td>
</tr>
<tr>
<td>Total First Cost</td>
<td>49.58</td>
<td>374.19</td>
</tr>
<tr>
<td>Incremental First Cost</td>
<td>324.61</td>
<td>34.02</td>
</tr>
<tr>
<td>Annual Operating Cost</td>
<td>149.23</td>
<td>297.28</td>
</tr>
<tr>
<td>Annual Operating Cost Differential</td>
<td>8.21</td>
<td>34.02</td>
</tr>
<tr>
<td>LCC (7% Discount Rate)</td>
<td>1,234.57</td>
<td>2,562.72</td>
</tr>
<tr>
<td>LCC Savings</td>
<td>321.32</td>
<td>-24.82</td>
</tr>
<tr>
<td>PBP (years)</td>
<td>39.55</td>
<td>11.05</td>
</tr>
</tbody>
</table>

### Table II.11 250-W Probe-Start Metal Halide Baseline

<table>
<thead>
<tr>
<th></th>
<th>Industrial/Interior</th>
<th>Commercial/Exterior</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Baseline 250 W MH $</td>
<td>Substitute 1 150 W PMH $</td>
</tr>
<tr>
<td>Fixture Price (incl. ballast)</td>
<td>53.08</td>
<td>325.63</td>
</tr>
<tr>
<td>Lamp Price</td>
<td>53.08</td>
<td>68.76</td>
</tr>
<tr>
<td>Total First Cost</td>
<td>53.08</td>
<td>394.31</td>
</tr>
<tr>
<td>Incremental First Cost</td>
<td>341.31</td>
<td>389.84</td>
</tr>
<tr>
<td>Annual Operating Cost</td>
<td>178.85</td>
<td>330.11</td>
</tr>
<tr>
<td>Annual Operating Cost Differential</td>
<td>29.26</td>
<td>41.93</td>
</tr>
<tr>
<td>LCC (7% Discount Rate)</td>
<td>1,445.34</td>
<td>2,777.42</td>
</tr>
<tr>
<td>LCC Savings</td>
<td>106.72</td>
<td>17.63</td>
</tr>
<tr>
<td>PBP (years)</td>
<td>11.66</td>
<td>9.30</td>
</tr>
</tbody>
</table>

### Table II.12 360-W Probe-Start Metal Halide Baseline

<table>
<thead>
<tr>
<th></th>
<th>Industrial/Interior</th>
<th>Commercial/Exterior</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Baseline 360 W MH $</td>
<td>Substitute 1 320 W PMH $</td>
</tr>
<tr>
<td>Fixture Price (incl. ballast)</td>
<td>56.92</td>
<td>415.69</td>
</tr>
<tr>
<td>Lamp Price</td>
<td>56.92</td>
<td>90.54</td>
</tr>
<tr>
<td>Total First Cost</td>
<td>56.92</td>
<td>506.23</td>
</tr>
<tr>
<td>Incremental First Cost</td>
<td>409.35</td>
<td>416.06</td>
</tr>
<tr>
<td>Annual Operating Cost</td>
<td>217.75</td>
<td>373.22</td>
</tr>
<tr>
<td>Annual Operating Cost Differential</td>
<td>17.78</td>
<td>41.53</td>
</tr>
<tr>
<td>LCC (7% Discount Rate)</td>
<td>1,234.57</td>
<td>3,150.20</td>
</tr>
<tr>
<td>LCC Savings</td>
<td>418.44</td>
<td>-128.26</td>
</tr>
<tr>
<td>PBP (years)</td>
<td>38.15</td>
<td>10.02</td>
</tr>
</tbody>
</table>

### Table II.13 400-W Probe-Start MH Baseline

<table>
<thead>
<tr>
<th></th>
<th>Industrial/Interior</th>
<th>Commercial/Exterior</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Baseline 400 W MH $</td>
<td>Substitute 1 320 W PMH $</td>
</tr>
<tr>
<td>Fixture Price (incl. ballast)</td>
<td>58.08</td>
<td>415.69</td>
</tr>
<tr>
<td>Lamp Price</td>
<td>58.08</td>
<td>90.54</td>
</tr>
<tr>
<td>Total First Cost</td>
<td>58.08</td>
<td>506.23</td>
</tr>
<tr>
<td>Incremental First Cost</td>
<td>448.15</td>
<td>414.90</td>
</tr>
<tr>
<td>Annual Operating Cost</td>
<td>237.74</td>
<td>395.37</td>
</tr>
</tbody>
</table>
DOE concluded that whether or not there are net LCC savings from a potential HID lamp standard depends on the details of the lamp capacity and the installation scenario. Given the widely varying results that depend on specific installation details, DOE evaluated the total net consumer impact of the standard based on the national impact analysis which proportionally weighed the different installation cases based on two factors: (1) The fraction of lamp sales subject to each type of installation and (2) the relative frequency of each specific lamp substitution scenario. Although some replacements would have negative LCC, today’s final determination indicates that standards for HID lamps would likely result in positive total net consumer impacts and cumulative energy savings.

3. National Energy Savings and Consumer Impacts

DOE estimated national energy savings and consumer effects of energy conservation standards for the considered HID lamps using its own initial engineering analysis data. DOE assumed that energy conservation standards would take effect in 2017, and estimated the cumulative energy savings and NPV impacts relative to a base case and a standards case.

As summarized in chapter 6 of the TSD (section 6.2), the results using DOE’s analysis of design options indicate cumulative energy savings for medium-wattage HID lamps of 11.4 quads (undiscounted), and a corresponding NPV of $30.0 billion (2010$) at a 3-percent discount rate, and $13.7 billion at a 7-percent discount rate over the 30-year analysis period (2017–2046).

In estimating the NPV, DOE estimated the fractions of replacements that would employ the different technologies and would be either a lamp-only or a total fixture replacement. While some replacements would have negative LCC, on a national basis these replacements are outweighed by those lamp and fixture replacements that would have positive economic impacts on consumers.

In response to the NOPD, SDG&E commented that the magnitude of the savings of 2.8 quads seemed large in relation to the two other determinations (Small Electric Motors 71 FR 38799, 38806 (July 10, 2006) and Non-Class A External Power Supplies 74 FR 56928, 56929 (November 3, 2009)) mentioned in the NOPD. (SDG&E, No. 23 at p. 3; 75 FR 22031, 22040 (April 27, 2010)). DOE agrees that the potential savings from an HID lamps rulemaking is large in comparison with the Small Electric Motors and External Power Supplies determinations. Yet, as previously indicated, the potential energy savings could be as great as 11.4 quads when not factoring in a discount rate, as opposed to the 2.8 quads originally published. DOE has carefully considered publishing this higher revised number and, based upon the data available, DOE believes that, over 30 years, 11.4 quads is a reasonable initial (undiscounted) estimate. For purposes of comparison, the general service fluorescent and incandescent reflector lamp final rule found undiscounted energy savings of as much as 12 quads over a 30-year analysis period. 74 FR 34080, 34083 (July 14, 2009). Neither ACEEE nor NEMA commented on the magnitude of potential energy savings for today’s final determination.

D. Discussion

1. Technological Feasibility

Section 346(a)(1) of EPCA (42 U.S.C. 6317(a)(1)) mandates that DOE determine whether energy conservation standards for HID lamps would be “technologically feasible.” DOE determines that energy conservation standards for HID lamps are technologically feasible because they can be satisfying with HID lighting systems that are currently available on the market.

2. Significance of Energy Savings

Section 346(a)(1) of EPCA mandates that DOE determine whether energy conservation standards for HID lamps would result in “significant energy savings.” (42 U.S.C. 6317(a)(1)) The term “significant” is not defined in the Act. However, the U.S. Court of Appeals for the District of Columbia in Natural Resources Defense Council v. Herrington, 768 F.2d 1355, 1373 (DC Cir. 1985), indicated that Congress intended “significant” energy savings to be interpreted in a manner consistent with section 325 of the Act (42 U.S.C. 6295(o)(3)(B)) as savings that were not “genuinely trivial.” Applying this test, DOE found in its 2010 final determination for Non-Class A External Power Supplies that an energy conservation standard for the product that would save as much as 0.14 quad of energy over a 30-year period (2013–2042) amounted to “significant energy savings” within the meaning of EPCA. In this previous determination, DOE noted that these savings were equivalent to the annual electricity needs of 1.1 million U.S. homes. 75 FR 27170, 27179 (May 14, 2010). In today’s final determination, DOE finds that the estimated energy savings of 11.4 quads over 30 years for the considered HID lamps are equivalent to the annual electricity needs of 57 million U.S. homes. As a result, DOE concludes that the potential savings are not “genuinely trivial,” and thus determines that potential energy conservation standards for HID lamps would result in significant energy savings under EPCA.

3. Economic Justification

Section 346(b)(1) of EPCA requires that energy conservation standards for HID lamps be economically justified. (42 U.S.C. 6317(b)(1)) In the NOPD, DOE aggregated the results from the LCC analyses to estimate national energy savings and national economic impacts. DOE estimated that the NPV of the consumer costs and benefits from a potential standard are $30.0 billion and $13.7 billion at 3-percent and 7-percent discount rates, respectively. As noted above, both ACEEE and SDG&E commented that the prices used in the LCC analyses seemed high. (ACEEE, No. 22 at p. 2; SDG&E, No. 23 at p. 3)
However, this does not negate the fact that potential energy conservation standards would be economically justified. If lower prices were used in the LCC analyses, NPV savings would only be expected to be greater. DOE will review component prices in the energy conservation standards rulemaking; however, the use of prices that may be at the high end of the range of possible price estimates is prudent for a determination analysis, and helps ensure that the conclusion regarding the positive economic justification has a high degree of certainty. Therefore, DOE has determined that potential energy conservation standards for HID lamps would be expected to be economically justified.

III. Conclusion

A. Final Determination

Based on its analysis of the available information, DOE has determined that energy conservation standards for certain HID lamps appear to be technologically feasible and economically justified, and would likely result in significant energy savings. Consequently, DOE will initiate the development of energy efficiency test procedures and energy conservation standards for certain HID lamps.

All of the design options addressed in this final determination document are technologically feasible, DOE’s data and available manufacturer data show that the considered HID lamp technologies are available to all manufacturers. These technologies include different methods of starting the lamps (e.g., pulse versus probe-start) and different lamp components (e.g., arc tube composition and design for HPS versus MH). The lamp manufacturers that DOE consulted produce at least one or more types of these higher efficacy lamps. DOE’s review of available HID lamps from manufacturers (including EYE, GE, OSRAM SYLVANIA, Philips, Venture, and Ushio) is presented in spreadsheet format on the DOE’s Web site at http://www1.eere.energy.gov/buildings/appliance_standards/commercial/hid_analytical_spreadsheet_tools.html.

DOE has determined that potential energy conservation standards for HID lamps are expected to be economically justified. The estimated aggregate NPV of consumer costs and benefits from a potential standard are expected to be $30.0 billion (2010$) at a 3-percent discount rate and $137.3 billion at a 7-percent discount rate over the 30-year analysis period (2017–2046). DOE has not published detailed estimates of the potential adverse effects of a national standard on manufacturers or on individual categories of users. Instead, DOE is relying on the presence of existing, more efficacious products in the market today as an indicator of the probable economic feasibility for manufacturers of producing more efficacious lamps if required by standards.

Finally, the scenarios examined in DOE’s analysis show the potential for significant energy savings, with the combined savings for medium-wattage HID lamps over the 30-year analysis period (2017–2046) of at least 11.4 quadrillion. The 11.4 quadrillion estimated in this final determination is an undiscounted value, and is substantially higher than the discounted value of 2.8 quadrillion estimated in the NOPD, although both values represent the same physical quantity and would constitute significant energy savings. 75 FR 22031, 22040 (April 27, 2010).

During the energy conservation standards rulemaking process, DOE will perform a detailed analysis of the effect of possible standards on manufacturers as well as a more disaggregated assessment of their possible impacts on user subgroups.

B. Future Proceedings

In terms of the three responses to the NOPD, all commenters encouraged DOE to establish an energy conservation standard for HID lamps. ACEEE offered support for the proposed positive determination and encouraged DOE to move forward with a rulemaking to establish standards for HID lamps. (ACEEE, No. 22 at p. 1) NEMA stated that “industry supports cost-effective HID lamp standards that conserve energy.” (NEMA, No. 21 at p. 2) SDG&E encouraged DOE to issue a positive final determination and open a new rulemaking to consider energy conservation standards for HID lamps. (SDG&E No. 23 at p. 1) Each of the commenters also included suggestions regarding the efficacy metric for HID lamps of lumens per watt. NEMA recommended that standards be based on initial lumens per watt, but suggested that DOE consider lumen maintenance factors and reliability, as different ballasts can affect the lumen maintenance of the system. Finally, NEMA commented that lumens per watt is not an appropriate metric for directional lamps and a different unit of measure will be needed. (NEMA, No. 21 at p. 2) ACEEE reiterated its comments related to the 2003 and 2004 draft reports, that ACEEE supports minimum efficiency standards for HID lamps. (ACEEE, No. 22 at p. 1) As stated in the NOPD, ACEEE referenced a 60 lumens per watt minimum efficacy requirement in response to the 2003 draft report. 75 FR 22031, 22033 (April 27, 2010). NEMA indicated that industry would expect conservation standards at the very least to eliminate MV lamps. (NEMA, No. 21 at p. 2) Further, SDG&E commented that substantial savings would be realized with efficiency standards that eliminate less efficient HID lamps, such as probe-start MH and MV lamps. (SDG&E, No. 23 at p. 1)

Moving forward, SDG&E encouraged DOE to consider combining future HID lamp rulemaking with the current MH lamp fixture rulemaking. (SDG&E, No. 23 at p. 2) ACEEE suggested that DOE explore the potential of combining the rulemaking related to HID lighting systems into a single rulemaking with MH lamp fixtures. (ACEEE, No. 22 at p. 1) Finally, NEMA commented that the industry believes that DOE will achieve much greater energy savings from HID systems with electronic ballasts and/or intelligent controls as compared to savings gained through potential standards that increase HID lamp efficacies. (NEMA, No. 21 at p. 2)

In response to the suggestion of a combined rulemaking, DOE, in fact, has considered a combined rule, but a combination of the HID lamps rule with the MH lamp fixture rule would be problematic for the reasons that follow. First, the MH lamp fixture rule covers only metal halide fixtures and, thus, does not overlap entirely with an HID lamp rule because neither HPS nor MV lamps would be covered. Second, the MH lamp fixture rule also applies only to new fixtures. Both ACEEE and SDG&E in their comments noted that probe-start MH ballast technology has been banned effectively in new fixtures by EISA 2007 due to the high efficiency levels mandated for those types of ballasts and banned outright in multiple State regulations. (ACEEE, No. 22 at p. 2; SDG&E, No. 23 at p. 2) However, DOE notes that probe-start MH lamps can still be shipped for replacement applications. A potential HID lamps rule that were to set an efficacy level higher than probe-start MH would likely yield significant energy savings (see TSD chapter 6, section 6.2). The MH lamp fixture rule would limit inefficient technologies in new fixtures, and the lamps rule would be expected to hasten the transition away from inefficient technologies in existing equipment. As DOE moves forward with a possible HID energy conservation standard, the analysis will be compared and combined with the MH lamp fixture rule where possible. Given today’s positive final determination, DOE will begin the process of establishing test procedure.

DOE will also begin a proceeding to consider establishment of energy conservation standards for HID lamps. DOE will collect information about design options, inputs on the engineering and LCC analyses, and potential impacts on the manufacturers and consumers of HID lamps. DOE will evaluate whether potential energy conservation standards are technologically feasible, economically justified, and would likely result in significant energy savings in accordance with the requirements of EPCA. (42 U.S.C. 6295(o)) Depending on the outcome of these analyses, as well as on other factors set forth in EPCA, DOE will determine which, if any, standards would be appropriate for this equipment.

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866

This final determination is not subject to review under Executive Order 12866, “Regulatory Planning and Review.” 58 FR 51735 (October 4, 1993).

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 et seq., as amended by the Small Business Regulatory Enforcement Fairness Act of 1996), requires preparation of an initial regulatory flexibility analysis for any rule that, by law, must be proposed for public comment, unless the agency certifies that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A regulatory flexibility analysis examines the impact of the rule on small entities and considers alternative ways of reducing negative effects. Also, as required by Executive Order 13272, “Proper Consideration of Small Entities in Agency Rulemaking,” 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003 to ensure that the potential impact of its rules on small entities are properly considered during the DOE rulemaking process. 68 FR 7990 (February 19, 2003). DOE has made its procedures and policies available on the Office of the General Counsel’s Web site at http://www.gc.doe.gov.

DOE reviewed today’s final determination under the provisions of the Regulatory Flexibility Act and the policies and procedures published on February 19, 2003.

When adopted, today’s final determination will set no standards; it will only positively determine that future standards may be warranted and should be explored in an energy conservation standards rulemaking. Economic impacts on small entities would be considered in the context of such a future rulemaking. On the basis of the foregoing, DOE certifies that this final determination has no significant economic impact on a substantial number of small entities. Accordingly, DOE has not prepared a regulatory flexibility analysis for this proceeding. DOE will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act of 1995

This proceeding determines that the development of energy conservation standards for HID lamps may be warranted and, accordingly, will impose no new information or recordkeeping requirements on the public. Therefore, OMB clearance is not required under the Paperwork Reduction Act. (44 U.S.C. 3501 et seq.)

D. Review Under the National Environmental Policy Act of 1969

In this notice, DOE positively determines that future standards may be warranted, and environmental impacts, if any, will be explored in a subsequent energy conservation standards rulemaking. DOE has determined that review under the National Environmental Policy Act of 1969 (NEPA), Public Law 91–190, codified at 42 U.S.C. 4321 et seq., is not required at this time. NEPA review can only be initiated “as soon as environmental impacts can be meaningfully evaluated.” (10 CFR 1021.213(b)) Because this final determination only concludes that future standards may be warranted, but does not propose or set any standard, DOE has determined that there are no environmental impacts to be evaluated at this time. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

E. Review Under Executive Order 13132

Executive Order 13132, “Federalism,” 64 FR 43255 (August 10, 1999), imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have Federalism implications. The Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to assess carefully the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in developing regulatory policies that have Federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in developing such regulations. 65 FR 13735 (March 14, 2000). DOE has examined today’s final determination and concludes that it would not have substantial direct effects on the States, on the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation standards for the equipment that is the subject of today’s final determination. States can petition DOE for exemption from such preemption to the extent permitted and based on criteria set forth in EPCA. (42 U.S.C. 6297) No further action is required by Executive Order 13132.

F. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, “Civil Justice Reform,” 61 FR 4729 (February 7, 1996), imposes on Federal agencies the duty to: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that any environmental impact statement is required. The preemptive effect, if any; (2) any effect on existing Federal law or regulation; (3) a clear legal standard for
affected conduct while promoting simplification and burden reduction; (4) the retroactive effect, if any; (5) definitions of key terms; and (6) other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether these standards are met, or whether it is unreasonable to meet one or more of them. DOE completed the required review and determined that to the extent permitted by law, this determination meets the relevant standards of Executive Order 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4, codified at 2 U.S.C. 1501 et seq.) requires each Federal agency to assess the effect of Federal regulatory actions on State, local, and Tribal governments and the private sector. For regulatory actions likely to result in a rule that may cause expenditures by State, local, and Tribal governments in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a) and (b)) UMRA requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed "significant intergovernmental mandate." UMRA also requires an agency plan for giving notice and opportunity for timely input to small governments that may be potentially affected before establishing any requirement that might significantly or uniquely affect them. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA, 62 FR 12820 (March 18, 1997). This policy is also available online at http://www.gc.doe.gov.

Today's final determination will not result in the expenditure of $100 million or more in a given year by the HID lamp manufacturers affected by this rulemaking. This is because today's final determination sets no standards; it only positively determines that future standards may be warranted and should be energy conservation standards rulemaking. The final determination also does not contain a Federal intergovernmental mandate. Thus, DOE is not required by UMRA to prepare a written statement assessing the costs, benefits, and other effects of the determination on the national economy.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This determination does not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

DOE has determined under Executive Order 12630, "Governmental Actions and Interference with Constitutionally Protected Property Rights," 53 FR 8859 (March 15, 1988), that this determination does not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act, 2001

The Treasury and General Government Appropriation Act, 2001 (44 U.S.C. 3516, note) requires agencies to review most disseminations of information they make to the public under guidelines established by each agency pursuant to OMB general guidelines. The OMB's guidelines were published at 67 FR 8452 (February 22, 2002), and DOE's guidelines were published at 67 FR 62446 (October 7, 2002). DOE has reviewed today's notice under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use," 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OMB a Statement of Energy Effects for any proposed significant energy action. A "significant energy action" is defined as any action by an agency that promulgates a final rule or is expected to lead to promulgation of a final rule, and that: (1) is a significant energy action under Executive Order 12866 or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the administrator of the Office of Information and Regulatory Affairs as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use if the proposal is implemented, and of reasonable alternatives to the proposed action and their expected benefits on energy supply, distribution, and use.

Today's regulatory action determines that development of energy conservation standards for HID lamps may be warranted and would not have a significant adverse effect on the supply, distribution, or use of energy. This action is also not a significant regulatory action for purposes of Executive Order 12866 or any successor order, and it has not been designated as a significant energy action by the Administrator of OIRA. Therefore, this final determination is not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects.

L. Review Under the Information Quality Bulletin for Peer Review

On December 16, 2004 in consultation with the Office of Science and Technology Policy, the OMB issued its Final Information Quality Bulletin for Peer Review (the Bulletin). 70 FR 2664 (January 14, 2005). The Bulletin establishes that certain scientific information shall be peer reviewed by qualified specialists before it is disseminated by the Federal government, including influential scientific information related to agency regulatory actions. The purpose of the Bulletin is to enhance the quality and credibility of the Government’s scientific information. Under the Bulletin, the energy conservation standards rulemaking analyses are "influential scientific information." The Bulletin defines "influential scientific information" as "scientific information the agency reasonably can determine will have, or does have, a clear and substantial impact on important public policies or private sector decisions." 70 FR 2667 (January 14, 2005).

In response to OMB's Bulletin, DOE conducted formal in-progress peer reviews of the energy conservation standards development process and analyses and prepared a Peer Review Report pertaining to the energy conservation standards rulemaking analyses. The "Energy Conservation Standards Rulemaking Peer Review Report" dated February 2007 has been disseminated and is available online at
DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration

14 CFR Part 39

RIN 2120–AA64

Airworthiness Directives; Ontic Engineering and Manufacturing, Inc.
Propeller Governors, Part Numbers C210776, T210761, D210760, and J210761

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain serial numbers (S/Ns) of Ontic Engineering and Manufacturing, Inc. propeller governors, part numbers (P/Ns) C210776, T210761, D210760, and J210761. This AD requires removal of the affected propeller governors from service. This AD results from three reports received of failed propeller governors. We are issuing this AD to prevent loss of propeller pitch control, damage to the propeller governor, and internal damage to the engine, which could prevent continued safe flight or safe landing.

DATES: This AD becomes effective August 5, 2010. The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of August 5, 2010.

ADDRESSES:
You can get the service information identified in this AD from Ontic Engineering and Manufacturing, Inc., 20400 Plummer Street, Chatsworth, CA 91311, e-mail: Bill.nolan@ontic.com; telephone (818) 725–2323; fax (818) 725–2535; or e-mail: Susan.hunt@ontic.com; telephone (818) 725–2121; fax (818) 725–2535, or on the Web at http://www.ontic.com/pdf/SB-DES-353_Rev_A.pdf.

The Docket Operations office is located at Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

FOR FURTHER INFORMATION CONTACT: Roger Pesuit, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712; e-mail: roger.pesuit@faa.gov; telephone (562) 627–5251, fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: The FAA proposed to amend 14 CFR part 39 with a proposed AD. The proposed AD applies to certain S/Ns of Ontic Engineering and Manufacturing, Inc. propeller governors, P/Ns C210776, T210761, D210760, and J210761. We published the proposed AD in the Federal Register on March 15, 2010 (75 FR 12148). That action proposed to require removal of the affected propeller governors from service.

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

Comments
We provided the public the opportunity to participate in the development of this AD. We received no comments on the proposal or on the determination of the cost to the public.

Conclusion
We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

Costs of Compliance
We estimate that this AD will affect 45 propeller governors installed on airplanes of U.S. registry. We also estimate that it will take about four work-hours per airplane to perform the actions, and that the average labor rate is $85 per work-hour. Required repair parts will cost about $842 per propeller governor. Based on these figures, we estimate the total cost of the AD to U.S. operators to be $83,790. Our cost estimate is exclusive of possible warranty coverage.

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

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

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

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

(1) Is not a “significant regulatory action” under Executive Order 12866; (2) Is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary at the address listed under ADDRESSES.

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 Federal Aviation Administration 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 adding the following new airworthiness directive:


Effective Date

(a) This airworthiness directive (AD) becomes effective August 5, 2010.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Ontic Engineering and Manufacturing, Inc. propeller governors, part numbers (P/Ns) C210776, T210761, D210760, and J210761, as listed by serial number on pages 3 and 4 of Ontic Engineering and Manufacturing, Inc. Mandatory Service Bulletin (MSB) No. SB–DES–353, Revision A, dated December 16, 2009.

(d) These propeller governors are installed on, but not limited to, American Champion Aircraft Corporation Model 7C22A (governor P/N T210761), Diamond Aircraft Industries, Inc. Model DA–40 (governor P/N C210776), Hawker Beechcraft Model A36 (governor P/N D210760), and Industria Aeronautica Neiva S/A (subsidiary of Embraer) model EMB–252–253, Revision A, dated December 16, 2009. * * * * *

Unsafe Condition

(e) This AD results from three reports received of failed propeller governors. We are issuing this AD to prevent loss of propeller pitch control, damage to the propeller governor, and internal damage to the engine, which could prevent continued safe flight or safe landing.

Compliance

(f) You are responsible for having the actions required by this AD performed within 100 flight hours after the effective date of this AD, unless the actions have already been done.

(g) Remove affected propeller governors from service.

(h) After the effective date of this AD, do not install an affected propeller governor unless it has been inspected, repaired, and permanently marked with “SB–DES–353 Rev. A Date * * * * ” near the data plate, by Ontic Engineering and Manufacturing, Inc.

Alternative Methods of Compliance

(i) The Manager, Los Angeles Aircraft Certification Office, has the authority to approve alternative methods of compliance for this AD if requested using the procedures found in 14 CFR 39.19.

Related Information

(j) Contact Roger Pesuit, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712; e-mail: roger.pesuit@faa.gov; telephone (562) 627–5251, fax (562) 627–3210, for more information about this AD.

Material Incorporated by Reference

(k) You must use Ontic Engineering and Manufacturing, Inc. Mandatory Service Bulletin No. SB–DES–353, Revision A, dated December 16, 2009, to identify the serial numbers of propeller governors affected by this AD. The Director of the Federal Register approved the incorporation by reference of this service bulletin in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Ontic Engineering and Manufacturing, Inc., 20400 Plummer Street, Chatsworth, CA 91311, e-mail: Bill.nolan@ontic.com; telephone (818) 725–2323; fax (818) 725–2353; or e-mail: Susan.hunt@ontic.com; telephone (818) 725–2121; fax (818) 725–2353, or on the Web at http://www.ontic.com/pdf/SB-DES-353 Rev_A.pdf, for a copy of this service information. You may review copies at the FAA, New England Region, 220 Terminal Drive, Burlington, MA; or 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/cfr/ibr-locations.html.

Issued in Burlington, Massachusetts on June 16, 2010.


[FR Doc. 2010–15295 Filed 6–30–10; 8:45 am] BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39


RIN 2120–AA64

Airworthiness Directives; Airbus Model A330–243, –341, –342, and –343 Airplanes; and Model A340–541 and –642 Airplanes; Equipped With Rolls-Royce Trent 500 and Trent 700 Series Engines

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

ACTION: Final rule.

SUMMARY: We are adopting a new 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:

It has been evidenced by test that the tightening torque settings on the Rolls-Royce Trent 500 and Trent 700 forward (FWD) and aft (AFT) engine mount link pin retention bolts have always been higher than the design value. These bolts retain the washers that maintain the engine mount vertical load pins in position.

If bolts, as a consequence of the over-torque, fail and move away, it would lead to loss of the vertical load pins, which could result in loss of the primary and/or secondary load path of the forward and/or aft engine separation.

We are issuing this AD to require actions to correct the unsafe condition on these products.

DATES: This AD becomes effective August 5, 2010.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of August 5, 2010.

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.


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 March 4, 2010 (75 FR 9809). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

It has been evidenced by test that the tightening torque settings on the Rolls-Royce Trent 500 and Trent 700 forward (FWD) and aft (AFT) engine mount link pin retention bolts have always been higher than the design value. These bolts retain the washers that maintain the engine mount vertical load pins in position.

If bolts, as a consequence of the over-torque, fail and move away, it would lead to loss of the vertical load pins, which could result in loss of the primary and/or secondary load path of the forward and/or aft engine separation.

* * * * *
mount which could potentially lead to engine separation.

As a short term action, EASA AD 2008–0019 was issued to require a one-time visual inspection of the impacted FWD and AFT engine mount link pin retention bolts in order to detect any broken or missing bolts. This AD, which supersedes EASA AD 2008–0019, mandates a one-time [detailed] visual inspection of the FWD and AFT engine mount link pin retention bolts, in order to ensure that any over-torqued bolt is replaced.

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

Comments

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

Request To Allow Use of Later Approved Revisions of Service Information

Deutsche Lufthansa AG requests that we allow the use of later-approved revisions of Airbus Mandatory Service Bulletins A330–71–3022 and A340–71–5004, both dated May 5, 2009, for compliance with the requirements of the AD. The commenter states that this would enable the operators to be in compliance without using the AMOC procedure.

We disagree with this request. We cannot use the phrase “or later FAA-approved revisions” in an AD when referring to the service document because doing so violates Office of the Federal Register (OFR) regulations for approval of materials “incorporated by reference” in rules. In general terms, we are required by these OFR regulations to either publish the service document contents as part of the actual AD language; or submit the service document to the OFR for approval as “referenced” material, in which case we may only refer to such material in the text of an AD. The AD may refer to the service document only if the OFR approved it for “incorporation by reference.” To allow operators to use later revisions of the referenced document (issued after publication of the AD), either we must revise the AD to reference specific later revisions, or operators must request approval to use later revisions as an alternative method of compliance with this AD (under the provisions of paragraph (k) of this AD). We have not changed the AD in this regard.

Clarification of Compliance Time

We have made a minor editorial change to clarify the compliance time specified in paragraph (h) of this AD.

Conclusion

We reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We 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.

Costs of Compliance

We estimate that this AD will affect 1 product of U.S. registry. We also estimate that it will take about 10 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts will cost about $10,842 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 parts. 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 $11,692.

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

§ 39.13 [Amended]

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

Effective Date
(a) This airworthiness directive (AD) becomes effective August 5, 2010.

Affected ADs
(b) None.

Applicability
(c) This AD applies to Airbus Model A330–243, –341, –342, and –343 airplanes; and Model A340–541 and –642 airplanes; certified in any category; equipped with Rolls-Royce Trent 500 and Trent 700 series engines.

Subject
(d) Air Transport Association (ATA) of America Code 71; Powerplant.

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

It has been evidenced by test that the tightening torque settings on the Rolls-Royce Trent 500 and Trent 700 forward (FWD) and aft (AFT) engine mount link pin retention bolts have always been higher than the design value. These bolts retain the washers that maintain the engine mount vertical load pins in position. If bolts, as a consequence of the over-torque, fail and move away, it would lead to loss of the vertical load pins, which could result in loss of the primary and/or secondary load path of the forward and/or aft engine mount which could potentially lead to engine separation.

As a short term action, EASA AD 2008–0019 was issued to require a one-time visual inspection of the impacted FWD and AFT engine mount link pin retention bolts in order to detect any broken or missing bolts. This AD, which supersedes EASA AD 2008–0019, mandates a one-time [detailed] visual inspection of the FWD and AFT engine mount link pin retention bolts, in order to ensure that any over-torqued bolt is replaced.

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

Actions
(g) Except as provided by paragraph (h) of this AD, at the applicable time specified in paragraph (g)(1) or (g)(2) of this AD, perform a one-time detailed visual inspection for the presence of an “X” marked on the heads of the link pin retention bolts of the forward and aft engine mount on all Rolls-Royce Trent 500 and Trent 700 series engines, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A330–71–3022 (for Models A330–243, –341, –342, and –343 airplanes) or A340–71–5004 (for Model A340–541 and –642 airplanes), both dated May 5, 2009.

(1) For Model A330–243, –341, –342, and –343 airplanes: Within 4,500 flight cycles after the effective date of this AD.

(2) For Model A340–541 and –642 airplanes: Within 2,500 flight cycles after the effective date of this AD.

(h) The actions specified in paragraph (g) of this AD are not required for any engine installed on the airplanes listed in paragraph (g)(1) of this AD, having serial number 964 and subsequent; and the airplanes listed in paragraph (g)(2) of this AD, having serial number 981 and subsequent; if data records conclusively prove that this engine has not been replaced or re-installed since the date of issuance of the original French airworthiness certificate or the date of issuance of the original French or EASA export certificate of airworthiness.

(i) After the effective date of this AD, no person may install a Rolls-Royce Trent 500 or Trent 700 series engine on any airplane, unless it is in compliance with the requirements of this AD.

(j) Although Airbus Mandatory Service Bulletins A330–71–3022 and A340–71–5004, both dated May 5, 2009, specify to submit certain information to the manufacturer, this AD does not include that requirement.

FAA AD Differences
Note 1: This AD differs from the MCAI and/or service information as follows:


(2) Although the MCAI or service information tells you to submit information to the manufacturer, paragraph (j) of this AD specifies that such submittal is not required.

Other FAA AD Provisions
(k) The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, International Branch, ANM–116, Transport Airplane Directorate, 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: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1138; fax (425) 227–1149. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) and/or principal avionics inspector (PAI), as appropriate, or a local 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.

Related Information

Material Incorporated by Reference
(m) You must use Airbus Mandatory Service Bulletin A330–71–3022, including Appendices 01 and 02 and excluding Appendix 03, dated May 5, 2009; and Airbus Mandatory Service Bulletin A340–71–5004, including Appendices 01 and 02 and excluding Appendix 03, dated May 5, 2009; to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Airbus SAS—Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; e-mail airworthiness.A330–A340@airbus.com; Internet http://www.airbus.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.


Robert D. Breneman,
Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010–15831 Filed 6–30–10; 8:45 am]

BILLING CODE 4910–13–P
DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39


RIN 2120–AA64


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

ACTION: Final rule.

SUMMARY: We are adopting a new 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:

Seven cases of on-ground hydraulic accumulator screw cap or end cap failure have been experienced on CL–600–2B19 (CRJ) aircraft, resulting in loss of the associated hydraulic system and high-energy impact damage to adjacent systems and structure. * * * * *

A detailed analysis of the systems and structure in the potential line of trajectory of a failed screw cap/end cap for each accumulator * * * * has been conducted. It has been identified that the worst case scenario would be failure of one of the brake accumulator screw caps/end caps, resulting in impact damage causing loss of both hydraulic systems No. 2 and No. 3, with consequent loss of both braking and nose wheel steering and the potential for a runway excursion (resulting in damage to the airplane and hazards to persons or property on the ground).

* * * * * *

We are issuing this AD to require actions to correct the unsafe condition on these products.

DATES: This AD becomes effective August 5, 2010.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of August 5, 2010.

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.


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 February 12, 2010 (75 FR 6682). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

Seven cases of on-ground hydraulic accumulator screw cap or end cap failure have been experienced on CL–600–2B19 (CRJ) aircraft, resulting in loss of the associated hydraulic system and high-energy impact damage to adjacent systems and structure. The lowest number of flight cycles accumulated at the time of failure, to date, has been 6991 flight cycles.

Although there have been no failures to date on any CL–600–1A11, CL–600–2A12 or CL–600–2B16 aircraft, the same accumulators as those installed on the CL–600–2B19, Part Numbers (P/N) 08–60163–001, 08–60163–002, 08–60164–001 and 08–60164–002, are installed on some of the aircraft listed in the Applicability section of this directive.

Notes:

1. Earlier accumulators, P/Ns 2770571–102, 2770571–103, 2770571–104 and 2770571–105, were installed in production containing a T-suffix, in accordance with a future revision of the applicable service bulletin listed in the following table “Service Bulletins.” Bombardier states that Transport Canada Civil Aviation (TCCA) has been notified of this upcoming change, and a similar request will be made to revise Canadian Airworthiness Directive CF–2009–39, dated October 27, 2009.

SERVICE BULLETINS

<table>
<thead>
<tr>
<th>Bombardier service bulletin</th>
<th>Revision</th>
<th>Dated</th>
</tr>
</thead>
<tbody>
<tr>
<td>600–0742</td>
<td>01</td>
<td>July 6, 2009</td>
</tr>
<tr>
<td>601–0597</td>
<td>01</td>
<td>July 6, 2009</td>
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<tr>
<td>604–29–008</td>
<td>01</td>
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</tr>
<tr>
<td>605–29–001</td>
<td>01</td>
<td>July 6, 2009</td>
</tr>
</tbody>
</table>

We agree with the request to revise the AD. Since the NPRM was issued, Bombardier has issued Revision 02 of the service bulletins, as specified in Table 1 of this AD. These revised service bulletins allow for the replacement of the accumulators with an overhauled or refurbished unit identified by a “T” or “TNA” suffix. Paragraph (g) of this AD has been changed accordingly.

Request for Confirmation of Compliance Time

Pittco, Inc., requests confirmation that a calendar or schedule requirement for the replacement of the system accumulators will not be added. The commenter states that according to the compliance time in the proposed AD, airplanes with low flight cycles could take many years to reach the threshold to replace the accumulator. The
This AD as noted in paragraph (g)(4) of the AD, is for the replacement of an accumulator with a new accumulator having the same part number, which is also acceptable for compliance with the requirements of paragraph (g)(2) of the AD. An ultrasonic inspection for cracking, which was specified in the original version of the applicable service bulletins specified in Table 2 of this AD, was removed from Revision 01 of these service bulletins, and is no longer required. No change has been made to the AD in this regard.

Request for Clarification of Compliance Time

Pittco, Inc., requests clarification regarding the manufacturer’s compliance time for replacing the accumulator. The commenter states that the service bulletin recommends not replacing the accumulator earlier than at the due cycles. We agree that clarification is necessary. The manufacturer’s recommendation was based on the availability of parts. According to the MCAI and this AD, replacement of the accumulators is required “within” the applicable number of flight cycles, rather than the service bulletin’s compliance time of replacing the accumulators “at” 3,750 landings. Operators are permitted to accomplish the requirements of this AD before the specified compliance time. No change has been made to the AD in this regard.

Request for Clarification of Inspections in the Original and Revision 01 of Bombardier Service Bulletin 601–0597

Pittco, Inc., requests a change of wording to state that Bombardier Service Bulletin 601–0597, dated November 10, 2008, specifies an inspection; and that Bombardier Service Bulletin 601–0597, Revision 01, dated July 6, 2009, does not specify an inspection, but merely provides data for replacement of the accumulators. The commenter requests that stronger language be incorporated to clarify the difference.

We find that clarification is necessary. The actions required by paragraph (g) of the AD include an inspection, which is not specified in Revision 01 of the applicable service bulletin specified in Table 2 of this AD, to determine if the airplane has an affected accumulator. If the airplane has an affected accumulator, it must be replaced within the specified number of flight cycles. Credit for the previous accomplishment of the original version of the applicable service bulletin specified in Table 2 of
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 regulatory action” 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 (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, Small aircraft.

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

§ 39.13 [Amended]

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


Effective Date

(a) This airworthiness directive (AD) becomes effective August 5, 2010.

Affected ADs

(b) None.

Applicability

(c) This AD applies to the Bombardier, Inc. airplanes, certificated in any category, identified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD.

1. Bombardier, Inc. Model CL–600–1A11 (CL–600) airplanes, serial numbers 1004 through 1085 inclusive;
2. Bombardier, Inc. CL–600–2A12 (CL–601) airplanes, serial numbers 3001 through 3066 inclusive;

Note 1: Some Model CL–600–2B16 (CL–604) airplanes might be referred to by the marketing designation CL–605 in the applicable service bulletins listed in Table 1 of this AD.

Subject

(d) Air Transport Association (ATA) of America Code 29: Hydraulic power.

Reason

(e) The mandatory continuing airworthiness information (MCAI) states: Seven cases of on-ground hydraulic accumulator screw cap or end cap failure have been experienced on CL–600–2B19 (CRJ) aircraft, resulting in loss of the associated hydraulic system and high-energy impact damage to adjacent systems and structure.

A detailed analysis of the systems and structure in the potential line of trajectory of a failed screw cap/end cap for each accumulator * * * has been conducted. It has been identified that the worst case scenario would be failure of one of the brake accumulator screw caps/end caps, resulting in impact damage causing loss of both hydraulic systems No. 2 and No. 3, with consequent loss of both braking and nose wheel steering and the potential for a runway excursion [resulting in damage to the airplane and hazards to persons or property on the ground].

Compliance

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

Actions

(g) Do the following actions as applicable.

1. Within 50 flight hours after the effective date of this AD, inspect to determine the part numbers of the system accumulators numbers 1, 2, and 3 and brake accumulators numbers 2 and 3 that are installed on the airplane. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number of the accumulator can be conclusively determined from that review. If all of the installed accumulators have P/N 2770571–102, 2770571–103, 2770571–104, or 2770571–105, no further action is required by this AD.

2. At the applicable time in paragraph (g)(2)(i), (g)(2)(ii), or (g)(2)(iii) of this AD, replace the accumulator with a new, overhauled, or refurbished accumulator with the same part number in accordance with the Accomplishment Instructions of the applicable service bulletin listed in Table 1 of this AD.

Table 1—Service Bulletins

<table>
<thead>
<tr>
<th>Airplane model—</th>
<th>Bombardier service bulletin—</th>
<th>Revision—</th>
<th>Dated—</th>
</tr>
</thead>
<tbody>
<tr>
<td>CL–600–1A11 (CL–600)</td>
<td>600–0742</td>
<td>02</td>
<td>May 10, 2010.</td>
</tr>
<tr>
<td>CL–600–2B16 (CL–605)</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

(i) For each accumulator having P/Ns 08–60163–001 (601R75138–1), 08–60163–002 (601R75138–3), and 08–60164–002 (601R75138–3), as applicable, that has accumulated more than 3,650 total flight cycles as of the effective date of this AD: Replace the accumulator within 100 flight cycles after the effective date of this AD.

(ii) For each accumulator having P/N 08–60163–001 (601R75138–1), 08–60163–002 (601R75138–3), 08–60164–001 (601R75138–3), and 08–60164–002 (601R75138–3), as applicable, that has accumulated 3,650 total flight cycles or fewer as of the effective date of this AD: Replace the accumulator before the accumulation of 3,750 total flight cycles on the accumulator.

(iii) For each accumulator having P/N 08–60163–001 (601R75138–1), 08–60163–002 (601R75138–3), 08–60164–001 (601R75138–3), and 08–60164–002 (601R75138–3), as applicable, for which it is not possible to determine the number of flight cycles accumulated: Replace the accumulator within 100 flight cycles after the effective date of this AD.

(3) Thereafter, before the accumulation of 3,750 total flight cycles on any accumulator having P/Ns 08–60163–001 (601R75138–1), 08–60163–002 (601R75138–3), 08–60164–001 (601R75138–3), and 08–60164–002 (601R75138–3), as applicable, replace the accumulator with a new, overhauled, or refurbished accumulator having the same part number, in accordance with the Accomplishment Instructions of the applicable service bulletin listed in Table 1 of this AD.
Accomplishment Instructions of the applicable service bulletin listed in Table 1 of this AD.

Note 2: The part numbers in parentheses in paragraphs (g)(2)(ii), (g)(2)(iii), (g)(2)(iii), and (g)(3) of this AD, are equivalent specification part numbers, as specified in the applicable service bulletin listed in Table 1 of this AD.

(4) Replacement of an accumulator with a new accumulator having the same part number is also acceptable for compliance with the requirements of paragraph (g)(2) of this AD, if done before the effective date of this AD in accordance with the applicable service bulletin listed in Table 2 of this AD.

TABLE 2—PREVIOUS SERVICE BULLETINS

<table>
<thead>
<tr>
<th>Airplane model—</th>
<th>Bombardier service bulletin—</th>
<th>Revision—</th>
<th>Dated—</th>
</tr>
</thead>
<tbody>
<tr>
<td>CL–600–1A11 (CL–600)</td>
<td>600–0742</td>
<td>01</td>
<td>July 6, 2009.</td>
</tr>
</tbody>
</table>

Related Information

(i) Refer to MCAI Canadian Airworthiness Directive CF–2009–39, dated October 27, 2009, and the service bulletins listed in Table 1 of this AD, for related information.

Material Incorporated by Reference

(j) You must use the service information contained in Table 3 of this AD, as applicable, to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(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.cfr@ero.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.

(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.

TABLE 3—MATERIAL INCORPORATED BY REFERENCE

<table>
<thead>
<tr>
<th>Bombardier service bulletin—</th>
<th>Revision—</th>
<th>Dated—</th>
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<tbody>
<tr>
<td>600–0742</td>
<td>02</td>
<td>May 10, 2010.</td>
</tr>
</tbody>
</table>

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

Robert D. Breneman,
Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39


AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Model 747 series airplanes. This AD requires replacing the power control relays for the main tank fuel boost pumps and jettison pumps, and the center tank scavenge pump, as applicable, with new relays having a ground fault interrupt (GFI) feature. This AD also requires revising the maintenance program to incorporate Airworthiness Limitations (AWLS) 28–AWL–23 (for Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400F, 747SR, and 747SP series airplanes), and AWLS 28–AWL–28 and 28–AWL–29 (for Model 747–400, 747–400D, and 747–400F...
series airplanes). This AD results from fuel system reviews conducted by the manufacturer. We are issuing this AD to prevent damage to the fuel pumps caused by electrical arcing that could introduce an ignition source in the fuel tank, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

DATES: This AD is effective August 5, 2010.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of August 5, 2010.

ADDRESSES: For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P. O. Box 3707, MC 20–63, Seattle, Washington 98024–2207; telephone 206–544–5000; extension 1; fax 206–766–5680; e-mail me.boeecom@boeing.com; Internet https://www.myboeingfleet.com.

Examiner the AD Docket
You may examine the AD docket on the Internet at http://www.regulations.gov; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800–647–5927) is the Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION:
Discussion
We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an airworthiness directive (AD) that would apply to certain Model 747 series airplanes. That NPRM was published in the Federal Register on October 13, 2009 (74 FR 52431). That NPRM proposed to require replacing the power control relays for the main tank fuel boost pumps and jettison pumps, and the center tank scavenge pump, as applicable, with new relays having a ground fault interrupt (GFI) feature. That NPRM also proposed to require revising the maintenance program to incorporate Airworthiness Limitations (AWLs) 28–AWL–23 (for Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747SP, and 747SR series airplanes), and AWLs 28–AWL–28 and 28–AWL–29 (for Model 747–400, 747–400D, and 747–400F series airplanes).

Relevant Service Information
For Model 747–400, 747–400D, and 747–400F series airplanes, we have reviewed Subsection D, “AIRWORTHINESS LIMITATIONS—FUEL SYSTEMS,” of Boeing 747–400 Maintenance Planning Data (MPD) Document, Document D621U400–9, Section 9, Revision December 2009. This document includes the same repetitive inspection (test) to verify continued functionality of the GFI relays as did Subsection D, “AIRWORTHINESS LIMITATIONS—FUEL SYSTEMS,” of Boeing 747–400 MPD Document, Document D621U400–9, Section 9, Revision April 2008 (which we referred to in the NPRM as an appropriate source of service information for incorporation into the maintenance program). Revision December 2009 clarifies the effectivity for AWL 28–AWL–28. We have revised paragraph (h)[1] of this AD to refer to Subsection D, “AIRWORTHINESS LIMITATIONS—FUEL SYSTEMS,” of Boeing 747–400 MPD Document, Document D621U400–9, Section 9, Revision December 2009. We have also added a new paragraph (j) to this final rule to provide credit for operators who have revised their maintenance program using Revision April 2008, or Revision March 2009, of Subsection D, “AIRWORTHINESS LIMITATIONS—FUEL SYSTEMS,” of Boeing 747–400 MPD Document, Document D621U400–9, Section 9. We have also reidentified subsequent paragraphs accordingly.

Comments
We gave the public the opportunity to participate in developing this AD. We considered all of the comments received from the commenters.

Request To Extend Compliance Time
Deutsche Lufthansa AG (Lufthansa) requests that we extend the proposed compliance time from 60 months to the intervals specified in the latest approved maintenance review board report (MRBR). Further, Lufthansa states that it would like to know how the proposed compliance time was determined. Lufthansa states that it assumes that the probability of a failure is part of the determination of the proposed compliance time of 60 months. However, Lufthansa further asserts that this compliance time is not in line with its heavy maintenance layover schedule, which is based on the latest approved MRBR.

We do not agree to extend the compliance time. In developing an appropriate compliance time for this AD, we considered not only the safety implications, but the manufacturer’s recommendations, the availability of required parts, and the practical aspect of accomplishing the actions within an interval of time that corresponds to typical scheduled maintenance for affected operators. However, under the provisions of paragraph (k) of this AD, we will consider requests for approval of an extension of the compliance time if sufficient data are submitted to substantiate that the change would provide an acceptable level of safety. We have not changed the final rule in this regard.

Request To Clarify if Boeing Alert Service Bulletin 747–28A2261 Terminates Requirements of Previous AD
Japan Airlines (JAL) requests that we revise the NPRM to clarify whether accomplishing the actions specified in Boeing Alert Service Bulletin 747–28A2261, dated February 19, 2009, terminates the requirements of AD 97–26–07, Amendment 39–10250 (62 FR 65352, December 12, 1997). JAL states that AD 97–26–07 presently requires repetitive inspections of the Number 1 and Number 4 main fuel tank boost pump wiring (which runs through the inboard fuel tanks) per Boeing Service Bulletin 747–28A2204. JAL asserts that the currently required inspection makes sure the wiring is not damaged. JAL also asserts that, after operators do the proposed modification, the GFI relays will monitor the electrical faults and remove the power from the fuel pump immediately to minimize the risk of ignition when wires become damaged. JAL states that clarifying the NPRM to identify Boeing Alert Service Bulletin 747–28A2261 as terminating action for AD 97–26–07 would save operators additional work.

The FAA acknowledges that both AD 97–26–07 and this AD relate to potential electrical system faults in the fuel system. However, the FAA does not agree that this AD provides terminating action for the actions specified in AD 97–26–07. The Boeing GFI design addresses section 25.981(a)(3) of the Federal Aviation Regulations (14 CFR 25.981(a)(3)) single failure requirement only. However the probability of the GFI having a latent failure condition, which would prevent it from detecting a fault current and removing power from the
fuel pump, is not shown to be extremely remote. The GFI does not have the ability to verify that fault protection is operational prior to application of power to the pump. Potential latent failures in the GFI function will be detected via a manual BIT test, which will be performed by operators at minimum 4,000 flight-hour maintenance intervals. We have made no change to the AD in this regard.

**Request To Revise Description in the Relevant Service Information Section**

The Boeing Company (Boeing) requests that we revise the Relevant Service Information section of the NPRM to specify that the replacement given in Boeing Alert Service Bulletin 747–28A2261, dated February 19, 2009, “...also includes reworking certain wiring and doing an operational test of the main tank fuel boost pumps, the main tank jettison pumps (if applicable) and the center tank scavenge pump (if installed), and new relays.” Boeing states that the wording in the NPRM specifies conducting only the main tank boost pumps and relay operational tests, while Boeing Alert Service Bulletin 747–28A2261, dated February 19, 2009, specifies operational checks of the main tank fuel boost pumps, the main tank jettison pumps, and the center tank fuel scavenge pump, as well as tests of the GFI relays, following procedures for replacing the relays, and making relevant wiring changes.

We partially agree with Boeing. For the reasons provided by Boeing, we do agree that the suggested wording changes to the description of Boeing Alert Service Bulletin 747–28A2261, dated February 19, 2009, are more accurate. However, we do not agree to revise this final rule in this regard. Normally, the Relevant Service Information section of the NPRM is not restated in the final rule, unless service information that was not described in the NPRM is being added in the final rule (e.g., new revisions of a document). In this case, the Relevant Service Information section does appear in this final rule to describe a new revision of an MPD document being added to this final rule. Although the Relevant Service Information section does appear in this final rule, the description of Boeing Alert Service Bulletin 747–28A2261, dated February 19, 2009, is not restated in that section. We have made no change to the final rule in this regard.

**Request To Remove Proposed Requirement to Incorporate AWLs**

All Nippon Airways (ANA) requests that we revise the NPRM to remove paragraph (h)(1), which proposed to require incorporating AWLs 28–AWL–28 and 28–AWL–29 into the maintenance program. ANA asserts that paragraph (g)(3) of AD 2008–10–06, Amendment 39–15512 (73 FR 25990, May 8, 2008), already requires incorporation of AWLs 28–AWL–24 through 28–AWL–29. ANA believes that the proposed requirement is duplicating an existing requirement.

We do not agree to remove paragraph (h)(1) of this AD. We acknowledge that paragraph (g)(3) of AD 2008–10–06 does specify revising the maintenance program to incorporate AWLs 28–AWL–24 through 28–AWL–29—as an option. AD 2008–10–06 does not require incorporation of AWLs 28–AWL–24 through 28–AWL–29. Therefore, this AD does not duplicate a requirement and there is no reason to remove the requirement from this AD. However, we have revised paragraph (h)(1) of this AD to clarify that revising the maintenance program to include AWLs 28–AWL–28 and 28–AWL–29 in accordance with paragraph (g)(3) of AD 2008–10–06, Amendment 39–15512 (73 FR 25990, May 8, 2008); or AD 2008–10–06 R1, Amendment 39–16160 (75 FR 906, January 7, 2010); is acceptable for compliance with the corresponding requirements specified in paragraph (h)(1) of this AD.

**Request To Allow Later Revisions of Maintenance Planning Data (MPD) Document**

United Airlines states that it conurs with the contents of the NPRM, but requests that we revise paragraph (h)(1) of the NPRM to allow use of later revisions of Section 9 of the Boeing 747–400 MPD Document, Document D621U400–9, Section 9, Revision December 2009.

**Explanation of Additional Changes Made to this AD**

We have revised paragraph (h)(2) of this AD to clarify that revising the maintenance program to include AWL 28–AWL–23 in accordance with paragraph (g) of AD 2008–10–07, Amendment 39–15513 (73 FR 25977, May 8, 2008); or AD 2008–10–07 R1, Amendment 39–16070 (74 FR 56098, October 30, 2009); is acceptable for compliance with the corresponding requirements specified in paragraph (h)(2) of this AD.

We have revised this AD 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 comments 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.

**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 proposed AD would affect 258 airplanes of U.S. registry. The following table provides the estimated costs for U.S. operators to comply with this AD.
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

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

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

(1) Is not a “significant regulatory action” under Executive Order 12866, (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979), and (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

You can find our regulatory evaluation and the estimated costs of compliance in the AD Docket.

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

§ 39.13 [Amended]

§ 39.13 Airworthiness directives—systems.

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


The Boeing Company:


Effective Date

(a) This airworthiness directive (AD) is effective August 5, 2010.

Maintenance Program Requirement

(b) None.

Applicability


Unsafe Condition

(e) This AD results from fuel system reviews conducted by the manufacturer. The Federal Aviation Administration is issuing this AD to prevent damage to the fuel pumps caused by electrical arcing that could introduce an ignition source in the fuel tank which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

Compliance

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

Replacement

(g) Within 60 months after the effective date of this AD: Replace the power control relays for the main tank fuel boost pumps and jettison pumps, and the center tank scavenge pump, as applicable, with new relays having a ground fault interrupt feature, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–28A2261, dated February 19, 2009.

Maintenance Program Revision

(h) Concurrently with the actions required by paragraph (g) of this AD: Revise the maintenance program by incorporating the applicable information in paragraphs (h)(1) and (h)(2) of this AD. The inspection interval for airworthiness limitations (AWLs) 28–AWL–23, 28–AWL–28, and 28–AWL–29 starts on the date the replacement required by paragraph (g) of this AD is done.


Note 1: This AD requires a revision to a certain operator maintenance document to include new inspections. Compliance with these inspections is required by 14 CFR 43.16 and 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by these limitations, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 43.16 and 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (k) of this AD. The request should include a description of changes to the required inspections that will ensure the continued operational safety of the airplane.

Subject

(d) Air Transport Association (ATA) of America Code 28: Fuel.

TABLE—ESTIMATED COSTS

<table>
<thead>
<tr>
<th>Action</th>
<th>Work hours</th>
<th>Average labor rate per hour</th>
<th>Parts</th>
<th>Cost per product</th>
<th>Number of U.S.-registered airplanes</th>
<th>Fleet cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Replacement</td>
<td>1 10 to 14</td>
<td>$85</td>
<td>$16,800 to $36,200</td>
<td>$17,650 to $37,390</td>
<td>258</td>
<td>$4,553,700 to $9,646,620</td>
</tr>
<tr>
<td>Revision of Airworthiness Limitations section</td>
<td>1</td>
<td>$85</td>
<td>None</td>
<td>85</td>
<td>258</td>
<td>$21,930.</td>
</tr>
</tbody>
</table>

1 Depending on airplane configuration.
(AWLs) and Certification Maintenance Requirements (CMRs), Document D6–13747–CMR, Revision March 2008. (This AWL was first introduced in Revision September 2007 of the AWLs/CMRs document.) Incorporating AWL 28–AWL–23 in accordance with paragraph (g) of AD 2008–10–07. Amendment 39–15153; or AD 2008–10–07 R1, Amendment 39–16070; is acceptable for compliance with the corresponding requirements specified in this paragraph.

No Alternative Inspection or Inspection Intervals

(i) After accomplishing the actions required by paragraph (h) of this AD, no alternative inspections or inspection intervals may be used, unless the inspections or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (k) of this AD.

Credit for Actions Done Using Previous Service Information

(j) Incorporating new AWLs 28–AWL–28 and 28–AWL–29 of Subsection D, “AIRWORTHINESS LIMITATIONS—FUEL SYSTEMS,” of Boeing 747–400 Maintenance Planning Data (MPD) Document, Document D621U400–9, Section 9, Revision April 2008; or Revision March 2009; before the effective date of this AD is acceptable for compliance with the requirements of paragraph (h)(1) of this AD.

Alternative Methods of Compliance (AMOCs)

(k)(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to Attn: Georgios Roussos, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 917–6482; fax (425) 917–6590. Information may be e-mailed to 9-ANM-Seattle-ACO-AMOC.Requests@faa.gov.

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. 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.

Material Incorporated by Reference

(1) You must use the service information contained in Table 1 of this AD to do the actions required by this AD, as applicable, unless the AD specifies otherwise.

<table>
<thead>
<tr>
<th>Document</th>
<th>Revision</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airworthiness Limitations (AWLs) and Certification Maintenance Requirements (CMRs), Document D6–13747–CMR</td>
<td>December 2009</td>
<td>December 2009</td>
</tr>
</tbody>
</table>

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P. O. Box 3707, MC 2H–65, Seattle, Washington 98124–2207; telephone 206–544–5000, extension 11; fax 206–766–5680; e-mail me.boecom@boeing.com; Internet https://www.myboeingfleet.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 10, 2010.

Jeffrey E. Duven,
Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration

14 CFR Part 39


RIN 2120–AA64

Airworthiness Directives; The Boeing Company Model 747 Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD), which applies to certain Model 747 airplanes. That AD currently requires repetitive inspections of the body station (BS) 2598 bulkhead, and corrective actions if necessary. That AD also currently requires a terminating modification for certain repetitive inspections and a post-modification inspection of the modified area. This new AD continues to require those actions using revised service information. For certain airplanes, this AD requires new repetitive inspections, an interim modification, and post-interim modification inspections. For certain airplanes, this AD requires replacing any previously repaired aft inner chord and reinstalling the terminating modification. For airplanes that are converted to the Model 747–400 large cargo freighter (LCF) configuration, this new AD reduces the threshold and repeat intervals of certain post-modification inspections. For all airplanes, this new AD also requires certain inspections of the upper aft outer chords and diagonal brace attachment fittings, flanges, and rods to continue after the terminating modification. This AD results from reports of cracked aft inner chords on airplanes after certain requirements of the existing AD were done. We are issuing this AD to prevent fatigue cracking of the BS 2598 bulkhead structure, which could result in inability of the structure to carry horizontal stabilizer flight loads, and loss of controllability of the airplane.

DATES: This AD becomes effective August 5, 2010.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of August 5, 2010.

On April 13, 2006 (71 FR 12125, March 9, 2006), the Director of the Federal Register approved the incorporation by reference of certain other publications listed in the AD.
On October 27, 2003 (68 FR 54990, September 22, 2003), the Director of the Federal Register approved the incorporation by reference of a certain other publication listed in the AD.

On August 16, 2001 (66 FR 36443, July 12, 2001), the Director of the Federal Register approved the incorporation by reference of a certain other publication listed in the AD.

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

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


SUPPLEMENTARY INFORMATION:
Discussion
The FAA issued a supplemental notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that supersedes AD 2006–05–06, Amendment 39–14503 (71 FR 12125, March 9, 2006). The existing AD applies to certain Model 747 airplanes. That supplemental NPRM was published in the Federal Register on February 24, 2010 (75 FR 8279). That supplemental NPRM proposed to continue to require repetitive inspections of the body station (BS) 2598 bulkhead, and corrective actions if necessary; and a terminating modification for the repetitive inspections and a post-modification inspection of the modified area; using revised service information. For certain airplanes, the supplemental NPRM proposed to require new repetitive inspections, an interim modification, and post-interim modification inspections. For certain airplanes, the supplemental NPRM also proposed to require replacing any previously repaired aft inner chord and reinstalling the terminating modification. The supplemental NPRM proposed to reduce the threshold and repeat intervals of certain post-modification inspections for airplanes that are converted to the Model 747–400 large cargo freighter (LCF) configuration. For all airplanes, the supplemental NPRM proposed that certain inspections of the upper aft outer chords and diagonal brace attachment fittings, flanges, and rods continue after the terminating modification.

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

Support for the Supplemental NPRM
Boeing concurs with the contents of the supplemental NPRM.

Request To Delay the AD Pending Revised Service Information
All Nippon Airways requests that we delay issuing the AD until Boeing revises Service Bulletin 747–53A2427 to Revision 6 (we referred to Boeing Service Bulletin 747–53A2427, Revision 5, dated October 1, 2009, in the supplemental NPRM as the appropriate source of service information for certain actions). All Nippon Airways explains that it has asked Boeing to clarify an alternate material and filler thickness, which it asserts were not reflected in Boeing Service Bulletin 747–53A2427, Revision 5, dated October 1, 2009. All Nippon Airways also state that Boeing will make the necessary changes in Revision 6 of Boeing Service Bulletin 747–53A2427, Revision 5, dated October 1, 2009. All Nippon Airways also state that Boeing will make the necessary changes in Revision 6 of Boeing Service Bulletin 747–53A2427. All Nippon Airways states that not including this information in the AD will be a burden on operators, causing them to request alternative methods of compliance (AMOCs) once the supplemental NPRM is mandated.

We do not agree to delay this AD until additional service information is issued. We do not consider that further delaying this action until after the release of the manufacturer’s planned service bulletin is warranted, since sufficient information currently exists to accomplish the applicable required actions within the specified compliance time. However, under the provisions of paragraph (x) of the final rule, we will consider requests for approval of an AMOC if sufficient data are submitted to substantiate that the change would provide an acceptable level of safety. We have not changed the AD in this regard.

Request for Clarification of Certain Requirements
Japan Airlines requests that we clarify the requirements specified in paragraph (q)(2)(ii) of the supplemental NPRM. Japan Airlines states that the inspection description specified in that paragraph is not clear, because Boeing Alert Service Bulletin 747–53A2473, Revision 2, dated August 28, 2009, contains many inspections. Therefore, Japan Airlines suggests that we use the same wording between the supplemental NPRM and the service information, that we add the table number containing the requirement in the service information into the supplemental NPRM, and that we more clearly state the purpose of the inspection in the supplemental NPRM. We recognize that the actions specified in Boeing Alert Service Bulletin 747–53A2473, Revision 2, dated August 28, 2009, and this AD are complex. We point out that the wording used in this AD was taken directly from Boeing Alert Service Bulletin 747–53A2473, Revision 2, dated August 28, 2009. Operators should note that paragraph (q)(2)(ii) of this AD must be read in concert with paragraph (q)(2) of this AD. The content of paragraph (q)(2)(ii) of this AD was meant to clarify the content of paragraph (q)(2) of this AD, which contains more detailed information. However, while there is no table number to associate with the requirements specified in paragraph (q)(2)(ii) of this AD, we can refer to the specific paragraph(s) of the Accomplishment Instructions of the service information, which contain the required actions. We have revised paragraphs (q)(2)(i) and (q)(2)(ii) of this AD to specify the applicable paragraph of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2473, Revision 2, dated August 28, 2009, for accomplishing the required actions specified in those paragraphs. Because the purpose of the inspection provided in paragraph (q)(2)(ii) of this AD is provided in paragraph (q)(2) of this AD, we find that no additional clarification is necessary in that regard.

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

**Explanation of Change to Costs of Compliance**

Since issuance of the supplemental 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.

<table>
<thead>
<tr>
<th>Action</th>
<th>Work hours</th>
<th>Parts</th>
<th>Cost per airplane</th>
<th>Number of U.S.-registered airplanes</th>
<th>Fleet cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surface high frequency eddy current (HFEC) inspections (required by AD 2006–05–06) and open-hole HFEC inspections (new required action).</td>
<td>2</td>
<td>None</td>
<td>$170, per inspection cycle</td>
<td>162</td>
<td>$27,540, per inspection cycle.</td>
</tr>
<tr>
<td>Detailed inspections (required by AD 2006–05–06).</td>
<td>2</td>
<td>None</td>
<td>170, per inspection cycle</td>
<td>162</td>
<td>27,540, per inspection cycle.</td>
</tr>
<tr>
<td>Terminating modification (partially required by AD 2006–05–06; additional modification requirements in this new action).</td>
<td>126</td>
<td>$52,218</td>
<td>62,928</td>
<td>162</td>
<td>10,194,336</td>
</tr>
<tr>
<td>Interim modification (new required action).</td>
<td>4</td>
<td>$4,000</td>
<td>4,340</td>
<td>162</td>
<td>703,080</td>
</tr>
<tr>
<td>Replacement of previously repaired aft inner chords (new required action).</td>
<td>2</td>
<td>None</td>
<td>170</td>
<td>162</td>
<td>27,540</td>
</tr>
<tr>
<td>Support Frame upper Corner Fastener Inspection (new required action).</td>
<td>8</td>
<td>None</td>
<td>680</td>
<td>162</td>
<td>110,160</td>
</tr>
<tr>
<td>Post-modification inspection (new required action).</td>
<td>4</td>
<td>None</td>
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**Authority for This Rulemaking**

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

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

**Regulatory Findings**

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

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

(1) Is not a “significant regulatory action” under Executive Order 12866; (2) Is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

**List of Subjects in 14 CFR Part 39**

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

**Costs of Compliance**

There are about 998 airplanes of the affected design in the worldwide fleet. The following table provides the estimated costs for U.S. operators to comply with this AD. The average labor rate is $85 per work hour.

<table>
<thead>
<tr>
<th>Action</th>
<th>Work hours</th>
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<td>162</td>
<td>55,080</td>
</tr>
</tbody>
</table>

**Adoption of the Amendment**

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

**PART 39—AIRWORTHINESS DIRECTIVES**

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

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

   **§ 39.13 [Amended]**

2. The Federal Aviation Administration (FAA) amends § 39.13 by removing Amendment 39–14503 (71 FR 12125, March 9, 2006) and by adding the following new airworthiness directive (AD):


   **Effective Date**

   (a) This AD becomes effective August 5, 2010.
Affected ADs
(b) This AD supersedes AD 2006–05–06, Amendment 39–14503.

Applicability

Subject
(d) Air Transport Association (ATA) of America Code 53: Fuselage.

Unsafe Condition
(e) This AD results from reports of cracked aft inner chords on airplanes after certain requirements of the existing AD were done. We are issuing this AD to prevent fatigue cracking of the body station (BS) 2598 bulkhead structure, which could result in inability of the structure to carry horizontal stabilizer flight loads, and loss of controllability of the airplane.

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

Restatement of Requirements of AD 2006–05–06
Repetitive High Frequency Eddy Current (HFEC) Inspections of the Bulkhead Frame Supports
(g) Before the accumulation of 10,000 total flight cycles, or within 1,000 flight cycles after August 16, 2001 (the effective date of AD 2001–14–07, Amendment 39–12318, which was superseded by AD 2006–05–06), whichever occurs later: Do an open-hole HFEC inspection to find cracking of the bulkhead frame support under the hinge support fittings of the horizontal stabilizer on the left and right sides at BS 2598, in accordance with Figure 2 of the Accomplishment Instructions of Boeing Service Bulletin 747–53A2449, dated June 8, 2000, are considered acceptable for compliance with the applicable inspection specified in this paragraph.

Repair of Any Cracked Bulkhead Frame Support
(h) If any cracking is found during any inspection required by paragraph (g) of this AD, before further flight, repair using a method approved in accordance with the procedures specified in paragraph (x) of this AD.

Repetitive Inspections of Inner Chords, Frame Support Fitting, and Splice Fitting
(i) Do a surface HFEC inspection of the forward and aft inner chords, the frame support, and the splice fitting of the forward inner chord of the upper corners of the station 2598 bulkhead to find cracking, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2427, Revision 2, dated October 5, 2000; Revision 3, dated September 27, 2001; or Boeing Service Bulletin 747–53A2427, Revision 5, dated October 1, 2009; at the latest of the times specified in paragraphs (j) and (k)(2) of this AD, as applicable. Repeat the inspection after that at intervals not to exceed 1,500 flight cycles. After the effective date of this AD, Boeing Service Bulletin 747–53A2427, Revision 5, dated October 1, 2009, must be used.

(j) For airplanes having line numbers 1 through 1241 inclusive:
(i) Before the accumulation of 6,000 total flight cycles.
(ii) Within 500 flight cycles after August 28, 2001 (the effective date of AD 2001–15–03, Amendment 39–12337, which was superseded by AD 2006–05–06).
(iii) For airplanes inspected before August 28, 2001, in accordance with Boeing Alert Service Bulletin 747–53A2427, dated December 17, 1998 (including inspections of the splice fitting), or Revision 1, dated October 28, 1999: Within 1,500 flight cycles after accomplishment of the last inspection done in accordance with the original service bulletin or Revision 1, as applicable.

(k) For airplanes having line numbers 1242 through 1307 inclusive:
(i) Before the accumulation of 16,000 total flight cycles.

(l) For airplanes inspected before August 28, 2001, in accordance with Boeing Alert Service Bulletin 747–53A2427, dated December 17, 1998 (including inspections of the splice fitting), or Revision 1, dated October 28, 1999: Within 1,500 flight cycles after accomplishment of the last inspection done in accordance with Boeing Service Bulletin 747–53A2427, dated December 17, 1998; or Revision 1, dated October 28, 1999: as applicable.

j) If any cracking is found during the inspections required by paragraph (i) of this AD, before further flight, repair in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2427, Revision 2, dated October 5, 2000; Revision 3, dated September 27, 2001; or Boeing Service Bulletin 747–53A2427, Revision 5, dated October 1, 2009. After the effective date of this AD, Boeing Service Bulletin 747–53A2427, Revision 5, dated October 1, 2009, must be used. Where Boeing Alert Service Bulletin 747–53A2427, Revision 2, dated October 5, 2000; Revision 3, dated September 27, 2001; or Boeing Service Bulletin 747–53A2427, Revision 5, dated October 1, 2009; specifies to contact Boeing for appropriate action: Before further flight, repair using a method approved in accordance with the procedures specified in paragraph (x) of this AD.

Terminating Modification With New Compliance Time for Certain Airplanes for the Inspection Specified in Paragraph (k)(2) of This AD
(m) Except as provided by paragraph (q) of this AD: Before the accumulation of 20,000 total flight cycles, or within 48 months after April 13, 2006 (the effective date of AD 2006–05–06), whichever occurs later, modify the bulkhead by doing all applicable actions including surface and open-hole HFEC inspections for cracking of the upper forward inner chords, aft inner chords, upper splice fittings, and frame support fittings, as specified in the Accomplishment Instructions of Boeing Service Bulletin 747–53–2473, dated March 24, 2005; Revision 1, dated February 20, 2007; or Boeing Alert Service Bulletin 747–53A2473, Revision 2, dated August 28, 2009. Repair any cracks.
before further flight, in accordance with Boeing Service Bulletin 747–53–2473, dated March 24, 2005; Revision 1, dated February 20, 2007; or Boeing Alert Service Bulletin 747–53A2473, Revision 2, dated August 28, 2009. Where Boeing Service Bulletin 747–53–2473, dated March 24, 2005; Revision 1, dated February 20, 2007; or Boeing Alert Service Bulletin 747–53A2473, Revision 2, dated August 28, 2009; specifies that the manufacturer may be contacted for disposition of certain repair conditions: Before further flight, repair the cracks using a method approved in accordance with the procedures specified in paragraph (x) of this AD. Accomplishment of the modification terminates the requirements of paragraphs (g), (i), and (k)(1) of this AD. After the effective date of this AD, Boeing Alert Service Bulletin 747–53A2473, Revision 2, dated August 28, 2009; specifies that the manufacturer may be contacted for disposition of certain repair conditions.

Post-Modification Inspection and Repair

(n) Except as provided by paragraphs (q) and (r) of this AD: Within 20,000 flight cycles after doing the modification required by paragraph (m) of this AD, inspect the BS 2598 bulkhead for cracks, and repair any cracks before further flight, in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO).

New Requirements of This AD

Terminating Repair for Repetitive Surface HFEC Inspections

(o) As of the effective date of this AD, accomplishing the aft inner chord repair required by paragraph (j) of this AD in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747–53A2427, Revision 5, dated October 1, 2009, ends the repetitive surface HFEC inspections required by paragraph (i) of this AD for that side of the bulkhead only.

Replacement of Previously Repaired Aft Inner Chord and Reinstallation of Terminating Modification

(p) For airplanes on which the terminating modification required by paragraph (m) of this AD has been done in accordance with Boeing Service Bulletin 747–53–2473, dated March 24, 2005: Within 1,500 flight cycles after doing the modification, or within 1,000 flight cycles after the effective date of this AD, whichever occurs later, do a one-time general visual inspection for repairs installed previously on the left and right side aft inner chords. For airplanes with previously installed repairs, before further flight, do rework (i.e., replace any previously repaired aft inner chord with a new aft inner chord and reinstall the terminating modification), using a method approved in accordance with the procedures specified in paragraph (x) of this AD.

Revised Terminating Modification

(q) Doing the applicable modification required by paragraph (q)(1) or (q)(2) of this AD at the applicable time terminates the requirements of paragraph (m) of this AD and the repetitive inspections required by paragraphs (g), (i), and (k)(1) of this AD. For airplanes that are converted to the Model 747–400 LCF configuration, the inspection specified in paragraph (q)(2) of this AD must be repeated thereafter at intervals not to exceed 1,800 flight cycles.

(1) For airplanes on which the terminating modification required by paragraph (m) of this AD has not been done as of the effective date of this AD, the accomplishment of this AD must be done in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2473, Revision 2, dated August 28, 2009. Do the inspections at the applicable times specified in Table 6 through 9 of paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin 747–53A2473, Revision 2, dated August 28, 2009, except where Boeing Alert Service Bulletin 747–53A2473, Revision 2, dated August 28, 2009, specifies a compliance time after the date of that service bulletin, this AD must be accomplished within the specified compliance time after the effective date of this AD. If any cracking is found during any inspection required by this paragraph, before further flight, repair using a method approved in accordance with the procedures specified in paragraph (x) of this AD. Repeat the inspections thereafter at the applicable times specified in Tables 6 through 9 of paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin 747–53A2473, Revision 2, dated August 28, 2009. Accomplishing the applicable inspections required by this paragraph terminates the requirements of paragraph (m) of this AD.

Open-Hole HFEC Inspection(s) and Terminating Repair

(s) For airplanes on which the terminating modification required by paragraph (m) or (q) of this AD has not been done: Do an initial open-hole HFEC inspection to detect cracks in the bulkhead splice fitting, frame support fitting, and forward and aft inner chords on the left and right sides of the BS 2598 bulkhead, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747–53A2427, Revision 5, dated October 1, 2009. Do the initial inspection at the applicable time specified in Table 1 or 3 of paragraph 1.E., "Compliance," of Boeing Service Bulletin 747–53A2427, Revision 5, dated October 1, 2009; except where Boeing Service Bulletin 747–53A2427, Revision 5, dated October 1, 2009, specifies a compliance time after the date on that service bulletin, this AD requires compliance within the specified compliance time after the effective date of this AD.

(1) If no crack is detected, repeat the open-hole HFEC inspection thereafter at intervals not to exceed 1,500 flight cycles.

(2) If any crack is detected, before further flight, repair it in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747–53A2427, Revision 5, dated October 1, 2009, except where Boeing Service Bulletin 747–53A2427, Revision 5, dated October 1, 2009, specifies a compliance time after the date on that service bulletin, this AD requires compliance within the specified compliance time after the effective date of this AD.
Post-Interim Modification/Repair Repetitive Surface and Open-Hole HFEC Inspections

(u) For airplanes on which the interim modification required by paragraph (f) of this AD has been done or the repair required by paragraph (j) or (s)(2) of this AD has been done; and on which the terminating modification required by paragraph (m) or (q) of this AD has not been done; before the accumulation of 12,000 total flight cycles, or within 1,500 flight cycles after the effective date of this AD, whichever occurs later, install the interim modification for the aft inner chords, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747–53A2427, Revision 5, dated October 1, 2009. Accomplishing the interim modification ends the repetitive surface and open-hole HFEC inspections required by paragraphs (i) and (s)(1), respectively, of this AD.

Repair of Any Cracked Inner Chord, Splice Fitting, or Frame Support Fitting

(v) If any crack is detected during any surface or open-hole HFEC inspection required by paragraph (u) of this AD, before further flight, repair any cracked inner chord, splice fitting, or frame support fitting, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747–53A2427, Revision 5, dated October 1, 2009; except where Boeing Service Bulletin 747–53A2427, Revision 5, dated October 1, 2009, specifies to contact Boeing for appropriate action, before further flight, repair the crack using a method approved in accordance with the procedures specified in paragraph (x) of this AD.

TABLE 1—ALL MATERIAL INCORPORATED BY REFERENCE

<table>
<thead>
<tr>
<th>Document</th>
<th>Revision</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boeing Alert Service Bulletin 747–53A2467</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boeing Alert Service Bulletin 747–53A2473</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(1) The Director of the Federal Register approved the incorporation by reference of the service information contained in Table 2 of this AD under 5 U.S.C. 552(a) and 1 CFR part 51.

TABLE 2—NEW MATERIAL INCORPORATED BY REFERENCE

<table>
<thead>
<tr>
<th>Document</th>
<th>Revision</th>
<th>Date</th>
</tr>
</thead>
</table>

(4) On August 16, 2001 (66 FR 36443, July 12, 2001), the Director of the Federal Register approved the incorporation by reference of
DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration

14 CFR Part 39

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400F, 747SR, and 747SP series airplanes. This AD requires reworking or replacing certain duct assemblies in the environmental control system (ECS). This AD results from reports of duct assemblies in the ECS with burned Boeing Material Specification (BMS) 8–39 polyurethane foam insulation. This proposed AD also results from a report from the airplane manufacturer that airplanes were assembled with duct assemblies in the ECS wrapped with BMS 8–39 polyurethane foam insulation, a material of which the fire retardant properties deteriorate with age. We are issuing this AD to prevent a potential electrical arc from igniting the BMS 8–39 polyurethane foam insulation on the duct assemblies of the ECS, which could propagate a small fire and lead to a larger fire that might spread throughout the airplane through the ECS.

DATES: This AD is effective August 5, 2010.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of August 5, 2010.

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

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

Robert D. Breneman,
Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010–15654 Filed 6–30–10; 8:45 am]

BILLING CODE 4910–13–P

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**ESTIMATED COSTS**

<table>
<thead>
<tr>
<th>Action</th>
<th>Work hours</th>
<th>Parts cost, per airplane</th>
<th>Cost per airplane</th>
<th>Number of U.S.-registered airplanes</th>
<th>Fleet cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duct assembly rework, specified in Boeing Service Bulletin 747–21A2421.</td>
<td>8 per duct (average of 130 ducts per airplane).</td>
<td>$12,305 (average)</td>
<td>$100,705 (average)</td>
<td>185</td>
<td>$18,630,425.</td>
</tr>
<tr>
<td>Duct assembly rework or replacement, specified in Boeing Service Bulletin 747–21A2422.</td>
<td>1 per duct (1 duct per airplane).</td>
<td>The manufacturer states that it will supply required parts to the operators at no cost.</td>
<td>$85</td>
<td>Up to 168</td>
<td>Up to $14,280.</td>
</tr>
</tbody>
</table>
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

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

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

(1) Is not a “significant regulatory action” under Executive Order 12866,
(2) Is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979), and
(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

You can find our regulatory evaluation and the estimated costs of compliance in the AD Docket.

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 adding the following new AD:

2010–14–01 The Boeing Company:


Effective Date

(a) This airworthiness directive (AD) is effective August 5, 2010.

Affected ADs

(b) None.

Applicability

(c) This AD applies to the airplanes specified in paragraphs (c)(1) and (c)(2) of this AD, certified in any category.


Revision 2, dated December 19, 2006.


Subject

(d) Air Transport Association (ATA) of America Code 21: Air conditioning.

Unsafe Condition

(e) This AD results from reports of duct assemblies in the environmental control system (ECS) with burned Boeing Material Specification (BMS) 8–39 polyurethane foam insulation. This AD also results from a report from the airplane manufacturer that airplanes were assembled with duct assemblies in the ECS wrapped with BMS 8–39 polyurethane foam insulation, a material of which the fire retardant properties deteriorate with age. We are issuing this AD to prevent a potential electrical arc from igniting the BMS 8–39 polyurethane foam insulation on the duct assemblies of the ECS, which could propagate a small fire and lead to a larger fire that could spread throughout the airplane through the ECS.

Compliance

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

ECS Duct Assembly Rework or Replacement


Parts Installation

(h) As of the effective date of this AD, no person may install an ECS duct assembly with BMS 8–39 polyurethane foam insulation on any airplane.

Alternative Methods of Compliance (AMOCs)

(i)(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Sue McCormick, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (303) 342–1002; fax (425) 917–6500. Or, e-mail information to 9–ANM–Seattle–ACO–AMOC–Requests@faa.gov.

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. 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.

Material Incorporated by Reference

(j) You must use Boeing Service Bulletin 747–21A2421, Revision 2, dated December 19, 2006; or Boeing Service Bulletin 747–21A2422, Revision 2, dated November 16, 2006; as applicable; to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, Washington 98012–2207; telephone 206–544–3500, extension 1; fax 206–760–5680; e-mail mel boecon@boeing.com; Internet https://www.myboeingfleet.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.
DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39


RIN 2120–AA64


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

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the Federal Register an amendment adopting airworthiness directive (AD) 2008–01–01 that was sent previously to all known U.S. owners and operators of certain Model 737–200, –300, –400, –500, –600, –700, –800, and –900 series airplanes; Model 747–400 series airplanes; Model 757–200 and 757–300 series airplanes; Model 767–200, 767–300, and 767–400ER series airplanes; and Model 777–200 series airplanes by individual notices. This AD requires replacing a certain flight deck door feature and revising the modification record placard. This AD is prompted by a report indicating that the feature of the flight deck door is defective. We are issuing this AD to prevent failure of this feature, which could jeopardize flight safety.

DATES: This AD becomes effective July 6, 2010 to all persons except those persons to whom it was made immediately effective by AD 2008–01–01, issued December 26, 2007, which contained the requirements of this amendment.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of July 6, 2010.

We must receive comments on this AD by August 16, 2010.

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

• Federal eRulemaking Portal: Go to http://www.regulations.gov. Follow the instructions for submitting comments.
• Fax: 202–493–2251.

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION:

We reviewed the following service bulletins:

JAMCO SERVICE BULLETINS

<table>
<thead>
<tr>
<th>TABLE—SERVICE BULLETINS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jamco Service Bulletin—</td>
</tr>
<tr>
<td>52–2303, Revision 1, dated October 10, 2007</td>
</tr>
<tr>
<td>52–2305, Revision 1, dated October 10, 2007</td>
</tr>
</tbody>
</table>

The service bulletins describe procedures for replacing a certain flight deck door feature and revising the modification record placard.

FAA’s Determination and Requirements of This AD

Since the unsafe condition described is likely to exist or develop on other airplanes of these same type designs, we issued AD 2008–01–01 to prevent the failure of a certain feature of the flight deck door. The AD requires accomplishing the actions specified in the service information previously described.

We found that notice and opportunity for prior public comment on AD 2008–01–01 were contrary to the public interest, and good cause existed to make the AD effective immediately by individual notices issued on December 26, 2007, to all known U.S. owners and operators of certain Model 737–200, –300, –400, –500, –600, –700, –800, and –900 series airplanes; Model 747–400 series airplanes; Model 757–200 and
757–300 series airplanes; Model 767–200, 767–300, and 767–400ER series airplanes; and Model 777–200 series airplanes. These conditions still exist, and the AD is hereby published in the Federal Register as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments before it becomes effective. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the ADDRESSES section. Include “Docket No. FAA–2010–0638; Directorate Identifier 2007–NM–333–AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

We will post all comments we receive, without change, to http://www.regulations.gov, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this AD.

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

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Table 1—Applicability

<table>
<thead>
<tr>
<th>Model—</th>
<th>Modified in accordance with Supplemental Type Certificate—</th>
<th>As identified in Jamco Service Bulletin—</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)737–200, −300, −400, −500, −600, −700, −800, and −900 series airplanes.</td>
<td>ST01143SE</td>
<td>52–2295, Revision 1, dated October 10, 2007.</td>
</tr>
<tr>
<td>(2) 747–400 series airplanes ...................................................</td>
<td>ST01194SE</td>
<td>52–2303, Revision 1, dated October 10, 2007.</td>
</tr>
</tbody>
</table>

Subject

(d) Air Transport Association (ATA) of America Code 52: Doors.

Unsafe Condition

(e) This AD results from a report indicating that a feature of the flight deck door is defective. We are issuing this AD to prevent failure of this feature, which could jeopardize flight safety.

Compliance

(f) Comply with this AD within the compliance times specified, unless already done.

Replacement

(g) Within 30 days after the effective date of this AD, replace a certain flight deck door feature and revise the modification record placard, in accordance with the Accomplishment Instructions of the applicable service bulletin identified in Table 1 of this AD.

Action done before the effective date of this AD in accordance with Jamco Service Bulletin 52–2304, Revision 1, dated October 10, 2007, are acceptable for compliance with the corresponding requirements of paragraph (g) of this AD.
Alternative Methods of Compliance (AMOCs)

(i)(1) The Manager, Seattle Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 FR 39.19.


(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. 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.

Material Incorporated by Reference

(j) You must use the applicable service information contained in Table 2 of this AD to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Jamco America, Inc., 1018 80th Street SW., Everett, WA 98203;


(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.

Table 2—Material Incorporated by Reference

<table>
<thead>
<tr>
<th>Document</th>
<th>Revision</th>
<th>Date</th>
</tr>
</thead>
</table>

Issued in Renton, Washington, on June 18, 2010.

Ali Bahrami,
Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010–15655 Filed 6–30–10; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39


RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Model CL–600–2B16 (CL–604 Variant) Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new 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:

Two cases of a crack on a “dry” ADG [air driven generator] (Hamilton Sundstrand part number in the 761339 series), in the aft area of the strut and generator housing assembly, have been reported on CL–600–2B19 aircraft. The same part number is also installed on CL–600–2B16 (CL–604) aircraft. Investigation determined that the crack was in an area of the strut where the wall thickness of the casting was below specification, due to a manufacturing anomaly in a specific batch of ADGs. Structural failure and departure of the ADG during deployment could possibly result in damage to the aircraft structure. If deployment were activated by a dual engine shutdown, ADG structural failure would also result in loss of hydraulics for the flight controls.

* * * * *

The unsafe condition is possible loss of control of the airplane. We are issuing this AD to require actions to correct the unsafe condition on these products.

DATES: This AD becomes effective August 5, 2010.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of August 5, 2010.

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.


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 January 4, 2010 (75 FR 91). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

Two cases of a crack on a “dry” ADG [air driven generator] (Hamilton Sundstrand part number in the 761339 series), in the aft area of the strut and generator housing assembly, have been reported on CL–600–2B19 aircraft. The same part number is also installed on CL–600–2B16 (CL–604) aircraft. Investigation determined that the crack was in an area of the strut where the wall thickness of the casting was below specification, due to a manufacturing anomaly in a specific batch of ADGs. Structural failure and departure of the ADG during deployment could possibly result in damage to the aircraft structure. If deployment were activated by a dual engine shutdown, ADG structural failure would also result in loss of hydraulics for the flight controls.

This directive gives instructions to check the part number of the installed ADG and, for ADGs with a part number in the 761339 series, the serial numbers of the ADG and the strut and generator housing assembly are also to be checked. If these serial numbers are within specified ranges * * *, initial and
We agree with the commenter. Part III of the MCAI or Service Information lists required parts costs that are estimated to be $0 per part. Where the service information identifies costs, we assume that there will be no charge for those parts. 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 $64,260, or $170 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; and
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.
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

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

Effective Date
(a) This airworthiness directive (AD) becomes effective August 5, 2010.

Affected ADs
(b) None.

Applicability
(c) This AD applies to Bombardier, Inc., Model CL–600–2B16 (CL–604 Variant) airplanes; certificated in any category; serial numbers 5408 through 5665 inclusive.

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

Reason
(e) The mandatory continuing airworthiness information (MCAI) states:
Two cases of a crack on a “dry” ADG [air driven generator] (Hamilton Sundstrand part number in the 761339 series), in the aft area of the strut and generator housing assembly, have been reported on CL–600–2B19 aircraft. The same part number is also installed on CL–600–2B16 (CL–604 aircraft. Investigation determined that the crack was in an area of the strut where the wall thickness of the casting was below specification, due to a manufacturing anomaly in a specific batch of ADGs. Structural failure and departure of the ADG during deployment could possibly result in damage to the aircraft structure. If deployment were activated by a dual engine shutdown, ADG structural failure would also result in loss of hydraulics for the flight controls.

This directive gives instructions to check the part number of the installed ADG and, for ADGs with a part number in the 761339 series, the serial numbers of the ADG and the strut and generator housing assembly are also to be checked. If these serial numbers are within specified ranges * * *, initial and subsequent repeat fluorescent penetrant inspections of the ADG strut are required. This directive also gives instructions to perform a fluorescent penetrant penetration inspection after each unscheduled in-flight ADG deployment and a [general] visual inspection after each unscheduled on-ground ADG deployment. Instructions regarding re-identification (where applicable) and replacement parts are also included. The unsafe condition is possible loss of control of the airplane.

Actions and Compliance
(f) Unless already done, do the following actions.
(1) Within 400 flight hours after the effective date of this AD, inspect to determine the part number of the installed ADG and accomplish the actions required by paragraph (f)(1)(i) or (f)(1)(ii) of this AD, as applicable. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number of the ADG can be conclusively determined from that review.
(i) If the part number of the ADG is 604–90800–23 (Hamilton Sundstrand part number 1711405), the strut wall thickness is within specification and no further action is required by this paragraph.
(ii) If the part number of the ADG is 604–90800–1, –17 or –19 (Hamilton Sundstrand part number in the 761339 series), inspect to determine the ADG serial number and do the applicable action required by paragraph (f)(1)(i)(A), (f)(1)(i)(B), or (f)(1)(ii)(C) of this AD. 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.
(A) If the serial number of the ADG is 2000 or higher, the strut wall thickness is within specification and no re-identification is required. Do the actions required by paragraph (f)(4) of this AD.
(B) If the serial number of the ADG is in the range 0101 through 1999 inclusive, and the symbol 24–3 is marked in the serial number block of the identification plate, the strut wall thickness is within specification and only re-identification is required. Do the actions required by paragraph (f)(6) of this AD.
(C) If the serial number of the ADG is in the range 0101 through 1999 inclusive, and the symbol 24–3 is not marked in the serial number block of the identification plate, inspect to determine the serial number of the strut and generator housing assembly and do the applicable action required by paragraph (f)(1)(iii)(C)(1) or (f)(1)(iii)(C)(2) of this AD, as applicable.

Note 1: Guidance on serial number location can be found in Figure 1, Sheet 1, of Hamilton Sundstrand Service Bulletin ERPS10AG–24–3, Revision 3, dated March 12, 2009.

(2) If the serial number of the strut and generator housing assembly is in the range 0001 through 2503 inclusive, the fluorescent penetrant inspection specified in paragraph (f)(2) of this AD is required. For airplanes on which an unscheduled in-flight or on-ground ADG deployment has occurred after accomplishing the actions required by this paragraph, do the actions required by paragraph (f)(5), (f)(6), or (f)(7) of this AD, as applicable.

(2) For airplanes having a strut and generator housing assembly identified in paragraph (f)(1)(i)(C)(1) of this AD, except for airplanes with serial numbers 5611 through 5665 on which Bombardier conducted the initial fluorescent penetrant inspection prior to aircraft delivery and on which the ADG has not been replaced since aircraft delivery: Within 400 flight hours after the effective date of this AD, do a fluorescent penetrant inspection of the ADG strut, and replace the ADG, as applicable, in accordance with paragraphs 2.A., 2.C., and 2.D. of the Accomplishment Instructions in Bombardier Alert Service Bulletin A604–24–017, Revision 01, dated January 15, 2007. If the ADG is replaced by an ADG with part number 604–90800–23 (Hamilton Sundstrand part number 1711405), no further action is required by this paragraph.

Accomplishing the requirements in paragraph (f)(4) of this AD is required for airplanes on which each ADG has been inspected in accordance with this paragraph.

(3) Accomplishment of the fluorescent penetrant inspection before the effective date of this AD in accordance with the applicable service information identified in Table 1 of this AD is acceptable for compliance with the requirements of paragraph (f)(2) of this AD.

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<th>Table 1—Acceptable Service Information</th>
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Note 2: In Hamilton Sundstrand Service Bulletin ERPS10AG–24–3, the fluorescent penetrant inspection is referred to as a “penetrant check.”

(4) As of the effective date of this AD, for airplanes on which the inspection required by paragraph (f)(2) of this AD has been done and on which a scheduled ADG operational test is performed: Before further flight after each test, do a fluorescent penetrant inspection of the ADG strut for cracks, and replace the ADG if any crack is found, in accordance with paragraphs 2.A., 2.C., and 2.D. of the Accomplishment Instructions in Bombardier Alert Service Bulletin A604–24–017, Revision 01, dated January 15, 2007. If the ADG is replaced by an ADG with part number 604–90800–23 (Hamilton Sundstrand part number 1711405), no further action is required by this paragraph.

(5) As of the effective date of this AD, for airplanes identified in paragraph (f)(1)(ii)(C)(1) of this AD on which an unscheduled in-flight ADG deployment occurs: Before further flight after each deployment, do a general visual inspection of the ADG strut for cracks, and replace the ADG if any crack is found, in accordance with paragraphs 2.A., 2.B., and 2.D. of the Accomplishment Instructions in Bombardier Alert Service Bulletin A604–24–017, Revision 01, dated January 15, 2007. If the ADG is replaced by an ADG with part number 604–90800–23 (Hamilton Sundstrand part number 1711405), no further action is required by this paragraph. The general visual inspection required by this paragraph (f)(6) of this AD is performed before further flight.

(6) For airplanes identified in paragraph (f)(1)(ii)(C)(1) of this AD on which an unscheduled in-flight ADG deployment occurs: Within 3 days or 10 hours time-in-service, whichever comes first, after each deployment, perform a fluorescent penetrant inspection of the ADG strut, and replace the ADG, as applicable, in accordance with paragraphs 2.A., 2.B., and 2.D. of the Accomplishment Instructions in Bombardier Alert Service Bulletin A604–24–017, Revision 01, dated January 15, 2007. If the ADG is replaced by an ADG with part number 604–90800–23 (Hamilton Sundstrand part number 1711405), no further action is required by this paragraph.

(7) For airplanes identified in paragraph (f)(1)(ii)(C)(1) of this AD on which an unscheduled on-ground ADG deployment task is done: Before further flight after each deployment, do a general visual inspection of the ADG strut for cracks, and replace the ADG if any crack is found, in accordance with paragraphs 2.A., 2.B., and 2.D. of the Accomplishment Instructions in Bombardier Alert Service Bulletin A604–24–017, Revision 01, dated January 15, 2007. If the ADG is replaced by an ADG with part number 604–90800–23 (Hamilton Sundstrand part number 1711405), no further action is required by this paragraph.

(8) For airplanes identified in paragraphs (f)(1)(ii)(A), (f)(1)(ii)(B), and (f)(1)(ii)(C)(2) of this AD: Within 400 flight hours after the effective date of this AD, re-identify the ADG, in accordance with the Accomplishment Instructions in Bombardier Service Bulletin 604–24–019, dated October 1, 2007. Following re-identification, no further action is required by this paragraph.

Note 3: Paragraph (f)(8) of this AD is applicable only if required by paragraph (f)(1)(ii)(A), (f)(1)(ii)(B), or (f)(1)(ii)(C)(2) of this AD. The strut wall thickness of the ADGs specified in these paragraphs is not below specification.

(9) As of the effective date of this AD, no person may install an ADG having part number 604–90800–23 (Hamilton Sundstrand part number in the 761339 series) on any airplane if the serial number of the ADG is in the range 0101 through 1999 strut and the serial number of the generator housing assembly is in the range 0001 through 2503.

Note 4: The Bombardier CL–604 Illustrated Parts Catalog specifies that, for an ADG with a Hamilton Sundstrand part number in the 761339 series, future procurement is to be an ADG with Hamilton Sundstrand part number 1711405.

(10) Although Bombardier Alert Service Bulletin A604–24–017, Revision 01, dated January 15, 2007; and Service Bulletin 604–24–019, dated October 1, 2007; specify submitting certain information to the manufacturer, this AD does not require that submission.

FAA AD Differences

Note 5: This AD differs from the MCAI and/or service information as follows: Although the MCAI or service information tells you to submit information to the manufacturer, paragraph (f)(10) of this AD specifies that such submittal is not required.

Other FAA AD Provisions

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

(1) Alternative Methods of Compliance (AMOCs): The Manager, New York Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Program Manager, Continued 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.

Related Information


Material Incorporated by Reference

(i) You must use Bombardier Alert Service Bulletin A604–24–017, Revision 01, dated January 15, 2007; and Bombardier Service Bulletin 604–24–019, dated October 1, 2007; as applicable; to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Bombardier, Inc., 400 Cote–Vertu Road West, Dorval, Quebec 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. 2010–15818 Filed 6–30–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39


RIN 2120–AA64

Airworthiness Directives; The Boeing Company Model 737–200, –300, –400, and –500 Series Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD), which applies to certain Model 737–200, –300, –400, and –500 series airplanes. That AD currently requires an
inspection to determine the manufacturer and manufacture date of the oxygen masks in the passenger service unit and the lavatory and attendant box assemblies, corrective action if necessary, and other specified action. This new AD expands the applicability in the existing AD. This AD results from a determination indicating that additional airplanes may be subject to the identified unsafe condition. We are issuing this AD to prevent the in-line flow indicators of the passenger oxygen masks from fracturing and separating, which could inhibit oxygen flow to the masks and consequently result in exposure of the passengers and cabin attendants to hypoxia following a depressurization event.

DATES: This AD becomes effective August 5, 2010.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of August 5, 2010.

On April 23, 2008 (73 FR 14666, March 19, 2008), the Director of the Federal Register approved the incorporation by reference of a certain other publication listed in the AD.

EXAMINING THE AD DOCKET

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

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that supersedes AD 2008–06–24, Amendment 39–15436 (73 FR 14666, March 19, 2008). The existing AD applies to certain Model 737–300, –400, and –500 series airplanes. That NPRM was published in the Federal Register on December 30, 2009 (74 FR 69040). That NPRM proposed to continue to require an inspection to determine the manufacturer and manufacture date of the oxygen masks in the passenger service unit and the lavatory and attendant box assemblies, corrective action if necessary, and other specified action. That NPRM also proposed to add airplanes to the applicability.

Compliance

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

Support for the NPRM

The Boeing Company concurrs with the content of the NPRM.

REQUEST TO ISSUE SEPARATE RULEMAKING ACTION FOR ADDED AIRPLANES

All Nippon Airways (ANA) asks that we issue a separate AD for Model 737–200 airplanes only. ANA understands the necessity of expanding the airplane effectivity, but notes that the requirements in the existing AD clearly target Model 737–300, –400, and –500 series airplanes. ANA states that a separate AD would avoid unnecessary paperwork for issuance of a new AD that includes Model 737–300, –400, and –500 series airplanes. ANA adds that we already approved Boeing Special Attention Service Bulletin 737–35–1099, Revision 1, dated April 23, 2009, which refers to B/E Aerospace Service Bulletin 714080–35–01, dated February 6, 2006; Revision 1, dated May 1, 2006; and Revision 2, dated May 28, 2008; as additional sources of guidance for modifying the oxygen mask assembly by replacing the flow indicator with an improved flow indicator. ANA concludes that the compliance time and requirements for the airplanes in the existing AD have not changed in the NPRM.

We do not agree with the commenter’s request to issue a separate AD to address only Model 737–200 airplanes. As discussed in the NPRM, we reviewed Boeing Special Attention Service Bulletin 737–35–1099, Revision 1, dated April 23, 2009, which was issued after the existing AD was published and expanded the effectivity of Boeing Special Attention Service Bulletin 737–35–1099, dated April 9, 2007. (We cited Boeing Special Attention Service Bulletin 737–35–1099, dated April 9, 2007, in the existing AD as the appropriate source of service information for accomplishing the required actions.) In light of this new service information, we determined that the additional airplanes included in the effectivity of Boeing Special Attention Service Bulletin 737–35–1099, Revision 1, dated April 23, 2009, also are subject to the unsafe condition identified in the existing AD.

When we find that additional airplanes must be added to the applicability of an AD, the existing AD is typically superseded to include those airplanes. In addition, we consider that any further delay in issuing separate rulemaking would result in an unacceptable level of risk because doing so would allow the unsafe condition to continue for an indefinite length of time. Therefore, we have not changed the AD in this regard.

REQUEST TO REVIEW MANUFACTURING DATE RANGE OF AFFECTED OXYGEN MASKS AND ISSUE ADDITIONAL RULEMAKING

The Civil Aviation Safety Authority of Australia suggests that we issue additional rulemaking to cover all airplanes that may have the affected B/E Aerospace oxygen mask flow indicator assemblies installed. The Civil Aviation Safety Authority asks that we review the manufacturing date range of the oxygen mask identified in the NPRM. The Civil Aviation Safety Authority states that data gathered from its service difficulty report system revealed the failure of three oxygen mask flow indicator assemblies similar to those identified in the NPRM. The Civil Aviation Safety Authority notes that those airplanes have a manufacturing date range of September 13, 2001, which is prior to the date range specified in the NPRM (January 1, 2002–March 1, 2006), and the masks are installed on a different airplane model (Beech B300) that have a part/dash number not included in B/E Aerospace Service Bulletin 174080–35–01 (referred to in the NPRM as an additional source of guidance for modifying the oxygen mask assembly). The Civil Aviation Safety Authority adds that the part number is in the 174080 series (identified in the parts installation paragraph of the NPRM).

We acknowledge the commenter’s concern and provide the following explanation. We are aware of the issue regarding the manufacturing date range of oxygen mask flow indicator assemblies installed on the small
airplane model identified by the commenter. We are currently investigating that issue to determine if additional rulemaking action might be necessary for airplane models other than those specified in the applicability of this AD.

With regard to this specific AD, the failures were due to certain mask stowage box designs that cause higher than normal stresses on the flow indicator assemblies. The manufacturing date range was determined by the manufacturer, and we based the AD on a review of physical test data obtained from the oxygen masks that were available during that review. Based on those data, the manufacturing date range addressed in this AD is appropriate for the airplanes identified in the AD applicability. No change to this AD is necessary.

Explanation of Change to This AD

Boeing Commercial Airplanes has received an Organization Designation Authorization (ODA), which replaces the previous designation as a Delegation of Authority (DOA) holder. We have revised paragraph (k)(3) of this AD to add delegation of authority to Boeing Commercial Airplanes ODA to approve an alternative method of compliance for any repair required by this AD.

Conclusion

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

Explanation of Change to Costs of Compliance

Since issuance of the NPRM, we have increased the labor rate 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

There are about 1,981 airplanes of the affected design in the worldwide fleet. This AD affects about 666 airplanes of U.S. registry. The actions that are required by AD 2008–06–24 and retained in this AD affect about 646 airplanes of U.S. registry. The required actions take about 16 work hours per airplane, for an average of 180 oxygen masks per airplane distributed in about 45 passenger service units/oxygen boxes, at an average labor rate of $85 per work hour. Required parts cost about $6 per oxygen mask, or $1,080 per airplane. Based on these figures, the estimated cost of the existing AD for U.S. operators is $1,576,240, or $2,440 per airplane.

This AD is applicable to approximately 20 additional airplanes. Based on the figures discussed above, we estimate the costs for the additional airplanes imposed by this AD on U.S. operators to be $48,800, or $2,440 per airplane. This figure is based on assumptions that no operator of these additional airplanes has yet done any of the requirements of this AD, and that no operator will do those actions in the future if this AD is not adopted.

Authority for This Rulemaking

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

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

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132, this AD and placed it in the AD docket. See the ADDRESSES section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

§ 39.13 [Amended]

2. The Federal Aviation Administration (FAA) amends § 39.13 by removing amendment 39–15436 (73 FR 14666, March 19, 2008) and by adding the following new airworthiness directive (AD):

2010–14–06 The Boeing Company:


Effective Date

(a) This AD becomes effective August 5, 2010.

Affected ADs

(b) This AD supersedes AD 2008–06–24, Amendment 39–15436.

Applicability

(c) This AD applies to The Boeing Company Model 737–200, -300, -400, and -500 series airplanes, certificated in any category; as identified in Boeing Special Attention Service Bulletin 737–35–1099, Revision 1, dated April 23, 2009.

Subject

(d) Air Transport Association (ATA) of America Code 35: Oxygen.

Unsafe Condition

(e) This AD results from a determination indicating that additional airplanes may be subject to the identified unsafe condition. The Federal Aviation Administration is issuing this AD to prevent the in-line flow indicators of the passenger oxygen masks from fracturing and separating, which could inhibit oxygen flow to the masks and consequently result in exposure of the passengers and cabin attendants to hypoxia following a depressurization event.

Compliance

(f) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.
Credit for Actions Done in Accordance With
Previous Issue of the Service Bulletin

(j) Actions done before the effective date of this AD, in accordance with Boeing Special Attention Service Bulletin 737–35–1099, dated April 9, 2007, are acceptable for compliance with the requirements of paragraphs (g) and (h) of this AD.

Alternative Methods of Compliance (AMOCS)

(k)(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCS for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Nicholas Wilson, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–1505, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 917–6476; fax (425) 917–6590. Or, e-mail information to 9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. 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.

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

Material Incorporated by Reference

(l) You may use Boeing Special Attention Service Bulletin 737–35–1099, dated April 9, 2007; or Boeing Special Attention Service Bulletin 737–35–1099, Revision 1, dated April 23, 2009; as applicable; to do the actions required by this AD, unless the AD specifies otherwise.

Note 1: Boeing Special Attention Service Bulletin 737–35–1099, dated April 9, 2007; and Revision 1, dated April 23, 2009; refer to B/E Aerospace Service Bulletin 174080–35–91, dated 6, 2006; Revision 1, dated May 1, 2006; and Revision 2, dated May 28, 2008; as additional sources of guidance for modifying the oxygen mask assembly by replacing the flow indicator with an improved flow indicator.

Parts Installation

(i) As of the effective date of this AD, no person may install a B/E Aerospace oxygen mask assembly having a part number in the 174080 series or 174095 series with a manufacturing date after January 1, 2002, and before March 1, 2006, on any airplane, unless it has been modified in accordance with the requirements of paragraph (h) of this AD.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[FR Doc. 2010–15816 Filed 6–30–10; 8:45 am]

BILLING CODE 4910–13–P


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

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the Federal Register an amendment adopting airworthiness directive (AD) 2009–15–16 that was sent previously to all known U.S. owners and operators of the McDonnell Douglas Corporation airplanes identified above by individual notices. This AD requires modifying the flight deck door. This AD is prompted by a report indicating that certain equipment of the flight deck door is defective. We are issuing this AD to prevent failure of this equipment, which could jeopardize flight safety.

DATES: This AD becomes effective July 6, 2010 to all persons except those persons to whom it was made immediately effective by AD 2009–15–16, which contained the requirements of this amendment.

The Director of the Federal Register approved the incorporation by reference
of a certain publication listed in the AD as of July 6, 2010.

We must receive comments on this AD by August 16, 2010.

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

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

For service information identified in this AD, contact TIMCO Aerosystems, 815 Radar Road, Greensboro, NC 27410–6221; telephone 336–668–4410, extension 3063; fax 336–662–8330; Internet: http://www.timco.aero.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT:


Background

We have received a report indicating that certain equipment of the flight deck door is defective. This condition, if not corrected, could result in failure of the equipment, which could jeopardize flight safety.

Relevant Service Information

We reviewed TIMCO Service Bulletin TSB–88–52–045, Revision E, dated November 6, 2008. The service bulletin describes procedures for correcting the defect in the flight deck door.

FAA’s Determination and Requirements of This AD

Since the unsafe condition described is likely to exist or develop on other airplanes of the same type design, we issued AD 2009–15–16 to prevent failure of certain equipment of the flight deck door, which could jeopardize flight safety. The AD requires accomplishing the actions specified in the service information previously described.

We have determined that notice and opportunity for prior public comment on AD 2009–15–16 were contrary to the public interest, and good cause existed to make the AD effective immediately by individual notices issued on July 15, 2009, to all U.S. owners and operators of McDonnell Douglas Model DC–9–10 series airplanes, DC–9–30 series airplanes, DC–9–81 (MD–81) airplanes, DC–9–82 (MD–82) airplanes, DC–9–83 (MD–83) airplanes, DC–9–87 (MD–87) airplanes, MD–88 airplanes, and MD–90–30 airplanes. These conditions still exist, and the AD is hereby published in the Federal Register as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments before it becomes effective. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the ADDRESSES section. Include “Docket No. FAA–2010–0637; Directorate Identifier 2009–NM–062–AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

We will post all comments we receive, without change, to http://www.regulations.gov, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this AD.

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

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

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

(1) Is not a “significant regulatory action” under Executive Order 12866,
(2) Is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979), and
(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

You can find our regulatory evaluation and the estimated costs of compliance in the AD Docket.

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 adding


Effective Date

(a) This AD becomes effective July 6, 2010, to all persons except those persons to whom it was made immediately effective by AD 2009–15–16, issued on July 15, 2009, which contained the requirements of this amendment.

Affected ADs

(b) None.

Applicability


Subject

(d) Air Transport Association (ATA) of America Code 52: Doors.

Unsafe Condition

(e) This AD results from a report indicating that the current design of certain equipment of the flight deck door is defective. We are issuing this AD to prevent the failure of this equipment, which could jeopardize flight safety.

Compliance

(f) Comply with this AD within the compliance times specified, unless already done.

Installation

(g) Within 30 days after the effective date of this AD, modify the flight deck door, in accordance with TIMCO Service Bulletin TSB–88–52–045, Revision E, dated November 6, 2008.

Alternative Methods of Compliance (AMOCs)

(h)(1) The Manager, Atlanta Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Linda Haynes, Aerospace Engineer, COS—Certificate Management Branch, ACE–102A, FAA, Atlanta Aircraft Certification Office, 1701 Columbia Avenue, College Park, GA 30337; telephone 404–474–5525; fax 404–474–5606.

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. 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 refer to this AD.

Material Incorporated by Reference

(i) You must use TIMCO Service Bulletin TSB–88–52–045, Revision E, dated November 6, 2008, to do the actions required by this AD, unless the AD specifies otherwise. (The revision date of this document is identified only on the title page and page I of the document; no other page of the document contains this information.)

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact TIMCO Aerosystems, 815 Radar Road, Greensboro, NC 27410–6221; telephone 336–668–4410, extension 3063; fax 336–662–8330; Internet: http://www.timco.aero.

(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 18, 2010.

Ali Bahrami,
Manager, Transport Airplane Directorate,
Aircraft Certification Service.

[FR Doc. 2010–15656 Filed 6–30–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39


Correction

In rule document 2010–14979 beginning on page 35613 in the issue of Wednesday, June 23, 2010, make the following correction:

On page 35613, in the second column under the “DATES:” heading, in the first line, “June 23, 2010” should read “July 28, 2010.”
Regulatory Information

The Coast Guard is issuing this 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. The Coast Guard finds that it would be impracticable to publish a NPRM with respect to this rule because the event would occur before the rulemaking process could be completed.

Basis and Purpose

In 2010, Fourth Mate Productions formally proposed placing six fixed mooring balls approximately 2,500 yards south of Barbers Point channel buoy #2. The mooring balls will be placed in a 133-yard (121-meter) circular design for preapproved vessel mooring purposes. For ease of identification, these mooring balls will be monitored by a small boat during daylight hours and will be illuminated with a single flashing white light on each of the six mooring balls during non-daylight hours. With the State of Hawaii’s permission and after pre-planning meetings with various members of the maritime community including environmental officials, a safety zone was determined to be appropriate by the Captain of the Port (COTP) to ensure safe transit in and around the fixed mooring balls by vessels and the general public.

Discussion of Rule

The Coast Guard is establishing a temporary 400-yard (366-meter) radius safety zone around position 21°18′35.00″ N, 158°07′33.00″ W, approximately 2.500 yards south of Barbers Point Harbor channel buoy #2, Oahu, Hawaii. Entry of persons, vessels or other watercraft into this temporary safety zone is prohibited unless authorized by the Captain of the Port. This safety zone extends from the surface of the water to the ocean floor. All vessels are requested to pass to the west or makai side of the Safety Zone to avoid grounding on the shallow and live coral reef area between the safety zone and the shoreline. Vessels desiring to transit through the safety zone can request permission by contacting the Honolulu Captain of the Port at 808–563–9906 or 808–842–2600. The safety zone will be enforced from 6 a.m. on July 1, through 6 p.m. on July 21, 2010. The COTP may cease enforcement of the zone earlier if conditions warrant.

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 rule restricts access to the waters encompassed by the safety zone, the effect of this rule will not be significant because vessels will be able to transit around the safety zone. Vessels may also transit through the safety zone with permission from the COTP.

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 would not have a significant economic impact on a substantial number of small entities. While the safety zone is being enforced, vessels will be able to transit around the safety zone. Furthermore, vessels will be allowed to transit through the temporary safety zone if permission to enter is granted from the COTP.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we offer to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking. 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 would call 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 would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule would 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 would not create an environmental risk to health or risk to safety that might 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 would 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 M16475.1D, 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 which do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(h), of the Instruction. This rule involves the establishment of a safety zone. 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 is amending 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:


2. Add §165.T14–204 to read as follows:

   **§165.T14–204 Safety Zone; Fixed Mooring Balls, South of Barbers Pt Harbor Channel, Oahu, Hawaii.**

   (a) Location. The following area is a safety zone: All waters contained within a 400-yard radius (366-meter) radius around position 21°18′35.00″ N., 158°07′33.00″ W. This position is approximately 2.500 yards south of Barbers Point Harbor channel buoy #2, Oahu, Hawaii. This Safety Zone will have six (6), 24-inch white mooring balls with a single blue reflective stripe. The mooring balls will be placed 133 yards (121 meters) in a circular design for preapproved vessel mooring purposes. This safety zone extends from the surface of the water to the ocean floor. These coordinates are based upon the National Oceanic and Atmospheric Administration Coast Survey, Pacific Ocean, Oahu, Hawaii, chart 19357.

   (b) Regulations. (1) Entry into or remaining in the safety zone described in paragraph (a) of this section is prohibited unless authorized by the Coast Guard Captain of the Port Honolulu zone.

   (2) Persons desiring to transit the safety zone may contact the Honolulu Captain of the Port on VHF channel 81A (157.075 MHz), VHF channel 16 (156.800 MHz), or at telephone numbers 1–808–563–9906 or 808–842–2600 to seek permission to transit the area with a designated escort vessel. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his or her designated representative. All other vessels are requested to pass to the west, or makai side, of the Safety Zone to avoid grounding on the shallow and live coral reef area located between the safety zone and the shoreline.

   (c) Enforcement period. This rule will be enforced from 6 a.m. on July 1, 2010 until 6 p.m. on July 21, 2010 or unless canceled earlier by the Captain of the Port.

   (d) Regulations. In accordance with the general regulations in 33 CFR part 165, Subpart C, no person or vessel may enter or remain in the zone except for support vessels/aircraft and support personnel, or other vessels authorized by the Captain of the Port or his designated representatives.

   (e) Penalties. Vessels or persons violating this rule are subject to the penalties set forth in 33 U.S.C. 1232 and 50 U.S.C. 192.

Dated: June 18, 2010.

B. A. Compagnoni,
Captain, U.S. Coast Guard, Captain of the Port Honolulu.

[FR Doc. 2010–15969 Filed 6–30–10; 8:45 am]

BILLING CODE 9110–04–P

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**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

[Docket No. USCG–2010–0063]

**Safety Zones; Annual Firework Displays Within the Captain of the Port, Puget Sound Area of Responsibility**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce the safety zones for annual firework displays in the Captain of the Port, Puget Sound area of responsibility during the dates and times noted below. This action is necessary to prevent injury and to protect life and property of the maritime public from the hazards associated with the firework displays. During the enforcement periods, entry into, transit through, mooring, or anchoring within these zones is prohibited unless authorized by the
Captain of the Port, Puget Sound or Designated Representative.

DATES: The regulations in 33 CFR 165.1332 will be enforced during the dates and times noted below from July 3, 2010 through August 15, 2010.

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

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce 33 CFR 165.1332 for the following safety zones during the dates and times noted and with the changes mentioned below.

The following safety zones will extended their respective radius in yards from their respective launch site to the radius noted below and be enforced from 5 p.m. on July 3, 2010 through 1 a.m. on July 4, 2010:

<table>
<thead>
<tr>
<th>Event name</th>
<th>Location</th>
<th>Latitude</th>
<th>Longitude</th>
<th>Radius</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liberty Bay Fireworks</td>
<td>Liberty Bay</td>
<td>47° 43.917' N</td>
<td>122° 39.133' W</td>
<td>300</td>
</tr>
<tr>
<td>Langlie's Old Fashioned Independence Celebration</td>
<td>Indiana</td>
<td>47° 44.817' N</td>
<td>122° 31.533' W</td>
<td>250</td>
</tr>
<tr>
<td>Deer Harbor Annual Fireworks Display</td>
<td>Deer Harbor</td>
<td>48° 37.0' N</td>
<td>123° 00.25' W</td>
<td>200</td>
</tr>
</tbody>
</table>

The following safety zones will extended their respective radius in yards from their respective launch site to the radius noted below and be enforced from 5 p.m. on July 4, 2010 through 1 a.m. on July 5, 2010:

<table>
<thead>
<tr>
<th>Event name</th>
<th>Location</th>
<th>Latitude</th>
<th>Longitude</th>
<th>Radius</th>
</tr>
</thead>
<tbody>
<tr>
<td>Port Angeles Chamber of Commerce Fireworks</td>
<td>Port Angeles Harbor</td>
<td>48° 07.033' N</td>
<td>123° 24.967' W</td>
<td>150</td>
</tr>
<tr>
<td>Kirkland Fireworks</td>
<td>Kirkland, Lake Washington</td>
<td>47° 40.583' N</td>
<td>122° 12.84' W</td>
<td>250</td>
</tr>
<tr>
<td>Three Tree Point Community Fireworks</td>
<td>Three Tree Point</td>
<td>47° 27.033' N</td>
<td>122° 23.15' W</td>
<td>200</td>
</tr>
<tr>
<td>City of Renton Fireworks</td>
<td>Renton, Lake Washington</td>
<td>47° 29.866' N</td>
<td>122° 11.85' W</td>
<td>150</td>
</tr>
<tr>
<td>Steilacoom Annual Fireworks</td>
<td>Steilacoom</td>
<td>47° 10.4' N</td>
<td>122° 36.2' W</td>
<td>450</td>
</tr>
<tr>
<td>Tacoma Freedom Fair</td>
<td>Commencement Bay</td>
<td>47° 16.817’ N</td>
<td>122° 27.933’ W</td>
<td>300</td>
</tr>
<tr>
<td>City of Anacortes Fireworks</td>
<td>Fidalgo Bay</td>
<td>47° 17.1’ N</td>
<td>122° 28.4’ W</td>
<td>175</td>
</tr>
<tr>
<td>Fireworks Display</td>
<td>Henderson Bay</td>
<td>47° 21.8’ N</td>
<td>122° 38.367’ W</td>
<td>250</td>
</tr>
<tr>
<td>Des Moines Fireworks</td>
<td>Des Moines</td>
<td>47° 24.117’ N</td>
<td>122° 20.033’ W</td>
<td>150</td>
</tr>
<tr>
<td>Port Orchard Fireworks</td>
<td>Port Orchard</td>
<td>47° 32.883’ N</td>
<td>122° 37.917’ W</td>
<td>350</td>
</tr>
<tr>
<td>Bainbridge Island Fireworks</td>
<td>Eagle Harbor</td>
<td>47° 37.267’ N</td>
<td>122° 31.583’ W</td>
<td>300</td>
</tr>
<tr>
<td>Yarrow Point Community Fireworks</td>
<td>Yarrow Point</td>
<td>47° 38.727’ N</td>
<td>122° 13.466’ W</td>
<td>150</td>
</tr>
<tr>
<td>City of Kenmore Fireworks</td>
<td>Lake Forest Park</td>
<td>47° 39.0’ N</td>
<td>122° 13.55’ W</td>
<td>150</td>
</tr>
<tr>
<td>Sheridan Beach Community Fireworks</td>
<td>Lake Forest Park</td>
<td>47° 44.783’ N</td>
<td>122° 16.917’ W</td>
<td>100</td>
</tr>
<tr>
<td>Vashon Island Fireworks</td>
<td>Quartermaster Harbor</td>
<td>47° 45.25’ N</td>
<td>122° 15.75’ W</td>
<td>450</td>
</tr>
<tr>
<td>Kingston Fireworks</td>
<td>Appletree Cove</td>
<td>47° 47.65’ N</td>
<td>122° 29.917’ W</td>
<td>150</td>
</tr>
<tr>
<td>Brewster Fire Department Fireworks</td>
<td>Brewster</td>
<td>48° 06.367’ N</td>
<td>119° 47.15’ W</td>
<td>250</td>
</tr>
<tr>
<td>Port Townsend Sunrise Rotary Fireworks</td>
<td>Port Townsend</td>
<td>48° 08.067’ N</td>
<td>122° 46.467’ W</td>
<td>175</td>
</tr>
<tr>
<td>Friday Harbor Independence Fireworks</td>
<td>Friday Harbor</td>
<td>48° 32.6’ N</td>
<td>122° 00.467’ W</td>
<td>250</td>
</tr>
<tr>
<td>Roche Harbor Fireworks</td>
<td>Roche Harbor</td>
<td>48° 36.7’ N</td>
<td>123° 09.5’ W</td>
<td>150</td>
</tr>
<tr>
<td>Orcas Island Fireworks</td>
<td>Orcas Island</td>
<td>48° 41.317’ N</td>
<td>122° 54.467’ W</td>
<td>250</td>
</tr>
<tr>
<td>Blast Over Bellingham</td>
<td>Bellingham Bay</td>
<td>48° 44.933’ N</td>
<td>122° 29.667’ W</td>
<td>450</td>
</tr>
<tr>
<td>City of Mount Vernon Fireworks</td>
<td>Edgewater Park</td>
<td>48° 25.178’ N</td>
<td>122° 20.424’ W</td>
<td>150</td>
</tr>
<tr>
<td>Chase Family Fourth at Lake Union</td>
<td>Lake Union</td>
<td>47° 38.418’ N</td>
<td>122° 20.111’ W</td>
<td>300</td>
</tr>
</tbody>
</table>

The following safety zone will be enforced from 5 p.m. on July 5, 2010 through 1 a.m. on July 6, 2010:

<table>
<thead>
<tr>
<th>Event name</th>
<th>Location</th>
<th>Latitude</th>
<th>Longitude</th>
<th>Radius</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alderbrook Resort &amp; Spa Fireworks</td>
<td>Hood Canal</td>
<td>47° 21.033’ N</td>
<td>123° 04.1’ W</td>
<td>350</td>
</tr>
</tbody>
</table>

The following safety zone will be enforced from 5 p.m. on July 10, 2010 through 1 a.m. on July 11, 2010:

<table>
<thead>
<tr>
<th>Event name</th>
<th>Location</th>
<th>Latitude</th>
<th>Longitude</th>
<th>Radius</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mercer Island Celebration</td>
<td>Mercer Island</td>
<td>47° 35.517’ N</td>
<td>122° 13.233’ W</td>
<td>150</td>
</tr>
</tbody>
</table>

The following safety zone will be enforced from 5 p.m. on July 24, 2010 through 1 a.m. on July 25, 2010:
The following safety zone will be enforced from 5 p.m. on August 14, 2010 through 1 a.m. on August 15, 2010:

<table>
<thead>
<tr>
<th>Event name</th>
<th>Location</th>
<th>Latitude</th>
<th>Longitude</th>
<th>Radius</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medina Days</td>
<td>Medina Park</td>
<td>47° 36.867’ N</td>
<td>122° 14.5’ W</td>
<td>150</td>
</tr>
</tbody>
</table>

The special requirements listed in 33 CFR 165.1332, published on June 15, 2010 in the Federal Register (75 FR 33700), apply to the Federal Register (75 FR 33700) to the Coast Guard Sector Seattle Joint Harbor Operations Center (JHOC) via telephone at 206–217–6002.

The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

This notice is issued under authority of 33 CFR 165.1332 and 33 CFR 165 and 5 U.S.C. 552(a). In addition to this notice, the Coast Guard will provide the maritime community with extensive advanced notification of the safety zones via the Local Notice to Mariners and marine information broadcasts on the day of the events. If the COTP or Designated Representative determines that the regulated area need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners will be issued to grant general permission to enter the regulated area.

Dated: June 18, 2010.

L.R. Tumbarello,
Commander, U.S. Coast Guard, Captain of the Port, Puget Sound, Acting.

ENVIROMENTAL PROTECTION AGENCY
40 CFR Part 52
[FR Doc. 2010–15970 Filed 6–30–10; 8:45 am]
above. On October 28, 2009, CARB submitted revisions to the enhanced program performance standard evaluations to address these issues.

On November 18, 2009 (74 FR 59496), EPA published a Notice of Data Availability (NODA) and request for comment on these revisions to the enhanced program performance standard evaluations. In that notice we stated that we had reviewed the additional modeling information submitted by CARB on October 28, 2009 and believed that the analyses support our conclusions that the California program: (1) Achieved greater percent emissions reductions (relative to the no I/M scenario) for volatile organic compounds (VOC) and oxides of nitrogen (NO\textsubscript{X}) in each of the six areas than the EPA model enhanced I/M program in 2002, and (2) would achieve greater percent emissions reductions (relative to the no I/M scenario) for VOC and NO\textsubscript{X} in each of the six areas in the year before the attainment year than would the EPA model enhanced I/M program in 2002. Please see our November 18, 2009 NODA for a more detailed discussion of CARB’s October 28, 2009 submittal and our evaluation of it.

II. EPA’s Response to Comments

Our August 19, 2009 proposed rule provided for a 30-day comment period, and our November 18, 2009 NODA provided for a 14-day comment period. We did not receive any public comments in response to the proposed rule or the NODA.

III. Final Action

Under section 110(k)(3) of the Clean Air Act, EPA is approving CARB’s 2009 I/M Revision, as submitted by CARB on June 5, 2009, and revised by CARB on October 28, 2009, as a revision to the California SIP. For the reasons set forth in this document and in the August 19, 2009 proposed rule, we conclude that CARB’s I/M SIP revisions meet the requirements of CAA sections 182(a)(2)(B) and 182(c)(3) in the geographic areas where the statutory requirements apply, and applicable EPA I/M regulations set forth in 40 CFR part 51, subpart S. The updated elements of the California I/M program that we are approving include the following:

1. Discussion of each of the required design elements of the I/M program;
2. Description of the current geographic coverage of the program, including updated maps and list of program requirements by zip code;
3. I/M-related statutes and regulations;
4. High enhanced I/M performance standard evaluations for the urbanized areas within six California ozone nonattainment areas (South Coast Air Basin, San Joaquin Valley, Sacramento Metro, Coachella Valley, Ventura County, and Western Mojave Desert), as meeting the requirements of CAA section 182(c)(3);
5. Basic I/M performance standard evaluation for the urbanized area within the San Francisco Bay Area ozone nonattainment area under section 182(a)(2)(B); and
6. Emission analyzer specifications and test procedures, including BAR–97 specifications.

Lastly, we are codifying today’s approval by adding new paragraphs to 40 CFR 52.220 and 40 CFR 52.241, and we are deleting regulatory language (see 40 CFR 52.241(a) that codified EPA’s 1997 interim approval of California’s enhanced I/M program because today’s final approval of the revised I/M program makes that language obsolete.

IV. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the 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 action for 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

Air pollution control, Carbon monoxide, Incorporation by reference,
Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, and Volatile organic compounds.

Laura Yoshii,
Acting Regional Administrator, Region IX.

Editorial Note: This document was received in the Office of the Federal Register on June 28, 2010.

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.

2. Section 52.220 is amended by adding paragraphs (c)(234)(i)(A)(2) and (c)(234)(i)(A)(3), and by adding paragraphs (c)(372) and (c)(373) to read as follows:

§ 52.220 Identification of plan.

(c) * * * * *

(i) * * *

(2) Previously approved on January 8, 1997, in paragraph (234)(i)(A)(i) of this section, and now deleted without replacement: Health and Safety Code: Division 26, Part 5, Chapter 3 (Motor Vehicle Inspection Program), Article 1, sections 44001.6, 44001.7, 44003.1, 44006; Article 2, sections 44015.3, 44022, 44023; Article 3, section 44031; Article 8, sections 44081.5, 44082.

44083.

(3) Previously approved on January 8, 1997, in paragraph (234)(i)(A)(i)(iv) of this section, and now deleted without replacement: Title 16, California Code of Regulations, Division 33, Bureau of Automotive Repair, Article 5.5, Motor Vehicle Inspection Program, sections 3340.16.6, 3340.42.1.

* * * * *

(372) The following revisions to the California Motor Vehicle Inspection and Maintenance Program were submitted on June 5, 2009 (2009 I/M Revision), by the Governor’s Designee.

(i) Incorporation by reference.

(A) California Air Resources Board.

(1) California Code of Regulations, Title 16 (Professional and Vocational Regulations), Division 33 (Bureau of Automotive Repair), Chapter 1 (Automotive Repair Dealers and Official Stations and Adjusters), Article 1 (General Provisions), sections 3303.1, “Public Access to License, Administrative Action, and Complaint Information” (operative July 20, 2007); 3303.2, “Review of Applications for Licensure, Registration and Certification; Processing Time” (operative July 9, 2003); Article 5.5 (Motor Vehicle Inspection Program), sections 3340.1, “Definitions” (operative June 29, 2006); 3340.7, “Fee for Inspection at State-Contracted Test-Only Facility” (operative August 17, 1995); 3340.9, “Repair Assistance Program” (operative October 30, 2000); 3340.10, “Licensing of Smog Check Stations” (operative July 26, 1996); 3340.15, “General Requirements for Smog Check Stations” (operative July 9, 2003); 3340.16, “Test-Only Station Requirements” (operative August 1, 2007); 3340.16.5, “Test-and-Repair Station Requirements” (operative June 29, 2006); 3340.17, “Test Equipment, Electronic Transmission, Maintenance and Calibration Requirements” (operative June 29, 2006); 3340.18, “Certification of Emissions Inspection System Calibration Gases and Blenders of Gases” (operative July 9, 2003); 3340.22.1, “Smog Check Station Service Signs” (operative February 1, 2001); 3340.22.2, “Smog Check Station Repair Cost Limit Sign” (operative February 1, 2001); 3340.23, “Licensed Smog Check Station That Ceases Operating As a Licensed Station” (operative June 23, 1995); 3340.24, “Suspension, Revocation, and Reinstatement of Licenses” (operative June 23, 1995); 3340.28, “Licenses and Qualifications for Technicians” (operative January 17, 2009); 3340.29, “Licensing of Technicians” (operative January 17, 2009); 3340.30, “General Requirements for Licensed Technicians” (operative June 23, 1995); 3340.31, “Retraining of Licensed Technicians” (operative June 23, 1995); 3340.31.1, “Standards for the Certification of Institutions Providing Retraining to Licensed Technicians or Prerequisite Training to Those Seeking to Become Licensed Technicians” (operative July 9, 2003); 3340.32.1, “Standards for the Decertification and Recertification of Institutions Providing Retraining to Licensed Technicians or Prerequisite Training to Those Seeking to Become Licensed Technicians” (operative June 23, 1995); 3340.33, “Standards for the Certification of Basic and Advanced Instructors Providing Retraining to Intern, Basic Area, and Advanced Emission Specialist Licensed Technicians or Prerequisite Training to Those Seeking to Become Licensed Technicians” (operative June 23, 1995); 3340.33.1, “Standards for the Certification of Basic and Advanced Instructors Providing Retraining to Intern, Basic Area, and Advanced Emission Specialist Licensed Technicians” (operative February 1, 2001); 3340.33.3, “Standards for the Certification of General Requirements for Smog Check Stations” (operative July 9, 2003); 3340.34.1, “Inspection, Test, and Repair Requirements” (operative June 29, 2006); 3340.42, “Mandatory Smog Check Inspection and Test Procedures, and Emissions Standards” (operative January 11, 2008); 3340.50, “Fleet Facility Requirements” (operative February 15, 2002); 3340.50.3, “Fleet Records and Reporting Requirements” (operative June 23, 1995); 3340.50.4, “Fleet Certificates” (operative June 25, 1998); 3340.50.5 “Suspension or Revocation of Fleet Facility License” (operative June 23, 1995); Article 10 (Gold Shield Program), sections 3392.1, “Gold Shield Program (GSP)” (operative May 28, 2003); 3392.2, “Responsibilities of Smog Check Stations Certified as Gold Shield” (operative August 1, 2007); 3392.3, “Eligibility for Gold Shield Certification: Quality Assurance” (operative May 28, 2003); 3392.4, “Gold Shield Guaranteed Repair (GSGR) Program Advertising Rights” (operative May 28, 2003); 3392.5, “Causes for Invalidation of Gold Shield Station Certification” (operative May 28, 2003); 3392.6, “Gold Shield Program Hearing and Determination” (operative May 28, 2003); Article 11 (Consumer Assistance Program), sections 3394.1, “Purpose and Components of the Consumer Assistance Program” (operative October 30, 2000); 3394.2, “Consumer Assistance Program Administration” (operative October 30, 2000); 3394.3, “State Assistance Limits” (operative October 30, 2000); 3394.4, “Eligibility Requirements” (operative August 12, 2000); 3394.5, “Ineligible Vehicles” (operative October 30, 2000); Article 12 (Gold Shield Program), sections 3394.6, “Application and Documentation Requirements” (operative July 31, 2006).

(ii) Additional material.

(A) California Air Resources Board.

(1) Executive Order S–09–008, dated June 9, 2009, adopting the 2009 I/M Revision.

(2) Non-regulatory portion of the Revised State Implementation Plan for California’s Motor Vehicle Inspection & Maintenance Program (April 7, 2009), excluding chapter 51.351 (except as it applies to the San Francisco Bay Area),
chapter 51.352, and attachments 4 and 5.


(5) Vehicle Code (2009): Division 3, Chapter 1 (Original and Renewal of Registration: Issuance of Certificates of Title), Article 1, sections 4000.1, 4000.2, 4000.3, 4000.6.

(373) The following revisions to the California Motor Vehicle Inspection and Maintenance Program were submitted on October 28, 2009, by the Governor’s Designee.

(i) [Reserved]

(ii) Additional material.

(A) California Air Resources Board.

(1) California I/M Program SIP Revision—Additional Enhanced I/M Performance Modeling. Tables of Results, excluding New Mobile 6 Input and Output Files and New Registration Distribution Files.

* * * * *

§ 52.241 Inspection and maintenance program.

(a) [Reserved]

(b) Approval. On June 5, 2009, the California Air Resources Board submitted a revision to the California Motor Vehicle Inspection and Maintenance Program (2009 I/M Revision) to satisfy the requirements for basic and enhanced motor vehicle inspection and maintenance (I/M) in applicable ozone nonattainment areas. On October 28, 2009, the California Air Resources Board amended the 2009 I/M Revision to include revised enhanced performance program evaluations for six nonattainment areas. Approved elements of the 2009 I/M Revision, as amended on October 28, 2009, include a discussion of each of the required design elements of the I/M program; description of the current geographic coverage of the program; I/M-related statutes and regulations; enhanced I/M performance standard evaluations for the urbanized area within six California ozone nonattainment areas (South Coast Air Basin, San Joaquin Valley, Sacramento Metro, Coachella Valley, Ventura County, and Western Mojave Desert); basic I/M performance standard evaluation for the urbanized area within the San Francisco Bay Area ozone nonattainment area; and emission analyzer specifications and test procedures, including BAR–97 specifications. The 2009 I/M Revision, as amended on October 28, 2009, meets the requirements of sections 182(a)(2)(B) and 182(c)(3) of the Clean Air Act, as amended in 1990, and 40 CFR part 51, subpart S and is approved as a revision to the California State Implementation Plan.

[FR Doc. 2010–16028 Filed 6–30–10; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 423

[CMS–0023–IFC]

RIN 0938–AP49

Medicare Program; Identification of Backward Compatible Version of Adopted Standard for E–Prescribing and the Medicare Prescription Drug Program (NCPDP SCRIPT 10.6)

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

ACTION: Interim final rule with comment period.

SUMMARY: This interim final rule with comment period identifies the National Council for the Prescription Drug Programs (NCPDP) Prescriber/Pharmacist Interface SCRIPT standard, Implementation Guide, Version 10, Release 6 (Version 10.6), hereafter referred to as “NCPDP SCRIPT 10.6,” as a backward compatible update of the adopted NCPDP SCRIPT 8.1. This interim final rule with comment period therefore permits the voluntary use of NCPDP SCRIPT 10.6 for conducting certain e-prescribing transactions for the Medicare Part D electronic prescription drug program.

DATES: Effective date: These regulations are effective on July 1, 2010. The incorporation by reference of the publication listed in these regulations is approved by the Director of the Federal Register as of July 1, 2010.

Comment date: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. Eastern Daylight Time (e.d.t.) on August 30, 2010.

ADDRESSES: In commenting, please refer to file code CMS–0023–IFC. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

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

1. Electronically. You may submit electronic comments on this regulation to http://www.regulations.gov. Follow the instructions for “Submitting a Comment”.

2. By regular mail. You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–0023–IFC, P.O. Box 8013, Baltimore, MD 21244–1850.

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

3. By express or overnight mail. You may send written comments to the following address only: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–0023–IFC, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–8013.

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


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

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

If you intend to deliver your comments to the Baltimore address, please call telephone number (410) 786–7195 in advance to schedule your arrival with one of our staff members.

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

Submission of comments on paperwork requirements. You may submit comments on the document’s paperwork requirements by following the instructions at the end of the
“Collection of Information Requirements” section in this document. For information on viewing public comments, see the beginning of the SUPPLEMENTARY INFORMATION section.

FOR FURTHER INFORMATION CONTACT: Andrew Morgan, (410) 786–2543 or andrew.morgan@cms.hhs.gov.

SUPPLEMENTARY INFORMATION:

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

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

I. Background

Section 101 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) (Pub. L. 108–173) amended Title XVIII of the Social Security Act (the Act) to establish a voluntary prescription drug benefit program. Prescription Drug Plan (PDP) sponsors, Medicare Advantage (MA) organizations offering Medicare Advantage-Prescription Drug Plans (MAPDs) and other Medicare Part D sponsors are required to establish electronic prescription drug programs to provide for electronic transmission of certain information to the prescribing provider, dispensing pharmacy and the dispenser. This includes information about eligibility, benefits (including drugs included in the applicable formulary, any tiered formulary structure and any requirements for prior authorization), the drug being prescribed or dispensed and other drugs listed in the medication history, as well as the availability of lower cost, therapeutically appropriate alternatives (if any) for the drug prescribed. Section 101 of the MMA established section 1860D–4(e) of the Act, which directed the Secretary to promulgate standards for the electronic transmission of such data.

There is no requirement that prescribers or dispensers implement e-prescribing. However, prescribers and dispensers who electronically transmit prescription and certain other prescription-related information for Medicare Part D covered drugs prescribed for Medicare Part D eligible individuals, directly or through an intermediary, are required to comply with any applicable final standards that are in effect.

Section 1860D–4(e)(4)(A) of the Act required the Secretary to develop, adopt, recognize or modify “initial standards” for Part D e-prescribing. The Secretary identified six such standards.

(For more information on these standards see the Report to Congress on the pilot project at http://www.cms.hhs.gov/EPrescribing/Downloads/E-RxReporttoCongress.pdf.) Section 1860D–4(e)(4) of the Act generally required the Secretary to conduct a pilot project to test these six initial standards that were recognized under section 1860D–4(e)(4)(A) of the Act. Based on the results of that pilot testing, the Secretary could then adopt those six standards as final standards in accordance with section 1860D–4(e)(4)(D) of the Act. Section 1860D–4(e)(4)(C)(ii) of the Act created an exception to the requirement for pilot testing of initial standards where, after consultation with the National Committee on Vital and Health Statistics (NCVHS), the Secretary determined that there already was adequate industry experience with the standards. Standards could be recognized by the Secretary and adopted through notice and comment rulemaking as final standards without pilot testing.

We exercised this option in the “Medicare Program; E-Prescribing and Prescription Drug Program” final rule, published on November 7, 2005 (70 FR 67568). In that final rule we adopted three “foundation standards” that met the criteria for adoption without pilot testing. Those foundation standards included a standard for communicating prescription or prescription related information between the prescriber and dispensers for the transactions listed at § 423.160(b)(2). That standard was entitled “the National Council for Prescription Drug Programs (NCPDP) SCRIPT standard, Implementation Guide, Version 5, Release 0 (Version 5.0),” hereinafter referred to as “NCPDP SCRIPT 5.0.”

The November 7, 2005 final rule (70 FR 67579) also established a means of addressing the desire for a streamlined standards updating and maintenance process that could keep pace with changing business needs. That process provided for when a standard could be updated with a newer “backward-compatible” version of the adopted standard, and identified whether and when the update/maintenance would necessitate notice and comment rulemaking. In instances in which the user of the later version can accommodate users of the earlier version of the adopted standard without modification, notice and comment rulemaking could be waived, and use of either the new or old version of the adopted standard would be considered compliant upon the effective date of the newer version’s incorporation by reference in the Federal Register. This “Backward Compatible” version updating process allows for the standards’ updating/maintenance to correct technical errors, eliminate technical inconsistencies, and add optional functions that provide optional enhancements to the specified e-prescribing transaction standard.

Subsequent industry input indicated that the adopted e-prescribing standard (NCPDP SCRIPT 5.0) should be updated to permit the use of either NCPDP SCRIPT 5.0 or a later version of the standard, NCPDP SCRIPT standard, Implementation Guide, Version 8.1 (Release 1 (Version 8.1), October 2005, hereinafter referred to as NCPDP SCRIPT 8.1.

Using the streamlined process established in the November 7, 2005 final rule (70 FR 67568), we published an interim final rule with comment period on June 23, 2006, updating the adopted NCPDP SCRIPT standard, thereby permitting either NCPDP SCRIPT 5.0 or 8.1 to be used. (For more information, see the April 7, 2008 final rule (73 FR 18918) and the June 23, 2006 interim final rule with comment period (71 FR 36020).)

As noted previously, three of the six initial standards were adopted without pilot testing. The remaining standards were tested in a pilot project during calendar year (CY) 2006. Based upon the evaluation of the pilot project, the Secretary issued a report to Congress on the pilot results on April 1, 2007. For more information on the content, the report to Congress can be viewed at http://www.cms.hhs.gov/EPrescribing/Downloads/E-RxReporttoCongress.pdf.

Sections 1860D–4(e)(1) and 1860D–4(e)(4)(D) of the Act provided that successfully pilot tested initial standards were to be adopted through notice and comment rulemaking no later than April 1, 2008, and made effective no later than 1 year after the date of that final rule.
Based on the pilot results in the report to Congress, we issued a notice of proposed rulemaking on November 16, 2007 (72 FR 64900) and solicited comments from stakeholders and other interested parties on industry experience with certain standards. In that proposed rule (72 FR 64900 through 64907), we also solicited comments regarding the impact of adopting NCPDP SCRIPT 8.1 and retiring NCPDP SCRIPT 5.0.

In the April 7, 2008 Federal Register (73 FR 18918), we published a final rule that responded to comments, adopted several new Part D e-prescribing standards, finalized the identification of the NCPDP SCRIPT 8.1 as a backward compatible update of the NCPDP SCRIPT 5.0, and, effective April 1, 2009, retired NCPDP SCRIPT 5.0 and adopted NCPDP SCRIPT 8.1 as the official Part D e-prescribing standard for communicating prescription or prescription related information between the prescriber and dispensers for the transactions listed at §423.160(b)(2).

II. Provisions of the Interim Final Rule

A. Voluntary Use of NCPDP Script 10.6

On February 26, 2009, NCVHS heard testimony from industry representatives who requested the adoption of the current balloted NCPDP SCRIPT 10.6 as an adopted standard for e-prescribing under Medicare Part D. NCVHS also heard testimony from industry stating that NCPDP SCRIPT 10.6 was backward compatible to the current adopted e-prescribing standard NCPDP SCRIPT 8.1. Industry also noted that they are ready to move to the new balloted NCPDP version of the SCRIPT standard. Based upon stakeholder testimony presented to the NCVHS during their 2008 hearings regarding e-prescribing, the NCVHS recommendations that derived from their 2008 hearings, testimony from the NCPDP detailing NCPDP SCRIPT 10.6’s backward compatibility to NCPDP SCRIPT 8.1, and information received by CMS from industry stakeholders who currently conduct e-prescribing transactions, we conclude that the recognition of NCPDP SCRIPT 10.6 as a backward compatible version of the adopted standard (NCPDP SCRIPT 8.1) is desirable, that NCPDP SCRIPT 10.6 retains the full functionality of NCPDP SCRIPT 8.1 and would permit the successful completion of the applicable e-prescribing transactions with entities that continue to use NCPDP SCRIPT 8.1, and that use of the streamlined process to recognize NCPDP SCRIPT 10.6 as a backward compatible version of the adopted standard (NCPDP SCRIPT 8.1) would be appropriate. We anticipate proposing the adoption of NCPDP SCRIPT 10.6 as an adopted standard at a later date in a future notice of proposed rulemaking. At that time we would propose to adopt NCPDP SCRIPT 10.6 and retire the current adopted standard.

We have also reviewed NCPDP SCRIPT 10.6, and the July 1, 2009 NCVHS letter to the Secretary recommending, based on input from industry stakeholders, the adoption of NCPDP SCRIPT 10.6 in Medicare Part D e-prescribing (http://www.ncvhs.hhs.gov). We have determined that NCPDP SCRIPT 10.6 maintains full functionality of NCPDP SCRIPT 8.1, and would permit the successful completion of all applicable transactions with entities that continue to use NCPDP SCRIPT 8.1 for Part D e-prescribing transactions.

NCPDP SCRIPT 10.6 also has a number of new functionalities that, if users elect to use them, will mesh with their use of the recently adopted NCPDP Prescriber/Pharmacist Interface SCRIPT standard, Version 8, Release 1 and its equivalent NCPDP Prescriber/Pharmacist Interface SCRIPT Implementation Guide, Version 8, Release 1 (hereinafter referred to as the medication history standard), which was adopted in the April 7, 2008 e-prescribing final rule (73 FR 18918). These new functions would allow users to provide prescriber order numbers, drug NDC source information, pharmacy prescription fill numbers and date of sale information that could then be used in a medication history response. These added functionalities would therefore be expected to facilitate better record matching, the identification and elimination of duplicate records, and the provisioning of richer information to the prescriber between willing trading partners.

We are revising §423.160(b)(2)(ii) to specify that providers and dispensers may use NCPDP SCRIPT 10.6 or 8.1 in electronic transactions that convey prescription or prescription related information for the following transactions:

• Get message transaction.
• Status response transaction.
• Error response transaction.
• New prescription transaction.
• Prescription change request transaction.
• Prescription change response transaction.
• Refill prescription request transaction.
• Refill prescription response transaction.
• Verification transaction.
• Password change transaction.
• Cancel prescription request transaction.
• Cancel prescription response transaction.
• Fill status notification transaction.

We are also revising §423.160(b)(4) to specify that entities may use either NCPDP SCRIPT 10.6 or 8.1 for the communication of Medicare Part D medication history among sponsors, prescribers, and dispensers.

In addition, we are adding a new §423.160(c)(1)(v) to specify the incorporation by reference of NCPDP SCRIPT 10.6.

In accordance with the streamlined process established in the November 7, 2005 final rule (70 FR 67580), entities that voluntarily adopt later versions of standards that are backward compatible to the adopted standard must still accommodate the earlier adopted version without modification. Since both versions of the standard would be compliant, trading partners who wish to conduct standard e-prescribing transactions may voluntarily adopt NCPDP SCRIPT 10.6, but must continue to accept transactions using the earlier NCPDP SCRIPT 8.1 standard without alteration, and they must be able to generate transactions that can be processed or read by those using the NCPDP SCRIPT 8.1 standard until NCPDP SCRIPT 8.1 is officially retired.

We seek comment on recognizing NCPDP SCRIPT 10.6 as a backward compatible version of the adopted NCPDP SCRIPT 8.1 standard. We also seek comment on the voluntary use of the backward compatible NCPDP SCRIPT 10.6. Furthermore, we seek comment on whether and when to retire NCPDP SCRIPT 8.1.

B. NCPDP SCRIPT 10.6 and the Long-Term Care Setting Exemption

During the NCVHS testimony, industry also stated that the changes that were present in NCPDP SCRIPT 10.6 created an environment where long-term care (LTC) facilities could carry out e-prescribing under Medicare Part D. They asked the NCVHS to recommend that the adoption of NCPDP SCRIPT 10.6 requires the LTC” exemption at 42 CFR 423.160(a)(3)(ii).

In the November 16, 2007 proposed rule (72 FR 64902), we noted that NCPDP SCRIPT 5.0 was not proven to support the workflows and legal responsibilities in the LTC setting. To accommodate entities transmitting prescriptions or prescription-related information where the prescriber is required by law to issue a prescription
for a patient to a non-prescribing provider (such as a nursing facility) that in turn forwards the prescription to a dispenser (“three-way prescribing communications” between facility, physician, and pharmacy), we provided an exemption from the requirement to use the adopted NCPDP SCRIPT standard in transmitting such prescriptions or prescription-related information. We also noted the results of the calendar year (CY) 2006 e-prescribing pilot relative to the use of NCPDP SCRIPT 8.1 in the LTC setting, namely that workarounds were still needed to accommodate the unique workflow needs in LTC setting.

As a result of the 2006 pilot findings and other industry and stakeholder input, NCPDP added other segments to subsequently developed versions of its NCPDP SCRIPT standard to enhance its use in e-prescribing in the LTC setting. Many of these enhancements first appeared in NCPDP SCRIPT 10.2 and appear in the subsequent higher versions of the transaction standard. We believe those shortcomings that were identified in NCPDP SCRIPT 8.1 for use in LTC settings in the 2006 CMS e-prescribing pilot are now fully addressed in NCPDP SCRIPT 10.6.

On July 1, 2009, the NCVHS sent a letter to the Secretary of HHS. It recommended the recognition of NCPDP SCRIPT 10.6 as a backward compatible version of the adopted standard (NCPDP SCRIPT 8.1) through the “streamlined process.” It also recommended elimination of the LTC exemption for use of the NCPDP SCRIPT standard. The LTC setting issues are addressed in NCPDP SCRIPT 10.2 and subsequent versions. It would not be appropriate to lift the LTC exemption prior to retiring any NCPDP SCRIPT versions prior to NCPDP SCRIPT 10.2. As the retirement of NCPDP SCRIPT 8.1 and the elimination of the LTC exemption will be substantive changes to the Part D e-prescribing regulations, we will need to use notice and comment rulemaking to effectuate these changes. We anticipate proposing these changes at a later date in a notice-and-comment rulemaking. More information on the testimony given to, and the recommendations given by NCVHS, can be found at the NCVHS Web site http://www.ncvhhs.hhs.gov/.

III. Response to Comments

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

IV. Waiver of Proposed Rulemaking and Delay in Effective Date

The adoption of a standard ordinarily requires notice and comment rulemaking, and a 30-day delay in effective date. A notice of proposed rulemaking is published in the Federal Register to invite public comment on the proposed rule, and generally includes a reference to the legal authority under which the rule is proposed, the provisions of the proposed rule and a description of the subjects and issues addressed by the proposed rule. Notice and comment rulemaking procedure can be waived, however, if an agency finds good cause that a notice-and-comment procedure is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and its reasons in the final rule that is issued.

In this case, we find that notice and comment rulemaking is unnecessary because this interim final rule with comment period imposes no additional or different legal requirements upon entities participating in the Part D e-prescribing program. It merely provides an additional method by which entities may carry out transactions using the standards adopted in regulations.

Moreover, we ordinarily provide a 30-day delay in the effective date of the provisions of a rule in accordance with the Administrative Procedure Act (APA) (5 U.S.C. 553(d)), which requires a 30-day delayed effective date, and the Congressional Review Act (5 U.S.C. 801(a)(3)), which requires a 30-day delayed effective date for non-major rules. However, we can waive the delay in effective date if the Secretary finds, for good cause, that such delay is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons in the rule issued. (5 U.S.C. 553(d)(3); 5 U.S.C. 808(2)).

As noted previously, this interim final rule with comment period imposes no new requirements on the public. It merely serves to permit the voluntary use of the backward compatible NCPDP SCRIPT Standard, NCPDP SCRIPT 10.6, in lieu of the adopted NCPDP SCRIPT 8.1 standard. The use of NCPDP SCRIPT 10.6 constitutes compliance with the adopted standard for the specified e-prescribing transactions. Entities that elect to use NCPDP SCRIPT 10.6 must support continued access to NCPDP SCRIPT Standard version 8.1 transactions.

For all these reasons, we believe that a notice and comment period and 30-day delay in the effective date would be unnecessary and contrary to the public interest. We therefore find good cause for waiving the notice and comment period 30-day delay in the effective date for the voluntary use of the backward compatible NCPDP SCRIPT Standard NCPDP SCRIPT 10.6 in lieu of NCPDP SCRIPT 8.1.

V. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 35).

VI. Regulatory Impact Statement

We have examined the impact of this interim final rule with comment period as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995; Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999) and the Congressional Review Act (5 U.S.C. 804(2)).

Executive Order 12866 (as amended by Executive Orders 13258 and 13422) directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). This interim final rule with comment period does not reach the economic threshold and, thus, is not considered a major rule. Therefore, an RIA has not been prepared.

The RFA requires agencies to analyze options for regulatory relief of small businesses. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of $7.0 million to $34.5 million in any 1 year. Individuals and States are not included in the definition of a small entity. We are not preparing an analysis...
In accordance with the provisions of Executive Order 12866, this interim final rule with comment period was reviewed by the Office of Management and Budget.

List of Subjects 42 CFR Part 423

Administrative practice and procedure, Emergency medical services, Health facilities, Health maintenance organizations (HMO), Health professions, Incorporation by Reference, Medicare, Penalties, Privacy, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services amends 42 CFR part 423 as follows:

PART 423—VOLUNTARY MEDICARE PRESCRIPTION DRUG BENEFIT


(ii) The National Council for Prescription Drug Programs SCRIPT standard, Implementation Guide Version 10.6, approved November 12, 2008 (incorporated by reference in paragraph (c)(1)(v) of this section) to provide for the communication of Medicare Part D medication history information among Medicare Part D sponsors, prescribers, and dispensers.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

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

ACTION: Final rule; in-season adjustments to biennial groundfish management measures; request for comments.

SUMMARY: This final rule revises the 2010 harvest guidelines for yelloweye rockfish and makes in-season adjustments to trawl fishery management measures for several groundfish species taken in the U.S. Exclusive Economic Zone (EEZ) off the coasts of Washington, Oregon, and California. These actions, which are authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP), are intended to prevent exceeding the 2010 OYs for yelloweye rockfish.
rockfish, an overfished species, and for petrale sole and sablefish.

DATES: Effective July 1, 2010. Comments on this final rule must be received no later than 5 p.m., local time on August 2, 2010.

ADDRESSES: You may submit comments, identified by RIN 0648–BA00, by any one of the following methods:


Instructions: No comments will be posted for public viewing until after the comment period has closed. All comments received are a part of the public record and will generally be posted to http://www.regulations.gov without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Gretchen Hanshew (Northwest Region, NMFS), 206–526–6147, fax: 206–526–6736, gretchen.hanshew@noaa.gov.

SUPPLEMENTARY INFORMATION:

Electronic Access

This final rule is accessible via the Internet at the Office of the Federal Register’s Web site at http://www.gpoaccess.gov/fr/index.html. Background information and documents are available at the Pacific Fishery Management Council’s (the Council or PFMC) Web site at http://www.pcouncil.org/.

Background

On December 31, 2008, NMFS published a proposed rule to implement the 2009–2010 specifications and management measures for the Pacific Coast groundfish fishery (73 FR 80516). A final rule was published on March 6, 2009 (74 FR 9074), which codified the specifications and management measures in the CFR (50 CFR part 660, subpart G). That action set the 2009–2010 harvest specifications and management measures for groundfish taken in the U.S. exclusive zone (EEZ) off the coasts of Washington, Oregon, and California, and revised rebuilding plans for four of seven overfished species, consistent with the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and the Pacific Coast Groundfish Fishery Management Plan (FMP).

2010 Yelloweye Rockfish Harvest Specifications

In response to the latest in a series of complaints filed in Natural Resources Defense Council v. Locke, Civil Action No. C 01–0421 JL, challenging the rebuilding provisions in the FMP, the U.S. District Court for the Northern District of California vacated the 2010 Specifications for darkblotched rockfish, cowcod, and yelloweye rockfish. Order Granting in Part and Denying in Part Parties’ Cross-Motions for Summary Judgment, Dkt. No. 340 (April 23, 2010) (Opinion). The Order lowered the 2010 yelloweye rockfish OY. NMFS is issuing a final rule to amend the regulatory requirements for yelloweye rockfish in accordance with the court’s order, lowering the 2010 yelloweye rockfish OY from 17 mt to 14 mt. In the preamble to that rule, NMFS described that the Pacific Fishery Management Council (Council), through its in-season management process, would review the anticipated catch of yelloweye rockfish and recommend to the agency the appropriate management measures, including modifications to set asides or harvest guidelines (HGs), to manage the fishery within these OY levels. This rule makes those changes based on the information considered below.

At the time that the Order established a 14 mt yelloweye rockfish OY, projected impacts to yelloweye rockfish was 17.0 mt. In an effort to reduce the severe fisheries restrictions that would be necessary to keep total mortality below the 14 mt OY, the states of Washington and Oregon cancelled a 2010 scientific research study that was intended to collect important biological information on yelloweye rockfish. The cancellation of this enhanced rockfish survey reduced projected impacts to yelloweye rockfish by 2.0 mt, resulting in total projected impacts of 15 mt for a 14 mt OY.

NMFS also took action to reduce projected impacts to yelloweye rockfish by cancelling two exempted fishing permits (EFPs) that were scheduled to be issued in 2010. The cancellation of these two EFPs, and the resulting reduction in exempted fishing effort, reduced yelloweye rockfish impacts by 0.1 mt, resulting in total projected impacts of 14.9 mt for a 14 mt OY.

The limited entry trawl fishery model projects impacts to overfished species. Prior to the June Council meeting, the model was updated by incorporating the most recent (2009) west coast groundfish observer program (WCGOP) data. According to the 2009 WCGOP data, the bycatch rate of yelloweye rockfish was lower than previously thought, therefore the impacts to yelloweye rockfish in 2010 are projected to be lower than previously estimated. Updating the model, while leaving management measures unchanged, reduced projected impacts to yelloweye rockfish by 0.3 mt, resulting in total projected impacts of 14.6 mt for a 14 mt OY.

At their June 11–17, 2010, meeting in Foster City, CA, the Council reviewed the most recent catch data in all groundfish fisheries and considered various ways to reduce projected impacts of yelloweye rockfish to a level below the 14 mt OY. Based on the most recent catch data, projected catches of yelloweye rockfish in the limited entry fixed gear (LEFG) and open access fisheries are lower than anticipated due to inclement weather and lower than anticipated fishing effort on target species that co-occur with yelloweye rockfish. Because their projected impacts to yelloweye rockfish in the commercial fixed gear fisheries are lower than anticipated, the Council recommended reducing the catch sharing harvest guidelines in these sectors to a combined total of 2.0 mt, with 0.8 mt of yelloweye rockfish anticipated to be taken in the LEFG fishery and 1.2 mt of yelloweye rockfish anticipated to be taken in the directed open access fishery. This will allow for minimal disruption to summer fisheries, as no additional restrictions to fishery management measures are necessary at this time to stay below this lower HG. The states of Washington, Oregon and California have management measures in place to keep projected impacts within their yelloweye rockfish HGs (Washington = 2.7 mt, Oregon = 2.4 mt, California = 2.8 mt). Because of the cancellation of the enhanced rockfish research survey activities and the savings it provided relative to yelloweye rockfish, recreational harvest guidelines for each state only had to be lowered by a small amount. The Council recommended reducing each state’s harvest guidelines by 0.1 mt, resulting in new yelloweye rockfish HGs (Washington = 2.6 mt, Oregon = 2.3 mt, California = 2.7 mt). No additional restrictions to management measures were necessary at this time to keep...
Changes to the groundfish management measures implemented by this action were recommended by the Council, in consultation with Pacific Coast Treaty Indian Tribes and the States of Washington, Oregon, and California, at its June 11–17, 2010, meeting in Foster City, CA. The Council recommended adjusting the groundfish management measures to respond to updated fishery information and other in-season management needs. These changes include reductions to bi-monthly cumulative limits in the limited entry non-whiting trawl commercial fisheries off Washington, Oregon, and California. These reductions to trip limits must be implemented by the start of the next bi-monthly cumulative limit period, on or before July 1, 2010. Even a short delay in implementation could allow fisheries to take the entire two-month limit for this period. These changes are intended to reduce the catch of petrale sole and sablefish in order to keep the total mortality of these species within their 2010 OYs. The reductions to trip limits also slightly reduce the projected impacts to co-occurring overfished species.

Estimated mortality of overfished and target species are the result of management measures designed to meet the Pacific Coast Groundfish FMP objective of achieving, to the extent possible, but not exceeding, OYs of target species, while fostering the rebuilding of overfished stocks by remaining within their rebuilding OYs. Catches of sablefish in the limited entry non-whiting trawl fishery are tracking ahead of projections. If no action is taken, and sablefish catch rates remain higher than previously expected throughout the year, catch of sablefish through the end of the year is projected to be 3,003 mt, exceeding the 2010 trawl allocation of 2,995 mt by 48 mt. To slow catch of sablefish and stay below the 2010 allocation, the Council recommended an in-season adjustment reducing cumulative limits for petrale sole as well as other co-occurring target species (Dover sole and “other flatfish”) coastwide, beginning on July 1, 2010.

Based on the considerations outlined above, the Council recommended and NMFS is implementing the following changes to cumulative limits in the limited entry non-whiting trawl fishery for July 1, 2010: reduce sablefish cumulative limits caught with large and small footrope trawl gears coastwide to “21,000 lb (9,525 kg) per 2 months” in July–December; reduce petrale sole cumulative limits caught with large and small footrope trawl gears coastwide to “6,300 lb (2,858 kg) per 2 months” in July–December; reduce Dover sole cumulative limits caught with large and small footrope trawl gears coastwide to “100,000 lb (45,359 kg) per 2 months” in July–December; and reduce “other flatfish” cumulative limits caught with large and small footrope trawl gears coastwide to “100,000 lb (45,359 kg) per 2 months” in July–December.

Classification

This rule revises the 2010 catch sharing harvest guidelines for yelloweye rockfish to keep fishery impacts within the lowered yelloweye rockfish OY in accordance with the court’s order; makes routine in-season adjustments to groundfish fishery management measures based on the best available information; and is taken pursuant to the regulations implementing the Pacific Coast Groundfish FMP.

These actions are taken under the authority of 50 CFR 660.370(c) and are exempt from review under Executive Order 12866.

These in-season adjustments are taken under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), and are in accordance with 50 CFR part 660, the regulations implementing the FMP. These actions are based on the most recent data available. The aggregate data upon which these actions are based are available for public inspection at the Office of the Administrator, Northwest Region, NMFS, (see ADDRESSES) during business hours.

For the following reasons, NMFS finds good cause to waive prior public notice and comment on the revisions to groundfish management measures under 5 U.S.C. 553(b) because notice and comment would be impracticable and contrary to the public interest. Also, for the same reasons, NMFS finds good cause to waive the 30-day delay in effectiveness pursuant to 5 U.S.C.
These changes must be implemented in a timely manner, on July 1, 2010. Bi-monthly cumulative limits cover a two-month period, so if implementation is delayed much past July 1, then fishermen could harvest the prior higher limit before the revised limit is effective. Decreases to cumulative limits for other flatfish and Dover sole in the limited entry trawl fishery are intended to reduce impacts to petrale sole, a co-occurring species for which a severely reduced OY was implemented for 2010 (74 FR 65480).

Delaying these changes would keep management measures in place that are not based on the best available data, which could lead to exceeding OYs or early closures of the fishery if harvest of groundfish exceeds levels projected for 2010. Such delay would impair achievement of the Pacific Coast Groundfish FMP objective of approaching, but not exceeding, OYs.

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Indian Fisheries.

Dated: June 28, 2010.

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

For the reasons set out in the preamble, 50 CFR part 660 is amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES

1. The authority citation for part 660 continues to read as follows:

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

2. Footnote “/aa” following Tables 1a through 1c to part 660, subpart G, is revised to read as follows:

* * * * *

aa/ Yelloweye rockfish was fully assessed in 2006 and an assessment update was completed in 2007. The 2007 stock assessment update estimated the spawning stock biomass in 2006 to be at 14 percent of its unfished biomass coastwide. The 31 mt coastwide ABC was derived from the base model in the new stock assessment with an F_MSY proxy of F_50%. The 17 mt OY is based on a rebuilding plan with a target year to rebuild of 2084 and an SPR harvest rate of 66.3 percent in 2009 and 2010 and an SPR harvest rate of 71.9 percent for 2011 and beyond. The OY is reduced by 2.8 mt for the amount anticipated to be taken during research activity, 2.3 mt the amount estimated to be taken in the tribal fisheries and 0.3 mt for the amount expected to be taken incidentally in non-groundfish fisheries. The catch sharing harvest guidelines for yelloweye rockfish in 2009 are: limited entry non-whiting trawl 0.6 mt, limited entry whiting 0.0 mt, limited entry fixed gear 1.4 mt, directed open access 1.1 mt, Washington recreational 2.7 mt, Oregon recreational 2.4 mt, California recreational 2.8 mt, and 0.3 mt for exempted fishing.

* * * * *

3. Table 2a to part 660, subpart G, and footnote “/aa” following Tables 2a through 2c to part 660, subpart G, are revised to read as follows:

BILLING CODE 3510-22-P
Table 2a. To Part 660, Subpart G - 2010, Specifications of ABCs, OYs, and HGs, by Management Area (weights in metric tons).

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<th>ABC Specifications</th>
<th>HG b/</th>
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<td>ABC Contributions by Area</td>
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<td>Concept</td>
<td>ABC</td>
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<td>d/</td>
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<td>ABC Contributions by Area</td>
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<td>Canary r/</td>
<td>940</td>
<td>940</td>
<td>105</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Chilepepper s/</td>
<td>d/</td>
<td>2,576</td>
<td>2,447</td>
<td>2,447</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Bocaccio t/</td>
<td>d/</td>
<td>793</td>
<td>793</td>
<td>288</td>
<td>67.3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Splitnose u/</td>
<td>d/</td>
<td>615</td>
<td>615</td>
<td>461</td>
<td></td>
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</tr>
<tr>
<td>Yellowtail v/</td>
<td>4,562</td>
<td>d/</td>
<td>4,562</td>
<td>4,562</td>
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<tr>
<td>Shortspine thornyhead</td>
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</tr>
<tr>
<td>w/ N of 34 27' N. lat.</td>
<td>2,411</td>
<td>2,411</td>
<td>1,591</td>
<td>1,591</td>
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<tr>
<td>S of 34 27' N. lat.</td>
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<tr>
<td>Longspine thornyhead</td>
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<tr>
<td>x/ N of 34 27' N. lat.</td>
<td>3,671</td>
<td>3,671</td>
<td>2,175</td>
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<tr>
<td>S of 34 27' N. lat.</td>
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<tr>
<td>Cowcod y/</td>
<td>d/</td>
<td>14</td>
<td>14</td>
<td>4</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Darkblotched z/</td>
<td></td>
<td>440</td>
<td>440</td>
<td>330</td>
<td>288.05</td>
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<td></td>
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</tr>
<tr>
<td>Yelloweye aa/</td>
<td></td>
<td>32</td>
<td>14</td>
<td>1.9</td>
<td>7.6</td>
<td></td>
<td></td>
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<tr>
<td>California Scorpionfish</td>
<td>bb/</td>
<td>155</td>
<td>155</td>
<td>155</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Black cc/</td>
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<tr>
<td>N of 46 16' N. lat.</td>
<td>464</td>
<td></td>
<td>464</td>
<td>464</td>
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<td></td>
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</tr>
<tr>
<td>S of 46 16' N. lat.</td>
<td></td>
<td>1,317</td>
<td>1,317</td>
<td>1,000</td>
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</tbody>
</table>
Yelloweye rockfish was fully assessed in 2006 and an assessment update was completed in 2007. The 2007 stock assessment update estimated the spawning stock biomass in 2006 to be at 14 percent of its unfished biomass coastwide. The 32 mt coastwide ABC was derived from the base model in the new stock assessment with an F_{MSY} proxy of F_{90}. The 14 mt OY is based on the need to conform the 2010 yelloweye rockfish harvest specifications to the Court's
Order in *Natural Resources Defense Council v. Locke*, Civil Action No. C 01–0421 JL. The amount anticipated to be taken during scientific research activity is 1.3 mt, the amount anticipated to be taken in the tribal fisheries is 2.3 mt, and the amount anticipated to be taken incidentally in non-groundfish fisheries is 0.3 mt. The catch sharing harvest guidelines for yelloweye rockfish in 2010 are: Limited entry non-whiting trawl 0.3 mt, limited entry whiting 0.0 mt, limited entry fixed gear 0.8 mt, directed open access 1.2 mt, Washington recreational 2.6 mt, Oregon recreational 2.3 mt, California recreational 2.7 mt, and 0.2 mt for exempted fishing.

4. Tables 3 (North) and 3 (South) to part 660, subpart G, are revised to read as follows:

---

**Table 3 (North) to Part 660, Subpart G — 2010 Trip Limits for Limited Entry Trawl Gear North of 40°10’ N. Lat.**

<table>
<thead>
<tr>
<th>Rockfish Conservation Area (RCA)</th>
<th>JAN-FEB</th>
<th>MAR-APR</th>
<th>MAY-JUN</th>
<th>JUL-AUG</th>
<th>SEP-OCT</th>
<th>NOV-DEC</th>
</tr>
</thead>
<tbody>
<tr>
<td>North of 48°10’ N. lat.</td>
<td></td>
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<tr>
<td>1</td>
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<tr>
<td>48°10’ N. lat. - 45°46’ N. lat.</td>
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<td>2</td>
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<tr>
<td>45°46’ N. lat. - 40°10’ N. lat.</td>
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</tr>
</tbody>
</table>

Selective flatfish trawl gear is required shoreward of the RCA, all trawl gear (large footrope, selective flatfish trawl, and small footrope trawl gear) is permitted seaward of the RCA. Large footrope and small footrope trawl gears (except for selective flatfish trawl gear) are prohibited shoreward of the RCA. Midwater trawl gear is permitted only for vessels participating in the primary whiting season.

See §§ 660.370 and 660.381 for Additional Gear, Trip Limit, and Conservation Area Requirements and Restrictions. See §§ 660.390-660.394 and §§ 660.396-660.399 for Conservation Area Descriptions and Coordinates (including RCAs, YRCA, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).

State trip limits and seasons may be more restrictive than federal trip limits, particularly in waters off Oregon and California.

---

**Table 3 (North)**

<table>
<thead>
<tr>
<th>Minor slope rockfish &amp; Darkblotched rockfish</th>
<th>JAN-FEB</th>
<th>MAR-APR</th>
<th>MAY-JUN</th>
<th>JUL-AUG</th>
<th>SEP-OCT</th>
<th>NOV-DEC</th>
</tr>
</thead>
<tbody>
<tr>
<td>4,5,6</td>
<td>6,000 lb/2 months</td>
<td>2,000 lb/2 months</td>
<td></td>
<td></td>
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<tr>
<td>Pacific ocean perch</td>
<td>1,500 lb/2 months</td>
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<td>DTS complex</td>
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<tr>
<td>Sabellfish</td>
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<td></td>
</tr>
<tr>
<td>large &amp; small footrope</td>
<td>20,000 lb/2 months</td>
<td>24,000 lb/2 months</td>
<td>21,000 lb/2 months</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9,10,11,12,13,14,17,18,19,20</td>
<td>9,000 lb/2 months</td>
<td>9,000 lb/2 months</td>
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<tr>
<td>11,12,13,14,17,18,19,20</td>
<td>9,000 lb/2 months</td>
<td>9,000 lb/2 months</td>
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<tr>
<td>Longspine thornyhead</td>
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<td></td>
</tr>
<tr>
<td>large &amp; small footrope</td>
<td>24,000 lb/2 months</td>
<td>24,000 lb/2 months</td>
<td>24,000 lb/2 months</td>
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<td></td>
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</tr>
<tr>
<td>5,10,11,12,13,14,17,18,19,20</td>
<td>5,000 lb/2 months</td>
<td>5,000 lb/2 months</td>
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<tr>
<td>11,12,13,14,17,18,19,20</td>
<td>5,000 lb/2 months</td>
<td>5,000 lb/2 months</td>
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<tr>
<td>Shortspine thornyhead</td>
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</tr>
<tr>
<td>large &amp; small footrope</td>
<td>18,000 lb/2 months</td>
<td>18,000 lb/2 months</td>
<td>18,000 lb/2 months</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>5,11,12,13,14,17,18,19,20</td>
<td>5,000 lb/2 months</td>
<td>5,000 lb/2 months</td>
<td></td>
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<tr>
<td>11,12,13,14,17,18,19,20</td>
<td>5,000 lb/2 months</td>
<td>5,000 lb/2 months</td>
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<tr>
<td>Dover sole</td>
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<tr>
<td>large &amp; small footrope</td>
<td>110,000 lb/2 months</td>
<td>100,000 lb/2 months</td>
<td>100,000 lb/2 months</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5,11,12,13,14,17,18,19,20</td>
<td>65,000 lb/2 months</td>
<td>65,000 lb/2 months</td>
<td></td>
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<td></td>
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<tr>
<td>11,12,13,14,17,18,19,20</td>
<td>65,000 lb/2 months</td>
<td>65,000 lb/2 months</td>
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</tbody>
</table>

TABLE 3 (North)
<table>
<thead>
<tr>
<th>29</th>
<th>Whiting</th>
<th>JAN-FEB</th>
<th>MAR-APR</th>
<th>MAY-JUN</th>
<th>JUL-AUG</th>
<th>SEP-OCT</th>
<th>NOV-DEC</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>midwater trawl</td>
<td>Before the primary whiting season: CLOSED. During the primary season: mid-water trawl permitted in the RCA. See §660.373 for season and trip limit details. After the primary whiting season: CLOSED.</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>24</td>
<td>large &amp; small footrope gear</td>
<td>Before the primary whiting season: 20,000 lb/trip. During the primary season: 10,000 lb/trip. After the primary whiting season: 10,000 lb/trip.</td>
<td></td>
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</tr>
<tr>
<td>26</td>
<td>Flatfish (except Dover sole)</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>27</td>
<td>Arrowtooth flounder</td>
<td></td>
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</tr>
<tr>
<td>28</td>
<td>large &amp; small footrope gear</td>
<td>150,000 lb/2 months</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>selective flatfish trawl gear</td>
<td>90,000 lb/2 months</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>30</td>
<td>multiple bottom trawl gear</td>
<td>90,000 lb/2 months</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>31</td>
<td>Other flatfish, English sole, starry flounder, &amp; Petrale sole</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>large &amp; small footrope gear for Other flatfish, English sole, &amp; starry flounder</td>
<td>110,000 lb/2 months, no more than 9,500 lb/2 months of which may be Petrale sole.</td>
<td></td>
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</tr>
<tr>
<td>33</td>
<td>large &amp; small footrope gear for Petrale sole</td>
<td>9,500 lb/2 months</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>selective flatfish trawl gear for Other flatfish, English sole, &amp; starry flounder</td>
<td>90,000 lb/2 months, no more than 9,500 lb/2 months of which may be Petrale sole.</td>
<td></td>
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</tr>
<tr>
<td>35</td>
<td>selective flatfish trawl gear for Petrale sole</td>
<td>60,000 lb/2 months, no more than 9,500 lb/2 months of which may be Petrale sole.</td>
<td></td>
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</tr>
<tr>
<td>36</td>
<td>multiple bottom trawl gear for Petrale sole</td>
<td>90,000 lb/2 months, no more than 9,500 lb/2 months of which may be Petrale sole.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>37</td>
<td>Minor shelf rockfish, Shortbelly, Widow &amp; Yelloweye rockfish</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>38</td>
<td>midwater trawl for Widow rockfish</td>
<td>Before the primary whiting season: CLOSED. During primary whiting season: In trips of at least 10,000 lb of whiting, combined widow and yellowtail limit of 500 lb trip, cumulative widow limit of 1,500 lb/month. Mid-water trawl permitted in the RCA. See §660.373 for primary whiting season and trip limit details. After the primary whiting season: CLOSED.</td>
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<tr>
<td>39</td>
<td>large &amp; small footrope gear</td>
<td>300 lb/2 months</td>
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<tr>
<td>40</td>
<td>selective flatfish trawl gear</td>
<td>300 lb/month, 1,000 lb/month, no more than 200 lb/month of which may be yelloweye rockfish</td>
<td></td>
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</tr>
<tr>
<td>41</td>
<td>multiple bottom trawl gear</td>
<td>300 lb/month, 300 lb/2 months, no more than 200 lb/month of which may be yelloweye rockfish</td>
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</tbody>
</table>

**Table 3 (North) cont.**
<table>
<thead>
<tr>
<th>Table 3 (North). Continued</th>
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</thead>
<tbody>
<tr>
<td><strong>JAN-FEB</strong></td>
</tr>
<tr>
<td>Canary rockfish</td>
</tr>
<tr>
<td>42</td>
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<tr>
<td>43</td>
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<td>44</td>
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<td>59</td>
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<td>60</td>
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<td>61</td>
</tr>
</tbody>
</table>

1/ Bocaccio, chilipepper and cowcod are included in the trip limits for minor shelf rockfish.
2/ Splitnose rockfish is included in the trip limits for minor slope rockfish.
3/ "Other flatfish" are defined at § 660.302 and include butter sole, cunfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.
4/ The minimum size limit for lingcod is 22 inches (56 cm) total length North of 42° N. lat. and 24 inches (61 cm) total length South of 42° N. lat.
5/ "Other fish" are defined at § 660.302 and include sharks, skates (including longnose skate), ratfish, morids, grenadiers, and kelp greenling.
6/ Cabezon is included in the trip limits for "other fish."
7/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.391-660.394. This RCA is not defined by depth contours, and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to the RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.
8/ The "modified" fathom lines are modified to exclude certain petrale sole areas from the RCA.
9/ If a vessel has both selective flatfish gear and large or small footrope gear on board during a cumulative limit period (either simultaneously or successively), the most restrictive cumulative limit for any gear on board during the cumulative limit period applies for the entire cumulative limit period.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.
Table 3 (South) to Part 660, Subpart G -- 2010 Trip Limits for Limited Entry Trawl Gear South of 40°10' N. Lat.

Other Limits and Requirements Apply – Read § 660.301 - § 660.399 before using this table

<table>
<thead>
<tr>
<th></th>
<th>JAN-FEB</th>
<th>MAR-APR</th>
<th>MAY-JUN</th>
<th>JUL-AUG</th>
<th>SEP-OCT</th>
<th>NOV-DEC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rockfish Conservation Area (RCA)(^2):</td>
<td></td>
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<tr>
<td>1 South of 40°10' N. lat.</td>
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<tr>
<td></td>
<td>100 ft line(^6) - 150 ft line(^7)</td>
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</tr>
</tbody>
</table>

All trawl gear (large footrope, selective flatfish trawl, midwater trawl, and small footrope trawl gear) is permitted seaward of the RCA. Large footrope trawl gear and midwater trawl gear are prohibited shoreward of the RCA.

See § 660.370 and § 660.381 for Additional Gear, Trip Limit, and Conservation Area Requirements and Restrictions. See §§ 660.390-660.394 and §§ 660.396-660.399 for Conservation Area Descriptions and Coordinates (including RCAs, YRCA, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).

State trip limits and seasons may be more restrictive than federal trip limits, particularly in waters off Oregon and California.

### Minor slope rockfish** &

<table>
<thead>
<tr>
<th></th>
<th>JAN-FEB</th>
<th>MAR-APR</th>
<th>MAY-JUN</th>
<th>JUL-AUG</th>
<th>SEP-OCT</th>
<th>NOV-DEC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dankbiotched rockfish</td>
<td></td>
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<tr>
<td>2 South of 40°10' N. lat.</td>
<td>15,000 lb/2 months</td>
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</tbody>
</table>

### Splitnose

<table>
<thead>
<tr>
<th></th>
<th>JAN-FEB</th>
<th>MAR-APR</th>
<th>MAY-JUN</th>
<th>JUL-AUG</th>
<th>SEP-OCT</th>
<th>NOV-DEC</th>
</tr>
</thead>
<tbody>
<tr>
<td>South of 36° N. lat.</td>
<td>55,000 lb/2 months</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### DTS complex

<table>
<thead>
<tr>
<th></th>
<th>JAN-FEB</th>
<th>MAR-APR</th>
<th>MAY-JUN</th>
<th>JUL-AUG</th>
<th>SEP-OCT</th>
<th>NOV-DEC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sabrefish</td>
<td>22,000 lb/2 months</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9 Longspine thornyhead</td>
<td>24,000 lb/2 months</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shortspine thornyhead</td>
<td>18,000 lb/2 months</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dover sole</td>
<td>110,000 lb/2 months</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12 Flatfish (except Dover sole)</td>
<td>100,000 lb/2 months</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Flatfish (except Dover sole)

<table>
<thead>
<tr>
<th></th>
<th>JAN-FEB</th>
<th>MAR-APR</th>
<th>MAY-JUN</th>
<th>JUL-AUG</th>
<th>SEP-OCT</th>
<th>NOV-DEC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other flatfish**, English sole, &amp; starry flounder</td>
<td>110,000 lb/2 months</td>
<td>110,000 lb/2 months, no more than 9,500 lb/2 months of which may be petrale sole.</td>
<td>100,000 lb/2 months, no more than 6,300 lb/2 months of which may be petrale sole.</td>
<td>100,000 lb/2 months</td>
<td>100,000 lb/2 months</td>
<td></td>
</tr>
<tr>
<td>Petrale sole</td>
<td>9,500 lb/2 months</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Arrowtooth flounder

<table>
<thead>
<tr>
<th></th>
<th>JAN-FEB</th>
<th>MAR-APR</th>
<th>MAY-JUN</th>
<th>JUL-AUG</th>
<th>SEP-OCT</th>
<th>NOV-DEC</th>
</tr>
</thead>
<tbody>
<tr>
<td>16 Arrowtooth flounder</td>
<td>10,000 lb/2 months</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Whiting

<table>
<thead>
<tr>
<th></th>
<th>JAN-FEB</th>
<th>MAR-APR</th>
<th>MAY-JUN</th>
<th>JUL-AUG</th>
<th>SEP-OCT</th>
<th>NOV-DEC</th>
</tr>
</thead>
<tbody>
<tr>
<td>midwater trawl</td>
<td>Before the primary whiting season: CLOSED. -- During the primary season: mid-water trawl permitted in the RCA. See §660.373 for season and trip limit details. -- After the primary whiting season: CLOSED.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Large & small footrope gear

<table>
<thead>
<tr>
<th></th>
<th>JAN-FEB</th>
<th>MAR-APR</th>
<th>MAY-JUN</th>
<th>JUL-AUG</th>
<th>SEP-OCT</th>
<th>NOV-DEC</th>
</tr>
</thead>
<tbody>
<tr>
<td>large &amp; small footrope gear</td>
<td>Before the primary whiting season: 20,000 lb/trip. -- During the primary season: 10,000 lb/trip -- After the primary whiting season: 10,000 lb/trip.</td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
### Table 3 (South), Continued

<table>
<thead>
<tr>
<th></th>
<th>JAN-FEB</th>
<th>MAR-APR</th>
<th>MAY-JUN</th>
<th>JUL-AUG</th>
<th>SEP-OCT</th>
<th>NOV-DEC</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minor shelf rockfish</strong>, Chilipepper, Shortbelly, Widow, &amp; Yelloweye rockfish**</td>
<td>300 lb/ month</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21 large footrope or midwater trawl for Minor shelf rockfish &amp; Shortbelly</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22 large footrope or midwater trawl for Chilipepper</td>
<td>12,000 lb/2 months</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23 large footrope or midwater trawl for Widow &amp; Yelloweye</td>
<td>CLOSED</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>24 small footrope trawl for Minor Shelf, Shortbelly, Widow &amp; Yelloweye</td>
<td>300 lb/ month</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25 small footrope trawl for Chilipepper</td>
<td>12,000 lb/2 months</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Bocaccio</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>27 large footrope or midwater trawl</td>
<td>300 lb/2 months</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>28 small footrope trawl</td>
<td>CLOSED</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Canary rockfish</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>30 large footrope or midwater trawl</td>
<td>CLOSED</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>31 small footrope trawl</td>
<td>100 lb/ month</td>
<td>300 lb/ month</td>
<td></td>
<td>100 lb/ month</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Cowcod</strong></td>
<td>CLOSED</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Bronzespotted rockfish</strong></td>
<td>CLOSED</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Minor nearshore rockfish &amp; Black rockfish</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>35 large footrope or midwater trawl</td>
<td>CLOSED</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>36 small footrope trawl</td>
<td>300 lb/ month</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Lingcod</strong></td>
<td>1,200 lb/2 months</td>
<td>4,000 lb/2 months</td>
<td></td>
<td>1,200 lb/2 months</td>
<td></td>
<td></td>
</tr>
<tr>
<td>38 large footrope or midwater trawl</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>39 small footrope trawl</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Pacific cod</strong></td>
<td>30,000 lb/2 months</td>
<td>70,000 lb/2 months</td>
<td></td>
<td>30,000 lb/2 months</td>
<td></td>
<td></td>
</tr>
<tr>
<td>40 Spinydogfish</td>
<td>200,000 lb/2 months</td>
<td>150,000 lb/2 months</td>
<td>100,000 lb/2 months</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Other Fish</strong> &amp; Cabezon</td>
<td>Not limited</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1/ Yellowtail is included in the trip limits for minor shelf rockfish. Bronzespotted rockfish have a species-specific trip limit.
2/ POP is included in the trip limits for minor shelf rockfish.
3/ "Other crabfish" are defined at § 660.302 and include butter sole, curfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.
4/ The minimum size limit for lingcod is 24 inches (61 cm) total length South of 42° N. lat.
5/ Other fish are defined at § 660.302 and include sharks, skates (excluding longnose skate), ratfish, morids, grenadiers, and kelp greenling.
6/ The Rockfish Conservation Area is an area closed to fishing by geographic gillnet types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.391-660.394. This RCA is not defined by depth contours, and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to the RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.
7/ South of 34°27’ N. lat., the RCA is 100 ft line - 150 ft line along the mainland coast; shoreline - 150 ft line around islands.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.
Proposed Rules

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

Rural Utilities Service

7 CFR Part 1755

Specifications and Drawings for Construction of Direct Buried Plant

AGENCY: Rural Utilities Service, USDA.

ACTION: Proposed Rule; correction.

SUMMARY: The Rural Utilities Service (RUS) published a document in the Federal Register of June 8, 2010, at 75 FR 32313 regarding the request for comments on revising RUS Bulletin 1753F–150, Specifications and Drawings for Construction of Direct Buried Plant (Form 515a). This document corrects the Docket ID number.

For further information contact: Joyce McNeil, 202–720–0812.

Correction

In the proposed rule document FR Doc. 2010–12830 beginning on page 32313 in the issue of June 8, 2010, make the following correction:

On page 32313, in the third column, under the heading ADDRESSES, in the ninth line “RUS–2010–Telecom–0003” should read “RUS–10–Telecom–0002”.

Dated: June 24, 2010.

James R. Newby, Acting Administrator, Rural Utilities Service.

Federal Register

Vol. 75, No. 126

Thursday, July 1, 2010

DEPARTMENT OF ENERGY

10 CFR Part 1023

48 CFR Parts 901, 902, 903, 904, 906, 907, 908, 909, 911, 914, 915, 916, 917, and 952

RIN 1991–AB81

(General Provisions) Contract Appeals and the Acquisition Regulation: Subchapters A—General, B—Acquisition Planning, and C—Contracting Methods and Contract Types

AGENCY: Department of Energy.

ACTION: Notice of proposed rulemaking and opportunity for comment.

SUMMARY: The Department of Energy (DOE) is proposing to remove its Contract Appeals regulation, which implements DOE’s contract appeals procedures and amend the Department of Energy Acquisition Regulation (DEAR) Subchapters A—General, B—Acquisition Planning, and C—Contracting Methods and Contract Types, to make changes to conform to the FAR, remove out-of-date coverage, and update references. Today’s proposed rule does not alter substantive rights or obligations under current law.

DATES: Written comments on the proposed rulemaking must be received on or before close of business August 2, 2010.

ADDRESSES: You may submit comments, identified by DEAR: Subchapters A, B, and C and RIN 1991–AB81, by any of the following methods:

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

• E-mail to: DEARulemaking@hq.doe.gov. Include DEAR: Subchapters A, B and C and RIN 1991–AB81 in the subject line of the message.

• Mail to: U.S. Department of Energy, Office of Procurement and Assistance Management, MA–611, 1000 Independence Avenue, SW., Washington, DC 20585. Comments by e-mail are encouraged.

For further information contact: Barbara Binney at (202) 287–1340 or by e-mail barbara.binney@hq.doe.gov.

Supplementary Information:

I. Background
II. Section-by-Section Analysis
III. Procedural Requirements

A. Review Under Executive Order 12866.
B. Review Under Executive Order 12988.
C. Review Under the Regulatory Flexibility Act.
D. Review Under the Paperwork Reduction Act.
E. Review Under the National Environmental Policy Act.
F. Review Under Executive Order 13132.
I. Review Under Executive Order 13211.
K. Approval by the Office of the Secretary of Energy.

I. Background

The DOE regulation at 10 CFR part 1023 which implemented DOE’s contract appeals procedures and the Department of Energy Acquisition Regulation (DEAR) Subchapters A, B, and C have outdated sections that need to be updated for consistency with the Civilian Board of Contract Appeals (CBCA) provisions of Section 847 of the National Defense Authorization Act for Fiscal Year 2006, Public Law 109–163, and provisions of the FAR and the Title 41, chapter 102—Federal Management Regulation, all of which DOE is implementing but are not yet reflected in the DEAR. Today’s proposed rule would update these regulations.

DOE is proposing to remove regulations in 10 CFR part 1023 made obsolete by the establishment of the CBCA within the General Services Administration. DOE has already adjusted its internal procedures to address the CBCA jurisdiction.

With the proposed changes to Subchapters A, B, and C, the DEAR would conform to the FAR, the Title 41, chapter 102—Federal Management Regulation, and the Federal Management Regulation. The objective of this action is to update the existing DEAR to conform it to the FAR. None of these changes are substantive or of a nature to cause any significant expense for DOE or its contractors.

Changes are proposed to DEAR parts 901, 902, 903, 904, 906, 907, 908, 909, 911, 914, 915, 916, 917, and 952. No changes are proposed for DEAR parts 905, 910, and 912.

II. Section-by-Section Analysis

1. DOE proposes removal of regulations in 10 CFR part 1023 made

BILLING CODE P
obsolete by the termination of the Energy Board of Contract Appeals and the establishment of the Civilian Board of Contract Appeals. Section 847 of the National Defense Authorization Act for Fiscal Year 2006, Public Law 109–163 established within the General Services Administration the Civilian Board of Contract Appeals and terminates authority for the Energy Board of Contract Appeals. DOE proposes to amend the DEAR as follows:

2. Section 901.101 is revised to add “Chapter 1 of Title 48 of the Code of Federal Regulations (CFR)” to provide the citation to the FAR’s CFR chapter.

3. Section 901.102 is removed and redesignated as 901.103 to conform to the FAR. It also is revised to add “Senior” before “Procurement Executive” and to clarify that there are two Senior Procurement Executives, one for the National Nuclear Security Administration (NNSA) and the other for the rest of the Department of Energy (DOE). The section is further revised to add a reference to the more recent and separate delegation for the NNSA Senior Procurement Executive from the Administrator of the NNSA, and update citation references to the United States Code.

4. Section 901.103 is redesignated as 901.104. That section is also revised to clarify that the DEAR applies to NNSA acquisitions.

5. Section 901.104–1 is redesignated as 901.103–1. That section is revised to add the CFR citation and the Web site reference to view the electronic CFR.

6. Section 901.104–2 is redesignated as 901.105–2. In addition, it is moved to update the cite in paragraph (b) from 1.104–2(b) to 1.105–2(b) to conform to the FAR.

7. Section 901.104–3 is redesignated as 901.105–3 which is revised to add the Web site reference to view the electronic DEAR.

8. Section 901.105 is redesignated as 901.106. The title of the redesignated 901.106 is revised to read “OMB approval under the Paperwork Reduction Act” to conform to the FAR. In addition, the Office of Management and Budget (OMB) acronym is spelled out. The paragraph is further revised to remove the redundant FAR text and the reference to canceled OMB control number 1910–5103.

9. Section 901.301–79 paragraph (a) is revised to add a reference to the Federal Management Regulation to conform to the FMR. The paragraph is also revised to state that the Department of Energy Acquisition Guide provides procedural guidance for the acquisition community and provides the web link to the guide.

10. Subpart 901.6 is revised to add “Career Development,” to the title of this subpart.

11. Section 901.601 paragraph (a) is revised to add the contracting authority for NNSA. This paragraph explains the authorities for the Senior Procurement Executives for DOE and NNSA. Paragraph (b) is revised to clarify that both of the Senior Procurement Executives have been authorized to perform functions set forth at FAR 1.601(b).

12. Section 901.602–3 is revised to clarify that the Senior Procurement Executives are authorized to ratify unauthorized commitments.

13. Section 901.603 is revised by adding references to DOE Order 361.1B, Acquisition Career Management Program and DOE Order 541.1B, Appointment of Contracting Officers and Contracting Officer Representatives, or their respective successor orders.

14. Part 902 is revised by adding subpart 902.1 consisting of 902.101, Definitions, to define the “Agency Head or Head of the Agency”, the “Department of Energy”, and the “Procurement Executive” and by removing 902.200 in its entirety and adding the clause instruction at 902.201 to conform to the FAR.

15. Section 903.303 is amended in paragraph (a) to add “Senior” before “Procurement Executive.”

16. Subpart 903.4 Contingent Fees is amended at 903.405 to revise the section heading.

17. Section 903.405 is revised to delete the reference to standard form 119, which is outdated, but retains the direction that the chief of the contracting office seek review by counsel before initiating appropriate action.

18. Section 903.603 in paragraph (a) removes the first occurrence of “FAR”.

19. Subpart 903.7—Voiding and Rescinding Contracts is added to state only the Head of the Contracting Activity can determine whether a contract is voided or rescinded.

20. Subpart 903.10—Contractor Code of Business Ethics and Conduct is added to conform with the FAR.

21. Section 903.1004 Contract clauses, paragraph (b)(2)(ii) is added to instruct the contracting officer to insert the DOE Web site address http://ig.energy.gov/hotline.htm in paragraph (b)(3) of the 48 CFR 52.203–14 clause, Display of Hotline Poster(s).

22. Section 904.7001 is amended by removing the last sentence, which contains the definitions of “contractor,” “contract,” and “special nuclear material.”

23. Section 904.7002 is amended by adding three definitions of terms that were previously described in the last sentence of section 904.7001.

24. Section 906.102 paragraph (d)(4) is rewritten to clarify the use of competitive selection procedures for award of research proposals in accordance with Subpart 917.73 and FAR Part 35.

25. Section 906.102 paragraph (d)(5) is rewritten to clarify the use of competitive selection procedures for award of program opportunity notices for commercial demonstrations in accordance with Subpart 917.72.

26. Section 906.501 is revised to add the NNSA role in delegating authority for appointment of the agency and contracting activity competition advocates, and removing the last sentence referencing procedural guidance in internal directives.

27. Part 907 is reserved, pursuant to Federal Acquisition Circular 2005–09 which revised FAR Subpart 7.3 to be consistent with OMB Circular A–76 (Revised), Performance of Commercial Activities, dated May 29, 2003.

28. Section 908.7107 on the procurement of industrial alcohol is amended by revising this section to reflect current Alcohol and Tobacco Tax and Trade Bureau, Department of Treasury regulations.

29. Sections 909.400(a), 909.400(b), and 909.401 are amended by adding “National Nuclear Security Administration (NNSA)” after “DOE”.

30. Section 909.401 is amended by removing “10 CFR part 1036” and adding in its place “2 CFR part 901,” to update the citation.

31. Part 909 is amended by adding section 909.405 Effect of listing, by identifying the debarment exception authority for NNSA in paragraph (e) and by adding references to NNSA and the Excluded Parties List System (EPLS) in paragraphs (f) through (h), which supplement FAR 9.405.

32. Section 909.406–2 is amended in paragraph (c) by adding “DOE and NNSA” and revising punctuation in paragraphs (c)(1) and (d)(1).

33. Section 909.406–3(a)(1) is amended in the first sentence, by removing “both the Deputy Assistant Secretary for Procurement and Assistance Management” and adding in its place “the appropriate Senior Procurement Executive” to correct the title of the official and by removing “1010.217(b)” and adding in its place “1010.103”.

34. Consistent with FAR 9.404, section 909.406–3(a)(2) is amended in paragraph (2) by revising punctuation; in subparagraph (iv) by adding “or other
identifying number for an individual” as identifying information to be provided in a debarment referral; in subparagraphs (v) and (vii) adding “and NNSA’s”; and in subparagraph (vi) removing “Board of Contract Appeals; and” and adding in its place “Civilian Board of Contract Appeals or other fact-finding body”.

35. Section 909.406–3(b)(2) is amended in the third sentence by removing “refer the matter to the Energy Board of Contract Appeals” and adding in its place “appoint, and refer the matter to, a Fact-Finding Official”.

36. Section 909.406–3(b)(3) is amended in the first sentence by removing “therefor”.

37. Section 909.406–3(b)(4) is amended in the second through the fourth sentences by removing reference to the Energy Board of Contract Appeals and by adding in its place a reference to the Fact-Finding Official.

38. Section 909.406–3(d)(4) is amended in the third through fifth sentences by removing reference to the Energy Board of Contract Appeals and adding in its place a reference to the Fact-Finding Official.

39. Section 909.406–7(b) is amended in the third sentence, after “respondent” by removing the rest of the sentence.

40. Section 909.407 adds a new section heading.

41. Consistent with FAR 9.404, section 909.407–3 in paragraph (e)(1)(vii) by removing mention of GSA and by adding EPLS to update the name of the listing.

42. Section 915.201 is amended by revising the section heading.

43. Section 915.305(d) is amended to remove “48 CFR (DEAR)” in the second sentence.

44. Sections 915.404–2 paragraph (a)(1) in two places; 915.404–4–70–2 paragraphs (a)(1) and (a)(2); 915.404–4–70–4 paragraph (a); and 915.404–4–70–7 paragraph (b) are amended by removing the dollar values and adding the reference to the 48 CFR 15.403–4(a)(1).

45. Section 915.404–4(c)(4)(i) is amended by removing “profit and fees” and adding “price and fee”.

46. Section 915.404–4–70–2 is amended by renumbering the table in paragraph (d) to conform to the DOE Form 42.20.23, Weighted Guidelines.

47. Section 915.404–4–72 is amended by removing 916.404–2 and adding 916.405–2 to update the reference to conform to FAR 16.405–2.

48. Section 916.203–4(d)(2) is amended by removing “(FAR)”.

49. Section 916.307 is amended by adding a paragraph (a) which provides direction to the contracting officer to modify paragraph (a) of clause 48 CFR 52.216–7 by adding the phrase “as supplemented by subparagraph 931.2 of the DEAR after “FAR subpart 31.2”.

50. Section 917.602 is amended to remove “that” in the second sentence of paragraph (c) and adding in its place “than.”

51. Section 917.7301–1 is amended by removing paragraphs (c) and (d). This information is internal guidance and has been moved to DOE’s Acquisition Guide.

52. Section 917.7401 is amended by adding in the first paragraph before the first sentence, “The acquisition of real estate requires the involvement of a DOE Certified Realty Specialist, as specified at 917.7402.” This amendment adds clarity to the processes of the DEAR and conforms to DOE Order 430.1B.

53. Section 917.7401(b) is amended by removing paragraph (b) in its entirety and adding in its place, “(b) Lease for which DOE will reimburse the contractor for the pre-approved costs incurred under the lease.” This adds clarity to the DEAR and conforms to DOE Order 430.1B.

54. Section 917.7402 is amended in the first sentence by changing the punctuation; and in paragraph (b) adding “acquisition option considerations with the best” between the words “cost,” and “acquisition method” and removing “and property appraisal reports; and” and adding in its place “property appraisal reports, and include the review and approval by the applicable DOE Certified Realty Specialist in accordance with DOE Order 430.1B, or its successor version; and.” This adds clarity to the DEAR and conforms to DOE Order 430.1B.

55. Section 917.7402(c)(2) and (4) is amended by adding “approved by a DOE Certified Realty Specialist,” removing “and regulations applicable to real estate management.” and adding in its place “, regulations, and the DOE Order 430.1B, or its successor version, applicable to real estate acquisition.” This adds clarity to the DEAR and conforms to the DOE Order 430.1B.

56. Section 917.7402(d) is amended by adding that any real property actions requires the involvement of the applicable DOE Certified Realty Specialist.

57. Section 917.7403 is amended in the title by removing “Application.” and adding in its place “Contract clause:,” by removing “48 CFR” before the clause number; by adding “Acquisition of Real Property,” after “952.217–70,” by removing “” before “deficiency” in the title; and by adding “contractor acquisitions” after “of real property”.

58. Section 952.202–1 is amended to remove the included definitions and to direct contracting officers to supplement clause 48 CFR 52.202–1 by inserting paragraph (c). These changes are made to conform to revised part 902.

59. Clause 952.204–2 and provision 952.204–73 are amended to encourage contractors to submit information through the use of the online tool and to send a copy of standard form 328 to the contracting officer.

60. Clause 952.204–71 is amended in paragraph (b) by adding “which may involve making unclassified information about nuclear technology available to sensitive foreign nations” after “subcontracts.” This phrase is added to provide clarity for subcontractor flow down pursuant to DEAR 904.404(d)(3).

61. Clause 952.217–70 is amended in subparagraph (a)(2) by removing this subparagraph in its entirety and adding “(2) Lease for which the Department of Energy will reimburse the incurred costs of the lease as a reimbursable contract cost,” in paragraphs (a) and (b), capitalizing the first letters in “Contracting Officer,” and capitalizing “C” in “contractor in paragraphs (a), and (a)(1). These changes are made to add clarity on reimbursements for leases and to conform with the FAR.

62. Throughout, sections are amended by removing “FAR” and adding “48 CFR”, by removing “DEAR” and adding “48 CFR”, and by updating other CFR citations or changing punctuation.

III. Procedural Requirements

A. Review Under Executive Order 12866

Today’s regulatory action has been determined not to be a “significant regulatory action” under Executive Order 12866, “Regulatory Planning and Review,” (58 FR 51735, October 4, 1993). Accordingly, this rule is not subject to review under that Executive Order by the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB).

B. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, “Civil Justice Reform,” 61 FR 4729 (February 7, 1996), imposes on Executive agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and to provide for the burden reduction. With regard to the review required by section 3(a),
section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the United States Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or if it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this rule meets the relevant standards of Executive Order 12988.

C. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 et seq.) requires that an agency prepare an initial regulatory flexibility analysis for any regulation for which a general notice or proposed rulemaking is required, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities (5 U.S.C. 605(h)). This rule updates references in the DEAR that apply to public contracts and does not impose any additional requirements on small businesses. Today’s proposed rule does not alter any substantive rights or obligations and consequently, today’s proposed rule will not have a significant cost or administrative impact on contractors, including small entities. On the basis of the foregoing, DOE certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities. Accordingly, DOE has not prepared a regulatory flexibility analysis for this rulemaking. DOE’s certification and supporting statement of factual basis will be provided to the Chief Counsel for Advocacy of the Small Business Administration pursuant to 5 U.S.C. 605(h).

D. Review Under the Paperwork Reduction Act

This proposed rule does not impose a collection of information requirement subject to the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. Existing burdens associated with the collection of certain contractor data under the DEAR have been cleared under OMB control number 1910–4100.

E. Review Under the National Environmental Policy Act

DOE has concluded that promulgation of this proposed rule falls into a class of actions which would not individually or cumulatively have significant impact on the human environment, as determined by DOE’s regulations (10 CFR part 1021, subpart D) implementing the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 et seq.). Specifically, this proposed rule is categorically excluded from NEPA review because the amendments to the DEAR are strictly procedural (categorical exclusion A6). Therefore, this proposed rule does not require an environmental impact statement or environmental assessment pursuant to NEPA.

F. Review Under Executive Order 13132

Executive Order 13132, 64 FR 43255 (August 4, 1999), imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. Agencies are required to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and carefully assess the necessity for such actions. The Executive Order requires agencies to have an accountability process to ensure meaningful and timely input by state and local officials in the development of regulatory policies that have federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations (65 FR 13735). DOE has examined the proposed rule and has determined that it does not preempt State law and does 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. No further action is required by Executive Order 13132.

G. Review Under the Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) generally requires a Federal agency to perform a written assessment of costs and benefits of any rule imposing a Federal mandate with costs to State, local or tribal governments, or to the private sector, of $100 million or more. This rulemaking proposes changes that do not alter any substantive rights or obligations. This proposed rule does not impose any mandates.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277), requires Federal agencies to issue a Family Policymaking Assessment for any rulemaking or policy that may affect family well-being. This rulemaking will have no impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 13211

Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use, (66 FR 28355, May 22, 2001) requires Federal agencies to prepare and submit to Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget, a Statement of Energy Effects for any proposed significant energy action. A “significant energy action” is defined as any action by an agency that promulgates or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy, or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use. Today’s proposed rule is not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects.

J. Review Under the Treasury and General Government Appropriations Act, 2001

The Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency. DOE has promulgated a general guideline issued by OMB. OMB’s guidelines were published at 67 FR 8452 (February 22, 2002), and
DOE’s guidelines were published at 67 FR 62446 (October 7, 2002). DOE has reviewed the proposed rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Approval by the Office of the Secretary of Energy

Issuance of this proposed rule has been approved by the Office of the Secretary of Energy.

List of Subjects

10 CFR Part 1023

Administrative practice and procedure, Claims, Equal access to justice, Government contracts, Government procurement, Lawyers.

48 CFR Parts 901, 902, 903, 904, 906, 907, 908, 909, 911, 914, 915, 916, 917, and 952.

Government procurement.

Issued in Washington, DC on June 8, 2010.

Patrick M. Ferraro,
Acting Director Office of Procurement and Assistance Management Department of Energy.

Joseph F. Waddell,
Acting Director Office of Acquisition and Supply Management, National Nuclear Security Administration.

For the reasons set out in the preamble, the Department of Energy is proposing to amend Chapter X of Title 10 and chapter 9 of Title 48 of the Code of Federal Regulations as set forth below.

TITLe 10—ENERGY

PART 1023—[REMOVED]


TITLe 48—FEDERAL ACQUISITION REGULATIONS SYSTEM

2. Authority citations continue to read as follows:

a. For parts 901, 903, 904, 906, 907, 908, 909, 914, 915, 916, and 917, the authority citation continue to read as follows:


b. For parts 911 and 952 the authority citation continue to read as follows:

   Authority: 42 U.S.C. 2201; 2282a; 2282b; 2282c; 42 U.S.C. 7101 et seq.; 50 U.S.C. 2401 et seq.

PART 901—FEDERAL ACQUISITION REGULATIONS SYSTEM

Subpart 901.1—Purpose, Authority, Issuance

901.101 [Amended]

3. Section 901.101 is amended by adding “(Chapter 1 of Title 48 of the Code of Federal Regulations (CFR))” at the end of the sentence.

901.102, 901.103, 901.104, 901.104–1, 901.104–2, 901.104–3, and 901.105 [Redesignated as 901.103, 901.104, 901.105, 901.105–1, 901.105–2, 901.105–3, and 901.106]

4a. Redesignate sections 901.102, 901.103, 901.104, 901.104–1, 901.104–2, 901.104–3, and 901.105 as sections 901.103, 901.104, 901.105, 901.105–1, 901.105–2, 901.105–3, and 901.106, respectively.

5. Newly redesignated section 901.103 is revised to read as follows:

901.103 Authority.

The DEAR and amendments thereto are issued by the Senior Procurement Executives of the Department of Energy (DOE) and the National Nuclear Security Administration (NNSA). The DOE Senior Procurement Executive delegation is pursuant to a delegation from the Secretary of Energy in accordance with the authority of section 644 of the Department of Energy Organization Act (42 U.S.C. 7254), section 205(c) of the Federal Property and Administrative Services Act of 1949, as amended, (40 U.S.C. 121(c)(2)), and other applicable laws. The NNSA Senior Procurement Executive delegation is pursuant to a delegation from the Administrator of the NNSA, in accordance with section 3212 of the National Nuclear Security Administration Act (50 U.S.C. 2402), section 205(c) of the Federal Property and Administrative Services Act of 1949, as amended, (40 U.S.C. 121(c)(2)), and other applicable laws.

901.104 [Amended]

6. Newly redesignated 901.104 is amended by adding “and NNSA” after the acronym “DOE.”

7. Revise newly redesignated 901.105–1 to read as follows:

901.105–1 Publication and code arrangement.


(b) The DEAR is issued as Chapter 9 of Title 48 of the CFR.

901.105–2 [Amended]

8. Amend newly redesignated 901.105–2(b) by removing “(FAR)” before “49” and removing “104” and adding in its place “105.”

901.105–3 [Amended]


10. Revise newly redesignated 901.106 to read as follows:

901.106 OMB approval under the Paperwork Reduction Act.

The Office of Management and Budget (OMB) control number for the collection of information under 48 CFR chapter 9 is 1910–4100.

Subpart 901.3—Agency Acquisition Regulations

11. Section 901.301–70 is revised to read as follows:

901.301.70 Other issuances related to acquisition.

(a) In addition to the FAR and DEAR, there are other issuances which deal with acquisition. Among these are the Federal Property Management Regulation, the Federal Management Regulation, the DOE Property Management Regulation, and DOE Directives. The Department also maintains the DOE Acquisition Guide (“the Guide”), which has procedural guidance for the acquisition community. The DOE Acquisition Guide serves this purpose by identifying relevant internal standard operating procedures to be followed by both procurement and program personnel who are involved in various aspects of the acquisition process. The Guide also is intended to be a repository of best practices found throughout the agency that reflect specific illustrations of techniques which might be helpful to all readers. The Guide is at http://management.energy.gov/policy_guidance/Acquisition_Guide.htm.

Subpart 901.6—Career Development, Contracting Authority, and Responsibilities

12. The heading of subpart 901.6 is revised to read as set forth above.

13. Section 901.601 is revised to read as follows:

901.601 General.

(a) Contracting authority for DOE vests in the Secretary of Energy, and for NNSA in the Administrator.

(1) The Secretary has delegated this authority to the DOE Senior...
Procurement Executive. The DOE Senior Procurement Executive has redelegated this authority to the DOE Heads of Contracting Activities (HCA). These delegations are formal written delegations containing specific dollar limitations and conditions. Each DOE HCA, in turn, makes formal contracting officer appointments for its contracting activity.

(2) Contracting authority for NNSA vests in the Under Secretary for Nuclear Security, also known as the NNSA Administrator. The NNSA Administrator has delegated this authority, with specific dollar limitations and conditions to the NNSA Senior Procurement Executive. The NNSA Senior Procurement Executive has redelegated this authority to the NNSA Head of the Contracting Activities (HCA). Each NNSA HCA in turn makes formal contracting officer appointments for its contracting activity.

(b) The Senior Procurement Executives have been authorized, without power of redelegation, to perform the functions set forth at 48 CFR 1.601(b) regarding the assignment of contracting functions and responsibilities to another agency, and the creation of joint or combined offices with another agency to exercise acquisition functions and responsibilities.

14. Section 901.602–3 is amended by revising paragraph (b)(2), and removing from paragraph (b)(3), the term “Procurement Executive” and adding in its place “DOE and NNSA Senior Procurement Executives”.

The revision reads as follows:

901.602–3 Ratification of unauthorized commitments.

(b) (2) The Senior Procurement Executives are authorized to ratify unauthorized commitments.

* * * * *

15. Sections 901.603, 901.603–1, and 901.603–70 are added to subpart 901.6 to read as follows:

901.603 Selection, appointment, and termination of appointment.

901.603–1 General.

The DOE Order 361.1B, Acquisition Career Management Program, or its successor order, sets forth the requirements and responsibilities for the DOE and NNSA Acquisition Career Development Program.

901.603–70 Appointment of contracting officers and contracting officer’s representatives.

See the DOE Order 541.1B, Appointment of Contracting Officers and Contracting Officer Representatives, or its successor order, for procedures on the appointment of contracting officers and contracting officer’s representatives.

16. Part 902 is revised to read as follows:

PART 902—DEFINITIONS OF WORDS AND TERMS

Sec.

Subpart 902.1—Definitions

902.101 Definitions.

Subpart 902.2—Definitions Clause.

902.201 Contract clause.


Subpart 902.1—Definitions

902.101 Definitions.

Agency Head or Head of the Agency means—

(1) For the Department of Energy (DOE)—

(i) The Secretary;

(ii) The Deputy Secretary; or

(iii) Under Secretaries of the Department of Energy.

(2) For the National Nuclear Security Administration (NNSA) the Administrator, also known as the Under Secretary of Nuclear Security.

Department of Energy (DOE) means, as used in the DEAR, the Department of Energy and includes the National Nuclear Security Administration (NNSA), unless otherwise specified.

Senior Procurement Executive means for the Department of Energy, the Director, Office of Procurement and Assistance Management and for the National Nuclear Security Administration, the Director, Office of Acquisition and Supply Management.

Subpart 902.2—Definitions Clause

902.201 Contract clause.

Insert the clause at 952.202–1, Definitions, in solicitation and contracts that exceed the simplified acquisition threshold.

PART 903—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

903.303 [Amended]

17. Section 903.303 is amended by adding “Senior” before “Procurement Executive” in the first sentence of paragraph (a).

18. Section 903.405 is revised to read as follows:

903.405 Misrepresentations or violations of the Covenant Against Contingent Fees.

(b) Before the Chief of the Contracting Office initiates appropriate action, the action shall be reviewed by Legal Counsel.

903.603 [Amended]

19. In section 903.603(a), remove the first occurrence of “FAR”.

20. Add a new subpart 903.7 consisting of 903.700 to read as follows:

Subpart 903.7—Voiding and Rescinding Contracts

903.700 Scope of subpart.

The HCA is the designee for determining whether to void or rescind a contract. This authority is nondelegable.

21. Add a new subpart 903.10 consisting of 903.1004 to read as follows:

Subpart 903.10—Contractor Code of Business Ethics and Conduct

903.1004 Contract clauses.

(b)[2][ii] Insert the DOE Web site address http://ig.energy.gov/hotline.htm in paragraph (b)(3) of the 48 CFR 52.203–14 clause, Display of Hotline Poster(s).

PART 904—ADMINISTRATIVE MATTERS

904.7001 [Amended]

22. Section 904.7001 is amended by removing “as defined in 10 CFR part 710” from the first sentence and removing the last sentence in its entirety.

23. Section 904.7002 is amended by adding in alphabetical order new definitions for “contract”, “contractor”, and “special nuclear material” to read as follows:

904.7002 Definitions.

Contract means the prime contract and the subcontract at any tier.

* * * * *

Contractor means the contractor and the subcontractor at any tier.

* * * * *

Special nuclear material means special nuclear material as defined in 10 CFR 710.5(a).

PART 906—COMPETITION REQUIREMENTS

24. Section 906.102 is amended in paragraph (d)(1) by removing “FAR Subpart” and adding in its place “48 CFR subpart”, and revising paragraphs (d)(4) and (d)(5) to read as follows:

906.102 Use of competitive procedures.

(d) * * *

(4) Program research and development announcements shall follow the competitive selection procedures for the award of research proposals in accordance with subpart 917.73 and 48 CFR part 35.
(5) Program opportunity notices for commercial demonstrations shall follow the competitive selection procedures for award of these proposals in accordance with subpart 917.72.

25. Section 906.501 is revised to read as follows:

906.501 Requirement.
The Secretary of Energy and NNSA Administrator have delegated the authority for appointment of the agency and contracting activity competition advocates to the respective DOE and NNSA Senior Procurement Executives. The Senior Procurement Executives have redelegated authority to the Head of the Contracting Activity to appoint contracting activity competition advocates.

PART 907—[REMOVED AND RESERVED]

26. Part 907 is removed and reserved and section.

PART 908—REQUIRED SOURCES OF SUPPLIES AND SERVICES

27. Section 908.7107 is revised to read as follows:

908.7107 Procurement and use of industrial alcohol.
(a) This section covers the procurement of industrial alcohol by DOE or authorized contractors and the applicable policies and delegations of authority to submit industrial alcohol user application to procure and use tax-free alcohol or specially denatured spirits. To the fullest extent practicable, industrial alcohol for use by DOE or its contractors shall be procured on a tax-free basis.

(b) The procurement of tax-free alcohol or specially denatured spirits shall be conducted in accordance with the regulations, policy, and procedures of the Alcohol and Tobacco Tax and Trade Bureau, (TTB), of the Department of Treasury. The applicable TTB regulations and forms may be accessed at the following Web site: http://www.ttb.gov/joia/err.shtml#regulations. For further information, contact the Alcohol and Tobacco Tax and Trade Bureau, Director, National Revenue Center, 550 Main St., Suite 8002, Cincinnati, OH 45202–5215 or toll free at 1–877–882–3277.

(c) The applying office should coordinate, as necessary, with the local State Alcohol Control Board, or its equivalent, to obtain the appropriate state license.

(1) Tax-free alcohol. TTB regulations relating to the procurement and use of alcohol free of tax, by Government agencies, are set forth in 27 CFR Part 22, subpart N, 22.171 to 22.176.

(2) Specially denatured spirits. TTB regulations relating to the acquisition and use of alcohol free of tax, by Government agencies, are set forth in 27 CFR Part 20, subpart N, 20.241 to 20.245.

(c) For the user permits to procure and use tax-free alcohol and specially denatured spirits submit the application on the TTB Form 5150.22, “Application for Industrial Alcohol User Permit,” (or the current TTB form). When permits are no longer required, they should be forwarded to the Alcohol and Tobacco Tax and Trade Bureau for cancellation. Industrial alcohol procured by use of the TTB form referred to in this subsection shall be used exclusively on DOE work.

(d) The Senior Procurement Executive (SPE) has the authority to sign the TTB application, Form 5150.22. The SPE may delegate this authority to sign the application to specifically named DOE personnel. Requests for new authorizations or changes to existing authorizations shall be submitted by letter to the SPE. A copy of the TTB approved permit shall be sent to the SPE.

(e) Abandoned and forfeited alcohol which has come into the custody or control of a Federal agency may be obtained by following the procedure set forth in 41 CFR part 102–41.

PART 909—CONTRACTOR QUALIFICATIONS

909.400 [Amended]

28. Section 909.400 is amended by:

(a) In paragraph (a), adding “and National Nuclear Security Administration (NNSA)” after “(DOE)”;

(b) In paragraph (a), adding “and, if DOE,” after the second “DOE”;

(c) In paragraph (a) adding “and NNSA” after “DOE”.

909.401 [Amended]

29. Section 909.401 is amended by:

(a) Adding “and NNSA” after “DOE”;

(b) Removing “10 CFR part 1036” and adding in its place “2 CFR part 901.”

30. Section 909.405 is revised to read as follows:

909.405 Effect of listing.

(e) The Department of Energy may not solicit offers from, award contracts to or consent to subcontracts with contractors debarred, suspended, or proposed for debarment unless the Senior Procurement Executive makes a written determination justifying that there is a compelling reason for such action in accordance with 48 CFR 9.405(a). For NNSA, the Head of the Contracting Activity (HCA) makes the written determination justifying the compelling reason.

(f) DOE or NNSA may disapprove or not consent to the selection (by a contractor) of an individual to serve as a principal investigator, as a project manager, in a position of responsibility for the administration of Federal funds, or in another key personnel position, if the individual is listed in the Excluded Parties List System (EPLS).

(h) DOE or NNSA shall not conduct business with an agent or representative of a contractor if the agent’s or representative’s name is listed in the EPLS.

909.406–2 [Amended]

31. Section 909.406–2 is amended by adding “DOE and NNSA” in paragraph (c) introductory text, first sentence, after “The”.

32. Section 909.406–3 is amended by:

(a) Removing from the first sentence in paragraph (a)(1), “both the Deputy Assistant Secretary for Procurement and Assistance Management” and adding in its place “the appropriate Senior Procurement Executive”; and removing, “1010.217(b)” and adding in its place “1010.103.”

(b) Removing the colon at the end of the introductory text from paragraph (a) and adding in its place “—”;

(c) Adding “or other identifying label” after “for an individual” in paragraph (a)(vi) after “Number.”

(d) Adding “and NNSA’s” in paragraph (a)(v) after “DOE’s”;

(e) Removing “Board of Contract Appeals; and” in paragraph (a) (2)(v) after “before the” and adding in its place “Civilian Board of Contract Appeals or other fact-finding body; and;”

(f) Adding “and NNSA” in paragraph (a)(vi) after “DOE”;

(g) Removing “refer the matter to the Energy Board of Contract Appeals” in paragraph (b)(2) third sentence and adding in its place “appoint, and refer the matter to, a Fact-Finding Officer;”

(h) Removing “thereafter” in paragraph (b)(3) first sentence;

33. Revising paragraphs (b)(4) and (d)(4) to read as follows:

909.406–3 Procedures.

* * * * *
cases where the contractor has

shall be based on the administrative
civil judgments.

debarments based on convictions or
civil judgments generally

within a certain time period after the
hearing record closes as specified by the
Fact-Finding Official. The findings shall
resolve any disputes over material facts
based upon a preponderance of the
evidence, if the case involves a proposal
to debar, or on adequate evidence, if the
case involves a suspension. Since
convictions or civil judgments generally
establish the cause for debarment by a
preponderance of the evidence, there
usually is no genuine dispute over a
material fact that would warrant a fact-
finding conference for those proposed
debars based on convictions or
civil judgments.

(d) Debarring Official’s decision. (4)
The Debarring Official’s final decision
shall be based on the administrative
record. In those actions where
additional proceedings are necessary as
to disputed material facts, written
findings of fact shall be prepared and
included in the final decision. In those
cases where the contractor has

requested and received a fact-finding
conference, the written findings of fact
shall be those findings prepared by the
Fact-Finding Official. Findings of fact
shall be final and conclusive unless,
within 15 days of receipt of the findings,
the Department or the respondent
requests reconsideration, or unless set
aside by a court of competent
jurisdiction. The Fact-Finding Official
shall be provided a copy of the
Debarring Official’s final decision.

909.406–70 [Amended]

34. Section 909.406–70 is amended by
removing the words “and, if a fact-
finding conference under 909.406–
3(b)(4) is pending (as in the case of a
request for reconsideration of a
suspension, where the proposed
debarment is the subject of a fact-
finding conference), a copy of the
disposition shall be transmitted to the
Energy Board of Contract Appeals” in
paragraph (b), third sentence, after
“respondent”.

909.407–3 [Amended]

35. Section 909.407–3 is amended by
removing “A statement that a copy of
the suspension notice was sent to GSA
and that the respondent’s name and
address will be added to the GSA List;
and” in paragraph (e)(1)(vii) and adding
in its place “‘Twice the threshold stated at 48 CFR 15.403–
4(a)(1) for requiring cost or pricing
data.”

909.404–4 [Amended]

40. Section 909.404–4(c)(4)(i) is
amended in the first sentence by
removing “profit and fees” and adding in
its place “price and fee.”

41. Section 915.404–4–70–2
paragraph (d) is revised to read as
follows:

915.404–4–70–2 Weighted guidelines
system.

(d) The factors set forth in the
following table are to be used in
determining DOE profit objectives. The
factors and weight ranges for each factor
shall be used in all instances where the
weighted guidelines are applied.

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### Profit factors

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<th>Profit factors</th>
<th>Weight ranges (percent)</th>
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<td>a. Material acquisitions:</td>
<td></td>
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<td>(2) Subcontracted items</td>
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<td>d. Other direct costs</td>
<td>3 to 8</td>
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<td>e. G&amp;A (General Management) expenses</td>
<td>5 to 7</td>
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<tr>
<td>5. Contract Risk (type of contract-weights applied to total cost of items 4.a. thru 4.e.)</td>
<td>0 to 8</td>
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<tr>
<td>6. Capital Investment (Weights applied to the net book value of allocable facilities)</td>
<td>5 to 20</td>
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<tr>
<td>7. Independent Research and Development</td>
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</table>
915.404–4–70–4 [Amended] 42. Section 915.404–4–70–4 is amended by removing “$500,000” in paragraph (a), and adding in its place “the threshold stated at 48 CFR 15.403–4(a)(1)”.

915.404–4–70–7 [Amended] 43. Section 915.404–4–70–7 is amended by removing “$500,000” in paragraph (b), and adding in its place “the threshold stated at 48 CFR 15.403–4(a)(1)”.

915.404–4–72 [Amended] 44. Section 915.404–4–72 is amended by removing “916.404–2” and adding in its place “916.405–2”.

PART 916—TYPES OF CONTRACTS

916.203 [Amended] 45. Section 916.203–4(d)(2) is amended by removing “(FAR)”. 46. Section 916.307 is amended by adding a new paragraph (a) to read as follows:

916.307 Contract clauses. (a) When contracting with a commercial organization, modify paragraph (a) of the clause at 48 CFR 52.216–7 by adding the phrase “as supplemented by subpart 931.2 of the DEAR after “FAR subpart 31.2.”

PART 917—SPECIAL CONTRACTING METHODS

917.602 [Amended] 47. Section 917.602 is amended by removing “that” in the second sentence of paragraph (c) and adding in its place “than”.

917.7301 [Amended] 48. Section 917.7301–1 is amended by removing paragraphs (c) and (d). 49. Section 917.7401 is amended by adding a new sentence at the beginning of the introductory text and by revising paragraph (b) to read as follows:

917.7401 General. The acquisition of real estate requires the involvement of a DOE Certified Realty Specialist, as specified at 917.7402.

(b) Lease for which DOE will reimburse the contractor for the pre-approved costs incurred under the lease.

917.7402 Policy. (b) Acquisitions shall be justified, with documentation which describes the need for the acquisitions, general requirements, cost, acquisition option considerations with the best acquisition method to be used, site investigation reports, site recommended for selection, property appraisal reports, and include the review and approval by the applicable DOE Certified Realty Specialist in accordance with DOE Order 430.1B, or its successor version.

917.7403 Contract clause. The clause at 952.217–70, Acquisition of Real Property, shall be included in contracts including modifications where contractor acquisitions of real property are expected to be made.

PART 952—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

52. Section 952.202–1 is revised to read as follows:

952.202–1 Definitions. As prescribed in 902.201, insert the clause at 48 CFR 52.202–1, Definitions, in all contracts. The following shall be added to the clause as paragraph (c):

(c) When a solicitation provision or contract clause uses a word or term that is defined in the Department of Energy Acquisition Regulation (DEAR) (48 CFR chapter 9), the word or term has the same meaning as the definition in 48 CFR 902.101 or the definition in the part, subpart, or section of 48 CFR chapter 9 where the provision or clause is prescribed in effect at the time the solicitation was issued, unless an exception in (a) applies.

53. Section 952.204–2 is amended by:

b. Adding in paragraph (j)(1) after the first sentence, two new sentences to read as follows:

952.204–2 Security. (j) Contractors are encouraged to submit this information through the use of the online tool at https://foci.td.anl.gov. When completed the Contractor must print and sign one copy of the SF 328 and submit it to the Contracting Officer.

54. Section 952.204–71 is amended by revising the clause date and paragraph (b) to read as follows:

952.204–71 Sensitive foreign nations controls. (b) The provisions of this clause shall be included in any subcontracts which may involve making unclassified information about nuclear technology available to sensitive foreign nations.

55. Section 952.204–73 is amended by:

SECURITY (XXX 20XX) (1) Contractors are encouraged to submit this information through the use of the online tool at https://foci.td.anl.gov.
a. Revising the date of the provision;  
b. Adding a new sentence at the end of paragraph (a)(1).

The revision and addition reads as follows:

**952.204–73 Facility clearance.**

**FACILITY CLEARANCE (XXX 20XX)**

(a) * * * *

(1) * * * Contractors are encouraged to submit this information through the use of the online tool at https://foci.td.anl.gov. When completed the Contractor must print and sign one copy of the SF 328 and submit it to the Contracting Officer.

56. Section 952.209–72 is amended by removing “48 CFR” in the introductory text.

**952.217–70** [Amended]

57. Section 952.217–70 clause is amended by revising the date of the clause and paragraph (a)(2) to read as follows:

**952.217–70** Acquisition of real property.

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<tr>
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<td>“48 CFR 952.204–73”.</td>
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**ACQUISITION OF REAL PROPERTY (XXX 20XX)**

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</table>
DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39


RIN 2120–AA64


AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede an existing airworthiness directive (AD) for Pratt & Whitney (PW) JT8D–209, –217, –217A, –217C, and –219 series turbofan engines. That AD requires initial and repetitive torque inspections of the 3rd stage and 4th stage low-pressure turbine (LPT) blades for shroud notch wear and replacement of the blade if wear limits are exceeded. That AD also requires replacing LPT-to-exhaust case bolts and nuts with bolts and nuts made of Tinidur material. That AD was the result of reports of 194 blade fractures since 1991, with 37 of those blade fractures resulting in LPT case separation, and three reports of uncontained 3rd stage and 4th stage LPT blade failures with cowl penetration. That condition, if not corrected, could result in turbine blade failures that could result in uncontained engine debris and damage to the airplane.

Since AD 2005–02–03 was issued, we received nine reports of failure of Tinidur material LPT-to-exhaust case bolts occurring during 3rd and/or 4th stage blade fracture events. Three of these events resulted in cowl penetration. The bolts mandated by AD 2005–02–03 do not provide enough energy absorption during a blade fracture event. PW has introduced longer bolts made of Tinidur and crushable sleeve spacers that will increase the energy absorption capability of the fasteners during a blade fracture event.

Also since AD 2005–02–03 was issued, PW revised Alert Service Bulletin (ASB) No. JT8D A6224, Revision 5, dated June 11, 2004, with Revision 6, dated May 3, 2007.

Source: Federal Register / Vol. 75, No. 126 / Thursday, July 1, 2010 / Proposed Rules
Costs of Compliance

We estimate that this proposed AD would affect 1,143 engines installed on airplanes of U.S. registry. We also estimate that it would take about 1 work-hour per engine to perform the proposed blade inspection, and 1.5 work-hours per engine to replace the LPT-to-exhaust case bolts and nuts and install the crushable sleeve spacers. Required bolts, nuts, and sleeve spacers would cost about $4,576 per engine. We anticipate that 61 engines would require blade replacement each year. Required blades would cost about $131,560 per engine. The average labor rate is $85 per work-hour. Based on these figures, we estimate the total cost of the proposed AD to U.S. operators to be $13,617,671.

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 aircraft because it addresses an unsafe condition that is likely to exist or develop on an airplane of U.S. registry.

We are issuing this rulemaking under the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§39.13 [Amended]

2. The FAA amends §39.13 by removing Amendment 39–13948 (70 FR 3867, January 27, 2005) and by adding a new airworthiness directive to read as follows:


Comments Due Date

(a) The Federal Aviation Administration (FAA) must receive comments on this airworthiness directive (AD) action by August 30, 2010.

Affected ADs

(b) This AD supersedes AD 2005–02–03.

Applicability

(c) This AD applies to Pratt & Whitney (PW) JT8D–209, –217, –217A, –217C, and –219 series turbofan engines. These engines are installed on, but not limited to, Boeing 727 series and McDonnell Douglas MD–80 series airplanes.

Unsafe Condition

(d) This AD results from nine reports of failure of Tinidur material low-pressure turbine (LPT)-to-exhaust case bolts since AD 2005–02–03 became effective. We are issuing this AD to prevent turbine blade failures that could result in uncontained engine debris and damage to the airplane.

Compliance

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

Requirements of AD 2005–02–03

Initial Torque Inspection for JT8D–209, –217, and –217A Engines

(f) For JT8D–209, –217, and –217A engines, perform the initial torque inspection of 3rd and 4th stage LPT blades for shroud notch wear. Use the procedures described in Accomplishment Instructions, Part 1, Paragraphs 1 through 3, of PW Alert Service Bulletin (ASB) No. JT8D A6224, Revision 6, dated May 3, 2007, at the applicable threshold in the following Table 1:

<table>
<thead>
<tr>
<th>Blade type</th>
<th>Hours time-in-service (TIS) as of March 3, 2005 (the effective date of AD 2005–02–03)</th>
<th>Inspection threshold</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) New pre-Service Bulletin (SB) No. 5867 (small notch) 3rd stage turbine blades.</td>
<td>Any number .................</td>
<td>Within 6,000 hours TIS.</td>
</tr>
<tr>
<td>(2) Refurbished pre-SB No. 5867 (small notch) 3rd stage turbine blades.</td>
<td>(i) Fewer than 3,000 ..........</td>
<td>Within 4,000 hours TIS.</td>
</tr>
<tr>
<td></td>
<td>(ii) 3,000 or more ................</td>
<td>Within 6,000 hours TIS, or within 1,000 hours TIS from March 3, 2005, whichever occurs first.</td>
</tr>
<tr>
<td>(3) New post-SB No. 5867 (large notch) 3rd stage turbine blades.</td>
<td>Any number ..................</td>
<td>Within 10,000 hours TIS.</td>
</tr>
<tr>
<td>(4) Refurbished post-SB No. 5867 (large notch) 3rd stage turbine blades.</td>
<td>(i) Fewer than 6,000 ..........</td>
<td>Within 7,000 hours TIS.</td>
</tr>
<tr>
<td></td>
<td>(ii) 6,000 or more ................</td>
<td>Within 8,000 hours TIS, or within 1,000 hours TIS from March 3, 2005, whichever occurs first.</td>
</tr>
<tr>
<td>(5) New pre-SB No. 6029 (small notch) 4th stage turbine blades.</td>
<td>Any number ..................</td>
<td>Within 6,000 hours TIS.</td>
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</table>
### TABLE 1—INITIAL TORQUE INSPECTION THRESHOLD FOR JT8D–209, –217, AND –217A ENGINES—Continued

<table>
<thead>
<tr>
<th>Blade type</th>
<th>Hours time-in-service (TIS) as of March 3, 2005 (the effective date of AD 2005–02–03)</th>
<th>Inspection threshold</th>
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</thead>
<tbody>
<tr>
<td>(6) Refurbished pre-SB No. 6029 (small notch) 4th stage turbine blades.</td>
<td>(i) Fewer than 3,000 .......... Within 4,000 hours TIS.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(ii) 3,000 or more ............ Within 6,000 hours TIS, or within 1,000 hours TIS from March 3, 2005, whichever occurs first.</td>
<td></td>
</tr>
<tr>
<td>(7) New post-SB No. 6029 or new post-SB No. 6308 (large notch) 4th stage turbine blades.</td>
<td>Any number .................... Within 10,000 hours TIS.</td>
<td></td>
</tr>
<tr>
<td>(8) Refurbished post-SB No. 6029 or refurbished post-SB No. 6308 (large notch) 4th stage turbine blades.</td>
<td>(i) Fewer than 6,000 .......... Within 7,000 hours TIS.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(ii) 6,000 or more ............ Within 8,000 hours TIS, or within 1,000 hours TIS from March 3, 2005, whichever occurs first.</td>
<td></td>
</tr>
</tbody>
</table>

Repellitive Torque Inspections for JT8D–209, –217, and –217A Engines

(g) For JT8D–209, –217, and –217A engines, perform repetitive torque inspections of 3rd and 4th stage LPT blades for shroud notch wear. Use the procedures described in Accomplishment Instructions, Part 1, Paragraph 1 of PW ASB No. JT8D A6224, Revision 6, dated May 3, 2007, at the applicable intervals in the following Table 2 and Table 3:

### TABLE 2—3RD STAGE REPETITIVE TORQUE INSPECTION INTERVALS FOR JT8D–209, –217, AND –217A ENGINES

<table>
<thead>
<tr>
<th>Inspection torque readings</th>
<th>Number of readings</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater than or equal to 15 LB–IN (1.695 N.m) ..........</td>
<td>All ..................</td>
<td>Repeat torque inspection within 1,000 hours TIS since last inspection.</td>
</tr>
<tr>
<td>Less than 15 LB–IN (1.695 N.m) but greater than or equal to 10 LB–IN (1.130 N.m).</td>
<td>One or more ..........</td>
<td>Repeat torque inspection within 500 hours TIS since last inspection.</td>
</tr>
<tr>
<td>Less than 10 LB–IN (1.130 N.m) but greater than or equal to 5 LB–IN (0.565 N.m).</td>
<td>One to three ..........</td>
<td>Repeat torque inspection within 125 hours TIS since last inspection.</td>
</tr>
<tr>
<td>Less than 10 LB–IN (1.130 N.m) but greater than or equal to 5 LB–IN (0.565 N.m).</td>
<td>Four or more ..........</td>
<td>Remove engine from service within 20 hours TIS since last inspection.</td>
</tr>
<tr>
<td>Less than 5 LB–IN (0.565 N.m) ..........................</td>
<td>One or more ..........</td>
<td>Remove engine from service within 20 hours TIS since last inspection.</td>
</tr>
</tbody>
</table>

### TABLE 3—4TH STAGE REPETITIVE TORQUE INSPECTION INTERVALS FOR JT8D–209, –217, AND –217A ENGINES

<table>
<thead>
<tr>
<th>Inspection torque readings</th>
<th>Number of readings</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater than or equal to 15 LB–IN (1.695 N.m) ..........</td>
<td>All ..................</td>
<td>Repeat torque inspection within 1,000 hours TIS since last inspection.</td>
</tr>
<tr>
<td>Less than 15 LB–IN (1.695 N.m) but greater than or equal to 10 LB–IN (1.130 N.m).</td>
<td>One or more ..........</td>
<td>Repeat torque inspection within 500 hours TIS since last inspection.</td>
</tr>
<tr>
<td>Less than 10 LB–IN (1.130 N.m) but greater than or equal to 5 LB–IN (0.565 N.m).</td>
<td>One to six ..........</td>
<td>Repeat torque inspection within 125 hours TIS since last inspection.</td>
</tr>
<tr>
<td>Less than 10 LB–IN (1.130 N.m) but greater than or equal to 5 LB–IN (0.565 N.m).</td>
<td>Seven or more ..........</td>
<td>Remove engine from service within 20 hours TIS since last inspection.</td>
</tr>
<tr>
<td>Less than 5 LB–IN (0.565 N.m) ..........................</td>
<td>One or more ..........</td>
<td>Remove engine from service within 20 hours TIS since last inspection.</td>
</tr>
</tbody>
</table>

(h) Subsequent repeat inspection intervals must not exceed the previous inspection interval.

JT8D–209, –217, and –217A Engines Removed From Service

(i) JT8D–209, –217, and –217A engines removed from service may be returned to service after a detailed inspection and repair or replacement for all blades, of the failed stage, that exceed Engine Manual limits is done. Information on repairing or replacing turbine blades can be found in Sections 72–53–12 through 72–53–13 of the JT8D–200 Engine Manual, Part No. 773128.

Initial Inspection for JT8D–217C and –219 Engines

(j) For JT8D–217C and –219 engines, perform the initial torque inspection of 4th stage LPT blades for shroud notch wear. Use the procedures described in Accomplishment Instructions, Part 2, Paragraphs 1 through 3 of PW ASB No. JT8D A6224, Revision 6 dated May 3, 2007, at the applicable threshold in the following Table 4:
TABLE 4—INITIAL TORQUE INSPECTION THRESHOLD FOR JT8D–217C and –219 ENGINES

<table>
<thead>
<tr>
<th>Blade type</th>
<th>TIS as of March 3, 2005</th>
<th>Inspection threshold</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) New pre-SB No. 6090 (small notch) 4th stage turbine blades.</td>
<td>Any number</td>
<td>Within 5,000 hours TIS.</td>
</tr>
<tr>
<td>(2) Refurbished pre-SB No. 6090 (small notch) 4th stage turbine blades.</td>
<td>(i) Fewer than 3,000</td>
<td>Within 4,000 hours TIS.</td>
</tr>
<tr>
<td></td>
<td>(ii) 3,000 or more</td>
<td>Within 5,000 hours TIS, or within 1,000 hours TIS from March 3, 2005, whichever occurs first.</td>
</tr>
<tr>
<td>(3) New post-SB No. 6090, new post-SB No. 6402, or new post-SB No. 6412 (large notch) 4th stage turbine blades.</td>
<td>Any number</td>
<td>Within 10,000 hours TIS.</td>
</tr>
<tr>
<td>(4) Refurbished “As-Cast” post-SB No. 6090, post-SB No. 6402, or post-SB No. 6412 (large notch) 4th stage turbine blades.</td>
<td>Any number</td>
<td>Within 7,000 hours TIS.</td>
</tr>
<tr>
<td>(5) Refurbished “Modified” post-SB No. 6090, post-SB No. 6402, or post-SB No. 6412 (large notch) 4th stage turbine blades.</td>
<td>(i) Fewer than 3,000</td>
<td>Within 4,000 hours TIS.</td>
</tr>
<tr>
<td></td>
<td>(ii) 3,000 or more</td>
<td>Within 7,000 hours TIS, or within 1,000 hours TIS from March 3, 2005, whichever occurs first.</td>
</tr>
</tbody>
</table>

Repetitive Torque Inspections for JT8D–217C and –219 Engines

(k) For JT8D–217C and –219 engines, perform repetitive torque inspections of 4th stage LPT blades for shroud notch wear. Use the procedures described in Accomplishment Instructions, Part 2, Paragraph 1 of PW ASB No. JT8D A6224, Revision 6, dated May 3, 2007, at the applicable intervals in the following Table 5:

TABLE 5—REPEETITIVE TORQUE INSPECTION INTERVALS FOR JT8D–217C and –219 ENGINES

<table>
<thead>
<tr>
<th>Inspection torque readings</th>
<th>Number of readings</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater than or equal to 15 LB–IN (1.695 N.m)</td>
<td>All</td>
<td>Repeat torque inspection within 1,000 hours TIS since last inspection.</td>
</tr>
<tr>
<td>Less than 15 LB–IN (1.695 N.m) but greater than or equal to 10 LB–IN (1.130 N.m)</td>
<td>One or more</td>
<td>Repeat torque inspection within 500 hours TIS since last inspection.</td>
</tr>
<tr>
<td>Less than 10 LB–IN (1.130 N.m) but greater than or equal to 5 LB–IN (0.565 N.m)</td>
<td>One to six</td>
<td>Repeat torque inspection within 750 hours TIS since last inspection.</td>
</tr>
<tr>
<td>Less than 5 LB–IN (0.565 N.m)</td>
<td>Seven or more</td>
<td>Remove engine from service within 20 hours TIS since last inspection.</td>
</tr>
<tr>
<td>Less than 5 LB–IN (0.565 N.m)</td>
<td>One or more</td>
<td>Remove engine from service within 20 hours TIS since last inspection.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(1) Subsequent repeat inspection intervals must not exceed the previous inspection interval.

JT8D–217C and –219 Engines Removed From Service

(n) JT8D–217C and –219 engines removed from service may be returned to service after a detailed inspection and repair or replacement for all blades, of the failed stage, that exceed Engine Manual limits is done. Information on repairing or replacing turbine blades can be found in Sections 72–53–12 through 72–53–13 of the JT8D–200 Engine Manual, Part No. 773128.

Other Criteria for All Engine Models Listed in This AD

(n) When ever a refurbished or used blade is intermixed with new blades in a rotor, use the lowest initial inspection threshold that is applicable.

(o) The initial torque inspection or the repetitive inspection intervals for a particular stage may not be reset unless the blades for that stage are refurbished or replaced.

(p) Whenever a used (service run) blade is reinstalled in a rotor, the previous used time should be subtracted from the initial torque inspection threshold.

What This AD Changes

LPT-to-Exhaust Case Bolts and Nuts Replacement, and Crushable Sleeve Spacer Installation:

(q) At next accessibility to the LPT-to-Exhaust Case bolts and nuts, do the following:

(1) Replace the bolts with part number (P/N) MS9557–26 bolts; and
(2) Replace the nuts with P/N 375095 nuts or P/N 490270 nuts; and
(3) Install crushable sleeve spacers, P/N 822903, under the head of the bolts.

(r) Guidance on replacing the bolts and nuts and installing the crushable sleeve spacers can be found in PW ASB No. JT8D A494, Revision 1, dated January 26, 2010.

Previous Credit

(s) Initial inspections performed before the effective date of this AD using PW ASB No. JT8D A6224, Revision 5, dated June 11, 2004, or Revision 6, dated May 3, 2007, satisfy the initial inspection requirements of this AD.

Definitions

(t) For the purpose of this AD, refurbishment is defined as restoration of either the shrouds or blade retwist or both, per the JT8D–200 Engine Manual, Part No. 773128.

(u) For the purpose of this AD, “As-Cast” refers to blades that were machined from new castings and “Modified” refers to blades that were derived from the pre-SB No. 6090 configuration.

Alternative Methods of Compliance

(v) The Manager, Engine Certification Office, has the authority to approve alternative methods of compliance (AMOCs) for this AD if requested using the procedures found in 14 CFR 39.19. AMOCs approved for the initial and repetitive inspection requirements of AD 2005–02–03 are approved as AMOCs for this AD.

Related Information

(w) Contact Kevin Dickert, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA...
DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39


RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Corporation Model MD–90–30 Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede an existing airworthiness directive (AD) that applies to certain Model MD–90–30 airplanes. The existing AD currently requires a detailed inspection for certain defects of the upper fasteners of the aft mount support fittings of the left and right engines, and corrective actions if necessary. This proposed AD would instead require repetitive replacement of the upper row of fasteners of the support fittings of the engine aft mount with new fasteners; and perform repetitive general visual inspections for defects of the lower row fasteners (Row B) of the support fittings of the left and right engine aft mounts, and replacement of all clearance fit fasteners in the lower row if necessary. This proposed AD results from reports of loose, cracked, or missing fasteners in the aft mount support fitting of the left and right engines. We are proposing this AD to prevent loose, cracked, or missing fasteners in the engine aft mount support fittings, which could lead to separation of the support fittings from the pylon, and could result in separation of the engine from the airplane.

DATES: We must receive comments on this proposed AD by August 16, 2010.

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

- Hand Delivery: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, 3855 Lakewood Boulevard, MC D800 0019, Long Beach, California 90846–0001; telephone 206–544–5000, extension 2; fax 206 766–5683; e-mail dse.boecom@boeing.com; Internet https://www.myboeingfleet.com. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SE., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at http://www.regulations.gov: or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The AD docket also contains a report summarizing each substantive verbal contact we receive about this proposed AD.

We will post all comments we receive, without change, to http://www.regulations.gov, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

On August 25, 2008, we issued AD 2008–18–10, Amendment 39–15667 (73 FR 52203, September 9, 2008), for certain McDonnell Douglas Corporation Model MD–90–30 airplanes. That AD requires a detailed inspection for certain defects of the upper fasteners of the aft mount support fittings of the left and right engines, and corrective actions if necessary. That AD resulted from reports of loose, cracked, or missing fasteners in the aft mount support fittings of the left and right engines. We issued that AD to detect and correct loose, cracked, or missing fasteners in the engine aft support mount fittings, which could lead to separation of the support fittings from the pylon, and could result in separation of the engine from the airplane.

Actions Since Existing AD Was Issued

The preamble to AD 2008–18–10 explains that we considered the requirements “interim action” and were considering further rulemaking. We now have determined that further rulemaking is indeed necessary, and this proposed AD follows from that determination.

We also have received additional reports of loose, cracked, or missing fasteners in the aft mount support fitting of the left and right engines on 29 McDonnell Douglas Corporation Model MD–90–30 airplanes. The airplanes had accumulated between 15,560 and 37,298 total flight hours, and between 13,995 and 31,294 total flight cycles.

Results of a safety assessment of the missing fasteners indicate that loose or otherwise discrepant fasteners in the top horizontal row, common with the pylon skin, significantly decrease the margin of safety of the aft mount support installation at the design limit load. Replacement of the upper row of fasteners at new specified intervals will help minimize the possibility of these fasteners becoming an unsafe condition while in service. Inspection of the lower
row of fasteners will help ensure design integrity.

**Relevant Service Information**

We have reviewed Boeing Alert Service Bulletin MD90–54A003, Revision 2, dated February 12, 2010. The service bulletin describes procedures for repetitive replacement of the upper row of fasteners (Row A) of the support fittings of the left and right engine aft mount with new fasteners. The service bulletin also describes procedures for repetitive general visual inspections for defects of the lower row fasteners (Row B) of the support fittings of the left and right engine aft mounts (that includes a gap check under the head or nut, and a torque check), as necessary for defects of the lower row of fasteners (Row B) of the support fittings of the left and right engine aft mounts, and replacing all clearance fit fasteners in the lower row (Row B) with new fasteners if any defect is found. Defects include missing, loose, and damaged fasteners.

The service bulletin specifies the compliance times for the initial replacement and inspections as follows:

- For Configurations 1 and 3 airplanes, as identified in the service bulletin: Within 10,000 flight cycles after fastener replacement in accordance with Boeing Service Bulletin MD90–54A002 or Boeing Multiple Operator Message 1–893882761–2, dated July 25, 2008.
- For Configurations 2 and 4 airplanes, as identified in the service bulletin: Within 2,457 flight cycles after the original issue date on the service bulletin (August 10, 2009).

The repetitive interval for replacement and inspections is not to exceed 10,000 flight cycles.

**ESTIMATED COSTS**

<table>
<thead>
<tr>
<th>Action</th>
<th>Work hours</th>
<th>Average labor rate per hour</th>
<th>Parts</th>
<th>Cost per airplane</th>
<th>Number of U.S.-registered airplanes</th>
<th>Fleet cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Replacement</td>
<td>14</td>
<td>$85</td>
<td>$152 per replacement.</td>
<td>$1,342 per replacement cycle.</td>
<td>13</td>
<td>$17,446 per replacement cycle.</td>
</tr>
<tr>
<td>Inspections</td>
<td>4</td>
<td>85</td>
<td>$0</td>
<td>$340 per inspection cycle.</td>
<td>13</td>
<td>$4,420 per inspection cycle.</td>
</tr>
</tbody>
</table>

**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 certifying that the proposed regulation:

1. Is not a “significant regulatory action” under Executive Order 12866;
2. Is not a “significant rule” under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

**List of Subjects in 14 CFR Part 39**

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

**The Proposed Amendment**

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

**FAA’s Determination and Requirements of the Proposed AD**

We have evaluated all pertinent information and identified an unsafe condition that is likely to develop on other airplanes of the same type design. For this reason, we are proposing this AD, which would supersede AD 2008–18–10. This proposed AD would not retain the requirements of AD 2008–18–10. This proposed AD would require accomplishing the actions specified in the service information described previously.

**Costs of Compliance**

There are about 107 airplanes of the affected design in the worldwide fleet. The following table provides the estimated costs for U.S. operators to comply with this proposed AD.

**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 39–15667 (73 FR 52203, September 9, 2008) and adding the following new AD:


   **Comments Due Date**

   (a) The FAA must receive comments on this AD action by August 16, 2010.

   **Affected ADs**

   (b) This AD supersedes AD 2008–18–10, Amendment 39–15667.

   **Applicability**

   (c) This AD applies to McDonnell Douglas Corporation Model MD–90–30 airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin MD90–54A003, Revision 2, dated February 12, 2010.

   **Subject**

   (d) Air Transport Association (ATA) of America Code 54: Nacelles/Pylons.
Unsafe Condition

(e) This AD results from reports of loose, cracked, or missing fasteners in the aft mount support fitting of the left and right engines. The Federal Aviation Administration is issuing this AD to prevent loose, cracked, or missing fasteners in the engine aft support mount fitting, which could lead to separation of the support fitting from the pylon, and could result in separation of the engine from the airplane.

Compliance

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

Replacement and Inspection

(g) Except as required by paragraph (i) of this AD, at the applicable time specified in paragraph 1.E. “Compliance” of Boeing Alert Service Bulletin MD90–54A003, Revision 2, dated February 12, 2010: Replace the upper row of fasteners (Row A) of the support fittings of the left and right engine aft mounts with new fasteners, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin MD90–54A003, Revision 2, dated February 12, 2010. Repeat the replacement thereafter at intervals not to exceed 10,000 flight cycles.

(h) Concurrently with any replacement required by paragraph (g) of this AD: Perform a general visual inspection for defects of the lower row fasteners (Row B) of the support fittings of the left and right engine aft mounts, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin MD90–54A003, Revision 2, dated February 12, 2010. Defects include missing, loose, and damaged fasteners.

(1) If no defect is found during any general visual inspection required by paragraph (h) of this AD, before further flight, insert a 0.0015-inch feeler gauge between the washer and the structure, or between the fastener head and structure, as applicable, to detect a gap condition, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin MD90–54A003, Revision 2, dated February 12, 2010. A gap condition is a defect identified in any location where the feeler gauge can slip completely between a washer or a fastener head and the structure.

(i) If no defect is found during any gap check required by paragraph (h)(1) of this AD, before further flight, apply torque to the fasteners of the lower row (Row B) of the support fittings of the left and right engine aft mounts, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin MD90–54A003, Revision 2, dated February 12, 2010.

(ii) If any defect is found during any gap check required by paragraph (h)(1) of this AD, before further flight, replace all clearance fit fasteners in the lower row (Row B), in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin MD90–54A003, Revision 2, dated February 12, 2010.

(2) If any defect is found during any general visual inspection required by paragraph (h) of this AD, before further flight, replace all clearance fit fasteners in the lower row (Row B), in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin MD90–54A003, Revision 2, dated February 12, 2010.

Exception to Service Bulletin Compliance Times

(i) Where Boeing Alert Service Bulletin MD90–54A003, Revision 2, dated February 12, 2010, specifies a compliance time after the original issue date on the service bulletin, this AD requires compliance within the specified compliance time after the effective date of this AD.

Credit for Actions Accomplished in Accordance With Previous Service Information

(j) Replacements and inspections accomplished before the effective date of this AD in accordance with Boeing Alert Service Bulletin MD90–54A003, Revision 1, dated November 17, 2009, are considered acceptable for compliance with the corresponding actions required by this AD.

Alternative Methods of Compliance (AMOCs)

(k)(1) The Manager, Los Angeles Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19, Send information to ATTN: Roger Durbin, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles ACO, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5233; fax (562) 627–5210.

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. 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.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Los Angeles ACO to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane and 14 CFR 25.571, Amendment 45, and the approval must specifically refer to this AD.

Issued in Renton, Washington, on June 23, 2010.

Ali Bahrami,
Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 2010–15988 Filed 6–30–10; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration

14 CFR Part 39
RIN 2120–AA64

Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146–RJ Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed AD results from mandatory continuing airworthiness information (MCAI) 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:

• * * * [F]uel leaks and failed fasteners [have been reported] in the region of the rear spar root joint attachment fitting at wing rib 2. * * * * * * * *

The unsafe condition is stress corrosion failures in the region of the rear spar root joint attachment fitting at wing rib 2, which could lead to reduced structural integrity of the wing, and consequent reduced controllability of the airplane. The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

DATES: We must receive comments on this proposed AD by August 16, 2010.

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

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

• Fax: (202) 493–2251.

• Mail: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

Hand Delivery: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–40, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact BAe Systems (Operations) Limited, Customer Information Department, Prestwick.
International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; telephone +44 1292 675207; facsimile +44 1292 675704; e-mail RApublications@baesystems.com; Internet http://www.baesystems.com/ Businesses/RegionalAircraft/index.htm. You may review copies of the referenced 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 425–227–1212.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the ADDRESSES section. Include “Docket No. FAA–2010–0642; Directorate Identifier 2007–NM–332–AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We have lengthened the 30-day comment period for proposed ADs that address MCAI originated by aviation authorities of other countries to provide adequate time for interested parties to submit comments. The comment period for these proposed ADs is now typically 45 days, which is consistent with the comment period for domestic transport ADs.

We will post all comments we receive, without change, to http://www.regulations.gov, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2007–0270 R1, dated November 7, 2007 (referred to after this as “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states:

British Aerospace originally issued Service Bulletin (SB) 57–033 in 1989 to detect fuel leaks and failed fasteners in the region of the rear spar root joint attachment fitting at wing rib 2. Accomplishment of this SB was mandated by the [Civil Aviation Authority] CAA United Kingdom AD 044–09–89. Revisions 1 through 7 introduced the need to inspect pre-mod HCM01447A standard installations for fuel leaks and loose or broken bolts. Modification HCM01447A introduced tension bolts in the attachment fitting instead of the previous Hi-Lok bolts. Revision 8 of the SB introduced inspection instructions for post modification HCM01447A installations because fuel tank leaks and failed fasteners have subsequently been found on aircraft post modification HCM01447A. Inspections of the post-mod HCM01447A standard are required to maintain the structural integrity of the wing. BAE Systems has now published SB 57–033 Revision 9 that specifies additional, calendar-time based, inspection criteria to control the stress corrosion failures of the pre and post modification HCM01447A installations. EASA AD 2007–0270 supersedes CAA UK AD 044–09–89 and requires the accomplishment of inspections and corrective actions, as necessary, in accordance with BAE Systems SB 57–033 Revision 9. This [EASA] AD [2007–0270 R1] is revised to clarify that the calendar compliance times are to be counted from the effective date, not from the SB issue date.

The unsafe condition is stress corrosion failures in the region of the rear spar root joint attachment fitting at wing rib 2, which could lead to reduced structural integrity of the wing, and consequently reduced controllability of the airplane. Required actions include a general inspection to identify the type of bolt and nut at each location, external inspections of the bolt installation of the fuel tanks, related investigative actions, and corrective actions, as applicable.

The general inspection includes identifying the type of bolt and nut at each location.

External inspections of the bolt installation include:

- Visually inspecting for proper nut installation, nut seating, and fuel seepage.
- Checking for gaps between the fitting and wing structure.
- Checking the nuts with a suitable torque spanner to the specifications in the torque figures shown in Table 2 of the Accomplishment Instructions of BAE Systems (Operations) Limited Inspection Service Bulletin ISB.57–033, Revision 9, dated October 10, 2006, if Hi-Loks are installed, and
- Doing either an ultrasonic inspection for damaged bolts or torque check of the tension bolts.

Related investigative actions include:

- Inspecting the condition of the sealant at and around all rear spar root joint attachment bolts.
- Checking the bolt for damage or evidence of the nut being tightened to the end of the thread.
- Examining the wear pattern on the seating surfaces of the bolt and nut to determine if the bolt and nut have been evenly seated on the structure.
- Visually inspecting bolt hole and surrounding area for damage, and
- Confiming that the hole edge radius on the forward face of the rear spar complies with the specifications in Table 4 of the Accomplishment Instructions of BAE Systems (Operations) Limited Inspection Service Bulletin ISB.57–033, Revision 9, dated October 10, 2006.

Corrective actions include either replacing the bolt, or repairing the defect in accordance with approved repair data from BAE Systems.

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

Relevant Service Information

BAE Systems (Operations) Limited has issued Inspection Service Bulletin ISB.57–033, Revision 9, dated October 10, 2006. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA’s Determination and Requirements of This Proposed AD

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

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 proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in a NOTE within the proposed AD.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 1 product of U.S. registry. We also estimate that it would take about 3 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $253.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

**BAE Systems (Operations) Limited**


Comments Due Date

(a) We must receive comments by August 16, 2010.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all BAE Systems (Operations) Limited Model BAE 146–100A, -200A, and -300A series airplanes, and Model Avro 146–RJ70A, 146–RJ85A, and 146–RJ100A airplanes, certificated in any category.

Subject

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

Reason

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

[Fuel leaks and failed fasteners [have been reported] in the region of the rear spar root joint] attachment fitting at wing rib 2.

The unsafe condition is stress corrosion failures in the region of the rear spar root joint attachment fitting at wing rib 2, which could lead to reduced structural integrity of the wing, and consequent reduced controllability of the airplane.

Compliance

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

Actions

(g) At the applicable time in paragraph (g)(1) or (g)(2) of this AD, do a general visual inspection to identify the type of bolt and nut at each location, in accordance with the Accomplishment Instructions of BAE Systems (Operations) Limited Inspection Service Bulletin ISB.57–033, Revision 9, dated October 10, 2006.

(i) Within 12 months after the effective date of this AD, the compliance time for the inspection is at the latest of the times specified in paragraphs (g)(1)(i) and (g)(1)(ii) of this AD.

(j) Within 12 months after the effective date of this AD, or within 2 years after the last inspection done in accordance with BAE Systems (Operations) Limited Inspection Service Bulletin ISB.57–033, whichever occurs later, without exceeding 4,000 flight cycles after the last inspection.

(k) Within 250 flight cycles or 3 months after the effective date of this AD, whichever occurs first.

(l) For airplanes on which either Modification HCM01447A nor repair information leaflet (RIL) HC363H9156 (at any location) has been done as of the effective date of this AD, the compliance time for the inspection is at the latest of the times specified in paragraphs (g)(2)(i), (g)(2)(ii), and (g)(2)(iii) of this AD.

(i) Before the accumulation of 4,000 total flight cycles.

(j) Within 4,000 flight cycles after all bolts are inspected and replaced in accordance with BAE Systems (Operations) Limited Inspection Service Bulletin ISB.57–033.

(iii) Within 12 months after the effective date of this AD.

(h) At the applicable time in paragraph (g)(7) or (g)(2) of this AD, do detailed inspections of the bolt installation for proper nut installation, nut seating, and fuel seepage; a detailed inspection for gaps between the fitting and wing structure; if Hi-Loks are installed, measure the torque of the nuts to determine the specifications in the torque figures shown in Table 2. of the Accomplishment Instructions of BAE Systems (Operations) Limited Inspection Service Bulletin ISB.57–033, Revision 9, dated October 10, 2006; and either an ultrasonic inspection for damaged bolts or a torque measurement of the tension bolts to determine the specifications in the torque figures shown in Table 3. of the Accomplishment Instructions of BAE Systems (Operations) Limited Inspection Service Bulletin ISB.57–033, Revision 9, dated October 10, 2006. Do all actions in accordance with the Accomplishment Instructions of BAE Systems (Operations) Limited Inspection Service Bulletin ISB.57–033, Revision 9, dated October 10, 2006.

(i) If, during any inspection required by paragraph (b) of this AD, any defect [e.g., evidence of fuel seepage, damaged bolts or
low bolt torque, loose or rotating nuts, suspect integrity of the bolt/nut assembly, or gaps between the fitting and wing structure) is found, before further flight, do the actions specified in paragraphs (i)(1), (i)(2), (i)(3), (i)(4), and (i)(5) of this AD, in accordance with the Accomplishment Instructions of BAE Systems (Operations) Limited Inspection Service Bulletin ISB.57–033, Revision 9, dated October 10, 2006.

(1) Do a detailed inspection of the sealant for cracks at and around all rear spar root joint attachment bolts.

(2) Do a detailed inspection of the bolt for damage or evidence of the nut being tightened to the end of the thread.

(3) Do a detailed inspection of the wear pattern on the seating surfaces of the bolt and nut to determine if the bolt and nut have been evenly seated on the structure.

(4) Do a detailed inspection of the bolt hole and surrounding area for damage.

(5) Do a detailed inspection to determine that the hole edge radius on the forward face of the rear spar meets the dimensions specified in Table 4 of the Accomplishment Instructions of BAE Systems (Operations) Limited Inspection Service Bulletin ISB.57–033, Revision 9, dated October 10, 2006. 

If during any inspection required by paragraph (h) or (i) of this AD, any defects (e.g., evidence of fuel seepage, damaged bolts or low bolt torque, loose or rotating nuts, suspect integrity of the bolt/nut assembly, gaps between the fitting and wing structure, cracked sealant, bolt damage or evidence of the nut being tightened to the end of the thread, uneven seating of the bolt and nut, bolt hole and surrounding area damage, or hole edge radius out of dimensions specified in Table 4 of the Accomplishment Instructions of BAE Systems (Operations) Limited Inspection Service Bulletin ISB.57–033, Revision 9, dated October 10, 2006), is found, before further flight, do all applicable correction actions, which include either replacing the bolt or repairing the defect, in accordance with the Accomplishment Instructions of BAE Systems (Operations) Limited Inspection Service Bulletin ISB.57–033, Revision 9, dated October 10, 2006.

(k) Repeat the inspections in paragraph (h) of this AD thereafter, at the applicable time specified in Table 1 of this AD, for each individual location.

### Table 1—Compliance Times for Repeat Inspections

<table>
<thead>
<tr>
<th>If the location has</th>
<th>Then repeat the inspection</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Hi-Lok bolt</td>
<td>Within 4,000 flight cycles or 24 months, whichever occurs earlier, after doing the last inspection.</td>
</tr>
<tr>
<td>A tension bolt that was not replaced during the inspections in paragraphs (h) and (i) of this AD and no defects were found.</td>
<td>Within 8,000 flight cycles or 48 months, whichever occurs earlier, after doing the last inspection.</td>
</tr>
<tr>
<td>A tension bolt that was replaced as required by paragraph (j) of this AD</td>
<td>Within 4,000 flight cycles or 24 months, whichever occurs earlier after doing the replacement.</td>
</tr>
<tr>
<td>A tension bolt that was not replaced and any defects were repaired as required by paragraph (j) of this AD</td>
<td>Within 4,000 flight cycles or 24 months, whichever occurs earlier after doing the repair specified in paragraph (j) of this AD.</td>
</tr>
</tbody>
</table>

### FAA AD Differences

Note 1: This AD differs from the MCAI and/or service information as follows: Although BAE Systems (Operations) Limited Inspection Service Bulletin ISB.57–033, Revision 9, dated October 10, 2006, allows additional time to rectify the defect for the corrective action depending on the condition, this AD requires rectifying the defect before further flight.

### Other FAA AD Provisions

(1) Alternative Methods of Compliance (AMOCs): The Manager, International Branch, ANM–116, Transport Airplane Directorate, 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: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1175; fax (425) 227–1149. 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


Issued in Renton, Washington, on June 23, 2010.

Ali Bahrami,
Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010–15981 Filed 6–30–10; 8:45 am]

BILLING CODE 4910–13–P

### DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39


RIN 2120–AA64

Airworthiness Directives; Airbus Model A300 B4–600 Series Airplanes; Model A300 B4–600R Series Airplanes; Model A300 C4–605R Variant F Airplanes; and Model A300 F4–600R Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed AD results from mandatory continuing airworthiness information (MCAI) 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:

Within the framework of the A300–600 aircraft Service Life Extension programme (42 500 FC [flight cycles]), it has been concluded that a reinforcement of the junction of frame bases at FR48, FR49 and FR51 to FR53 is necessary to enable the aircraft to reach the Extended Service Goal (ESG).
The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

**DATES:** We must receive comments on this proposed AD by August 16, 2010.

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

- **Federal eRulemaking Portal:** Go to [http://www.regulations.gov](http://www.regulations.gov). Follow the instructions for submitting comments.
- **Fax:** (202) 493–2251.
- **Mail:** U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- **Hand Delivery:** U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–40, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Airbus SAS–EAW (Airworthiness Office), 1 Rond Point Maurice Bellonte, 31707 Blagnac EAW (Airworthiness Office), 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; e-mail: account.airworth-eas@airbus.com; Internet [http://www.airbus.com](http://www.airbus.com). You may review copies of the referenced 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.

**Examining the AD Docket**

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


**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA–2010–0644; Directorate Identifier 2009–NM–204–AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We have lengthened the 30-day comment period for proposed ADs that address MCAI originated by aviation authorities of other countries to provide adequate time for interested parties to submit comments. The comment period for these proposed ADs is now typically 45 days, which is consistent with the comment period for domestic transport ADs.

We will post all comments we receive, without change, to [http://www.regulations.gov](http://www.regulations.gov), including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

**Discussion**

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2009–0188, dated August 26, 2009 (referred to after this as “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states:

Within the framework of the A300–600 aircraft Service Life Extension programme (42 500 FC [flight cycles]), it has been concluded that a reinforcement of the junction of frame bases at FR48, FR49 and FR51 to FR53 is necessary to enable the aircraft to reach the Extended Service Goal (ESG).

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

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

**Costs of Compliance**

Based on the service information, we estimate that this proposed AD would affect about 122 products of U.S. registry. We also estimate that it would take about 81 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $12,300 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 the proposed AD on U.S. operators to be $2,340,570, or $19,185 per product.

**Relevant Service Information**

Airbus has issued Mandatory Service Bulletin A300–53–6161, Revision 02, including Appendix 01, dated October 16, 2009. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.
Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:
1. Is not a “significant regulatory action” under Executive Order 12866;
2. Is not a “significant rule” under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

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

Airbus: Docket No. FAA–2010–0644;
Directorate Identifier 2009–NM–204–AD.

Comments Due Date
(a) We must receive comments by August 16, 2010.

Affected ADs
(b) None.

Applicability
(c) This AD applies to Airbus Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R; Model A300 C4–605R Variant F; Model F4–605R and F4–622R airplanes; certificated in any category; on which modification 12699 has not been completed.

Subject
(d) Air Transport Association (ATA) of America Code 53: Fuselage.

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

Within the framework of the A300–600 aircraft Service Life Extension programme (42 500 FC), it has been concluded that a reinforcement of the junction of frame bases at FR48, FR49 and FR51 to FR53 is necessary to enable the aircraft to reach the Extended Service Goal (ESG).

* * * [Failure of the frame base], if not corrected, could affect the structural integrity of the fuselage.

* * * * * * * * * * * * * *

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

Actions
(g) Except for airplanes identified in paragraph (h) of this AD: At the time specified in paragraph (g)(1) or (g)(2) of this AD, as applicable, reinforce the junctions of frame bases FR48, FR49, FR51, FR52 and FR53, which includes doing a dimensional measurement of the holes, doing an eddy current inspection of the holes for cracking, doing a cold expansion of the holes, installing fasteners, and doing applicable corrective actions, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A300–53–6161, Revision 02, dated October 16, 2009. If cracking is found, before further flight, contact Airbus for repair instructions and do the repair.

Airplanes on which Airbus Modification No. 03986 has been accomplished as of the effective date of this AD: Before the accumulation of 37,600 total flight cycles.

Airplanes on which Airbus Modification No. 03986 has not been accomplished as of the effective date of this AD: Before the accumulation of 28,900 total flight cycles.

(f) For airplanes modified prior to the effective date of this AD in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A300–53–6161, dated February 13, 2009; or Revision 01, dated June 24, 2009: Within 10 days after the effective date of this AD, prior to doing any cold working process, determine if an eddy current inspection for cracking has been done, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A300–53–6161, Revision 02, dated October 16, 2009. If the eddy current inspection has not been done, or it cannot be proven that it has been done, before further flight, contact Airbus for instructions and accomplish those instructions.

FAA AD Differences

Note 1: This AD differs from the MCAI and/or service information as follows: No differences.

Other FAA AD Provisions

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

1 Alternative Methods of Compliance (AMOCs): The Manager, International Branch, ANM–116, Transport Airplane Directorate, 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: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–2125; fax (425) 227–1149. 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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39


EXAMINING THE AD DOCKET

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

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the ADDRESSES section. Include “Docket No. FAA–2010–0643; Directorate Identifier 2010–NM–030–AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We have lengthened the 30-day comment period for proposed ADs that address MCAI originated by aviation authorities of other countries to provide adequate time for interested parties to submit comments. The comment period for these proposed ADs is now typically 45 days, which is consistent with the comment period for domestic transport ADs.

We will post all comments we receive, without change, to http://www.regulations.gov, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussions

The Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2009–46, dated December 14, 2009 (referred to after this as “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states:

The landing gear alternate extension system in the cockpit is accessible through an access panel located on the cockpit floor. There have been reports of failure of the access panel latch assembly as a consequence of repeated closure of the access panel involving the use of excessive force. Failure of the latch assembly can result in the access panel being jammed in the closed position, and require mechanical prying to open.

An undetected or uncorrected latch failure condition in the access panel can prevent immediate access to the landing gear alternate extension system by the flight crew during an emergency. This Directive requires the replacement of the existing latch assembly with a stronger modified latch assembly.

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

RELEVANT SERVICE INFORMATION

Bombardier, Inc. has issued Service Bulletin 84–32–166, Revision A, dated January 29, 2009; and Service Bulletin 84–32–57, Revision A, dated June 15, 2009. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA’s DETERMINATION AND REQUIREMENTS OF THIS PROPOSED AD

This product has been approved by the aviation authorities of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.
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 proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in a Note within the proposed AD.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 198 products of U.S. registry. We also estimate that it would take about 3 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $815 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 the proposed AD on U.S. operators to be $221,860, or $1,070 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 proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

1. Is not a “significant regulatory action” under Executive Order 12866;
2. Is not a “significant rule” under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§39.13 [Amended]

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


Comments Due Date

(a) We must receive comments by August 16, 2010.

Affected ADs

(b) None.

Applicability

(c) This AD applies to the airplanes identified in paragraphs (c)(1) and (c)(2) of this certificate, identified in any category.


(2) Bombardier, Inc. Model DHC–8–400, –401, –402 airplanes, serial numbers 4001, 4005, 4004, 4006, and 4008 through 4187 inclusive.

Subject

(d) Air Transport Association (ATA) of America Code 32: Landing gear.

Reason

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

The landing gear alternate extension system in the cockpit is accessible through an access panel located on the cockpit floor. There have been reports of failure of the access panel latch assembly as a consequence of repeated closure of the access panel involving the use of excessive force. Failure of the latch assembly can result in the access panel being jammed in the closed position, and require mechanical prying to open.

An undetected or uncorrected latch failure condition in the access panel can prevent immediate access to the landing gear alternate extension system by the flight crew during an emergency.

Compliance

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

Actions

(g) Within 6,000 flight hours or 36 months after the effective date of this AD, whichever comes first: Replace the latch assembly of the access panel for the alternate extension system for the landing gear with a modified latch assembly, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–32–57, Revision A, dated January 29, 2009 (for Model DHC–8–100, DHC–8–200, and DHC–8–300 series airplanes); or Bombardier Service Bulletin 84–32–57, Revision A, dated June 15, 2009 (for Model DHC–8–400 series airplanes).

Actions Accomplished According to Previous Issue of Service Bulletin

(h) Actions accomplished before the effective date of this AD according to Bombardier Service Bulletin 84–32–166, dated April 14, 2008; or Bombardier Service Bulletin 84–32–57, dated April 30, 2008; as applicable; are considered acceptable for compliance with the corresponding actions specified in this AD.

FAA AD Differences

Note 1: This AD differs from the MCAI and/or service information as follows: No differences.

Other FAA AD Provisions

(i) 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.
DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration

4 CFR Part 39

14 CFR Part 39


RIN 2120–AA64


AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Model 727, 727C, 727–100, 727–100C, 727–200, and 727–200F series airplanes. This proposed AD would require repetitive detailed inspections of the aft pressure bulkhead web for cracking, and repair if necessary. For certain airplanes, this proposed AD also would provide for an optional preventative modification of the aft pressure bulkhead web, which would terminate certain repetitive detailed inspections. This proposed AD results from reports of cracks in the aft pressure bulkhead web. We are proposing this AD to detect and correct cracking in the aft pressure bulkhead web, which could adversely affect the structural integrity of the airplane, resulting in difficulty maintaining cabin pressurization or rapid decompression of the airplane.

DATES: We must receive comments on this proposed AD by August 16, 2010.

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


For any requirement specifically reference this AD.

(1) Airworthiness Directives: For any 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


Issued in Renton, Washington, on June 23, 2010.

Ali Bahrami,
Manager, Transport Airplane Directorate,
Aircraft Certification Service.

[FR Doc. 2010–15983 Filed 6–30–10; 8:45 am]

BILLING CODE 4910–13–P

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the ADDRESSES section. Include “Docket No. FAA–2010–0646; Directorate Identifier 2009–NM–223–AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to http://www.regulations.gov, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

We have received 13 reports of cracks in the aft pressure bulkhead web ranging from 0.75 inch to 11.8 inches in length at the buttock line 61, between water line (WL) 220 and WL 228. The cracks originated at the hydraulic line support brackets, which were installed in production after airplane line number 1136, or in accordance with Boeing Service Bulletin 727–29–0057. The cracks were found in airplanes that had accumulated between 14,939 total flight hours and 39,369 total flight hours, and between 10,685 total flight cycles and 29,357 total flight cycles. The cracking is attributed to fatigue of the aft pressure bulkhead web due to vibrations from the number 1 engine hydraulic pump line, in addition to normal pressurization cycles. Material analysis revealed multiple crack initiation sites and no evidence of corrosion. This condition, if not corrected, could result in difficulty maintaining cabin pressurization or rapid decompression of the airplane.

Relevant Service Information

We have reviewed Boeing Special Attention Service Bulletin 727–53–0232, dated September 23, 2009. This service bulletin describes procedures for initial and repetitive detailed inspections of the aft pressure bulkhead web for any cracking around the hydraulic line support bracket, and repair of any crack found. For certain airplanes, this service bulletin describes procedures for installing an optional preventative modification if no cracking is found during the detailed inspections. The preventative modification includes doing high frequency eddy current
(HFEC) inspections of the open fastener holes and installing a modification doubler on the aft side of the bulkhead web, which would eliminate the need for certain repetitive inspections. If any cracking is found during the detailed or HFEC inspection, this service bulletin specifies contacting Boeing for repair instructions and installing the repair.

The compliance times for the initial inspection range between 3,500 flight cycles from the date of the service bulletin and 7,000 flight cycles since the previous inspection. The compliance time for repairing any cracking is before further flight. The interval for repeating the detailed inspection ranges between 1,000 flight cycles and 12,000 flight cycles, depending on airplane configuration, the time since the last inspection, and the type of the last inspection.

FAA’s Determination and Requirements of This Proposed AD

We are proposing this AD because we evaluated all relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design. This proposed AD would require accomplishing the actions specified in the service information described previously, except as discussed under “Differences Between the Proposed AD and the Service Information.”

Differences Between the Proposed AD and the Service Information

Boeing Special Attention Service Bulletin 727–53–0232, dated September 23, 2009, specifies to contact the manufacturer for instructions on how to repair certain conditions, but this proposed AD would require repairing those conditions in one of the following ways:

- In accordance with a method that we approve; or
- Using data that meet the certification basis of the airplane, and that have been approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) whom we have authorized to make those findings.

Boeing Special Attention Service Bulletin 727–53–0232, dated September 23, 2009, provides damage tolerance inspections in Table 3 of paragraph 1.E. of that service bulletin. Note 1 of this proposed AD relates to these damage tolerance inspections, which are not required for compliance with this proposed AD.

Costs of Compliance

We estimate that this proposed AD would affect 243 airplanes of U.S. registry. The following table provides the estimated costs for U.S. operators to comply with this proposed AD.

### TABLE—ESTIMATED COSTS

<table>
<thead>
<tr>
<th>Action</th>
<th>Work hours</th>
<th>Average labor rate per hour</th>
<th>Parts</th>
<th>Cost per product</th>
<th>Number of U.S.-registered airplanes</th>
<th>Fleet cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detailed inspection, per inspection cycle. Preventative modification.</td>
<td>1</td>
<td>$85</td>
<td>None</td>
<td>$85, per inspection cycle</td>
<td>243</td>
<td>$20,655, per inspection cycle</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>$85</td>
<td>Negligible&lt;sup&gt;1&lt;/sup&gt;</td>
<td>$340</td>
<td>Up to 243</td>
<td>Up to $82,620.</td>
</tr>
</tbody>
</table>

<sup>1</sup> The cost of material for the modification would depend on the size and location of the repair; the materials necessary for the modification are standard shop materials that would be provided out of the operator’s stock.

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: Aviation Programs,” in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

1. Is not a “significant regulatory action” under Executive Order 12866,
2. Is not a “significant rule” under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979), and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

You can find our regulatory evaluation and the estimated costs of compliance in the AD Docket.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

   § 39.13 [Amended]

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


   Comments Due Date

   (a) We must receive comments by August 16, 2010.

   Affected ADs

   (b) None.

   Applicability

   (c) This AD applies to all The Boeing Company Model 727, 727C, 727–100, 727–

Subject
(d) Air Transport Association (ATA) of America Code 53: Fuselage.

Unsafe Condition
(e) This AD results from reports of cracks in the aft pressure bulkhead web. The Federal Aviation Administration is issuing this AD to prevent cracking in the aft pressure bulkhead web, which could adversely affect the structural integrity of the airplane, resulting in difficulty maintaining cabin pressurization or rapid decompression of the airplane.

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

Repetitive Inspections and Corrective Actions
(g) At the applicable initial compliance time specified in Tables 1 and 2 of paragraph 1.E., “Compliance,” of Boeing Special Attention Service Bulletin 727–53–0232, dated September 23, 2009 (“the service bulletin”); except as provided by paragraph (j) of this AD: Perform a detailed inspection for cracking in the area around the hydraulic line support bracket on the aft side of the aft pressure bulkhead web between water line (WL) 217 to WL 230, and buttock line (BL) 48 left to BL 66 left. Do the inspection in accordance with the Accomplishment Instructions of the service bulletin.

(1) For Group 1, Configuration 1 airplanes, and Group 2 airplanes, as identified in the service bulletin: If no cracking is found during the inspection required by paragraph (g) of this AD, do the actions specified in paragraph (g)(i)(i) or (g)(i)(ii) of this AD in accordance with the Accomplishment Instructions of the service bulletin.

(i) Accomplish the preventative modification specified in PART 3 of the service bulletin before further flight.

(ii) Repeat the detailed inspection at the applicable interval specified in Tables 1 and 2 of paragraph 1.E., “Compliance,” of the service bulletin. Accomplishing the preventative modification specified in paragraph (g)(i)(i) of this AD terminates the repetitive inspections required by this paragraph.

(2) For Group 1, Configuration 2 airplanes, as identified in the service bulletin: If no cracking is found during the inspection required by paragraph (g) of this AD, repeat the detailed inspection at the applicable interval specified in Tables 1 and 2 of paragraph 1.E., “Compliance,” of the service bulletin.

Note 1: The damage tolerance inspections specified in Table 3 of paragraph 1.E., “Compliance,” of Boeing Special Attention Service Bulletin 727–53–0232, dated September 23, 2009, may be used in support of compliance with section 121.1109(c)(2) or 129.109(c)(2) of the Federal Aviation Regulations (14 CFR 121.1109(c)(2) or 14 CFR 129.109(c)(2)).

(b) If any crack is found during any inspection required by paragraph (g) of this AD, before further flight, repair in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 727–53–0232, dated September 23, 2009; except as provided by paragraph (i) of this AD.

(i) If any cracking is found during any inspection required by this AD, and Boeing Special Attention Service Bulletin 727–53–0232, dated September 23, 2009, specifies to contact Boeing for appropriate action: Before further flight, repair the cracking using a method approved in accordance with the procedures specified in paragraph (k) of this AD.

(j) Where Boeing Special Attention Service Bulletin 727–53–0232, dated September 23, 2009, specifies a compliance time after the date on that service bulletin, this AD requires compliance within the specified compliance time after the effective date of this AD.

Alternative Methods of Compliance (AMOCs)
(k)(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Berhane Alazar, Aerospace Engineer, Airframe Branch, ANN–1205, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057– 3356; telephone (425) 917–6577; fax (425) 917–6590. Information may be e-mailed to: 9-AMN-Seattle-ACO-AMOC-Requests@faa.gov.

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. 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.

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

Issued in Renton, Washington, on June 25, 2010.

Ali Bahrami,
Manager, Transport Airplane Directorate, Aircraft Certification Service.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 122, 123, 403, 501 and 503

[FR–9169–8]

Public Meeting With Interested Stakeholders for National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule

AGENCY: Environmental Protection Agency.

ACTION: Notice of public meeting.

SUMMARY: The United States Environmental Protection Agency (EPA) gives notice of a meeting to discuss the NPDES Electronic Reporting Rule. With this rulemaking, EPA is utilizing 21st Century modern technologies to improve management and performance of the NPDES program by requiring electronic reporting of NPDES information from regulated facilities. This will reduce the burden for facilities to report to regulatory agencies and for states to report to EPA. Expected benefits include lower processing costs for facilities and states, improved data quality and accuracy, greater data accessibility and transparency for the public, and an increased ability to target and address noncompliance that will improve and protect water quality. This meeting will be a session in which EPA will discuss electronic reporting alternatives for submission of NPDES information directly to states and/or EPA from permittees. Topics include the feasibility of requiring electronic reporting in areas such as electronic discharge monitoring reports (eDMRs), electronic notice of intent (eNOI), and electronic program reports. The purpose of this meeting is to give interested parties the opportunity to discuss the proposed rule and to provide EPA feedback on the presented options.

DATES: The meeting will be held on Tuesday, July 13, 2010 from 1 p.m. till 3 p.m.

ADDRESSES: The meeting location is Room 1117A EPA East, 1201 Constitution Ave., NW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Anuj Vaidya 202–564–3459, vaidya.anuj@epa.gov or Sharon Gonder 202–564–5256, gonder.sharon@epa.gov. If you are interested in attending this meeting, please contact Mr. Anuj Vaidya or Ms. Sharon Gonder to register for this meeting no later than Wednesday, July 7, 2010.

SUPPLEMENTARY INFORMATION: This meeting will be open to all stakeholders.
interested in the rule making. EPA is developing to collect NPDES program management information via electronic reporting from permittees to states and/or EPA. After considerable dialogue with NPDES authorized states, EPA decided to develop a proposed rule to require electronic reporting for the NPDES program ensuring that the site specific information essential for the protection of public health and the environment is available on a nationally consistent, timely, accurate and complete basis.

EPA believes this rulemaking will improve the ability of EPA and states to protect and preserve water quality by mandating electronic reporting directly from facilities in order to increase the volume and quality of data available to identify and address environmental problems within available resources. EPA also believes this rulemaking will improve overall management and oversight of the NPDES program and improve compliance by individual facilities. These efficiencies should provide significant benefits, including reduced costs of processing paper forms, improved quality and accuracy of the data available to regulatory agencies, more timely and expanded use of the data to identify, target, and address problems, quicker availability of the data for use, and increased accessibility and transparency of the data to the public. These efficiencies should allow states to shift precious resources from data management activities to those more targeted to protect the environment.

For this meeting, EPA plans to seek comment from stakeholders regarding the feasibility of electronic reporting requirements, which existing reporting requirements for NPDES subprograms (e.g., pretreatment, or biosolids) could be adapted into electronic reporting, costs and benefits to the states, permittees, EPA and the public, and the timing of the rule implementation schedule. EPA believes that such electronic reporting requirements will improve the timeliness, accuracy, and completeness of the NPDES data and improve the transparency of the NPDES program to the public.

Dated: June 24, 2010.

Lisa Lund,
Director, Office of Compliance.
[FR Doc. 2010–15885 Filed 7–1–10; 8:45 am]
BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
50 CFR Part 16
RIN 1018–AV68

Injurious Wildlife Species; Listing the Boa Constrictor, Four Python Species, and Four Anaconda Species as Injurious Reptiles

AGENCY: Fish and Wildlife Service, Interior.
ACTION: Proposed rule; reopening of comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the reopening of the comment period on the proposed rule to amend our regulations to add Indian python (Python molurus), including Burmese python Python molurus bivittatus, reticulated python (Broghammerus reticulatus or Python reticulatus), Northern African python (Python sebae), Southern African python (Python natalensis), boa constrictor (Boa constrictor), yellow anaconda (Eunectes notaeus), DeSchauensee’s anaconda (Eunectes deschaauensei), green anaconda (Eunectes murinus), and Beni anaconda (Eunectes beniensis) to the list of injurious reptiles under the Lacey Act. If you have previously submitted comments, please do not resubmit them because we have already incorporated them in the public record and will fully consider them in our final decision.

DATES: We will consider comments received or postmarked on or before August 2, 2010. Any comments that are received after the closing date may not be considered in the final decision on this action.

ADDRESSES: You may submit comments by one of the following methods:
• Federal eRulemaking Portal: http://www.regulations.gov. In the box that reads “Enter Keyword or ID,” enter the docket number for the proposed rule, which is FWS–R9–FHC–2008–0015. Check the box that reads “Open for Comment/Submission,” and then click the Search button. You should then see an icon that reads “Submit a Comment.” Please ensure that you have found the correct rulemaking before submitting your comment.

We will not accept e-mail or faxes. We will post all comments on http://www.regulations.gov. This generally means that we will post any personal information you provide us (see the Public Comments section below for more information).

Information regarding this notice is available in alternative formats upon request.

FOR FURTHER INFORMATION CONTACT: Supervisor, South Florida Ecological Services Office, U.S. Fish and Wildlife Service, 1339 20th Street, Vero Beach, FL 32960–3559; telephone 772–562–3909 ext. 256. If you use a telecommunications device for the deaf (TDD), please call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION: On March 12, 2010, we published a proposed rule (75 FR 11808) to list the Indian python (Python molurus, including Burmese python Python molurus bivittatus), reticulated python (Broghammerus reticulatus or Python reticulatus), Northern African python (Python sebae), Southern African python (Python natalensis), boa constrictor (Boa constrictor), yellow anaconda (Eunectes notaeus), DeSchauensee’s anaconda (Eunectes deschaauensei), green anaconda (Eunectes murinus), and Beni anaconda (Eunectes beniensis) as injurious reptiles under the Lacey Act (18 U.S.C. 42). This proposed rule established a 60-day comment period, ending May 11, 2010, and announced the availability of the draft economic analysis and the draft environmental assessment of the proposed rule. At the request of the public, we are reopening the comment period for an additional 30 days.


Public Comments
We intend that any final action resulting from the proposed rule will be
based on the best data available to the Service and be as accurate and effective as possible. Therefore, we request comments or information from other concerned government agencies, the scientific community, industry, or other interested parties concerning the proposed rule. We will consider information and recommendations from all interested parties. For the complete list of subjects on which we seek comments, please refer to the March 12, 2010, proposed rule (75 FR 11808), available online at http://www.regulations.gov under Docket No. FWS–R9–FHC–2008–0015 or from the South Florida Ecological Services Office (see FOR FURTHER INFORMATION CONTACT section).

You may submit your comments and materials concerning our proposed rule, the draft economic analysis, and the draft environmental assessment by one of the methods listed in the ADDRESSES section. We will not accept comments sent by e-mail or fax to an address not listed in the ADDRESSES section.

If you submit a comment via http://www.regulations.gov, your entire submission—including any personal identifying information—will be posted on the Web site. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on http://www.regulations.gov. Please include sufficient information with your comments to allow us to verify any scientific or commercial information you include.

We are seeking substantive data and comments from the public on all aspects of the proposed rule to list the nine species of large constrictor snakes as injurious wildlife, the associated draft economic analysis, and the associated draft environmental assessment. Such information includes, but is not limited to, the biology of the nine species, existing regulations that apply to the nine species, the economic effect on wholesale and retail sales, and any other information relevant to the proposed rule. Specific questions can be found in the proposed rule (75 FR 11808; March 12, 2010). We may revise the proposed rule or supporting documents to incorporate or address information we receive during this reopened public comment period.

Comments and materials we receive, as well as supporting documentation we used in preparing the proposed rule, will be available for public inspection on http://www.regulations.gov under Docket No. FWS–R9–FHC–2008–0015, or by appointment, during normal business hours at the South Florida Ecological Services Office (see FOR FURTHER INFORMATION CONTACT section). In preparing the final rule, we will consider all comments and any additional information that we receive during this reopened comment period on the proposed rule. Accordingly, the final decision may differ from the proposal.

Authority: The authority for this action is the Lacey Act (18 U.S.C. 42).

Dated: June 4, 2010.

Will Shafroth,
Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2010–16068 Filed 6–30–10; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
50 CFR Part 216
[Docket No. 0907301201–91203–01]
RIN 0648–AY15

Implementation of Fish and Fish Product Import Provisions of the Marine Mammal Protection Act

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

ACTION: Advance notice of proposed rulemaking; reopening of comment period.

SUMMARY: NMFS is reopening the comment period, in order to provide additional opportunities for the public, foreign nations that export fish and fish products to the United States, and other interested parties to comment on the advance notice of proposed rulemaking to implement the provisions of section 101(a)(2)(A) of the Marine Mammal Protection Act for imports of fish and fish products. On April 30, 2010, NMFS published the advance notice of proposed rulemaking, with a June 29, 2010, deadline for comments. NMFS is now reopening the comment period until August 30, 2010. NMFS is seeking advance public comment on the development of procedures to implement section 101(a)(2)(A) of the Marine Mammal Protection Act and on the types of information to be considered in the process.

DATES: Written comments must be received by 5 p.m. on August 30, 2010.

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


(2) Mail: Director, Office of International Affairs, Attn: MMPA Fish Import Provisions, NMFS, F/IA, 1315 East-West Highway, Silver Spring, MD 20910.

(3) Fax: (301) 713–2313.

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

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe portable document file (pdf) formats only.

FOR FURTHER INFORMATION CONTACT: Kristy Long at Kristy.Long@noaa.gov or 301–713–2322.

SUPPLEMENTARY INFORMATION: The Marine Mammal Protection Act (MMPA), 16 U.S.C. 1361–1423h, contains provisions addressing bycatch, or the incidental mortality and serious injury, of marine mammals in both domestic and foreign fisheries. With respect to foreign fisheries, section 101(a)(2) of the MMPA (16 U.S.C. 1371(a)(2)) states that “[t]he Secretary of the Treasury shall ban the importation of commercial fish or products from fish which have been caught with commercial fishing technology which results in the incidental kill or incidental serious injury of ocean mammals in excess of United States standards. For purposes of applying the preceding sentence, the Secretary [of Commerce]- (A) shall insist on reasonable proof from the government of any nation from which fish or fish products will be exported to the United States of the effects on ocean mammals of the commercial fishing technology in use for such fish or fish products exported from such nation to the United States.”
On April 30, 2010, NMFS published an advance notice of proposed rulemaking to implement section 101(a)(2)(A) of the Marine Mammal Protection Act, with a June 29, 2010, deadline for comments. NMFS is now reopening the comment period until August 30, 2010, in order to provide additional opportunities for the public, foreign nations that export fish and fish products to the United States, and other interested parties to comment.

This rulemaking would define the “United States standards” referred to in MMPA section 101(a)(2), along with any associated criteria by which the United States would assess foreign fisheries that supply fish and fish products to the United States, and other interested parties to comment. The rule also would describe procedures for ensuring the established standards and their associated criteria are met, as well as procedures for developing recommendations regarding import prohibitions if those standards and associated criteria are not met.

NMFS requests comments on the standards to be used when evaluating foreign import-supplying fisheries, including any suggestions of other standards or associated criteria NMFS should consider or modifications of the standards suggested above; and whether to apply one or more standards. NMFS also requests comments on the procedures under consideration for ensuring that foreign fisheries imports meet U.S. marine mammal bycatch standards, including whether to apply one or more of the possible standards when evaluating import-supplying fisheries to make decisions regarding initiating consultation or banning imports, which standards to apply, and whether to apply different standards for making the decision to initiate consultation than are used to make the decision to ban imports. Further, NMFS requests comments on what issues and conditions should be considered during consultation and whether and what kind of alternative procedures should be established for implementing import prohibitions on a shipment-by-shipment or shipper-by-shipper basis. Finally, NMFS is requesting comments regarding if and how intermediary nations should be addressed by the procedures under consideration.

Dated: June 28, 2010.

Samuel D. Rauch III,
Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2010–16066 Filed 6–30–10; 8:45 am]
BILLING CODE 3510–22–S
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

Foreign Agricultural Service

Notice of a Request for Extension of a Currently Approved Information Collection

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act, this notice announces the Department’s intention to request an extension for a currently approved information collection in support of the Export Sales Reporting program.

DATES: Comments should be submitted no later than August 30, 2010 to be assured of consideration.

Additional Information and Comments: Contact Peter W. Burr, Branch Chief, Export Sales Reporting, STOP 1025, Foreign Agricultural Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Washington, DC 20250–1025; or by telephone (202) 720–9209; or by e-mail: esr@fas.usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Export Sales (Reporting Program) of U.S. Agricultural Commodities

OMB Number: 0551–0007

Expiration Date of Approval: November 30, 2010.

Type of Request: Extension of a currently approved information collection.

Abstract: Section 602 of the Agricultural Trade Act of 1978, as amended, (7 U.S.C. 5712) requires the reporting of information pertaining to contracts for export sale of certain specified agricultural commodities and other commodities that may be designated by the Secretary. In accordance with Sec. 602, individual weekly reports submitted shall remain confidential and shall be compiled and published in compilation form each week following the week of reporting. Any person who knowingly fails to report shall be fined not more than $25,000 or imprisoned for not more than 1 year, or both. Regulations at 7 CFR part 20 implement the reporting requirements, and prescribe a system for reporting information pertaining to contracts for export sales.

USDA's Export Sales Reporting System was created after the large unexpected purchase of U.S. wheat and corn by the Soviet Union in 1972. To make sure that all parties involved in the production and export of U.S. grain have access to up-to-date export information, the U.S. Congress mandated an export sales reporting requirement in 1973. Prior to the establishment of the Export Sales Reporting System, it was difficult for the public to obtain information on export sales activity until the actual shipments had taken place. This frequently resulted in considerable delay in the availability of information.

Under the Export Sales Reporting System, U.S. exporters are required to report all large sales of certain designated commodities by 3 p.m. (Eastern Time) on the next business day after the sale is made. The designated commodities for these daily reports are wheat (by class), barley, corn, grain sorghum, oats, soybeans, soybean cake and meal, and soybean oil. Large sales for all reportable commodities except soybean oil are defined as 100,000 metric tons or more of one commodity in 1 day to a single destination or 200,000 tons or more of one commodity during the weekly reporting period. Large sales for soybean oil are 20,000 tons and 40,000 tons, respectively.

Weekly reports are also required, regardless of the size of the sales transaction, for all of these commodities, as well as wheat products, rye, flaxseed, linseed oil, sunflowerseed oil, cotton (by staple length), cottonseed, cottonseed cake and meal, cottonseed oil, rice (by class), cattle hides and skins (cattle, calf, and kip), and beef. The reporting week for the export sales reporting system is Friday–Thursday. The Secretary of Agriculture has the authority to add other commodities to this list.

U.S. exporters provide information on the quantity of their sales transactions, the type and class of commodity, the marketing year of shipment, and the destination. They also report any changes in previously reported information, such as cancellations and changes in destinations.

The estimated total annual burden of 42,947 hours in the OMB inventory for the currently approved information collection remains unchanged.

Estimate of Burden: The average burden, including the time for reviewing instructions, gathering data needed, completing forms, and record keeping is estimated to be 30 minutes.

Respondents: All exporters of wheat and wheat flour, feed grains, oilseeds, cotton, rice, cattle hides and skins, beef, and any products thereof, and other commodities that the Secretary may designate as produced in the United States.

Estimated Number of Respondents: 340.

Estimated Annual Number of Responses per Respondent: 253.

Requests for Comments: Send comments regarding (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; (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, including through the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to Peter W. Burr, Office of Trade Programs/Import Policies and Export Reporting Division/Export Sales Reporting Branch, FAS, USDA, 1400 Independence Avenue, SW., Stop 1025, Washington, DC 20520–1025; or by e-mail at: esr@fas.usda.gov; or to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. Persons with disabilities who require an alternative means of communication of information (Braille, large print, audiotape, etc.) should contact USDA’s Target Center at (202) 720–2600 (voice and TDD). All responses to this notice will be summarized and included in the
request for OMB approval. All comments also will become a matter of public record.

Government Paperwork Elimination Act: FAS is committed to compliance with the Government Paperwork Elimination Act, which requires Government agencies, in general, to provide the public the option of submitting information or transacting business electronically to the maximum extent possible.

John D. Brewer,
Administrator, Foreign Agricultural Service.

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Farm Service Agency

Information Collection; Commodity Request (Food Aid Request Entry System (FARES))

AGENCY: Commodity Credit Corporation and Farm Service Agency, USDA.

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Commodity Credit Corporation (CCC) and Farm Service Agency (FSA) are seeking comments from all interested individuals and organizations on an extension of a currently approved information collection for the Food Aid Request Entry System (FARES). FSA and CCC procure various processed foods and commodities for export under humanitarian food aid programs. FARES automates the entry of commodity requests submitted to CCC from the United States Agency for International Development (USAID), private voluntary organizations (PVOs), the World Food Program (WFP), the Foreign Agricultural Service (FAS), and FSA.

Type of Request: Extension with no revision.

Abstract: The information collection is necessary for CCC and FSA to procure various processed foods and commodities for export under humanitarian food aid programs. FARES automates the entry of commodity requests submitted to CCC from the United States Agency for International Development (USAID), private voluntary organizations (PVOs), the World Food Program (WFP), the Foreign Agricultural Service (FAS), and FSA.

Type of Respondents: USAID, PVOs, the WFP, FAS, and FSA.

Estimated Number of Respondents: 305.

Estimated Number of Responses per Respondent: 12.

Estimated Number of Responses: 3660.

Estimated Total Annual Burden on Respondents: 1708 hours.

We are requesting comments on all aspects of this information collection and to help us to:

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

(2) Evaluate the accuracy of the agency’s estimate of the burden, 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 automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission for Office of Management and Budget approval.

Signed at Washington, DC, on June 24, 2010.

Jonathan W. Coppess,
Executive Vice President, Commodity Credit Corporation.

[FR Doc. 2010–15945 Filed 6–30–10; 8:45 am]

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Iowa Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a planning meeting of the Iowa Advisory Committee to the Commission will convene by conference call at 2 p.m. and adjourn at approximately 3 p.m. on Wednesday, July 28, 2010. The purpose of this meeting is to continue planning a civil rights project.

This meeting is available to the public through the following toll-free call-in number: (866) 364–7584, conference call access code number 84802075. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and contact name Farella E. Robinson.

To ensure that the Commission secures an appropriate number of lines for the public, persons are asked to register by contacting Corrine Sanders of the Central Regional Office and TTY/TDD telephone number, by 4 p.m. on July 21, 2010.

Members of the public are entitled to submit written comments. The comments must be received in the regional office by August 28, 2010. The address is U.S. Commission on Civil Rights, 400 State Avenue, Suite 908, Kansas City, Kansas 66101. Comments may be e-mailed to frobinson@usccr.gov, Records generated
by this meeting may be inspected and reproduced at the Central Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to contact the Central Regional Office at the above e-mail or street address.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.


Peter Minarik, Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 2010–15990 Filed 6–30–10; 8:45 am]
BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Sunshine Act Notice

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of meeting cancellation.

SUMMARY: On June 15, 2010 (75 FR 34423), the U.S. Commission on Civil Rights announced a business meeting to be held on Friday, June 25, 2010 at the Commission’s headquarters. On Friday, June 25, 2010, the meeting was cancelled. The decision to cancel the meeting was too close in time to the date and time of the meeting for the publication of a cancellation notice to appear in advance of the scheduled meeting date. The details of the cancelled meeting are:

DATE AND TIME: Friday, June 25, 2010: 11:30 a.m. EDT


Meeting Agenda

This meeting is open to the public, except where noted otherwise.

I. Approval of Agenda

II. State Advisory Committee Issues

• Florida SAC

III. Program Planning

• Consideration of Discovery Plan

• Project Outline for Report on Sex Discrimination in Liberal Arts College Admissions

IV. Adjourn

The Commission’s next scheduled meeting is Friday, July 16, 2010, the details of which will be published in the Federal Register eight days prior to that meeting.

CONTACT PERSON FOR FURTHER INFORMATION: Lenore Ostrowsky, Acting Chief, Public Affairs Unit (202) 376–8591. TDD: (202) 376–8116. Persons with a disability requiring special services, such as an interpreter for the hearing impaired, should contact Pamela Danston at least seven days prior to the meeting at 202–376–8105. TDD: (202) 376–8116.

Dated: June 29, 2010.

David Blackwood, General Counsel.

[FR Doc. 2010–16224 Filed 6–29–10; 4:15 pm]
BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.


Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (the Act), may request, in accordance with 19 CFR 351.213 (2008), that the Department of Commerce (the Department) conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, the Department intends to select respondents based on U.S. Customs and Border Protection (“CBP”) data for U.S. imports during the period of review. We intend to release the CBP data under Administrative Protective Order (“APO”) to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 20 days of publication of the initiation notice in the Federal Register. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. The Department invites comments regarding the CBP data and respondent selection within 10 calendar days of publication of the initiation notice in the Federal Register.

Opportunity to Request a Review: Not later than the last day of July 2010,1 interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in July for the following periods:

<table>
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<tr>
<th>Period of review</th>
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<tr>
<td>7/1/09–6/30/10</td>
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<td>7/1/09–6/30/10</td>
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1 Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when the Department is closed.
In accordance with 19 CFR 351.213(b), an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review. In addition, a domestic interested party or an interested party described in section 771(9)(B) of the Act must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which were produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Please note that, for any party the Department was unable to locate in prior segments, the Department will not accept a request for an administrative review of that party absent new information as to the party’s location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for the Secretary to determine if the interested party’s attempts were reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties, 68 FR 23954 (May 6, 2003), the Department has clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders. See also the Import Administration Web site at http://ia.ita.doc.gov.

Six copies of the request 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. The Department also asks parties to serve a copy of their requests to the Office of Antidumping/Countervailing Duty Operations, Attention: Sheila Forbes, in room 3065 of the main Commerce Building. Further, in accordance with 19 CFR 351.303(f)(i)(ii), a copy of each request must be served on every party on the Department’s service list.

The Department will publish in the Federal Register a notice of “Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation” for requests received by the last day of July 2010. If the Department does not receive, by the last day of July 2010, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct the CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

The following table summarizes those reviews already begun as of the date of this notice. For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties.

<table>
<thead>
<tr>
<th>Country</th>
<th>Product Description</th>
<th>Period of review</th>
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<tbody>
<tr>
<td>Mexico</td>
<td>Stainless Steel Sheet and Strip in Coils, A–201–822</td>
<td>7/1/09–6/30/10</td>
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<td></td>
<td>Carboxymethylcellulose, A–201–834</td>
<td>7/1/09–6/30/10</td>
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<tr>
<td>Netherlands</td>
<td>Carboxymethylcellulose, A–421–811</td>
<td>7/1/09–6/30/10</td>
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<tr>
<td>Russia</td>
<td>Solid Urea, A–821–801</td>
<td>7/1/09–6/30/10</td>
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<tr>
<td></td>
<td>Ferrovanadium and Nitried Vanadium, A–821–807</td>
<td>7/1/09–6/30/10</td>
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<tr>
<td>South Korea</td>
<td>Stainless Steel Sheet and Strip in Coils, A–580–834</td>
<td>7/1/09–6/30/10</td>
</tr>
<tr>
<td>Sweden</td>
<td>Carboxymethylcellulose, A–401–808</td>
<td>7/1/09–6/30/10</td>
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<tr>
<td>Taiwan</td>
<td>Polylethylene Terephthalate (PET) Film, A–583–837</td>
<td>7/1/09–6/30/10</td>
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<td></td>
<td>Stainless Steel Sheet and Strip in Coils, A–583–831</td>
<td>7/1/09–6/30/10</td>
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<tr>
<td>Thailand</td>
<td>Carbon Steel Butt-Weld Pipe Fittings, A–549–807</td>
<td>7/1/09–6/30/10</td>
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The People’s Republic of China:

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<tr>
<th>Country</th>
<th>Product Description</th>
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<tr>
<td>Carbon Steel Butt-Weld Pipe Fittings, A–570–814</td>
<td>7/1/09–6/30/10</td>
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<tr>
<td>Carbon Steel Butt-Weld Pipe Fittings, A–570–814</td>
<td>7/1/09–6/30/10</td>
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<tr>
<td>Circular Welded Carbon Quality Steel Pipe, A–570–910</td>
<td>7/1/09–6/30/10</td>
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<tr>
<td>Persulfates, A–570–847</td>
<td>7/1/09–6/30/10</td>
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<tr>
<td>Saccharin, A–570–878</td>
<td>7/1/09–6/30/10</td>
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<tr>
<td>Turkey: Certain Pasta, A–489–805</td>
<td>7/1/09–6/30/10</td>
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<tr>
<td>Ukraine: Solid Urea, A–823–801</td>
<td>7/1/09–6/30/10</td>
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India: Polyethylene Terephthalate (PET) Film, C–533–825

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<tr>
<th>Country</th>
<th>Product Description</th>
<th>Period of review</th>
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<tr>
<td>Italy: Certain Pasta, C–475–819</td>
<td>1/1/09–12/31/09</td>
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<tr>
<td>Turkey: Certain Pasta, C–489–806</td>
<td>1/1/09–12/31/09</td>
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Suspending Duty Agreements

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<tr>
<th>Country</th>
<th>Product Description</th>
<th>Period of review</th>
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<tbody>
<tr>
<td>Russia: Certain Hot-Rolled Carbon Steel Flat Products, A–821–809</td>
<td>7/1/09–6/30/10</td>
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</table>

2 If the review request involves a non-market economy and the parties subject to the review request do not qualify for separate rates, all other exporters of subject merchandise from the non-market economy country who do not have a separate rate will be covered by the review as part of the single entity of which the named firms are a part.
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 period of review. This notice is not required by statute but is published as a service to the international trading community.


John M. Andersen,
Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

SUPPLEMENTARY INFORMATION:

Sunset Reviews

Investigation; Advance Notification of Order, Finding, or Suspended Antidumping or Countervailing Duty

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.


SUPPLEMENTARY INFORMATION:

Background

Every five years, pursuant to section 751(c) of the Tariff Act of 1930, as amended (“the Act”), the Department of Commerce (“the Department”) and the International Trade Commission automatically initiate and conduct a review to determine whether revocation of a countervailing or antidumping duty order or termination of an investigation suspended under section 704 or 734 of the Act would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

Upcoming Sunset Reviews for August 2010

There are no Sunset Reviews scheduled for initiation in August 2010. For information on the Department’s procedures for the conduct of sunset reviews, See 19 CFR 351.218. This notice is not required by statute but is published as a service to the international trading community. Guidance on methodological or analytical issues relevant to the Department’s conduct of Sunset Reviews is set forth in the Department’s Policy Bulletin 98.3, Policies Regarding the Conduct of Five-year (“Sunset”) Reviews of Antidumping and Countervailing Duty Orders: Policy Bulletin, 63 FR 18871 (April 16, 1998). The Notice of Initiation of Five-year (“Sunset”) Reviews provides further information regarding what is required of all parties to participate in Sunset Reviews.


John M. Andersen,
Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

SUPPLEMENTARY INFORMATION:

On December 22, 2009, the Department of Commerce published the preliminary results of the administrative review of the antidumping duty order on carbazole violet pigment 23 (CVP 23) from India. The review covers exports of this merchandise to the United States by Alpanil Industries (Alpanil) for the period December 1, 2007, through November 30, 2008. We gave interested parties an opportunity to comment on the preliminary results. Based on our analysis of the comments received from interested parties, we have modified the margin calculation. The final weighted-average margin is listed below in the section of this notice.

DATES: Effective Date: July 1, 2010.


SUPPLEMENTARY INFORMATION:

Background

On December 22, 2009, the Department of Commerce (the Department) published the preliminary results of review on CVP 23 from India and invited interested parties to comment. See Carbazole Violet Pigment 23 from India: Preliminary Results of Antidumping Duty Administrative Review, 74 FR 68038 (December 22, 2009). On January 21, 2010, Alpanil, the sole respondent, filed a case brief in which the company raised two issues. On January 26, 2010, the petitioners filed a rebuttal brief. We did not receive a request for a hearing.

The period of review is December 1, 2007, through November 30, 2008. We have conducted this review in accordance with section 751(a) of the Tariff Act of 1930 (the Act).

Scope of the Order

The merchandise subject to the antidumping duty order is CVP 23 identified as Color Index No. 51319 and Chemical Abstract No. 6358–30–1, with the chemical name of diiodol [3,2–b:3′–2”-m] 2 triphenodiazine, 8,18-dichloro–5,15-diethyl–5,15-dihydro–, and molecular formula of C_{15}H_{12}Cl_{2}N_{2}O_{2}. The subject merchandise includes the crude pigment in any form (e.g., dry powder, paste, wet cake) and finished pigment in the form of presscakes and dry color. Pigment dispersions in any form (e.g., pigment dispersed in oleoresins, flammable solvents, water) are not included within the scope of the order. The merchandise subject to the antidumping duty order is classifiable under subheading 3204.17.90.40 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

Analysis of the Comments Received

All issues raised in the case and rebuttal briefs by interested parties to this review are addressed in the Issues and Decision Memorandum (Decision Memo) from Acting Deputy Assistant Secretary John M. Andersen to Acting Deputy Assistant Secretary Paul Piquado dated concurrently with this notice, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded in the Decision Memo is attached to this notice as an Appendix. The Decision Memo, which is a public document, is on file in the Central Records Unit, main Department of

1 Nation Ford Chemical Company and Sun Chemical Corporation.

2 The bracketed section of the product description, [3,2–b:3′–2”-m], is not business-pro prietary information. In this case, the brackets are simply part of the chemical nomenclature. See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Carbazole Violet Pigment 23 From India, 69 FR 77988 (December 29, 2004) (Antidumping Duty Order).
Commerce building, Room 1117, and is accessible on the Web at http://ia.ita.doc.gov/frn/index.html. The paper copy and electronic version of the Decision Memo are identical in content.

Changes Since the Preliminary Results

As a result of our analysis of the comments, we have adjusted U.S. price by the export-subsidy countervailing-duty rate of 7.79 percent in accordance with section 772(c)(1)(C) of the Act. For more information, see the Decision Memo at Comment 1.

Final Results of Review

As a result of our review, we determine that a margin of 58.90 percent exists for Alpanil for the period December 1, 2007, through November 30, 2008.

Assessment Rates

The Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries of merchandise produced and/or exported by Alpanil. In accordance with 19 CFR 351.212(b)(1), we will issue importer-specific assessment instructions for entries of subject merchandise during the period of review.

We divided the total dumping margins for each importer by the total number of units Alpanil sold to that importer. We will direct CBP to assess the resulting per-unit dollar amount against each unit of merchandise on each of that importer’s entries during the period of review.

The Department clarified its “automatic assessment” regulation on May 6, 2003. This clarification will apply to entries of subject merchandise during the period of review produced by Alpanil for which it did not know its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate any unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties, 68 FR 23954 (May 6, 2003).

The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of these final results of review.

Cash-Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of CVP 23 entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results, as provided by section 751(a)(1) and (a)(2)(C) of the Act: (1) The cash-deposit rate for Alpanil will be 58.90 percent; (2) if the exporter is not a firm covered in this review, a previous review, or the less-than-fair-value investigation but the manufacturer is, the cash-deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; (3) if neither the exporter nor the manufacturer has its own rate, the cash-deposit rate will be 27.48 percent, the all-others rate published in the Antidumping Duty Order, 69 FR at 77989. These deposit requirements shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this period of review. Failure to comply with this requirement could result in the Department’s presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties. See 19 CFR 351.402(f)(3).

Notification Regarding APOs

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO as explained in the APO itself. See 19 CFR 351.305(a)(3). Timely written notification of the destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

We are publishing these final results of administrative review and notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.


Paul Piquado,
Acting Deputy Assistant Secretary for Import Administration.

Appendix


[FR Doc. 2010-16091 Filed 6-30-10; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1687]

Grant of Authority for Subzone Status; Abercrombie & Fitch (Footwear and Apparel Distribution); New Albany, OH

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act provides for * * * the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,” and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board’s regulations (15 CFR part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and when the activity results in a significant public benefit and is in the public interest;

Whereas, the Columbus Regional Airport Authority, grantee of Foreign-Trade Zone 138, has made application to the Board for authority to establish a special-purpose subzone at the warehouse and distribution facility of Abercrombie & Fitch, located in New Albany, Ohio, (FTZ Docket 39–2009, filed 9/25/09);

Whereas, notice inviting public comment has been given in the Federal Register (74 FR 52454, 10/13/09) and the application has been processed pursuant to the FTZ Act and the Board’s regulations; and,

Whereas, the Board adopts the findings and recommendation of the examiner’s report, and finds that the requirements of the FTZ Act and Board’s regulations are satisfied, and that the proposal is in the public interest;

Now, therefore, the Board hereby grants authority for subzone status for activity related to footwear and apparel warehousing and distribution at the facility of Abercrombie & Fitch, located in New Albany, Ohio (Subzone 138G), as described in the application and Federal Register * * *

Appendix


[FR Doc. 2010–16091 Filed 6–30–10; 8:45 am]
BILLING CODE 3510–DS–P
DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

RIN 0648–XX16

Incidental Taking of Marine Mammals; Taking of Marine Mammals Incidental to the Explosive Removal of Offshore Structures in the Gulf of Mexico

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

ACTION: Notice; issuance of letters of authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA) and implementing regulations, notification is hereby given that NMFS has issued a one-year Letters of Authorization (LOA) to take marine mammals incidental to the explosive removal of offshore oil and gas structures (EROS) in the Gulf of Mexico.

DATES: These authorizations are effective from July 1, 2010 through June 30, 2011.

ADDRESSES: The application and LOAs are available for review by writing to P. Michael Payne, Chief, Permits, Conservation, and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3235 or by telephoning the contact listed here (see FOR FURTHER INFORMATION CONTACT), or online at: http://www.nmfs.noaa.gov/pr/permits/incidental.htm. Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address.

FOR FURTHER INFORMATION CONTACT: Howard Goldstein or Jolie Harrison, Office of Protected Resources, NMFS, 301–713–2289.

SUPPLEMENTARY INFORMATION: Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 et seq.) directs the Secretary of Commerce (who has delegated the authority to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by United States citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region, if certain findings are made and regulations are issued. Under the MMPA, the term “take” means to harass, hunt, capture, or kill or to attempt to harass, hunt, capture, or kill any marine mammal.

Authorization for incidental taking, in the form of annual LOAs, may be granted by NMFS for periods up to five years if NMFS finds, after notice and opportunity for public comment, that the taking will have a negligible impact on the species or stock(s) of marine mammals, and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant). In addition, NMFS must prescribe regulations that include permissible methods of taking and other means of effecting the least practicable adverse impact on the species and its habitat (i.e., mitigation), and on the availability of the species for subsistence uses, paying particular attention to rookeries, mating rounds, and areas of similar significance. The regulations also must include requirements pertaining to the monitoring and reporting of such taking. Regulations governing the taking of marine mammals incidental to EROS were published on June 19, 2008 (73 FR 34875), and remain in effect through July 19, 2013. For detailed information on this action, please refer to that Federal Register notice. The species that applicants may take in small numbers during EROS activities are bottlenose dolphins (Tursiops truncatus), Atlantic spotted dolphins (Stenella frontalis), pantropical spotted dolphins (Stenella attenuata), Clymene dolphins (Stenella clymene), striped dolphins (Stenella coeruleoalba), spinner dolphins (Stenella longirostris), rough-toothed dolphins (Stenella bairdii), Risso’s dolphins (Grampus griseus), melon-headed whales (Peponocephala electra), short-finned pilot whales (Globicephala macrocephalus), and sperm whales (Physeter macrocephalus).

Pursuant to these regulations, NMFS has issued an LOA to ExxonMobil Production Company. Issuance of the LOA is based on a finding made in the preamble to the final rule that the total taking by these activities (with monitoring, mitigation, and reporting measures) will result in no more than a negligible impact on the affected species or stock(s) of marine mammals and will not have an unmitigable adverse impact on subsistence uses. NMFS also finds that the applicant will meet the requirements contained in the implementing regulations and LOA, including monitoring, mitigation, and reporting requirements.

Dated: June 24, 2010.

James H. Lecky,
Director, Office of Protected Resources,
National Marine Fisheries Service.
The first Manufacture America event will be held in Morgantown, West Virginia—July 13, 2010, National Research Center for Coal and Energy, 385 Evansdale Drive, West Virginia University, Morgantown, WV 26506.

Manufacture America will feature strategies to rethink, retool and rebuild through, among other things, modernizing production processes, and making their companies more efficient and sustainable while lowering production costs. They will also learn about entering new market segments or new industries, opportunities for exporting, and resources and funding that are available to help them retool, including technical assistance and financing. Participants will be able to speak with peers who have successfully retooled, discuss issues they are facing with federal, state and local officials, resource providers, and network with each other.

Space will be reserved for manufacturing company leaders, plant managers and other company decision-makers from small and medium-sized U.S. manufacturers and service providers; as many as fifteen spaces included in this reservation will be allotted for municipal, state, and federal employees who wish to register for the event. Other spaces are available to the general public on a first come first serve basis.

In order to attend, participants must pre-register.

Participants will be charged a moderate cost for attending these events.

For more information and to register, please visit: http://www.trade.gov/manufactureamerica.

Nicole Y. Lamb-Hale,
Assistant Secretary for Manufacturing and Services.

DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration (NOAA) Science Advisory Board (SAB)

AGENCY: Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of open meeting.

SUMMARY: The Science Advisory Board (SAB) was established by a Decision Memorandum dated September 25, 1997, and is the only Federal Advisory Committee with responsibility to advise the Under Secretary of Commerce for Oceans and Atmosphere on strategies for research, education, and application of science to operations and information services. SAB activities and advice provide necessary input to ensure that National Oceanic and Atmospheric Administration (NOAA) science programs are of the highest quality and provide optimal support to resource management.

Time and Date: The meeting will be held Tuesday, July 20, 2010, from 8:30 a.m. to 5:30 p.m. and Wednesday, July 21, 2010, from 8:30 a.m. to 2:45 p.m. These times and the agenda topics described below are subject to change. Please refer to the Web page http://www.sab.noaa.gov/Meetings/meetings.html for the most up-to-date meeting agenda.

Place: The meeting will be held both days at the John and Mable Ringling Museum of Art, 5401 Bay Shore Road, Education/Conservation Bldg., Room 1003–1004, Sarasota, Florida. Phone: 941–359–5700. Please check the SAB Web site http://www.sab.noaa.gov for confirmation of the venue and for directions.

Status: The meeting will be open to public participation with a 30-minute public comment period on July 21 at 2:15 p.m. (check Web site to confirm time). The SAB expects that public statements presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to a total time of five (5) minutes. Written comments should be received in the SAB Executive Director’s Office by July 13, 2010 to provide sufficient time for SAB review. Written comments received by the SAB Executive Director after July 13, 2010, will be distributed to the SAB, but may not be reviewed prior to the meeting date. Seats will be available on a first-come, first-served basis.

Matters To Be Considered: The meeting will include the following topics: (1) NOAA activities in response to the Deep Water Horizon Oil Spill in the Gulf of Mexico; (2) Grand Scientific Challenges: Results From the NOAA Science Workshop; (3) NOAA Strategic Energy Review; (4) SAB discussion on its comments to the NOAA Next Generation Strategic Plan; (5) SAB discussion on the current and future operation of its working groups; (6) Regional response to an ecological disaster-integrating Federal, State, academia and NGO science capabilities within a regional framework; (8) Strategies for Regional Coastal and Marine Spatial Planning—engaging other Federal and State partners, with the Gulf of Mexico as an example; (9) Regional Engagement in the Gulf of Mexico—applying regional education, outreach and extension capabilities around a unified science message; (10) Updates from SAB Standing Working Groups.

FOR FURTHER INFORMATION CONTACT: Dr. Cynthia Decker, Executive Director, Science Advisory Board, NOAA, Rm. 11230, 1315 East-West Highway, Silver Spring, Maryland 20910. Phone: 301–734–1156, Fax: 301–713–1459, E-mail: Cynthia.Decker@noaa.gov or visit the NOAA SAB Web site at http://www.sab.noaa.gov.

Mark E. Brown, Chief Financial Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

DEPARTMENT OF COMMERCE
International Trade Administration

[FR Doc. A–833–841]

Postponement of Preliminary Determination of Antidumping Duty Investigation: Polyvinyl Alcohol From Taiwan

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: Effective Date: July 1, 2010.


SUPPLEMENTARY INFORMATION:

Background
On September 27, 2004, the Department of Commerce (the Department) initiated the antidumping duty investigation on polyvinyl alcohol from Taiwan. See Initiation of Antidumping Duty Investigation: Polyvinyl Alcohol From Taiwan, 69 FR 59204 (October 4, 2004). On October 22, 2004, the International Trade Commission (ITC) made a preliminary negative determination regarding whether there was a reasonable indication of injury due to imports of the subject merchandise. As a result, the Department did not continue the investigation.
The petitioner appealed the negative ITC preliminary determination to the Court of International Trade (CIT). On remand from the CIT, the ITC reversed its preliminary injury determination and found instead that there was a reasonable indication of injury due to imports of the subject merchandise. The CIT affirmed the ITC’s remand determination. DuPont, an importer of the subject merchandise, appealed the CIT’s decision to the Court of Appeals for the Federal Circuit (CAFC). On December 23, 2009, the CAFC affirmed the ITC’s decision. See Polyvinyl Alcohol From Taiwan: Determination, 75 FR 15726 (March 30, 2010). The ITC notified the Department of its affirmative determination in the preliminary phase of an antidumping duty investigation concerning imports of polyvinyl alcohol from Taiwan on March 25, 2010. See letter from the ITC dated March 25, 2010. On April 20, 2010, the Department issued a decision memorandum which stated that the deadline for the preliminary determination is July 18, 2010. See memorandum to Laurie Parkhill dated April 20, 2010, at 10.

Postponement of Preliminary Determination

On June 17, 2010, Sekisui Specialty Chemicals America, LLC (the petitioner), requested a 50-day postponement of the preliminary determination in order to allow the Department additional time to resolve a number of issues in the investigation which the petitioner anticipates will require supplemental questionnaires.

For reasons identified by the petitioner and because there are no compelling reasons to deny the request, the Department is postponing the deadline for the preliminary determination in accordance with section 733(c)(1)(A) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.205(b)(2) and (e), by 50 days to September 6, 2010. The deadline for the final determination will continue to be 75 days after the date of the preliminary determination, unless extended.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).


Paul Piquado,
Acting Deputy Assistant Secretary for Import Administration.

DEPARTMENT OF COMMERCE
International Trade Administration

[A–570–909]

Certain Steel Nails From the People’s Republic of China: Rescission of New Shipper Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: Effective Date: July 1, 2010.

SUMMARY: In response to a request from Maanshan Leader Metal Products Co., Ltd. (“Maanshan Leader”), the Department of Commerce (the “Department”) published on September 25, 2009, a Federal Register notice announcing the initiation of a new shipper review of the antidumping duty order on certain steel nails from the People’s Republic of China (“PRC”) covering the period of January 23, 2008, through July 31, 2009. On May 28, 2010, Maanshan Leader withdrew its request for a new shipper review. Therefore, we are rescinding this new shipper review with respect to Maanshan Leader.

FOR FURTHER INFORMATION CONTACT: Alexis Polovina, 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) 482–3927.

SUPPLEMENTARY INFORMATION:
Background

On August 24, 2009, we received a timely request for a new shipper review from Maanshan Leader in accordance with 19 CFR 351.214(c) and 351.214(d)(2). On September 25, 2009, the Department found that the request for review with respect to Maanshan Leader met all of the regulatory requirements set forth in 19 CFR 351.214(b) and initiated an antidumping duty new shipper review. See Certain Steel Nails From the People’s Republic of China: Initiation of Antidumping Duty New Shipper Review, 74 FR 48907 (September 25, 2009) (“Initiation Notice”). On February 12, 2010, due to the closure of the Federal Government from February 5, through February 12, 2010, the Department exercised its discretion to toll deadlines by seven days. See Memorandum to the Record from Ronald Lorentzen, DAS for Import Administration, “Tolling of Administrative Deadlines As a Result of the Government Closure During the Recent Snowstorm,” dated February 12, 2010.

On April 5, 2010, the Department aligned this new shipper review with the concurrent first administrative review. See Memorandum to the File from Alexis Polovina, Case Analyst, through Alex Villanueva, Program Manager, regarding: Alignment of New Shipper Review of Certain Steel Nails from the People’s Republic of China with the 1th Administrative Review of Certain Steel Nails from the People’s Republic of China, dated April 5, 2010. On May 28, 2010, Maanshan Leader withdrew its request for a new shipper review. On June 14, 2010, we placed on the record and served to parties a memorandum stating that the Department intended to rescind the above-referenced new shipper review, allowing parties to comment on the intended rescission by no later than June 17, 2010. See Memorandum to the File from Alexis Polovina, Case Analyst, through Alex Villanueva, Program Manager, regarding: Withdrawal of Request for NSR from Maanshan Leader, dated June 14, 2010. The Department did not receive comments from any party.

Rescission of New Shipper Review

19 CFR 351.214(f)(1) provides that the Department may rescind a new shipper review if the party that requested the review withdraws its request for review within 60 days of the date of publication of the notice of initiation of the requested review. Although Maanshan Leader withdrew its request after the 60 day deadline, we find it reasonable to extend the deadline. See 19 CFR 351.302(b). In this instance, no other company would be affected by a rescission, and we have received no objections from any party to Maanshan Leader’s withdrawal of its request for this new shipper review. Based upon the above, we are rescinding the new shipper review of the antidumping duty order on certain steel nails from the PRC with respect to Maanshan Leader. See Hand Trucks and Certain Parts Thereof From the People’s Republic of China: Notice of Rescission of Antidumping Duty New Shipper Review, 74 FR 31911 (July 6, 2009) (rescinding the new shipper review after the 60 day deadline). As the Department is rescinding this new shipper review, we are not calculating a company-specific rate for Maanshan Leader, and Maanshan Leader will remain part of the PRC entity in the ongoing administrative review.

Notifications

Because Maanshan Leader remains under review as part of the PRC entity in the ongoing administrative review,
the Department will not order liquidation of entries for Maanshan Leader. The Department intends to issue liquidation instructions for the PRC entity, which will cover any entries by Maanshan Leader, 15 days after publication of the final results of the ongoing administrative review.

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary’s presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this determination and notice in accordance with section 777(i) of the Act and 19 CFR 351.214(f)(3).

DATED: June 25, 2010.

John M. Andersen,
Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.


SUPPLEMENTARY INFORMATION:

Background

The Department’s regulations provide that the Secretary will publish in the Federal Register a list of scope rulings on a quarterly basis. See 19 C.F.R. 351.225(a). Our most recent notification of scope rulings was published on March 24, 2010. See Notice of Scope Rulings, 75 FR 14138 (March 24, 2010). This current notice covers all scope rulings and anticircumvention determinations completed by Import Administration between October 1, 2009, and December 31, 2009, inclusive, and it also lists any scope or anticircumvention inquiries pending as of December 31, 2009. As described below, subsequent lists will follow after the close of each calendar quarter.

Scope Rulings Completed Between October 1, 2009, and December 31, 2009:

People’s Republic of China
A–570–814: Certain Carbon Steel Butt-Weld Pipe Fittings from the People’s Republic of China
Requestor: King Architectural Metals (“King”); King’s pipe fittings for structural use in handrails and fencing are within the scope of the antidumping duty order; October 20, 2009.
A–570–868: Folding Metal Tables and Chairs from the People’s Republic of China
Requestor: Lifetime Products Inc. Lifetime’s fold–in-half adjustable height tables are outside the scope of the antidumping duty order; October 27, 2009.
A–570–891: Hand Trucks and Certain Parts Thereof from the People’s Republic of China
Requestor: Simon, Evers & Co., GmbH; the Relius Fold–Away Truck, Relius Tray–Shelf Utility Cart, Economical Steel Cart, Solid Platform Dolly and Flush Platform Dolly are all outside the scope of the antidumping duty order; December 3, 2009.
A–570–901: Lined Paper Products from the People’s Republic of China
Requestor: Lomographic Corporation (“Lomographic”); Lomographic’s London Lomo Notebook and Lomo Notebook are outside the scope of the antidumping duty order; December 23, 2009.
A–570–932: Certain Steel Threaded Rod from the People’s Republic of China
Requestor: Mid–State Bolt & Nut Company, Inc. ("Mid–State"); Mid–State’s concrete wedge anchors are outside the scope of the antidumping duty order; October 14, 2009.

Anticircumvention Determinations Completed Between October 1, 2009, and December 31, 2009:

None.

Scope Inquiries Terminated Between October 1, 2009, and December 31, 2009:

None.

Anticircumvention Inquiries Terminated Between October 1, 2009, and December 31, 2009:

None.

Scope Inquiries Pending as of December 31, 2009:

Germany
A–428–801: Ball Bearings and Parts from Germany
Requestor: The Schaeffler Group; whether certain ball roller bearings are within the scope of the antidumping duty order, requested April 28, 2009.

People’s Republic of China
A–570–502: Iron Construction Castings from the People’s Republic of China
Requestor: National Diversified Sales; whether its grates and frames are within the scope of the antidumping duty order; requested December 22, 2009.
A–570–504: Petroleum Wax Candles from the People’s Republic of China
Requestor: Trade Associates Group, Ltd.; whether its candles (multiple designs) are within the scope of the antidumping duty order; requested June 11, 2009.
A–570–504: Petroleum Wax Candles from the People’s Republic of China
Requestor: Sourcing International; whether its flower candles are within scope of the antidumping duty order; requested June 24, 2009.
A–570–504: Petroleum Wax Candles from the People’s Republic of China
Requestor: Sourcing International; whether its floral bouquet candles are within the scope of the antidumping duty order; requested August 25, 2009.

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Scope Rulings

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: July 1, 2010.

SUMMARY: The Department of Commerce (“Department”) hereby publishes a list of scope rulings completed between October 1, 2009, and December 31, 2009. In conjunction with this list, the Department is also publishing a list of requests for scope rulings and anticircumvention determinations pending as of December 31, 2009. We intend to publish future lists after the close of the next calendar quarter.
scope of the antidumping duty order; requested November 9, 2009.

A–570–804: Sparklers from the People’s Republic of China
Requestor: American Promotional Events, Inc.; whether its Sparkling Tree is within the scope of the antidumping duty order; requested September 2, 2009.

A–570–806: Silicon Metal from the People’s Republic of China
Requestor: Globe Metallurgical Inc.; whether certain silicon metal exported by Ferro–Alliages et Mineraux to the United States from Canada is within the scope of the antidumping duty order; requested October 1, 2009.

A–570–864: Pure Magnesium in Granular Form from the People’s Republic of China
Requestor: ESM Group Inc.; whether atomized ingots are within the scope of the antidumping duty order; initiated April 18, 2007; preliminary ruling issued August 27, 2008.

A–570–891: Hand Trucks from the People’s Republic of China
Requestor: Northern Tool & Equipment Co.; whether a high–axle torch cart (item #164771) is within the scope of the antidumping duty order; requested March 23, 2007.

A–570–891: Hand Trucks from the People’s Republic of China
Requestor: E&B Giftware; whether its ML6275D luggage cart is within the scope of the antidumping duty order; requested December 24, 2009.

A–570–901: Lined Paper Products from the People’s Republic of China
Requestor: Livescribe, Inc.; whether its patented dot patterned paper are within the scope of the antidumping duty order; requested July 14, 2009.

A–570–909: Steel Nails from the People’s Republic of China
Requestor: Target Corporation; whether its tool kit is within the scope of the antidumping duty order; requested December 11, 2009.

A–570–924: Polyethylene Terephthalate (“PET”) Film from the People’s Republic of China
Requestor: Coated Fabrics Company; whether Amorphous PET (“APET”), Glycol–modified PET (“PETG”), and coextruded APET and with PETG on its outer surfaces (“GAG Sheet”) are within the scope of the antidumping duty order; requested February 12, 2009.

A–570–932: Steel Threaded Rod from the People’s Republic of China
Requestor: Elgin Fastener Group; whether its cold headed double threaded ended bolt is within the scope of the antidumping duty order; requested November 4, 2009.

Multiple Countries
A–570–922 and C–570–923: Raw Flexible Magnets from the People’s Republic of China; A–583–842: Raw Flexible Magnets from Taiwan
Requestor: Direct Innovations; whether certain decorative retail magnets are within the scope of the antidumping and countervailing duty orders; requested March 20, 2009.

Anticircumvention Rulings Pending as of December 31, 2009:
None.

Interested parties are invited to comment on the completeness of this list of pending scope and anticircumvention inquiries. Any comments should be submitted to the Deputy Assistant Secretary for AD/CVD Operations, Import Administration, International Trade Administration, 14th Street and Constitution Avenue, N.W., APO/Dockets Unit, Room 1870, Washington, DC 20220.

This notice is published in accordance with 19 C.F.R. 351.225(o).


John M. Andersen,
Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2010–15931 Filed 6–30–10; 8:45 am]
BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE
Economic Development Administration
[Docket No. 100614264–0264–01]


AGENCY: Economic Development Administration, Department of Commerce.

ACTION: Notice and request for applications.

SUMMARY: Pursuant to the Research and Evaluation program, the Economic Development Administration (EDA) seeks applications to research, develop, and disseminate metrics to enable policymakers and practitioners to more effectively understand how to assess the triple bottom line (economic, environmental, and social impacts) of various economic development activities. EDA’s mission is to lead the Federal economic development agenda by promoting innovation and competitiveness, preparing American regions for growth and success in the worldwide economy. Through its Research and Evaluation program, EDA works towards fulfilling its mission by funding research and technical assistance projects that contribute to competitiveness and innovation in distressed rural and urban regions throughout the United States and its territories. By working in conjunction with its research partners, EDA will help States, local governments, and community–based organizations to achieve their highest economic potential.

DATES: To be considered timely, a completed application, regardless of the format in which it is submitted, must be either (a) transmitted and time–stamped at http://www.grants.gov no later than August 13, 2010, at 5 p.m. Eastern Time; or (b) received in the office or the e–mail inbox, as applicable, of the EDA representative listed under APPLICATION SUBMISSION REQUIREMENTS no later than August 13, 2010, at 5 p.m. Eastern Time.

Application Submission Requirements: Applicants are advised to read carefully the instructions contained in section IV of the Federal funding opportunity (FFO) announcement for this notice and request for applications. For a copy of the FFO announcement, please see the Web sites listed below under ELECTRONIC ACCESS.

Applications may be submitted (a) electronically or (b) in paper format. EDA will not accept facsimile transmissions of applications. The content of the application is the same for electronic submissions as it is for paper submissions. Applicants applying electronically may access the application package by following the instructions provided at http://www.grants.gov. Alternatively, you may obtain paper application packages by contacting the individual listed below under FOR FURTHER INFORMATION CONTACT.

Electronic Submissions: Applicants are strongly encouraged to submit applications electronically at http://www.grants.gov. The preferred electronic file format for attachments is portable document format (PDF);
however, EDA will accept electronic files in Microsoft Word, WordPerfect, or Microsoft Excel. To take advantage of screen-fillable functionality, an applicant must download the application package from [http://www.grants.gov](http://www.grants.gov) and use the “Save As” function to save the application package to the applicant’s computer.

To avoid delays, EDA strongly recommends that applicants start early and not wait until the approaching deadline before logging on, registering with [http://www.grants.gov](http://www.grants.gov), reviewing the application instructions, and applying at [http://www.grants.gov](http://www.grants.gov). Applicants must be registered users with [http://www.grants.gov](http://www.grants.gov) in order to apply; the registration process can take between three to five business days or as long as four weeks if all steps are not completed in a timely manner. Please register early. Applicants should save and print written proof of an electronic submission made at [http://www.grants.gov](http://www.grants.gov). If problems occur, the applicant is advised to (a) print any error message received, and (b) call the [http://www.grants.gov](http://www.grants.gov) Contact Center at 1–800–518–4726 for assistance. The Contact Center is open 24 hours a day, 7 days a week (except for Federal holidays). The following link lists useful resources: [http://www.grants.gov/help/help.jsf](http://www.grants.gov/help/help.jsf). If you do not find an answer to your question under “ Applicant FAQs,” try consulting the “Applicant User Guide” or contacting [http://www.grants.gov](http://www.grants.gov) via email at support@grants.gov or telephone at 1–800–518–4726.

In the event that [http://www.grants.gov](http://www.grants.gov) fails to function properly at the time of application submission, the applicant must retain the error message received and may e-mail a completed application to Hillary Sherman-Zelenka at HSherman@eda.doc.gov.

**Paper Submissions:** If submitting by paper, applicants must submit one original and two copies of the completed application package via postal mail, private delivery service, or hand-delivery to:

**FY 2010 Triple Bottom Line Accounting**

**Competition, Hillary Sherman-Zelenka, Program Analyst, Economic Development Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Room 7099, Washington, DC 20230.

Applicants are advised that, due to mail security measures, EDA’s receipt of mail sent via the United States Postal Service may be substantially delayed or suspended delivery. Applicants may wish to use a guaranteed overnight delivery service. Please note that overnight delivery packages are received in the Department of Commerce’s mailroom before distribution to applicable bureaus, a process that can take approximately three to five business days. Accordingly, we recommend applicants mail applications a week ahead of the August 13, 2010, deadline in order take mail processing and distribution into consideration and avoid delays.

**FOR FURTHER INFORMATION CONTACT:** For additional information on the Research and Evaluation program or to obtain a paper application package for this notice, please contact Hillary Sherman-Zelenka via e-mail at HSherman@eda.doc.gov (preferred) or by telephone at (202) 482–3357.

Additional information about EDA and its Research and Evaluation program may be obtained from EDA’s Web site at [http://www.eda.gov](http://www.eda.gov).

**SUPPLEMENTARY INFORMATION:**

**Background:** Building on the concept of sustainable development introduced in the 1987 Bruntland Report, John Elkington coined the term “triple bottom line” in his 1994 article in the *California Management Review* where he articulated the concept of “win-win-win” business strategies. The article highlighted the limitations of focusing exclusively on traditional economic variables to determine the impact of industry actions on a regional economy. Rather than focusing exclusively on profits, Elkington argued, corporations also should consider the environmental and social implications of their actions.

With the increased focus on sustainable economic development over the past several years, the triple bottom line concept has been adopted by a wide array of firms. Companies like Patagonia, General Electric, and Pepsi have successfully implemented triple bottom line accounting into their business models.

While the triple bottom line concept is becoming an increasingly common formula for corporations to utilize to assess their bottom line, it is rarely utilized by local jurisdictions to determine the impact economic development efforts have on a region. Instead, most economic development efforts are exclusively evaluated based on the impact that the initiative will have on the local tax base and the number of jobs that will be created. While these are undoubtedly important considerations, local decision-makers also should consider a range of other factors, such as whether the project will contribute to sprawl, whether jobs will go to the local population or whether labor will be in-sourced, and whether the economic development project utilizes existing vacant properties or will deplete additional natural resources.

In large part, development practitioners’ and policymakers’ lack of utilization of the triple bottom line concept is due to a lack of research on how the concept could be adapted from its original corporate focus to fit the needs of local governments. In order to rectify this, EDA solicits applications from qualified researchers to develop and disseminate metrics for assessing the economic, social, and environmental impacts of development efforts on a regional economy.

**Proposed Study:** EDA makes grant investments that support and foster economic development in distressed regions. Currently, EDA’s primary measure for assessing potential investments focuses on economic outcomes (e.g., the amount of private investment leveraged and the number of jobs created and retained). For reporting to stakeholders, EDA employs forecasts of these performance measures in its competitive grant selection process and post-award administration. EDA seeks to broaden its perspective using a more comprehensive, triple bottom line, approach. The study is intended to provide the tools to implement this approach.

EDA solicits competitive applications from organizations or consortia that will build on the existing body of research and experience related to the triple bottom line concept to identify, develop, and disseminate appropriate metrics for practitioners and policymakers to utilize to assess the broad array of impacts that economic development efforts have in their regions. EDA solicits applications from qualified researchers to accomplish the project tasks and scope of work described in paragraphs (a)–(f) below:

1. **Provide a literature review outlining key research.**

In preparing their applications, applicants are encouraged to examine how economic development efforts at the national, State/regional, and local levels have used the triple bottom line concept, challenges that have been encountered, and how these challenges have been overcome. Applicants should, where possible, examine international scenarios where the triple bottom line concept has been implemented to evaluate public development efforts.

The successful applicant will be required to conduct a literature review
on relevant work from academic and policy fields. The literature review should be provided to EDA as a PDF document that can be made available on EDA’s Web site at http://www.eda.gov. The document must include a short narrative outlining salient points of the research, the implications of this work, and a bibliographic listing of writings, articles and books reviewed.

b. Assess how the triple bottom line concept is currently being employed by policymakers and practitioners and identify best practices.

The successful applicant will be required to solicit input through surveys or focus groups from practitioners and policymakers on how they currently utilize the triple bottom line concept, and provide a summary of the information obtained to EDA in a format that can be made available on EDA’s Web site at http://www.eda.gov.

The successful applicant should ascertain organizations both at local and at State/Federal levels that are currently using triple bottom line efforts to assess economic development impacts, and determine the method that will be used to assess best practices for implementing the triple bottom line concept. Applicants should propose a method to collect input from a diverse range of policymakers and practitioners and develop a broad spectrum of rural and urban best practices. EDA will work with the successful applicant to finalize the method for soliciting input and identifying and communicating best practices, as part of this phase of the project.

c. Identify variables and data sources.

The successful applicant is to identify the variables and data sources that will be used to determine the triple bottom line of economic development efforts. The applicant must consider the variety of types of economic development efforts, and as appropriate, distinguish the variables and data sources that would be needed to assess the triple bottom line of different types of projects.

In preparing an application, the applicant should consider whether variables for policymakers interested in determining the triple bottom line of a publicly funded initiative would be the same as those considered by local practitioners. If different variables are identified for the practitioner and policymaker groups, the applicant should specify why and how the variation will serve the needs of each group.

There is a growing body of work that describes ways to assess environmental impacts, social inclusion, and economic events. Examples of resources focused on one or more of these areas include: Ecological Footprint, eco-labels, and the United Nations International Council for Local Environmental Initiative’s approach to triple bottom line using the ecoBudget metric. The International Organization for Standardization (ISO) has several accredited standards useful for measuring greenhouse gas emissions. There are a range of Federal data sources, including the Census Bureau, Bureau of Labor Statistics, and Bureau of Economic Analysis, which offer information on economic and social variables. Applications under this competitive solicitation should reflect a familiarity with the data and body of work referenced above, as well as the appropriate academic literature. EDA will work with the successful applicant to identify the universe of variables and data sources as part of this phase of the awarded cooperative agreement.

d. Create a triple bottom line index for policymakers and practitioners.

The successful applicant will be expected to create an index that policymakers and practitioners can easily utilize to determine the triple bottom line of a particular economic development activity. The index should identify core variables and data sources in each of the three categories: social, environmental and economic. The successful applicant will be required to construct this index from publicly available data, where possible, to ensure that information can be accessible to the broadest array of stakeholders.

EDA will work with the successful applicant to consider implications of various variables as the index is constructed to ensure as unbiased a construction as possible. Information on the variables selected and data sources is to be submitted to EDA in a format that can be made available on EDA’s Web site.

e. Create an interactive Web-based tool.

As they are designing their proposals, applicants should refer to how the EDA-funded Innovation Index, created by the Indiana Business Research Center, makes data available in an easy-to-use format. The Innovation Index may be accessed at http://www.statsamerica.org/innovation/index.html. In their application submissions, applicants are encouraged to outline the structure, template, and unique features of the Web tool that would be created as part of an award made under this competitive solicitation.

To display the index of triple bottom line metrics, the successful applicant will be required to create and implement an interactive web-based display tool with search capability for determining the triple bottom line of economic development efforts, which can be housed on or linked to EDA’s Web site at http://www.eda.gov. The successful applicant must ensure that the index can be calculated for user-defined regions through the web-based tool.

f. Produce a final report.

The successful applicant will produce a final report that highlights the major findings of this research, provides policy recommendations, and offers lessons learned on how both policymakers and local practitioners can create and implement triple bottom line metrics to more effectively evaluate the true impact of economic development efforts. The report shall be posted on EDA’s Web site.

Any information disseminated to the public under this announcement is subject to the Information Quality Act (Pub. L. 106–554). For this reason, the successful applicant must comply with the Information Quality Guidelines issued by EDA pursuant to the Information Quality Act, which are designed to ensure and maximize the quality, objectivity, utility, and integrity of information disseminated by EDA. These guidelines can be found on EDA’s Web site at http://www.eda.gov.


Funding Availability: Funding appropriated under the Consolidated Appropriations Act, 2010 (Pub. L. 111–117, 123 Stat. 3034 at 3114 (2009)) is available for the economic development assistance programs authorized by the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3121 et seq.) (PWEDA), and for the Trade Adjustment Assistance for Firms Program under the Trade Act of 1974, as amended (19 U.S.C. 2341 et seq.). Funds in the amount of $255,000,000 have been appropriated for FY 2010 and shall remain available until expended.

For the Research and Evaluation program, EDA is allocating $1,500,000 in FY 2010. EDA anticipates that the award made under this competitive solicitation will involve a single-year project period and has allocated $500,000 for this purpose.

Statutory Authority: The authority for the Research and Evaluation program is section 207 of PWEDA (42 U.S.C. 3147). EDA’s regulations, which govern an award made under this notice and request for applications, are codified at
thirty percent, as determined by EDA, based on the relative needs of the region in which the project will be located. See section 204(a) of PWEDA (42 U.S.C. 3144) and 13 CFR 301.4(b)(1). The Assistant Secretary of Commerce for Economic Development has the discretion to establish a maximum EDA investment rate of up to one-hundred percent where the project: (i) Merits and is not otherwise feasible without an increase to the EDA investment rate; or (ii) will be of no or only incidental benefit to the recipient. See section 204(c)(3) of PWEDA (42 U.S.C. 3144) and 13 CFR 301.4(b)(4).

EDA will consider the nature of the contribution (cash or in-kind), the amount of any matching share funds, and fairly assess any in-kind contributions in evaluating the cost to the Government and the feasibility of the project budget (see the “Evaluation Criteria” section below). While cash contributions are preferred, in-kind contributions, fairly evaluated by EDA, may provide the non-Federal share of the total project cost. See section 204(b) of PWEDA (42 U.S.C. 3144) and section III.B of the FFO announcement for this request for applications. In-kind contributions, which may include assumptions of debt and contributions of space, equipment, and services, are eligible to be included as part of the non-Federal share of eligible project costs if they meet applicable Federal cost principles and uniform administrative requirements. Funds from other Federal financial assistance awards are not considered as matching share funds only if authorized by statute, which may be determined by EDA’s reasonable interpretation of the statute. See 13 CFR 300.3. The applicant must show that the matching share is committed to the project for the entire project period, will be available as needed, and is not conditioned or encumbered in any way that precludes its use consistent with the requirements of EDA investment assistance. See 13 CFR 301.5.

Intergovernmental Review: Applications under the Research and Evaluation program are not subject to Executive Order 12372, “Intergovernmental Review of Federal Programs.”

Application Review and Award Notification Information: To apply for an award under this request for applications, an eligible applicant must submit a completed application to EDA before the closing date and time specified in the “DATES” section of this notice, and in the manner provided in section IV.C of the FFO announcement. Any application received or transmitted, as the case may be, after 5 p.m. Eastern Time on August 13, 2010, will not be considered for funding. Applications that do not include all items required or that exceed the page limitations set forth in section IV.C of the FFO announcement will be considered non-responsive and will not be considered by the review panel. This competition solicitation may be subject to an external review panel, in addition to a panel comprised of at least three EDA staff members (all of whom will be full-time Federal employees) that will be formed to review applications. If any review panel convened for this competition is comprised of non-Federal reviewers, each reviewer will rate and rank each application. The review panel’s ratings and rankings will be presented to the Assistant Secretary, who is the Selecting Official, under this competitive solicitation. By September 15, 2010, EDA expects to notify the applicant selected for investment assistance under this notice.

Evaluation Criteria: Applications will be evaluated using the following criteria of approximate equal weight:

1. Conformance with EDA’s statutory and regulatory requirements, including the extent to which the proposed project satisfies the award requirements set out below and as provided in 13 CFR 306.2:
   • Strengthens the capacity of local, State, or national organizations and institutions to undertake and promote effective economic development programs targeted to regions of distress;
   • Benefits distressed regions; and
   • Demonstrates innovative approaches to stimulate economic development in distressed regions.

2. The degree to which an EDA investment will have strong organizational leadership, relevant project management experience, and a significant commitment of human resources talent to ensure the project’s successful execution (see 13 CFR 301.8(b)).

3. The ability of the applicant to successfully implement the proposed project (see 13 CFR 301.8).

4. The feasibility of the budget presented.

5. The cost to the Federal government.

6. The inclusion of a plan to distribute the research and project data to development practitioners through a project Web site that can be accessed free of charge.

7. The ability to complete key tasks within a timely manner.

8. The inclusion of a solid plan for sustaining the project after close of the project period.
Under this competitive solicitation, EDA will consider applications submitted only by applicants with the current capacity to undertake research that advances innovation in economic development practice or theory, and that have the potential for impact on a regional or national scale. See section 3 of PWEDA (42 U.S.C. 3122) and 13 CFR 300.3 and 306.2.

Selection Factors: The Assistant Secretary, as the Selecting Official, expects to fund the highest ranking application submitted under this competitive solicitation. However, if EDA does not receive satisfactory applications, the Assistant Secretary may not make any selection. Depending on the quality of the applications received, the Assistant Secretary may select more than one application. Also, the Assistant Secretary may select an application out of rank order for the following reasons: (1) A determination that the selected application better meets the overall objectives of sections 2 and 207 of PWEDA (42 U.S.C. 3121 and 3147); (2) the applicant’s performance under previous awards; or (3) the availability of funds.

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements: Administrative and national policy requirements for all Department of Commerce awards are contained in the Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements, published in the Federal Register on February 11, 2008 (73 FR 7696).

Paperwork Reduction Act: This request for applications contains collections of information subject to the requirements of the Paperwork Reduction Act (PRA). The Office of Management and Budget (OMB) has approved the use of Form ED–900 (Application for Investment Assistance) under control number 0610–0004. Forms SF–424 (Application for Federal Assistance); SF–424A (Budget Information—Non-Construction Programs); SF–424B (Assurances—Non-Construction Programs); SF–LLL (Disclosure of Lobbying Activities); and CD–346 (Applicant for Funding Assistance) are approved under OMB control numbers 0404–0004, 0404–0006, 4040–0007, 0348–0046, and 0605–0001, respectively. 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 PRA unless the collection of information displays a currently valid OMB control number.

Executive Order 12866: This notice has been determined to be not significant for purposes of Executive Order 12866.

Executive Order 13132: It has been determined that this notice does not contain “policies that have Federalism implications,” as that phrase is defined in Executive Order 13132.

Administrative Procedure Act/Regulatory Flexibility Act: Prior notice and an opportunity for public comments are not required by the Administrative Procedure Act or any other law for rules concerning grants, benefits, and contracts (5 U.S.C. 553(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) are inapplicable. Therefore, a regulatory flexibility analysis is not required and one has not been prepared.


Brian P. McGowan,
Deputy Assistant Secretary of Commerce for Economic Development.

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Number 126
Thursday, July 1, 2010
Section 30806
Page 38086

COMMODITY FUTURES TRADING COMMISSION

Technology Advisory Committee Meeting

The Commodity Futures Trading Commission’s (“Commission”) Technology Advisory Committee will conduct a meeting on Wednesday, July 14, 2010, beginning at 1 p.m. The meeting will be convened in the lobby-level Hearing Room at the Commission’s Headquarters at Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. The meeting is open to the public. Members of the public also can view the meeting by webcast through a link on the Commission’s Web site, http://www.cftc.gov.

This will be the first meeting of the reestablished Technology Advisory Committee, which will inform the Commission of technological issues and developments affecting the futures markets and, as needed, recommend action by the Commission. The meeting will be chaired by Commissioner Scott D. O’Malley, who is Chairman of the Technology Advisory Committee.

The agenda will consist of the following:
• Call to Order and Introductions
• Topics of Interest: Technological Trading in the Markets, High Frequency Trading, and Managing the Risk of Direct Access Trading
• Discussion of Future Meetings
• Adjournment

Any member of the public who wishes to file a written statement with the committee should mail a copy of the statement to the attention of:

Technology Advisory Committee, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581, before the meeting. Electronic statements may be submitted to techadvisory@cftc.gov.

For further information concerning this meeting, please contact Stephen Humenik, Designated Federal Officer, Technology Advisory Committee, at (202) 418–5314.

Issued by the Commission in Washington, DC, on June 25, 2010.

David A. Stawick,
Secretary of the Commission.

Sunshine Act Meetings

Sunshine Act Meetings

TIME AND DATE: 11 a.m., Friday, July 2, 2010.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

CONTACT PERSON FOR MORE INFORMATION:
Sauntia S. Warfield,
Assistant Secretary of the Commission.

Sunshine Act Meetings

TIME AND DATE: 11 a.m., Friday, July 9, 2010.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

CONTACT PERSON FOR MORE INFORMATION:
Sauntia S. Warfield,
Assistant Secretary of the Commission.

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 11 a.m., Friday, July 2, 2010.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

CONTACT PERSON FOR MORE INFORMATION:
Sauntia S. Warfield,
Assistant Secretary of the Commission.

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, July 9, 2010.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

CONTACT PERSON FOR MORE INFORMATION:
Sauntia S. Warfield,
Assistant Secretary of the Commission.
COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.
STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.


Sauntia S. Warfield,
Assistant Secretary of the Commission.
[FR Doc. 2010–16188 Filed 6–29–10; 4:15 pm]
BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 11 a.m., Friday July 30, 2009.
PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.
STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.


Sauntia S. Warfield,
Assistant Secretary of the Commission.
[FR Doc. 2010–16191 Filed 6–29–10; 4:15 pm]
BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 11 a.m., Friday July 23, 2010.
PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.
STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.


Sauntia S. Warfield,
Assistant Secretary of the Commission.
[FR Doc. 2010–16190 Filed 6–29–10; 4:15 pm]
BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2 p.m., Wednesday, July 21, 2010.
PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.
STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matters.


Sauntia S. Warfield,
Assistant Secretary of the Commission.
[FR Doc. 2010–16187 Filed 6–29–10; 4:15 pm]
BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary
[Docket ID DoD–2010–OS–0088]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense (Personnel and Readiness), DOD.
ACTION: Notice.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Under Secretary of Defense (Personnel and Readiness) announces the following proposed reinstatement of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency’s estimate of burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.
DATES: Consideration will be given to all comments received by August 30, 2010.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:
• Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, docket number and title for this Federal Register document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at http://www.regulations.gov as they are received without change, including any personal identifiers or contact information.

FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of the Under Secretary of Defense (Personnel and Readiness) (Military Personnel Policy) (Officer and Enlisted Personnel Management), ATTN: Lt Col Debra Lovette, USAF, 4000 Defense Pentagon, Washington, DC 20301–4000 or call (703) 697–4950.

Title, Associated Form, and OMB Control Number: Automated Repatriation Reporting System, DD Form 2585, OMB Control Number 0704–0334.

Needs and Uses: This information collection is necessary for personnel accountability of all evacuees, regardless of nationality, who are processed through designated Repatriation Centers throughout the United States. The information obtained from the DD Form 2585 is entered into an automated system; a series of reports is accessible to DoD Components, Federal and State agencies and Red Cross, as required.

Affected Public: Individuals or households, Federal government.

Annual Burden Hours: 1,667.
Number of Respondents: 5,000.
Responses per Respondent: 1.
Average Burden per Response: 20 minutes.
Frequency: One-time.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

Executive Order 12656 (Assignment of Emergency Preparedness Responsibilities) assigns Federal departments and agencies responsibilities during emergency situations. In its supporting role to the Departments of State and Health and Human Services (HHS), the Department of Defense will assist in planning for the protection, evacuation and repatriation of U.S. citizens in threatened areas overseas. The DD Form 2585, “Repatriation Processing Center Processing Sheet”, has numerous functions, but is primarily used for
personnel accountability of all evacuees who process through designated Repatriation Centers. During processing, evacuees are provided emergency human services, including food, clothing, lodging, family reunification, social services and financial assistance through federal entitlements, loans or emergency aid organizations. The information, once collected, is input into the Automated Repatriation Reporting System, and is available to designated offices throughout Departments of Defense, State, Health and Human Services, the American Red Cross and State government emergency planning offices for operational inquiries and reporting and future planning purposes.

Dated: June 28, 2010.

Mitchell S. Bryman,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2010–16004 Filed 6–30–10; 8:45 am]
BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE
Office of the Secretary

[Docket ID DoD–2010–OS–0086]

Proposed Collection; Comment Request

AGENCY: Defense Acquisition University, DOD.

ACTION: Notice.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Defense Acquisition University announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency’s estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 30, 2010.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

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

Instructions: All submissions received must include the agency name, docket number and title for this Federal Register document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at http://www.regulations.gov as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Acquisition University, 9820 Belvoir Rd., Fort Belvoir, VA 22060 Attn: Diane Cunha, or call 703–805–4288.

Title: Associated Form; and OMB Number: Defense Acquisition University, Student Information System (SIS); OMB Control Number 0704–TBD.

Needs and Uses: The information collection requirement is necessary to permit an individual to register for a DAU training course. The information is used to evaluate the individual’s eligibility for a course and to notify the individual of approval or disapproval of the request. It is also used to notify the training facility of assignments to classes, and for cost analysis, budget estimates and financial planning.

Affected Public: Individuals associated with the Army, Navy, Air Force, other defense-wide agencies, the federal government and defense contractors.

Annual Burden Hours: 7,500.

Number of Respondents: 90,000.

Responses Per Respondent: 1.

Average Burden Per Response: 5 minutes.

Frequency: Annually.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

Respondents are university applicants and instructors who willingly provide personal information to take courses administered by the Defense Acquisition University. Failure to provide required information results in the individual being denied access to DAU and its course offerings. The data is used by college officials to: Provide for the administration of and a record of academic performance of current, former and nominated students; verify attendance and grades; select instructors; make decisions to admit students to programs and to release students from programs; serve as a basis for studies to determine improved criteria for selecting students; and to develop statistics relating to duty assignments and qualifications.

Dated: June 28, 2010.

Mitchell S. Bryman,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2010–16001 Filed 6–30–10; 8:45 am]
BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE
Office of the Secretary

[Docket ID DoD–2010–OS–0090]

Proposed Collection; Comment Request

AGENCY: Defense Finance and Accounting Service, DoD.

ACTION: Notice.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Defense Finance and Accounting Service proposes to extend a public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency’s estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 30, 2010.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

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

Instructions: All submissions received must include the agency name, docket number and title for this Federal Register document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at http://www.regulations.gov as they are received without change, including any personal identifiers or contact information.
viewing on the Internet at http://www.regulations.gov as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Finance and Accounting Service, Attn: Lynnette Maldonado, 8899 E. 56th Street, Indianapolis, IN 46249; or call Lynnette Maldonado at 317–510–3937.

Title, Associated Form, and OMB Number: Customer Satisfaction Surveys—Generic Clearances; OMB Number: 0730–0003.

Needs and Uses: The information collection requirement is necessary to determine the kind and quality of services DFAS customers want and expect, as well as their satisfaction with DFAS’ existing services.

Affected Public: Individuals or Households, Businesses or other For-profit, Not-for-profit institutions, Federal Government, and State, Local or Tribal Governments.

Annual Burden Hours: Estimated 8,000.

Number of Respondents: Estimated 230,000.

Responses per Respondent: 1.

Average Burden per Response: 2 minutes.

Frequency: Annually/Transaction based.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

DFAS will conduct a variety of activities including but not necessarily limited to customer satisfaction surveys and transaction based telephone/Internet interviews. If the customer feedback activities were not conducted, DFAS would not only be in violation of E.O. 12862, but would also not have the knowledge necessary to provide the best service possible and provide unfiltered feedback from the customer for process improvement activities. The information collected provides information about customer perceptions and can help identify agency operations that need quality improvement, provide early detection of process or systems problems, and focus attention on areas where customer service and functional training or changes in existing operations will improve service delivery.

Dated: June 28, 2010.

Mitchell S. Bryman,
Alternate OSD Federal Register Liaison Officer, Department of Defense.
[FR Doc. 2010–16003 Filed 6–30–10; 8:45 am] BILING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2010–OS–0089]

Proposed Collection; Comment Request

AGENCY: Defense Finance and Accounting Service, DoD.

ACTION: Notice.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Defense Finance and Accounting Service announces the extension of a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 30, 2010.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

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


Instructions: All submissions received must include the agency name, docket number and title for this Federal Register document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at http://www.regulations.gov as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Military Pay, Standards and Compliance, Defense Finance and Accounting Service, DFAS–JJFMB/CL, Attn: Ms. Bonni Borosky, 1240 East 9th Street, Cleveland, Ohio 44199; or call Ms. Bonni Borosky, (216) 204–4363.

Title, Associated Form, and OMB Number: Dependency Statements; Parent (DD Form 137–3), Child Born Out of Wedlock Under Age 21 (DD Form 137–4), Incapacitated Child Over Age 21 (DD Form 137–5), Full Time Student 21–22 Years of Age (DD Form 137–6), and Ward of a Court (DD Form 137–7); OMB Number 0730–0014.

Needs and Uses: This information collection is used to certify dependency or obtain information to determine entitlement to basic allowance for housing (BAH) with dependent rate, travel allowance, or Uniformed Services Identification and Privilege Card. Information regarding a parent, a child born out-of-wedlock, an incapacitated child over age 21, a student age 21–22, or a ward of a court is provided by the military member or by another individual who may be a member of the public. Pursuant to 37 U.S.C. 401, 403, 406, and 10 U.S.C. 1072 and 1076, the member must provide more than one half of the claimed dependent’s monthly expenses. DoDFMR 7000.14–R, Vol. 7A, defines dependency and directs that dependency be proven. Dependency claim examiners use the information from these forms to determine the degree of benefits. The requirement to provide the information decreases the possibility of monetary allowances being approved on behalf of ineligible dependents.

Affected Public: Individuals or households.

Annual Burden Hours: 31587.5 hours.

Number of Respondents: 19,000.

Responses per Respondent: 1–3 (1.33 on average).

Average Burden per Response: 1.25 hours.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

When military members apply for benefits, they must complete the form which corresponds to the particular dependent situation (a parent, a child born out-of-wedlock, an incapacitated child over age 21, a student age 21–22, or a ward of a court). While members usually complete these forms, they can also be completed by others considered members of the public. Dependency claim examiners use the information from these forms to determine the degree of benefits. Without this
collection of information, proof of an entitlement to a benefit would not exist. The requirement to complete these forms helps alleviate the opportunity for fraud, waste, and abuse of dependent benefits.

Dated: June 28, 2010.

Mitchell S. Bryman,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2010–16007 Filed 6–30–10; 8:45 am]
BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2010–OS–0087]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense (Personnel and Readiness), DOD.

ACTION: Notice.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Under Secretary of Defense (Personnel and Readiness) announces the following proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency’s estimate of burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 30, 2010.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:


Instructions: All submissions received must include the agency name, docket number, and title for this Federal Register document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at http://www.regulations.gov as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of the Under Secretary of Defense (Personnel and Readiness), Department of Defense Education Activity, (Security and Safety Office), ATTN: Ms. Rose Chunik, 4040 North Fairfax Drive, Arlington, VA 22203, or call (703) 588–3251.

Title, Associated Form, and OMB Control Number: Department of Defense Education Activity School Volunteer Application: DoDEA Form 4700.3–F1; OMB Number 0704–TBD.

Needs and Uses: This information collection requirement is necessary to determine if a school volunteer applicant is suitable for a position involving extensive, frequent, or recurring unsupervised interaction with a student or students under the age of 18. Information will be used by school administrators as volunteers move between Department of Defense Education Schools and school districts world-wide.

Affected Public: Individuals or households.

Annual Burden Hours: 50 hours.

Number of Respondents: 150.

Responses per Respondent: 1.

Average Burden per Response: 20 minutes.

Frequency: One-time. Filling out a new application only occurs when a volunteer changes from one school to another school or if the volunteer has a 2-year break in school volunteer service.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

Information collection is necessary to determine if a school volunteer applicant is suitable for a position involving extensive, frequent, or recurring unsupervised interaction with a student or students under the age of 18. The DoDEA Form 4700.3–F1, “School Volunteer Application,” records the name, SSN, address, phone numbers, and e-mail address of the school volunteer applicant, and name and SSN of their sponsor. The DoDEA Form 4700.3–F1 also records the school volunteer’s selection of volunteer position(s) they are interested in, questions inquiring about their experience, and two specific questions required in accordance with Public Law 101–647, section 231. Data collected on this form is required to allow U.S. military installations world-wide to conduct the required background check (i.e. base and/or military police local files checks, Drug and Alcohol Program, Family Housing, Medical Treatment Facility for Family Advocacy Program Service Central Registry records and mental health records, and any other record checks as appropriate to the extent permitted by law).

Dated: June 28, 2010.

Mitchell S. Bryman,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2010–16006 Filed 6–30–10; 8:45 am]
BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID USA–2010–0016]

Proposed Collection; Comment Request

AGENCY: Office of the Administrative Assistant to the Secretary of the Army, (OAA–AAHS–RDR–C), DoD.

ACTION: Notice.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Department of the Army proposes to extend a public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency’s estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 30, 2010.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:


Instructions: All submissions received must include the agency name, docket number and title for this Federal Register document. The general policy
for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at http://www.regulations.gov as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of the Assistant Secretary of the Army (Manpower & Reserve Affairs)/G–1, Attn: SAMR–FMMR, (Dr. John Anderson), 111 Army Pentagon, Washington, DC 20310–0111; or call Department of the Army Reports clearance officer at (703) 428–6440. The Contractor Manpower Reporting System; OMB Control Number 0702–0120.

Needs and Uses: This program greatly enhances the ability of the Army to identify and track its contractor workforce. Current systems do not have contractor manpower data that is collected by the contractor Manpower Reporting System—i.e., Direct Labor Hours, Direct Labor Dollars and Organization supported. Existing financial and procurement systems have obligation amounts of an unknown mix of services and supplies, and the Department of the Army is not able to trace the funding to the organization supported. Like all other Federal Government agencies, the Army’s reliance on service contractor employees has increased significantly over the past few years.

Affected Public: Business or other for profit.

Annual Burden Hours: 1,018.
Number of Respondents: 12,215.
Responses per Respondent: 1.
Average Burden per Response: 5 minutes.
Frequency: Annually.

SUPPLEMENTARY INFORMATION:
Summary of Information Collection

The Contractor Manpower Reporting System represents a program aimed at obtaining information regarding the use of contractor employees by the Army. Reliance on contractors in support of military operations will continue and likely grow. This guidance emphasizes the fact that armed forces are deploying and will deploy without a standard means of tracking the contractor workforce. Section 807 of the National Defense Authorization Act for Fiscal Year 2008 requires the Secretary of Defense not later than the third quarter of each fiscal year to submit to Congress an annual inventory of the activities performed during the preceding year pursuant to contracts for services for or on behalf of the Department of Defense.

Dated: June 28, 2010.

Mitchell S. Bryman,
Alternate OSD Federal Register Liaison Officer, Department of Defense. [FR Doc. 2010–16002 Filed 6–30–10; 8:45 am]
BILING CODE 5001–06–P

DEPARTMENT OF ENERGY
Agency Information Collection Extension

AGENCY: U.S. Department of Energy.

ACTION: Submission for Office of Management and Budget (OMB) review; comment request

SUMMARY: The Department of Energy (DOE) has submitted an information collection request to the OMB for extension under the provisions of the Paperwork Reduction Act of 1995. The information collection requests a three-year extension of its Weatherization Assistance Program, OMB Control Number 1910–5127. The proposed collection will collect information on the status of grantee activities, expenditures, and results, to ensure that program funds are being used appropriately, effectively and expeditiously (especially important for Recovery Act funds).

DATES: Comments regarding this collection must be received on or before August 2, 2010. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, please advise the OMB Desk Officer of your intention to make a submission as expeditiously (especially important for Recovery Act funds).

AFFICTIONED PUBLIC: Business or other for profit.

Annual Burden Hours: 1,018.
Number of Respondents: 12,215.
Responses per Respondent: 1.
Average Burden per Response: 5 minutes.
Frequency: Annually.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

The Contractor Manpower Reporting System represents a program aimed at obtaining information regarding the use of contractor employees by the Army. Reliance on contractors in support of military operations will continue and likely grow. This guidance emphasizes the fact that armed forces are deploying and will deploy without a standard means of tracking the contractor workforce. Section 807 of the National Defense Authorization Act for Fiscal Year 2008 requires the Secretary of Defense not later than the third quarter of each fiscal year to submit to Congress an annual inventory of the activities performed during the preceding year pursuant to contracts for services for or on behalf of the Department of Defense.

Dated: June 28, 2010.

Mitchell S. Bryman,
Alternate OSD Federal Register Liaison Officer, Department of Defense. [FR Doc. 2010–16002 Filed 6–30–10; 8:45 am]
BILING CODE 5001–06–P

DEPARTMENT OF ENERGY
Agency Information Collection Extension

AGENCY: U.S. Department of Energy.

ACTION: Submission for Office of Management and Budget (OMB) review; comment request

SUMMARY: The Department of Energy (DOE) has submitted an information collection request to the OMB for extension under the provisions of the Paperwork Reduction Act of 1995. The information collection requests a three-year extension of its Weatherization Assistance Program, OMB Control Number 1910–5127. The proposed collection will collect information on the status of grantee activities, expenditures, and results, to ensure that program funds are being used appropriately, effectively and expeditiously (especially important for Recovery Act funds).

DATES: Comments regarding this collection must be received on or before August 2, 2010. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, please advise the OMB Desk Officer of your intention to make a submission as
soon as possible. The Desk Officer may be telephoned at 202–395–4650.

ADDRESS: Written comments should be sent to the DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street, NW., Washington, DC 20503; and to Faith Lambert, U.S. Department of Energy, EE–K/Forrestal Building, 1000 Independence Ave., SW., Washington, DC 20585 or by fax at 202–287–7145, or by e-mail at faith.lambert@ee.doe.gov.

FOR FURTHER INFORMATION CONTACT: Faith Lambert, U.S. Department of Energy, EE–K/Forrestal Building, 1000 Independence Ave., SW., Washington, DC 20585 or by fax at 202–287–7145, or by e-mail at faith.lambert@ee.doe.gov.

SUPPLEMENTARY INFORMATION: This information collection request contains: (1)OMB No. 1910–5126; (2) Information Collection Request Title: State Energy Program; (3) Type of Review: Renewal; (4) Purpose: To collect information on the status of grantees activities, expenditures, and results, to ensure that program funds are being used appropriately, effectively and expeditiously (especially important for Recovery Act funds); (5) Annual Estimated Number of Respondents: 56; (6) Annual Estimated Number of Total Responses: 672; (7) Annual Estimated Number of Burden Hours: 1,344; (8) Annual Estimated Reporting and Recordkeeping Cost Burden:


[FR Doc. 2010–16111 Filed 6–29–10; 11:15 am]
BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[FE Docket No. 10–57–LNG]

The Dow Chemical Company; Application for Blanket Authorization To Export Liquefied Natural Gas

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of an application (Application), filed on May 26, 2010, by The Dow Chemical Company (Dow), requesting blanket authorization to export liquefied natural gas (LNG) that previously had been imported into the United States from foreign sources in an amount up to the equivalent of 390 billion cubic feet (Bcf) of natural gas on a short-term or spot market basis. The LNG would be exported from existing facilities on Quintana Island, Texas, to any country with the capacity to import LNG via ocean-going carrier and with which trade is not prohibited by U.S. law or policy. Dow seeks to export the LNG over a two-year period commencing on the date of the authorization. The application was filed under section 3 of the Natural Gas Act (NGA), as amended by section 201 of the Energy Policy Act of 1992. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures, and written comments are to be filed at the address listed below in ADDRESSES no later than 4:30 p.m., et al., August 2, 2010.


SUPPLEMENTARY INFORMATION:

Background

Dow is a Delaware corporation with its principal place of business in Midland, Michigan. Dow is an international chemical and plastics manufacturing company with operations in a number of U.S. states. Dow owns and operates a large petrochemical manufacturing facility in Freeport, Texas, which is in close proximity to the LNG import/export terminal owned and operated by Freeport LNG Development, L.P. (FLNG) on Quintana Island, Texas. Dow contracted terminal capacity from FLNG for a twenty-year period beginning in July 2008 in order to secure natural gas supplies for various operations at its Freeport petrochemical facility. Dow’s Freeport facility has the capability to receive regasified LNG from the FLNG terminal via several pipelines that extend directly to its petrochemical manufacturing plant.

On February 25, 2010, FE granted Dow blanket authorization to import and export natural gas from and to Canada and Mexico and to import LNG from various international sources for a two-year term beginning on June 1, 2010. Under the terms of the blanket authorization, the LNG may be imported to any LNG receiving facility in the United States or its territories.

Current Application

In the instant application, Dow is seeking blanket authorization to export from the FLNG terminal LNG that has been previously imported from foreign sources to any country with the capacity to import LNG via ocean-going carrier and with which trade is not prohibited by U.S. law over a two-year period, on a short-term or spot market basis, in an amount up to the equivalent of 390 Bcf of natural gas. Dow further requests that the authorization extend to LNG supplies imported from foreign sources to which Dow acquires title, as well as to LNG supplies imported from foreign sources that Dow may export on behalf of other entities who themselves hold title. Dow states that it does not seek authorization to export domestically-produced natural gas.

Public Interest Considerations

In support of its application, Dow states that pursuant to section 3 of the NGA, FE is required to authorize exports to a foreign country unless there is a finding that such exports “will not be consistent with the public interest.” Dow states that section 3 thus creates a statutory presumption in favor of a properly framed export application. Dow states further that the public interest determination is guided by DOE Delegation Order No. 0204–111, which provides that the domestic need for natural gas is the principal factor to be considered when evaluating an export application.

As detailed in the application, Dow states the blanket export authorization requested by Dow satisfies the public interest standard for the following

1 The Dow Chemical Company, DOE/FE Order No. 2754 issued February 25, 2010.
2 15 U.S.C. 717b(a)
3 Phillips Alaska Natural Gas Corp and Marathon Oil Co., DOE/FE Order No. 1473 (2 FE ¶ 70.317) at 13 (April 2, 1999), citing Panhandle Producers and Royalty Owners Association v. ERA, 822 F.2d 1105, 1111 (DC Cir. 1987).
4 Id at 14.
reasons. Dow states that the LNG that may be exported pursuant to the blanket authorization requested in the Application is not needed to meet domestic demand. Dow states that granting the requested export authorization will facilitate the importation of LNG into the United States. Dow also states that granting the requested export authorization will not reduce domestically-produced natural gas supplies. Finally, Dow states that granting the requested export authorization will have positive international effects. Further details can be found in the Application.

Environmental Impact

Dow states that its requested export authorization does not raise any environmental concerns. Dow states that FERC performed an environmental review under the National Environmental Policy Act (NEPA), with DOE acting as a cooperating agency, prior to granting FLNG the authority to modify its LNG terminal facilities to enable LNG exports as well as imports. Dow states that DOE/FE relied on such NEPA review and found it to be sufficient in the granting of FLNG’s application for blanket authority to export previously imported LNG as well as the granting of authority to ConocoPhillips Company to export previously imported LNG from the FLNG terminal. Dow asserts that consequently, the same conclusion is applicable to this Application insofar as the blanket authorization requested by Dow is substantially identical to the blanket authorization granted to FLNG and ConocoPhillips Company.

DOE/FE Evaluation

This export application will be reviewed pursuant to section 3 of the NGA, as amended, and the authority contained in DOE Delegation Order No. 00–002.001 (Nov. 10, 2009) and DOE Redelegation Order No. 00–002.04D (Nov. 6, 2007). In reviewing this LNG export application, DOE will consider domestic need for the gas, as well as any other issues determined to be appropriate, including whether the arrangement is consistent with DOE’s policy of promoting competition in the marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Parties that may oppose this application should comment in their responses on these issues.

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq., requires DOE to give appropriate consideration to the environmental effects of its proposed decisions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene, or notice of intervention and written comments, as provided in DOE’s regulations at 10 CFR 590.301, et seq. Any person wishing to become a party to the proceeding and to have their written comments considered as a basis for any decision on the application must file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to the application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments shall be filed with the Office of Oil and Gas Global Security and Supply at the address listed above.

A decisional record on the application will be developed through responses to this notice by parties, including the parties’ written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final Opinion and Order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

The application filed by Dow is available for inspection and copying in the Office of Oil and Gas Global Security and Supply docket room, 3E–042, 1000 Independence Avenue, SW., Washington, DC 20585. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The application is also available electronically by going to the following web address: http://www.fe.doe.gov/programs/gasregulation/index.html.

Issued in Washington, DC, on June 28, 2010.

John A. Anderson,
Manager, Natural Gas Regulatory Activities, Office of Oil and Gas Global Security and Supply, Office of Fossil Energy.

[FR Doc. 2010–16044 Filed 6–30–10; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[FE Docket No. 10–63–LNG]

ConocoPhillips Alaska Natural Gas Corporation and Marathon Oil Company; Application for Blanket Authorization To Export Liquefied Natural Gas

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of an application, filed jointly on June 8, 2010, by ConocoPhillips Alaska Natural Gas Corporation (CPANGC) and Marathon Oil Company (Marathon) (collectively Applicants), requesting blanket authorization to export a quantity of liquefied natural gas (LNG) equal to the difference between the 99 trillion British thermal units (BTUs) authorized in DOE/FE Order Nos. 2500 and 2500–A, and the cumulative volume that is ultimately exported by Applicants under their currently-effective blanket authorization from April 1, 2009, through March 31, 2011. Applicants seek blanket authorization to export this volume of LNG from facilities located near Kenai, Alaska, to Japan and/or one or more other countries globally with which trading is not prohibited by U.S. law for a two-year period commencing April 1, 2011, and terminating March

5 Freeport LNG Development, L.P., Order No. 2644, June 8, 2009 at p. 12.

6 ConocoPhillips Company, DOE/FE Order No. 2731, November 30, 2009 at p. 11.
31, 2013. The application was filed under section 3 of the Natural Gas Act (NGA), as amended by section 201 of the Energy Policy Act of 1992, and 10 CFR part 390 of DOE’s regulations. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures, and written comments are to be filed at the address listed below in ADDRESSES no later than 4:30 p.m., eastern time, August 2, 2010.


SUPPLEMENTARY INFORMATION:

Background

CPANGC, a Delaware corporation with its principal place of business in Anchorage, Alaska, is a wholly-owned subsidiary of ConocoPhillips Company, a publicly-traded Delaware corporation. Marathon is an Ohio corporation with its principal place of business in Houston, Texas. CPANGC and Marathon are not affiliated. Applicants are joint indirect owners of natural gas liquefaction and marine terminal facilities near Kenai, Alaska, (Kenai LNG Facility) 1 on Cook Inlet in Southcentral Alaska.

Existing Blanket Authorization

On June 3, 2008, in DOE/FE Order No. 2500, FE granted Applicants blanket authorization to export up to 99 TBTus of LNG (the equivalent of 98.1 Billion cubic feet (Bcf) of natural gas) from the Kenai LNG Facility to Japan and/or one cubic feet (Bcf) of natural gas) from the United States to any foreign country unless there is a finding that the export “will not be consistent with the public interest.” 2 Applicants state that FE found that section 3 of the NGA creates a statutory presumption in favor of approval of a properly-framed export application, which opponents bear the burden of overcoming. 3 Applicants state that FE’s public interest determination is guided by DOE Delegation Order No. 0204–111, which “designates domestic need for the natural gas proposed to be exported as the only explicit criterion that must be considered in determining the public interest.” 4 Applicants state that FE has found the regional need for the natural gas proposed to be exported to be the principal focus of its review for an application for authorization to export LNG from the State of Alaska. 5

Applicants also state that FE has in turn evaluated regional need by determining whether there is sufficient evidence that regional natural gas supplies will be adequate to meet both regional needs and the proposed LNG export during the relevant export period, and that FE has also considered other factors to the extent they are shown to be relevant to the public interest determination for an export authorization.

Finally, Applicants state that the application is not inconsistent with the public interest for the following reasons, as well as more detailed reasons set forth in the application:

First, the Applicants contend that the natural gas to be exported has already been determined to be surplus to regional needs on a reserve basis by FE in DOE/FE Order No. 2500. Therefore, according to the Applicants, the LNG to be exported during the two-year period will not be needed to satisfy regional demand for natural gas;

Second, the Applicants allege that allowing them to have an additional two years to complete the export of these volumes will not jeopardize service to the local markets into which this natural gas might otherwise be sold; to the contrary, it will serve to enhance the supply security of these markets on a day-by-day basis during the export term in the following ways:

(a) The Kenai LNG Facility will continue to provide a critical back-up natural gas supply service for the local market in times of peak needs on the coldest days of the year; and

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1 The Kenai LNG Facility is owned by the Kenai LNG Corporation. CPANGC has a 70% ownership interest and Marathon has a 30% ownership interest in Kenai LNG Corporation.

2 15 U.S.C. 717b. Natural gas is defined to include LNG in 10 CFR part 590.102(d) (2010).

3 DOE/FE Order No. 1473 at p. 13, citing, Panhandle Producers and Royalty Owners Association v. EBA, 622 F.2d 1165, 1111 (DC Cir. 1980); the court found Section 3 of the NGA “requires an affirmative showing of inconsistency with the public interest to deny an application” and that a “presumption favoring * * * authorization * * * is completely consistent with, if not mandated by, the statutory directive.” See also Independent Petroleum Association v. EBA, 870 F.2d 168, 172 (5th Cir. 1989); Panhandle Producers and Royalty Owners Association v. EBA, 847 F.2d 1168, 1176 (5th Cir. 1988).


5 Order No. 1473 at p. 15, n. 48; DOE/FE Order No. 2500 at pp. 44–45.
(b) During the summer months, the Kenai LNG Facility’s base level of demand will ensure that production from natural gas wells are not curtailed or shut-in, thereby protecting reserves and well deliverability to serve utility demand during the colder months.

Third, the Applicants maintain that in the longer term, the maintenance of the Kenai LNG Facility creates options for future uses that would enhance natural gas supplies for local consumption, including possible retrofiting of the facility to provide regasification capacity so that it could function as a storage facility; conversion into an import and LNG regasification terminal; and use of the existing terminal for exports to support the economic viability of a “bullet line” from Alaska’s North Slope.

Fourth, the Applicants submit that a number of studies of natural gas reserves support the conclusion that there are sufficient supplies to satisfy local demand and the proposed export authorization.

Fifth, with the recent execution of two natural gas supply contracts with local utilities, the Applicants maintain that virtually all of the local utilities’ projected gas needs through the term of the requested authorization will be satisfied, and Applicants, as suppliers to these utilities, will take their supply obligations into account in determining the extent to which to use their requested export authorization.

Sixth, the Applicants contend that the Kenai LNG Facility provides local economic benefits, including as an employer and as a source of royalties and taxes for the State of Alaska and the Kenai Peninsula Borough.

**Request for Expedited Action**

Applicants request that FE act upon their application as expeditiously as possible, preferably within 90 days.

**Environmental Impact**

Applicants state that approval of the requested export authorization is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq., and no environmental impact statement or environmental assessment is required. Applicants state that the proposed export of LNG would not require any changes to the Kenai LNG Facility. Applicants state that the LNG manufacturing and storage facilities that will be utilized during the blanket authorization already exist and have been operated safely without major disruption of supply or accident from their startup in 1969.

**DOE/FE Evaluation**

This export application will be reviewed pursuant to section 3 of the NGA, as amended, and the authority contained in DOE Delegation Order No. 00–002.001 (Nov. 10, 2009) and DOE Redelegation Order No. 00–002.04D (Nov. 6, 2007). In reviewing this LNG export application, DOE will consider domestic need for the gas, as well as any other issues determined to be appropriate, including whether the arrangement is consistent with DOE’s policy of promoting competition in the marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Parties that may oppose this application should comment in their responses on these issues.

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq., requires DOE to give appropriate consideration to the environmental effects of its proposed decisions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

**Public Comment Procedures**

In response to this notice, any person may file a protest, motion to intervene, or notice of intervention and written comments, as provided in DOE’s regulations at 10 CFR 590.301, et seq. Any person wishing to become a party to the proceeding and to have their written comments considered as a basis for any decision on the application must file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to the application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments shall be filed with the Office of Oil and Gas Global Security and Supply at the address listed above.

A decisional record on the application will be developed through responses to this notice by parties, including the parties’ written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final Opinion and Order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

The application filed by Applicants is available for inspection and copying in the Office of Oil and Gas Global Security and Supply docket room, 3E–042, 1000 Independence Avenue, SW., Washington, DC 20585. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The application is also available electronically by going to the following Web address: http://www.fe.doe.gov/programs/gasregulation/index.html.

Issued in Washington, DC on June 28, 2010.

John A. Anderson,
Manager, Natural Gas Regulatory Activities, Office of Oil and Gas Global Security and Supply, Office of Fossil Energy.

[FR Doc. 2010–16042 Filed 6–30–10; 8:45 am]

BILLING CODE 4500–01–P

**FEDERAL DEPOSIT INSURANCE CORPORATION**

**Agency Information Collection Activities: Proposed Collection Renewal; Comment Request**

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Notice and request for comment.

**SUMMARY:** The FDIC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal
agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). Currently, the FDIC is soliciting comments concerning the collection of information titled: Asset Securitization (3064–0137).

DATES: Comments must be submitted on or before August 30, 2010.

ADDRESSES: Interested parties are invited to submit written comments. All comments should refer to the name and number of the collection. Comments may be submitted by any of the following methods:
- E-mail: comments@fdic.gov.
- Hand Delivery: Comments may be hand-delivered to the guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m.

A copy of the comments may also be submitted to the OMB Desk Officer for the FDIC, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Gary A. Kuiper (address above).


General Description of Collection: The collection applies to institutions engaged in asset securitization and consists of a written asset securitization policy, the documentation of fair value of retained interests, and a management information system to monitor securitization activities. Bank management uses this information as the basis for the safe and sound operation of their asset securitization activities and to ensure that they minimize operational risk in these activities. The FDIC uses the information to evaluate the quality of a bank’s risk management practices. The FDIC also uses the information to assist banks lacking proper internal supervision of their asset securitization activities with the implementation of corrective action to ensure that the activities are conducted in a safe and sound manner.

Request for Comment Comments are invited on: (a) Whether this collection of information is necessary for the proper performance of the FDIC’s functions, including whether the information has practical utility; (b) the accuracy of the estimate of the burden of the information collection, 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 information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the collection should be modified prior to submission to OMB for review and approval. Comments submitted in response to this notice also will be summarized or included in the FDIC’s request to OMB for renewal of this collection. All comments will become a matter of public record.

Dated at Washington, DC, this 28th day of June, 2010. Federal Deposit Insurance Corporation. Valerie J. Best, Assistant Executive Secretary.
Estimated annual reporting hours: 210 hours.
Estimated average hours per response: 70 hours.
Number of respondents: 3.

General description of report: This information collection is mandatory and authorized pursuant to the Federal Reserve Act (12 U.S.C. 248(i) & (j), 342, 248(o), 360, and 464). Also, in order to carry out the purposes of the Expedited Funds Availability Act, Public Law 100–86, 101 Stat. 635 (1985) (codified as amended at 12 U.S.C. 4001–4010), the Federal Reserve is given the authority to “regulate any aspect of the payment system.” 12 U.S.C. 4008(c)(1). Because the self-assessments are to be publicly disclosed and because the Federal Reserve will not collect any information pursuant to this information collection beyond what is made publicly available, no confidentiality issue arises with regard to the FR 4102.

Abstract: The FR 4102 was implemented in January 2007 as a result of revisions to the Federal Reserve’s Payments System Risk (PSR) policy. Under the revised policy, systemically important payments and settlement systems subject to the Federal Reserve’s authority are expected to complete and disclose publicly self-assessments against the principles and minimum standards in the policy. The self-assessment should be reviewed and approved by the system’s senior management and board of directors upon completion and made readily available to the public. In addition, a self-assessment should be updated following material changes to the system or its environment and, at a minimum, reviewed by the system every two years.

Current Actions: On April 23, 2010, the Federal Reserve published a notice in the Federal Register (75 FR 21293) seeking public comment for 60 days on the proposal to extend, without revision, the FR4102. The comment period for this notice expired on June 22, 2010. The Federal Reserve did not receive any comments.

Robert DeV. Frierson, Deputy Secretary of the Board.

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 Chicago

[Colette A. Fried, Assistant Vice President] 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. John V. Tippmann, Sr., as an individual; John V. Tippmann, Sr.; John and Helen McCarthy; Richard and Sally Ley; John Tippmann, Jr.; Patrick Tippmann; and Brian and Jennifer Backstrom, all of Fort Wayne, Indiana, as a group acting in concert; to acquire voting shares of Tower Financial Corporation, and thereby indirectly acquire voting shares of Tower Bank & Trust Company, both of Fort Wayne, Indiana.

2. Keith E. Busse, as an individual; Keith E. Busse; Busse Family Investment Company, LLC; Aaron R. Busse; Dawn R. Zimmerman; Michael S. Busse; Angie S. Weidler; Christopher K. Busse, as co-managers of the Busse Family Investment Company LLC, all of Fort Wayne, Indiana, as a group acting in concert; to acquire voting shares of Tower Financial Corporation, and thereby indirectly acquire voting shares of Tower Bank & Trust Company, both of Fort Wayne, Indiana.

B. Federal Reserve Bank of Minneapolis

(Jacqueline G. King, Community Affairs Officer) 90 Hennepin Avenue, Minneapolis, Minnesota 55408–0291:

1. Margaret Morten, Eden Prairie, Minnesota; to acquire and retain control of Vision Bancshares, Inc., and thereby indirectly acquire and retain control of Vision Bank, both of Saint Louis Park, Minnesota.
from OMB for each collection of information they conduct or sponsor. “Collection of information” means agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. 44 U.S.C. § 3502(3), 5 CFR § 1320.3(c). Because the number of entities affected by the Commission’s requests will exceed ten, the Commission plans to seek OMB clearance under the PRA. As required by § 3506(c)(2)(A) of the PRA, the Commission is providing this opportunity for public comment before requesting that OMB extend the existing paperwork clearance for the information collection requirements associated with the Commission’s regulations under the FTC’s Rule Concerning Disclosure of Written Consumer Product Warranty Terms and Conditions (the “Warranty Rule”) (OMB Control Number 3084-0111), 16 CFR 701.

The Warranty Rule is one of three rules5 that the FTC implemented pursuant to requirements of the Magnuson-Moss Warranty Act, 15 U.S.C. 2301 et seq. (“Warranty Act” or “Act”).2 The Warranty Rule specifies the information that must appear in a written warranty on a consumer product costing more than $15. The Rule tracks Section 102(a) of the Warranty Act,3 specifying information that must appear in the written warranty and, for certain disclosures, mandates the exact language that must be used.4 Neither the Warranty Rule nor the Act requires that a manufacturer or retailer warrant a consumer product in writing, but if they choose to do so, the warranty must comply with the Rule.

Request for Comments

The FTC invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate

automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. All comments should be filed as prescribed below, and must be received on or before August 30, 2010.

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 Federal Trade Commission Act (“FTC Act”), 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). Comments containing 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).5

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 web link: (https://public.commentworks.com/ftc/consumerwarrantypra) (and following the instructions on the web-based form). To ensure the Commission considers an electronic comment, you must file it on the web-based form at the web link: (https://public.commentworks.com/ftc/consumerwarrantypra). 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.

5 The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission’s General Counsel, consistent with applicable law and the public interest. See FTC Rule 4.9(c), 16 CFR 4.9(c).

A comment filed in paper form should include the “Warranty Rules: Paperwork Comment, FTC File No. P044403” 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 J), 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 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/privacy.shtm).

Warranty Rule Burden Statement:

Total annual hours burden: 127,000 hours, rounded to the nearest thousand.

In its 2007 submission to OMB, the FTC estimated that the information collection burden of including the disclosures required by the Warranty Rule was approximately 107,000 hours per year. Although the Rule’s information collection requirements have not changed, this estimate increases the number of manufacturers subject to the Rule based on recent Census data. Nevertheless, because most warrantors would now disclose this information even if there were no statute or rule requiring them to do so, staff’s estimates likely overstate the PRA-related burden attributable to the Rule. Moreover, the Warranty Rule has been in effect since 1976, and warrantors have long since modified their warranties to include the information the Rule requires.

Based on conversations with various warrantors’ representatives over the years, staff has concluded that eight hours per year is a reasonable estimate of warrantors’ PRA-related burden.

The rulemaking process began in July 1975 with a Notice of Proposed Rulemaking (NPRM) that appeared in the Federal Register on July 18, 1975 (40 FR 60168). In its 2007 submission to OMB, the FTC estimated that the information collection burden of including the disclosures required by the Warranty Rule was approximately 107,000 hours per year. Although the Rule’s information collection requirements have not changed, this estimate increases the number of manufacturers subject to the Rule based on recent Census data. Nevertheless, because most warrantors would now disclose this information even if there were no statute or rule requiring them to do so, staff’s estimates likely overstate the PRA-related burden attributable to the Rule. Moreover, the Warranty Rule has been in effect since 1976, and warrantors have long since modified their warranties to include the information the Rule requires.
attributable to the Warranty Rule. This estimate takes into account ensuring that new warranties and changes to existing warranties comply with the Rule. Based on recent Census data, staff now estimates that there are 15,922 manufacturers covered by the Rule. This results in an annual burden estimate of approximately 127,376 hours (15,922 manufacturers x 8 hours of burden per year).

Total annual labor costs: $16,941,000, rounded to the nearest thousand.

Labor costs are derived by applying appropriate hourly cost figures to the burden hours described above. The work required to comply with the Warranty Rule—ensuring that new warranties and changes to existing warranties comply with the Rule—requires a mix of legal analysis and clerical support. Staff estimates that half of the total burden hours (63,688 hours) requires legal analysis at an average hourly wage of $250 for legal professionals, resulting in a labor cost of $15,922,000. Assuming that the remaining half of the total burden hours requires clerical work at an average hourly wage of $16, the resulting labor cost is approximately $1,019,008. Thus, the total annual labor cost is approximately $16,941,008 ($15,922,000 for legal professionals + $1,019,008 for clerical workers).

Total annual capital or other nonlabor costs: $0.

The Rule imposes no appreciable current capital or start-up costs. As stated above, warrantors have already modified their warranties to include the information the Rule requires. Rule compliance does not require the use of any capital goods, other than ordinary office equipment, which providers would already have available for general business use.

Willard Tom,
General Counsel.

[FR Doc. 2010–16048 Filed 6–30–10; 8:45 am]
BILLING CODE 6750–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Establishment of the Advisory Group on Prevention, Health Promotion, and Integrative and Public Health

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of Public Health and Science.

ACTION: Notice.


SUMMARY: The U.S. Department of Health and Human Services announces establishment of the Advisory Group on Prevention, Health Promotion, and Integrative and Public Health, as directed by Executive Order 13544.

FOR FURTHER INFORMATION CONTACT: Olga Nelson, Committee Management Officer, Office of Public Health and Science, Department of Health and Human Services, 200 Independence Avenue, SW., Room 714B, Washington, DC 20201, Telephone: (202) 690–5205; Fax: (202) 401–2222.

SUPPLEMENTARY INFORMATION: The President has issued Executive Order 13544, dated June 10, 2010, to comply with the statutes under Section 4001 of the Patient Protection and Affordable Care Act, Public Law 111–148. The legislation mandates that the President shall establish the Advisory Group on Prevention, Health Promotion, and Integrative and Public Health (the “Advisory Group”) within the Department of Health and Human Services. To comply with the statute, stipulations in the authorizing directive, and guidelines under the Federal Advisory Committee Act (FACA), a charter has been filed to establish the Advisory Group. The charter has been filed with the Committee Management Secretariat in the General Services Administration (GSA), the appropriate committees in the Senate and U.S. House of Representatives, and the Library of Congress to establish the Advisory Group as a non-discretionary Federal advisory committee. The charter was filed on June 24, 2010.

Objectives and Scope of Activities. The Advisory Group shall provide recommendations and advice to the National Prevention, Health Promotion, and Public Health Council (the “Council”). The Advisory Group shall provide assistance to the Council in carrying out its mission. The Advisory Group shall develop policy and program recommendations and advise the Council on lifestyle-based chronic disease prevention and management, integrative health care practices, and health promotion.

Membership and Designation. The Advisory Group shall be composed of not more than 25 non-Federal members to be appointed by the President. In appointing members, the President shall ensure that the Advisory Group includes a diverse group of licensed health professionals, including integrative health practitioners who have expertise in (1) worksite health promotion; (2) community services, including community health centers; (3) preventive medicine; (4) health coaching; (5) public health education; (6) geriatrics; and rehabilitation medicine.

The Advisory Group shall report to the Surgeon General. The Surgeon General shall select one of the appointed members to serve as Chair of the Advisory Group. The non-Federal members of the Advisory Group shall be classified as special Government employees (SGEs).

Administrative Management and Support. HHS will provide funding and administrative support for the Advisory Group to the extent permitted by law within existing appropriations. Staff will be assigned to a program office established to support the activities of the Advisory Group. Management and oversight for support services provided to the Advisory Group will be the responsibility of the Office of Public Health and Science, which is a staff division within the Office of the Secretary, HHS.

A copy of the charter for the Advisory Group can be obtained from the designated contacts or by accessing the FACA database that is maintained by the GSA Committee Management Secretariat. The Web site for the FACA database is http://fido.gov/facdatabase/.


Regina Benjamin,
VADM, USPHS, Surgeon General.

[FR Doc. 2010–16049 Filed 6–30–10; 8:45 am]
BILLING CODE 4150–28–P

6 Because some manufacturers likely make products that are not priced above $15 or not intended for household use—and thus would not be subject to the Rule—this figure is likely an overstatement.

7 Staff has derived an hourly wage rate for legal professionals based upon industry knowledge. The clerical wage rate used in this Notice is based on recent data from the Bureau of Labor Statistics National Compensation Survey.
DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institute of Environmental Health Sciences Superfund Hazardous Substance Research and Training Program Strategic Plan; Request for Comments

ACTION: Notice.

SUMMARY: The National Institute of Environmental Health Sciences (NIEHS), a research institute of the National Institutes of Health (NIH) within the Department of Health and Human Services (DHHS), is seeking comments on this draft National Institute of Environmental Health Sciences Superfund Hazardous Substance Research and Training Program (SRP) Strategic Plan.

DATES: To assure consideration, comments must be received by 30 days following the date of publication of this notice.

ADDRESSES: Comments may be e-mailed to Srpinfo@niehs.nih.gov.

Introduction

The National Institute of Environmental Health Sciences (NIEHS) Superfund Hazardous Substance Research and Training Program (SRP) is a critical player in the national effort to protect Human health and the environment from hazardous substances. The university-based research program was created under the Superfund Amendments and Reauthorization Act (SARA) of 1986 to meet the need for innovative strategies and technologies to provide solutions to the magnitude and complexity of Superfund assessment and remediation. The SARA legislation calls for a basic research and training program with four targeted mandate areas: Human health effects, assessment of risks, detection technologies, and remediation approaches relevant to hazardous substances. The SRP was created by the same legislative framework that created the Environmental Protection Agency’s (EPA) Superfund hazardous waste remediation program and the Center for Disease Control and Prevention’s Agency for Toxic Substances and Disease Registry (ATSDR). The SRP’s role is to support science-based decision-making by elucidating the basic principles underlying hazardous substance toxicity, risk assessment, measurement, and remediation. Accordingly SRP, EPA, and ATSDR constitute a shared partnership to improve human health and the environment through reducing or eliminating the negative impacts of hazardous waste sites.

In order to fulfill its mandates, the SRP has developed a research framework that integrates the many different disciplines required to address the complex, interdependent, yet fundamental issues related to hazardous substances. These disciplines include toxicology, molecular biology, engineering, geosciences, epidemiology, ecology, etc. SRP research achieves a fundamental understanding of biological, environmental and engineering processes (i.e., basic science) and exploits this knowledge to contribute to solving hazardous waste-related issues (i.e., applied science). In addition, the SRP seeks to train the next generation of researchers and professionals tasked with protecting human health and the environment from the risks of hazardous substances.

Objectives and Goals

The purposes of this Strategic Plan are to communicate objectives and goals identified by the Program staff and to present strategies to be implemented over the next five years. Three overarching objectives provide direction to the SRP:

1. Address issues of high relevance.
2. Maximize the impact of program investments.
3. Foster innovation.

Objective 1: Address Issues of High Relevance

Relevant research is defined in the SRP mandates presented in SARA Section 311(a). SARA describes the Program’s primary objectives to be the development of: Advanced techniques for the detection, assessment, and evaluation of the effects on human health of hazardous substances; methods to assess the risks to human health presented by hazardous substances; methods and technologies to detect hazardous substances in the environment; and basic biological, chemical, and physical methods to reduce the amount and toxicity of hazardous substances.

Within the context of Program mandates, the SRP considers the diverse research and information needs of its stakeholders as important criteria for determining relevance. The SRP’s primary stakeholders are its sister Superfund programs at EPA and ATSDR. Additional stakeholders include other Federal agencies, State, local, and Tribal entities responsible for the myriad sites impacted by hazardous substances as well as the individuals and communities living near hazardous waste sites.

Goals To Achieve Relevance

- Encourage problem-based, solution-oriented research. The multidisciplinary scope of mandates and the Program structure provide the potential for SRP research to address complex environmental problems, particularly related to sites impacted by hazardous substances. In addition to addressing complex problems, the SRP wants the research to continually achieve greater relevance. To promote relevance, the SRP challenges applicants to design problem-based, solution-oriented research proposals. This will create opportunities to solve issues relevant to the SRP stakeholders’ needs. In consultation with stakeholders, Program staff seeks to improve the processes for identifying stakeholder research needs and to incorporate these needs into its research agenda.

- Promote interaction between SRP and its stakeholders. The SRP recognizes that ongoing interaction with stakeholders promotes research relevance. Therefore, investigators should seek input from stakeholders as they develop a proposal and should keep them apprised of progress throughout the life of the grant. This applies not only to research, but also community engagement activities. Program staff will assist in fostering these interactions by creating networking opportunities between stakeholders and grantees. Program staff will also investigate mechanisms to provide research opportunities between grantees and stakeholders.

- Prioritize critical research areas. Maximizing relevancy requires that SRP covers all mandate areas (health effects, risk, detection and remediation) and addresses the most critical current and emerging needs. To accomplish this, SRP will be proactive in achieving coverage across mandate areas, contaminants, and exposure scenarios placing emphasis on stakeholders’ critical needs. This also means deemphasizing areas of duplication within Program research. Program staff will take steps to effectively communicate these priorities to applicants, grantees, and peer reviewers. When preparing applications, applicants should, in turn, assemble teams to address research challenges within a given mandate area, contaminant, or exposure scenario with the greatest potential to support SRP’s goal to protect human health and the environment from hazardous substances.
Objective 2: Maximize the Impact of Program Investments

The SRP anticipates that Program-generated scientific knowledge will be used by stakeholders in making science-based decisions ranging from selecting innovative remediation strategies, to reducing exposures, to improving risk reduction policy and practice. In the Program’s more than 20 year history, SRP-funded researchers have made significant advances in each of the Program’s mandated research areas. SRP sees tremendous potential to enhance research translation, dissemination, collaboration, and training in order to maximize the impact of its research investment.

Goals To Achieve Impact

• Encourage investigator-initiated research translation. Research translation fosters the movement of fundamental science toward a useable end-product. It is critical that researchers assume the responsibility for developing the connections that allow for the application of their research advances. This is an iterative process that will require a proactive effort from the grantee and coordination by Program staff. SRP seeks investigators who share an interest in effectively translating discoveries to stakeholders.

• Disseminate Program successes and research findings. Disseminating research findings to multiple audiences is critical to maximizing Program investments. Program staff, in coordination with grantees, will develop and/or facilitate use of tools to support enhanced distribution of Program advances. In addition to the traditional peer-reviewed publications expected by the SRP, the Program encourages grantees to develop position pieces, reviews, and non-traditional communication methods to make the significance and applicability of SRP-funded research discoveries more accessible to the Program’s broad range of stakeholders.

• Enhance coordination and collaboration between grantees. By sharing knowledge and working together, grantees leverage resources, maximize productivity, and accelerate scientific advancement, ultimately benefiting those engaged in the policy and practice of Superfund-related work. Grantees should seek opportunities to coordinate with each other and, when appropriate, pursue collaborative projects. Program staff will, in turn, identify appropriate mechanisms to facilitate coordination and support for such collaborations.

• Enhance impact of training activities. SRP will continue to emphasize training of graduate and post-doctoral students in cross-disciplinary research. However, the objectives proposed within this strategic plan provide an opportunity to broaden the impact of SRP training. Grantees should identify ways to involve trainees in stakeholder interactions or community engagement, in projects that promote coordination or collaboration among grantees, and in research translation. To broaden cross-disciplinary opportunities, Program staff will foster networking among trainees, and between trainees and stakeholders.

Objective 3: Foster Innovation

The SRP was created to address the need for innovative strategies and technologies to provide solutions to Superfund-related issues. As such, SRP is uniquely positioned to develop new methods and approaches to tackle complex problems for which there is no easy solution. While achieving the relevance and impact, the Program strives to push the boundaries of science using the newest technologies and challenging current paradigms. SRP will provide the structure to allow grantees to pursue novel ideas and untested approaches. When successful, such high risk research results in significant scientific advances.

Goals To Foster Innovation

• Promote transdisciplinary science. SRP firmly supports transdisciplinary research—the synthesis and extension of disciplinary boundaries—as a mechanism for introducing innovative solutions to problems. Applicants are encouraged to create novel solutions to existing, relevant problems by adapting technologies and approaches from one field and applying them to other fields. SRP has and will continue to foster opportunities for this kind of research.

• Encourage new technologies and challenge existing paradigms. While a portion of SRP grants advance current risk paradigms or improve established clean-up remedies, forward-looking or “anticipatory” research is also critical to identify and address future stakeholder needs. This may include utilizing cutting-edge research tools, developing new risk frameworks, or devising more sustainable solutions to address Superfund issues. As these new approaches may be considered “risky” research, Program staff will ensure appropriate review of applications proposing high-risk, high payoff research.

Guiding Principles

The SRP recognizes that the successful implementation of the goals and objectives of the Strategic Plan must be accomplished in a manner that is accountable, coordinated, and transparent.

Accountable—SRP will meet and exceed the directives of the Program mandates while adhering to the policies of NIH. This Strategic Plan is designed to allow the Program to enhance its accountability to stakeholders and taxpayers by directing research towards highly relevant, impact-driven, and innovative solutions to our nation’s Superfund-related issues.

Coordinated—As the SRP has limited resources, it is imperative to coordinate its research efforts with other research, training, community engagement, and technology development programs being administered through various academic, private-sector, and governmental entities. Where possible, the SRP, in partnership with other programs, will seek to leverage its finite research dollars, such that the benefits of its research advances are maximized and fully utilized.

SRP staff will coordinate interactions at multiple levels:

• Among the SRP grantee community which includes multi-project grants, individual investigator grants, and small business innovative research/small business technology transfer grants.

• Within the National Institutes of Health (NIH):
  ○ With other research programs within NIEHS, such as the Worker Training Program and the National Toxicology Program.
  ○ With other NIH Institutes, programs or offices, such as the Office of Behavioral and Social Sciences Research, and National Institute of Biomedical Imaging and Bioengineering.
  ○ With trans-NIH programs, such as the Genes, Environment and Health Initiative, and Countermeasures Against Chemical Threats (CounterACT) Research Network.

• Between sister Superfund agencies, that is the EPA Office of Superfund Remediation and Technology Innovation and ATSDR.

• Between agencies with similar missions for research, training, and technology development such as the EPA Office of Research and Development and the National Science Foundation.

These coordination activities are necessary to fully advance SRP science into the hands of stakeholders.

Transparent—SRP anticipates an evolving process in implementing the
**ACTION:** Notice.

**SUMMARY:** This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: “National Hospital Adverse Event Reporting System: Questionnaire Redesign and Testing.” In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3520, AHRQ invites the public to comment on this proposed information collection.

This proposed information collection was previously published in the Federal Register on May 3rd 2010 and allowed 60 days for public comment. One comment was received. The purpose of this notice is to allow an additional 30 days for public comment.

**DATES:** Comments on this notice must be received by August 2, 2010.

**ADDRESSES:** Written comments should be submitted to: AHRQs OMB Desk Officer by fax at (202) 395–6974 (attention: AHRQs desk officer) or by e-mail at OIRA_submission@omb.eop.gov (attention: AHRQ’s desk officer).

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

**FOR FURTHER INFORMATION CONTACT:** Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by e-mail at doris.lefkowitz@ahrq.hhs.gov.

**SUPPLEMENTARY INFORMATION:**

**Proposed Project**

National Hospital Adverse Event Reporting System: Questionnaire Redesign and Testing

As provider of operational support to the chair of the Quality Interagency Task Force (QuIC), AHRQ coordinated the Federal response to the Institute of Medicine’s (IOM) 1999 report on medical errors and outlined specific initiatives the QuIC agencies will take. The Errors Workgroup within the QuIC identified the need for measures to evaluate the use of adverse medical event reporting for managing and improving patient safety within healthcare institutions. In response, AHRQ created the Hospital Adverse Event Reporting Survey to provide national estimates. This survey has been fielded twice, first in 2005 and again in 2008.

Revisions to the questionnaire and sample selection are now necessary in response to Patient Safety Improvement Act (Patient Safety Rule), 42 CFR Part 3, issued by the United States Department of Health and Human Services, which implements the Patient Safety and Quality Improvement Act of 2005 (Patient Safety Act). 42 U.S.C. 299b–21 through 299b–26. The Patient Safety Rule and Patient Safety Act authorize the creation of Patient Safety Organizations (PSO) to enhance quality and safety by collecting patient safety reports of adverse events. AHRQ started listing PSOs in late 2008 pursuant to the Patient Safety Act. These organizations have begun working with hospitals and other providers to monitor patient safety events according to common reporting formats, and to improve patient safety. This revised survey will be used for the third round of data collection in 2011, under a separate OMB clearance, to assess the impact of the PSOs and the Patient Safety Act on the use of adverse event reporting systems and will incorporate questions about reporting using the AHRQ Common Formats, and reporting information to a Patient Safety Organization.

This project is being conducted by AHRQ’s contractor, Westat, pursuant to AHRQ’s statutory mandates to (1) promote health care quality improvement by conducting and supporting research that develops and presents scientific evidence regarding all aspects of health care, including methods for measuring quality and strategies for improving quality (42 U.S.C. 299b(1)(F)) and (2) conduct and support research on health care and on systems for the delivery of such care, including activities with respect to quality measurement and improvement (42 U.S.C. 299a(a)(2)).

**Method of Collection**

This project will include the following data collections:

(1) Semi-structured interviews will be conducted with one risk manager or other representative responsible for adverse event reporting from 7 participating hospitals and with one person from the two participating PSOs. These interviews will be conducted to learn more about the current hospital adverse event reporting environment and to understand how adverse event reporting may have changed in response to the Patient Safety Act. Survey developers will use the information from these interviews to develop questions for the revised questionnaire.

(2) Cognitive interviews will be conducted with one risk manager or other representative responsible for adverse event reporting in 30 participating hospitals. The purpose of these cognitive interviews is to test and refine the revised questionnaire. The
The accuracy of AHRQ’s estimate of patient safety initiative, including whether the healthcare information dissemination functions, including whether the proposed collection(s) of information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Results from these interviews will help inform actions by AHRQ to encourage effective adverse event reporting by hospitals, as part of its patient safety initiative, including standardization of reporting so that consistent concepts, information, and terminology are used in the patient safety arena. The survey can also serve as a baseline for changes about hospital-based adverse event reporting to Patient Safety Organizations and how the Patient Safety Act might have affected reporting structures and processes.

**Estimated Annual Respondent Burden**

Exhibit 1 shows the estimated annualized burden hours for the respondents time to participate in this project. Semi-structured interviews will be conducted with 9 persons representing 7 hospitals and 2 PSOs and will last for about an hour. Cognitive interviews will be conducted with one person in each of 30 participating hospitals and are expected to take one hour to complete. The total annual burden hours are estimated to be 39 hours. Exhibit 2 shows the estimated annual cost burden associated with the respondents’ time to participate in the research. The total annual cost burden is estimated to be $1,664.

**Exhibit 1—Estimated Annualized Burden Hours**

<table>
<thead>
<tr>
<th>Form name</th>
<th>Number of organizations</th>
<th>Number of responses per organization</th>
<th>Hours per response</th>
<th>Total burden hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Semi-structured interviews</td>
<td></td>
<td>9</td>
<td>1</td>
<td>9</td>
</tr>
<tr>
<td>Cognitive interviews</td>
<td></td>
<td>30</td>
<td>1</td>
<td>30</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>39</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>


**Exhibit 2—Estimated Annualized Cost Burden**

<table>
<thead>
<tr>
<th>Form name</th>
<th>Number of organizations</th>
<th>Total burden hours</th>
<th>Average hourly wage rate*</th>
<th>Total cost burden</th>
</tr>
</thead>
<tbody>
<tr>
<td>Semi-structured interviews</td>
<td></td>
<td>9</td>
<td>$42.67</td>
<td>$384</td>
</tr>
<tr>
<td>Cognitive interviews</td>
<td></td>
<td>30</td>
<td>42.67</td>
<td>1,280</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>39</td>
<td>NA</td>
<td>1,664</td>
</tr>
</tbody>
</table>

**Estimated Annual Costs to the Federal Government**

Exhibit 3 shows the estimated total and annualized cost to the Federal government to conduct this redesign of the Adverse Event Reporting Questionnaire and associated sample design. Since this project will last for one year the total and annualized costs are the same. The total cost is estimated to be $120,000.

**Exhibit 3—Estimated Total and Annualized Cost**

<table>
<thead>
<tr>
<th>Cost component</th>
<th>Total cost</th>
<th>Annualized cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Development</td>
<td>$24,000</td>
<td>$24,000</td>
</tr>
<tr>
<td>Data Collection Activities</td>
<td>46,000</td>
<td>46,000</td>
</tr>
<tr>
<td>Data Processing and Analysis</td>
<td>26,000</td>
<td>26,000</td>
</tr>
<tr>
<td>Project Management</td>
<td>24,000</td>
<td>24,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>120,000</td>
<td>120,000</td>
</tr>
</tbody>
</table>

**Request for Comments**

In accordance with the above-cited Paperwork Reduction Act legislation, comments on AHRQ’s information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ healthcare research and healthcare information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ’s estimate of burden (including hours and costs) of the proposed collection(s) 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 upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency’s subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: June 22, 2010.
Carolyn M. Clancy,
Director.

[FR Doc. 2010–15797 Filed 6–30–10; 8:45 am]
BILLING CODE 4160–90–M
DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30-Day–10–0816]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–5960 or send an e-mail to omb@cdc.gov. Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Youth Knowledge, Attitudes, and Feedback to Inform Choose Respect Implementation formerly known as Youth Advice and Feedback to Inform Choose Respect Implementation (OMB no. 0920–0816 exp. 6/30/2012)—Revision—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

This is a revision for a currently approved collection, OMB# 0920–0816. This revision seeks approval to ask knowledge and attitude questions at several of the focus groups, and it seeks an adjustment in the ages of the youths (currently ages 11 through 14 to ages 11 through 18).

Over a three-year period, NCIPC seeks to understand youths’ (ages 11 through 18) knowledge and attitudes regarding healthy and unhealthy relationships, and obtain their feedback regarding: Message development/placement, creative executions, appropriate partners, and other similar issues. This data collected will provide for ongoing implementation and evaluation of the Choose Respect campaign, which is an initiative intended to promote youth awareness of and participation in healthy dating relationships.

Communication research indicates that campaign planning implementation must employ a consumer-oriented approach to ensure that program messages/materials, and their placement, can successfully gain the attention of and resonate with the intended audience. NCIPC proposes conducting further planning, implementation, and evaluation research that enlists the involvement and support of youths.

This proposed information collection will enlist geographically, culturally/racially/ethnically, and socio-economically diverse groups of young people to complete: (1) Ten-minute online surveys, with 200 respondents, up to four times per year; and (2) up to 36 in-person focus groups, with up to eight participants each (or more smaller discussion groups with fewer people per group), twice per year (288 × 2). Online surveys will reduce the potential burden for young people as Web-based formats are convenient and consistent with the way they communicate and spend their leisure time.

Online surveys—Each Web-based survey will involve a different group of tweens/teens. The burden table shows time to screen parents and youth, as well as the actual time to complete the survey (rows 4–6).

In-person focus groups—First and second focus groups will involve different groups of young people. The focus groups will be segmented by age, gender, and race/ethnicity. Other variables for segmentation may include, but not be limited to, geography and language. Two youth contacts will be needed to successfully recruit one focus group participant, and two parent contacts will be needed to successfully recruit one online survey participant (i.e., 400 participants screened to obtain 200 successful participants).

There are no costs to respondents other than their time. The total estimated burden hours are 1354.

ESTIMATED ANNUALIZED BURDEN HOURS

<table>
<thead>
<tr>
<th>Type of respondents</th>
<th>Data collection type</th>
<th>Number of respondents</th>
<th>Number of responses per respondent</th>
<th>Average burden per response (in hours)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Youths ages 11 to 18 and parents of boys and girls, ages 11 to 18.</td>
<td>Focus Group Screening Instrument for Youth and Script for Obtaining Verbal Consent from Parent.</td>
<td>576</td>
<td>2</td>
<td>5/60</td>
</tr>
<tr>
<td>Youths ages 11 to 18</td>
<td>Focus Group Survey</td>
<td>288</td>
<td>2</td>
<td>5/60</td>
</tr>
<tr>
<td>Youths ages 11 to 18</td>
<td>Focus Group Moderator's Guide (participation in focus group).</td>
<td>288</td>
<td>2</td>
<td>1.5</td>
</tr>
<tr>
<td>Parents of boys and girls, ages 11 to 18</td>
<td>Online Survey E-mail Invitation AND Online Survey Screening Instrument for Parents.</td>
<td>400</td>
<td>4</td>
<td>5/60</td>
</tr>
<tr>
<td>Youths ages 11 to 18</td>
<td>Online Survey Screening Instrument for Youth.</td>
<td>400</td>
<td>4</td>
<td>3/60</td>
</tr>
<tr>
<td>Youths ages 11 to 18</td>
<td>Online Survey</td>
<td>200</td>
<td>4</td>
<td>10/60</td>
</tr>
</tbody>
</table>


Maryam I. Daneshvar,
Acting Reports Clearance Officer, Centers for Disease Control and Prevention.
[FR Doc. 2010–16045 Filed 6–30–10; 8:45 am]

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: “Standardizing Antibiotic Use in Long-Term Care Settings (SAUL) Study.” In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3520,

ACTION: Notice.
AHRQ invites the public to comment on this proposed information collection.

This proposed information collection was previously published in the Federal Register on May 3rd, 2010 and allowed 60 days for public comment. One comment was received. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments on this notice must be received by August 2, 2010.

ADDRESSES: Written comments should be submitted to: AHRQ’s OMB Desk Officer by fax at (202) 395–6974 (attention: AHRQ’s desk officer) or by e-mail at OIRA_submission@omb.eop.gov (attention: AHRQ’s desk officer).

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by e-mail at doris.lefkowitz@ahrq.hhs.gov.

SUPPLEMENTARY INFORMATION:

Proposed Project

Standardizing Antibiotic Use in Long-Term Care Settings (SAUL) Study

Inappropriate antibiotic prescribing practices by primary care clinicians caring for residents in long-term care (LTC) communities is becoming a major public health concern as it is a risk factor for morbidity and mortality among LTC residents. Antibiotics are among the most commonly prescribed pharmaceuticals in LTC settings, yet reports indicate that a high proportion of antibiotic prescriptions are inappropriate. The adverse consequences of inappropriate prescribing practices are serious and include drug reactions/interactions, secondary complications, and the emergence of multi-drug resistant organisms.

In an effort to reduce antibiotic overprescribing, Loeb and colleagues developed minimum criteria for the initiation of antibiotics in LTC setting (Loeb, M., et al. 2001). The criteria have been tested in several studies, but their implementation and tests of validity have been limited. In particular, though Loeb and colleagues developed distinct minimum criteria for several types of infection (skin and soft-tissue, respiratory, urinary tract, and unexplained fever), a rigorous evaluation has been conducted only for urinary tract infections.

Two nursing homes (NH) will participate in this project; six NHs will be recruited to serve as treatment sites and six to serve as control sites. Once a nursing home community has been selected and randomly assigned to the treatment or control group, a facility recruitment letter will be sent to the facility Administrator. The letter will include a description of the study and inform the Administrator that the project manager will be calling in the near future to further discuss the project and answers any questions that he/she might have regarding the program.

The objectives of the study are to:
1. Implement a quality improvement (QI) intervention program to optimize antibiotic prescribing practices;
2. Evaluate the effect of the QI intervention on antibiotic prescribing practices including validation of the Loeb minimum criteria; and
3. Develop and execute a dissemination plan to ensure wide dissemination of the findings and recommendations for improving antibiotic prescribing behaviors in LTC settings.

To address the first study objective, the research team will conduct a six-month QI intervention program in the six treatment sites to improve antibiotic prescribing practices. The intervention incorporates investigative evidence including the Loeb algorithms. QI program procedures are documented in the draft intervention manual, including the Loeb algorithms. The protocol recognizes that not all factors will need attention in all instances, as (for example) some NHs may already be vigilant to advance directive completion. The QI program is intended for facilities to self-implement and monitor with guidance provided from the research team upon request.

In order to validate the Loeb Criteria and to test the efficacy of the QI intervention, recruited facilities will be matched in pairs with respect to bedsize, profit status and location (urban, suburban, rural) and within each pair, one facility will be randomized to each study arm (treatment and control). This study is being conducted by AHRQ through its contractors, Abt Associates, and the University of North Carolina, pursuant to AHRQ’s statutory authority to conduct and support research on healthcare and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and value of healthcare services and with respect to quality measurement and improvement. 42 U.S.C. 299a(a)(1) and (2).

Method of Collection

The following data collection activities and trainings will be implemented to achieve the first two objectives of this project:

1. Pre-implementation semi-structured interviews will be conducted separately with physicians, facility administrators and with the director of nursing (DON) or nurse educators (see Attachment D for each type of pre-implementation interview) from the six treatment sites. The purpose of these interviews is to generate ideas on how best to implement the new procedures and what approaches work best across facilities. Related risk factors and remedial strategies also will be identified. These interviews will take place during the three month baseline period and feedback will be used to modify the intervention materials as appropriate.

2. Administrator interviews will be conducted at the time of facility enrollment to collect facility-level data in order to describe the sample and to explore linkages to prescribing practices. General facility-level descriptors including size (number of beds), profit status, location (urban, suburban, rural), and staffing levels (number of full and part-time registered nurses, licensed practical nurses, and nurse aides) will be collected. Additionally, simple summary (facility-level) information regarding resident demographics will be collected (e.g. age, gender, race/ethnicity, proportion long-stay vs. post-acute/rehab). Facility data will be collected through interviews with the Administrator at all twelve facilities.

3. Train-the-trainer training will be conducted during the baseline period (prior to the implementation of the intervention). Research staff will present information about the Antibiotic Use QI and Monitoring Program at one, two-hour in-person meeting held at each treatment site. The research team will work with physicians (the physician champion at each facility; a physician champion is an expert that provides education, champions a cause or product, or gives support to staff around the diffusion and implementation of clinical practice guidelines, protocols, or research evidence), administrators, directors of nursing and nurse educators using a train-the-trainer model to offer guidance on educating intervention site staff on how to implement the Antibiotic Use QI Program that is based on the Loeb criteria. Intervention and training materials include those products and strategies used in other successful projects (e.g., written Loeb algorithms).

4. Train-the-nurses training will be conducted by the nurse educator at each of the six treatment sites following the
Train-the-trainer training. The nurse educator will introduce the facility nurses to the Antimicrobial Use QI and Monitoring Program materials and train them on the use of the Loeb minimum criteria. This training will be offered two times at regularly scheduled in-service meetings; however each nurse will be required to attend only one session.

(5) Train-the-physicians training will be conducted by the physician champion at each of the six treatment sites following the train-the-trainer training. The project team will be present to address any questions regarding the study. The physician champion will introduce the facility physicians to the Antimicrobial Use QI and Monitoring Program materials and discuss with them the use of the Loeb minimum criteria. An average of five physicians at each facility will be individually contacted by the physician champion to discuss the use of the Loeb criteria. Each physician will have received a letter with the study description and the Loeb criteria prior to contact by the physician champion.

(6) Medical record reviews (MMR) will be conducted by research staff to collect primary outcome data to determine antibiotic prescribing. Primary outcomes will be obtained by monthly chart review for a period of nine months: three months preceding the initiation of the QI intervention (for which the charts of all residents will be abstracted), and each month for six months following the inception of the program (for which the charts of all residents will be abstracted, regardless of whether or not they are discharged from the setting or die) at all 12 facilities (treatment and control) by trained research staff from current (not archival) records. Since this data collection will not impose a burden on the facility staff OMB clearance is not required.

(7) Final semi-structured interviews with QI team members including physicians, facility administrators, and other key facility staff will be conducted at the completion of the intervention to determine their perceptions regarding facilitators and barriers to successful program implementation.

(8) Nurse survey will be administered to nurses in all twelve facilities in the month prior to program implementation, and again in the final month of implementation. The purpose of this survey is to collect secondary outcome data regarding the antibiotic prescribing decision-making process and to collect basic information about each nurse, such as their title, type of degree and years worked in a LTC facility.

(9) Physician survey will be administered in all twelve facilities in the month prior to program implementation, and again in the final month of implementation. Similar to the nurse survey, the purpose of this survey is to collect secondary outcome data regarding the antibiotic prescribing decision-making process and to collect basic information about each physician.

In response to the third study objective, AHRQ will draw upon its extensive experience of successfully disseminating information through varying strategies. To assist in designing a plan that has “real world” impact, AHRQ’s Dissemination Planning Tool will be utilized.

**Estimated Annual Respondent Burden**

Exhibit 1 shows the estimated annualized burden hours for the respondents’ time to participate in this research. Pre-implementation semi-structured interviews will be conducted with 3 staff members from each of the 6 intervention sites and will last about 1 hour. The administrator interviews will be completed with one administrator from each of the 12 participating NHs and will require 15 minutes. Train-the-trainer training will include 4 persons from each of the 6 intervention sites and will last 2 hours. Train-the-nurses training will be conducted with 24 nurses from each of the intervention sites; the number of responses per NH is 26 since the nurse trainer is an employee of the NH and will conduct the training twice, with about 12 nurses in each training. The nurse training will last about 1 hour. Train-the-physician training will be conducted with 5 physicians from each of the 6 intervention sites; the number of responses per NH is 6 since the physician trainer is affiliated with the NH. The physician training will last about 30 minutes.

Final semi-structured interviews will include 4 QI team members from each of the 6 intervention sites, at the completion of the intervention, and will last one hour. The nurse survey will be administered twice to 24 nurses from each of the 12 participating NHs and will take about 15 minutes to complete. The physician survey will be administered twice to 5 physicians from each of the 12 facilities and requires 15 minutes to complete. The total annualized burden hours are estimated to be 441 hours.

Exhibit 2 shows the estimated annual cost burden to the respondent, based on their time to participate in this research. The annual cost burden is estimated to be $25,204.

**EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS**

<table>
<thead>
<tr>
<th>Form name</th>
<th>Number of nursing homes</th>
<th>Number of responses per nursing home</th>
<th>Hours per response</th>
<th>Total burden hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-implementation semi-structured interviews</td>
<td>6</td>
<td>3</td>
<td>1</td>
<td>18</td>
</tr>
<tr>
<td>Administrator Interviews</td>
<td>12</td>
<td>1</td>
<td>15/60</td>
<td>3</td>
</tr>
<tr>
<td>Train-the-trainer training</td>
<td>6</td>
<td>26</td>
<td>5</td>
<td>156</td>
</tr>
<tr>
<td>Train-the-nurses training</td>
<td>6</td>
<td>6</td>
<td>30/60</td>
<td>18</td>
</tr>
<tr>
<td>Train-the-physicians training</td>
<td>6</td>
<td>4</td>
<td>1</td>
<td>24</td>
</tr>
<tr>
<td>Final Semi-Structured Interview</td>
<td>12</td>
<td>48</td>
<td>15/60</td>
<td>144</td>
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<tr>
<td>Nurse survey</td>
<td>12</td>
<td>10</td>
<td>15/60</td>
<td>30</td>
</tr>
<tr>
<td>Total</td>
<td>66</td>
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<td>441</td>
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</tbody>
</table>
Estimated Annual Costs to the Federal Government

Exhibit 3 shows the total and annualized cost for conducting this research. The total budget for this three year study is $999,976. The administration task includes costs associated with the initial kick-off conference call with AHRQ and monthly progress reports and ongoing conference calls. The research plan task includes costs to finalize the research plan; conduct the literature search; prepare and submit the IRB applications and OMB package; recruit facilities; collect baseline and monthly data from medical record reviews and conduct pre- and post-intervention provider interviews; implement the intervention; and write the final report on the explanatory model. The dissemination costs include the writing of a dissemination plan and two manuscripts for publication as well as presentations at two national conferences. The final report costs include the writing of a draft and final report.

Exhibit 3—Estimated Total and Annualized Cost

<table>
<thead>
<tr>
<th>Cost component</th>
<th>Total</th>
<th>Annualized cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration</td>
<td>$24,474</td>
<td></td>
</tr>
<tr>
<td>Research Plan</td>
<td>591,788</td>
<td>197,263</td>
</tr>
<tr>
<td>Dissemination Plan</td>
<td>63,397</td>
<td>21,132</td>
</tr>
<tr>
<td>Final Report</td>
<td>46,501</td>
<td>15,500</td>
</tr>
<tr>
<td>Overhead</td>
<td>273,816</td>
<td>91,272</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$999,976</td>
<td>$333,325</td>
</tr>
</tbody>
</table>

Request for Comments

In accordance with the above-cited Paperwork Reduction Act legislation, comments on AHRQ’s information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ healthcare research and healthcare information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ’s estimate of burden (including hours and costs) of the proposed collection(s) 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 upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency’s subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: June 22, 2010.
Carolyn M. Clancy,
Director.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection
Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project:

“Assessing the Impact of the National Implementation of TeamSTEPPS Master Training Program.” In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3520, AHRQ invites the public to
This proposed information collection was previously published in the Federal Register on May 3rd, 2010 and allowed 60 days for public comment. No comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments on this notice must be received by August 2, 2010.

ADDRESSES: Written comments should be submitted to: AHRQ’s OMB Desk Officer by fax at (202) 395–6974 (attention: AHRQ’s desk officer) or by e-mail at OIRA_submission@omb.eop.gov (attention: AHRQ’s desk officer).

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by e-mail at doris.lefkowitz@ahrq.hhs.gov.

SUPPLEMENTARY INFORMATION:

Proposed Project

Assessing the Impact of the National Implementation of TeamSTEPPS Master Training Program

As part of their effort to fulfill their mission goals, AHRQ, in collaboration with the Department of Defense’s (DoD) Tricare Management Activity (TMA), developed TeamSTEPPS® (aka Team Strategies and Tools for Enhancing Performance and Patient Safety) to provide an evidence-based suite of tools and strategies for training teamwork-based patient safety to health care professionals. In 2007, AHRQ and DoD coordinated the national implementation of the TeamSTEPPS program. The main objective of this program is to improve patient safety by training a select group of stakeholders such as Quality Improvement Organization (QIO) personnel, High Reliability Organization (HRO) staff, and healthcare system staff in various teamwork, communication, and patient safety concepts, tools, and techniques and ultimately helping to build a national infrastructure for supporting teamwork-based patient safety efforts in healthcare organizations and at the state level. The implementation includes the training of Master Trainers in various healthcare systems capable of stimulating the utilization and adoption of TeamSTEPPS in their healthcare delivery systems, providing technical assistance and consultation on implementing TeamSTEPPS, and developing various channels of learning (e.g., user networks, various educational venues) for continuation support and improvement of teamwork in health care. During this effort, AHRQ has trained a corps of 2400 participants to serve as the Master Trainer infrastructure supporting national adoption of TeamSTEPPS. Participants in training become Master Trainers in TeamSTEPPS and are afforded the opportunity to observe the tools and strategies provided in the program in action. In addition to developing a corps of Master Trainers, AHRQ has also developed a series of support mechanisms for this effort including a data collection Web tool, a TeamSTEPPS call support center, and a monthly consortium to address any challenges encountered by implementers of TeamSTEPPS.

To understand the extent to which this infrastructure of patient safety knowledge and skills has been created, AHRQ will conduct an evaluation of the National Implementation of TeamSTEPPS Master Training program. The goals of this evaluation are to examine the extent to which training participants have been able to:

1. Implement the TeamSTEPPS products, concepts, tools, and techniques in their home organizations and,

2. The extent to which participants have spread that training, knowledge, and skills to their organizations, local areas, regions, and states.

This study is being conducted by AHRQ through its contractor, American Institutes for Research (AIR), pursuant to AHRQ's statutory authority to conduct and support research on healthcare and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness, and value of healthcare services and with respect to quality measurement and improvement. 42 U.S.C. 299a(a)(1) and (2).

Method of Collection

To achieve the goals of this assessment the following two data collections will be implemented:

1. Web-based questionnaire to examine post-training activities and teamwork outcomes as a result of training from multiple perspectives. The questionnaire is directed to all master training participants. Items will cover post-training activities, implementation experiences, facilitators and barriers to implementation encountered, and perceived outcomes as a result of these activities.

2. Semi-structured interviews will be conducted with members from organizations who participated in the TeamSTEPPS Master Training program. Information gathered from these interviews will be analyzed and used to draft a “lessons learned” document that will capture additional detail on the issues related to participants’ and organizations’ abilities to implement and disseminate the TeamSTEPPS post-training. The organizations will vary in terms of type of organization (e.g., QIO or hospital associations versus healthcare systems) and region (i.e., Northeast, Midwest, Southwest, Southeast, Mid-Atlantic, West Coast). In addition, we will strive to ensure representativeness of the site visits by ensuring that the distribution of organizations mirrors the distribution of organizations in the master training population. For example, if the distribution of organizations is such that only one out of every five organizations is a QIO, we will ensure that a maximum of two organizations in the site visit sample are QIOs. The interviews will more accurately reveal the degree of training spread for the organizations included. Interviewees will be drawn from qualified individuals serving in one of two roles (i.e., implemeners or facilitators). The interview protocol will be adapted for each role based on the respondent group and to some degree, for each individual, based on their training and patient safety experience.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondent’s time to participate in the study. Semi-structured interviews will be conducted with a maximum of 9 individuals from each of 9 participating organizations and will last about one hour each. The training participant questionnaire will be completed by approximately 10 individuals from each of about 240 organizations and is estimated to require 20 minutes to complete. The total annualized burden is estimated to be 881 hours.

Exhibit 2 shows the estimated annualized cost burden based on the respondents’ time to participate in the study. The total cost burden is estimated to be $28,594.
### Estimated Annual Costs to the Federal Government

Exhibit 3 shows the total cost for this one year project; since the project is for only one year these are also the annualized costs. The total cost to the government for this activity is estimated to be $181,521 to conduct the one-time questionnaire and conduct nine site visits, as well as to analyze and present all results. This amount includes costs for developing the data collection tools ($24,889); collecting the data ($108,667); and analyzing the data ($35,061) and reporting the findings ($12,903).

### Request for Comments

In accordance with the above-cited Paperwork Reduction Act legislation, comments on AHRQ’s information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ healthcare research and healthcare information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ’s estimate of burden (including hours and costs) of the proposed collection[s] 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 upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency’s subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: June 22, 2010.

Carolyn M. Clancy,
Director.

[FR Doc. 2010–15795 Filed 6–30–10; 8:45 am]

**BILLING CODE 4160–90–M**

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

**Health Resources and Services Administration**

**Notice of Availability of Draft Policy Document for Comment**

**AGENCY:** Health Resources and Services Administration (HRSA), HHS.

**ACTION:** The Federal Tort Claims Act (FTCA) Policy Manual was developed to serve as the primary policy source for information on FTCA for Health Center Program grantees funded under section 330 of the Public Health Service (PHS) Act ("section 330"). The Policy Manual is currently posted on the Internet at [http://bphc.hrsa.gov/draftsforcomment/ftcamanual/](http://bphc.hrsa.gov/draftsforcomment/ftcamanual/).

**DATES:** Comments must be received by August 6, 2010.

**ADDRESSES:** Comments should be submitted to OPPDGeneeral@hrsa.gov by close of business on August 6, 2010.

**SUMMARY:** HRSA believes that community input is valuable to the development of policies and policy documents related to the implementation of HRSA programs, including the Health Center Program. Therefore, we are requesting comments on the FTCA Policy Manual referenced above. Comments will be reviewed and analyzed, and a summary and general response to comments will be published as soon as possible after the comment submission deadline.

**BACKGROUND:** HRSA administers the Health Center Program, which supports more than 1,100 organizations operating almost 8,000 health care delivery sites, including community health centers, migrant health centers, health care for the homeless centers, and public housing primary care centers. Health centers serve medically underserved communities delivering preventive and primary care services to patients regardless of their ability to pay.

Health Center Program grantees funded under section 330 of the PHS Act, including Community Health Centers, Migrant Health Centers, Health Care for the Homeless Health Centers, and Public Housing Primary Care Health Centers, have access to medical malpractice coverage under the Federal Tort Claims Act (FTCA). FTCA, enacted in 1946, is the legal mechanism for compensating people who have suffered personal injury due to the negligent or wrongful action of employees of the

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### EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

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<thead>
<tr>
<th>Form Name</th>
<th>Number of respondents</th>
<th>Number of responses per respondent</th>
<th>Hours per response</th>
<th>Total burden hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Semi-structured interview</td>
<td>9</td>
<td>9</td>
<td>60/60</td>
<td>81</td>
</tr>
<tr>
<td>Training participant questionnaire</td>
<td>240</td>
<td>10</td>
<td>20/60</td>
<td>800</td>
</tr>
<tr>
<td>Total</td>
<td>249</td>
<td>NA</td>
<td>NA</td>
<td>881</td>
</tr>
</tbody>
</table>

**EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN**

<table>
<thead>
<tr>
<th>Form name</th>
<th>Number of respondents</th>
<th>Total burden hours</th>
<th>Average hourly wage rate</th>
<th>Total cost burden</th>
</tr>
</thead>
<tbody>
<tr>
<td>Semi-structured interview</td>
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<td>81</td>
<td>$32.64</td>
<td>$2,644</td>
</tr>
<tr>
<td>Training participant questionnaire</td>
<td>240</td>
<td>800</td>
<td>32.64</td>
<td>26,112</td>
</tr>
<tr>
<td>Total</td>
<td>249</td>
<td>881</td>
<td>NA</td>
<td>28,756</td>
</tr>
</tbody>
</table>

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Notice of Meeting

In accordance with section 10(d) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), announcement is made of a Health Care Policy and Research Special Emphasis Panel (SEP) meeting.

A Special Emphasis Panel is a group of experts in fields related to health care research who are invited by the Agency for Healthcare Research and Quality (AHRQ), and agree to be available, to conduct on an as needed basis, scientific reviews of applications for AHRQ support. Individual members of the Panel do not attend regularly-scheduled meetings and do not serve for fixed terms or a long period of time. Rather, they are asked to participate in particular review meetings which require their type of expertise.

Substantial segments of the upcoming SEP meeting listed below will be closed to the public in accordance with the Federal Advisory Committee Act, section 10(d) of 5 U.S.C., Appendix 2 and 5 U.S.C. 552b(c)(6). Grant applications for the ARRA Limited Competition: AHRQ CE Delivery Systems (RO1) applications are to be reviewed and discussed at this meeting. These discussions are likely to reveal personal information concerning individuals associated with the applications. This information is exempt from mandatory disclosure under the above-cited statutes.


Date: July 22, 2010 (Open on July 22 from 8 a.m. to 8:15 a.m. and closed for the remainder of the meeting).

Place: Doubletree Bethesda Hotel & Executive Meeting Center, 8120 Wisconsin Avenue, Conference Room TBD, Bethesda, Maryland 20852.

Contact Person: Anyone wishing to obtain a roster of members, agenda or minutes of the nonconfidential portions of this meeting should contact Mrs. Bonnie Campbell, Committee Management Officer, Office of Extramural Research, Education and Priority Populations, AHRQ, 540 Gaither Road, Room 2038, Rockville, Maryland 20850, Telephone (301) 427–1554.

Agenda items for this meeting are subject to change as priorities dictate.

Carolyn M. Clancy, Director.

BILLING CODE 4165–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Meeting of the National Advisory Council for Healthcare Research and Quality

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Notice of public meeting.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, this notice announces a meeting of the National Advisory Council for Healthcare Research and Quality.

DATES: The meeting will be held on Friday, July 23, 2010, from 8:30 a.m. to 2:30 p.m.

ADDRESSES: The meeting will be held at the Eisenberg Conference Center, Agency for Healthcare Research and Quality, 540 Gaither Road, Rockville, Maryland 20850.

FOR FURTHER INFORMATION CONTACT: Jaime Zimmerman, Coordinator of the Advisory Council, at the Agency for Healthcare Research and Quality, 540 Gaither Road, Rockville, Maryland 20850, (301) 427–1456. For press-related information, please contact Karen Migdail at (301) 427–1855.

If sign language interpretation or other reasonable accommodation for a disability is needed, please contact the Food and Drug Administration (FDA) Office of Equal Employment Opportunity and Diversity Management on (301) 827–4840, no later than March 26, 2010. The agenda, roster, and minutes are available from Ms. Bonnie Campbell, Committee Management Officer, Agency for Healthcare Research and Quality, 540 Gaither Road, Rockville, Maryland 20850. Ms. Campbell’s phone number is (301) 427–1554.

SUPPLEMENTARY INFORMATION:

I. Purpose

The National Advisory Council for Healthcare Research and Quality was established in accordance with Section 921 (now Section 941) of the Public Health Service Act, 42 U.S.C. 299c. In accordance with its statutory mandate, the Council is to advise the Secretary of the Department of Health and Human Services and the Director, Agency for Healthcare Research and Quality (AHRQ), on matters related to AHRQ’s conduct of its mission including providing guidance on (A) priorities for health care research, (B) the field of health care research including training needs and information dissemination on health care quality and (C) the role of the Agency in light of private sector activity and opportunities for public-private partnerships.

The Council is composed of members of the public, appointed by the Secretary, and Federal ex-officio members specified in the authorizing legislation.

II. Agenda

On Friday, July 23, the Council meeting will convene at 8:30 a.m., with the call to order by the Council Chair and approval of previous Council summary notes.
The AHRQ Director will present her update on current research, programs, and initiatives. The agenda will include discussions on Quality Improvement and Health Disparities.


Carolyn M. Clancy,
Director.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings:

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR10–082: Mass Spectrometry Instrumentation.

Date: July 22–23, 2010.
Time: 9 a.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Skeletal Muscle Exercise Physiology.

Date: July 22–23, 2010.
Time: 9 a.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Arnold Rezvini, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, MSC 7814, Bethesda, MD 20892, 301–496–8551, rezvini@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Scientific Review Special Emphasis Panel; Fogarty Career Development: International Research Scientist Development.

Date: July 28, 2010.
Time: 9 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Pat Manos, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5200, MSC 7846, Bethesda, MD 20892, 301–408–9866, manospa@csr.nih.gov.


Jennifer Spahq,
Director, Office of Federal Advisory Committee Policy.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Notice of Meeting

In accordance with section 10(d) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), announcement is made of a Health Care Policy and Research Special Emphasis Panel (SEP) meeting.

A Special Emphasis Panel is a group of experts in fields related to health care research who are invited by the Agency for Healthcare Research and Quality (AHRQ), and agree to be available, to conduct on an as needed basis, scientific reviews of applications for AHRQ support. Individual members of the Panel do not attend regularly-scheduled meetings and do not serve for fixed terms or a long period of time. Rather, they are asked to participate in particular review meetings which require their type of expertise.

Substantial segments of the upcoming SEP meeting listed below will be closed to the public in accordance with the Federal Advisory Committee Act, section 10(d) of 5 U.S.C., Appendix 2 and 5 U.S.C. 552b(c)(6). Grant applications for the OS ARRA: CE Delivery Systems and Demonstration Grants (R18) applications are to be reviewed and discussed at this meeting. These discussions are likely to reveal personal information concerning individuals associated with the applications. This information is exempt from mandatory disclosure under the above-cited statutes.

SEP Meeting on: OS ARRA: CE Delivery Systems and Demonstration Grants (R18).

Date: July 22, 2010 (Open on July 22 from 8 a.m. to 8:15 a.m. and closed for the remainder of the meeting).

Place: Doubletree Bethesda Hotel & Executive Meeting Center, 8120 Wisconsin Avenue, Conference Room TBD, Bethesda, Maryland 20852.

Contact Person: Anyone wishing to obtain a roster of members, agenda or minutes of the nonconfidential portions of this meeting should contact Mrs. Bonnie Campbell, Committee Management Officer, Office of Extramural Research, Education and Priorities Populations, AHRQ, 540 Gaither Road, Room 2038, Rockville, Maryland 20850, Telephone (301) 427–1554.

Agenda items for this meeting are subject to change as priorities dictate.


Carolyn M. Clancy,
Director.
DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Notice of Meeting

In accordance with section 10(d) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), announcement is made of a Health Care Policy and Research Special Emphasis Panel (SEP) meeting.

A Special Emphasis Panel is a group of experts in fields related to health care research who are invited by the Agency for Healthcare Research and Quality (AHRQ), and agree to be available, to conduct an as needed basis, scientific reviews of applications for AHRQ support. Individual members of the Panel do not attend regularly-scheduled meetings and do not serve for fixed terms or a long period of time. Rather, they are asked to participate in particular review meetings which require their type of expertise.

Substantial segments of the upcoming SEP meeting listed below will be closed to the public in accordance with the Federal Advisory Committee Act, section 10(d) of 5 U.S.C., Appendix 2 and 5 U.S.C. 552b(c)(6). Grant applications for the Accelerating Implementation of Evidence-Based Findings through AHRQ networks (R18) applications are to be reviewed and discussed at this meeting. These discussions are likely to reveal personal information concerning individuals associated with the applications. This information is exempt from mandatory disclosure under the above-cited statutes.

SEP Meeting on: Accelerating Implementation of Evidence-Based Findings through AHRQ networks (R18).

Date: July 23, 2010 (Open on July 23 from 12 p.m. to 12:15 p.m. and closed for the remainder of the meeting).

Place: Doubletree Bethesda Hotel & Executive Meeting Center, 8120 Wisconsin Avenue, Conference Room TBD, Bethesda, Maryland 20852.

Contact Person: Anyone wishing to obtain a roster of members, agenda or minutes of the non—confidential portions of this meeting should contact Mrs. Bonnie Campbell, Committee Management Officer, Office of Extramural Research, Education and Priority Populations, AHRQ, 540 Gaither Road, Room 2038, Rockville, Maryland 20850, Telephone: (301) 505-427—1554.

Agenda items for this meeting are subject to change as priorities dictate.


Carolyn M. Clancy,
Director.

[FR Doc. 2010–15792 Filed 6–30–10; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Treatment; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given that the Substance Abuse and Mental Health Services Administration’s (SAMHSA) Center for Substance Abuse Treatment (CSAT) National Advisory Council will meet July 14, 2010, 1–3 p.m. via teleconference.

The meeting will include discussion and evaluation of grant applications reviewed by Initial Review Groups. Therefore, the meeting will be closed to the public as determined by the Administrator, SAMHSA, in accordance with Title 5 U.S.C. 552b(c)(6) and 5 U.S.C. App. 2, Section 10(d).

Substantive program information, a summary of the meeting and a roster of Council members may be obtained as soon as possible after the meeting, either by accessing the SAMHSA Committee Web site at https://nac.samhsa.gov/ CSATcouncil/index.aspx, or by contacting the CSAT National Advisory Council Designated Federal Official, Ms. Cynthia Graham (see contact information below).

Committee Name: SAMHSA’s Center for Substance Abuse Treatment National Advisory Council

date/time/Type: July 14, 2010, 1–3 p.m.: Closed.

Place: SAMHSA Building, 1 Choke Cherry Road, Rock Creek Room, Rockville, Maryland 20857.

Contact: Cynthia Graham, M.S., Designated Federal Official, SAMHSA CSAT National Advisory Council, 1 Choke Cherry Road, Room 5–1035, Rockville, Maryland 20857, Telephone: (240) 276–1692, Fax: (240) 276–1690, E-mail: Cynthia.graham@samhsa.hhs.gov.

Toian Vaughn,
Committee Management Officer, Substance Abuse and Mental Health, Services Administration.

[FR Doc. 2010–15940 Filed 6–30–10; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Organization, Functions, and Delegations of Authority; Part G; Indian Health Service; Proposed Functional Statement

Program Integrity and Ethics Staff (PIES) (GAL1)

(1) Directs the fact-finding and resolution of allegations of impropriety such as mismanagement of resources, fraud, waste, and abuse, violations of the Standards of Ethical Conduct, Hatch Act and political activity and other forms of waste; (2) advises the IHS Director and IHS management of appropriate corrective and remedial actions to correct improprieties; (3) directs and provides leadership in the formulation of plans, guidance, and evaluation of the IHS Personnel Security and Drug Testing Programs; (4) administers the IHS-wide management of the Agency hotline reports of allegations; (5) manages and directs the IHS “Ethics Program,” including the implementation of all requirements, providing advice to the IHS Director and serving as the Agency liaison with all outside investigative organizations such as the Office of Special Counsel, the Government Accountability Office (GAO) and IHS Office of Inspector General (OIG); (6) develops and implements IHS directives and training for Standards of Ethical Conduct, the Hatch Act and political activity, allegations and investigations of administrative fraud, waste and abuse, drug testing, and personnel security; and (7) serves as the IHS liaison with the OIG and GAO, and coordinates the development, clearance, and transmittal of IHS responses and follow-up to matters and reports issued by the OIG, the GAO, and other Federal internal and external authorities.

Management Policy and Internal Control Staff (MPICS) (GAL3)

(1) Formulates, administers, and supports IHS-wide policies, delegations of authority, and organizations and functions development; (2) provides leadership, on behalf of the IHS Director, to functional area managers at IHS Headquarters in developing, modifying, and overseeing the implementation of IHS policies and procedures; (3) provides analysis, advisory, and assistance services to IHS managers and staff for the development, clearance, and filing of IHS directives and delegations of authority; (4) serves as principal advisor and source for
technical assistance for establishment or modification of organizational infrastructures, functions, and Standard Administrative Code configurations; (5) administers the IHS’s Management Control Program for assuring IHS compliance with management control requirements in the Federal Managers’ Financial Integrity Act; (6) provides assistance and support to special assigned task groups; (7) conducts special program or management integrity reviews as required; and (8) oversees and coordinates the annual development and submission of the Agency’s Federal Activities Inventory Reform Act report to the HHS.

Division of Grants Management (DMG) (GALD)

(1) Directs grants management and operations for the IHS; (2) initiates new and modifies existing IHS grants administration policies and procedures in accordance with HHS grants policies; (3) provides assistance to IHS staff and grantees on matters within the IHS; (4) administers grants and cooperative agreements regarding policies and procedures pertinent to the administration of IHS grants to ensure stewardship of Federal funds; (4) provides guidance to and articulates grants management policy for IHS staff on the effective utilization of financial assistance mechanisms (grants and cooperative agreements); (5) advises and provides technical support to IHS staff on program announcement requirements as issued by OMS and HHS Grants Review and Oversight; (6) develops and maintains IHS Grants Operations/Grants Policy website; (7) posts all IHS funding opportunities on IHS Grants Operations/Grants Policy website for Grants.gov; (8) administers grants and cooperative agreements for all IHS grant recipients; (9) awards and administers grants and cooperative agreements for IHS financial assistance programs; (10) provides assistance for the resolution of audit findings for grant programs; (11) manages for the IHS, the HHS grants training and certification program; (12) performs internal controls assessments on all facets of the IHS grant programs and issues and oversees the completion of necessary corrective action plans; (13) reviews and makes recommendations for improvements in grantee and potential grantee management systems; (14) serves as the IHS liaison with the HHS and the public for grants and other financial assistance matters within the IHS; (15) maintains the Catalog of Federal Domestic Assistance for IHS financial assistance programs; (16) conducts grants-related training for IHS staff, grantees, and potential grantees; (17) coordinates payment to grantees, including scholarship recipients; and (18) establishes and maintains the IHS automated Grants Information System and controls data entry into the HHS automated Grants Information System.

Section GA–30, Indian Health Service—Order of Succession

During my absence or disability of the IHS Director or in the event of a vacancy in that office, the following IHS Headquarters officials, in the order listed below, shall act as the IHS Director. In the event of a planned extended period of absence, the IHS Director may specify a different order of succession. The order of succession will be:

(1) Deputy Director
(2) Deputy Director for Management Operations
(3) Chief Medical Officer
(4) Deputy Director for Field Operations

Section GA–40, Indian Health Service—Delegations of Authority

All delegations of authority and re-delegations of authority made to IHS officials that were in effect immediately prior to this reorganization, and that are consistent with this reorganization, shall continue in effect pending further re-delegation.

This reorganization shall be effective on the date the IHS Director signs this order.

Dated: June 2, 2010.

Yvette Rou hostile, Director, Indian Health Service.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Request for Information

Notice is hereby given of a Request for Information (RFI): Updating the Interagency Autism Coordinating Committee Strategic Plan for Autism Spectrum Disorder (ASD) Research, NOT–MH–10–025, issued by the National Institute of Mental Health on behalf of the Interagency Autism Coordinating Committee (IACC).

The purpose of this RFI is to request input from ASD stakeholders to inform the next update of the Strategic Plan in 2011. Please see the official RFI notice at http://grants.nih.gov/grants/guide/notice-files/NOT-MH-10-025.html for more information and instructions for responding by the deadline of July 30, 2010. All responses must be submitted electronically via the Web-based form found at http://www.aclararesearch.com/oarc/2010rfi/.

Contact Person: Attention: RFI on Updating the Strategic Plan for ASD Research, Office of the Autism Research Coordination, National Institute of Mental Health, NIH, 6001 Executive Boulevard, Room 8185, Bethesda, MD 20892–9669, or e-mail IACCRFI@mail.nih.gov.

Information about the IACC is available on the Web site: http://iacc.hhs.gov.


Jennifer Spaeth, Director, Office of Federal Advisory Committee Policy.

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Notice ID FEMA–2010–0009]

Agency Information Collection Activities: Submission for OMB Review; Comment Request, OMB No. 1660–NEW; Environmental and Historic Preservation Environmental Screening Form

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice; 30-day notice and request for comments; new information collection; OMB No. 1660–NEW; FEMA Form 024–0–1, Environmental and Historic Preservation Environmental Screening Form.

SUMMARY: The Federal Emergency Management Agency (FEMA) has submitted the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission describes the nature of the information collection, the categories of respondents, the estimated burden (i.e., the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before August 2, 2010.

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer...
DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2010–0008]

Agency Information Collection Activities: Submission for OMB Review; Comment Request, OMB No. 1660–NEW; Homeland Security Exercise and Evaluation Program (HSEEP) After Action Report (AAR) Improvement Plan (IP)

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice; 30-day notice and request for comments; Existing collection in use without an OMB control number; OMB No. 1660–NEW; FEMA Form FEMA Form 091–0, Homeland Security Exercise and Evaluation Program (HSEEP) After Action Report (AAR) Improvement Plan (IP).

SUMMARY: The Federal Emergency Management Agency (FEMA) will be submitting the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (i.e., the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before August 2, 2010.

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to oira.submission@omb.eop.gov or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Records Management Division, Mission Support Bureau, Federal Emergency Management Agency, Department of Homeland Security.

Department of Homeland Security


Type of information collection: Existing collection in use without an OMB control number. The type of information collection has changed since the publication of the 60-day Federal Register Notice at 75 FR 13775, March 23, 2010.

OMB Number: 1660–NEW.


Abstract: The Homeland Security Exercise and Evaluation Program (HSEEP) After Action Report (AAR) Improvement Plan (IP) collection provides reporting on the results of preparedness exercises and provides assessments of the respondent’s capabilities so that strengths and areas for improvement are identified, corrected, and shared as appropriate prior to a real incident. This information is also required to be submitted as part of certain FEMA grant applications.

Affected Public: State, Local or Tribal Government; Federal Government.

Estimated Number of Respondents: 56.

Frequency of Response: On Occasion.

Estimated Average Hour Burden per Respondent: 800 Hours.

Estimated Total Annual Burden Hours: 44,800 Hours.

Estimated Cost: There are no operation and maintenance, capital and start-up-cost to respondents for this collection of information.

Dated: June 24, 2010.

Tammi Hines,

[FR Doc. 2010–16057 Filed 6–30–10; 8:45 am]

BILLING CODE 9111–46–P
DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2009–0001]

Agency Information Collection Activities: Submission for OMB Review; Comment Request, OMB No. 1660–NEW; FEMA Preparedness Grants: State Homeland Security Program (SHSP) Tribal

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice; 30-day notice and request for comments; new information collection: OMB No. 1660–NEW; FEMA Form 089–22, SHSP–Tribal Investment Justification Template.

SUMMARY: The Federal Emergency Management Agency (FEMA) has submitted the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission describes the nature of the information collection, the categories of respondents, the estimated burden (i.e., the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before August 2, 2010.

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to oira.submission@omb.eop.gov or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Office of Records Management, Division, Mission Support Bureau, Federal Emergency Management Agency, Department of Homeland Security.

BILLING CODE 9111–78–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2009–0001; OMB No. 1660–0025]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; FEMA Grants Administration/Non-Disaster (ND) Grants System

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice; 30-day notice and request for comments; revision of a currently approved information collection; OMB No. 1660–0025; FEMA Form 112–0–2, Budget Information—Construction; 112–0–3, 112–0–3A, 112–0–3B, 112–0–3C, Summary Sheet for Assurances and Certifications; 112–0–4, Outlay Report and Request for Reimbursement for Construction Program; 112–0–5, Report of Government Property; 112–0–6, Reconciliation of Grants and Cooperative Agreements; 112–0–7, Obligating Document for Award/Amendment; 089–9, Detailed Budget Worksheet.

SUPPLEMENTARY INFORMATION:

Collection of Information

Title: FEMA Grants Administration/Non-Disaster (ND) Grants System.

Type of information collection: Revision of a currently approved information collection.

OMB Number: 1660–0025.

Form Titles and Numbers: FEMA Form 112–0–2, Budget Information—Construction; 112–0–3, 112–0–3A, 112–0–3B, 112–0–3C, Summary Sheet for Assurances and Certifications; 112–0–4, Outlay Report and Request for Reimbursement for Construction Program; 112–0–5, Report of Government Property; 112–0–6, Reconciliation of Grants and Cooperative Agreements; 112–0–7, Obligating Document for Award/Amendment; 089–9, Detailed Budget Worksheet. The form numbers have been changed since publication of...
the 60-day Federal Register Notice at 74 FR 59217, Nov. 17, 2009.

Abstract: The grant programs included in this collection are important tools among a comprehensive set of measures to help strengthen the Nation against risk associated with potential terrorist attacks, natural and other disasters, as well as to plan and implement mitigation efforts to lessen or alleviate such occurrences. FEMA uses the information to evaluate applications for grants for various disaster related and non-disaster grant opportunities which it administers. FEMA is also implementing the use of the ND Grants System to electronically accept grant applications from a subset of all non-disaster grants currently administered by FEMA with the intention of expanding this function to other non-disaster grants as soon as possible.

Affected Public: State, local or Tribal governments; Not-for-profit institutions; Business or other for-profit.

Estimated Number of Respondents: 6,272.

Frequency of Response: On Occasion.

Estimated Average Hour Burden per Respondent: 347.23 Hours.

Estimated Total Annual Burden Hours: 2,177,847 Hours. The total estimated annual hour burden has increased since publication of the 60-day Federal Register Notice at 74 FR 59217, Nov. 17, 2009.

Estimated Cost: There is no annual reporting or recordkeeping costs associated with this collection.

Dated: June 28, 2010.

Tammi Hines,

[FR Doc. 2010–16051 Filed 6–30–10; 8:45 am]
BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management


Notice of Availability of Record of Decision for the Approved Pony Express Resource Management Plan Amendment; UNEV Refined Liquid Petroleum Products Pipeline Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: The Bureau of Land Management (BLM) announces the availability of a Record of Decision (ROD) setting forth the Utah State Director’s decision to approve the UNEV Refined Liquid Petroleum Products Pipeline and amend the Pony Express Resource Management Plan (RMP). The Utah State Director signed the ROD on June 25, 2010, which constitutes the final decision of the BLM and renders the Pony Express Resource Management Plan Amendment (RMPA) effective immediately.

ADDRESSES: Copies of the ROD are available for public inspection at the offices listed in the “Supplementary Information” section. Interested persons may also review the ROD at the following website: http://www.blm.gov/ut/st/en/prog/more/lands_and_realty/major_projects/unev_pipeline_eis.html.

FOR FURTHER INFORMATION CONTACT: For further information contact Joe Incardine, National Project Manager, telephone (801) 524–3833; address BLM Utah State Office, P.O. Box 45155, Salt Lake City, Utah 84145–0155; e-mail Joe_Incardine@blm.gov.

SUPPLEMENTARY INFORMATION: Copies of the ROD are available for public inspection at the Utah State Office, 440 West 200 South, Suite 500, Salt Lake City, Utah 84101; the Salt Lake Field Office, 2370 South 2300 West, Salt Lake City, Utah 84119; the Fillmore Field Office, 35 East 500 North, Fillmore, Utah 84631; the Cedar City Field Office, 176 East D.L. Sargent Drive, Cedar City, Utah 84721; the St. George Field Office, 345 East Riverside Drive, St. George, Utah 84790; the Nevada State Office, 1340 Financial Blvd., Reno, Nevada 89502; the Ely District Office, 702 North Industrial Way, Ely, Nevada 89301; and the Las Vegas Field Office, 4701 North Torrey Pines Drive, Las Vegas, Nevada 89130.

The BLM Preferred Alternative identified in the Proposed RMPA/Final Environmental Impact Statement (EIS) published on April 16, 2010, is essentially the same as that selected in the ROD. The ROD sets forth the State Director’s decision to issue a right-of-way on Federal lands for the construction and operation of a 400-mile, 12-inch diameter refined liquid petroleum products pipeline that originates in Woods Cross, Utah, with terminals northwest of Cedar City, Utah, and near Apex, Nevada. The amendment to the Salt Lake Field Office’s Pony Express RMP allows for the issuance of the right-of-way on BLM administered lands for the first 82.5 miles of the proposed pipeline, and designates a new utility corridor on BLM-administered lands from mile post 54 to mile post 82.5 in Tooele County, Utah, to accommodate that portion of the proposed pipeline. Project elements will be located in Davis, Salt Lake, Tooele, Juab, Millard, Beaver, Iron, and Washington Counties in Utah, and in Lincoln and Clark Counties in Nevada.

The right-of-way grant approved for the pipeline would be issued for 30 years and authorize use of a right-of-way area 50-feet wide, 25 feet on either side of the centerline of the proposed pipeline. Construction and operation of the pipeline is subject to the UNEV Plan of Development, which would be attached to and made part of the right-of-way grant.

The ROD was finalized based on multiple opportunities for public participation through scoping and later public comment on the Proposed RMPA/Final EIS. The BLM sought participation from the public, tribes, and local, state, and Federal agencies in the development of the Proposed RMPA/Final EIS. Cooperating agencies on the project included the Bureau of Indian Affairs; the Moapa Band of the Paiute Tribe; the U.S. Air Force, the Nellis Air Force Base; the U.S. Army, the Tooele Army Depot; and the U.S. Forest Service, Dixie National Forest. No inconsistencies with state or local plans, policies, or programs were identified during the Governor’s consistency review of the Proposed RMPA/Final EIS.

The ROD constitutes the final decision of the BLM and amends the Pony Express RMP effective immediately. The ROD also contains implementation-level decisions that are appealable pursuant to 43 CFR part 4. Any party adversely affected by the implementation decisions may appeal the decisions to the Interior Board of Land Appeals pursuant to 43 CFR part 4, Subpart E. The appeal should state the specific decisions in the ROD that are being appealed. Please consult the appropriate regulations for further information.

Authority: 40 CFR 1506.6.

Selma Sierra,
State Director.

[FR Doc. 2010–16034 Filed 6–30–10; 8:45 am]
BILLING CODE 4310–0Q–P
Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (ESA) prohibits activities with listed species unless a Federal permit is issued that allows such activities. The ESA laws require that we invite public comment before issuing these permits.

DATES: We must receive requests for documents or comments on or before August 2, 2010.

ADDRESSES: Brenda Tapia, Division of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 212, Arlington, VA 22203; fax (703) 358-2280; or e-mail DMAFR@fws.gov.

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, (703) 358-2104 (telephone); (703) 358-2280 (fax); DMAFR@fws.gov.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How Do I Request Copies of Applications or Comment on Submitted Applications?

Send your request for copies of applications or comments and materials concerning any of the applications to the contact listed under ADDRESSES. Please include the Federal Register notice publication date, the PRT-number, and the name of the applicant in your request or submission. We will not consider requests or comments sent to an e-mail or address not listed under ADDRESSES. If you provide an email address in your request for copies of applications, we will attempt to respond to your request electronically.

Please make your requests or comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations. We will not consider or include in our administrative record comments we receive after the close of the comment period (see DATES) or comments delivered to an address other than those listed above (see ADDRESSES).

B. May I Review Comments Submitted by Others?

Comments, including names and street addresses of respondents, will be available for public review at the address listed under ADDRESSES. The public may review documents and other information applicants have sent in support of the application unless our allowing viewing would violate the Privacy Act or Freedom of Information Act. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

II. Background

To help us carry out our conservation responsibilities for affected species, the Endangered Species Act of 1973, section 10(a)(1)(A), as amended (16 U.S.C. 1531 et seq.), and our regulations in the Code of Federal Regulations (CFR) at 50 CFR 17, require that we invite public comment before final action on these permit applications.

III. Permit Applications

Endangered Species

Applicant: Richard Miller, University of Michigan, Ann Arbor, MI; PRT-10836A

The applicant requests a permit to acquire from Coriell Institute of Medical Research, Camden, NJ, in interstate commerce, fibroblast cell line cultures from various primate species including, bonobos (Pan paniscus), chimpanzees (Pan troglodytes), gorillas (Gorilla gorilla), orangutans (Pongo spp.), gibbons (Hylobatidae), lemurs (Lemuridae), spider monkeys (Ateles geoffroyi frontus and A. g. panamensis), Goeldi’s marmoset (Callimico goeldii), red-capped mangabey (Cercocebus torquatus), L’Hoest’s monkey (Cercopithecus lhoesti), and other primate species. The facility hopes to use the fibers for research leading to therapies.

Applicant: University of Utah, Salt Lake City, UT; PRT-08996A

The applicant requests a permit to import hair, teeth, and bone samples from cheetah (Acinonyx jubatus), leopard (Panthera pardus), black rhinoceros (Diceros bicornis), giant sable antelope (Hippotragus niger varians), crested mangabey (Cercocebus galeritus), and Tana River red colobus (Piliocolobus rufomitratus) from Kenya Wildlife Service for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: U.S. Geological Survey/National Wildlife Health Center, Honolulu, HI; PRT-105568

The applicant requests renewal of a permit to import multiple shipments of biological samples collected from wild, captive-held, and captive-birth specimens of endangered wildlife species for the purpose of scientific research. No animals may be intentionally killed for the purpose of collecting samples. All invasively collected samples can only be collected by trained personnel. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: U.S. Fish and Wildlife Service, Mexican Wolf Reintroduction Project, Region 2, Albuquerque, NM; PRT-001904

The applicant requests renewal of a permit to import live Mexican or lobo wolves (Canis lupus baileyi) for breeding and reintroduction, as well as the import of biological samples for genetic studies, for the purpose of enhancement of the survival of the species and scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Gatti Productions, Inc., Orange, CA; PRT-055424 and 055426

The applicant requests the re-issuance of permits for the re-export and re-import of two wild born Asian elephants (Elephas maximus) to and from worldwide locations for the purpose of enhancement of the species through conservation education. The
permit numbers and animals are: 055424, Tiki and 055426, Debbie. This notification covers activities to be conducted by the applicant over a 3-year period and the import of any potential progeny born while overseas.

Applicant: Albert Spidle, Bellville, TX; PRT-10399A

The applicant requests a permit to import the sport-hunted trophy of one female scimitar-horned oryx (Oryx dammah) taken in the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Albert Spidle, Bellville, TX; PRT-10400A

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (Damaliscus pygargus pygargus) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Clarence Johnson, Houston, TX; PRT-15527A

The applicant requests a permit to import a sport-hunted trophy of one male scimitar-horned oryx (Oryx dammah) taken in the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Dated: June 25, 2010
Brenda Tapia
Program Analyst, Branch of Permits, Division of Management Authority.
[FR Doc. 2010–16029 Filed 6–30–10; 8:45 am]
BILLING CODE 4310–65–S

INTERNATIONAL TRADE COMMISSION
[Inv. No. 337–TA–724]

In the Matter of Certain Electronic Devices With Image Processing Systems, Components Thereof, and Associated Software; Notice of Investigation


ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 28, 2010, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of S3 Graphics Co., Ltd. of Cayman Islands and S3 Graphics, Inc. of Fremont, California. A letter supplementing the complaint was filed on June 22, 2010. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electronic devices with image processing systems, components thereof, and associated software that infringe one or more of claims 1, 6, and 7 of the ’087 patent; claims 1, 7, 8, 12, 13, 15, and 23 of the ’417 patent; claims 11, 14, and 16 of the ’978 patent; and claims 2, 4, 8, 13, 16, 18, and 19 of the ’146 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue an exclusion order and a cease and desist order.

ADDITIONAL INFORMATION:

Addresses: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone 202–205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at http://www.usitc.gov. The public record for this investigation may be viewed on the Commission’s electronic dockets (EDIS) at http://edis.usitc.gov.

FOR FURTHER INFORMATION CONTACT:


Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on June 24, 2010, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain electronic devices with image processing systems, components thereof, and associated software that infringe one or more of claims 1, 6, and 7 of the ’087 patent; claims 1, 7, 8, 12, 13, 15, and 23 of the ’417 patent; claims 11, 14, and 16 of the ’978 patent; and claims 2, 4, 8, 13, 16, 18, and 19 of the ’146 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are: S3 Graphics Co., Ltd., 2nd Fl., Zephyr House, Mary St., P.O. Box 709, Grand Cayman, Cayman Islands, British West Indies; S3 Graphics, Inc., 1025 Mission Court, Fremont, CA 94539.

(b) The respondent is the following entity alleged to be in violation of section 337, and is the party upon which the complaint is to be served: Apple Inc., 1 Infinite Loop, Cupertino, CA 95014.

(c) The Commission investigative attorney, party to this investigation, is Kecia J. Reynolds, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondent in accordance with section 210.13 of the Commission’s Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d)–(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of the respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as
alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: June 25, 2010.

Marilyn R. Abbott,
Secretary to the Commission.

[Fed. Reg. 2010-15938 Filed 6-30-10; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. AA1921-129 (Third Review)]

Polychloroprene Rubber From Japan


ACTION: Institution of a five-year review concerning the antidumping duty finding on polychloroprene rubber from Japan.

SUMMARY: The Commission hereby gives notice that it has instituted a review pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether revocation of the antidumping duty finding on polychloroprene rubber from Japan would be likely to lead to continuation or recurrence of material injury.

Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission; to be assured of information specified below to the interested parties are requested to respond to this notice by submitting the information specified below to the Commission; or by contacting the Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by accessing its internet server (http://www.usitc.gov). The public record for this review may be viewed on the Commission’s electronic docket (EDIS) at http://edis.usitc.gov.

SUPPLEMENTARY INFORMATION:

Background.—On December 6, 1973, the Department of the Treasury issued an antidumping finding on imports of polychloroprene rubber from Japan (38 FR 33593). Following five-year reviews by the Department of Commerce (“Commerce”) and the Commission, effective August 6, 1999, Commerce issued a continuation of the antidumping finding on imports of polychloroprene rubber from Japan (64 FR 47765, September 1, 1999). Following second five-year reviews by Commerce and the Commission, effective August 4, 2005, Commerce issued a continuation of the antidumping duty finding on imports of polychloroprene rubber from Japan (70 FR 44893). The Commission is now conducting a third review to determine whether revocation of the finding would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. It will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full review or an expedited review. The Commission’s determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to this review:

(1) Subject Merchandise is the class or kind of merchandise that is within the scope of the five-year review, as defined by Commerce.

(2) The Subject Country in this review is Japan.

(3) The Domestic Like Product is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the Subject Merchandise. In its original determination and its full first and second five-year review determinations, the Commission effectively defined the Domestic Like Product as all polychloroprene rubber coextensive with Commerce’s scope.2

(4) The Domestic Industry is the U.S. producers as a whole of the Domestic Like Product, or those producers whose collective output of the Domestic Like Product constitutes a major proportion of the total domestic production of the product. In its original determination and its full first and second five-year review determinations, the Commission defined the Domestic Industry as all producers of polychloroprene rubber.

(5) An Importer is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the Subject Merchandise into the United States from a foreign manufacturer or through its selling agent.

Participation in the review and public service list.—Persons, including industrial users of the Subject Merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the review as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission’s rules, no later than 21 days after publication of this notice in the Federal Register. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the review.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation. The Commission’s designated agency ethics official has advised that a five-year review is not considered the “same particular matter” as the corresponding underlying original investigation for purposes of 18 U.S.C. 207, the post employment statute for Federal employees, and Commission rule 201.15(b)(19 CFR 201.15(b)), 73 FR 24609 (May 5, 2008). This advice was developed in consultation with the Office of Government Ethics. Consequently, former employees are not required to seek Commission approval to appear in a review under Commission

1 No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117-0016/USITC No. 10–5–221, expiration date June 30, 2011. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

2 Because the Antidumping Act, 1921, did not contain a “like product” provision, the Commission did not make a like product determination per se in its original determination. Instead, it stated that the “domestic industry” at issue consisted of domestic producers of polychloroprene rubber.
rule 19 CFR 201.15, even if the corresponding underlying original investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Carol McCue Verratti, Deputy Agency Ethics Official, at 202–205–3088.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to section 207.7(a) of the Commission’s rules, the Secretary will make BPI submitted in this review available to authorized applicants under the APO issued in the review, provided that the application is made no later than 21 days after publication of this notice in the Federal Register. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the review. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to section 207.3 of the Commission’s rules, any person submitting information to the Commission in connection with this review must certify that the information is accurate and complete to the best of the submitter’s knowledge. In making the certification, the submitter will be deemed to consent, unless otherwise specified, for the Commission, its employees, and contract personnel to use the information provided in any other reviews or investigations of the same or comparable products which the Commission conducts under Title VII of the Act, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.

Written submissions.—Pursuant to section 207.61 of the Commission’s rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is August 2, 2010. Pursuant to section 207.62(b) of the Commission’s rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is September 14, 2010. All written submissions must conform with the provisions of sections 201.8 and 207.3 of the Commission’s rules and any submissions that contain BPI must also conform with the requirements of sections 201.6 and 207.7 of the Commission’s rules. The Commission’s rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission’s rules, as amended, 67 FR 68036 (November 8, 2002). Also, in accordance with sections 201.16(c) and 207.3 of the Commission’s rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the review you do not need to serve your response).

Inability to provide requested information.—Pursuant to section 207.61(c) of the Commission’s rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act in making its determination in the review.

Information to be Provided In Response to this Notice of Institution: As used below, the term “firm” includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and E-mail address of the certifying official.

(2) A statement indicating whether your firm/entity is a U.S. producer of the Domestic Like Product, a U.S. union or worker group, a U.S. importer of the Subject Merchandise, a foreign producer or exporter of the Subject Merchandise, a U.S. or foreign trade or business association, or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this review by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty finding on the Domestic Industry in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of Subject Merchandise on the Domestic Industry.

(5) A list of all known and currently operating U.S. producers of the Domestic Like Product. Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the Subject Merchandise and producers of the Subject Merchandise in the Subject Country that currently export or have exported Subject Merchandise to the United States or other countries after 2004.

(7) A list of 3–5 leading purchasers in the U.S. market for the Domestic Like Product and the Subject Merchandise (including street address, World Wide Web address, and the name, telephone number, fax number, and E-mail address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the Domestic Like Product or the Subject Merchandise in the U.S. or other markets.

(9) If you are a U.S. producer of the Domestic Like Product, provide the following information on your firm’s operations on that product during calendar year 2009, except as noted (report quantity data in pounds and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the Domestic Like Product accounted for by your firm’s(s’) production;

(b) Capacity (quantity) of your firm to produce the Domestic Like Product (i.e., the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the Domestic Like Product produced in your U.S. plants;

(d) the quantity and value of U.S. internal consumption/company...
transfers of the Domestic Like Product produced in your U.S. plant(s).

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the Domestic Like Product produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the Subject Merchandise from the Subject Country, provide the following information on your firm’s(s’) operations on that product during calendar year 2009 (report quantity data in pounds and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of Subject Merchandise from the Subject Country accounted for by your firm’s(s’) imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of Subject Merchandise imported from the Subject Country; and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of Subject Merchandise imported from the Subject Country.

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the Subject Merchandise in the Subject Country, provide the following information on your firm’s(s’) operations on that product during calendar year 2009 (report quantity data in pounds and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of Subject Merchandise in the Subject Country accounted for by your firm’s(s’) production; and

(b) Capacity (quantity) of your firm to produce the Subject Merchandise in the Subject Country (i.e., the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm’s(s’) exports to the United States of Subject Merchandise and, if known, an estimate of the percentage of total exports to the United States of Subject Merchandise from the Subject Country accounted for by your firm’s(s’) exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the Domestic Like Product that have occurred in the United States or in the market for the Subject Merchandise in the Subject Country after 2004, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the Domestic Like Product produced in the United States, Subject Merchandise produced in the Subject Country, and such merchandise from other countries.

(13) [OPTIONAL] A statement of whether you agree with the above definitions of the Domestic Like Product and Domestic Industry; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission’s rules. By order of the Commission. Issued: June 23, 2010.

Marilyn R. Abbott,
Secretary to the Commission.

[FR Doc. 2010–15667 Filed 6–30–10; 8:45 am]
BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–282 (Third Review)]

Petroleum Wax Candles From China


ACTION: Institution of a five-year review concerning the antidumping duty order on petroleum wax candles from China.

SUMMARY: The Commission hereby gives notice that it has instituted a review pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether revocation of the antidumping duty order on petroleum wax candles from China would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission; to be assured of consideration, the deadline for responses is August 2, 2010. Comments on the adequacy of responses may be filed with the Commission by September 14, 2010. For further information concerning the conduct of this review and rules of general application, consult the Commission’s Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207), as most recently amended at 74 FR 2847 (January 16, 2009).

DATES: Effective Date: July 1, 2010.


1 No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117–0016/USITC No. 10–5–220, expiration date June 30, 2011. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.
this review may be viewed on the Commission’s electronic docket (EDIS) at http://edis.usitc.gov.

SUPPLEMENTARY INFORMATION:

Background.—On August 28, 1986, the Department of Commerce issued an antidumping duty order on imports of petroleum wax candles from China (51 FR 30686). Following first five-year reviews by Commerce and the Commission, effective September 23, 1999, Commerce issued a continuation of the antidumping duty order on imports of petroleum wax candles from China (64 FR 51514). Following second five-year reviews by Commerce and the Commission, effective August 10, 2005, Commerce issued a second continuation of the antidumping duty order on imports of petroleum wax candles from China (70 FR 56890, September 29, 2005). The Commission is now conducting a third review to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. It will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full review or an expedited review. The Commission’s determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to this review:

(1) Subject Merchandise is the class or kind of merchandise that is within the scope of the five-year review, as defined by the Department of Commerce.

(2) The Subject Country in this review is China.

(3) The Domestic Like Product is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the Subject Merchandise. In its original determination and its expedited first five-year review determination, the Commission defined the Domestic Industry as producers of petroleum wax candles. In its full second five-year review determination, the Commission defined the Domestic Industry as consisting of all domestic producers of candles containing petroleum wax, except for candles that contain more than 50 percent beeswax.

(4) The Domestic Industry is the U.S. producers as a whole of the Domestic Like Product, or those producers whose collective output of the Domestic Like Product constitutes a major proportion of the total domestic production of the product. In its original determination and its expedited first five-year review determination, the Commission defined the Domestic Industry as producers of petroleum wax candles. In its full second five-year review determination, the Commission defined the Domestic Industry as consisting of all domestic producers of candles containing petroleum wax, except for candles that contain more than 50 percent beeswax.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to section 207.7(a) of the Commission’s rules, the Secretary will make BPI submitted in this review available to authorized applicants under the APO issued in the review, provided that the application is made no later than 21 days after publication of this notice in the Federal Register. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the review. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to section 207.3 of the Commission’s rules, any person submitting information to the Commission in connection with this review must certify that the information is accurate and complete to the best of the submitter’s knowledge. In making the certification, the submitter will be deemed to consent, unless otherwise specified, for the Commission, its employees, and contract personnel to use the information provided in any other reviews or investigations of the same or comparable products which the Commission conducts under Title VII of the Act, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.

Written submissions.—Pursuant to section 207.61 of the Commission’s rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is August 2, 2010. Pursuant to section 207.62(b) of the Commission’s rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is September 14, 2010. All written submissions must conform with the provisions of sections 201.8 and 207.3 of the Commission’s rules and any submissions that contain BPI must also conform with the requirements of sections 201.6 and 207.7 of the Commission’s rules. The Commission’s rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission’s rules, as amended, 67 FR 68036 (November 8, 2002). Also, in accordance with sections 201.16(c) and 207.3 of the Commission’s rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public service list or any other list as appropriate), and a certificate of service must accompany the document (if you...
are not a party to the review you do not need to serve your response).

**Inability to provide requested information**—Pursuant to section 207.61(c) of the Commission’s rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act in making its determination in the review.

**Information to be Provided In Response to this Notice of Institution:** As used below, the term “firm” includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and, name, telephone number, fax number, and E-mail address of the certifying official.

(2) A statement indicating whether your firm/entity is a U.S. producer of the Domestic Like Product, a U.S. union or worker group, a U.S. importer of the Subject Merchandise, a foreign producer or exporter of the Subject Merchandise, a U.S. or foreign trade or business association, or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this review by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty order on the Domestic Industry in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of Subject Merchandise on the Domestic Industry.

(5) A list of all known and currently operating U.S. producers of the Domestic Like Product. Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the Subject Merchandise and producers of the Subject Merchandise in the Subject Country that currently export or have exported Subject Merchandise to the United States or other countries after 2004.

(7) A list of 3–5 leading purchasers in the U.S. market for the Domestic Like Product and the Subject Merchandise (including street address, World Wide Web address, and the name, telephone number, fax number, and E-mail address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the Domestic Like Product or the Subject Merchandise in the U.S. or other markets.

(9) If you are a U.S. producer of the Domestic Like Product, provide the following information on your firm’s operations on that product during calendar year 2009, except as noted (report quantity data in pounds and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity and, if known, an estimate of the percentage of total U.S. production of the Domestic Like Product accounted for by your firm’s(s’) production);

(b) Capacity (quantity) of your firm to produce the Domestic Like Product (i.e., the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the Domestic Like Product produced in your U.S. plant(s); and

(d) the quantity and value of U.S. internal consumption/company transfers of the Domestic Like Product produced in your U.S. plant(s).

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (S&G&A) expenses, and (v) operating income of the Domestic Like Product produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers for the most recently completed fiscal year (identify the date on which your fiscal year ends).

(f) the value of your firm’s(s’) imports from the United States or other countries after 2004.

(g) The quantity and value of your firm’s(s’) imports from the United States or other countries after 2004.

(h) The quantity and value of your firm’s(s’) imports from the United States or other countries after 2004.

(i) The quantity and value of your firm’s(s’) imports from the United States or other countries after 2004.

(j) If you are a producer, an exporter, or a trade/business association of producers or exporters of the Subject Merchandise in the Subject Country, provide the following information on your firm’s(s’) operations on that product during calendar year 2009 (report quantity data in pounds and value data in U.S. dollars, f.o.b. port, including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity and, if known, an estimate of the percentage of total U.S. imports of the Subject Merchandise from the Subject Country accounted for by your firm’s(s’) imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of Subject Merchandise imported from the Subject Country; and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of Subject Merchandise imported from the Subject Country.

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the Subject Merchandise in the Subject Country, provide the following information on your firm’s(s’) operations on that product during calendar year 2009 (report quantity data in pounds and value data in U.S. dollars, f.o.b. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity and, if known, an estimate of the percentage of total production of Subject Merchandise in the Subject Country accounted for by your firm’s(s’) production); and

(b) Capacity (quantity) of your firm to produce the Subject Merchandise in the Subject Country (i.e., the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm’s(s’) exports to the United States of Subject Merchandise and, if known, an estimate of the percentage of total U.S. imports of Subject Merchandise accounted for by your firm’s(s’) exports;
Merchandise from the Subject Country accounted for by your firm(s)’s exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the Domestic Like Product that have occurred in the United States or in the market for the Subject Merchandise in the Subject Country after 2004, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the Domestic Like Product produced in the United States, Subject Merchandise produced in the Subject Country, and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the Domestic Like Product and Domestic Industry; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission’s rules.

By order of the Commission.

Issued: June 23, 2010.

Marilyn R. Abbott,
Secretary to the Commission.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 18) of the presiding administrative law judge (“ALJ”) terminating the above-captioned investigation based on withdrawal of the complaint.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708–2310. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at http://www.usitc.gov. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at http://edis.usitc.gov. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on December 9, 2009, based on a complaint filed by B&R Plastics, Inc. (“B&R”) of Denver, Colorado. 74 FR. 65155–6 (Dec. 9, 2009). The complaint, as amended, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain foldable stools by reason of infringement of U.S. Patent No. D460,566. 75 FR 6706 (Feb. 10, 2010). The complaint, as amended, further alleges the existence of a domestic industry. The Commission’s notice of investigation, as amended, named several respondents including the following: Amazon.com, Inc. of Seattle, Washington; Bed Bath & Beyond Inc. of Union, New Jersey; The Afternoon of Omaha, Nebraska; QVC, Inc. of West Chester, Pennsylvania; Kikkerland Design, Inc. of New York, New York; Buy.com of Aliso Viejo, California; LTD Commodities, LLC, d/b/a abc Distributing of Bannockburn, Illinois; Euromarket Designs, Inc., d/b/a Crate & Barrel of Northbrook, Illinois; The Container Store, Inc. of Coppell, Texas; Home Depot USA Inc. of Atlanta, Georgia; Ningbo ZhongTian Co., Ltd. (“Ningbo ZhongTian”) of China; Ningbo Ningfeng Import and Export Co. Ltd. (“Ningbo Ningfeng”) of China; and Always Something Brilliant (“ASB”) of Denver, Colorado.

On February 4, 2010, the Commission issued notice of its determination not to review the ALJ’s ID granting B&R’s motion to amend the complaint and notice of investigation to correct the names of certain respondents. 75 FR 6706 (Feb. 10, 2010). On March 18, 2010, the Commission issued notice of its determination not to review the ALJ’s ID granting B&R’s motion to terminate the investigation as to respondent Buy.com based on partial withdrawal of the complaint. Also, on April 15, 2010, the Commission issued notice of its determination not to review the ALJ’s ID granting B&R’s motion for a determination that respondents Ningbo ZhongTian, Ningbo Ningfeng, and ASB are in default based on their failure to respond to the complaint and notice of investigation.

On May 13, 2010, B&R moved to terminate the investigation as to all respondents based on withdrawal of the complaint.

The ALJ issued the subject ID on June 8, 2010, granting the motion for termination of the investigation. No party petitioned for review of the ID pursuant to 19 CFR 210.43(a), and the Commission found no basis for ordering a review on its own initiative pursuant to 19 CFR 210.44. The Commission has determined not to review the ID, and has terminated the investigation.


By order of the Commission.

Issued: June 25, 2010.

Marilyn R. Abbott,
Secretary to the Commission.

DEPARTMENT OF LABOR
Office of the Secretary
Final Notice of Submission for OMB Review; Comment Request

ACTION: Final Notice of Submission for OMB Review; Comment Request

SUMMARY: The Department of Labor (DOL) hereby announces the submission of the following public information collection request (ICR) to the Office of
Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of this ICR, with applicable supporting documentation, including, among other things, a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site at http://www.reginfo.gov/public/do/PRAMain or by contacting Linda Watts Thomas on 202–693–4223 (this is not a toll-free number) and e-mail mail to: DOL_PRA_PUBLIC@dol.gov.

Interested parties are encouraged to send written comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor—Wage and Hour Division, Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202–395–7316/Fax 202–395–5806 (these are not toll-free numbers), E-mail: OIRA_submission@omb.eop.gov within 30 days from the date of this publication in the Federal Register. In order to ensure the appropriate consideration, comments should reference the OMB Control Number (see below). The OMB is particularly interested in comments which:

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

(2) Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Wage and Hour Division.
Type of Review: Extension without change of a previously approved collection.
Title of Collection: Employment Information Form.
OMB Control Number: 1235–0021.
Agency Form Number: Form WH–3 (English and Spanish).
Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 35,000.
Total Estimated Annual Burden Hours: 11,667.
Total Estimated Annual Costs Burden: $0.

Description: This information collection covers complaints of labor standards violations filed by current and former employees, unions, competitor employers, and other interested parties with the Wage and Hour Division (WHD) of the DOL. Complainants themselves or WHD staff, using information provided by the complainants, complete Form WH–3 to record the allegation. WHD staff use the completed Form WH–3 to obtain information about employer compliance with the provisions of the various labor standards laws enforced by the WHD and to determine if the agency has jurisdiction to investigate the alleged violation(s). WHD makes Form WH–3 available in both English and Spanish. When the WHD schedules a complaint-based investigation, the agency makes the completed Form WH–3 part of the investigation case file. For additional information, see related notice published in the Federal Register on December 2, 2009 (74 FR 63159).


Linda Watts Thomas,
Acting Departmental Clearance Officer.
[FR Doc. 2010–15987 Filed 6–30–10; 8:45 am]
BILLING CODE 4510–79–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–70,749]


By application received March 22, 2010, the petitioner requested administrative reconsideration of the negative determination regarding workers’ eligibility to apply for Trade Adjustment Assistance (TAA) applicable to workers and former workers of the subject firm. The determination was issued on December 18, 2009, and the Notice of Determination was published in the Federal Register on February 16, 2010 (75 FR 7034).

The initial investigation resulted in a negative determination based on the finding that, during the relevant period, Fanuc Robotics America neither imported articles like or directly competitive with the robotic systems produced at the subject firm nor shifted production of robotic systems to a foreign country.

Furthermore, the Department surveyed Fanuc Robotics America’s major declining customers regarding purchases of robotic systems in 2007, 2008, and during January through April 2009. The survey revealed negligible imports of robotic systems during the relevant period.

The investigation also revealed that the subject firm was not eligible as a Supplier or a Downstream Producer because they did not supply a component part used by a firm that employed a worker group covered by an active TAA certification.

In the request for reconsideration, the petitioner provided additional information to support a secondary certification. Further, the petitioner had emphasized that subject firm workers had participated in the production process in their customers’ plants during the initial installation, testing, and worker training phases that followed the delivery of the subject firm’s robotic devices to the customers.

The Department has carefully reviewed the request for reconsideration and the existing record, and has determined that the Department will conduct further investigation to determine if the workers meet the eligibility requirements of the Trade Act of 1974.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the U.S. Department of Labor’s prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 21st day of June, 2010.

Del Min Amy Chen,
Certifying Officer, Division of Trade Adjustment Assistance.
[FR Doc. 2010–16017 Filed 6–30–10; 8:45 am]
BILLING CODE 4510–FN–P
DEPARTMENT OF LABOR
Employment and Training Administration

[TA–W–71,047]

UAW–Chrysler National Training Center, Detroit, MI; Notice of Affirmative Determination Regarding Application for Reconsideration

By application dated June 15, 2010, the State of Michigan requested administrative reconsideration of the negative determination regarding workers’ eligibility to apply for Trade Adjustment Assistance (TAA) applicable to workers and former workers of the subject firm. The Department’s determination was issued on April 13, 2010, and the Notice of determination was published in the Federal Register on May 20, 2010 (75 FR 28301).

The initial investigation resulted in a negative determination based on the finding that a significant number or proportion of the workers in the UAW–Chrysler National Training Center, Detroit, Michigan, had not been separated or threatened with separation.

In the request for reconsideration, the petitioner provided additional information regarding the number of employees of the subject firm.

The Department has carefully reviewed the request for reconsideration and the existing record, and has determined that the Department will conduct further investigation to determine if the workers meet the eligibility requirements of the Trade Act of 1974.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the U.S. Department of Labor’s prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 21st day of June, 2010.

Del Min Amy Chen,
Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 2010–16019 Filed 6–30–10; 8:45 am]
BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR
Employment and Training Administration

[TA–W–71,032]

AGY Holding Corporation, Huntington, PA; Notice of Affirmative Determination Regarding Application for Reconsideration

By application dated June 1, 2010, a petitioner requested administrative reconsideration of the negative determination regarding workers’ eligibility to apply for Trade Adjustment Assistance (TAA) applicable to workers and former workers of the subject firm. The determination was issued on April 27, 2010. The Notice of determination was published in the Federal Register on May 28, 2010 (75 FR 30072). Workers are engaged in employment related to the production of fine yarns and specialty glass yarns. The negative determination was based on the Department’s findings that increased imports of fine yarns and specialty glass yarns did not contribute importantly to worker separations at the subject firm and no shift of production abroad occurred.

In the request for reconsideration, the petitioner provided additional information regarding a shift in production abroad.

The Department has carefully reviewed the request for reconsideration and the existing record and has determined that the Department will conduct further investigation to determine if the workers meet the eligibility requirements of the Trade Act of 1974.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the U.S. Department of Labor’s prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 21st day of June, 2010.

Del Min Amy Chen,
Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 2010–16020 Filed 6–30–10; 8:45 am]
BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR
Veterans’ Employment and Training Service

Final Notice of Submission for OMB Review; Comment Request

SUMMARY: The Department of Labor, Veterans’ Employment and Training Service (VETS) gives notice that it has submitted the information collection request (ICR) described below to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. A copy of this ICR, with applicable supporting documentation, including, among other things, a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site at http://www.reginfo.gov/public/do/PRAmain or by contacting Linda Watts Thomas on 202–693–4223 (this is not a toll-free number) and e-mail to: DOL_PRA_PUBLIC@dol.gov.

Interested parties are encouraged to send written comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor—Veterans’ Employment and Training Service (VETS), Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202–395–7316/Fax 202–395–5806 (these are not toll-free numbers), E-mail: OIRA_submission@omb.eop.gov within 30 days from the date of this publication in the Federal Register. In order to ensure the appropriate consideration, comments should reference the OMB Control Number (see below).

The OMB is particularly interested in comments which:

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

(2) Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.
DEPARTMENT OF LABOR

Employment and Training Administration

[TAW–64,413]

Visteon Systems, LLC North Penn Plant Electronics Products Group Including On-Site Leased Workers From Ryder Integrated Logistics and Including On-Site Workers From Span America, Inc. Lansdale, Pennsylvania; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on December 15, 2008, applicable to workers of Visteon Systems, LLC, North Penn Plant, Electronics Products Group, including on-site leased workers from Ryder Integrated Logistics, Lansdale, Pennsylvania. The notice was published in the Federal Register on December 29, 2009 (74 FR 2136). The certification was amended on December 29, 2008 to correct the impact date to read December 6, 2008. The notice was published in the Federal Register on January 6, 2009 (74 FR 469).

At the request of the petitioner, the Department reviewed the certification for workers of the subject firm. The workers produce power control modules, SDARS, and sensors.

New information shows that workers from Span America, Inc. were employed on-site at the Lansdale, Pennsylvania, location of Visteon Systems, LLC, North Penn Plant, Electronics Products Group. The Department has determined that these workers were sufficiently under the control of Visteon Systems, LLC, North Penn Plant, Electronics Products Group to be covered by this certification.

The intent of the Department’s certification is to include all workers of the subject firm adversely affected by the shift in production of power control modules, SDARS, and sensors to Mexico.

Based on these findings, the Department is amending this certification to include workers from Span America, Inc. working on-site at the Lansdale, Pennsylvania, location of the subject firm.

The amended notice applicable to TA–W–64,413 is hereby issued as follows:

All workers of Visteon Systems, LLC, North Penn Plant, Electronics Products Group, including on-site leased workers from Ryder Integrated Logistics and including on-site workers from Span America, Inc., Lansdale, Pennsylvania, who became totally or partially separated from employment on or after December 6, 2008, through December 15, 2010, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed at Washington, DC, this 15th day of June 2010.

Elliott S. Kushner,
Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 2010–16015 Filed 6–30–10; 8:45 am]
BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TAW–64,867]

Sherrill Furniture, Hickory White Furniture Division Hickory, NC; Including Workers of Hickory White Upholstery High Point, NC in Support of Sherrill Furniture Hickory White Furniture Division Hickory, NC; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, as amended (“Act”), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on January 30, 2009, applicable to workers of Sherrill Furniture, Hickory White Furniture Division, Hickory, North Carolina. The notice was published in the Federal Register on February 10, 2009 (74 FR 6653).

At the request of the petitioners, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of bedroom and dining room furniture.

Information shows that Sherrill Furniture is the parent company of Hickory White Upholstery. Since Hickory White Upholstery operates in conjunction with Sherrill Furniture, production is vertically integrated and both are experiencing worker layoffs.

Based on these findings, the Department is amending this certification to including workers of Hickory White Upholstery, High Point,
North Carolina in support of Sherrill Furniture, Hickory White Furniture Division, Hickory, North Carolina.

The intent of the Department’s certification is to include all workers employed at Sherrill Furniture, Hickory White Furniture Division, Hickory, North Carolina who were adversely affected by increased company imports of bedroom and dining room furniture.

The amended notice applicable to TA–W–64,867 is hereby issued as follows:

All workers of Hickory White Furniture, division of Sherrill Furniture, Hickory, North Carolina, including workers of Hickory White Upholstery, High Point, North Carolina in support of Hickory White Furniture, division of Sherrill Furniture, Hickory, North Carolina, who became totally or partially separated from employment on or after January 12, 2008 through January 30, 2011, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed at Washington, DC, this 17th day of June 2010.

Del Min Amy Chen,
Certifying Officer, Division of Trade Adjustment Assistance.

DEPARTMENT OF LABOR
Employment and Training Administration

TA–W–73,800; TA–W–73,800A; TA–W–73,800B

Sensata Technologies MA, Inc., Power Controls Division, Formerly Known As Airpax Corp., Cambridge, Maryland, Including Employees of Sensata Technologies MA, Inc., Power Controls Division Formerly Known As Airpax Corp., Cambridge, Maryland Working Off-Site in Falmouth, Massachusetts and Westfield, Indiana Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, as amended (“Act”), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on March 19, 2010, applicable to workers of CEVA Freight, LLC, Dell Logistics Division, including on-site leased workers from Prologistix, Winston-Salem, North Carolina. The notice was published in the Federal Register on April 23, 2010 (75 FR 21357).

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. The workers supply freight management services.

The company reports that workers leased from Employment Staffing Solutions were employed on-site at the Winston-Salem, North Carolina location of CEVA Freight, LLC, Dell Logistics Division. The Department has determined that these workers were sufficiently under the control of the subject firm to be considered leased workers.

Based on these findings, the Department is amending this certification to include workers working on-site at the Winston-Salem, North Carolina location of CEVA Freight, LLC, Dell Logistics Division. The intent of the Department’s certification is to include all workers employed at CEVA Freight, LLC, Dell Logistics Division, Winston-Salem, North Carolina who were adversely affected as a supplier of freight management services.

The amended notice applicable to TA–W–72,900 is hereby issued as follows:

All workers of CEVA Freight, LLC, Dell Logistics Division, including on-site leased workers from Prologistix and Employment Staffing Solutions, Winston-Salem, North Carolina, who became totally or partially separated from employment on or after November 18, 2008, through March 19, 2012, and all workers in the group threatened with total or partial separation from employment
DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–72,689]

Freescale Semiconductor, Inc., Hardware/Software Design and Manufacturing A Including On-Site Leased Workers From TAC Worldwide, GDA Technologies, Inc., Manpower, Ion Design, Design Solutions, Inc., Veriseo, SiliconElite and MicroLogic, Inc., Austin, TX; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (“Act”), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on May 7, 2010, applicable to workers of Freescale Semiconductor, Inc., Hardware/Software Design and Manufacturing A, including on-site leased workers from TAC Worldwide, GDA Technologies, Inc., Manpower, Ion Design, Design Solutions, Inc., Veriseo, SiliconElite and MicroLogic, Inc., Austin, Texas, who became totally or partially separated from employment on or after October 19, 2008, through May 7, 2012, and all workers in the group threatened with total or partial separation from employment on the date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed at Washington, DC, this 18th day of June 2010.

Del Min Amy Chen,
Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 2010–16021 Filed 6–30–10; 8:45 am]
BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–73,233]

The Berry Company LLC, a Subsidiary of Local Insight Media Holdings, Inc., Formally Known as Local Insight Yellow Pages Including On-Site Leased Workers From Kelly Services, Randstad and Manpower Hudson, Ohio; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (“Act”), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on April 27, 2010, applicable to workers of The Berry Company LLC, a subsidiary of Local Insight Media Holdings, Inc., formally known as Local Insight Yellow Pages, including on-site leased workers from Kelly Services, Randstad and Manpower, Hudson, Ohio, who became totally or partially separated from employment on or after January 7, 2009, through April 27, 2012, and all workers in the group threatened with total or partial separation from employment on the date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed at Washington, DC, this 10th day of June 2010.

Elliott S. Kushner,
Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 2010–16024 Filed 6–30–10; 8:45 am]
BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–70,907]

TRW Automotive, Kelsey-Hayes Company, NABS Division, Mt. Vernon, OH; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (“Act”), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on August 25, 2009, applicable to workers of TRW Automotive, NABS Division, Mt. Vernon, Ohio. The notice was published in the Federal Register on November 5, 2009 (74 FR 57340).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production

on the date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed at Washington, DC this 21st day of June 2010.

Del Min Amy Chen,
Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 2010–16022 Filed 6–30–10; 8:45 am]
of brake components such as brake cylinders for the automotive industry.

Information shows that some workers separated from employment at the subject firm had their wages reported under a separated unemployment insurance (UI) tax account under the name Kelsey-Hayes Company, a subsidiary of TRW Automotive.

Accordingly, the Department is amending this certification to properly reflect this matter.

The intent of the Department’s certification is to include all workers of the subject firm who were adversely affected by increased imports of brake components such as brake cylinders for the automotive industry.

The amended notice applicable to TA–W–70,907 is hereby issued as follows:

All workers of TRW Automotive, Kelsey-Hayes Company, NABS Division, Mt. Vernon, Ohio, who became totally or partially separated from employment on or after June 2, 2008 through August 25, 2011, and all workers in the group threatened with total or partial separation from employment on date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed at Washington, DC this 22nd day of June 2010.

Elliott S. Kushner,
Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 2010–16018 Filed 6–30–10; 8:45 am]
BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration


Keystone Steel and Wire Company; Notice of Application for a Permanent Variance, Grant of an Interim Order, and Request for Comments

AGENCY: Occupational Safety and Health Administration (OSHA), Department of Labor.

ACTION: Notice of application for a permanent variance; grant of an interim order.

SUMMARY: Keystone Steel and Wire Company (KSW) is applying for a permanent variance from the provisions of the OSHA standards that regulate occupational exposure to lead and arsenic, specifically paragraph (h)(2)(i) of 29 CFR 1910.1025 and paragraph (k)(2) of 29 CFR 1910.1018. These provisions prohibit the use of compressed air to clean floors and other surfaces where lead and arsenic particulates accumulate. This notice seeks public comment on the alternative conditions proposed by KSW to protect its workers when they use compressed air to remove lead and arsenic particulates from inside the housings of crane motors.

DATES: Submit comments and requests for a hearing on or before August 2, 2010. The interim order specified by this notice becomes effective July 1, 2010. All submissions must bear a postmark or provide other evidence of the submission date.

ADDRESSES: Electronic. Submit comments and requests for a hearing electronically at http://www.regulations.gov, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile. OSHA allows facsimile transmission of comments that are 10 pages or fewer in length (including attachments), as well as hearing requests. Send these comments and requests to the OSHA Docket Office at (202) 693–1648; hard copies of these comments are not required. Instead of transmitting facsimile copies of attachments that supplement their comments (e.g., studies and journal articles), commenters may submit these attachments to the OSHA Docket Office, Technical Data Center, Room N–2625, OSHA, U.S. Department of Labor, 200 Constitution Ave., N.W., Washington, DC 20210. These attachments must clearly identify the sender’s name, date, subject, and docket number (i.e., OSHA–2010–0011) so that the Agency can attach them to the appropriate comments.

Regular mail, express delivery, hand (courier) delivery, and messenger service. Submit three copies of comments and any additional material (e.g., studies and journal articles), as well as hearing requests, to the OSHA Docket Office, Docket No. OSHA–2010–0011, Technical Data Center, Room N–2625, OSHA, U.S. Department of Labor, 200 Constitution Ave., N.W., Washington, DC 20210; telephone: (202) 693–2350. Contact the OSHA Docket Office at (202) 693–2350 for information about security procedures concerning the delivery of materials by express delivery, hand delivery, and messenger service. The hours of operation for the OSHA Docket Office and Department of Labor are 8:15 a.m. to 4:45 p.m., e.t.

Instructions. All submissions must include the Agency name and the OSHA docket number (i.e., OSHA–2010–0011). OSHA places comments and other materials, including any personal information, in the public docket without revision, and these materials may be available online at http://www.regulations.gov. Therefore, the Agency cautions commenters about submitting statements they do not want made available to the public, or submitting comments that contain personal information (either about themselves or others) such as Social Security numbers, birth dates, and medical data.

Docket. To read or download submissions or other material in the docket, go to http://www.regulations.gov or to the OSHA Docket Office at the address above. All documents in the docket are listed in the http://www.regulations.gov index; however, some information (e.g., copyrighted material) is not publicly available to read or download through this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office.

FOR FURTHER INFORMATION CONTACT: General information and press inquiries. For general information and press inquiries about this notice contact Jennifer Ashley, Director, OSHA Office of Communications, Room N–3647, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, DC 20210; telephone: (202) 693–1999.

Technical information. For technical information about this notice, contact MaryAnn Garrahan, Director, Office of Technical Programs and Coordination Activities, Room N–3655, OSHA, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, DC 20210; telephone: (202) 693–2110; fax: (202) 693–1644.

Copies of this Federal Register notice. Electronic copies of this notice are available at http://www.regulations.gov. Electronic copies of this notice, as well as news releases and other relevant information, are available on OSHA’s Web page at http://www.osha.gov.

I. Notice of Application

Keystone Steel and Wire Company (hereafter, “KSW” or “the applicant”), 7000 SW. Adams Street, Peoria, IL 61641, submitted an application for a permanent variance under Section 6(d) of the Occupational Safety and Health Act of 1970 (“OSH Act”; 29 U.S.C. 655) and 29 CFR 1905.11 (“Variances and other relief under section 6(d)”) (see Exhibit 1: KSW’s original variance application dated 09/10/1998).

The applicant seeks a permanent variance from the provisions of the

1 This address also is the place of employment described in the application.
OSHA standards that regulate occupational exposure to lead and arsenic, specifically paragraph (b)(2)(i) of 29 CFR 1910.1025 and paragraph (k)(2) of 29 CFR 1910.1018. These paragraphs prohibit use of compressed air to clean floors and other surfaces where lead and arsenic particulates accumulate. These paragraphs specify the following requirements:

- 29 CFR 1910.1025(h)(2)(i): Floors and other surfaces where lead accumulates may not be cleaned by the use of compressed air.
- 29 CFR 1910.1018(k)(2): Cleaning floors. Floors and other accessible surfaces contaminated with inorganic arsenic may not be cleaned by the use of compressed air, and shoveling and brushing may be used only where vacuuming or other relevant methods have been tried and found not to be effective.

The applicant contends that the permanent variance would provide its workers with a place of employment that is at least as safe and healthful as they would obtain under these standards.

The applicant certifies that it provided the union representative with a copy of its variance application. The applicant also certifies that it notified its workers of the variance request by posting a summary of the application at a prominent location where it normally posts notices to its workers, and specifying where the workers can examine a complete copy of the application. In addition, the applicant states that it informed workers and the union representative of their right to petition the Assistant Secretary of Labor for Occupational Safety and Health for a hearing on this variance application.

II. Supplementary Information

A. Overview

The applicant operates a melt shop where it processes scrap steel into a molten state. The equipment used to accomplish the melting process consists of: An electric-arc furnace, which uses an electric arc generated from electrodes to melt the scrap steel; and a ladle metallurgy furnace, which uses electrodes to maintain the molten steel at a constant temperature to produce the proper consistency of steel. The melting process requires the use of two overhead cranes to haul the scrap to the furnaces, and to transport the molten steel for further processing. Ten large, direct-current electric motors power each crane.

During the melting process, fugitive emissions containing trace amounts of lead and arsenic accumulate inside the motor housings of the overhead cranes. To prevent electric arcing, KSW must remove the accumulated particulates from inside the crane-motor housings. To accomplish this task, KSW uses compressed air supplemented by a vacuum-containment system (see Exhibit 16: KSW’s amended application dated 04/02/2009). To demonstrate the effectiveness of this system, KSW performed several rounds of personal-exposure monitoring for the workers who use the system to remove particulates from inside the crane-motor housings. Results of the sampling (see Exhibit 16: KSW’s amended application dated 04/02/2009) indicate that worker exposures were below the action level of 30 micrograms of lead per cubic meter of air (μg/m³) and 5 μg/m³ of inorganic arsenic during two consecutive rounds of sampling.

B. Summary of KSW’s Variance-Application Process

On April 2, 2009, KSW submitted an amended variance application (see Exhibit 16: KSW’s amended application dated 04/02/2009) requesting a permanent variance would provide its workers with a place of employment that is at least as safe and healthful as they would obtain under these standards.6

The applicant states that it is necessary to use compressed air in combination with a vacuum-containment system to completely remove particulates containing lead and arsenic from inside crane-motor housings during periodic maintenance operations. Paragraph (b)(2)(i) of 29 CFR 1910.1025 regulates housekeeping operations involving lead contamination, and prohibits the use of compressed air for cleaning floors and other surfaces. Paragraph (k)(2) of 29 CFR 1910.1018 duplicates this housekeeping requirement for arsenic contamination. Compliance with these two paragraphs prevents exposure of workers (through inhalation) to unsafe airborne concentrations of lead and arsenic particulates that would occur if employers use compressed air for cleaning purposes. As an alternative to complying with the housekeeping requirements specified by 29 CFR 1910.1025(h)(2) and 1910.1018(k)(2), the applicant proposes to adopt an alternative means of compliance that consists, in part, of a compressed-air-vacuum-containment system.

- Exhibit 1: KSW’s original variance application dated 09/10/1998.
- Exhibit 2: OSHA letter dated 10/19/1998 to KSW denying the application.
- Exhibit 4: KSW letter dated 09/02/1999 to OSHA describing engineering controls.
- Exhibit 5: OSHA letter dated 09/08/1999 to KSW acknowledging receipt of the second application.
- Exhibit 6: OSHA letter dated 07/06/2003 to KSW requesting additional information.
- Exhibit 8: KSW letter dated 06/18/2004 to OSHA providing additional information.

- Exhibit 11: OSHA letter dated 05/28/2008 to KSW requesting additional information.

See also the following reference documents included in KSW’s amended variance application of 11/27/2006: Exhibit 19: KSW’s Arsenic, Lead and Cadmium Control Program; Exhibit 20: KSW’s Respiratory Protection Program; and Exhibit 21: KSW’s Safe Job Procedure.

See, e.g., the preamble to paragraph (h) of the final Lead standard (43 Federal Register, vol. 43, p. 52594, November 14, 1978), which noted language from the proposed standard stating that “the proposed language for this provision required ‘surfaces to be maintained free of accumulation of lead which, if dispersed, would result in airborne concentrations above the permissible exposure limit.’”
(CAVC) system mounted on a truck. A worker begins the crane-motor cleaning operation by inserting the nozzle of the compressed-air gun into an opening in the housing, then triggers the compressed air. The vacuum-containment system, which the worker activates prior to beginning the motor-cleaning operation, generates exhaust airflow inside the crane-motor housing. The vacuum, delivered through a hose, has an exhaust volume of 5,000 cubic feet per minute (cfm), and collects the lead and arsenic particulates that the worker removes with compressed air from the interior components of the crane motor. The system then deposits the particulates in a hopper, also mounted on the truck.

KSW designed a flanged end that fits over an opening in a housing that covers each crane motor (see Exhibit 15). The vacuum hose is connected to, and is supported by, this flange. Thus, the combination of the housing, flanged end, compressed air, and the vacuum-containment system captures most of the fugitive particulates released during the motor-cleaning operation, thereby reducing worker exposure to airborne lead and arsenic.

In support of its variance application, KSW submitted the following data and information demonstrating the effectiveness of the alternative means of compliance:

1. KSW administered several rounds of personal-exposure monitoring to workers who used compressed air while cleaning the crane motors. The results for the last two rounds of sampling for both lead and arsenic particulates were below the action levels for these substances (see Exhibit 15).

2. KSW performed several rounds of medical surveillance, including biological monitoring for blood lead and zinc protoporphyrin concentrations, on workers who cleaned crane motors. Blood-lead monitoring results were well below the allowable concentration of 40 μg lead/100 g whole blood (see Exhibit 15).

3. KSW developed and implemented a Respiratory Protection Program designed to meet the requirements specified by 29 CFR 1910.134 and 29 CFR 1910.1025(f) (see Exhibit 20).


5. KSW developed and implemented a Safe Job Procedure incorporating key elements of a job-hazard analysis. This document provides affected workers with a description of the steps required to complete the cleaning task, and the hazards associated with, and control methods used for, each of these steps (e.g., using vacuum exhaust in conjunction with compressed air, the type of protective clothing and other PPE to wear) (see Exhibit 21).

6. KSW developed and implemented a program to instruct affected workers about the hazards associated with performing motor-cleaning operations, and the hazard controls used while performing these operations (see Exhibit 15).

In addition to the CAVC, the applicant proposes to include the following conditions in its alternative means of compliance:

Engineering Controls and Related Conditions

1. Implement engineering controls (i.e., a compressed-air-vacuum-containment (CAVC) system) that maintain negative pressure inside the housing enclosing each crane motor when using compressed air to clean crane motors; this condition ensures that the exhaust airflow leaving the enclosure exceeds the inflow of compressed air by maintaining the volume of compressed air below 5,000 cfm. This condition effectively prevents escape of lead and arsenic particulates from the crane-motor housing.

2. To prevent the spread and recirculation of captured lead and arsenic particulates from the vacuum truck, ensure that: (a) The exhaust air in the CAVC system passes through a high-efficiency particulate air (HEPA) filtration system prior to discharge; and (b) this filtered exhaust does not reenter the work areas inside the plant.

3. Ensure the continued effectiveness of the alternative means of compliance by: (a) Performing a pre-use or yearly inspection (whichever occurs more frequently) of all equipment and components used in the cleaning operations; 

   *Examples of the equipment or components listed on the checklist include: Air compressors; pressure regulators; gages; compressed-air hoses; nozzle-pressure reducer; crane-motor enclosures; flanges; vacuum-system operations, including the HEPA filtration system and replacement of used filters; vacuum hoses; and electric outlets and extension cords used during the cleaning process.

   atmospheric atmosphere during the crane motor-cleaning operation.

4. Before implementing revisions to the motor-cleaning process, modify the Safe Job Procedure (see Exhibit 21) accordingly, and inform affected workers of the modifications. This condition promptly informs and updates workers performing the crane motor-cleaning operation of revisions to work procedures and safety practices, thereby reducing the possibility that they could compromise the effectiveness of the CAVC system and other protective measures.

Exposure Monitoring

5. Perform personal-exposure monitoring (i.e., breathing-zone sampling) of the workers for lead and arsenic particulates during the entire period they use compressed air to clean crane motors. For multiple crane motor-cleaning operations during the same maintenance cycle, perform such monitoring on at least two operations that are representative of exposures for all affected workers performing cleaning operations during the cycle. This condition allows KSW to monitor worker exposure to lead and arsenic particulates outside the crane-motor housing during the cleaning operation. KSW would use these monitoring results to determine the effectiveness of the CAVC system, and to take corrective action if exposures are at or above the action levels for lead or arsenic.

6. Conduct breathing-zone sampling of affected workers for the entire work day (full shift) on days when workers use compressed air to clean crane motors. The full-shift sampling must include separate sampling during the crane motor-cleaning operation, as well as during the remainder of the shift. This condition would assist KSW in identifying the source of elevated exposures (i.e., at or above the action level) that occur during the shift so that it can correct or implement appropriate exposure-control measures to reduce worker exposures below the action levels for lead and arsenic.

7. Ensure that results for the two most recent rounds of full-shift sampling remain below the action levels for arsenic and lead. This condition ensures that KSW can maintain worker exposure levels below the action levels for lead and arsenic, thereby providing them with a safe and healthful workplace.

8. Submit the breathing-zone samples for lead and arsenic particulates to an analytical laboratory that meets and complies with the certification criteria of the American Industrial Hygiene Association’s Industrial Hygiene Proficiency Analytical Testing Program.
This condition provides assurance that the laboratory is performing the testing of breathing-zone samples in accordance with recognized analytical standards to maintain the accuracy, reliability, and reproducibility of the sampling results. Accurate, reliable, and reproducible sampling results ensure that worker exposure determinations are valid.

Biological Monitoring

9. Within 30 calendar days after workers perform a motor-cleaning operation, conduct biological monitoring for blood-lead and zinc protoporphyrin concentrations on every worker involved in that motor-cleaning operation. Blood-lead sample analysis must be performed by a laboratory licensed by the U.S. Centers for Disease Control and Prevention (CDC), or a laboratory that obtained a satisfactory grade in blood-lead proficiency testing from CDC within the prior 12 months and has an accuracy (to a confidence level of 95 percent) within ±15 percent or ±6 μg/dL, whichever is greater. This condition provides information (in addition to exposure monitoring) regarding worker exposure to lead particulates while involved in the crane motor-cleaning operation, and demonstrates the effectiveness of the alternative means of compliance. This condition also provides assurance that the laboratory is performing the analysis of blood-lead samples in accordance with recognized analytical standards to maintain the accuracy, reliability, and reproducibility of the sampling results.

10. Ensure that blood-lead results remain at or below 40 μg lead/100 g whole blood. This condition supplements other conditions in providing information on the effectiveness of the alternative means of compliance, in addition to signaling the need to remove affected workers from the crane motor-cleaning operations in accordance with 29 CFR 1910.1025(k) should the blood-lead results exceed 40 μg lead/100 g whole blood.

11. Whenever KSW assigns a new worker to perform the crane motor-cleaning operation, conduct biological monitoring of the worker prior to the worker beginning the cleaning operation. This condition establishes a baseline blood-lead level against which to compare subsequent biological samples and, thereby, assess the effectiveness of the alternative means of compliance.

12. Not assign any worker to the crane motor-cleaning operation who declines to undergo the biological-monitoring procedure. This condition prevents worker exposure to the motor-cleaning operation without the benefit of biological monitoring to assess over-exposure to lead particulates.

Notifications

13. Provide written notification to affected workers of the results of their individual personal-exposure and biological-monitoring results in accordance with the requirements of the arsenic and lead standards (29 CFR 1910.1018(e)(5) and 29 CFR 1910.1025(d)(6)) within 15 working days from receipt of the results. The information provided to the affected workers will enable them to assess the effectiveness of the alternative means of compliance, i.e., the adequacy of existing controls or the need for additional controls.

14. Whenever (a) personal-exposure monitoring results are at or above the action levels for lead (30 μg/m³) or arsenic (5 μg/m³), or (b) blood-lead monitoring results are above 20 μg lead/100 g whole blood, provide these results to OSHA’s Peoria Area Office, OSHA’s Chicago, IL, Regional Office, and OSHA’s Office of Technical Programs and Coordination Activities within 15 working days of receiving the results, along with a written plan describing how KSW will reduce exposure levels or blood-lead levels. This condition will ensure that OSHA remains informed regarding the effectiveness of the alternative means of compliance, and will provide OSHA with an opportunity to assess KSW’s plan to reduce exposures to lead and arsenic below the action levels for these substances. Under this condition, OSHA also can evaluate KSW’s progress in restoring the effectiveness of the alternative means of compliance, and, if necessary, revise the conditions or revoke the variance should KSW not attain exposure levels below the action levels in a timely manner.

15. At least 15 calendar days prior to commencing any operation that involves using compressed air to clean crane motors, inform OSHA’s Peoria, IL, Area Office and OSHA’s Chicago, IL, Regional Office of the date and time the operation will commence. This condition provides OSHA with an opportunity to conduct on-site assessments of KSW’s compliance with the conditions of the variance, and to ascertain directly the effectiveness of the alternative means of compliance.

16. Notify in writing OSHA’s Office of Technical Programs and Coordination Activities as soon as KSW knows that it will: (a) Cease to do business; or (b) transfer the activities covered by the variance to a successor company. This condition allows OSHA to determine whether to revoke the variance or transfer the variance to the successor company.

Training

17. Implement the worker-training programs described in 29 CFR 1910.1018(o) and 29 CFR 1910.1025(f), including: (a) Initial training of new workers prior to their beginning a crane motor-cleaning operation; (b) yearly refresher training of all other workers involved in crane motor-cleaning operations; (c) documentation of this training; and (d) maintenance of the training records. This condition ensures that workers are knowledgeable regarding the hazards and corresponding hazard-control measures KSW implements to prevent worker exposure to harmful levels of airborne lead and arsenic particulates while engaged in the crane motor-cleaning. Training also provides workers with information necessary for them to assess KSW’s compliance with the conditions of the variance and the effectiveness of the alternative means of compliance.

Miscellaneous Program Conditions

18. Implement the: (a) Respiratory Protection Program that meets the requirements specified by 29 CFR 1910.134 and 29 CFR 1910.1025(f); (b) provisions of KSW’s Arsenic, Lead, & Cadmium Control Program; and (c) provisions of the Safe Job Procedure. This condition ensures that KSW will implement the programs and associated safe-work practices that prevent worker exposure to harmful levels of airborne lead and arsenic particulates while engaged in crane motor-cleaning operations, which are necessary for the continued effectiveness of the alternative means of compliance.

Monitoring Work Practices

19. Ensure that supervisors observe and enforce applicable safe-work practices while workers are cleaning crane motors, document these supervisor observations and enforcement activities, and maintain these records. This condition ensures that affected workers implement the required safe-work practices during crane motors cleaning operations. This condition will permit OSHA, KSW managers, workers, and worker representatives to assess compliance with the conditions of the variance and,
therefore, determine the effectiveness of the alternative means of compliance.

Record Retention and Availability

20. Retain any records generated under these conditions for a minimum period of five years, unless an applicable OSHA standard specifies a longer period, and make these records available to OSHA, affected workers, and worker representatives on request. This condition allows OSHA, KSW managers, workers, and worker representatives to assess the effectiveness of the alternative means of compliance over an extended period, and provides baseline measurements against which to evaluate the effectiveness of subsequent revisions made to the alternative means of compliance.

III. Grant of Interim Order

OSHA is granting KSW an interim order that will remain in effect until the Agency makes a decision on KSW’s application for a permanent variance, or until the Agency modifies or revokes the interim order. During this period, KSW must comply fully with the conditions of the interim order as an alternative to complying with housekeeping requirements specified by 29 CFR 1910.1025(h)(2) and 29 CFR 1910.1018(k)(2).

OSHA believes that an interim order is justified in this case. As noted above in Section ILC (“Proposed Alternative to 29 CFR 1910.1025(h)(2)(i) and 29 CFR 1910.1018(k)(2))” of this notice, the applicant provided exposure and medical data and information demonstrating that the proposed alternative means of compliance was as effective as the requirements of 29 CFR 1910.1025(h)(2)(i) and 29 CFR 1910.1018(k)(2). OSHA is granting an interim order to the applicant pursuant to the provisions of 29 CFR 1905.11(c). Accordingly, instead of complying with 29 CFR 1910.1025(h)(2)(i) and 29 CFR 1910.1018(k)(2), the applicant will: (1) Provide notice of this grant of an interim order to the workers affected by the conditions of the interim order using the same means it used to inform these workers of its application for a permanent variance; and (2) comply with the conditions listed below in Section IV (“Specific Conditions of the Interim Order and the Application for a Permanent Variance”) of this notice for the period between the date of this Federal Register notice and the date the Agency publishes its final decision on the application in the Federal Register.

The interim order will remain in effect between the date of this Federal Register notice and the date the Agency publishes its final decision on the application in the Federal Register unless OSHA modifies or revokes it in accordance with the requirements of 29 CFR 1905.13.

IV. Specific Conditions of the Interim Order and the Application for a Permanent Variance

The following conditions apply to the interim order granted by OSHA to Keystone Steel and Wire as part of its application for a permanent variance described in this Federal Register notice. In addition, these conditions specify the alternative means of compliance that the applicant is proposing in its application for a permanent variance. These conditions include:

1. Scope

(a) The interim order/permanent variance applies/would apply only at the applicant’s melt shop when using compressed air to clean crane motors during maintenance operations.

(b) Engineering controls and related conditions. The applicant must/would:

(1) Use engineering controls (i.e., a compressed-air-vacuum-containment (CAVC) system) that maintain negative pressure inside the housing enclosing each crane motor when using compressed air to clean crane motors to ensure the vacuum-exhaust airflow leaving the enclosure exceeds the inflow of compressed air by maintaining the volume of compressed air below 5,000 cfm.

(2) Ensure that the:

(A) Exhaust air in the CAVC system passes through a high-efficiency particulate air (HEPA) filtration system prior to discharge; and

(B) Filtered exhaust does not reenter the work areas inside the plant.

(3) Ensure the continued effectiveness of the alternative means of compliance by:

(A) Performing a pre-use or yearly inspection (whichever occurs more frequently) of all equipment and components used in the cleaning operations; 13

(B) Documenting such inspections using a checklist;

(C) Replacing or repairing all defective parts and components; and

(D) Maintaining records of inspections and corrective actions.

(4) Before implementing revisions to the motor-cleaning process, modify the Safe Job Procedure accordingly, and inform affected workers of the modifications.

(c) Exposure monitoring. The applicant must/would:

(1) Perform personal-exposure monitoring (i.e., breathing-zone sampling) of the workers for lead and arsenic particulates during the entire period they use compressed air to clean crane motors. For multiple crane motor-cleaning operations during the same maintenance cycle, perform such monitoring on at least two operations that are representative of exposures for all affected workers performing cleaning operations during the cycle.

(2) Conduct breathing-zone sampling of affected workers for the entire work day (full shift) on days when workers use compressed air to clean crane motors. The full-shift sampling must/would include separate sampling during the crane motor-cleaning operation, as well as during the remainder of the shift.

(3) Ensure that results for the two most recent rounds of full-shift sampling remain below the action level for arsenic and lead.

(4) Submit the breathing-zone samples for lead and arsenic particulates to an analytical laboratory that meets and complies with the certification criteria of the American Industrial Hygiene Association’s Industrial Hygiene Proficiency Analytical Testing Program.

(d) Biological monitoring. The applicant must/would:

13 Examples of the equipment or components listed on the checklist include: Air compressors; pressure regulators; gages; compressed-air hoses; nozzle-pressure reducer; crane-motor enclosures; flanges; vacuum-system operations, including the HEPA’s filtration system and replacement of used filters; vacuum hoses; and electric outlets and extension cords used during the cleaning process.

12 In these conditions, the verb “must” applies to the interim order, while the verb “would” pertains to the application for a permanent variance.
(1) Within 30 calendar days after workers perform a motor-cleaning operation, conduct biological monitoring for blood-lead and zinc protoporphyrin concentrations on every worker involved in that motor-cleaning operation. Blood-lead sample analysis must be performed by a laboratory licensed by the U.S. Centers for Disease Control and Prevention (CDC), or a laboratory that obtained a satisfactory grade in blood-lead proficiency testing from CDC within the prior 12 months and has an accuracy (to a confidence level of 95 percent) within ±15 percent or 6 μg/100 ml, whichever is greater.

(2) Ensure that blood-lead results remain at or below 40 μg lead/100 g whole blood.

(3) Whenever KSW assigns a new worker to perform the crane motor-cleaning operation, conduct biological monitoring of the worker prior to the worker beginning the cleaning operation.

(4) Not assign any worker to the crane motor-cleaning operation who declines to undergo the biological-monitoring procedures.

(e) Notifications. The applicant must/would:

(1) Provide written notification to affected workers of the results of their individual personal-exposure and biological-monitoring results in accordance with the requirements of the arsenic and lead standards (29 CFR 1910.1018(o) and 29 CFR 1910.1025(l)), within 15 working days from receipt of the results.

(2) Whenever personal-exposure monitoring results are at or above the action levels for lead (30 μg/m³) or arsenic (5 μg/m³), or blood-lead monitoring results are above 20 μg lead/100 g whole blood, provide these results to OSHA’s Peoria, IL, Area Office, OSHA’s Chicago, IL, Regional Office, and OSHA’s Office of Technical Programs and Coordination Activities within 15 working days of receiving the results, along with a written plan describing how KSW will reduce exposure levels or blood-lead levels.

(3) At least 15 calendar days prior to commencing any operation that involves using compressed air to clean crane motors, inform OSHA’s Peoria, IL, Area Office and OSHA’s Chicago, IL, Regional Office of the date and time the operation will commence.

(4) Notify in writing OSHA’s Office of Technical Programs and Coordination Activities as soon as KSW knows that it will:

(A) Cease to do business; or
(B) Transfer the activities covered by the variance to a successor company.

(f) Training. The applicant must/would implement the worker-training programs described in 29 CFR 1910.1018(o) and 29 CFR 1910.1025(l), including:

(A) Initial training of new workers prior to their beginning a crane motor-cleaning operation;

(B) Yearly refresher training of all other workers involved in crane motor-cleaning operations;

(C) Documentation of this training; and

(D) Maintenance of the training records.

(g) Miscellaneous program conditions. The applicant must/would implement the:

(A) Respiratory Protection Program that meets the requirements specified by 29 CFR 1910.134 and 29 CFR 1910.1025(f);

(B) Provisions of KSW’s Arsenic, Lead, & Cadmium Control Program; and

(C) Provisions of the Safe Job Procedure.

(g) Monitoring work practices. The applicant must/would ensure that supervisors:

(1) Observe and enforce applicable safe-work practices while workers are cleaning crane motors;

(2) Document these supervisor observations and enforcement activities; and

(3) Maintain these records.

(h) Record retention and availability. The applicant must/would:

(1) Retain any records generated under these conditions for a minimum period of five years, unless an applicable OSHA standard specifies a longer period; \textsuperscript{16} and

(2) Make these records available to OSHA, affected workers, and worker representatives on request.

V. Authority and Signature

David Michaels, PhD, MPH, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, DC, directed the preparation of this notice. This notice is issued under the authority specified by Section 6(d) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655), Secretary of Labor’s Order No. 5–2007 (72 FR 31160), and 29 CFR part 1905.


David Michaels,
Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2010–16070 Filed 6–30–10; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 USC 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers by (TA–W) number issued during the period of June 7, 2010 through June 11, 2010.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Under Section 222(a)(2)(A), the following must be satisfied:

(1) A significant number or proportion of the workers in such workers’ firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The sales or production, or both, of such firm have decreased absolutely; and

(3) One of the following must be satisfied:

(A) Imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

(B) Imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased;

(C) Imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

16 As described by KSW’s Arsenic, Lead, & Cadmium Control Program.

19 Examples of safe-work practices include use of personal-protective equipment (including respirators, gloves, protective clothing) as defined by (a) KSW’s Respiratory Protection Program; (b) provisions of KSW’s Arsenic, Lead, & Cadmium Control Program; and (c) provisions of KSW’s Safe Job Procedure.

20 For example, § 1910.1025(n)(1)(iii) and (n)(2)(iv) require employers to retain lead exposure-monitoring records and medical records for at least 40 years or for the duration of employment plus 20 years, whichever is longer.
supplied by such firm, have increased; and

(4) The increase in imports contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or

II. Section 222(a)(2)(B) of all of the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or threatened to become totally or partially separated;

(2) One of the following must be satisfied:

(A) There has been a shift by the workers' firm to a foreign country in the production of articles or supply of services like or directly competitive with those produced/supplied by the workers' firm;

(B) There has been an acquisition from a foreign country by the workers' firm of articles/services that are like or directly competitive with those produced/supplied by the workers' firm; and

(3) The shift/acquisition contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in public agencies and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) A significant number or proportion of the workers in the workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm is a Supplier or Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, and such supply or production is related to the article or service that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(f) of the Act must be met.

(1) The workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) An affirmative determination of serious injury or threat thereof under section 202(b)(1); or

(B) An affirmative determination of market disruption or threat thereof under section 421(b)(1); or

(C) An affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

(2) The petition is filed during the 1-year period beginning on the date on which—

(A) A summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the Federal Register under section 202(f)(3); or

(B) Notice of an affirmative determination described in subparagraph (1) is published in the Federal Register; and

(3) The workers have become totally or partially separated from the workers' firm within—

(A) The 1-year period described in paragraph (2); or

(B) Notwithstanding section 223(b)(1), the 1-year period preceding the 1-year period described in paragraph (2).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of each determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

<table>
<thead>
<tr>
<th>TA–W number</th>
<th>Subject firm</th>
<th>Location</th>
<th>Impact date</th>
</tr>
</thead>
<tbody>
<tr>
<td>72,663</td>
<td>Mid-States Tool and Machine, Inc.</td>
<td>Decatur, IN</td>
<td>October 22, 2008</td>
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<tr>
<td>73,134</td>
<td>Hexion Specialty Chemicals, Inc.</td>
<td>Brady, TX</td>
<td>December 18, 2008</td>
</tr>
<tr>
<td>73,538</td>
<td>JT Sports, LLC, Leased Workers of Kelly Services and Manpower ...</td>
<td>Neosho, MO</td>
<td>February 12, 2009</td>
</tr>
<tr>
<td>73,538A</td>
<td>JT Sports, LLC, Corporate Headquarters</td>
<td>Bentonville, AR</td>
<td>February 12, 2009</td>
</tr>
<tr>
<td>73,552</td>
<td>Lincoln Food Service Products, LLC, The Manitowac Company, Smallwares.</td>
<td>Fort Wayne, IN</td>
<td>February 22, 2009</td>
</tr>
<tr>
<td>73,590</td>
<td>Flexible Technologies, Incorporated, Hi-Tech/Duraven-Georgetown</td>
<td>Georgetown, MA</td>
<td>February 26, 2009</td>
</tr>
<tr>
<td>73,618</td>
<td>Quincy Castings, Inc., Pete Deluke and Associates</td>
<td>Quincy, OH</td>
<td>February 23, 2009</td>
</tr>
<tr>
<td>73,638</td>
<td>Tritex, LLC, Leased Workers from Westaff</td>
<td>Independence, VA</td>
<td>March 1, 2009</td>
</tr>
<tr>
<td>73,640</td>
<td>Wacker Chemical Corporation, Leased Workers from HKA Enterprises, Inc.</td>
<td>Duncan, SC</td>
<td>March 4, 2009</td>
</tr>
</tbody>
</table>
The following certifications have been issued. The requirements of Section 222(c) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

<table>
<thead>
<tr>
<th>TA–W No.</th>
<th>Subject firm</th>
<th>Location</th>
<th>Impact date</th>
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</thead>
<tbody>
<tr>
<td>73,312</td>
<td>AT&amp;T Mobility Services, LLC, Consumer Centers, Sales, Mobility Customer, Quality Observation</td>
<td>Atlanta, GA</td>
<td>January 19, 2009.</td>
</tr>
<tr>
<td>73,520</td>
<td>Gildan Activewear, Inc., Leased Workers of Debbie’s Staffing and Ameristaff</td>
<td>Martinsville, VA</td>
<td>February 16, 2009.</td>
</tr>
<tr>
<td>73,664</td>
<td>Coloplast Manufacturing US, LLC, Global Operations, Leased Workers from Randstad USA, etc.</td>
<td>Vadnais Heights, MN</td>
<td>March 8, 2009.</td>
</tr>
<tr>
<td>73,682</td>
<td>Hartford Financial Services Group, Incorporated, Medical Bill Processing and Production Center Support</td>
<td>Aurora, IL</td>
<td>March 10, 2009.</td>
</tr>
<tr>
<td>73,682A</td>
<td>Hartford Financial Services Group, Incorporated, Medical Bill Processing and Production Center Support</td>
<td>Syracuse, NY</td>
<td>March 10, 2009.</td>
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<tr>
<td>73,694</td>
<td>The Travelers Indemnity Company, Claim Services Department, Business Intelligence and Analytics Subdivision</td>
<td>Hartford, CT</td>
<td>March 8, 2009.</td>
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<tr>
<td>73,762</td>
<td>Rain Bird Corporation, Arizona Molding Division, Leased Workers from Lumea Staffing Services, etc.</td>
<td>Tucson, AZ</td>
<td>March 18, 2009.</td>
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<tr>
<td>73,778</td>
<td>Securitas Security Services USA, Inc., Security Workers On-Site at DPH Holdings</td>
<td>Tanner, AL</td>
<td>February 26, 2010.</td>
</tr>
<tr>
<td>73,884</td>
<td>Integrated Silicon Solution, Inc., Accounting and Finance Departments, Leased Workers from JDI International</td>
<td>San Jose, CA</td>
<td>April 7, 2009.</td>
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<tr>
<td>73,949B</td>
<td>Anthem Insurance Companies, Inc., Wellpoint, Central States Provide Host Services Division</td>
<td>Eau Claire, WI</td>
<td>April 13, 2009.</td>
</tr>
<tr>
<td>73,949G</td>
<td>Anthem Insurance Companies, Inc., Wellpoint, Group Host Claims Division, Leased Workers Jacobsen Group</td>
<td>Cape Girardeau, MO</td>
<td>April 13, 2009.</td>
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<tr>
<td>73,949H</td>
<td>Anthem Insurance Companies, Inc., Wellpoint, Enrollment and Billing Division</td>
<td>Cape Girardeau, MO</td>
<td>April 13, 2009.</td>
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<tr>
<td>73,958</td>
<td>Hospira, Inc., Lake Forest Division, Leased Workers from Kelly Services</td>
<td>Pleasant Prairie, WI</td>
<td>April 16, 2009.</td>
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<td>73,967</td>
<td>Hewlett Packard Company, Inkjet Supplies Business, Leased Workers Technical Aid, dba TAC Worldwide</td>
<td>Boise, ID</td>
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<td>73,968</td>
<td>Hospira, Inc., Leased Workers from Kelly Services</td>
<td>North Chicago, IL</td>
<td>April 19, 2009.</td>
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<td>73,993</td>
<td>Springer Science+Business Media, LLC</td>
<td>Norwell, MA</td>
<td>April 22, 2009.</td>
</tr>
<tr>
<td>73,997</td>
<td>Citicorp Credit Services, Inc., (USA) (&quot;CCSI&quot;), Transaction Services Department, Payment Processing Data Entry</td>
<td>Urbandale, IA</td>
<td>April 21, 2009.</td>
</tr>
<tr>
<td>74,080</td>
<td>General Electric Dothan Motor Plant, GE Energy Division</td>
<td>Dothan, AL</td>
<td>May 10, 2009.</td>
</tr>
</tbody>
</table>
The following certifications have been issued. The requirements of Section 222(c) (downstream producer for a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

<table>
<thead>
<tr>
<th>TA–W No.</th>
<th>Subject firm</th>
<th>Location</th>
<th>Impact date</th>
</tr>
</thead>
</table>

**Negative Determinations for Worker Adjustment Assistance**

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

The investigation revealed that the criterion under paragraph (a)(1), or (b)(1), or (c)(1)(employment decline or threat of separation) of section 222 has not been met.

<table>
<thead>
<tr>
<th>TA–W No.</th>
<th>Subject firm</th>
<th>Location</th>
<th>Impact date</th>
</tr>
</thead>
<tbody>
<tr>
<td>73,739</td>
<td>World Wide Technology</td>
<td>Greensboro, NC</td>
<td></td>
</tr>
<tr>
<td>73,884A</td>
<td>Integrated Silicon Solution, Inc., Document Control Department, Leased Workers from ATR International.</td>
<td>San Jose, CA</td>
<td></td>
</tr>
<tr>
<td>73,884B</td>
<td>Integrated Silicon Solution, Inc., Sales Departments, Leased Workers from ATR International.</td>
<td>San Jose, CA</td>
<td></td>
</tr>
<tr>
<td>73,884C</td>
<td>Integrated Silicon Solution, Inc., Engineering Departments, Leased Workers from ATR International.</td>
<td>San Jose, CA</td>
<td></td>
</tr>
<tr>
<td>74,030</td>
<td>DaveCo</td>
<td>Eureka, CA</td>
<td></td>
</tr>
</tbody>
</table>

The investigation revealed that the criteria under paragraphs (a)(2)(A) (increased imports) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.

<table>
<thead>
<tr>
<th>TA–W No.</th>
<th>Subject firm</th>
<th>Location</th>
<th>Impact date</th>
</tr>
</thead>
<tbody>
<tr>
<td>71,916</td>
<td>Cymer, Inc</td>
<td>San Diego, CA</td>
<td></td>
</tr>
<tr>
<td>72,032</td>
<td>Marshfield Door systems, Inc</td>
<td>Marshfield, WI</td>
<td></td>
</tr>
<tr>
<td>72,820</td>
<td>Varco Pruden Buildings, Bluescope Buildings North America, BlueScope Steel Corporate</td>
<td>Kennesville, NC</td>
<td></td>
</tr>
<tr>
<td>72,476</td>
<td>ITW Shippers Products, Illinois Tool Works</td>
<td>Mt. Pleasant, TN</td>
<td></td>
</tr>
<tr>
<td>72,612</td>
<td>Corrosion Control, Inc., DBA Pikotek, Enpro Industries</td>
<td>Wheat Ridge, CO</td>
<td></td>
</tr>
<tr>
<td>72,0009</td>
<td>Sunoco, Inc., Refinery and Supply Division, DBA Eagle Point Refinery</td>
<td>Westville, NJ</td>
<td></td>
</tr>
<tr>
<td>73,015</td>
<td>Mohawk ESV, Incorporated, Landrum Plant-Commercial Flooring</td>
<td>Landrum, SC</td>
<td></td>
</tr>
<tr>
<td>73,609</td>
<td>National Oilwell Varco, Rig Solutions Division</td>
<td>Odessa, TX</td>
<td></td>
</tr>
<tr>
<td>73,636</td>
<td>Tele-Response Center, Inc., D.B.A. 121 Direct Response</td>
<td>Wellston, OH</td>
<td></td>
</tr>
</tbody>
</table>

**Determinations Terminating Investigations of Petitions for Worker Adjustment Assistance**

After notice of the petitions was published in the Federal Register and on the Department’s website, as required by Section 221 of the Act (19 USC 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioner has requested that the petition be withdrawn.

<table>
<thead>
<tr>
<th>TA–W No.</th>
<th>Subject firm</th>
<th>Location</th>
<th>Impact date</th>
</tr>
</thead>
<tbody>
<tr>
<td>73,349</td>
<td>Freres Lumber Company, Inc.</td>
<td>Lyons, OR</td>
<td></td>
</tr>
<tr>
<td>73,488</td>
<td>Hewlett Packard (HP), Global Product Development, General Motors (GM)</td>
<td>Milford, MI</td>
<td></td>
</tr>
<tr>
<td>73,511</td>
<td>PTC Alliance</td>
<td>Alliance, OH</td>
<td></td>
</tr>
<tr>
<td>73,631</td>
<td>Matsu Ohio, Formerly Known As Midwest Stamping, LLC</td>
<td>Edgerton, OH</td>
<td></td>
</tr>
<tr>
<td>73,669</td>
<td>Lazar Industries, LLC</td>
<td>Los Angeles, CA</td>
<td></td>
</tr>
<tr>
<td>73,669A</td>
<td>Lazar Industries, LLC</td>
<td>Siler City, NC</td>
<td></td>
</tr>
<tr>
<td>73,893</td>
<td>Sensata Technologies, Power Controls Division, Formerly Known As Airpax Corporation.</td>
<td>Cambridge, MD</td>
<td></td>
</tr>
<tr>
<td>73,920</td>
<td>Carestream Health, Inc</td>
<td>Windsor, CO</td>
<td></td>
</tr>
<tr>
<td>73,944</td>
<td>Pentair Filtration</td>
<td>Sheboygan, WI</td>
<td></td>
</tr>
</tbody>
</table>
the date of the petition cannot be covered under a certification of a petition under Section 223(b), and therefore, may not be part of a petitioning worker group. For one or more of these reasons, these petitions were deemed invalid.

<table>
<thead>
<tr>
<th>TA–W No.</th>
<th>Subject firm</th>
<th>Location</th>
<th>Impact date</th>
</tr>
</thead>
<tbody>
<tr>
<td>72,755</td>
<td>DW Enterprise of Ashland, Inc.</td>
<td>Ashland, OH</td>
<td></td>
</tr>
</tbody>
</table>

The following determinations terminating investigations were issued because the petitioning groups of workers are covered by active certifications. Consequently, further investigation in these cases would serve no purpose since the petitioning group of workers cannot be covered by more than one certification at a time.

<table>
<thead>
<tr>
<th>TA–W No.</th>
<th>Subject firm</th>
<th>Location</th>
<th>Impact date</th>
</tr>
</thead>
<tbody>
<tr>
<td>72,197</td>
<td>Manpower, Inc., Workers Employed on-Site at IBM, Parts Sales Div &amp; Parts Planning Div.</td>
<td>Harrisburg, PA</td>
<td></td>
</tr>
<tr>
<td>73,422</td>
<td>AT&amp;T Mobility Services, LLC, Consumer Centers Sales, Mobility Customer, Quality</td>
<td>Sacramento, CA</td>
<td></td>
</tr>
<tr>
<td>73,435</td>
<td>AT&amp;T Mobility Services, LLC, Consumer Centers Sales, Mobility Customer, Quality</td>
<td>Harrisburg, PA</td>
<td></td>
</tr>
<tr>
<td>73,440</td>
<td>AT&amp;T Mobility Services, LLC, Consumer Centers Sales, Mobility Customers, Quality</td>
<td>Orlando, FL</td>
<td></td>
</tr>
<tr>
<td>73,456</td>
<td>AT&amp;T Mobility Services, LLC, Consumer Centers Sales, Mobility Customer, Quality</td>
<td>Portland, OR</td>
<td></td>
</tr>
<tr>
<td>74,061</td>
<td>Plastic Omnium Auto Exteriors, LLC</td>
<td>Troy, MI</td>
<td></td>
</tr>
</tbody>
</table>

The following determinations terminating investigations were issued because the petitions are the subject of ongoing investigations under petitions filed earlier covering the same petitioners.

<table>
<thead>
<tr>
<th>TA–W No.</th>
<th>Subject firm</th>
<th>Location</th>
<th>Impact date</th>
</tr>
</thead>
<tbody>
<tr>
<td>73,864</td>
<td>Super Media, LLC</td>
<td>Chadds Ford, PA</td>
<td></td>
</tr>
<tr>
<td>73,865</td>
<td>Super Media, LLC</td>
<td>Monroeville, PA</td>
<td></td>
</tr>
<tr>
<td>73,866</td>
<td>Super Media, LLC</td>
<td>Bethlehem, PA</td>
<td></td>
</tr>
<tr>
<td>73,867</td>
<td>Super Media, LLC</td>
<td>Harrisburg, PA</td>
<td></td>
</tr>
<tr>
<td>74,147</td>
<td>ABB, Inc.</td>
<td>Mount Pleasant, PA</td>
<td></td>
</tr>
</tbody>
</table>

I hereby certify that the aforementioned determinations were issued during the period of June 7, 2010 through June 11, 2010. Copies of these determinations may be requested under the Freedom of Information Act. Requests may be submitted by fax, courier services, or mail to FOIA Disclosure Officer, Office of Trade Adjustment Assistance (ETA), and U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 or tofoiarequest@dol.gov. These determinations also are available on the Department’s Web site at http://www.doleta.gov/tradeact under the searchable listing of determinations.

Dated: June 24, 2010.

Elliott S. Kushner,
Certifying Officer, Division of Trade Adjustment Assistance.

DEPARTMENT OF LABOR
Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers by (TA–W) number issued during the period of June 14, 2010 through June 18, 2010.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of section 222(a) of the Act must be met.

I. Under Section 222(a)(2)(A), the following must be satisfied: (1) A significant number or proportion of the workers in such workers’ firm have become totally or partially separated, or are threatened to become totally or partially separated; (2) The sales or production, or both, of such firm have decreased absolutely; and (3) One of the following must be satisfied: (A) Imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased; (B) Imports of articles like or directly competitive with articles into which one or more component parts produced outside the United States that are like or directly competitive with imports of articles...
incorporating one or more component parts produced by such firm have increased; and
(D) Imports of articles like or directly competitive with articles which are produced directly using services supplied by such firm, have increased; and
(4) The increase in imports contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or II. Section 222(a)(2)(B) all of the following must be satisfied:
(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;
(2) One of the following must be satisfied:
(A) there has been a shift by the workers' firm to a foreign country in the production of articles or supply of services like or directly competitive with those produced/supplied by the workers' firm;
(B) there has been an acquisition from a foreign country by the workers' firm of articles/services that are like or directly competitive with those produced/supplied by the workers' firm;
(3) The shift/acquisition contributed importantly to the workers' separation or threat of separation.
In order for an affirmative determination to be made for adversely affected workers in public agencies and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of section 222(f) of the Act must be met.
(1) The workers' firm is publicly employed a group of workers who contributed importantly to such workers' separation or threat of separation.
In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission under Section 222(a) of the Act, and such supply or production is related to the article or service that was the basis for such certification; and
(3) Either—
(A) the workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or
(B) a loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation.
In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of section 222(f) of the Act must be met.
(1) The workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—
(A) An affirmative determination of serious injury or threat thereof under section 202(b)(1); or
(B) An affirmative determination of market disruption or threat thereof under section 421(b)(1); or
(C) An affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));
(2) The petition is filed during the 1-year period beginning on the date on which—
(A) A summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the Federal Register under section 202(f)(3); or
(B) Notice of an affirmative determination described in subparagraph (1) is published in the Federal Register; and
(3) The workers have become totally or partially separated from the workers' firm within—
(A) The 1-year period described in paragraph (2); or
(B) Notwithstanding section 223(b)(1), the 1-year period preceding the 1-year period described in paragraph (2).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) increased imports of the Trade Act have been met.

<table>
<thead>
<tr>
<th>TA–W</th>
<th>Subject firm</th>
<th>Location</th>
<th>Impact date</th>
</tr>
</thead>
<tbody>
<tr>
<td>72,811</td>
<td>Holo-Krome, Former Subsidiary of Danaher Tool Group, Leased Workers of Randstad.</td>
<td>West Hartford, CT</td>
<td>November 4, 2008.</td>
</tr>
<tr>
<td>73,942</td>
<td>Total Lubricants USA, Inc., A Subsidiary of Elf Aquitaine, Inc.</td>
<td>Rockingham, NC</td>
<td>April 9, 2009.</td>
</tr>
</tbody>
</table>
The following certifications have been issued. The requirements of section 222(c) of the Trade Act have been met.

<table>
<thead>
<tr>
<th>TA–W</th>
<th>Subject firm</th>
<th>Location</th>
<th>Impact date</th>
</tr>
</thead>
<tbody>
<tr>
<td>71,551A</td>
<td>Freescale Semiconductor, Inc., Networking and Multimedia Group, Leased Workers of Synergy Services, etc.</td>
<td>Austin, TX</td>
<td>July 1, 2008.</td>
</tr>
<tr>
<td>73,229</td>
<td>Barnes Aerospace, Barnes Group, Inc.; Leased Workers from Diversified Design</td>
<td>West Chester, OH</td>
<td>January 5, 2009.</td>
</tr>
<tr>
<td>73,402</td>
<td>Springs Window Fashions, LLC, Springs Industries, Inc</td>
<td>Santa Ana, CA</td>
<td>February 1, 2009.</td>
</tr>
<tr>
<td>73,476</td>
<td>Cominig Cable Systems, Leased Workers from Adecco ...</td>
<td>Keller, TX</td>
<td>February 10, 2009.</td>
</tr>
<tr>
<td>73,790</td>
<td>MeadWestvaco Corporation, Global Business Services, Leased Workers from Manpower, etc.</td>
<td>Glen Allen, VA</td>
<td>March 19, 2009.</td>
</tr>
<tr>
<td>73,798</td>
<td>CompuCredit Holdings Corporation, Formerly CompuCredit Corporation, Credit Cards-Collections Division.</td>
<td>Wilkesboro, NC</td>
<td>March 25, 2009.</td>
</tr>
<tr>
<td>73,969</td>
<td>Cummins, Inc., Cummins Components Fuel Systems Business Unit, Leased Workers of Volt, etc.</td>
<td>El Paso, TX</td>
<td>April 19, 2009.</td>
</tr>
<tr>
<td>73,984A</td>
<td>Graphic Arts Center Publishing Company</td>
<td>Portland, OR</td>
<td>April 21, 2009.</td>
</tr>
<tr>
<td>73,985</td>
<td>Graphic Arts Center Publishing Company, Haagen Print Division.</td>
<td>Santa Barbara, CA</td>
<td>April 21, 2009.</td>
</tr>
<tr>
<td>73,994</td>
<td>Lipper, Thomson Reuters Market, Leased Workers Job Store Staffing, etc.</td>
<td>Denver, CO</td>
<td>April 23, 2009.</td>
</tr>
<tr>
<td>74,013</td>
<td>WellPoint, Inc., West Host Provider, Leased Workers from Kelly Services, etc.</td>
<td>Denver, CO</td>
<td>April 27, 2009.</td>
</tr>
<tr>
<td>74,027</td>
<td>UPS Supply Chain Solutions, United Parcel Service, Leased Workers Manpower, Spherion etc.</td>
<td>Dunmore, PA</td>
<td>April 21, 2009.</td>
</tr>
<tr>
<td>74,060</td>
<td>Ingersoll Rand, Hussman Corporation, Climate Solutions, Leased Workers from Procure Staff.</td>
<td>Bridgeton, MO</td>
<td>April 5, 2009.</td>
</tr>
<tr>
<td>74,075</td>
<td>Covance Research Products, Leased Workers from Aerotek and WSI</td>
<td>Kalamazoo, MI</td>
<td>May 11, 2009.</td>
</tr>
<tr>
<td>74,121</td>
<td>Magna Modular Systems, AIM Systems-St. Louis, Magna International America.</td>
<td>DuPo, IL</td>
<td>May 18, 2009.</td>
</tr>
<tr>
<td>74,213</td>
<td>Intel Corporation, Corporate Services, D2 Operations ...</td>
<td>Santa Clara, CA</td>
<td>July 8, 2010.</td>
</tr>
<tr>
<td>TA–W No.</td>
<td>Subject firm</td>
<td>Location</td>
<td>Impact date</td>
</tr>
<tr>
<td>----------</td>
<td>--------------</td>
<td>----------</td>
<td>-------------</td>
</tr>
</tbody>
</table>

The following certifications have been issued. The requirements of section 222(c) (downstream producer for a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

<table>
<thead>
<tr>
<th>TA–W No.</th>
<th>Subject firm</th>
<th>Location</th>
<th>Impact date</th>
</tr>
</thead>
</table>

Negative Determinations for Worker Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

<table>
<thead>
<tr>
<th>TA–W No.</th>
<th>Subject firm</th>
<th>Location</th>
<th>Impact date</th>
</tr>
</thead>
<tbody>
<tr>
<td>73,751</td>
<td>RHealth, LLC</td>
<td>Memphis, TN</td>
<td></td>
</tr>
</tbody>
</table>

The investigation revealed that the criterion under paragraph (a)(1), or (b)(1), or (c)(1) (employment decline or threat of separation) of section 222 has not been met.

<table>
<thead>
<tr>
<th>TA–W No.</th>
<th>Subject firm</th>
<th>Location</th>
<th>Impact date</th>
</tr>
</thead>
<tbody>
<tr>
<td>73,103</td>
<td>Marine Corps Logistics Base</td>
<td>Barstow, CA</td>
<td></td>
</tr>
<tr>
<td>74,116</td>
<td>Washington Department of Transportation, Olympic Division, Aberdeen Maintenance, Chehalis Drawbridge Tenders</td>
<td>Aberdeen, WA</td>
<td></td>
</tr>
</tbody>
</table>

Determinations Terminating Investigations of Petitions for Worker Adjustment Assistance

After notice of the petitions was published in the Federal Register and on the Department’s Web site, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions. The following determinations terminating investigations were issued because the petitioner has requested that the petition be withdrawn.

<table>
<thead>
<tr>
<th>TA–W No.</th>
<th>Subject firm</th>
<th>Location</th>
<th>Impact date</th>
</tr>
</thead>
<tbody>
<tr>
<td>72,146</td>
<td>Dassault Systemes Americas Corporation</td>
<td>Woodland Hills, CA</td>
<td></td>
</tr>
<tr>
<td>73,177</td>
<td>Century Aluminum of Kentucky, GP</td>
<td>Hawesville, KY</td>
<td></td>
</tr>
</tbody>
</table>
The following determinations terminating investigations were issued in cases where these petitions were not filed in accordance with the requirements of 29 CFR 90.11. Every petition filed by workers must be signed by at least three individuals of the petitioning worker group. Petitioners separated more than one year prior to the date of the petition cannot be covered under a certification of a petition under section 223(b), and therefore, may not be part of a petitioning worker group. For one or more of these reasons, these petitions were deemed invalid.

<table>
<thead>
<tr>
<th>TA–W No.</th>
<th>Subject firm</th>
<th>Location</th>
<th>Impact date</th>
</tr>
</thead>
<tbody>
<tr>
<td>73,825</td>
<td>Steel Fabricators of Monroe, LLC</td>
<td>Monroe, LA</td>
<td></td>
</tr>
</tbody>
</table>

The following determinations terminating investigations were issued because the petitioning groups of workers are covered by active certifications. Consequently, further investigation in these cases would serve no purpose since the petitioning group of workers cannot be covered by more than one certification at a time.

<table>
<thead>
<tr>
<th>TA–W No.</th>
<th>Subject firm</th>
<th>Location</th>
<th>Impact date</th>
</tr>
</thead>
<tbody>
<tr>
<td>73,708</td>
<td>Hayden Twist Drill</td>
<td>Warren, MI</td>
<td></td>
</tr>
</tbody>
</table>

The following determinations terminating investigations were issued because the Department issued a negative determination on petitions related to the relevant investigation period applicable to the same worker group. The duplicative petitions did not present new information or a change in circumstances that would result in a reversal of the Department’s previous negative determination, and therefore, further investigation would duplicate efforts and serve no purpose.

<table>
<thead>
<tr>
<th>TA–W No.</th>
<th>Subject firm</th>
<th>Location</th>
<th>Impact date</th>
</tr>
</thead>
<tbody>
<tr>
<td>72,947</td>
<td>Supreme Foam, Inc.</td>
<td>Archdale, NC</td>
<td></td>
</tr>
</tbody>
</table>

I hereby certify that the aforementioned determinations were issued during the period of June 14, 2010 through June 18, 2010. Copies of these determinations may be requested under the Freedom of Information Act. Requests may be submitted by fax, courier services, or mail to FOIA Disclosure Officer, Office of Trade Adjustment Assistance (ETA), U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 or tofoiarequest@dol.gov. These determinations also are available on the Department’s Web site at http://www.doleta.gov/tradeact under the searchable listing of determinations.

Dated: June 24, 2010.
Elliott S. Kushner,
Certifying Officer, Division of Trade Adjustment Assistance.
Signed at Washington, DC, this 10th day of June 2010.

Richard Church,
Certifying Officer, Division of Trade Adjustment Assistance.

APPENDIX

[TAA petitions instituted between 6/1/10 and 6/4/10]

<table>
<thead>
<tr>
<th>TA–W</th>
<th>Subject firm (petitioners)</th>
<th>Location</th>
<th>Date of institution</th>
<th>Date of petition</th>
</tr>
</thead>
<tbody>
<tr>
<td>74159</td>
<td>Teleperformance USA (Workers)</td>
<td>Grindstone, PA</td>
<td>06/01/10</td>
<td>05/28/10</td>
</tr>
<tr>
<td>74160</td>
<td>AIG American General (Workers)</td>
<td>Wauwatusa, WI</td>
<td>06/01/10</td>
<td>05/27/10</td>
</tr>
<tr>
<td>74161</td>
<td>Mestek, Inc. (State/One-Stop)</td>
<td>Wrens, GA</td>
<td>06/01/10</td>
<td>05/28/10</td>
</tr>
<tr>
<td>74162</td>
<td>Designs des Carolines (Company)</td>
<td>Morganton, NC</td>
<td>06/01/10</td>
<td>05/24/10</td>
</tr>
<tr>
<td>74163</td>
<td>HSBC Household Beneficial (Workers)</td>
<td>Huber Heights, OH</td>
<td>06/01/10</td>
<td>05/25/10</td>
</tr>
<tr>
<td>74164</td>
<td>IBM c/o Melchin North America (Workers)</td>
<td>Greenville, SC</td>
<td>06/01/10</td>
<td>05/26/10</td>
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<tr>
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[FR Doc. 2010–16013 Filed 6–30–10; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply For Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than July 12, 2010.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than July 12, 2010.

Copies of these petitions may be requested under the Freedom of Information Act. Requests may be submitted by fax, courier services, or
**DEPARTMENT OF LABOR**

**Employment and Training Administration**

**Announcing the New National Electronic Job Registry for Use in the H–2A Temporary Agricultural Labor Certification Program**

**AGENCY:** Employment and Training Administration, Department of Labor.

**ACTION:** Notice.

**SUMMARY:** The Employment and Training Administration (ETA) is announcing that the National Electronic Job Registry (job registry) in which H–2A job orders will be posted and available to the public will be operational on July 8, 2010.

**DATES:** This Notice is effective on July 8, 2010.

**FOR FURTHER INFORMATION CONTACT:** For technical issues stemming from the Department’s implementation of the job registry, please contact the iCERT System Team, Office of Foreign Labor

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### TA–W

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<tr>
<th>Subject firm (petitioners)</th>
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SUPPLEMENTARY INFORMATION:

I. Background


The regulations promulgated by the 2010 Final Rule include a requirement that all job orders filed in connection with H–2A applications be posted by the Certifying Officer on a national, publicly accessible electronic job registry until the end of 50 percent of the contract period. As discussed in the preamble to the 2010 Final Rule, requiring the posting of job orders in a national job registry will improve the transparency of agricultural jobs available to U.S. workers and provide an unprecedented level of public access to H–2A job orders and will allow the Department to fulfill its regulatory obligations under the H–2A program and maintain its commitment to the principles of Open Government.

All information placed on the job registry will be easily accessible through the Internet in an electronic format permitting the highest possible level of granularity and will contain public data collected from the primary source, i.e., the employer/applicant. The Department will not disclose on the job registry information or data subject to privacy, security, or privilege limitations.

The Department will place each job order on the registry promptly after accepting the employer’s application. Where the Department accepts a modification to the originally accepted job order (e.g., a change in the start date), the Department will promptly post the modified job order on the registry in place of the original job order. Noting that the job order has been modified.

Upon acceptance and placement on the job registry, each job order will be immediately available to the public through a single entry point—the iCERT Visa Portal System. The public will not be required to register on the iCERT system to access the job registry. The job registry will provide an interactive state map from the main iCERT Visa Portal homepage allowing the public to quickly search for any active job order(s) posted on the registry within the last 30 calendar days. Job orders older than 30 days will be accessible to the public through registry search engines. The job order information will be searchable along a series of common data points such as case number, employer name, area of intended employment, work contract period, job title, and primary crop or agricultural activity. All search results will be displayed in a table format with sortable column headers. The public will be able to view a summary of the job order as well as download a copy of the entire job order and all attachments in Adobe PDF format.

II. Information on Activation of the National Job Registry

In the 2010 Final Rule, the Department stated it would inform the public through a notice in the Federal Register when the job registry becomes operational. The Department is hereby announcing that the job registry will be operational on July 8, 2010. Public access to the job registry will be available through the OFLC ICERT Visa Portal System at http://icert.doleta.gov.

On and after July 8, 2010, the job registry will be available for members of the public to search and retrieve H–2A job orders filed in connection with an Application for Temporary Employment Certification, ETA Form 9142, and accepted by the Department for recruitment of domestic workers under the 2010 Final Rule. This new Web-based tool will provide an unprecedented level of public access to H–2A job orders and will allow the Department to fulfill its regulatory obligations under the H–2A program and maintain its commitment to the principles of Open Government.

III. Help Desk

OFLC has implemented a dedicated Help Desk Unit at the CNPC to serve as a resource to the public on program issues related to job orders filed in connection with an Application for Temporary Employment Certification, ETA Form 9142, under the H–2A program. Please submit questions related to job order(s) placed on the H–2A job registry by e-mail to H-2Ajobregistry.chicago@dol.gov. This H–2A job registry Help Desk e-mail box will be monitored by CNPC staff during normal business hours, i.e., from 8:30 a.m. to 5:00 p.m. Central Time, Monday through Friday. E-mail inquiries will be handled as expeditiously as possible. Members of the public may also contact the job registry Help Desk by calling (312) 886–8000 (this is not a toll-free number).

Please direct requests for technical assistance with the H–2A job registry to the ICERT System Team, OFLC, at oflc.portal@dol.gov, and include “Job Registry—Technical Assistance” in the subject line of the e-mail.

Signed in Washington, DC, this 9th day of June 2010.

Jane Oates,
Assistant Secretary, Employment and Training Administration.

[FR Doc. 2010–16011 Filed 6–30–10; 8:45 am]
BILLING CODE 4510–FP–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–72,950]

Pittsburgh Coatings, Inc., Ambridge, PA; Notice of Revised Determination on Reconsideration

By application dated May 21, 2010, the Department of Labor (Department) received a request for administrative reconsideration of the Department’s Notice of negative determination regarding workers’ eligibility to apply for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA) applicable to workers and former workers of the subject firm. The determination was issued on April 22, 2010. The Department’s notice of determination was published in the Federal Register on May 20, 2010 (75 FR 28301). The workers were engaged in employment related to the production of painted and coated structural steel.

The negative determination was based on the Department’s findings that increased imports did not contribute importantly to worker separations at the subject firm and that no shift in production to a foreign country occurred.

In the request for reconsideration, the petitioner supplied additional information regarding the customers of the subject firm to supplement what had been gathered during the initial investigation. As a result of new and additional information obtained during the reconsideration investigation, the
Department has determined that, during the relevant period, a major declining customer of the subject firm had increased its imports of articles like or directly competitive with the painted and coated structural steel produced by the subject firm. The Department has also determined that the increased imports contributed importantly to worker group separations and subject firm sales and/or production declines.

Conclusion

After careful review of the additional facts obtained on reconsideration, I determine that workers of Pittsburgh Coatings, Inc., Ambridge, Pennsylvania, who are engaged in employment related to the production of coated and painted structural steel, meet the worker group certification criteria under Section 222(a) of the Act, 19 U.S.C. 2272(a). In accordance with Section 223 of the Act, 19 U.S.C. 2273, I make the following certification:

All workers of Pittsburgh Coatings, Inc., Ambridge, Pennsylvania, who became totally or partially separated from employment on or after November 23, 2008, through two years from the date of this certification, and all workers in the group threatened with total or partial separation from employment on date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed in Washington, DC, this 21st day of June 2010.

Del Min Amy Chen,
Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 2010–15952 Filed 6–30–10; 8:45 am]
BILLING CODE 4510–FN–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
[Notice (10–072)]

NASA Advisory Council; Education and Public Outreach Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the Education and Public Outreach Committee of the NASA Advisory Council.

DATES: Monday, July 19, 2010, 10 a.m. to 4 p.m. (Pacific Time).

ADDRESS: Jet Propulsion Laboratory, Von Karman Auditorium, 4800 Oak Grove Drive, LaCanada-Flintridge, CA 91011.

FOR FURTHER INFORMATION CONTACT: This meeting will also take place telephonically and via WebEx. Any interested person should contact Ms. Erika G. Vick, Executive Secretary for the Education and Public Outreach Committee, National Aeronautics and Space Administration, Washington, DC, at (202) 358–2209, prior to the day of the meeting to get further information about participating via teleconference and/or WebEx.

SUPPLEMENTARY INFORMATION: The agenda for the meeting includes the following topics:

• Summer of Innovation Program
• Social Media Successes, Opportunities, and Challenges
• Regulations that Constrain Public Engagement
• Education and Public Outreach Committee Work Plan

The meeting will be open to the public up to the seating capacity of the room. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Kathy Dakon,
Acting Director, Advisory Committee Management Division, National Aeronautics and Space Administration.

[FR Doc. 2010–15952 Filed 6–30–10; 8:45 am]
BILLING CODE 4510–FN–P

NUCLEAR REGULATORY COMMISSION
[Docket No. 50–346; NRC–2010–0240]

FirstEnergy Nuclear Operating Company; Davis-Besse Nuclear Power Station; Exemption

1.0 Background

FirstEnergy Nuclear Operating Company (FENOC, the licensee) is the holder of Facility Operating License No. NPF–3, which authorizes operation of the Davis-Besse Nuclear Power Station, Unit 1 (DBNPS). The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

The facility consists of one pressurized-water reactor located in Ottawa County, Ohio.

2.0 Request/Action

Title 10 of the Code of Federal Regulations (10 CFR) part 26, “Fitness for duty programs,” Section 26.205(d)(3), “Work hour controls,” requires licensees to ensure that individuals have, at a minimum, the number of days off as specified in 10 CFR 26.205(d)(3). It is from portions of 10 CFR 26.205(d)(3) that DBNPS now seeks a one-time exemption.

By letter dated May 28, 2010, as supplemented by electronic correspondence dated June 9, June 11, and June 16, 2010, the licensee requested a one-time exemption in accordance with 10 CFR 26.9, “Specific exemptions.” The regulation at 10 CFR 26.205(d)(4) and (d)(5) permit the use of less restrictive hour limitations during the first 60 days of a unit outage, in lieu if the requirements of 10 CFR 26.205(d)(3). The licensee has requested a one-time exemption to allow the use of the less restrictive hour limitations described in 10 CFR 26.205(d)(4) and (d)(5). The exemption would apply to operations (who also comprise of the fire brigade), maintenance, security, chemistry and radiation protection personnel as described in 10 CFR 26.4(a)(1) through (a)(5). Being granted this one-time exemption would allow the licensee to complete work activities to support the current, extended DBNPS refueling outage.

3.0 Discussion of Part 26 Exemption From Certain Work Hour Control Requirements

Pursuant to 10 CFR 26.9, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 26 when the exemptions are authorized by law, and will not endanger life or property or the common defense and security, and are otherwise in the public interest.

The approval of this exemption, as noted above, would allow the licensee to use the work hour limitations as described in 10 CFR 26.205(d)(4) and (d)(5), in lieu if the requirements of 10 CFR 26.205(d)(3).

As stated above, 10 CFR 26.9 allows the NRC to grant exemptions from the requirements of 10 CFR 26. The NRC staff has determined that granting of the licensee’s proposed exemption would not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission’s regulations. Therefore, the exemption is authorized by law.

Davis-Besse Nuclear Power Station Exemption Request

The licensee provided detailed information in the enclosure of its May 28, 2010 letter, as supplemented by electronic correspondence dated June 9, June 11, and June 16, 2010, requesting an exemption. Specifically, the licensee entered the current outage on February
28, 2010. The outage has been extended due to need to perform modifications to several control rod drive mechanism nozzles prior to restart. Due to the extension of the outage, plant personal performing duties defined by 10 CFR 26.4(a)(1) through (a)(5), including the fire brigade, will have been working hours in accordance with the requirements of 10 CFR 26.205(d)(3) prior to the application of the less restrictive working hour limitations of 10 CFR 26.205(d)(4) and (d)(5) that would be authorized by this exemption. This provides assurance that covered workers are not already fatigued from working an outage schedule. Granting this exemption would allow the licensee to implement the less restrictive work hour requirements of 10 CFR 26.205(d)(4) and (d)(5) to allow flexibility in scheduling required days off while accommodating the more intensive work schedules that accompany completion of a unit outage.

Notwithstanding the exemption for this specific requirement, the licensee will continue to be in compliance with all other requirements as described in 10 CFR 26.

4.0 Environmental Consideration

The exemption authorizes a one-time exemption from the requirements of 10 CFR 26.205(d)(3) to allow the use of the less restrictive hour limitations described in 10 CFR 26.205(d)(4) and (d)(5). The NRC has determined that this exemption involves no significant hazards considerations:

(1) The proposed exemption is administrative in nature and is limited to changing the timeframe when less restrictive hours can be worked. The proposed exemption does not make any changes to the facility or operating procedures and does not alter the design, function or operation of any plant equipment. Therefore, issuance of this exemption does not increase the probability or consequences of an accident previously evaluated.

(2) The proposed exemption is administrative in nature and is limited to changing the timeframe when less restrictive hours can be worked. The proposed exemption does not make any changes to the facility or operating procedures and would not create any new accident initiators. The proposed exemption does not alter the design, function or operation of any plant equipment. Therefore, this exemption does not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) The proposed exemption is administrative in nature and is limited to changing the timeframe when less restrictive hours can be worked. The proposed exemption does not alter the design, function or operation of any plant equipment. Therefore, this exemption does not involve a significant reduction in a margin of safety.

Based on the above, the NRC concludes that the proposed exemption does not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and accordingly, a finding of “no significant hazards consideration” is justified.

The NRC staff has also determined that the exemption involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite; that there is no significant increase in individual or cumulative occupational radiation exposure; that there is no significant construction impact; and there is no significant increase in the potential for or consequences from a radiological accident. Furthermore, the requirement from which the licensee will be exempted involves scheduling requirements. Accordingly, the exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(25). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

5.0 Conclusion

The staff has reviewed the licensee’s submittals and concludes that the licensee has provided adequate justification for its request for a one-time 21-day exemption from 10 CFR 26.205(d)(3) to allow the use of the less restrictive hour limitations described in 10 CFR 26.205(d)(4) and (d)(5). The NRC has determined that the need to ensure adequate numbers of qualified workers to complete unit outage activities, given that workers will have been working hours in accordance with the requirements of 10 CFR 26.205(d)(3) prior to application of this exemption, justifies granting this exemption.

Accordingly, the Commission has determined that pursuant to 10 CFR 26.9, “Specific exemptions,” an exemption from 10 CFR 26.205(d)(3) is authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest.

Therefore the Commission hereby grants the licensee’s request for a one-time, twenty-one day exemption from 10 CFR 26.205(d)(3) to allow the use of the work hour limitations described in 10 CFR 26.205(d)(4) and (d)(5).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 24th day of June 2010.

For the Nuclear Regulatory Commission.

Joseph G. Gitter,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2010–16083 Filed 6–30–10; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[License No. Stb–401, Docket No. 40–6563; NRC–201–0241]

Finding of No Significant Impact Related to Approval of the Mallinckrodt C–T Phase 2 Decommissioning Plan; Mallinckrodt, Inc.; St. Louis, MO

The U.S. Nuclear Regulatory Commission (NRC) is considering approval of the Mallinckrodt Inc. (Mallinckrodt or the licensee) columbium-tantalum (C–T) Phase 2 Decommissioning Plan (DP), Revision 2, originally submitted to NRC in May 2003, and resubmitted on October 14, 2008 (ML083150052) with revisions on June 3, 2010 (ML101620140). In the DP, Mallinckrodt is proposing to decommission grade-level and below-grade building slabs, paved surfaces, and subsurface materials affected by former C–T operations, at its St. Louis site. If properly implemented, the DP will lead to the successful remediation of the C–T areas, their release for unrestricted use, and the termination of License STB–401.

Below is a summary of the Environmental Assessment (EA) prepared by the staff to support approval of Mallinckrodt’s Phase 2 DP. The complete EA is available through NRC’s Agencywide Documents Access and Management System (ADAMS), Accession No. ML091960322.

Environmental Assessment

Introduction

Mallinckrodt has been operating at the St. Louis Plant since 1867 producing various products including metallic oxides and salts, ammonia, and organic chemicals. From 1942 to 1957, Mallinckrodt was under contract with the Manhattan Engineering District and the Atomic Energy Commission (MED–AEC) to process uranium ore to produce uranium for development of atomic weapons. In 1961, pursuant to 10 CFR part 40, Mallinckrodt was issued a source material license (License No. STB–401) authorizing the possession...
and use of materials containing uranium and thorium isotopes. Under this license, from 1961 to 1987, Mallinckrodt extracted C–T from natural uranium ores and tin slags, and purchased and processed materials for C–T production.

Radiological contamination at the site resulted from MED–AEC and C–T processing activities. MED–AEC contamination is being remediated by the U.S. Army Corps of Engineers (USACE) under the Formerly Utilized Sites Remedial Action Program (FUSRAP). USACE developed a preferred cleanup approach for the MED–AEC contamination, based on the data and findings presented in four documents: (1) Remedial Investigation Report; (2) Baseline Risk Assessment; (3) Initial Screening of Alternatives, and (4) Feasibility Study.

**Purpose and Need for the Proposed Action**

Mallinckrodt has requested that NRC approve the Phase 2 DP, to support the eventual termination of License No. STB–401. Before the license can be terminated, NRC must be assured that the areas of the Mallinckrodt facility associated with the C–T project meet NRC’s release criteria stated in 10 CFR 20, 1402.

Mallinckrodt elected to decommission the C–T project areas of the site in two phases. In Phase 1, Mallinckrodt decommissioned the buildings and equipment to the extent necessary, to meet NRC’s criteria for unrestricted release. Phase 1 of the decommissioning project was completed in February 2007. Phase 2 will include the remediation of the building slabs and foundations, paved surfaces, and all subsurface materials to the extent necessary, to meet NRC’s unrestricted release criteria.

**Proposed Action**

The ultimate goal of the C–T project decommissioning is to remediate those areas of the site associated with C–T production, to the extent necessary, to terminate License STB–401. Phase 2 decommissioning activities will include the remediation of the building slabs and foundations, paved surfaces, and all subsurface materials. Most of the decommissioning activities will take place in Plant 5. However, the wastewater neutralization basins in Plant 7W will also be decommissioned.

Mallinckrodt will conduct its non-NRC licensed activities while decontamination and remediation are performed. Mallinckrodt selected the following decommissioning strategy: (1) Remediate remaining floor slabs and subsurface soils and systems by decontamination or excavation and disposal followed by a final status survey (FSS); (2) remediate former wastewater neutralization basins by decontamination or demolition and disposal followed by FSS where appropriate; and (3) remediate sewer systems affected by the C–T operations. Mallinckrodt has committed to conducting a FSS consistent with the approach presented in the Multi-Agency Radiation Survey and Site Investigation Manual, to the extent possible.

Mallinckrodt will determine whether decontamination and FSS of individual materials in place is preferred over excavation and offsite disposal. The Phase 2 DP is based on the following preferences: (1) Excavation or demolition and disposal when it is cost-effective; (2) decontamination when it is judged to be cost-effective compared to disposal; and (3) decontamination or removal of selected contaminated areas of pavement and subsurface material to site specific derived concentration guideline levels (DCGLs), to reduce the volume of waste and therefore minimize the cost of disposal.

**Alternatives to the Proposed Action**

The remediation approach proposed by Mallinckrodt provides for the systematic remediation of the C–T process areas at the Mallinckrodt site. This approach provides Mallinckrodt the opportunity to remove contaminated subsurface C–T process material from the site, and release the C–T process areas for unrestricted use. The “no action” alternative is the only alternative to the proposed action. The “no action” alternative is not acceptable because the C–T process areas contain residual contamination that presently exceeds NRC’s criteria for unrestricted release and these areas must be remediated to protect public health and safety upon ceasing operations under 10 CFR part 40 requirements.

**Affected Environment**

As stated in the Introduction, MED–AEC contamination at Mallinckrodt facility is being removed by USACE under FUSRAP. USACE developed a preferred cleanup approach for the MED–AEC contamination, based on the data and findings presented in four documents: (1) Remedial Investigation Report; (2) Baseline Risk Assessment; (3) Initial Screening of Alternatives, and (4) Feasibility Study.

Section 2.2.2 of the Feasibility Study provides an evaluation of the affected environment surrounding the Mallinckrodt facility. The findings in Section 2.2.2 of the Feasibility Study also apply to remediation of the C–T process areas and the Feasibility Study is incorporated by reference. The following issues are addressed in the Feasibility Study: (1) Land use and recreational and aesthetic resources; (2) climatology, meteorology, and air quality; (3) geology and soils; (4) water resources; (5) biological resources; (6) threatened and endangered species; (7) wetlands and flood plains; (8) population and socioeconomics; and (9) historical, archeological, and cultural resources.

**Environmental Impacts**

Remediation of the C–T process area subsurface material creates a potential for radiological environmental impacts. Radiological environmental impacts that could result from remediation activities include exposure, inhalation, and ingestion hazard to workers and the public. These hazards could occur during the excavation of floor slabs and foundations, soil, and sewerage. Mallinckrodt has committed to perform work activities in accordance with a Health and Safety Program as described in Section 3 of the DP. The Health and Safety Program will consist of: (1) An Industrial Safety Program; (2) a Radiation Protection Program, and (3) an Environmental Safety Program. The Radiation Protection Program will contain controls to monitor exposures to workers. Action levels have been established based on 10 CFR part 20, Appendix B. If action levels are exceeded, Mallinckrodt will take corrective action, as necessary. The Radiation Protection Program will keep exposures due to ingestion and inhalation as low as is reasonably achievable (ALARA) by controlling and monitoring airborne releases in work areas, and by utilizing respiratory protection, as necessary.

Mallinckrodt will implement an Environmental Safety Program to monitor air and water effluents discharged during decommissioning. Mallinckrodt will routinely collect samples or take measurements at locations on-site, site boundaries, and off-site, to determine the extent of environmental discharges during remediation. Environmental sampling stations will collect continuous samples during demolition and decontamination activities to verify that there are no significant adverse impacts to workers or the public. NRC staff will evaluate implementation of the Environmental Safety Program during routine inspections to ensure that Mallinckrodt is adequately monitoring effluent releases.

Mallinckrodt has committed to minimize the production of
contaminated liquids. Phase 2 decommissioning activities will not involve the use of significant chemicals requiring treatment and disposal. Mallinckrodt expects minimal use of water for dust control during soil remediation and demolition of paved surfaces. Mallinckrodt will not generate free water during dust control. The most likely source of potentially contaminated liquids is stormwater from active remediation areas. Stormwater may contain contaminated soil particles. Soil management activities will minimize the exposure of contaminated soils to stormwater. Stormwater in active remediation areas will be collected and stored in temporary, above ground tanks. Collected water will be sampled and filtered, as necessary, to remove the solids, and analyzed to estimate the concentration in the water. The concentration will be compared with 10 CFR part 20, concentration limits, and the total inventory discharged will be calculated. All contaminated liquids will be disposed to the Metropolitan St. Louis Sewer District (MSD) following confirmation that MSD specifications for sampling, analysis, and pretreatment have been met.

Mallinckrodt has also committed to monitor direct radiation using thermoluminescent dosimeters (TLDs). TLDs will be placed at various locations around the perimeter of the restricted area to ensure that direct radiation in unrestricted areas does not exceed the limits specified in 10 CFR 20.1301.

Mallinckrodt has established action levels for air and water effluents based on the levels provided in 10 CFR part 20, appendix B, Tables 2 and 3. The action levels for environmental air, effluent water, and sewage are 0.75, 0.6, and 0.6, of the limits, respectively. If action levels are exceeded, Mallinckrodt will take corrective actions.

The Mallinckrodt site is located in an area, which is completely developed with no pre-settlement vegetation existing. Land use within a one-mile radius from the site is a mixture of commercial, industrial, and residential. Commercial or industrial properties in the area include McKinley Iron Company, Thomas and Proetz Lumber Company, and several railroad properties. The USACE Feasibility Study states that there is no sign of federal or state designated endangered or threatened species present at the Mallinckrodt facility. The Feasibility Study also states that the Mallinckrodt facility does not contain any historic buildings. Past phase, available data indicate that there are no archeological sites in the area.

NRC staff previously performed an environmental justice review of the Mallinckrodt site for Phase 1 decommissioning activities. That review concluded that Phase 1 decommissioning activities would result in an insignificant risk to the public health and safety, and the human environment (see ML021230256). Because the scope of Phase 2 decommissioning activities is similar to the Phase 1 activities, no environmental justice impacts are expected from the proposed action.

Air quality and noise impacts will result from excavation and transport of waste. Mallinckrodt will use appropriate dust control measures during excavation. These activities will be sporadic in nature and short in duration, and therefore, will have minimal impact on the surrounding community and environment.

The Mallinckrodt site can be serviced by road, rail, and river barge. Interstate 70 (east and west) can be accessed within one mile from the site. Rail lines from the Chicago, Burlington and Quincy Railroad, the Norfolk and Western Railroad, and the St. Louis Terminal Railroad Association, transect the Mallinckrodt site from north to south. Any waste to be disposed of offsite will be transported from the site by rail. Mallinckrodt estimates that the volume of waste to be transported will be approximately 59,100 R \( \text{yd}^3 \). This volume of waste will require less than 50 rail cars over an 18-month time period. Therefore, the impact of transporting waste from the site will be insignificant.

**Agencies and Persons Consulted and Sources Used**

Much of the information contained in the EA was taken directly from the Mallinckrodt DP and the USACE Feasibility Study. In preparation of the Feasibility Study, USACE consulted with the U.S. Fish and Wildlife Service and the State Historic Preservation Office. Since Phase 1 decommissioning activities will be occurring at the same site where similar USACE actions are also occurring, but with a much more limited scope, NRC has utilized the input of the U.S. Fish and Wildlife Service and the State Historic Preservation Office by reference to the Feasibility Study. NRC staff provided a draft of the EA to the State of Missouri for review.

**Conclusion**

Radiological exposures to workers and the public will be in accordance with 10 CFR part 20 limits and will be ALARA. NRC finds that the DP contains sufficient controls to keep potential doses to workers and the public from direct exposure, airborne material, and released effluents, below the 10 CFR part 20 dose limits. The staff also finds that the remediation alternative proposed by Mallinckrodt mitigates the potential dose to workers and members of the public, and other environmental impacts.

**List of References**

6. NRC, Environmental Assessment Related to the Approval of the Mallinckrodt C–T Phase 2 Decommissioning Plan, for Mallinckrodt Inc., St. Louis, Missouri, June 2009, (ADAMS No. ML091960322).

**Finding of No Significant Impact**

Pursuant to 10 CFR part 51, NRC has prepared an EA related to the approval of Mallinckrodt’s DP. On the basis of that EA, NRC has concluded that the proposed NRC action would not have any significant affect on the quality of the human environment and does not warrant the preparation of an Environmental Impact Statement. Accordingly, it has been determined that a Finding of No Significant Impact is appropriate.

Since the EA finds that the remediation of the C–T project areas of Mallinckrodt’s site represents no significant risk to the public health and safety, and the human environment, NRC concludes that there are no environmental justice issues associated with the proposed remediation activities.

The aforementioned documents related to this proposed action are available for public inspection and copying at NRC’s Public Document Room at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852–2738.
NUCLEAR REGULATORY COMMISSION

Governors’ Designees Receiving Advance Notification of Transportation of Nuclear Waste

On January 6, 1982 (47 FR 596 and 47 FR 600), the U.S. Nuclear Regulatory Commission (NRC) published in the Federal Register final amendments to Title 10 of the Code of Federal Regulations (CFR) Parts 71 and 73 (effective July 6, 1982), that require advance notification to Governors or their designees by NRC licensees prior to transportation of certain shipments of nuclear waste and spent fuel. The advance notification covered in Part 73 is for spent nuclear reactor fuel shipments and the notification for Part 71 is for large quantity shipments of radioactive waste (and of spent nuclear reactor fuel not covered under the final amendment to 10 CFR Part 73).

The following list updates the names, addresses, and telephone numbers of those individuals in each State who are responsible for receiving information on nuclear waste shipments. The list will be published annually in the Federal Register on or about June 30, 2010, to reflect any changes in information. Current State contact information can also be accessed throughout the year at http://nrc-stp.ornl.gov/special/designee.pdf.

Questions regarding this matter should be directed to Dr. Stephen N. Salomon, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, by e-mail at Stephen.Salomon@nrc.gov or by telephone at 301-415-2368.

Dated at Rockville, Maryland, this 25th day of June 2010.

For the U.S. Nuclear Regulatory Commission.

Mark Thaggard,
Deputy Director, Division of Intergovernmental Liaison and Rulemaking, Office of Federal and State Materials and Environmental Management Programs.

<table>
<thead>
<tr>
<th>State</th>
<th>Part 71</th>
<th>Part 73</th>
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<tbody>
<tr>
<td>Alabama</td>
<td>Colonel J. Christopher Murphy, Director, Alabama Department of Public Safety, P.O. Box 1511, Montgomery, AL 36102–1511, (334) 242–4394, 24 hours: (334) 242–4128, Fax: (334) 242–0512.</td>
<td>Same.</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Bernard Bevill, Radiation Control Section, Arkansas Department of Health, 4815 West Markham Street, Mail Slot #30, Little Rock, AR 72205–3867, (501) 661–2301, 24 hours: (501) 661–2136, Fax: (501) 661–2236.</td>
<td>Same.</td>
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<tr>
<td>California</td>
<td>Captain Steve Dowling, California Highway Patrol, Commercial Vehicle Section, 601 North 7th Street, Sacramento, CA 95811, (916) 843–3400, 24 hours: (916) 843–4199, Fax: (916) 332–3154.</td>
<td>Same.</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Edward L. Wilds, Jr., PhD, Director, Radiation Division, Department of Environmental Protection, 79 Elm Street, Hartford, CT 06106–5127, (860) 424–3028, Cell: (860) 490–3211, 24 hours: (860) 424–3333, Fax: (860) 424–4085.</td>
<td>Same.</td>
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<tr>
<td>Delaware</td>
<td>Lewis D. Schiavo, Secretary, Department of Safety &amp; Homeland Security, P.O. Box 818, Dover, DE 19903–0818, (302) 744–2665, 24 hours: (302) 242–9318, Fax: (302) 739–4874.</td>
<td>Same.</td>
</tr>
<tr>
<td>Florida</td>
<td>John A. Williamson, Environmental Administrator, Bureau of Radiation Control, Environmental Radiation Program, Department of Health, P.O. Box 680069, Orlando, FL 32868–0069, (407) 297–2096, Cell: (407) 297–2095, 24 hours: (407) 297–2085, Fax: (407) 297–2085.</td>
<td>Same.</td>
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<tr>
<td>Georgia</td>
<td>Captain Bruce Bugg, Region 4 Commander, Georgia Department of Public Safety, Motor Carrier Compliance Division, 317 Highway 11 SW, Monroe, GA 30655, (770) 464–1797, 24 hours: (404) 635–7200, Fax: (770) 359–5853.</td>
<td>Same.</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Laurence K. Lau, Deputy Director for Environmental Health, Hawaii State Department of Health, P.O. Box 3378, Honolulu, HI 96813, (808) 586–4424, 24 hours: (808) 368–6004, Fax: (808) 586–4368.</td>
<td>Same.</td>
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<tr>
<td>State</td>
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<td>Contact Information</td>
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<tr>
<td>Indiana</td>
<td>Superintendent Paul Whitesell, PhD, Indiana State Police, Commercial Motor Vehicle Enforcement, Division IGCN, 100 N. Senate Avenue, 3rd Floor, Indianapolis, IN 46204</td>
<td>(317) 232–8248, 24 hours: (317) 232–8248, Fax: (317) 317–2350.</td>
</tr>
<tr>
<td>Iowa</td>
<td>David L. Miller, Administrator, Iowa Homeland Security and Emergency Management Division, 7105 Northwest 70th Avenue, Camp Dodge, Building W–4, Johnston, IA 50131</td>
<td>(515) 725–3231, 24 hours: (515) 725–3231, Fax: (515) 725–3260.</td>
</tr>
<tr>
<td>Kansas</td>
<td>Jennifer Clark, Technological Hazards Section Chief, Department of the Adjutant General, Division of Emergency Management, 2800 SW. Topeka Boulevard, Topeka, KS 66611–1287</td>
<td>(785) 274–1394, 24 hours: (785) 296–3176, Fax: (785) 274–1426.</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Dewey Crawford, Manager, Radiation Health and Toxic Agents Branch, Cabinet for Health and Family Services, 275 East Main Street, Mail Stop HS–1C–A, Frankfort, KY 40621–0001</td>
<td>(502) 564–3700, ext. 3695, 24 hours: (502) 229–6254, Fax: (502) 564–1492.</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Captain Allen T. Moss, Louisiana State Police, 7919 Independence Boulevard, P.O. Box 66168, Baton Rouge, LA 70896–6168</td>
<td>(225) 925–6113, 24 hours: (877) 925–6595, Fax: (225) 925–3559.</td>
</tr>
<tr>
<td>Maine</td>
<td>Colonel Patrick Fleming, Chief of the State Police, Maine Department of Public Safety, 42 State House Station, Augusta, ME 04333–0042</td>
<td>(207) 624–7260 or (207) 624–7200, 24 hours: (207) 267–3042.</td>
</tr>
<tr>
<td>Maryland</td>
<td>Michael Bennett, Director, Electronic Systems Division, Maryland State Police, 1201 Reisterstown Road, Pikesville, MD 21208</td>
<td>(410) 653–4229, 24 hours: (410) 653–4269.</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Robert L. Gallaghar, Acting Director, Radiation Control Program, Massachusetts Department of Public Health, Shraftts Center, Suite 1M2A, 529 Main Street, Charlestown, MA 02129</td>
<td>(617) 242–3035 x2001, 24 hours: (877) 925–3559.</td>
</tr>
<tr>
<td>Michigan</td>
<td>Captain Gary Nix, Commander, Special Operations Division, Michigan State Police, 4000 Collins Rd, Lansing, MI 48910</td>
<td>(517) 336–6136, 24 hours: (517) 241–8000, Fax: (517) 241–8000.</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Brian E. Maske, HAZMAT/WIPP Program Manager, Planner—Districts 2 &amp; 4, LEP Coordinator, Mississippi Emergency Management Agency, Office of Preparedness-Plans Bureau, P.O. Box 5644, #1 MEMA Drive 39208, Pearl, MS 39228</td>
<td>(601) 933–6362, 24 hours: (601) 933–6369, Fax: (601) 933–6815.</td>
</tr>
<tr>
<td>Missouri</td>
<td>Paul D. Parmenter, Director, Emergency Management Agency, P.O. Box 116, 2302 Militia Drive, Jefferson City, MO 65102</td>
<td>(573) 526–9101, 24 hours: (573) 751–2748, Fax: (573) 634–7966.</td>
</tr>
<tr>
<td>Montana</td>
<td>Ed Tinsley, Administrator, Homeland Security Advisor, Montana Disaster &amp; Emergency Services, 1956 MT Majo Street, P.O. Box 4789, Fort Harrison, MT 59636–4789</td>
<td>(406) 841–3911, Cell: (406) 672–9906, Fax: (406) 841–3965, 24 hours: (406) 841–3912.</td>
</tr>
<tr>
<td>Nebraska</td>
<td>Lieutenant Carla Schreiber, Nebraska State Patrol, P.O. Box 94907, 3800 NW 12th Street, Lincoln, NE 68521</td>
<td>(402) 497–4031, 24 hours: (402) 471–4545, Fax: (402) 479–4950.</td>
</tr>
<tr>
<td>Nevada</td>
<td>Karen K. Beckley, Program Manager, Radiation Control, Bureau of Health Care Quality and Compliance, Nevada State Health Division, 4150 Technology Way, Suite 300, Carson City, NV 89706</td>
<td>(775) 687–7540, 24 hours: 1–877–438–7231, Fax: (775) 687–7552.</td>
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<tr>
<td>New Hampshire</td>
<td>Sergeant Nathan Boothby, New Hampshire State Police—Troop G, 33 Hazen Drive, Concord, NH 03305</td>
<td>(603) 223–8909, 24 hours: (603) 271–9636, Fax: (603) 271–1760.</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Paul Baldauf, Assistant Director, Radiation Protection Programs, Division of Environmental Safety, Health &amp; Analytical Programs, Department of Environmental Protection, P.O. Box 415, Trenton, NJ 08625–0415</td>
<td>(609) 984–5636, 24 hours: (609) 658–3072, Fax: (609) 633–2210.</td>
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<td>State</td>
<td>Part 71</td>
<td>Part 73</td>
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<tr>
<td>New Mexico</td>
<td>Don Shainin, Technical Hazards Unit Leader, WIPP Program Manager, New Mexico Department of Homeland Security and Emergency Management (DHSEM), P.O. Box 27111, Santa Fe, NM 87502, (505) 476–9628, 24 hours: (505) 476–9635, Fax: (505) 476–9695.</td>
<td>Same.</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Terry L. O’Clair, Director, Division of Air Quality, North Dakota Department of Health, 918 East Divide Avenue—2nd Floor, Bismarck, ND 58501–1947, (701) 328–5188, 24 hours: (701) 328–9921, Fax: (701) 328–5185.</td>
<td>Same.</td>
</tr>
<tr>
<td>Ohio</td>
<td>Carol A. O’Claire, Chief, Radiological Branch, Ohio Emergency Management Agency, 2855 West Dublin Granville Road, Columbus, OH 43235–2206, (614) 799–3915, 24 hours: (614) 889–7150, Fax: (614) 799–5950.</td>
<td>Same.</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Major Mike Thompson, #17, Zone Commander, Oklahoma Highway Patrol, P.O. Box 11415, Oklahoma City, OK 73136–0145, (405) 425–7701, 24 hours: (405) 425–2323, Fax: (405) 425–2254.</td>
<td>Same.</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>Terrence Mercer, Associate Administrator, Motor Carriers Section, Division of Public Utilities and Carriers, 89 Jefferson Boulevard, Warwick, RI 02888, (401) 941–4500, Ext. 150, 24 hours: (401) 444–1183 (State Police).</td>
<td>Same.</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Susan Jenkins, Bureau of Land and Waste Management, Department of Health &amp; Environmental Control, 2600 Bull Street, Columbia, SC 29201, (803) 896–4271, 24 hours: (803) 667–0019 or (803) 408–2816, Fax: (803) 896–4424.</td>
<td>Same.</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Kristi Turman, Director, South Dakota Department of Public Safety, Dept. of Emergency Management, 118 W. Capitol Avenue, Pierre, SD 57501–1900, 24 hours: (605) 773–3231, 24 hours: (605) 773–3231, Fax: (605) 773–3580.</td>
<td>Same.</td>
</tr>
<tr>
<td>Texas</td>
<td>Steven C. McCraw, Director, Texas Office of Homeland Security, P.O. Box 4087, Austin, TX 78773, 24 hours: (512) 424–2208, Fax: (512) 424–7160.</td>
<td>Same.</td>
</tr>
<tr>
<td>Utah</td>
<td>Dane Finerfrock, Director, Division of Radiation Control, Department of Environmental Quality, 159 North 150 West, P.O. Box 144850, Salt Lake City, UT 84114–8460, (801) 536–4257, 24 hours: (801) 536–4123, Fax: (801) 553–4097.</td>
<td>Same.</td>
</tr>
<tr>
<td>Vermont</td>
<td>Thomas R. Tremblay, Commissioner, Department of Public Safety, Division of Vermont State Police, 103 South Main Street, Waterbury, VT 05671–2101, (802) 844–8718, 24 hours: (802) 244–8727, Fax: (802) 241–5377.</td>
<td>Same.</td>
</tr>
<tr>
<td>Virginia</td>
<td>Gregory F. Britt, Director, Technological Hazards Division, Virginia Department of Emergency Management, 10501 Trade Court, Richmond, VA 23236, (804) 897–6500, ext. 6578, 24 hours: (804) 674–2400 or 1–800–488–8892, Fax: (804) 897–6576.</td>
<td>Same.</td>
</tr>
<tr>
<td>West Virginia</td>
<td>Lieutenant Colonel B.A. Sloan, West Virginia State Police, 725 Jefferson Road, South Charleston, WV 25309, (304) 746–2111, 24 hours: (304) 746–2158, Fax: (304) 746–2246.</td>
<td>Same.</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Scott Legwold, Acting Administrator, Wisconsin Emergency Management, P.O. Box 7865, Madison, WI 53707–7865, 24 hours: (608) 242–3210, Fax: (608) 242–3232, Fax: (608) 242–3241.</td>
<td>Same.</td>
</tr>
</tbody>
</table>
### Individuals Receiving Advance Notification of Nuclear Waste Shipments—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Part 71</th>
<th>Part 73</th>
</tr>
</thead>
<tbody>
<tr>
<td>District of Columbia</td>
<td>Gregory B. Talley, Program Manager, Radiation Protection Division, Health, Regulation &amp; Licensing Administration, District of Columbia Department of Health, 717 14th Street, NE., Room 639, Washington, DC 20005, (202) 741-7686, 24 hours: (202) 727-1000, Fax: (202) 727-8471. Dr. Jaime Rivera-Dueño, Secretary of Health, P.O. Box 70184, San Juan, PR 00936-8184, (787) 765-2929, ext. 3377, 24 hours: (787) 765-2929, ext. 3377, Fax: (787) 274-3384.</td>
<td>Same.</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>Lost.</td>
<td>Same.</td>
</tr>
<tr>
<td>Guam</td>
<td>Lorilee T. Cisostomo, Administrator, Guam Environmental Protection Agency, P.O. Box 22439, Barrigada, Guam 96921, (671) 475-1658, 24 hours: (671) 635–9500, Fax: (671) 477–9402.</td>
<td>Same.</td>
</tr>
<tr>
<td>Virgin Islands</td>
<td>Robert S. Mathes, Commissioner, Department of Planning and Natural Resources, 8100 Linberg Bay, Ste #61, Cyril E. King Airport, Terminal Bldg., 2nd Floor, St. Thomas, Virgin Islands 00802, (340) 774–3320, ext. 5102, 24 hours: (340) 774–5138, Fax: (340) 775–5706.</td>
<td>Same.</td>
</tr>
<tr>
<td>Commonwealth of the Northern Mariana Islands.</td>
<td>Dr. Ignacio T. dela Cruz, D.V.M., Secretary, Department of Lands &amp; Natural Resources, Commonwealth of Northern Mariana Islands, Caller Box 10007, Saipan, MP 96950, (670) 322–9830, (670) 322–2633, Fax: (670) 322–2633.</td>
<td>Same.</td>
</tr>
</tbody>
</table>

**BILLING CODE 7590–01–P**

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**NUCLEAR REGULATORY COMMISSION**

[Docket Nos. 50–277 and 50–278; NRC–2010–0160]

**Exelon Generation Company, LLC; PSEG Nuclear, LLC; Notice of Withdrawal of Application for Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission or NRC) has granted the request of Exelon Generation Company, LLC, and PSEG Nuclear, LLC, (the licensee) to withdraw its June 25, 2008, application for proposed amendment to Facility Operating License Nos. DPR–44 and DPR–56 for the Peach Bottom Atomic Power Station (PBAPS), Units 2 and 3, located in York and Lancaster Counties, Pennsylvania.

The proposed amendment would have revised the PBAPS, Units 2 and 3, Technical Specification Section 4.3.1.1.a concerning the spent fuel pool k-infinity value. The amendment application dated June 25, 2008, (Agencywide Documents Access and Management System (ADAMS) Accession No. ML081820348) was supplemented by letters dated November 6, 2008, March 9, 2009, June 12, 2009, December 18, 2009, and March 26, 2010 (ADAMS Accession Nos. ML083190840, ML0909690804, ML091740446, ML093521435, and ML100910075, respectively).

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the Federal Register on April 26, 2010 (75 FR 21680). However, by letter dated June 18, 2010, (ADAMS Accession No. ML101690377) the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated June 25, 2008, and the licensee’s letter dated June 18, 2010, which withdrew the application for license amendment. Documents may be examined, and/or copied for a fee, at the NRC’s Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, http://www.nrc.gov/reading-rm/adams.html. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1–800–397–4209, or 301–415–4737 or by e-mail to pdr.resource@nrc.gov.

Dated at Rockville, Maryland, this 24th day of June 2010.

For the Nuclear Regulatory Commission.

John D. Hughey,

Project Manager, Plant Licensing Branch I–2, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

**BILLING CODE 7590–01–P**

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**SMALL BUSINESS ADMINISTRATION**

[Disaster Declaration #12181 and #12182]

South Dakota Disaster Number SD–000031

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Amendment 2.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of SOUTH DAKOTA (FEMA–1915–DR), dated 05/13/2010. Incident: Flooding.

Incident Period: 03/10/2010 through 06/20/2010.

Effective Date: 06/20/2010.

Physical Loan Application Deadline Date: 07/12/2010.

Economic Injury (EIDL) Loan Application Deadline Date: 02/14/2011.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** The notice of the President’s major disaster declaration for Private Non-Profit organizations in the State of SOUTH DAKOTA, dated 05/13/2010, is hereby amended to establish the incident period for this disaster as beginning 03/10/2010 and continuing through 06/20/2010.

All other information in the original declaration remains unchanged.
### SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #12210 and #12211]**

**West Virginia Disaster #WV–00020**

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for the State of WEST VIRGINIA (FEMA–1918–DR), dated 06/24/2010. Incident: Severe Storms, Flooding, Mudslides, and Landslides. Incident Period: 06/12/2010 and continuing.

**DATES:** Effective Date: 06/24/2010. Physical Loan Application Deadline Date: 08/23/2010. Economic Injury (EIDL) Loan Application Deadline Date: 03/24/2011.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the President’s major disaster declaration on 06/24/2010, applications for disaster loans may be filed at the address listed above or other locally announced locations. The following areas have been determined to be adversely affected by the disaster:

- **Primary Counties (Physical Damage and Economic Injury Loans):** Logan, McDowell, Mingo, Wyoming.

The Interest Rates are:

<table>
<thead>
<tr>
<th>For Physical Damage:</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Homeowners With Credit Available Elsewhere</td>
<td>4.000</td>
</tr>
<tr>
<td>Homeowners Without Credit Available Elsewhere</td>
<td>3.625</td>
</tr>
</tbody>
</table>

The number assigned to this disaster for physical damage is 122106 and for economic injury is 122110.

**For Physical Damage:**
- Non-Profit Organizations Without Credit Available Elsewhere
- Non-Profit Organizations With Credit Available Elsewhere

**For Economic Injury:**
- Non-Profit Organizations Without Credit Available Elsewhere
- Non-Profit Organizations With Credit Available Elsewhere

The number assigned to this disaster for physical damage is 122126 and for economic injury is 122136.

**BILLING CODE 8025–01–P**

### SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #12212 and #12213]**

**West Virginia Disaster #WV–00021**

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of WEST VIRGINIA (FEMA–1918–DR), dated 06/24/2010. Incident: Severe Storms, Flooding, Mudslides, and Landslides. Incident Period: 06/12/2010 and continuing.

**DATES:** Effective Date: 06/24/2010. Physical Loan Application Deadline Date: 08/23/2010. Economic Injury (EIDL) Loan Application Deadline Date: 03/24/2011.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the President’s major disaster declaration on 06/24/2010, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations. The following areas have been determined to be adversely affected by the disaster:

- **Primary Counties:** Logan, McDowell, Mingo, Wyoming.

The Interest Rates are:

<table>
<thead>
<tr>
<th>For Physical Damage:</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Profit Organizations Without Credit Available Elsewhere</td>
<td>4.000</td>
</tr>
<tr>
<td>Non-Profit Organizations With Credit Available Elsewhere</td>
<td>3.625</td>
</tr>
<tr>
<td>Non-Profit Organizations With Credit Available Elsewhere</td>
<td>3.000</td>
</tr>
</tbody>
</table>

The number assigned to this disaster for physical damage is 122126 and for economic injury is 122136.

**BILLING CODE 8025–01–P**

### SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #12159 and #12160]**

**Tennessee Disaster Number TN–00039**

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Amendment 8.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for the State of Tennessee (FEMA–1909–DR), dated 05/04/2010. Incident: Severe Storms, Flooding, Straight-line Winds, and Tornadoes. Incident Period: 04/30/2010 through 05/18/2010.

**DATES:** Effective Date: 06/24/2010. Physical Loan Application Deadline Date: 08/23/2010. Economic Injury (EIDL) Loan Application Deadline Date: 03/24/2011.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the President’s major disaster declaration on 06/24/2010, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations. The following areas have been determined to be adversely affected by the disaster:

- **Primary Counties:** Logan, McDowell, Mingo, Wyoming.

The Interest Rates are:

<table>
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<th>For Physical Damage:</th>
<th>Percent</th>
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<tbody>
<tr>
<td>Non-Profit Organizations Without Credit Available Elsewhere</td>
<td>3.625</td>
</tr>
<tr>
<td>Non-Profit Organizations With Credit Available Elsewhere</td>
<td>3.000</td>
</tr>
</tbody>
</table>

**BILLING CODE 8025–01–P**
SMALL BUSINESS ADMINISTRATION

Small Business Size Standards: Waiver of the Nonmanufacturer Rule

AGENCY: U.S. Small Business Administration.

ACTION: Notice of intent to waive the Nonmanufacturer Rule for Laboratory Equipment Manufacturing.

SUMMARY: The U.S. Small Business Administration (SBA) is considering granting a class waiver of the Nonmanufacturer Rule for Liquid Chromatography Mass Spectrometry Systems (CS–MS), High Performance Liquid Chromatography (HPLC) Systems, Gas Chromatography Mass Spectrometry (GC–MS) Systems, and, Inductively Coupled Plasma Mass Spectrometry (ICP–MS) Systems under Product Service Code (PSC) 6640 (Laboratory Equipment and Supplies), under the North American Industry Classification System (NAICS) code 334516 (Analytical Laboratory Instrument Manufacturing). According to the request, no small business manufacturers supply these classes of products to the Federal Government. Thus, SBA is seeking information on whether there are small business manufacturers of these items. If granted, the waiver would allow otherwise qualified small businesses to supply the product of any manufacturer on a Federal contract set aside for small businesses, Service-Disabled Veteran-Owned (SDVO) small businesses or Participants in the SBA’s 8(a) BD Program.

DATES: Comments and source information must be submitted July 16, 2010.

ADDRESSES: You may submit comments and source information to Amy Garcia, Procurement Analyst, Small Business Administration, Office of Government Contracting, 409 3rd Street, SW., Suite 8800, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Garcia, Procurement Analyst, by telephone at (202) 205–6842; by FAX at (202) 481–1630; or by e-mail at amy.garcia@sba.gov.

SUPPLEMENTARY INFORMATION: Section 8(a)(17) of the Small Business Act (Act), 15 U.S.C. 637(a)(17), and SBA’s implementing regulations require that recipients of Federal supply contracts set aside for small businesses, SDVO small businesses, or Participants in the SBA’s 8(a) BD Program provide the product of a small business manufacturer or processor, if the recipient is other than the actual manufacturer or processor of the product. This requirement is commonly referred to as the Nonmanufacturer Rule. 13 CFR 121.406(b), 125.15(c). Section 8(a)(17)(b)(iv) of the Act authorizes SBA to waive the Nonmanufacturer Rule for any “class of products” for which there are no small business manufacturers or processors available to participate in the Federal market.

In order to be considered available to participate in the Federal market for a class of products, a small business manufacturer must have submitted a proposal for a contract solicitation or received a contract from the Federal Government within the last 24 months. 13 CFR 121.1202(c). The SBA defines “class of products” based on the Office of Management and Budget’s NAICS. In addition, SBA uses PSCs to further identify particular products within the NAICS code to which a waiver would apply. The SBA may then identify a specific item within a PSC and NAICS to which a class waiver would apply.

The SBA is currently processing a request to waive the Nonmanufacturer Rule for Liquid Chromatography Mass Spectrometry Systems (CS–MS), High Performance Liquid Chromatography (HPLC) Systems, Gas Chromatography Mass Spectrometry (GC–MS) Systems, and, Inductively Coupled Plasma Mass Spectrometry (ICP–MS) Systems under Laboratory Equipment Manufacturing, PSC 6640 (Laboratory Equipment and Supplies), under NAICS code 334516 (Analytical Laboratory Instrument Manufacturing). The public is invited to comment or provide source information to SBA on the proposed waiver of the Nonmanufacturer Rule for the product within 15 days after date of posting in the Federal Register and on FedBizOpps.gov.

Karen Hontz, Director, Office of Government Contracting.

BILLING CODE 8025–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–29333]

Notice of Applications for Deregistration Under Section 8(f) of the Investment Company Act of 1940


The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of June 2010. A copy of each application may be obtained via the Commission’s Web site by searching for the file number, or an applicant using the Company name box, at http://www.sec.gov/search/search.htm or by calling (202) 551–8090. An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by writing to the SEC’s Secretary at the address below and serving the relevant applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on July 20, 2010, and should be accompanied by proof of service on the applicant, 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 Secretary, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.


Core Strategies Fund [File No. 811–21615]; Core Strategies Managed Volatility Fund [File No. 811–21710]

Summary: Each applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicants have never made a public offering of their securities and do not propose to make a public offering or engage in business of any kind.
American Independence Financial Solutions Funds Trust [File No. 811–22246]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Dates: The application was filed on April 7, 2010 and amended on June 2, 2010.

Applicant's Address: c/o The Dreyfus Corporation, 200 Park Ave., New York, NY 10166.

Security Cash Fund [File No. 811–3073]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On July 10, 2009, applicant transferred its assets to Rydex U.S. Government Money Market Fund, a series of Rydex Series Funds, based on net asset value. Expenses of approximately $23,472 incurred in connection with the reorganization were paid by applicant and Security Investors, LLC, applicant’s investment adviser.

Filing Dates: The application was filed on April 1, 2010 and amended on June 2, 2010.

Applicant's Address: One Security Benefit Place, Topeka, KS 66636–0001.

Prudential Institutional Liquidity Portfolio, Inc. [File No. 811–5336]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On March 24, 2010, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of $13,000 incurred in connection with the liquidation were paid by applicant.

Filing Dates: The application was filed on May 4, 2010, and amended on June 16, 2010.

Applicant's Address: Gateway Center Three, 100 Mulberry St., Newark, NJ 07102–4077.

CNI Funds [File No. 811–22017]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On February 27, 2010, applicant transferred its assets to American Beacon Global Real Estate Fund, a newly created series of American Beacon Funds (the “successor fund”), and shares of applicant were exchanged on a one for one basis with shares of the successor fund. Expenses of $209,100 incurred in connection with the reorganization were paid by CNI Fund Advisors Company, applicant’s investment adviser, and American Beacon Fund Advisors, the successor fund’s investment adviser.

Filing Dates: The application was filed on May 5, 2010, and amended on June 17, 2010.

Applicant’s Address: 450 S. Orange Ave., Orlando, FL 32801.
Neuberger Berman Dividend Advantage Fund Inc. [File No. 811–21499]

**Summary:** Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On October 30, 2009, applicant made a liquidating distribution to its shareholders, based on net asset value. Applicant’s noteholders were paid on the basis of the amount of principal outstanding plus accrued interest. Applicant’s preferred stockholders received $25,000 per share of preferred stock, plus an amount equal to the accumulated but unpaid distributions. Expenses of $113,800 incurred in connection with the liquidation were paid by applicant. Applicant has retained $17,000 in cash to pay miscellaneous outstanding expenses.

**Filing Date:** The application was filed on May 24, 2010.

**Applicant’s Address:** 7111 Fairway Dr., Suite 102, Palm Beach Gardens, FL 33418.

Weiss Fund [File No. 811–9084]

**Summary:** Applicant seeks an order declaring that it has ceased to be an investment company. On April 30, 2010, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of $27,461 incurred in connection with the liquidation were paid by Weiss Capital Management Inc., applicant’s investment adviser. Outstanding operating expenses of $97,136 also will be paid by Weiss Capital Management, Inc.

**Filing Date:** The application was filed on June 7, 2010.

**Applicant’s Address:** 605 Third Ave., 2nd Floor, New York, NY 10158–0180

Presidio Funds [File No. 811–21707]

**Summary:** Applicant seeks an order declaring that it has ceased to be an investment company. On April 30, 2010, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of $27,461 incurred in connection with the liquidation were paid by KCO Investments, Inc., applicant’s investment adviser.

**Filing Date:** The application was filed on June 7, 2010.

**Applicant’s Address:** 3717 Buchanan St., Suite 200, San Francisco, CA 94123.

Pioneer International Equity Fund [File No. 811–7733]

**Summary:** Applicant seeks an order declaring that it has ceased to be an investment company. On June 12, 2009, applicant transferred its assets to Pioneer International Value Fund, a series of Pioneer Series Trust VIII, based on net asset value. Expenses of approximately $12,531 incurred in connection with the reorganization were paid by applicant, the acquiring fund, and Pioneer Investment Management, Inc., applicant’s investment adviser.

**Filing Date:** The application was filed on June 4, 2010.

**Applicant’s Address:** 60 State St., Boston, MA 02109.

Legg Mason Income Trust, Inc. [File No. 811–5029]

**Summary:** Applicant seeks an order declaring that it has ceased to be an investment company. On July 10, 2009, applicant transferred its assets to Legg Mason Partners Income Trust, based on net asset value. Expenses of approximately $406,932 incurred in connection with the reorganization were paid by Legg Mason, Inc. and the acquiring fund.

**Filing Date:** The application was filed on June 9, 2010.

**Applicant’s Address:** 100 International Dr., 7th Floor, Baltimore, MD 21202.

First Funds [File No. 811–10569]

**Summary:** Applicant seeks an order declaring that it has ceased to be an investment company. On or about December 18, 2009, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of $6,525 incurred in connection with the liquidation were paid by applicant and First Financial Capital Advisors LLC, applicant’s investment adviser.

**Filing Date:** The application was filed on June 15, 2010.

**Applicant’s Address:** 3435 Stelzer Rd., Columbus, OH 43219.

IQ Legacy Fund [File No. 811–22163]

**Summary:** Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

**Filing Date:** The application was filed on June 21, 2010.

**Applicant’s Address:** 4 World Financial Center, 6th Floor, New York, NY 10080.

Old Mutual Financial Separate Account VA [File No. 811–21952]

**Summary:** Applicant, a separate account established by OM Financial Life Insurance Company (Depositor) to co-issue certain variable annuity contracts, seeks an order declaring that it has ceased to be an investment company. The Applicant is registered as an UIT and does not have a board of directors. The board of directors of the Depositor voted to deregister the Applicant on April 22, 2010. All contract owners have redeemed their contracts, no contracts remain outstanding, and the Depositor does not presently propose to make a public offering of the contracts or any other variable annuity through the Applicant.

**Filing Date:** The application was filed on April 29, 2010.

**Applicant’s Address:** 1001 Fleet Street, 6th Floor, Legal, Baltimore MD 21202.

UBS Series Trust [File No. 811–4919]

**Summary:** Applicant seeks an order declaring that it has ceased to be an investment company. On April 27, 2009, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of approximately $7,500 incurred in connection with the liquidation were paid by UBS Global Asset Management (Americas) Inc., applicant’s investment adviser.

**Filing Dates:** The application was filed on December 23, 2009, and amended on March 19, 2010.

**Applicant’s Address:** 1285 Avenue of the Americas, 12th Floor, New York, NY 10019–6028.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**Florence E. Harmon,**

Deputy Secretary.

[FR Doc. 2010–16038 Filed 6–30–10; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 29332; 812–13752]

Korea Finance Corporation; Notice of Application


**AGENCY:** Securities and Exchange Commission (the “Commission”).

**ACTION:** Notice of application for an order under section 6(c) of the Investment Company Act of 1940 (“Act”) for an exemption from all provisions of the Act.

**Applicant:** Korea Finance Corporation (“Applicant”).

**SUMMARY:** Summary of Application: Applicant, a policy finance institution...
established by the government of the Republic of Korea (the "Korean Government") requests an order exempting it from all provisions of the Act in connection with the offer and sale of its debt securities in the United States ("Debt Securities").

DATES: Filing Dates: The application was filed on February 8, 2010, and amended on May 11, 2010 and June 25, 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 pm on July 19, 2010, and should be accompanied by proof of service on applicant, 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 or notification of hearing: 


FOR FURTHER INFORMATION CONTACT: Laura L. Solomon, Senior Counsel, at (202) 551–6915, or Julia Kim 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 applicant using the Company name box, at http://www.sec.gov/search/search.htm or by calling (202) 551–8090.

Applicant’s Representations

1. Applicant is a government-owned policy finance institution established by the Korean Government on October 28, 2009, pursuant to the Korea Finance Corporation Act (the "KoFC Act"). The Korean Government established Applicant in order to strengthen national competitiveness, to promote job growth in the Republic of Korea ("Korea"), and to contribute to the sound growth of the financial markets and the national economy of Korea. Applicant operates mainly by borrowing in the Korean and international capital markets, or from the Korean Government and the Bank of Korea, the central bank of Korea, and lending to borrowers in Korea. A majority of Applicant’s assets currently consist of equity securities of government-controlled enterprises, equity securities of private sector companies acquired during previous restructuring programs, loans and debt securities. Since such securities and loans could be considered “investment securities” within the meaning of section 3(a)(1)(C) of the Act, Applicant may be considered an investment company, and it requests an exemption from all provisions of the Act.

2. Under the KoFC Act, Applicant provides funds for the growth of small and medium-sized enterprises ("SMEs"), development of national and regional infrastructure, urgent financial support necessary for the stabilization of financial markets in Korea, development of new growth engine industries and facilitation of sustainable growth in Korea. Applicant may provide funds to these areas by engaging in certain activities including: providing loans; investing in securities; guaranteeing indebtedness; securitization of credit risk; borrowing from the Korean Government, the Bank of Korea and other financial institutions; borrowing from overseas; and issuing bonds and other securities. Lending constitutes the largest part of Applicant’s operations, with on-lending and direct loans, which include equipment and project loans and working capital loans, comprising approximately 64% of Applicant’s business operations from inception on October 28, 2009, through December 31, 2009. Since Applicant plans to focus on lending as its primary channel of providing funds, the percentage of loans among its total assets is expected to grow significantly in the near future. Applicant currently does not plan to acquire or trade debt securities in the secondary market.

3. Applicant is succeeding to the policy bank role of the Korea Development Bank ("KDB"), a government-owned financial institution, which has been the leading bank in Korea with respect to the provision of long-term financing for projects designed to assist the nation’s economic growth and development. Under the Korean Government’s plan to transfer the national policy and development bank role from KDB to Applicant, the Korean Government in October 2009 established Applicant and transferred 94.27% of its interest in KDB to Applicant as a capital contribution. The Korean Government owns all of Applicant’s paid in capital as required by the KoFC Act. In addition to making capital contributions, the Korean Government may directly support Applicant’s financing activities under the KoFC Act by: (a) Lending Applicant funds to on-lend, (b) allowing Applicant to borrow from the Bank of Korea, and (c) guaranteeing, subject to approval by the National Assembly, Applicant’s overseas borrowings and debt securities. Applicant is subject to extensive oversight, supervision and regulation by the Korean Government, primarily by the Financial Services Commission of Korea (the “FSC”). The KoFC Act and the Enforcement Decree of the Korea Finance Corporation Act (the "KoFC Decree") set forth the powers, privileges, government supervision and operating guidelines for Applicant. Under the KoFC Act, the president, all directors, the auditor and all members of the Steering Committee of Applicant are appointed by the Korean Government. Under the KoFC Act, the KoFC Decree, 2 and the FSC’s Supervisory Regulations on Korea Finance Corporation: (a) Applicant must submit its proposed business plan and annual budget to the FSC for approval, (b) Applicant must submit its financial statements to the Minister of Strategy and Finance for approval and further examination by the Board of Audit and Inspection of Korea, (c) the FSC must approve Applicant’s operating manual, (d) the FSC has broad authority to require reports from Applicant and to examine its books, records and other documents, (e) the FSC may supervise Applicant’s operations to ensure managerial soundness, (f) the Minister of Strategy and Finance may make a request to the FSC as necessary for the supervision of Applicant’s operations, and (g) Applicant may amend its Articles of Incorporation only with the approval of the FSC.

5. The FSC’s supervision of Applicant’s managerial soundness closely parallels the FSC’s supervision of the activities of commercial banks in Korea. As described more fully in the application, Applicant and commercial banks in Korea are subject to similar restrictions on lending to single borrowers, restrictions on equity investments in single entities, restrictions on investments in securities and other assets, regulations on capital adequacy ratios and liquidity ratios,

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1 On-lending is a form of indirect financing where the responsibility for repayment to Applicant rests with an intermediary financial institution, which on-lends the funds provided by Applicant to an industrial borrower.

2 The FSC is the governmental agency responsible for the overall supervision of the Korean banking industry.
regulations on foreign currency assets and liabilities, standards for possible loan losses, and accounting principles. The Korean Government also supports Applicant’s operations pursuant to Articles 30 and 31 of the KoFC Act which include the requirements that at least 20% of Applicant’s annual net profit to be retained as reserve before it can be distributed to the Korean Government, and obligates the Korean Government to replenish any deficit that arises if Applicant’s reserve is insufficient to cover its annual net losses.

6. Applicant proposes to offer and sell in the United States Debt Securities from time to time. The Debt Securities will be direct, unsecured obligations of Applicant and rank pari passu among themselves and with all other unsecured indebtedness of Applicant for moneys borrowed. Any such offering may be registered under the Securities Act or be made pursuant to an exemption from the registration requirements of the Securities Act. The offer and sale of such Debt Securities will provide Applicant with an alternate source of funding to supplement its borrowing in Korea and non-U.S. international capital markets. Applicant will use the proceeds of the sale of the Debt Securities to provide funds for its general operations including extending loans.

Applicant’s Legal Analysis

1. Section 3(a)(1)(C) of the Act defines an investment company to include any issuer engaged in the business of investing, reinvesting, owning, holding or trading in securities, and that owns or proposes to acquire investment securities having a value exceeding 40% of the issuer’s total assets. Section 3(a)(2) of the Act defines “investment securities” to include all securities except Government securities, securities issued by employees’ securities companies, and securities issued by majority-owned subsidiaries of the owner which (a) are not investment companies, and (b) are not relying on the exclusions from the definition of investment company in section 3(c)(1) or 3(c)(7) of the Act.

2. Applicant states that as of December 31, 2009, approximately 43.9% of its assets consisted of equity securities issued by entities that are not majority-owned by Applicant, approximately 10.7% of its assets consisted of obligations of borrowers to repay loans, and approximately 4.7% of its assets consisted of other debt securities. Such obligations and securities could be considered “investment securities” within the meaning of section 3(a)(2) of the Act. As a result, Applicant states that it could be deemed to be an “investment company” under section 3(a)(1)(C) of the Act.

3. Section 6(c) of the Act provides, in relevant part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction from any provision of the Act, if and to the extent necessary or 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.

4. Rule 3a–6 under the Act excludes foreign banks from the definition of an investment company under the Act. A “foreign bank” is defined in the rule to include a banking institution “engaged substantially in commercial banking activity” which in turn is defined to include “extending commercial and other types of credit, and accepting demand and other types of deposits.” Applicant states that as a special policy finance institution that is not considered a commercial bank under Korean law, it is not permitted to accept “demand and other types of deposits.” Therefore, Applicant states that it is not eligible for the exemption provided by rule 3a–6 under the Act. Applicant argues that it is functionally equivalent to a foreign bank because it offers financial services and issues financial products similar to those offered and issued by traditional foreign banks, and it is subject to extensive oversight, supervision and regulation by the Korean Government.

5. Applicant also believes that the rationale of Congress and the Commission in promulgating rules under the Act in exempting foreign financial institutions applies to Applicant. Applicant is subject to extensive oversight, supervision and regulation by the Korean Government, particularly the FSC. The scope of Applicant’s business activities is prescribed by the KoFC Act and the FSC must approve Applicant’s annual business plans, annual budget and operating manual. Moreover, as discussed above, the FSC supervises Applicant’s operations to ensure managerial soundness by regulating its lending activities, restricting its investment in securities and requiring Applicant to comply with the same capital adequacy requirement applicable to Korean commercial banks. Applicant represents that its operations do not lend themselves to the abuses against which the Act is directed, and states that it believes it satisfies the standards for relief under section 6(c) of the Act.

Applicant’s Conditions

Applicant agrees that the order granting the requested relief will be subject to the following conditions:

1. In connection with any offering by Applicant of Debt Securities in the United States, Applicant will appoint an agent in the United States to accept service of process in any suit, action or proceeding brought with respect to such Debt Securities instituted in any State or Federal court in the Borough of Manhattan, The City of New York, New York. Applicant will expressly submit to the jurisdiction of the New York State and United States Federal courts sitting in the Borough of Manhattan, The City of New York, New York with respect to any such suit, action or proceeding. Applicant will also waive the defense of an inconvenient forum to the maintenance of any such action or proceeding. Such appointment of an agent to accept service of process and such consent to jurisdiction shall be irrevocable until all amounts due and to become due in respect thereof have been paid. No such submission to jurisdiction or appointment of agent for service of process will affect the right of a holder of any such security to bring suit in any court which shall have jurisdiction over Applicant by virtue of the offer and sale of such securities or otherwise.

2. Applicant’s activities will conform in all material respects to the activities described in the application.

3. Applicant will rely on the order only so long as it is regulated by the Korean Government, the FSC and the other applicable Korean regulatory authorities, as described in the application.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Florence E. Harmon,
Deputy Secretary.
[FR Doc. 2010–15999 Filed 6–30–10; 8:45 am]
BILLING CODE 8010–01–P
SECURITIES AND EXCHANGE COMMISSION


Self-Regulatory Organizations: Chicago Board Options Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Deletion of Obsolete CBOE Rule 2.50

Date: June 25, 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, the Chicago Board Options Exchange, Incorporated (“CBOE” or 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 CBOE. CBOE has filed the proposal pursuant to section 19(b)(3)(A) of the Act 3 and rule 19b–4(f)(6) thereunder, which renders the proposal effective upon filing with the Commission. 4 The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

CBOE is filing this proposed rule change to delete CBOE rule 2.50 in connection with a change in the parent company of C2 Options Exchange, Incorporated (“C2”) from CBOE to CBOE Holdings, Inc. (“CBOE Holdings”). The text of the proposed rule change is available on the Exchange’s Web site (http://www.cboe.org/legal), at the Exchange’s Office of the Secretary, at the Commission’s Public Reference Room and on the Commission’s Web site http://www.sec.gov.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. CBOE has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Securities and Exchange Commission (“Commission”) has approved a rule filing by CBOE to accommodate the demutualization and restructuring of CBOE from a Delaware non-stock corporation to a Delaware stock corporation wholly owned by CBOE Holdings, a holding company organized as a Delaware stock corporation (“Restructuring Transaction”). 5 The Restructuring Transaction was consummated on June 18, 2010. The Commission has also approved a rule filing by C2 to accommodate a change in its parent company from CBOE to CBOE Holdings in connection with the Restructuring Transaction. 6 C2 became a wholly owned subsidiary of CBOE Holdings on June 18, 2010 in connection with the consummation of the Restructuring Transaction.

CBOE is now proposing to delete CBOE rule 2.50 because it addresses C2’s responsibility as the prior parent company of C2 for ensuring that C2 meets its obligations as a self-regulatory organization. Since CBOE is no longer the parent company of C2, CBOE Rule 2.50 is no longer applicable. Additionally, equivalent protections to those set forth in CBOE Rule 2.50 are contained in the CBOE Holdings Certificates of Incorporation and CBOE Holdings Bylaws, which apply to CBOE Holdings in its new capacity as the parent company of C2.7

2. Statutory Basis

The proposed rule change eliminates an obsolete rule, the subject matter of which is now addressed by other provisions that have been approved by the Commission. Accordingly, the Exchange believes that the proposed rule change is consistent with the provisions of section .6 of the (“Act”). 8 In general, and with section 6(b)(5) of the Act, 9 in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization’s Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition 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

Because the foregoing 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 10 and rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under rule 19b–4(f)(6) normally does not become operative for 30 days after the date of filing. 11 However, rule 19b–4(f)(6)(iii) permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requested that the Commission waive the 30-day operative delay, as specified in rule 19b–4(f)(6)(iii), 12 which would make the rule

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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 doing so will allow CBOE to immediately delete an obsolete rule and update its rule book, which in turn will avoid potential confusion. Accordingly, the Commission designates the proposed rule change as operative upon filing with the Commission. 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–CBOE–2010–061 on the subject line.

Paper Comments
• Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2010–061. 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 self-regulatory organization. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2010–061 and should be submitted on or before July 22, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority. Florence E. Harmon, Deputy Secretary.

SEcurities and EXCHANGE COMMISSION


Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Order Approving Proposed Rule Change To Establish the Nasdaq Short Sale Volume and Monthly Short Sale Transaction Service and Related Fees


I. Introduction

On April 26, 2010, The NASDAQ Stock Market LLC (“Nasdaq”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) and Rule 19b–4 thereunder, a proposed rule change to establish the Nasdaq Short Sale Volume and Monthly Short Sale Transaction files (the “Service”). The Service is comprised of aggregate reported share volume of executed short sale trades during regular market hours on a daily basis, as well as every short sale executed on the Nasdaq execution system and reported to a consolidated tape for Nasdaq, the NYSE and regional exchange-listed securities, including the price of the trade and the number of shares for every short sale transaction, on a monthly basis, separated into daily files. On May 13, 2010, Nasdaq filed Amendment No. 1. The proposed rule change, as modified by Amendment No. 1, was published for comment in the Federal Register on May 25, 2010.

The Commission received no comments on the proposal. This order approves the proposed rule change.

II. Description of the Proposal

Nasdaq is proposing to establish a new service and related fees. The Service is comprised of aggregate reported share volume of executed short sale trades during regular market hours on a daily basis, as well as every short sale executed on the Nasdaq execution system and reported to a consolidated tape for Nasdaq, the NYSE and regional exchange-listed securities, including the price of the trade and the number of shares for every short sale transaction, on a monthly basis, separated into daily files. Nasdaq proposes to offer the Service at $500 per subscriber, per month, which would allow a distributor access to the downloadable FTP files and to distribute the product internally and externally.

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange. In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(4) of the Act, which requires that the rules of a national securities exchange provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other parties using its facilities, and Section 6(b)(5) of the Act, which requires, among other things, that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Commission also finds that the proposed rule change is consistent with Section 6(b)(8) of the Act, in that it does not impose any burden on

References

2 In approving this proposed rule change, the Commission has considered the proposed rule’s impact on efficiency, competition, and capital formation. See 15 U.S.C. 78s(b)(12).
competition that is not necessary or appropriate in furtherance of the purposes of the Act.8

The Commission has reviewed the proposal using the approach set forth by the Commission for non-core market data fees, and finds that the proposal meets the criteria for approval. Because Nasdaq was subject to significant competitive forces in setting the terms of the proposal, the Commission will approve the proposal in the absence of a substantial countervailing basis to find that the terms of the proposal fail to meet the applicable requirements of the Act or the rules thereunder. An analysis of the proposal does not provide such a basis.

Nasdaq has represented that the Service is a voluntary one, and that the information provided is not comprised of data that Nasdaq receives because of Nasdaq’s status as a self-regulatory organization. Because the Service is voluntary, Nasdaq has met the statutory standard by pricing the Service according to free market principles; indeed, if Nasdaq priced the Service too high, those in the marketplace could simply opt not to purchase the Service. The Commission believes that Nasdaq’s fees for the Service are reasonable and equitably allocated.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (SR–NASDAQ–2010–052), as modified by Amendment No. 1, be, and it hereby is, approved.

SECURITIES AND EXCHANGE COMMISSION


Self-Regulatory Organizations; NASDAQ OMX PHLX, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Fees for FLEX Equity Options


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 PHLX, Inc. (“Phlx” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to assess a transaction charge for members trading Flexible Exchange® Options (“FLEX Options”).3

While changes to the Exchange’s Fee Schedule pursuant to this proposal are effective upon filing, the Exchange has designated this proposal to be effective for trades settling on or after July 1, 2010.


II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to establish a new fee for equity options transactions executed pursuant to Exchange Rule 1079 (“FLEX equity options”). The Exchange believes that the proposed fee reduction for trading FLEX equity options will encourage members to trade additional FLEX equity options contracts on the Exchange, resulting in additional order flow to the Exchange. Currently, the fees which members are assessed when trading FLEX equity options are the standard equity option fees.

Currently, members who trade FLEX equity options are assessed the standard equity options fees delineated in Section II of the Fee Schedule. The Exchange is proposing to reduce transaction fees to $0.10 per contract side for FLEX equity options for all participants, except Customers.4 Specifically, the Exchange proposes to assess a $0.10 transaction charge on Professionals 5, Specialists 6, Registered Options Traders 7, Streaming Quote

4 At this time the Exchange is not proposing to otherwise amend its equity option fees.

5 Rule 1000(b)(14) provides in relevant part: “The term “professional” means any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s).

6 A Specialist is an Exchange member who is registered as an options specialist pursuant to Rule 1001(a).

7 A Registered Option Trader is defined in Exchange Rule 1014(b) as a regular member or a foreign currency options participant of the Exchange located on the trading floor who has received permission from the Exchange to trade in options for his own account. A ROT includes a SQT, a RSSQT and a Non-SQT, which by definition is neither a SQT or a RSSQT. See Exchange Rule 1014(b)(i) and (ii).
Traders (“SQT”) 8, Remote Streaming Quote Traders (“RSQT”) 9, Broker-Dealers and Firms. Customers would continue to remain free in FLEX equity options as they currently are in equity option products.

The Exchange currently waives the Firm equity options transaction fees for members executing facilitation orders pursuant to Exchange Rule 1064 when such members are trading in their own proprietary account. 10 Similar to the equity option fees, which are currently subject to the aforementioned waiver, the Exchange would continue to apply the waiver to members executing facilitation orders pursuant to Exchange Rule 1064 to FLEX equity option transactions. While changes to the Exchange’s Fee Schedule pursuant to this proposal are effective upon filing, the Exchange has designated this proposal to be effective for trades settling on or after July 1, 2010.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act 11 in general, and furthers the objectives of Section 6(b)(4) of the Act 12 in particular, in that it is an equitable allocation of reasonable fees and other charges among Exchange members. The Exchange believes that the proposed fees for FLEX options are equitable and reasonable because all participants will equally be assessed $.10 per contract and Customers will continue to remain free for equity options transactions executed pursuant to Exchange Rule 1079.

Additionally, the Exchange’s proposal to extend the current waiver for members executing facilitation orders pursuant to Exchange Rule 1064 to FLEX equity options is reasonable and equitable because it would continue to allow members the benefit of a waiver they receive today.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act 13 and paragraph (f)(2) of Rule 19b–4 14 thereunder. 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–Phlx–2010–87 on the subject line.

Paper Comments

• Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2010–87 and should be submitted on or before July 22, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority. 15

Florence E. Harmon,
Deputy Secretary.

[FR Doc. 2010–15996 Filed 6–30–10; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION


Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Conforming Changes in Connection With Demutualization


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 18, 2010, the Chicago Board Options Exchange, Incorporated (“CBOE” or the “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule

8 An SQT is an Exchange Registered Options Trader (“ROT”) who has received permission from the Exchange to generate and submit option quotations electronically through an electronic interface with AUTOM via an Exchange approved proprietary electronic quoting device in eligible options to which such SQT is assigned. See Exchange Rule 1014(b)(iii)(A).

9 An RSQT is an ROT that is a member or member organization with no physical trading floor presence who has received permission from the Exchange to generate and submit option quotations electronically through AUTOM in eligible options to which such RSQT has been assigned. An RSQT may only submit such quotations electronically from off the floor of the Exchange. See Exchange Rule 1014(b)(iii)(B).


change as described in Items I and II below, which Items have been prepared by the CBOE. CBOE has filed the proposal pursuant to Section 19(b)(3)(A) of the Act \(^4\) 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 change from interested parties.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

CBOE is filing this proposed rule change to make certain conforming and technical changes to Chapters IV–LIV of CBOE’s rules, to the CBOE Fee Schedule, to CBOE’s circular regarding membership application and other membership fees (“CBOE Membership Fee Circular”), and to the CBOE Stock Exchange, LLC (“CBSX”) Fee Schedule in connection with the restructuring of CBOE from a non-stock corporation to a stock corporation and wholly-owned subsidiary of CBOE Holdings, Inc. (“CBOE Holdings”).

The text of the proposed amendments to CBOE’s rules, the proposed amendments to the CBOE Fee Schedule, the proposed amendments to the CBOE Membership Fee Circular, and the proposed amendments to the CBSX Fee Schedule is available on the Exchange’s Web site (http://www.cboe.org/Legal), at the Exchange’s Office of the Secretary, at the Commission’s Public Reference Room and on the Commission’s Web site http://www.sec.gov.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Commission has approved a rule filing (“Demutualization Filing”) by the Exchange to adopt a new Certificate of Incorporation and Bylaws for CBOE Holdings and to replace the Exchange’s Certificate of Incorporation and Constitution with a new Certificate of Incorporation and Bylaws in connection with the restructuring of the Exchange from a non-stock corporation to a stock corporation and wholly-owned subsidiary of CBOE Holdings (“Restructuring Transaction”).\(^5\) In general, these changes are designed to restructure the Exchange in the manner described in the preceding sentence and to address the operation of the Exchange as a self-regulatory organization in this new structure.

As part of the Demutualization Filing, the Exchange amended Chapters I–III of its rules to provide for the use of Trading Permits to access the Exchange and to make certain technical and conforming changes. These changes became effective upon the consummation of the Restructuring Transaction on June 18, 2010. Accordingly, as indicated in the Demutualization Filing, the Exchange now is submitting this companion filing to make the changes proposed in Chapters I–III to the remaining chapters of the Exchange’s rules (Chapters IV–LIV).\(^6\) This companion filing also proposes to make corollary changes to the CBOE Fee Schedule, the Membership Fee Circular, and the CBSX Fee Schedule. The Exchange decided to make the changes in this manner because of the length of the Demutualization Filing and the fact that the substantive changes to Exchange’s rules regarding trading access were subject to notice and comment as part of the Demutualization Filing. Limited below are the changes to the rules in Chapters I–III made by the Demutualization Filing that will be made to the rules in the remaining chapters and to the Fee Schedule by this filing:

- The Exchange is proposing to change references to the term “member” in the rules in Chapters IV–LIV, the CBOE Fee Schedule, and the CBOE Membership Fee Circular to “Trading Permit Holder.”\(^7\) As part of this change, references to an “individual member” will be changed to an “individual Trading Permit Holder” and references to a “member organization” will be changed to a “TPH organization.”
- The Exchange is proposing to change references to the term “membership” in the rules in Chapters IV–LIV, the CBOE Fee Schedule, and the CBOE Membership Fee Circular to either “Trading Permit” or “Trading Permit Holder” depending on the circumstances of its usage. In certain circumstances, the term “membership” is used to refer to the possession of the right to trade on the Exchange.\(^8\) In those circumstances, the term will be changed to “Trading Permit.” In addition, because a Trading Permit will be a license issued by the Exchange, references in those circumstances related to “owning” or “leasing” a membership will be changed to “holding” a Trading Permit. In other circumstances, the term “membership” is used to refer to the members of the Exchange.\(^9\) In those circumstances, the term will be changed to “Trading Permit Holder.”
- In connection with the change of the term “member” to “Trading Permit Holder,” the Exchange is proposing to change references to the term “Clearing Member” in the rules in Chapters IV—also be referred to as a “TPH organization.” A Trading Permit Holder is a “member” solely for purposes of the Act; however, one’s status as a Trading Permit Holder does not confer on that Person any ownership interest in the Exchange. CBOE Rule 1.1(g) also defines the term “Trading Permit Holder” by cross-referencing this definition in the CBOE Bylaws.
- For example, the number of “memberships” owned or leased by a Market Maker serves as the basis in CBOE Rule 8.3 for determining the number of options classes that the Market Maker can trade. The term “membership” when used in this manner will be changed to “Trading Permit.”
- For example, the Exchange is required in CBOE Rule 6.28(a) to provide notice to the “membership” of the period of time before the opening of trading in the underlying security when the Hybrid System will accept orders and quotes. The term “membership” when used in this manner will be changed to “Trading Permit Holders.”
- For example, CBOE Rule 4.6 in part prohibits members, persons associated with members and applicants for “membership” from making any willful or material misrepresentation, including a misstatement or false statement, or omission in any application, report or other communication to the Exchange. This provision will be amended to prohibit Trading Permit Holders, persons associated with Trading Permit Holders and applicants to be Trading Permit Holders from making any willful or material misrepresentation, including a misstatement or false statement, or omission in any application, report or other communication to the Exchange.

\(^4\) The Exchange also amended CBOE Rule 8.3 in the Demutualization Filing.
\(^5\) The term “Trading Permit Holder” is defined in Section 1.1(f) of the CBOE Bylaws as: any individual, corporation, partnership, limited liability company or other entity Authorized by the Rules that holds a Trading Permit. If a Trading Permit Holder is a trading entity, the Trading Permit Holder may be referred to as an “individual Trading Permit Holder.” If a Trading Permit Holder is not an individual, the Trading Permit Holder may be referred to as a “TPH organization.” A Trading Permit Holder is a “member” solely for purposes of the Act; however, one’s status as a Trading Permit Holder does not confer on that Person any ownership interest in the Exchange.
\(^6\) The term “membership” is used to refer to the possession of the right to trade on the Exchange. In those circumstances, the term will be changed to “Trading Permit.” In addition, because a Trading Permit will be a license issued by the Exchange, references in those circumstances related to “owning” or “leasing” a membership will be changed to “holding” a Trading Permit. In other circumstances, the term “membership” is used to refer to the members of the Exchange. In those circumstances, the term will be changed to “Trading Permit Holder.”
\(^7\) As part of this change, references to an “individual member” will be changed to an “individual Trading Permit Holder” and references to a “member organization” will be changed to a “TPH organization.”

\(^8\) For example, the number of “memberships” owned or leased by a Market Maker serves as the basis in CBOE Rule 8.3 for determining the number of options classes that the Market Maker can trade. The term “membership” when used in this manner will be changed to “Trading Permit.”
\(^9\) For example, the Exchange is required in CBOE Rule 6.28(a) to provide notice to the “membership” of the period of time before the opening of trading in the underlying security when the Hybrid System will accept orders and quotes. The term “membership” when used in this manner will be changed to “Trading Permit Holders.”
LIV and the CBOE Fee Schedule to “Clearing Trading Permit Holder.”

The Exchange is also proposing to change certain references to the term “member firm” in the CBOE Fee Schedule to “Clearing Trading Permit Holder” (as the term “member firm” has also been used to refer to a CBOE Clearing Member because Clearing Members utilize the “F” (or “Firm”) order origin code). Similarly, the Exchange is proposing to change references to the term “Person Associated with a Member” in the rules in Chapters IV—LIV, the CBOE Fee Schedule, and the CBOE Membership Fee Circular to “Person Associated with a Trading Permit Holder.” In addition, the Exchange is proposing to change references to the “Membership Department” in the rules in Chapters IV—LIV to “TPH Department.”

• The Exchange is proposing to change references to the term “Constitution” in the rules in Chapters IV—LIV to “Bylaws.” The Exchange is making this change because it now has “Bylaws” rather than a “Constitution” following the restructuring of the Exchange to a for-profit stock corporation.

• The Exchange is proposing to delete the reference to the term “lessor” and the related language in CBOE Rule 4.18 because the concept of leasing memberships no longer exists after the restructuring of the Exchange.

• The Exchange is proposing to delete references to the concept of registering a membership for a member organization because that concept does not exist now that Trading Permits are used to provide trading access to the Exchange.

• The Exchange is proposing to delete references relating to the requirement to post notices of proposed actions on the Exchange Bulletin Board. As noted in the Demutualization Filing, the use of a physical bulletin board at the Exchange has become outdated as trading on the Exchange has become more electronic and remote from the Exchange. Despite this change, the Exchange will still be required to provide persons with notice of proposed actions. The Exchange will also continue to provide notice of proposed actions via electronic means, such as through its Web site.

In addition to these changes, the Exchange is proposing to make technical, non-substantive changes to clarify its regulatory authority to revoke Trading Permits when a Trading Permit Holder experiences operational or financial difficulty, as well as its regulatory authority to suspend or revoke Trading Permits when a Trading Permit Holder is disciplined by the Exchange. For example, the Exchange is proposing to amend CBOE Rule 16.4 to provide that the Exchange can revoke a Trading Permit of a Trading Permit Holder who has been suspended for operational or financial difficulty in the event the holder does not apply for reinstatement (or does not obtain reinstatement) in accordance with CBOE Rule 16.3. In addition, the Exchange is proposing to amend Rule 17.1 to provide the Exchange with the authority to suspend or revoke one or more Trading Permits of a Trading Permit Holder in the event the holder has been disciplined by the Exchange. The proposed changes to Rules 16.4 and 17.1 apply the new terminology without altering the existing revocation and suspension authority.

The Exchange is also proposing to make technical, non-substantive changes to a few rules in Chapters IV—LIV to make certain corrections to them. For example, the Exchange is updating a cross-reference in CBOE Rule 6.7. In general, this provision limits the liability of the Exchange, its directors, officers and employees, and provides that this limitation of liability is in addition to the limitation of liability provided in Article Thirteenth of the Exchange’s Certificate of Incorporation. As a result of the replacement of the Exchange’s Certificate of Incorporation as mentioned above, the substance of current Article Thirteenth has been moved to Article Eighth in the Exchange’s new Certificate of Incorporation. Accordingly, this cross-reference in CBOE Rule 6.7 is being updated to refer to Article Eighth of the Exchange’s Certificate of Incorporation. Finally, in addition to updating the provisions of the CBOE Fee Schedule and the CBOE Membership Fee Circular to reflect the new terminology and Trading Permit structure that will be in place following the restructuring of the Exchange, the Exchange is proposing to revise the CBOE Fee Schedule and the CBOE Membership Fee Circular to eliminate certain fees that will no longer be in place as a result of the restructuring. The eliminated fees include: (i) The member dues monthly fee, which is being terminated in connection with the demutualization of the Exchange; (ii) the lessor firm application fee, which is being eliminated because the Exchange no longer has lessor members; (iii) the post-demutualization trading permit application fee, which terminated by its terms upon the effective date of the demutualization of the Exchange (and which is also being deleted from the CBX Fee Schedule); (iv) the fee to transfer a membership into trust, because the Exchange no longer has memberships that are owned by members and that can be transferred into trust; (v) the member death benefit fee, because the Exchange has eliminated the member death benefit through the deletion of previous CBOE Rule 3.24 in the Demutualization Filing; (vi) the temporary membership status access fee, which is being eliminated because the Exchange no longer has temporary members; and (vii) the Interim Trading Permit access fee, which is being eliminated because the Exchange no longer has an Interim Trading Permit program. In conjunction with the elimination of the Interim Trading Permit program and because the Exchange no longer has lessors or member dues, the Exchange is also proposing to delete the dues waiver that was provided to lessors with open leases under the Interim Trading Permit program.

2. Statutory Basis

The proposed rule change updates references in the Exchange’s rules,
eliminates potential uncertainty about the application of various rules following the Exchange’s demutualization by removing obsolete terminology from the rules, and does not change the substantive application of the Exchange’s rules. Accordingly, the Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act, in general, and with Section 6(b)(5) of the Act, in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest. In addition, the fee changes provided for in the proposed rule change eliminate obsolete fees from the CBOE Fee Schedule, the CBOE Membership Fee Circular, and the CBSX Fee Schedule and will not have an impact on Trading Permit Holders. Therefore, the Exchange believes that the proposed rule change also furthers the objections of Section 6(b)(4) of the Act in that it is designed to provide for the equitable allocation of reasonable fees and charges among persons using Exchange facilities.

B. Self-Regulatory Organization’s Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition 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

Because the foregoing 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)


A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days after the date of filing. However, Rule 19b–4(f)(6)(iii) permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requested that the Commission waive the 30-day operative delay, as specified in Rule 19b–4(f)(6)(iii), 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 it will allow the Exchange to promptly update its rulebook and avoid potential confusion by deleting obsolete terminology and amending the Exchange’s rulebook to reflect post-demutualization terminology. Accordingly, the Commission designates the proposed rule change as operative upon filing with the Commission.

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-CBOE–2010–058 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR-CBOE–2010–058. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission’s Internet Web site (http://www.sec.gov/rules/sro.shtml). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for 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 self-regulatory organization. All communications relating to the proposed rule change that are filed with the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-CBOE–2010–058 and should be submitted on or before July 22, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.

Florence E. Harmon,
Deputy Secretary.
[FR Doc. 2010–15998 Filed 6–30–10; 8:45 am]

BILLING CODE 8010–01–P

Rule 19b–4(f)(6)(iii) requires the self-regulatory organization to give the Commission 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. CBOE has satisfied this requirement.
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).
DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Federal Motor Vehicle Theft Prevention Standard; Final Listing of 2011 Light Duty Truck Lines Subject to the Requirements of This Standard and Exempted Vehicle Lines for Model Year 2011; Correction

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

ACTION: Notice; correction.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) published a document in the Federal Register of June 21, 2010, announcing NHTSA’s determination that there were no new model year (MY) 2011 light-duty truck lines subject to the requirements of the Federal motor vehicle theft prevention standard. The final rule also identified those vehicle lines that had been granted an exemption from the parts-marking requirements for the 2011 model year and those vehicle lines the agency removed because certain vehicle lines had been discontinued more than 5 years ago. This document corrects certain information published in the

SUPPLEMENTARY INFORMATION section to Appendix A–I listing of the final rule. All previous information associated with the published notice remains the same.


Correction

In the Federal Register of June 21, 2010, in FR Doc. 2010–14840, on page 34947, in the first column, add the following at the end of the fourth paragraph of the SUPPLEMENTARY INFORMATION section:

“The agency also granted Jaguar Land Rover North America, LLC., a full exemption from the parts marking requirements of the Theft Prevention Standard for the Jaguar XJ vehicle line beginning with MY 2010.”

On page 34948, in the first column, fifth paragraph, line six, correct the SUPPLEMENTARY INFORMATION section to remove the erroneous identification of the “Jaguar XK” as having been a vehicle line discontinued more than 5 years ago.

On page 34948, second column of the Appendix A–I listing, add the “XJ” vehicle line to the Jaguar entry of vehicle lines exempted from the parts marking requirements of 49 CFR part 541.

Issued on: June 25, 2010.

Nathaniel Beuse,
Director, Office of Crash Avoidance Programs, NHTSA, 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590.

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Notice No. 10–2]

Hazardous Materials: International Regulations for the Safe Transport of Radioactive Material (TS–R–1); Draft Revision Available for Comment

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice; document availability and request for comments.

SUMMARY: PHMSA is seeking public comment on a draft revision of the International Atomic Energy Agency’s (IAEA) “Regulations for the Safe Transport of Radioactive Material” (TS–R–1), which is scheduled for publication in 2012. PHMSA and the U.S. Nuclear Regulatory Commission (NRC) will jointly be submitting comments on the draft document to the IAEA. We are requesting input from the public to assist in developing the U.S. comments.

DATES: Comments must be received on or before October 29, 2010. Comments received after this date will be considered if it is practical to do so, however we are only able to assure consideration for comments received on or before this date.

ADDRESSES: You may submit comments identified by the docket number (PHMSA–2010–0130) by any of the following methods:

• Federal eRulemaking Portal: Go to http://www.regulations.gov. Follow the online instructions for submitting comments.
• Fax: 1–202–493–2251.
• Mail: Docket Operations, U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, Routing Symbol M–30, 1200 New Jersey Avenue, SE., Washington, DC 20590.
• Hand Delivery: To Docket Operations, Room W12–140 on the ground floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Instructions: All submissions must include the agency name and docket number for this notice at the beginning of the comment. Note that all comments received will be posted without change to the docket management system, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to http://www.regulations.gov, or DOT’s Docket Operations Office (see ADDRESSES).


Privacy Act: Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review DOT’s complete Privacy Act Statement in the Federal Register published on April 11, 2000 (65 FR 19477) or you may visit http://www.regulations.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The IAEA works with its Member States and multiple partners worldwide to promote safe, secure and peaceful nuclear technologies. The IAEA established and maintains an international standard, Regulations for the Safe Transport of Radioactive Material (TS–R–1), to promote the safe and secure transportation of radioactive material. The IAEA periodically reviews, and as deemed appropriate, revises Regulations for the Safe Transport of Radioactive Material to reflect new information and accumulated experience. The DOT is the U.S. competent authority before the IAEA for radioactive material transportation matters. The NRC provides technical support to the DOT in this regard, particularly with regard to Type B and fissile transportation packages.

The IAEA is about to release for 120–day Member State review a draft revision of TS–R–1 intended for publication in 2012. To assure an opportunity for public involvement in the international regulatory development process, we are requesting
input from the public on the proposed revisions to TS–R–1. Comments are being solicited only on the changes made between the published 2009 edition and the draft 2012 edition.

The draft 2012 edition and the 2009 version are available online in the public docket for this notice. To assist in comparing these two documents, the IAEA has prepared a table in which the original text (2009, as published) is compared with the proposed text (draft 2012 edition); the table may also be found online in the public docket for this notice. A redline/strikeout version of the 2012 draft showing the changes from the 2009 version is also available in the docket.

Any comments made should refer to the relevant paragraph number in the draft 2012 edition, and when appropriate, proposed alternative text.

Please note that to date, PHMSA has harmonized the U.S. domestic hazardous materials regulations in 49 CFR with the 1996 edition of TS–R–1, as revised in 2000 [Docket No. RSPA–99–6283 (HM–230)]. A rulemaking is in development which will be issued in draft for public review at a later date to harmonize with the 2009 edition of TS–R–1. PHMSA is not currently considering adoption of the 2012 amendments. However, subsequent domestic compatibility rulemakings by both NRC and DOT will be considered after IAEA final publication of the 2012 revised TS–R–1.

II. Public Participation

Methods and instructions for submitting comments are specified in the ADDRESSES section of this notice. Comments must be submitted in writing (Microsoft Word file is the preferred format for electronic submissions) and should include:

- Name;
- Address;
- Relevant paragraph number in the document being reviewed, and
- When appropriate, proposed alternative text.

Commenters may also provide contact information, such as a telephone number and/or e-mail address.

PHMSA and the NRC will review the comments received and based in part on the information received, will develop comments on the revised draft of TS–R–1 to be submitted to the IAEA.

Comments from the United States and other IAEA member states will be considered at an IAEA Transport Safety Standards Committee (TRANSSSC) Meeting to be convened by IAEA on November 29, 2010, in Vienna, Austria. Issued in Washington, DC on June 24, 2010.

Magdy El-Sihaye, Associate Administrator for Hazardous Materials Safety.

[FR Doc. 2010–16073 Filed 6–30–10; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Prepare an Environmental Assessment and Request for Public Scoping Comments for the Air Tour Management Plan Program at Petrified Forest National Park

AGENCY: Federal Aviation Administration (FAA).

ACTION: Notice of Intent To Prepare an Environmental Assessment and To request public scoping comments.

SUMMARY: The FAA, with National Park Service (NPS) as a cooperating agency, has initiated development of an Air Tour Management Plan (ATMP) for Petrified Forest National Park (Petrified Forest), pursuant to the National Parks Air Tour Management Act of 2000 (Pub. L. 106–181) and its implementing regulations (14 CFR Part 136, Subpart B, National Parks Air Tour Management). The objective of the ATMP is to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations on the natural resources, cultural resources, and visitor experiences of a national park unit and any Tribal lands within or abutting the park. It should be noted that the ATMP has no authorization over other non-air tour operations such as military and general aviation operations. In compliance with the National Environmental Policy Act of 1969 (NEPA) and FAA Order 1050.1E, an Environmental Assessment (EA) is being prepared.

In April 2010, the NPS and FAA held a two-day kickoff meeting at Petrified Forest; minutes may be found at: http://parkplanning.nps.gov/projectHome.cfm?parkId=88&projectId=38082.

The purpose of the kickoff meeting was for the FAA and NPS to have the opportunity to share information regarding environmental and other issues to consider in the development of an ATMP. Materials presented at the meeting included information on: park resources; the acoustical environment at Petrified Forest; current and historical air tour operations; and representative air tour flight paths. In addition, Petrified Forest staff provided information regarding sensitive park resources, Tribal concerns, and tourism patterns.

The FAA and NPS are now inviting the public, agencies, Tribes, and other interested parties to provide comments, suggestions, and input on the scope of issues to be addressed in the environmental process.

DATES: By this notice, the FAA is requesting comments on the scope of the EA for the ATMP at Petrified Forest. Comments must be submitted by August 2, 2010.

FOR MORE INFORMATION CONTACT: Keith Lusk—Mailing address: P.O. Box 92007, Los Angeles, California 90009–2007. Telephone: (310) 725–3808. Street address: 15600 Aviation Boulevard, Lawndale, California 90261.

Written comments on the scope of the EA should be submitted electronically via the electronic public comment form on the NPS Planning, Environment and Public Comment System at: http://parkplanning.nps.gov/projectHome.cfm?parkId=88&projectId=30802, or sent to the mailing address above.

SUPPLEMENTARY INFORMATION: A public scoping packet that describes the project in greater detail is available at:

- http://parkplanning.nps.gov/projectHome.cfm?parkId=88&projectId=30802.
- Alpine Public Library.
- Flagstaff City-Cooconino Public Library.
- Northern Arizona University Library-Cline Library.
- Gallup Public Library.
- Holbrook Public Library.
- Northland Pioneer College Library.
- Larson Public Memorial Library.
- New Mexico State University Library.
- Painted Cliffs Welcome Center.
- Painted Desert Visitor Center.
- Phoenix Public Library.
- Casa Malpais Visitor Center and Museum.
- Apache County Library District Office.
- Navajo Community College Library-Tsail Campus.
- Tucson-Pima County Public Library.
- Roxanne Whipple Memorial Library-Winslow.

Notice Regarding FOIA: Individuals may request that their name and/or address be withheld from public disclosure. If you wish to do this, you must state this prominently at the beginning of your comment. Commentators using the Web site can make such a request by checking the
DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with part 211 of title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner’s arguments in favor of relief.

Port Authority Trans-Hudson Corporation

[Waiver Petition Docket Number FRA–2010–0104]

The Port Authority Trans-Hudson Corporation (PATH) seeks a waiver of compliance with the Locomotive Safety Standards, 49 CFR 229.120(b)(2), which requires that the sound level of horns of locomotives manufactured before September 18, 2006, be tested before June 24, 2010.

PATH operates a closed interstate rail transit system between New York and New Jersey, with no public highway-rail grade crossings. PATH is in the process of replacing its entire fleet of electric MU rail cars used in passenger service. To date, 122 new cars have been delivered and are in compliance with horn testing requirements for locomotives built after September 18, 2006. PATH continues to operate 223 electric MU railcars manufactured prior to the September 18, 2006, date that require testing. PATH will scrap all but 52 of the cars built prior to September 18, 2006, over the next 18 months. The 52 remaining cars will be used as work cars (maintenance of way).

PATH states that due to the size of the railroad, there is only one location (Harrison Yard) that meets the criteria of the horn testing requirements. This a storage yard, and to utilize this facility, would cause PATH to hold 4 storage tracks out of service which would cripple PATH’s operation. PATH requests a waiver from the horn testing requirements for the cars that were manufactured prior to September 18, 2006, that will be scraped within the next 18 months and a reasonable extension of time period to test the 52 cars they will retain for work service. Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number 2010–0104) and may be submitted by any of the following methods:

- Web site: http://www.regulations.gov. Follow the online instructions for submitting comments.
- Hand Delivery: 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received within 30 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility’s web site at http://www.regulations.gov.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted by an association, business, labor union, etc.). You may review DOT’s complete Privacy Act Statement in the Federal Register published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

Issued in Washington, DC, on June 25, 2010.

Michael J. Logue,
Deputy Associate Administrator for Safety Compliance and Program Implementation.

[FR Doc. 2010–16077 Filed 6–30–10; 8:45 am]
BILLING CODE 4910–66–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with part 211 of title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance from certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner’s arguments in favor of relief.

Vreeland Rail, LLC

[Docket Number FRA–2009–0110]

The Vreeland Rail, LLC of Superior, Wisconsin, has petitioned for a permanent waiver of compliance for one EMD locomotive built in 1942, model SW–1 and numbered VREE 600, from the requirements of the Railroad Safety Glazing Standards, title 49 CFR part 223, which requires certified glazing on all windows.

The locomotive is presently located in Ishpeming, Michigan. The railroad indicates that the locomotive operates over 2½ miles of industrial track through the town of Ishpeming, MI, and Tilden Township. The switching operations consist of 2 to 4 cars per trip and approximately 3 or 4 trips per week. The top speed of operations is 5 mph.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA–2009–0110) and may be submitted by any of the following methods:
American Short Line and Regional Railroad Association

[Waiver Petition Docket Number FRA–2010–0103]

The American Short Line and Regional Railroad Association (ASLRRA), on behalf of its member railroads, seeks a waiver of compliance with the Locomotive Safety Standards, 49 CFR 229.129(b)(2), which requires that the sound level of locomotive horns manufactured before September 18, 2006, be tested before June 24, 2010. ASLRRA member railroads own approximately 4,000 locomotives, most of which were manufactured before September 18, 2006. ASLRRA estimates that over 50 percent of these locomotives have not yet been tested. ASLRRA states in their request that there are a number of reasons that the testing has not progressed as rapidly as needed to meet the requirement, the amount of time needed to test each locomotive, site requirements, weather conditions, and community noise complaints. ASLRRA requests that the requirement to complete testing of horns on locomotives built prior to September 18, 2006, be extended to December 30, 2012, for its membership.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number 2010–0103) and may be submitted by any of the following methods:

- **Web site**: http://www.regulations.gov. Follow the online instructions for submitting comments.
- **Fax**: 202–493–2251.
- **Mail**: Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12–140, Washington, DC 20590.
- **Hand Delivery**: 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received within 30 days of the date of this notice will be considered as far as practicable. All written communications received into any of our dockets by the name of the individual submitting the comment or the organization name of the business, labor union, etc.). You may review DOT’s complete Privacy Act Statement in the Federal Register published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).}

Issued in Washington, DC on June 25, 2010.

Michael J. Logue,
Deputy Associate Administrator for Safety Compliance and Program Implementation.

[FR Doc. 2010–16056 Filed 6–30–10; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION
Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with part 211 of title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance from certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the basis for the relief being requested, and the petitioner’s arguments in favor of relief.

Rod and Ellen Fishburn

[Waiver Petition Docket Number FRA–2010–0080]

Rod and Ellen Fishburn (the Fishburns), private citizens residing in Tujunga, California, seeks a waiver of compliance from the Safety Glazing Standards of 49 CFR 223.15. Requirements for existing passenger cars. Specifically, the Fishburns have petitioned FRA for a waiver for private railroad passenger cars AMTK 800061, Colonial Crafts, which was built for the Pennsylvania Railroad in 1949. The
Fishburns operate this car in charter, tourist and excursion service on Amtrak and other railroads. The Fishburns state that the passenger car is equipped with double pane laminated safety glass and polycarbonate glazing material; with the exception of four passageway and three small auxiliary windows, which are glazed with single pane 1/4” polycarbonate. The Fishburns state that in 20+ years of operating the car, the current glazing has had a perfect safety record protecting both passengers and staff. None of the many objects that have struck the car over the years have penetrated the glazing and entered the passenger compartment. The Fishburns additionally state that operation of the passenger car is a very small business, and the cost of installing compliant glazing would pose an extreme hardship.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request. All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA–2010–0080) and may be submitted by any of the following methods:

- **Web site**: [http://www.regulations.gov](http://www.regulations.gov). Follow the online instructions for submitting comments.
- **Fax**: 202–493–2251.
- **Mail**: Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12–140, Washington, DC 20590.
- **Hand Delivery**: 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Communications received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility’s Web site at [http://www.regulations.gov](http://www.regulations.gov).

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review DOT’s complete Privacy Act Statement published on April 11, 2000 (65 FR 19477) or at [http://www.dot.gov/privacy.html](http://www.dot.gov/privacy.html).

Issued in Washington, DC, on June 25, 2010.

Michael J. Logue,
Deputy Associate Administrator, Safety Compliance and Program Implementation.

[F] 80–16055 Filed 6–30–10; 8:45 am
BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION
Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance from certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner’s arguments in favor of relief.

DesertXpress Enterprises, LLC

[Docket Number FRA–2010–0098]

The DesertXpress Enterprises, LLC (DXE) seeks a waiver of compliance from certain provisions of Title 49 of the CFR. Specifically, DXE is considering purchasing vehicles that are constructed to and meet European safety standards for crash-worthiness and related safety measures for use on its proposed high-speed railroad corridor between Victorville, California, and Las Vegas, Nevada. DXE seeks relief from certain requirements of 49 CFR part 238, Passenger Equipment Safety Standards (§§ 238.115, 238.121, 238.435, 238.447, 238.403, 238.405, 238.407, 238.409, 238.411, 238.413, 238.417, 238.419); 49 CFR part 231, Railroad Safety Appliance Standards (§ 231.14); and 49 CFR part 229, Railroad Locomotive Safety Standards (§ 229.141).

DXE intends to design, develop, and construct an intercity high-speed passenger-only railroad corridor, exclusive of freight operations, connecting Victorville, CA, and Las Vegas, NV, along a 183-mile long, double track alignment. The system will feature a high-speed train operation at speeds up to 150 mph (FRA Class 8), featuring preferred electric multiple unit (EMU) technology train-sets based upon the Regina system, which was developed by Bombardier in Sweden. Most of the alignment will run parallel to the Interstate-15 (I–15) highway corridor, making maximum use of excess freeway right of way and minimizing impact upon the largely undeveloped land alongside the highway. There will be no highway-rail grade crossings with road vehicles.

DXE is considering purchasing non-FRA compliant EMU Regina train-sets for this high-speed rail system, and is requesting this relief primarily as a result of DXE’s decision to construct and operate this project as a grade-separated, passenger-only system, with no freight trains or any other dissimilar trains operating on the line and no highway-rail grade crossings. DXE asserts that an added level of safety is further provided by DXE’s exclusive, grade-separated system, in combination with advanced positive train control, broken rail detection, unique highway/rail barrier protection, and use of an intrusion detection system. According to DXE, these EMU’s will offer higher reliability than typical FRA-compliant equipment, higher energy efficiency due to light vehicle weight, and better performance due to power-to-weight ratio which will enable these train-sets to climb steep grades. No push-pull or locomotive-hauled trains will be used, so that in the event of a collision, only identical train-sets will be involved, thereby simplifying the design requirements for crash-worthiness.

Noting that certain provisions in 49 CFR part 231 pertaining to safety appliances are statutorily required, and therefore not subject to FRA’s waiver authority, DXE also requests that FRA exercise its authority under 49 U.S.C. 20306 to exempt DXE from certain provisions of Chapter 203, Title 49 of the United States Code because the EMU Regina vehicles will be equipped with their own array of safety devices resulting in equivalent safety.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA at least 30 days before the end of the comment period and specify the basis for their request.
All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA–2010–0098) and may be submitted by any of the following methods:

- **Web site:** http://www.regulations.gov. Follow the online instructions for submitting comments.
- **Fax:** 202–493–2251.
- **Mail:** Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- **Hand Delivery:** 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.—5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility’s Web site at http://www.regulations.gov.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review DOT’s complete Privacy Act Statement in the Federal Register published on April 11, 2000 (65 FR 19477) or at http://www.dot.gov/privacy.html.

Issued in Washington, DC, on June 25, 2010.

Michael J. Logue,
Deputy Associate Administrator for Safety Compliance and Program Implementation.

For Further Information Contact: Ms. Gayle Dalrymple, NHTSA, 1200 New Jersey Avenue, SE., Room W45–333, NVS–123, Washington, DC 20590. Mrs. Dalrymple’s telephone number is (202) 366–5559.

**Supplementary Information:**

Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the Federal Register providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB’s regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

1. Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. The accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. How to enhance the quality, utility, and clarity of the information to be collected;
4. How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following collection of information:

**Title:** Exemption for the Make Inoperable Prohibition

**OMB Control Number:** 2127–0635

**Form Number:** This collection of information uses no standard form.

**Type of Request:** Extension of a currently approved collection of information.

Abstract: On February 27, 2001 NHTSA published a final rule (66 FR 12638) to facilitate the modification of motor vehicles so that persons with disabilities can drive or ride in them as passengers. In that final rule, the agency issued a limited exemption from a statutory provision that prohibits specified types of commercial entities from either removing safety equipment or features installed on motor vehicles pursuant to the Federal motor vehicle safety standards or altering the equipment or features so as to adversely affect their performance. The exemption
is limited in that it allows repair businesses to modify only certain types of Federally-required safety equipment and features, under specified circumstances. The regulation is found at 49 CFR Part 595 Subpart C—“Vehicle Modifications to Accommodate People with Disabilities”.

This final rule included two new “collections of information,” as that term is defined in 5 CFR Part 1320 “Controlling Paperwork Burdens on the Public”: Modifier identification and a document to be provided to the owner of the modified vehicle stating the exemptions used for that vehicle and any reduction in load carrying capacity of the vehicle of more than 100 kg (220 lbs).

Modifiers who take advantage of the exemption created by this rule are required to furnish NHTSA with a written document providing the modifier's name, address, and telephone number, and a statement that the modifier is availing itself of the exemption. The rule requires: “Sec. 595.6 Modifier Identification.

(a) Any motor vehicle repair business that modifies a motor vehicle to enable a person with a disability to operate, or ride as a passenger in, the motor vehicle and intends to avail itself of the exemption provided in 49 CFR 595.7 shall furnish the information specified in paragraphs (a)(1) through (3) of this section to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

(1) Full individual, partnership, or corporate name of the motor vehicle repair business.

(2) Residence address of the motor vehicle repair business and State of incorporation if applicable.

(3) A statement that the motor vehicle repair business modifies a motor vehicle to enable a person with a disability to operate, or ride as a passenger in, the motor vehicle and intends to avail itself of the exemption provided in 49 CFR 595.7.

(b) Each motor vehicle repair business required to submit information under paragraph (a) of this section shall submit the information not later than August 27, 2001. After that date, each motor vehicle repair business that modifies a motor vehicle to enable a person with a disability to operate, or ride as a passenger in, the motor vehicle and intends to avail itself of the exemption provided in 49 CFR 595.7 shall submit the information required under paragraph (a) not later than 30 days after it first modifies a motor vehicle to enable a person with a disability to operate, or ride as a passenger in, the motor vehicle. Each motor vehicle repair business who has submitted required information shall keep its entry current, accurate and compete by submitting revised information not later than 30 days after the relevant changes in the business occur.”

This requirement is a one-time submission unless changes are made to the business as described in paragraph (b). NHTSA estimates that there are currently 471 businesses making modifications to motor vehicles to accommodate persons with disabilities. Of those 471, we estimate 85 percent will need to use the exemptions provided by 49 CFR 595.7 (400 businesses). The initial registration of modifiers wishing to use the exemptions occurred in 2001. Now, we assume that five percent of the 400 businesses currently modifying vehicles will need to change their information or new registrants will elect to use the exemptions. We estimate registrations from 20 businesses each year of: 20 businesses × 10 minutes/business = 3.33 hours.

We estimate the material cost associated with each submission to be 54 cents per responding business, or $10.80 nationwide annually.

Burdens means the total time, effort, or financial resources expended by a person to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instruction; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; and transmit or otherwise disclose the information.

We seek comment on:

1. Is our estimate of 471 businesses engaged in vehicle modification to accommodate people with disabilities correct?

2. Are we correct in assuming that a maximum of 85 percent of those 471 businesses, or 400 businesses, will need to use the exemptions provided by 49 CFR 595.7?

3. Are our estimates of the burden hours and material cost of compliance with 49 CFR 595.6 reasonable?

Modifiers who avail themselves of the exemptions in 49 CFR 595.7 are required to keep a record, for each applicable vehicle, listing which standards, or portions thereof, no longer comply with the Federal motor vehicle safety standards and to provide a copy to the owner of the vehicle modified (see 49 CFR 595.7(b) and (e) as published in the final rule).

We estimate that:
1. There are approximately 2,700 vehicles modified for persons with disabilities per year by 471 businesses;
2. If 85 percent of the 471 businesses use the exemptions provided by 49 CFR 595.7, those 400 businesses will modify 3,230 vehicles annually; and
3. The burden for producing the record required by 49 CFR 595.7 in accordance with paragraph (e) for those vehicles will be 767 hours per year nationwide.

In the final rule we anticipated that the least costly way for a repair business to comply with this portion of the new rule would be to annotate the vehicle modification invoice as to the exemption, if any, involved with each item on the invoice. The cost of preparing the invoice is not a portion of our burden calculation, as that preparation would be done in the normal course of business. The time needed to annotate the invoice, we estimate, is 20 minutes. Therefore, the burden hours for a full year are calculated as:

2300 vehicles × 20 minutes/vehicle = 766.7 hours.

This burden includes the calculation required by 49 CFR 595.7(e), but not the gathering of the information required for the calculation. That information would be gathered in the normal course of the vehicle modification. The only extra burden required by the rule is the calculation of the reduction in loading carrying capacity and conveying this information to the vehicle owner. Again we are assuming that annotation on the invoice is the least burdensome way to accomplish this customer notification.

There will be no additional material cost associated with compliance with this requirement since no additional materials need be used above those used to prepare the invoice in the normal course of business. We are assuming it is normal and customary in the course of vehicle modification business to prepare an invoice, to provide a copy of the invoice to the vehicle owner, and to keep a copy of the invoice for five years after the vehicle is delivered to the owner in finished form.

We seek comment on whether our assumptions about the following are reasonable:

1. The document required by 49 CFR 595.7(b) and specified in paragraph (e) will need to be prepared for
approximately 2300 vehicles modified nationwide per year.

2. Annotation of each vehicle modification invoice as to which exemptions were used will take an average of 20 minutes, and

3. It is normal in the course of vehicle modification business to prepare an invoice, to provide a copy of the invoice to the vehicle owner, and to keep a copy of the invoice for five years after the vehicle is delivered to the owner in finished form.

Affected Public: Business or other for profit.

Estimated Annual Burden: 770 hours, and $10.80.

Estimated Number of Respondents: 400.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department’s estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued on: June 25, 2010.

Nathaniel M. Beuse,
Office of Crash Avoidance Standards, Director.

FOR FURTHER INFORMATION CONTACT: You may request additional information or a copy of the collection and supporting documentation submitted to OMB by contacting: Mary H. Gottlieb, (202) 874–5274, or by electronic mail to regs.comments@occ.treas.gov. You may personally inspect and photocopy comments at the OCC, 250 E Street, SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 874–4700. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

Additionally, please send a copy of your comments to OCC: Desk Officer, 1557–0190, by mail to U.S. Office of Management and Budget, 725 17th Street, NW., #10235, Washington, DC 20503, or by fax to (202) 395–6974.

DEPARTMENT OF THE TREASURY
Office of the Comptroller of the Currency

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning an extension of OMB approval of the information collection titled, “Real Estate Lending and Appraisals (12 CFR 34).” The OCC is also giving notice that it has submitted the collection to OMB for review.

DATES: Comments must be submitted on or before August 2, 2010.

ADDRESS: Communications Division, Office of the Comptroller of the Currency, Mailstop 2–3, Attention: 1557–0190, 250 E Street, SW., Washington, DC 20219. In addition, comments may be sent by fax to (202) 874–5274, or by electronic mail to regs.comments@occ.treas.gov. You may personally inspect and photocopy comments at the OCC, 250 E Street, SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 874–4700. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

Additionally, please send a copy of your comments to OCC: Desk Officer, 1557–0190, by mail to U.S. Office of Management and Budget, 725 17th Street, NW., #10235, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: You may request additional information or a copy of the collection and supporting documentation submitted to OMB by contacting: Mary H. Gottlieb, (202) 874–5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION:

Title: Real Estate Lending and Appraisals (12 CFR 34).

OMB Control No.: 1557–0190.

Type of Review: Extension, without revision, of a currently approved collection.

Description: Twelve CFR Part 34 contains a number of reporting and recordkeeping requirements. Subpart B (Adjustable-Rate Mortgages (ARM)) and Subpart E (Other Real Estate Owned) contain reporting requirements. Subpart C (Appraisal Requirements) and Subpart D (Real Estate Lending Standards) contain recordkeeping requirements.

Subpart B, § 34.22(a) requires that for ARM loans, the loan documentation must specify an index or combination of indices to which changes in the interest rate will be linked. Section 34.22(b) provides notice procedures to be used when a national bank seeks to use an index other than the one described in paragraph (a).

Subpart C, § 34.44 provides minimum standards for the performance of real estate appraisals, including the requirement that appraisals be written and contain sufficient information and analysis to support the institution’s decision to engage in the transaction.

Subpart D, § 34.62(a) requires each national bank to adopt and maintain written policies that establish appropriate limits and standards for extensions of credit that are secured by liens on or interests in real estate, that are made for the purpose of financing permanent improvements to real estate. Section 34.62(b)(iii) requires real estate lending policies to be reviewed and approved by the bank’s board of directors at least annually.

Subpart E, § 38.43(b) provides that national banks must maintain documentation adequate to reflect their efforts to dispose of each parcel of OREO. Section 34.84 requires that after holding any real estate acquired for future bank expansion for one year, a national bank must state, by resolution or other official action, definite plans for the use of the property and make the resolution or other action available for inspection by bank examiners. Section 34.85(a)(2) requires banks to develop a prudent real estate collateral evaluation policy to monitor the value of each parcel of OREO in a manner consistent with prudent banking practice. Section 34.86(b) requires banks to notify the appropriate supervisory office at least 30 days before making advances under a development or improvement plan for OREO if the total investment in the property will exceed 10 percent of the bank’s capital and surplus.

Affected Public: Businesses or other for-profit.

Burden Estimates:

Estimated Number of Respondents: 1,650.

Estimated Number of Responses: 1,650.

Estimated Annual Burden: 94,095 hours.

Frequency of Response: On occasion.

Comments: The OCC issued a 60-Day Federal Register notice on April 21, 2010. 75 FR 20883. No comments were received. Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC’s estimate of the information collection burden;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;
(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and
(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: June 24, 2010.

Michele Meyer,
Assistant Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

[FR Doc. 2010–15958 Filed 6–30–10; 8:45 am]
BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8874–B

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3506((c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8916–A, Reconciliation of Cost of Goods Sold Reported on Schedule M–3.

DATES: Written comments should be received on or before August 30, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald J. Shields, Internal Revenue Service, Room 6129, 1111 Constitution Ave., NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala, at (202) 622–3634, or at Internal Revenue Service, Room 6217, 1111 Constitution Ave., NW., Washington, DC 20224, or through the Internet at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Reconciliation of Cost of Goods Sold Reported on Schedule M–3.

OMB Number: 1545–2061.

Form Number: Form 8916–A.

Abstract: Form 8916–A is a detailed schedule that reconciles the amount of the cost of goods sold reported on Schedule M–3 for the Form 1120, Form 1120-S, or Form 1120-T.

Current Actions: There are no changes being made to Form 8916–A, at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 156,000.

Estimated Total Annual Burden Hours: 5,049,720.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Approved: June 23, 2010.

Gerald J. Shields,
IRS Supervisory Tax Analyst.
[FR Doc. 2010–15958 Filed 6–30–10; 8:45 am]
BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8916–A

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8916–A, Reconciliation of Cost of Goods Sold Reported on Schedule M–3.

DATES: Written comments should be received on or before August 30, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald J. Shields, Internal Revenue Service, Room 6129, 1111 Constitution Ave., NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala, at (202) 622–3634, or at Internal Revenue Service, Room 6129, 1111 Constitution Ave., NW., Washington, DC 20224, or through the Internet at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Notice of Recapture Event for New Markets Credit.

OMB Number: 1545–2066.

Form Number: 8874–B.


Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individual or households, Business or other for-profit.

Estimated Number of Respondents: 500.

Estimated Time per Respondent: 5 hours; 31 minutes.

Estimated Total Annual Burden Hours: 2,755.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala, at (202) 622–3634, or at Internal Revenue Service, Room 6129, 1111 Constitution Ave., NW., Washington, DC 20224, or through the Internet at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Notice of Recapture Event for New Markets Credit.

OMB Number: 1545–2066.

Form Number: 8874–B.


Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individual or households, Business or other for-profit.

Estimated Number of Respondents: 500.

Estimated Time per Respondent: 5 hours; 31 minutes.

Estimated Total Annual Burden Hours: 2,755.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala, at (202) 622–3634, or at Internal Revenue Service, Room 6129, 1111 Constitution Ave., NW., Washington, DC 20224, or through the Internet at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Notice of Recapture Event for New Markets Credit.

OMB Number: 1545–2066.

Form Number: 8874–B.


Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individual or households, Business or other for-profit.

Estimated Number of Respondents: 500.

Estimated Time per Respondent: 5 hours; 31 minutes.

Estimated Total Annual Burden Hours: 2,755.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.
DEPARTMENT OF THE TREASURY
Internal Revenue Service

Proposed Collection; Comment Request for Form 8453–B

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8453–B, U.S. Electing Large Partnership Declaration for an IRS e-file Return. Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala, at (202) 622–3634, or at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION:
Title: U.S. Electing Large Partnership Declaration for an IRS e-file Return.

OMB Number: 1545–2058.

Form Number: Form 8453–B.

Abstract: Form 8453–B is used to authenticate an electronic Form 1065–B, U.S. Return of Income for Electing Large Partnerships, to authorize the ERO, if any, to transmit via a third-party transmitter, and to authorize the intermediate service provider (ISP) to transmit via a third-party transmitter if you are filing online (not using an ERO).

Current Actions: There are no changes to the burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 60.

Estimated Time per Respondent: 2 hours, 23 minutes.

Estimated Total Annual Burden Hours: 144.

The following paragraph applies to all of the collections of information covered by this notice:
An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:
(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 17, 2010.

Gerald J. Shields,
IRS Supervisory Tax Analyst.

[FR Doc. 2010–15960 Filed 6–30–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY
Internal Revenue Service

Proposed Collection; Comment Request for Form 5306–A

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 5306–A, Application for Approval of Prototype Simplified Employee Pension (SEP) or Savings Incentive Match Plan for Employees of Small Employers (SIMPLE IRA Plan).

DATES: Written comments should be received on or before August 30, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald J. Shields, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION:
Title: Application for Approval of Prototype Simplified Employee Pension (SEP) or Savings Incentive Match Plan for Employees of Small Employers (SIMPLE IRA Plan).

OMB Number: 1545–0199.

Form Number: 5306–A.

Abstract: This form is used by banks, credit unions, insurance companies, and trade or professional associations to apply for approval of a simplified employee pension plan or a Savings Plan.
Internal Revenue Service

Proposed Collection; Comment Request for Form 1040–C

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 1040–C, U.S. Departing Alien Income Tax Return.

DATES: Written comments should be received on or before August 30, 2010 to be assured of consideration.

ADDRESS: Direct all written comments to Gerald J. Shields, Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: R. Joseph Durbala@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: U.S. Departing Alien Income Tax Return.

OMB Number: 1545–0086.

Form Number: 1040–C.

Abstract: Form 1040–C reflects Internal Revenue Code section 6851 and regulation sections 1.6851–1 and 1.6851–2. The form is used by aliens departing the U.S. to report income received or expected to be received for the entire year. The information collected is used to insure that the departing alien has no outstanding U.S. tax liability.

Current Actions: The following benefits are scheduled to expire. The result of these changes is a decrease in the estimated number of responses by 500 and a decrease in the total estimated burden by 1,977 hours.

• Increased deduction for educator expenses in figuring AGI. IRC 62(a)(2)(D).
• Tuition and fees deduction in figuring AGI. IRC 222(e).
• Extra $3,000 IRA deduction for employees of bankrupt companies. IRC 219(b)(5)(C).
• District of Columbia first-time homeowner credit (for homes purchased after 2009). IRC 1400C(i).
• Waiver of minimum required distribution (MRD) rules for IRAs and defined contribution plans. However, the waiver for 2009 MRDs applies through April 1, 2010. IRC 401(a)(9)(H).
• Credit to holders of clean renewable energy bonds issued after 2009. IRC 54(m).
• Alternative motor vehicle credit for all qualified hybrid motor vehicles placed in service after December 31, 2009, except for passenger automobiles and light trucks with a gross vehicle weight rating of 8,500 pounds or less.
• Decreased estimated tax payments for certain small businesses. IRC 6654(d)(1)(D).
• Certain tax benefits for Midwestern disaster areas PL 110–343, sec. 702(a)(1)(F) and 702(d)(12). Public Law 110–343, sec. 702(d)(14) Public Law 110–343, Div C, sections 703(d)(7) and (10)(B); (e)(1)(A), and (4).
• Itemized deduction or increased standard deduction for state or local sales and excise taxes on the purchase of certain motor vehicles. IRC 164(b)(6)(G).
• Itemized deduction for state and local general sales taxes. IRC 164(b)(5)(l).

Changes have been made to the form and instructions to comply with these expirations. The result of these changes is a decrease in the estimated number of responses by 500 and a decrease in the total estimated burden by 1,977 hours.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 2,000.

Estimated Time Per Respondent: 6 hours, 35 minutes.

Estimated Total Annual Burden Hours: 13,200.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as the collection of information displays a valid OMB control number.
Proposed Collection; Comment Request for Form 709

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 709, United States Gift (and Generation-Skipping Transfer) Tax Return.

DATES: Written comments should be received on or before August 30, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald J. Shields, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional copies of the form and instructions should be directed to R. Joseph Durbala, (202) 622–3634, or at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: United States Gift (and Generation-Skipping Transfer) Tax Return.

OMB Number: 1545–0020.

Form Number: 709.

Abstract: Form 709 is used by individuals to report transfers subject to the gift and generation-skipping transfer taxes and to compute these taxes. The IRS uses the information to collect and enforce these taxes, to verify that the taxes are properly computed, and to compute the tax base for the estate tax.

Current Actions: There are no changes being made to Form 709 at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 278,500.

Estimated Time per Respondent: 5 hours, 47 minutes.

Estimated Total Annual Burden Hours: 1,609,730.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

The IRS is requesting comments concerning Form 709, United States Gift (and Generation-Skipping Transfer) Tax Return, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 19, 2010.

Gerald J. Shields.
IRS Supervisory Tax Analyst.

[FR Doc. 2010–15979 Filed 6–30–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms W–8BEN, W–8ECI, W–8EXP, and W–8IMY

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form W–8BEN, Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding, Form W–8ECI, Certificate of Foreign Person’s Claim for Exemption From Withholding on Income Effectively Connected With the Conduct of a Trade or Business in the United States, Form W–8EXP, Certificate of Foreign Government or Other Foreign Organization for United States Tax Withholding, and Form W–8IMY, Certificate of Foreign Intermediary, Foreign Flow-Through Entity, or Certain U.S. Branches for United States Tax Withholding.

DATES: Written comments should be received on or before August 30, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald J. Shields, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.
Supplementary Information:


OMB Number: 1545–1021. Form W–8BEN, W–8ECI, W–8EXP, and W–8IMY.

Abstract: Form W–8BEN is used for certain types of income to establish that the person is a foreign person, is the beneficial owner of the income for which Form W–8BEN is being provided and, if applicable, to claim a reduced rate of, or exemption from, withholding as a resident of a foreign country with which the United States has an income tax treaty. Form W–8ECI is used to establish that the person is a foreign person, is the beneficial owner of the income for which Form W–8ECI is being provided, and to claim that the income is effectively connected with the conduct of a trade or business within the United States. Form W–8EXP is used by a foreign government, international organization, foreign central bank of issue, foreign tax-exempt organization, or foreign private foundation. The form is used by such persons to establish foreign status, to claim that the person is the beneficial owner of the income for which Form W–8EXP is given and, if applicable, to claim a reduced rate of, or exemption from, withholding. Form W–8IMY is provided to a withholding agent or payer by a foreign intermediary, foreign partnership, and certain U.S. branches to make representations regarding the status of beneficial owners or to transmit appropriate documentation to the withholding agent.

Current Actions: There are no changes being made to the forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals, business or other for-profit organizations, and not-for-profit institutions.

Estimated Number of Respondents: Form W–8BEN–3,000,000; Form W–8ECI–180,000; Form W–8EXP–240; Form W–8IMY–400.

Estimated Time Per Respondent: Form W–8BEN–13 hr., 47 min.; Form W–8ECI–10 hr., 33 min.; Form W–8EXP–18 hr., 28 min.; Form W–8IMY–16 hr., 46 min.

Estimated Total Annual Burden Hours: Form W–8BEN–41,370,000; Form W–8ECI–1,899,000; Form W–8EXP–4,431; Form W–8IMY–6,704.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 23, 2010.

Gerald J. Shields, IRS Supervisory Tax Analyst.

[FR Doc. 2010–15978 Filed 6–30–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[EE–44–78]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, EE–44–78 (TD 8100), Cooperative Hospital Service Organizations (§ 1.501(e)–1).

DATES: Written comments should be received on or before August 30, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald J. Shields, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to R. Joseph Durbala, at (202) 622–3634, or at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at RJoseph.Durbala@irs.gov.

Supplementary Information:

Title: Cooperative Hospital Service Organizations.


Abstract: This regulation establishes the rules for cooperative hospital service organizations which seek tax-exempt status under section 501(e) of the Internal Revenue Code. Such an organization must keep records in order to show its cooperative nature and to establish compliance with other requirements in Code section 501(c).

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of OMB approval.

Affected Public: Not-for-profit institutions.

The recordkeeping requirement does not create any additional burden on taxpayers because the records which the regulations require would ordinarily be kept by a cooperative as a routine part of its day-to-day business operations.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long
as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 22, 2010.

Gerald J. Shields,
IRS Supervisory Tax Analyst.

[FR Doc. 2010–15977 Filed 6–30–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY
Internal Revenue Service

Proposed Collection; Comment Request for Form 1099–S

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 1099–S. Proceeds From Real Estate Transactions.

DATES: Written comments should be received on or before August 30, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald J. Shields, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala, at (202) 622–3634, or at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION:
Title: Proceeds From Real Estate Transactions.
OMB Number: 1545–0997.
Form Number: 1099–S.
Abstract: Internal Revenue Code section 6045(e) and the regulations there under require persons treated as real estate brokers to submit an information return to the IRS to report the gross proceeds from real estate transactions. Form 1099–S is used for this purpose. The IRS uses the information on the form to verify compliance with the reporting rules regarding real estate transactions.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals or households.

Estimated Number of Responses: 3,646,110.

Estimated Time per Response: 8 minutes.

Estimated Total Annual Burden Hours: 510,456.

The following paragraph applies to all of the collections of information covered by this notice:
An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 22, 2010.

Gerald J. Shields,
IRS Supervisory Tax Analyst.

[FR Doc. 2010–15976 Filed 6–30–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY
Internal Revenue Service
[IA–30–95]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, IA–30–95 (TD 8672), Reporting of Nonpayroll Withheld Liabilities ($ 31.6011(a)–4). Currently, the IRS is soliciting comments concerning an existing final regulation, IA–30–95 (TD 8672), Reporting of Nonpayroll Withheld Liabilities ($ 31.6011(a)–4).

DATES: Written comments should be received on or before August 30, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald J. Shields, Internal Revenue Service, Room 6129, 1111 Constitution Ave., NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala at Internal Revenue Service, Room 6129, 1111 Constitution Ave., NW., Washington, DC 20224, or at (202) 622–3634, or through the Internet at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION:
Title: Reporting of Nonpayroll Withheld Tax Liabilities.
OMB Number: 1545–1413.
Regulation Project Number: IA–30–95.

Abstract: This regulation relates to the reporting of nonpayroll withheld
income taxes under sec. 6011 of the Internal Revenue Code. The regulations require a person to file Form 945, Annual Return of Withheld Federal Income Tax, only for a calendar year in which the person is required to withhold Federal income tax from nonpayroll payments.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households business or other for-profit organizations, not-for-profit institutions, farms, and Federal, State, local or tribal governments.

The burden for the collection of information is reflected in the burden for Form 945, Annual Return of Withheld Federal Income Tax.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 23, 2010.

Gerald J. Shields,
IRS Supervisory Tax Analyst.
[FR Doc. 2010-15975 Filed 6–30–10; 8:45 am]
DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8916

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8916, Reconciliation of Schedule M–3 Taxable Income with Tax Return Taxable Income for Mixed Groups.

DATES: Written comments should be received on or before August 30, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald J. Shields, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala at (202) 622–3634, or at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Reconciliation of Schedule M–3 Taxable Income with Tax Return Taxable Income for Mixed Groups.

OMB Number: 1545–2062.

Form Number: Form 8916.

Abstract: Form 8916 reconciles taxable income per the Schedule M–3 for the Forms 1120, 1120–L, or 1120–PC with the taxable income on mixed groups filing Form 1120, 1120–L, or 1120–PC. This is necessary because certain special adjustments are required to match taxable income of mixed groups as reported on the Schedule M–3 with taxable income they report on Forms 1120, 1120–L, for 1120–PC.

Current Actions: There are no changes being made to Form 8689 at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 500.

Estimated Time Per Respondent: 6 Hours, 46 minutes.

Estimated Total Annual Burden Hours: 3,385.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

(b) the accuracy of the agency’s estimate of the burden of the collection of information;

(c) ways to enhance the quality, utility, and clarity of the information to be collected;

(d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology;

(e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 23, 2010.

Gerald J. Shields,
IRS Supervisory Tax Analyst.
[FR Doc. 2010–15959 Filed 6–30–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2004–35

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revenue Procedure 2004–35, Late Spousal S Corp Consents in Community Property States.

DATES: Written comments should be received on or before August 30, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald J. Shields, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the revenue procedure should be directed to R. Joseph Durbala at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–3634, or through the Internet at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Late Spousal S Corp Consents in Community Property States.

OMB Number: 1545–1886.

Revenue Procedure Number: Revenue Procedure 2004–35.

Abstract: Revenue Procedure 2004–35 allows for the filing of certain late shareholder consents to be an S Corporation with the IRS Service Center.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 500.

Estimated Annual Average Time per Respondent: 1 hour.

Estimated Total Annual Hours: 500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of
public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 23, 2010.

Gerald J. Shields,
IRS Supervisory Tax Analyst.

[FR Doc. 2010–15966 Filed 6–30–10; 8:45 am]
BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY
Internal Revenue Service
[IA–96–88]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, IA–96–88 (TD 8435), Certain Elections Under the Technical and Miscellaneous Revenue Act of 1988 and the Redesignation of Certain Other Temporary Elections Regulations.

OMB Number: 1545–1112.

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, REG–251703–96 (TD 8813), Residence of Trusts and Estates–7701 (§ 301.7701–8).

DATES: Written comments should be received on or before August 30, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald J. Shields, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–3634, or through the Internet at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Certain Elections Under the Technical and Miscellaneous Revenue Act of 1988 and the Redesignation of Certain Other Temporary Elections Regulations.

OMB Number: 1545–1112.


Abstract: Regulation section 301.9100–8 provides final income, estate and gift, and employment tax regulations relating to elections made under the Technical and Miscellaneous Revenue Act of 1986. This regulation enables taxpayers to take advantage of various benefits provided by the Internal Revenue Code.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, not-for-profit institutions, farms, and state, local, or tribal governments.

Estimated Number of Respondents: 24,305.

Estimated Time per Respondent: 17 minutes.

Estimated Total Annual Burden Hours: 6,712.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 23, 2010.

Gerald J. Shields.
IRS Supervisory Tax Analyst.
DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–107151–00]

Proposed Collection; Comment Request for Regulations Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, REG–107151–00 (TD 9035). Constructive Transfers and Transfers of Property to a Third-Party on Behalf of a Spouse (§ 1.1041–2).

DATES: Written comments should be received on or before August 30, 2010 to be assured of consideration.

ADDRESS: Direct all written comments to Gerald J. Shields, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala, (202) 622–3634, at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Constructive Transfers and Transfers of Property to a Third-Party on Behalf of a Spouse (§ 1.1041–2).

OMB Number: 1545–1751.

Regulation Project Number: REG–107151–00 (TD 9035-final).

Abstract: The regulation sets forth the required information that will permit spouses or former spouses to treat a redemption by a corporation of stock of one spouse or former spouse as a transfer of that stock to the other spouse or former spouse in exchange for the redemption proceeds and a redemption of the stock from the latter spouse or a former spouse in exchange for the redemption proceeds.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals and households, and businesses and other for-profit organizations.

Estimated Number of Respondents: 1000.

Estimated Time Per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 23, 2010.

Gerald J. Shields,
IRS Supervisory Tax Analyst.

[FR Doc. 2010–15966 Filed 6–30–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Announcement 2004–38

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.
SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Announcement 2004–38 (as modified by Notice 2006–105), Election of Alternative Deficit Reduction Contribution.

DATES: Written comments should be received on or before August 30, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald J. Shields, Internal Revenue Service, room 6129, 1111 Constitution Ave., NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the announcement should be directed to R. Joseph Durbala at Internal Revenue Service, room 6129, 1111 Constitution Ave., NW., Washington, DC 20224, or at (202) 622–3634, or through the Internet at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Election of Alternative Deficit Reduction Contribution.

OMB Number: 1545–1883.


Current Actions: There are no changes being made to the announcement at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and Not-for-profit institutions.

Estimated Number of Respondents: 200.

Estimated Time per Respondent: 4 hours.

Estimated Total Annual Burden Hours: 800.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[TD 9212]

Proposed Collection: Comment Request for Regulations Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, TD 9212, Source of Compensation for Labor or Personal Services.

DATES: Written comments should be received on or before August 30, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald J. Shields, Internal Revenue Service, room 6129, 1111 Constitution Ave., NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala, (202) 622–3634, at Internal Revenue Service, room 6129, 1111 Constitution Ave., NW., Washington, DC 20224, or through the Internet at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Source of Compensation for Labor or Personal Services.

OMB Number: 1545–1900.

Regulation Project Number: TD 9212.

Abstract: This document contains final regulations that describe the proper basis for determining the source of compensation for labor or personal services performed partly within and partly without the United States. These final regulations will affect individuals who earn compensation for labor or personal services performed partly within and partly without the United States and are needed to provide appropriate guidance regarding the determination of the proper source of that compensation.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals and households, and businesses and other for-profit organizations.

Estimated Number of Respondents: 20,000.

Estimated Time per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 10,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the
request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 23, 2010.

Gerald J. Shields,
IRS Supervisory Tax Analyst.

DEPARTMENT OF THE TREASURY
Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2007–48

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revenue Procedure 2007–48, Rotable Spare Parts Safe Harbor Method. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 23, 2010.

Gerald J. Shields,
IRS Supervisory Tax Analyst.

[FR Doc. 2010–15968 Filed 6–30–10; 8:45 am]
BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY
Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, PS–55–89 (TD 8566), General Asset Accounts under the Accelerated Cost Recovery System (Sec. 1.168(f)–1).

DATES: Written comments should be received on or before August 30, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald J. Shields, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT:
Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION:
Title: General Asset Accounts under the Accelerated Cost Recovery System.
OMB Number: 1545–1331.
Regulation Project Number: TD 8566 (PS–55–89).

Abstract: Section 168(i)(4) of the Internal Revenue Code authorizes the Secretary of the Treasury to provide rules under which a taxpayer may elect to account for property in one or more general asset accounts for depreciation...
purposes. The regulations describe the time and manner of making the election described in Code section 168(i)(4). Basic information regarding this election is necessary to monitor compliance with the rules of Code section 168.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and Farms.

Estimated Number of Respondents: 1,000.

Estimated Time per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 250.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as their contents may become material if presented in the form of testimony or evidence in any court or administrative proceeding.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as their contents may become material if presented in the form of testimony or evidence in any court or administrative proceeding.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 23, 2010.

Gerald J. Shields,
IRS Supervisory Tax Analyst.
[FR Doc. 2010–15962 Filed 6–30–10; 8:45 am]
BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY
Office of Thrift Supervision

[DOcket ID OTS–2010–0021]

Closed Meeting of the OTS Mutual Savings Association Advisory Committee

AGENCY: Department of the Treasury, Office of Thrift Supervision.

ACTION: Notice of Closed Meeting.

SUMMARY: The OTS Mutual Savings Associations Advisory Committee (MSAAC) will convene a meeting on Wednesday, July 21, 2010, beginning at 1 p.m. Eastern Time. The meeting will be closed to the public.

DATES: The closed meeting will be held on Wednesday, July 21, 2010, at 1 p.m. Eastern Time.

ADDITIONAL INFORMATION: By this notice, the Office of Thrift Supervision announces that the OTS Mutual Savings Associations Advisory Committee (MSAAC) will convene a closed meeting on Wednesday, July 21, 2010, beginning at 1 p.m. Eastern Time. The meeting will be closed to the public.

The purpose of the meeting is to advise the Office of Thrift Supervision on the OTS Mutual Savings Associations Advisory Committee.

The Office of Thrift Supervision has determined that the meeting will be closed in full, pursuant to 5 U.S.C. 552b(C)(6)(B) and 12 CFR 340.4(c)(1), because the discussion will concern matters specifically related to the receipt, purchase, sale, or administration of property (including real property). The time and location of the meeting will be restricted in order to protect the confidentiality of information which may be considered in the closed session.

The agenda for this meeting includes: (a) The presentation of the mutu...

For further information, please contact William M. Beal, Acting Director of the Office of Thrift Supervision, at (202) 906–6452.

[FR Doc. 2010–15991 Filed 6–30–10; 8:45 am]
BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY
Fiscal Service

[NAIC# 10952]

Surety Companies Acceptable on Federal Bonds—Termination: Stonebridge Casualty Insurance Company


ACTION: Notice.

SUMMARY: This is Supplement No. 19 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) 874–6915.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Certificate of Authority issued by the Treasury to the above-named company under 31 U.S.C. 9305 to qualify as acceptable surety on Federal bonds is terminated effective June 30, 2010. Federal bond-approving officials should annotate their reference copies of the Treasury Department Circular 570 (“Circular”), 2009 Revision, to reflect this change.

With respect to any bonds currently in force with this company, bond-approving officers may let such bonds run to expiration and need not secure new bonds. However, no new bonds should be accepted from this company, and bonds that are continuous in nature should not be renewed.

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, Fiscal Service, Financial Accounting and Services Division, Surety Bond Branch, 3700 East-West Highway, Room 6F01, Hyattsville, MD 20782.

Dated: June 22, 2010.

William J. Erie,
Acting Director, Financial Accounting and Services Division.
[FR Doc. 2010–15729 Filed 6–30–10; 8:45 am]
BILLING CODE 4810–35–M

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Notice of Open Public Hearing


SUMMARY: Notice is hereby given of the following hearing of the U.S.-China Economic and Security Review Commission.

Name: Daniel M. Slane, Chairman of the U.S.-China Economic and Security Review Commission.

The Commission is mandated by Congress to investigate, assess, and report to Congress annually on “the national security implications of the economic relationship between the United States and the People’s Republic of China.”

Pursuant to this mandate, the Commission will hold a public hearing in Washington, DC on June 30, 2010, titled “China’s Information Control Practices and the Implications for the United States.”

Background

This is the seventh public hearing the Commission will hold during its 2010 report cycle to collect input from leading academic, industry, and government experts on national security implications of the U.S. bilateral trade and economic relationship with China. The June 30 hearing will examine the adequacy and integrity of information available to U.S. investors about Chinese companies operating in the United States. The June 30 hearing will be Co-chaired by Commissioners Jeffrey Fiedler and Robin Cleveland.

Any interested party may file a written statement by June 30, 2010, by mailing to the contact below. On June 30, the hearing will be held in two sessions, one in the morning and one in the afternoon. A portion of each panel will include a question and answer period between the Commissioners and the witnesses.

Transcripts of past Commission public hearings may be obtained from the USCC Web site http://www.uscc.gov.

DATES: Date and Time: Thursday, June 30, 2010, 9 a.m. to 4:30 p.m. e.d.t. A detailed agenda for the hearing will be posted to the Commission’s Web Site at http://www.uscc.gov as soon as available.

ADDRESS: The hearing will be held on Capitol Hill in Room 124 of the Dirksen Senate Office Building located at First Street and Constitution Avenue, NE., Washington, DC 20510. Public seating is limited to about 50 people on a first come, first served basis. Advance reservations are not required.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information concerning the hearing should contact Kathy Michels, Associate Director for the U.S.-China Economic and Security Review Commission, 444 North Capitol Street, NW., Suite 602, Washington, DC 20001; phone: 202–624–1409, or via e-mail at kmichels@uscc.gov.


Dated: June 11th, 2010.

Kathleen J. Michels,
Associate Director, U.S.-China Economic and Security Review Commission.

[FR Doc. 2010–15878 Filed 6–30–10; 8:45 am]
Thursday,
July 1, 2010

Part II

Department of the Treasury

Fiscal Service

Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies; Notice
DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circular 570; 2010 Revision]

Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies

Effective July 1, 2010.

This Circular is published annually for the information of Federal bond-approving officers and persons required to give bonds to the United States consistent with 31 CFR 223.16. Copies of the Circular and interim changes may be obtained directly from the Internet at http://www.gpoaccess.gov or from the Government Printing Office (202) 512–1800. (Interim changes are published in the Federal Register and on the internet as they occur). Other information pertinent to Federal sureties may be obtained from the U.S. Department of the Treasury, Financial Management Service, Surety Bond Branch, 3700 East-West Highway, Room 6F01, Hyattsville, MD 20728, Telephone (202) 874–6850 or Fax (202) 874–9978.

The most current list of Treasury authorized companies is always available through the Internet at http://www.fms.fsp0.treas.fsp0.gov/fsp0.c570. In addition, applicable laws, regulations, and application information are also available at the same site.

Please note that the underwriting limitation published herein is on a per bond basis but this does not limit the amount of a bond that a company can write. Companies are allowed to write bonds with a penal sum over their underwriting limitation as long as they protect the excess amount with reinsurance, coinsurance or other methods as specified at 31 CFR 223.10–11. Please refer to note (b) at the end of this publication.

The following companies have complied with the law and the regulations of the U.S. Department of the Treasury. Those listed in the front of this Circular are acceptable as sureties and reinsurers on Federal bonds under Title 31 of the United States Code, Sections 9304 to 9308 [See Note (a)]. Those listed in the back are acceptable only as reinsurers on Federal bonds under 31 CFR 223.3(b) [See Note (e)]. If we can be of any assistance, please feel free to contact the Surety Bond Branch at (202) 874–6850.

Kent A. Kuyumjian, Acting Assistant Commissioner, Management (CFO), Financial Management Service.

Important information is contained in the notes at the end of this circular. Please read the notes carefully.

ACCREDITED SURETY AND CASUALTY COMPANY, INC. (NAIC #26379)
BUSINESS ADDRESS: PO Box 140855, Orlando, FL 32814–0855.
PHONE: (407) 629–2131.
UNDERWRITING LIMITATION b/:
$1,813,000. SURETY LICENSES
c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Florida.

ACSTAR INSURANCE COMPANY (NAIC #22505)
BUSINESS ADDRESS: P.O. BOX 2350, NEW BRITAIN, CT 06050–2350.
UNDERWRITING LIMITATION b/:
$3,040,000. SURETY LICENSES
c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Illinois.

Aegis Security Insurance Company (NAIC #33898)
BUSINESS ADDRESS: P.O. Box 3153, Harrisburg, PA 17105.
PHONE: (717) 657–9671.
UNDERWRITING LIMITATION b/:
$3,950,000. SURETY LICENSES
c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Pennsylvania.

ALL AMERICA INSURANCE COMPANY (NAIC #20222)
BUSINESS ADDRESS: P.O. Box 351, VAN WERT, OH 45891–0351.
PHONE: (419) 238–1010.
UNDERWRITING LIMITATION b/:
$10,313,000. SURETY LICENSES
c,f/: AZ, CA, CT, GA, IL, IN, IA, KY, MA, MI, NV, NJ, NY, NC, OH, OK, TN, TX, VA.
INCORPORATED IN: Ohio.

Allegheny Surety Company (NAIC #34541)
BUSINESS ADDRESS: 4217 Steubenville Pike, Pittsburgh, PA 15205.
PHONE: (412) 921–3077.
UNDERWRITING LIMITATION b/:
$272,000. SURETY LICENSES c,f/: PA.
INCORPORATED IN: Pennsylvania.

ALLIED Property and Casualty Insurance Company (NAIC #42579)
PHONE: (515) 508–4211.
UNDERWRITING LIMITATION b/:
$6,163,000. SURETY LICENSES
c,f/: AZ, CA, CO, DE, FL, GA, ID, IL, IN, IA, KS, KY, MD, MI, MN, MT, NE, NV, NM, OH, PA, SC, SD, TN, TX, UT, VA, WA, WI.
INCORPORATED IN: Iowa.

AMCO Insurance Company (NAIC #19100)
PHONE: (515) 508–4211.
UNDERWRITING LIMITATION b/:
$44,439,000. SURETY LICENSES
c,f/: AZ, CA, CO, DE, GA, ID, IL, IN, IA, KS, KY, MD, MI, MN, MT, NE, NV, NM, NC, OH, OR, PA, SC, SD, TN, TX, UT, VA, WA, WI.
INCORPORATED IN: Iowa.

AMERICAN ALTERNATIVE INSURANCE CORPORATION (NAIC #19720)
BUSINESS ADDRESS: 555 COLLEGE ROAD EAST—PO. BOX 5241, PRINCETON, NJ 08543.
PHONE: (609) 243–4200.
UNDERWRITING LIMITATION b/:
$15,337,000.
SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Delaware.

American Automobile Insurance Company (NAIC #21849)
BUSINESS ADDRESS: 777 San Marin Drive, Novato, CA 94998.
PHONE:
(415) 899–2000. UNDERWRITING LIMITATION b/: $16,179,000.
SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Indiana.
American Fire and Casualty Company (NAIC #24066)
BUSINESS ADDRESS: 9450 Seward Road, Fairfield, OH 45014. PHONE: (513) 603–2400. UNDERWRITING LIMITATION b/: $4,183,000.
SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Ohio.
American Hardware Mutual Insurance Company (NAIC #10231)
BUSINESS ADDRESS: 601 South Figueroa Street, 16th Floor, Los Angeles, CA 90017. PHONE: (310) 649–0990. UNDERWRITING LIMITATION b/: $10,805,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Pennsylvania.
AMERICAN CONTRACTORS INDEMNITY COMPANY (NAIC #180216)
BUSINESS ADDRESS: 601 South Figueroa Street, 16th Floor, Los Angeles, CA 90017. PHONE: (310) 649–0990. UNDERWRITING LIMITATION b/: $5,861,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NY, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: California.
American Economy Insurance Company (NAIC #19690)
BUSINESS ADDRESS: 500 North Meridian Street, Indianapolis, IN 46204. PHONE: (206) 545–5000. UNDERWRITING LIMITATION b/: $50,863,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Ohio.
AMERICAN BANKERS INSURANCE COMPANY OF FLORIDA (NAIC #11011)
BUSINESS ADDRESS: 11222 Quail Roost Drive, Miami, FL 33157–6596. PHONE: (305) 253–2244. UNDERWRITING LIMITATION b/: $38,041,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Missouri.
AMERICAN BANKERS INSURANCE COMPANY OF COLORADO (NAIC #24066)
BUSINESS ADDRESS: 601 SouthFigureroa Street, 18th Floor, New York, NY 10036. PHONE: (212) 770–7000. UNDERWRITING LIMITATION b/: $600,045,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: New York.
American Insurance Company (The) (NAIC #21857)
BUSINESS ADDRESS: 175 Water Street, 18th Floor, New York, NY 10038. PHONE: (212) 770–7000. UNDERWRITING LIMITATION b/: $36,956,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Ohio.
AMERICAN RELIABLE INSURANCE COMPANY (NAIC #19615)
BUSINESS ADDRESS: 8865 East Via De Ventura, Ste E, Scottsdale, AZ 85258. PHONE: (480) 483–8666. UNDERWRITING LIMITATION b/: $11,575,000.
SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Arizona.
AMERICAN ROAD INSURANCE COMPANY (THE) (NAIC #19631)
BUSINESS ADDRESS: 600 American Road, MD 7600, Dearborn, MI 48126–2701. PHONE: (313) 337–1102. UNDERWRITING LIMITATION b/: $26,406,000.
SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Michigan.
American Safety Casualty Insurance Company (NAIC #39969)
BUSINESS ADDRESS: 100 Galleria Pkwy, S.E. Suite 700, Atlanta, GA 30339. PHONE: (770) 916–1908. UNDERWRITING LIMITATION b/: $7,278,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Ohio.
American Service Insurance Company (NAIC #42897)
BUSINESS ADDRESS: 471 East Broad Street, Columbus, OH 43215. PHONE: (614) 225–8211. UNDERWRITING LIMITATION b/: $11,653,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Ohio.
American Southern Insurance Company
BUSINESS ADDRESS: 100 Galleria Pkwy, S.E. Suite 700, Atlanta, GA 30339. PHONE: (770) 916–1908. UNDERWRITING LIMITATION b/: $7,278,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Ohio.
BUSINESS ADDRESS: P O Box 723030, Atlanta, GA 31139–0030.
PHONE: (404) 266–9599.
UNDERWRITING LIMITATION b/:
$3,885,000. SURETY LICENSES
 c/f: AL, AZ, AR, CA, CO, CT,
 DE, DC, FL, GA, GU, HI, ID, IL, IN,
 IA, KS, KY, LA, ME, MD, MA, MI,
 MN, MS, MO, MT, NE, NV, NH, NJ,
 NM, NY, NC, ND, OH, OK, OR, PA,
 PR, RI, SC, SD, TN, TX, UT, VT,
 VA, WI, WV, WI, WY.
INCORPORATED IN: Kansas.
American States Insurance Company
(NAIC #19704)
BUSINESS ADDRESS: 500 North
Meridian Street, Indianapolis, IN 46204.
PHONE: (206) 545–5000.
UNDERWRITING LIMITATION b/:
$64,176,000. SURETY LICENSES
 c/f: AL, AK, AZ, AR, CA, CO, CT,
 DE, DC, FL, GA, HI, ID, IL, IN, IA,
 KS, KY, LA, ME, MD, MA, MI, MN,
 MS, MO, MT, NE, NV, NH, NJ, NM,
 NY, NC, ND, OH, OK, OR, PA, RI,
 SC, SD, TD, TN, TX, UT, VT, VA, WA,
 WV, WI, WY.
INCORPORATED IN: Indiana.

American Surety Company (NAIC #31380)
BUSINESS ADDRESS: 3905
Vincennes Road, Suite 200,
Indianapolis, IN 46268.
PHONE: (317) 875–8700.
UNDERWRITING LIMITATION b/:
$1,146,000.
SURETY LICENSES c/f: AL, AK,
AZ, CA, CO, CT, DE, DC, FL, GA,
HI, ID, IL, IN, IA, KS, LA, ME, MD,
MA, MI, MN, MO, MT, ME, NE, NV,
NH, NJ, NM, NY, ND, OH, OK, OR,
PA, RI, SC, SD, TD, TN, TX, UT,
VT, VA, WA, WV, WI.
INCORPORATED IN: Indiana.

Amerisure Mutual Insurance Company
(NAIC #23901)
BUSINESS ADDRESS: P. O. Box 2060,
Farmington Hills, MI 48333–2060.
PHONE: (248) 615–9000.
UNDERWRITING LIMITATION b/:
$62,036,000. SURETY LICENSES
 c/f: AL, AK, AZ, AR, CA, CO, CT,
 DE, DC, FL, GA, HI, ID, IL, IN, IA,
 KS, KY, LA, ME, MD, MA, MI, MN,
 MS, MO, MT, NE, NV, NH, NJ, NM,
 NY, NC, ND, OH, OK, OR, PA, PR,
 RI, SC, SD, TD, TN, TX, UT, VT,
 VA, WV, WI, WY.
INCORPORATED IN: Michigan.

Antilles Insurance Company (NAIC #10308)
BUSINESS ADDRESS: PO Box
9023507, San Juan, PR 00902–3507.
PHONE: (787) 474–4900.
UNDERWRITING LIMITATION b/:
$5,014,000. SURETY LICENSES
 c/f: PR. INCORPORATED IN:
Puerto Rico.

Arch Insurance Company (NAIC #11150)
BUSINESS ADDRESS: 300 Plaza
Three, Jersey City, NJ 07311–1107.
PHONE: (201) 743–4000.
UNDERWRITING LIMITATION b/:
$63,788,000. SURETY LICENSES
 c/f: AL, AK, AZ, AR, CA, CO, CT,
 DE, DC, FL, GA, GU, HI, ID, IL, IN,
 IA, KS, KY, LA, ME, MD, MA, MI,
 MN, MS, MO, MT, NE, NV, NH, NJ,
 NM, NY, NC, ND, OH, OK, OR, PA,
 PR, RI, SC, SD, TN, TX, UT, VT,
 VA, VI, WA, WV, WI, WY.
INCORPORATED IN: Missouri.

Arch Reinsurance Company (NAIC #10348)
BUSINESS ADDRESS: 360 Mt.
Kemble Avenue, P.O. Box 1988,
PHONE: (973) 898–9575.
UNDERWRITING LIMITATION b/:
$26,638,000. SURETY LICENSES
 c/f: AL, AK, AZ, AR, CA, CO, CT,
 DE, DC, FL, GA, HI, ID, IL, IN, IA,
 KS, KY, LA, MD, MA, MI, MN, MS,
 MO, MT, NE, NV, NH, NJ, NM, NY,
 ND, OH, OK, OR, PA, RI, SC, SD,
 TN, TX, UT, VT, VA, WA, WV.
INCORPORATED IN: Nebraska.

Argonaut Insurance Company (NAIC #19801)
BUSINESS ADDRESS: 10101
REUNION PLACE, SUITE 500, SAN
ANTONIO, TX 78216.
PHONE: (800) 470–7958.
UNDERWRITING LIMITATION b/:
$33,695,000.
SURETY LICENSES c/f: AL, AK,
AZ, AR, CA, CO, CT, DE, DC, FL,
GA, HI, ID, IL, IN, IA, KS, KY, LA,
ME, MD, MA, MI, MN, MS, MO,
MT, NE, NV, NH, NJ, NM, NY, NC,
ND, OH, OK, OR, PA, RI, SC, SD,
TN, TX, UT, VT, VA, VI, WA, WV,
WI, WY.
INCORPORATED IN: Illinois.

Associated Indemnity Corporation
(NAIC #21865)
BUSINESS ADDRESS: 777 San Marin
Drive, Novato, CA 94949.
UNDERWRITING LIMITATION b/:
$73,000. SURETY LICENSES
 c/f: AL, AK, AZ, AR, CA, CO, CT,
 DE, DC, FL, GA, HI, ID, IL, IN, IA,
 KS, KY, LA, ME, MD, MA, MI, MN,
 MS, MO, MT, NE, NV, NH, NJ, NM,
 NY, NC, ND, OH, OK, OR, PA, PR,
 RI, SC, SD, TN, TX, UT, VT, VA,
 WA, WV, WI, WY.
INCORPORATED IN: Florida.

Atlantic Bonding Company, Inc. (NAIC #41114)
BUSINESS ADDRESS: 1726
Reisterstown Rd, Ste 212,
Pikesville, MD 21208.
PHONE: (410) 484–3100.
UNDERWRITING LIMITATION b/:
$921,000.
SURETY LICENSES c/f: FL, MD.
INCORPORATED IN: Maryland.

Auto-Owners Insurance Company
(NAIC #18988)
BUSINESS ADDRESS: 360 Mt.
Kemble Avenue, P.O. Box 1988,
PHONE: (973) 898–9575.
UNDERWRITING LIMITATION b/:
$60,915,000. SURETY LICENSES
 c/f: AL, AK, AZ, AR, CA, CO, CT,
 DE, DC, FL, GA, HI, ID, IL, IN, IA,
 KS, KY, LA, ME, MD, MA, MI, MN,
 MS, MO, MT, NE, NV, NH, NJ, NM,
 NY, NC, ND, OH, OK, OR, PA, RI,
 SC, SD, TD, TN, TX, UT, VT, VA, WA,
 WV, WI, WY.
INCORPORATED IN: New York.

Bankers Insurance Company (NAIC #33162)
BUSINESS ADDRESS: P.O. BOX
15707, ST. PETERSBURG, FL
33733.
PHONE: (727) 823–4000.
UNDERWRITING LIMITATION b/:
$3,730,000. SURETY LICENSES
 c/f: AL, AK, AZ, AR, CA, CO, CT,
 DE, DC, FL, GA, HI, ID, IL, IN, IA,
 KS, KY, LA, ME, MD, MA, MI, MN,
 MS, MO, MT, NE, NV, NH, NJ, NM,
 NY, NC, ND, OH, OK, OR, PA, PR,
 RI, SC, SD, TD, TN, TX, UT, VT,
 VA, WA, WV, WI, WY.
INCORPORATED IN: Florida.

Beazley Insurance Company, Inc. (NAIC #37540)
BUSINESS ADDRESS: 30 Batterson
Park Road, Farmington, CT 06032.
PHONE: (860) 677–3700.
UNDERWRITING LIMITATION b/:
$11,584,000. SURETY LICENSES
 c/f: AL, AK, AZ, AR, CA, CO, CT,
 DE, DC, FL, GA, HI, ID, IL, IN, IA,
 KS, KY, LA, ME, MD, MA, MI, MN,
 MS, MO, MT, NE, NV, NH, NM, NC,
 ND, OH, OK, OR, PA, SC, SD, TD,
 TX, UT, VT, VA, WA, WV, WV, WI.
INCORPORATED IN: Connecticut.

Berkeley Insurance Company (NAIC #32602)
BUSINESS ADDRESS: 475
STEAMBOAT ROAD,

GREENWICH, CT 06830. PHONE: (203) 542–3800. UNDERWRITING LIMITATION b/: $171,326,000.
SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, WA, VA, WV, WI, WY. INCORPORATED IN: Delaware.

Berkley Regional Insurance Company
(NAIC #29580)
BUSINESS ADDRESS: 11201 Douglas Avenue, Urbandale, IA 50322.
PHONE: (203) 629–3000.
UNDERWRITING LIMITATION b/: $64,994,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, WA, VA, WV, WI, WY. INCORPORATED IN: Delaware.

BITUMINOUS CASUALTY CORPORATION (NAIC #20009)
BUSINESS ADDRESS: 320–18TH STREET, ROCK ISLAND, IL 61201–8744. PHONE: (309) 786–5401. UNDERWRITING LIMITATION b/: $25,104,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, WA, VA, WV, WI, WY. INCORPORATED IN: Wisconsin.

Capitol Preferred Insurance Company, Inc. (NAIC #10908)
BUSINESS ADDRESS: 2255 Killeen Center Boulevard, Tallahassee, FL 32309. PHONE: (850) 521–0742. UNDERWRITING LIMITATION b/: $1,152,000. SURETY LICENSES c,f/: FL, GA, SC. INCORPORATED IN: Florida.

Carolina Casualty Insurance Company (NAIC #10510)
BUSINESS ADDRESS: P. O. BOX 2575, JACKSONVILLE, FL 32203–2575. PHONE: (904) 363–0900. UNDERWRITING LIMITATION b/: $19,487,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, WA, VA, WV, WI, WY. INCORPORATED IN: Illinois.

BOND SAFETY INSURANCE COMPANY (NAIC #27081)
BUSINESS ADDRESS: 10002 Shelbyville Road, Suite 100, Louisville, KY 40223. PHONE: (502) 253–6500. UNDERWRITING LIMITATION b/: $2,362,000. SURETY LICENSES c,f/: AL, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, KS, KY, LA, ME, MD, MA, MN, MS, MO, MP, MT, NV, NH, NJ, NM, NC, ND, OH, OK, RI, SC, SD, TN, TX, UT, VT, WA, VA, WV, WI. INCORPORATED IN: Iowa.

Central Casualty Insurance Company (NAIC #34568)
BUSINESS ADDRESS: 2200 Woodcrest Place, Suite 200, Birmingham, AL 35209. PHONE: (205) 877–4500. UNDERWRITING LIMITATION b/: $4,309,000. SURETY LICENSES c,f/: AL. INCORPORATED IN: Alabama.

Cherokee Insurance Company (NAIC #10642)
BUSINESS ADDRESS: 34200 Mound Road, Sterling Heights, MI 48310. PHONE: (800) 201–0450. UNDERWRITING LIMITATION b/: $10,016,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VA, WA, WV, WI, WY. INCORPORATED IN: Michigan.

Chrysler Insurance Company (NAIC #10499)
BUSINESS ADDRESS: CIMS:405–26–10, P.O. Box 9217, Farmington Hills, MI 48333–9217. PHONE: (800) 782–9164. UNDERWRITING LIMITATION b/: $12,969,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, WA, VA, WV, WI, WY. INCORPORATED IN: Michigan.

CHUBB INDEMNITY INSURANCE COMPANY (NAIC #12777)
BUSINESS ADDRESS: 15 Mountain View Road, Warren, NJ 07059. PHONE: (212) 612–4000. UNDERWRITING LIMITATION b/: $8,335,000. SURETY LICENSES c,f/: AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: New York.

Cincinnati Casualty Company (The) (NAIC #28665)
BUSINESS ADDRESS: P.O. Box 145496, Cincinnati, OH 45230–5496. PHONE: (513) 870–2000. UNDERWRITING LIMITATION b/: $25,391,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WV, WI, WY. INCORPORATED IN: Ohio.

CENTURY SURFACE COMPANY (NAIC #39857)
BUSINESS ADDRESS: 465 Cleveland Avenue, Westerville, OH 43082. PHONE: (614) 895–2000. UNDERWRITING LIMITATION b/: $115,722,000. SURETY LICENSES c,f/: AZ, IN, OH, WV, WI. INCORPORATED IN: Ohio.
$339,388,000. SURETY LICENSES c./f.: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.

INTEGRATED IN: Ohio.

CITIZENS INSURANCE COMPANY OF AMERICA (NAIC #31534)

BUSINESS ADDRESS: 645 W. GRAND STREET, MURFREESBORO, TN 37130. PHONE: (615) 983–3211. UNDERWRITING LIMITATION b/:

SURETY LICENSES c./f.: AL, GA, IL, IN, KS, ME, MA, MI, MN, MO, MT, NE, NV, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WY.

INTEGRATED IN: Tennessee.

Clearwater Insurance Company (NAIC #38196)

BUSINESS ADDRESS: 50 Chestnut Hill Avenue, Boston, MA 02135. PHONE: (800) 529–8073. UNDERWRITING LIMITATION b/:

SURETY LICENSES c./f.: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.

INTEGRATED IN: Massachusetts, Missouri, Pennsylvania, Tennessee, Texas, Wisconsin.

COMPANION PROPERTY AND CASUALTY INSURANCE COMPANY (NAIC #12157)

BUSINESS ADDRESS: 100165, Columbia, SC 29202. PHONE: (803) 735–0672. UNDERWRITING LIMITATION b/:

SURETY LICENSES c./f.: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.

INTEGRATED IN: South Carolina.

Continental Casualty Company (NAIC #20443)

BUSINESS ADDRESS: 333 S. WABASH AVE, CHICAGO, IL 60604. PHONE: (312) 822–5000. UNDERWRITING LIMITATION b/:

SURETY LICENSES c./f.: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WI, WA.

INTEGRATED IN: Illinois.

Continental Heritage Insurance Company (NAIC #39551)

BUSINESS ADDRESS: 6140 PARKLAND BLVD, STE 321, MAYFIELD HEIGHTS, OH 44124. PHONE: (440) 229–3420. UNDERWRITING LIMITATION b/:

SURETY LICENSES c./f.: AZ, CA, FL, GA, ID, IL, IN, IA, LA, MD, MN, MS, NV, OH, OK, PA, SC, TN, TX, UT, VA, WY.

INTEGRATED IN: Florida, Idaho, Illinois, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Utah.

CUMBERLAND INSURANCE SOCIETY, INC. (NAIC #310847)

BUSINESS ADDRESS: P.O. Box 1084, Madison, WI 53701. PHONE: (608) 238–5851. UNDERWRITING LIMITATION b/:

SURETY LICENSES c./f.: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.

INTEGRATED IN: Iowa.

Developers Surety and Indemnity Company (NAIC #12718)

BUSINESS ADDRESS: P.O. BOX 19725, IRVINE, CA 92623–9725. PHONE: (949) 263–3300. UNDERWRITING LIMITATION b/:

SURETY LICENSES c./f.: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.


Employers Liability Casualty Insurance Company (NAIC #10738)

BUSINESS ADDRESS: 59 Chestnut Ridge Road, Montvale, NJ 07645. PHONE: (201) 573–8788. UNDERWRITING LIMITATION b/:

SURETY LICENSES c./f.: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, WA, WV, WI, WY.

INTEGRATED IN: Pennsylvania.

Employers Office Casualty and Surety Company (NAIC #10502)

BUSINESS ADDRESS: P.O. BOX 9271, SEATTLE, WA 98109–0271. PHONE: (206) 628–7200. UNDERWRITING LIMITATION b/:

SURETY LICENSES c./f.: AL, AK, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.

INTEGRATED IN: Washington, Cooperative of Seguros Multiples de Puerto Rico (NAIC #18163)

BUSINESS ADDRESS: P.O. BOX 363846, SAN JUAN, PR 00936–3846. PHONE: (787) 622–3575 x-2512. UNDERWRITING LIMITATION b/:

SURETY LICENSES c./f.: FL, PR.

INTEGRATED IN: Puerto Rico.

Employers Mutual Casualty Company (NAIC #10847)

BUSINESS ADDRESS: P.O. Box 1084, Madison, WI 53701. PHONE: (608) 238–5851. UNDERWRITING LIMITATION b/:

SURETY LICENSES c./f.: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.

INTEGRATED IN: Iowa.

Employers Insurance Company of Wausau (NAIC #21458)

BUSINESS ADDRESS: 2000 Westwood Drive, Wausau, WI 54401. PHONE: (715) 845–5211. UNDERWRITING LIMITATION b/:

SURETY LICENSES c./f.: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.

INTEGRATED IN: Wisconsin.

Empire Casualty and Surety Company (NAIC #37206)

BUSINESS ADDRESS: P.O. BOX 9271, SEATTLE, WA 98109–0271. PHONE: (206) 628–7200. UNDERWRITING LIMITATION b/:

SURETY LICENSES c./f.: AL, AK, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.

INTEGRATED IN: Pennsylvania.

Furness & London Casualty Insurance Company (NAIC #37206)

BUSINESS ADDRESS: P.O. BOX 363846, SAN JUAN, PR 00936–3846. PHONE: (787) 622–3575 x-2512. UNDERWRITING LIMITATION b/:

SURETY LICENSES c./f.: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.

INTEGRATED IN: Puerto Rico.
SC, SD, TN, TX, UT, VT, WA, WV, WI, WY. INCORPORATED IN: Iowa.

Endurance Reinsurance Corporation of America (NAIC #11551)
BUSINESS ADDRESS: 333 Westchester Avenue, White Plains, NY 10604. PHONE: (914) 468–8000. UNDERWRITING LIMITATION b/: $60,802,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, DE, DC, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, WA, WV, WI, WY. INCORPORATED IN: Delaware.

Explorer Insurance Company (NAIC #40029)
BUSINESS ADDRESS: P.O. BOX 85563, SAN DIEGO, CA 92186–5563. PHONE: (858) 350–2400 x-2550. UNDERWRITING LIMITATION b/: $4,110,000. SURETY LICENSES c,f/: AZ, CA, CO, HI, ID, IL, IN, IA, MT, NV, NM, OR, PA, TX, UT, WA.

FARMERS ALLIANCE MUTUAL INSURANCE COMPANY (NAIC #19194)
BUSINESS ADDRESS: 1122 North Main Street, McPherson, KS 67460. PHONE: (620) 241–2200. UNDERWRITING LIMITATION b/: $154,563,000. SURETY LICENSES c,f/: AZ, CO, ID, IN, IA, KS, MI, MN, MO, MT, NE, NV, NH, NJ, NM, OK, SD, TX. INCORPORATED IN: Kansas.

FARMINGTON CASUALTY COMPANY (NAIC #14883)
BUSINESS ADDRESS: ONE TOWER SQUARE, HARTFORD, CT 06183. PHONE: (860) 277–0111. UNDERWRITING LIMITATION b/: $27,170,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Connecticut.

FARMINGTON NATIONAL INSURANCE COMPANY (NAIC #13838)
BUSINESS ADDRESS: ONE WEST NATIONWIDE BLVD., DSPF–76, COLUMBUS, OH 43215–2220. PHONE: (515) 508–3300. UNDERWRITING LIMITATION b/: $15,175,000. SURETY LICENSES c,f/: AL, AZ, AR, CA, CO, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, WA, WV, WI, WY. INCORPORATED IN: Ohio.

FEDERATED MUTUAL INSURANCE COMPANY (NAIC #13935)
BUSINESS ADDRESS: 121 EAST PARK SQUARE, OWATONNA, MN 55060. PHONE: (507) 455–5200. UNDERWRITING LIMITATION b/: $201,777,000. SURETY LICENSES c,f/: AL, AZ, AR, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Minnesota.

Fidelity and Deposit Company of Maryland (NAIC #39306)
BUSINESS ADDRESS: 1400 AMERICAN LANE, TOWER 1, 19TH FLOOR, SCHAUMBURG, IL 60196–1056. PHONE: (847) 605–6000. UNDERWRITING LIMITATION b/: $16,093,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, UT, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Maryland.

FIDELITY AND GUARANTY INSURANCE COMPANY (NAIC #35386)
BUSINESS ADDRESS: 385 Washington Street, St. Paul, MN 55102. PHONE: (651) 310–7911. UNDERWRITING LIMITATION b/: $1,933,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Iowa.

Fidelity and Guaranty Insurance Underwriters, Inc. (NAIC #25879)
BUSINESS ADDRESS: 15 Mountain View Road, Warren, NJ 07059. PHONE: (908) 903–2000. UNDERWRITING LIMITATION b/: $3,151,625,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WI, WA, WV, WI, WY. INCORPORATED IN: Indiana.

FEDERATED MUTUAL INSURANCE COMPANY (NAIC #13935)
BUSINESS ADDRESS: 121 EAST PARK SQUARE, OWATONNA, MN 55060. PHONE: (507) 455–5200. UNDERWRITING LIMITATION b/: $201,777,000. SURETY LICENSES c,f/: AL, AZ, AR, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Minnesota.

Fidelity and Deposit Company of Maryland (NAIC #39306)
BUSINESS ADDRESS: 1400 AMERICAN LANE, TOWER 1, 19TH FLOOR, SCHAUMBURG, IL 60196–1056. PHONE: (847) 605–6000. UNDERWRITING LIMITATION b/: $16,093,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Maryland.

FIDELITY AND GUARANTY INSURANCE COMPANY (NAIC #35386)
BUSINESS ADDRESS: 385 Washington Street, St. Paul, MN 55102. PHONE: (651) 310–7911. UNDERWRITING LIMITATION b/: $1,933,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Iowa.

Fidelity and Guaranty Insurance Underwriters, Inc. (NAIC #25879)
BUSINESS ADDRESS: 15 Mountain View Road, Warren, NJ 07059. PHONE: (908) 903–2000. UNDERWRITING LIMITATION b/: $3,151,625,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NH, NJ, NM,
NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Wisconsin.

Fidelity National Property and Casualty Insurance Company (NAIC #16578)
BUSINESS ADDRESS: P.O. Box 45126, Jacksonville, FL 32232–5126. PHONE: (800) 849–6140.
UNDERWRITING LIMITATION b/: $9,297,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: New York.

Financial Casualty & Surety, Inc. (NAIC #35009)
BUSINESS ADDRESS: 3131 Eastside, Suite 600, Houston, TX 77098.
PHONE: (877) 737–2245.
UNDERWRITING LIMITATION b/: $1,079,000. SURETY LICENSES c,f/: AZ, CA, CT, DE, FL, ID, IN, IA, KS, LA, MD, MI, MN, MS, MT, NV, NJ, NY, NC, ND, OH, PA, SC, SD, TN, TX, UT, VT, WA, WY. INCORPORATED IN: Texas.

Financial Pacific Insurance Company (NAIC #31453)
BUSINESS ADDRESS: P.O. Box 292220, Sacramento, CA 95829–2220.
PHONE: (916) 630–5000.
UNDERWRITING LIMITATION b/: $7,190,000. SURETY LICENSES c,f/: AK, AZ, AR, CA, CO, ID, KS, MO, MT, NE, NV, NM, ND, OK, OR, SD, UT, WA, WI. INCORPORATED IN: California.

Fireman’s Fund Insurance Company (NAIC #21873)
BUSINESS ADDRESS: 777 San Marin Drive, Novato, CA 94949.
UNDERWRITING LIMITATION b/: $296,531,000.
SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WI, WA, WV, WI, WY. INCORPORATED IN: California.

First Founders Assurance Company (NAIC #12150)
BUSINESS ADDRESS: 6 Mill Ridge Lane, Chester, NJ 07930–2486.
PHONE: (908) 879–0990.
UNDERWRITING LIMITATION b/: $261,000. SURETY LICENSES c,f/: NJ. INCORPORATED IN: New Jersey.

First Insurance Company of Hawaii, Ltd. (NAIC #28519)
BUSINESS ADDRESS: P.O. Box 2866, Honolulu, HI 96825.
PHONE: (808) 527–7777.
UNDERWRITING LIMITATION b/: $21,225,000. SURETY LICENSES c,f/: GU, HI. INCORPORATED IN: Hawaii.

First Liberty Insurance Corporation (The) (NAIC #33588)
BUSINESS ADDRESS: 2815 Forbs Avenue, Suite 200, Hoffman Estates, IL 60192.
PHONE: (617) 357–9500.
UNDERWRITING LIMITATION b/: $21,779,000.
SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Illinois.

First National Insurance Company of America (NAIC #24724)
BUSINESS ADDRESS: 1001 Fourth Avenue, Safeco Plaza, Seattle, WA 98154.
PHONE: (206) 545–5000.
UNDERWRITING LIMITATION b/: $986,077,000.
SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Washington.

First Net Insurance Company (NAIC #31453)
BUSINESS ADDRESS: 175 WATER STREET, 18TH FLOOR, NEW YORK, NY 10038.
PHONE: (212) 477–8613.
UNDERWRITING LIMITATION b/: $796,000. SURETY LICENSES c,f/: GU, MP. INCORPORATED IN: Guam.

First Sealdor Surety, Inc. (NAIC #28519)
BUSINESS ADDRESS: P.O. Box 900, Villanova, PA 19085.
PHONE: (610) 664–2259.
UNDERWRITING LIMITATION b/: $1,103,000.
SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MS, MO, NE, NV, NJ, NY, NC, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WI, WA, WV, WI, WY. INCORPORATED IN: Pennsylvania.

First Underwriters Insurance Company (NAIC #24414)
BUSINESS ADDRESS: One General Estates, IL 60192.
PHONE: (617) 357–9500.
UNDERWRITING LIMITATION b/: $42,431,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VA, WA, WV, WI, WY.

General Casualty Company Of Wisconsin (NAIC #24414)
BUSINESS ADDRESS: One General Drive, Sun Prairie, WI 53596–0001.
PHONE: (608) 837–4440.
UNDERWRITING LIMITATION b/: $1,421,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Wisconsin.

General Reinsurance Corporation (NAIC #26310)
BUSINESS ADDRESS: 14001 Quailbrook Drive, Oklahoma City, OK 73134.
PHONE: (405) 752–2600.
UNDERWRITING LIMITATION b/: $3,607,000.
SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, WA, WI, WV, WI, WY. INCORPORATED IN: Delaware.

Granite State Insurance Company (NAIC #23809)
BUSINESS ADDRESS: 120 LONG RIDGE ROAD, STAMFORD, CT 06902–1843.
PHONE: (203) 328–5000.
UNDERWRITING LIMITATION b/: $988,983,000.
SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SD, TN, TX, UT, VT, VA, WI, WA, WV, WI, WY. INCORPORATED IN: Oklahoma.

Granite State Insurance Company (NAIC #23809)
BUSINESS ADDRESS: 38198 Federal Register / Vol. 75, No. 126 / Thursday, July 1, 2010 / Notices
GRAY INSURANCE COMPANY (THE) (NAIC #36307)
BUSINESS ADDRESS: P.O. BOX 6202, METAIRIE, LA 70009–6202.
PHONE: (504) 888–7790.
UNDERWRITING LIMITATION b/: $9,895,000.
SURETY LICENSES c,f/: AL, AK, AR, AZ, CA, CO, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Indiana.
Great American Insurance Company (NAIC #26832)
BUSINESS ADDRESS: 702 OBERLIN AVENUE, EAST PALATKA, FL 32131–0002.
UNDERWRITING LIMITATION b/: $2,809,000.
SURETY LICENSES c,f/: AL, AK, AR, AZ, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Ohio.
Great American Insurance Company (NAIC #16691)
BUSINESS ADDRESS: 580 Walnut Street, Cincinnati, OH 45202.
PHONE: (513) 369–5000.
UNDERWRITING LIMITATION b/: $143,307,000.
SURETY LICENSES c,f/: AL, AK, AR, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Ohio.
GREAT AMERICAN INSURANCE COMPANY OF NEW YORK (NAIC #22136)
BUSINESS ADDRESS: 580 Walnut Street, Cincinnati, OH 45202.
PHONE: (513) 369–5000.
UNDERWRITING LIMITATION b/: $6,022,000.
SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: New York.
Great Northern Insurance Company (NAIC #20303)
BUSINESS ADDRESS: 15 Mountain View Road, Warren, NJ 07059.
UNDERWRITING LIMITATION b/: $3,451,000.
SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Illinois.
Harleysville Mutual Insurance Company (NAIC #14168)
BUSINESS ADDRESS: 355 Maple Avenue, Harleysville, PA 19438–2297.
PHONE: (215) 245–5000.
UNDERWRITING LIMITATION b/: $75,468,000.
SURETY LICENSES c,f/: AL, AR, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Pennsylvania.
Harleysville Worcester Insurance Company (NAIC #26182)
BUSINESS ADDRESS: 355 Maple Avenue, Harleysville, PA 19438–2297.
PHONE: (215) 256–5000.
UNDERWRITING LIMITATION b/: $13,700,000.
SURETY LICENSES c,f/: AL, AR, CT, DE, DC, GA, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI.
INCORPORATED IN: Connecticut.
Harford Accident and Indemnity Company (NAIC #22357)
BUSINESS ADDRESS: One Hartford Plaza, Hartford, CT 06155–0001.
PHONE: (860) 547–5000.
UNDERWRITING LIMITATION b/: $195,678,000.
SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: New Hampshire.
Harco National Insurance Company (NAIC #26433)
BUSINESS ADDRESS: 702 OBERLIN ROAD, RALEIGH, NC 27605–0800.
PHONE: (919) 321–4800.
UNDERWRITING LIMITATION b/: $14,302,000.
SURETY LICENSES c,f,: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: New Hampshire.
IMT Insurance Company (NAIC #38288)
BUSINESS ADDRESS: One Hartford Plaza, Hartford, CT 06155–0001.
PHONE: (860) 547–5000.
UNDERWRITING LIMITATION b/: $134,756,000. SURETY LICENSES c,f,: CT, HI, IL, MI, NY, PA.
INCORPORATED IN: Illinois.
Hartford Insurance Company of the Midwest (NAIC #37478)
BUSINESS ADDRESS: One Hartford Plaza, Hartford, CT 06155–0001.
PHONE: (860) 547–5000.
UNDERWRITING LIMITATION b/: $2,314,000. SURETY LICENSES c,f,: TX.
INCORPORATED IN: Indiana.
Hartford Insurance Company of the Southeast (NAIC #38261)
BUSINESS ADDRESS: One Hartford Plaza, Hartford, CT 06155–0001.
PHONE: (860) 547–5000.
UNDERWRITING LIMITATION b/: $198,065,000. SURETY LICENSES c,f,: AL, AZ, AR, CA, CO, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Connecticut.
Hudson Insurance Company (NAIC #25054)
BUSINESS ADDRESS: 17 State Street, 29th Floor, New York, NY 10004.
PHONE: (212) 978–2800.
UNDERWRITING LIMITATION b/: $22,707,000. SURETY LICENSES c,f,: AL, AK, AZ, AR, CA, CO, DE, DC, GA, HI, ID, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Delaware.
IMT Insurance Company (NAIC #14257)
BUSINESS ADDRESS: P.O. Box 1336, Des Moines, IA 50306–1336.
PHONE: (515) 327–2777.
UNDERWRITING LIMITATION b/: $11,345,000. SURETY LICENSES c,f,: IL, IA, MO, NE, SD, WI.
INCORPORATED IN: Iowa.
Indemnity National Insurance Company (NAIC #18468)
BUSINESS ADDRESS: 4800 Old Kingston Pike, Knoxville, TN 37919.
PHONE: (865) 934–4360.
UNDERWRITING LIMITATION b/: $1,185,000. SURETY LICENSES c,f,: AZ, AR, CA, CO, DC, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MI, MN, MS, NV, NM, OK, SC, TN, TX, UT.
INCORPORATED IN: Mississippi.
Independence Casualty and Surety Company (NAIC #10024)
BUSINESS ADDRESS: P.O. BOX 85563, SAN DIEGO, CA 92186–5563.
PHONE: (858) 350–2400.
UNDERWRITING LIMITATION b/: $2,314,000. SURETY LICENSES c,f,: TX.
INCORPORATED IN: Texas.
Indiana Lumbermens Mutual Insurance Company (NAIC #14265)
BUSINESS ADDRESS: 3600 Woodview Trace, Indianapolis, IN 46268.
PHONE: (800) 426–1441.
UNDERWRITING LIMITATION b/: $3,967,000. SURETY LICENSES c,f,: AL, AK, AR, CA, CO, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MI, MN, MS, MO, MT, NE, NV, NH, NM, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Indiana.
Inland Insurance Company (NAIC #23264)
BUSINESS ADDRESS: P.O. Box 80468, Lincoln, NE 68501.
PHONE: (402) 435–4302.
UNDERWRITING LIMITATION b/: $12,923,000. SURETY LICENSES c,f,: AZ, CO, IA, KS, MO, MT, NE, ND, OK, SD, WI.
INCORPORATED IN: Nebraska.
Insurance Company of the State of Pennsylvania (The) (NAIC #19429)
BUSINESS ADDRESS: 175 WATER STREET, 18TH FLOOR, NEW YORK, NY 10038.
PHONE: (212) 770–7000.
UNDERWRITING LIMITATION b/: $198,065,000. SURETY LICENSES c,f,: AL, AK, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Pennsylvania.
Insurance Company of the West (NAIC #27847)
BUSINESS ADDRESS: P.O. BOX 85563, SAN DIEGO, CA 92186–5563.
PHONE: (858) 350–2400.
UNDERWRITING LIMITATION b/: $26,471,000. SURETY LICENSES c,f,: AL, AK, AR, CA, CO, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MI, MN, MS, NV, NM, OK, SC, TN, TX, UT.
INCORPORATED IN: California.
Insurers Indemnity Company (NAIC #43273)
BUSINESS ADDRESS: P.O. Box 2683, Waco, TX 76702–2683.
PHONE: (254) 759–3703 x-3727.
UNDERWRITING LIMITATION b/: $916,000. SURETY LICENSES c,f,: NM, OK, TX.
INCORPORATED IN: Texas.
INTEGRAND ASSURANCE COMPANY (NAIC #26778)
BUSINESS ADDRESS: PO Box 70128, San Juan, PR 00936–8128.
PHONE: (787) 781–0707 x-200.
UNDERWRITING LIMITATION b/: $6,580,000. SURETY LICENSES c,f,: PR, VI.
INCORPORATED IN: Puerto Rico.
International Fidelity Insurance Company (NAIC #11592)
BUSINESS ADDRESS: One Newark Center, Newark, NJ 07102–5207.
PHONE: (973) 624–7200.
UNDERWRITING LIMITATION b/: $7,393,000. SURETY LICENSES c,f,: AL, AK, AS, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MI, MN, MS, MO, MT, NE, NV, NH, NM, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: New Jersey.
ISLAND INSURANCE COMPANY, LIMITED (NAIC #22845)
BUSINESS ADDRESS: P.O. Box 1520, Honolulu, HI 96806–1520.
PHONE: (808) 564–8200.
UNDERWRITING LIMITATION b/: $13,043,000. SURETY LICENSES c,f,: HI.
INCORPORATED IN: Hawaii.
Kansas Bankers Surety Company (The) (NAIC #19562)
BUSINESS ADDRESS: P. O. Box 1654, Topeka, KS 66601.
PHONE: (785) 228–0000.
UNDERWRITING LIMITATION b/: $3,967,000. SURETY LICENSES c,f,: AZ, AR, CO, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Kansas.
LEXINGTON NATIONAL INSURANCE CORPORATION (NAIC #37940)
BUSINESS ADDRESS: 200 East Lexington Street, Suite 501, Baltimore, MD 21202.
PHONE: (410) 625–0800.
UNDERWRITING LIMITATION b/: $1,755,000. SURETY LICENSES c,f,: AL, AK, AR, CA, CO, DC, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: California.
Lexon Insurance Company (NAIC #13307)
BUSINESS ADDRESS: 10002 Shelbyville Rd, Suite 100, Louisville, KY 40223. PHONE: (502) 253-6500. UNDERWRITING LIMITATION b/: $9,233,000. SURETY LICENSES c,f/: AL, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NJ, NM, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VA, WI, WA, WV, WI, WY. INCORPORATED IN: Maryland.

Liberty Insurance Corporation (NAIC #24204)
BUSINESS ADDRESS: 2815 Forbs Avenue, Suite 200, Hoffman Estates, IL 60192. PHONE: (617) 357–9500. UNDERWRITING LIMITATION b/: $2,150,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WI. INCORPORATED IN: Wisconsin.

Liberty Mutual Insurance Company (NAIC #23035)
BUSINESS ADDRESS: 2000 Westwood Drive, Wausau, WI 54401. PHONE: (617) 357–9500. UNDERWRITING LIMITATION b/: $83,320,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Wisconsin.

Liberty Mutual Fire Insurance Company (NAIC #23043)
BUSINESS ADDRESS: 175 Berkeley Street, Boston, MA 02116. PHONE: (617) 357–9500. UNDERWRITING LIMITATION b/: $599,722,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WI, WA, WV, WI, WY. INCORPORATED IN: Massachusetts.

LM Insurance Corporation (NAIC #33600)
BUSINESS ADDRESS: 2815 Forbs Avenue, Suite 200, Hoffman Estates, IL 60192. PHONE: (617) 357–9500. UNDERWRITING LIMITATION b/: $2,150,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WI, WA, WV, WI, WY. INCORPORATED IN: Illinois.

Lyndon Property Insurance Company (NAIC #14676)
BUSINESS ADDRESS: 14755 North Outer Forty Rd., Suite 400, St. Louis, MO 63017. PHONE: (636) 536-5600. UNDERWRITING LIMITATION b/: $16,806,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Missouri.

Manufacturers Alliance Insurance Company (NAIC #36897)
BUSINESS ADDRESS: P.O. Box 3031, Blue Bell, PA 19422–0754. PHONE: (610) 397–5000. UNDERWRITING LIMITATION b/: $7,561,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CO, CT, DE, DC, ID, IN, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Pennsylvania.

MARBEL INSURANCE COMPANY
(NAIC #38907)
BUSINESS ADDRESS: 4521 Highwoods Parkway, Glen Allen, VA 23060. PHONE: (800) 431–1270. UNDERWRITING LIMITATION b/: $17,657,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CO, CT, DE, DC, ID, IN, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, OH, PA, RI, SC, SD, TN, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Illinois.

Motorists Bonding Company (Mutual) (NAIC #14494)
BUSINESS ADDRESS: 2100 Fleur Drive, Des Moines, IA 50321–1158. PHONE: (515) 243–8171. UNDERWRITING LIMITATION b/: $5,672,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Massachusetts.

Michigan Millers Mutual Insurance Company (NAIC #14508)
BUSINESS ADDRESS: P.O. Box 30060, Lansing, MI 48909–7560. PHONE: (517) 482–6211 x-765. UNDERWRITING LIMITATION b/: $8,081,000. SURETY LICENSES c,f/: AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, MI, MN, MO, MT, NE, NV, NM, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WI, WY. INCORPORATED IN: Michigan.

Mid-Continent Casualty Company (NAIC #21687)
BUSINESS ADDRESS: P.O. Box 2478 Terminal Annex, Los Angeles, CA 90051. PHONE: (323) 932–3200. UNDERWRITING LIMITATION b/: $77,768,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CO, FL, GA, ID, IL, IN, IA, KS, KY, MI, MN, MS, MO, MT, NE, NV, NM, NC, ND, OH, OK, OR, PA, SD, TN, TX, UT, VT, VA, WA, WI, WY. INCORPORATED IN: California.

Minnesota Surety and Trust Company (NAIC #30906)
BUSINESS ADDRESS: 107 West Oakland Avenue, Austin, MN 55912. PHONE: (507) 437–3231. UNDERWRITING LIMITATION b/: $152,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, MT, NE, NM, NC, ND, OH, OK, OR, SC, SD, TN, TX, UT, VT, VA, WA, WI, WY. INCORPORATED IN: Ohio.

MID-CONTINENT INSURANCE COMPANY
(NAIC #23418)
BUSINESS ADDRESS: P.O. Box 1409, Tulsa, OK 74101. PHONE: (918) 587–7221. UNDERWRITING LIMITATION b/: $21,829,000. SURETY LICENSES c,f/: AL, AZ, AR, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NM, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Nevada.

MID-CONTINENT INSURANCE COMPANY
(NAIC #30906)
BUSINESS ADDRESS: 440 LINCOLN STREET, WORCESTER, MA 01653–0002. PHONE: (508) 853–7200 x-4476. UNDERWRITING LIMITATION b/: $4,641,000. SURETY LICENSES c,f/: AL, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NY, NC, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA. WA, WV, WI, WY. INCORPORATED IN: New Hampshire.
INTEGRATED IN: Ohio.

Motors Insurance Corporation (NAIC #22012)

BUSINESS ADDRESS: 300 GALLERIA OFFICENTRE, SOUTHFIELD, MI 48034. PHONE: (248) 263–6900.

UNDERWRITING LIMITATION b/: $190,825,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.

INCORPORATED IN: Colorado.

National Fire Insurance Company of Hartford (NAIC #20478)

BUSINESS ADDRESS: 333 S. WABASH AVE, CHICAGO, IL 60604. PHONE: (312) 822–5000.

UNDERWRITING LIMITATION b/: $10,692,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.

INCORPORATED IN: Illinois.

National Indemnity Company (NAIC #20141)

BUSINESS ADDRESS: 3024 Harney Street, Omaha, NE 68131–3580. PHONE: (402) 916–3000.

UNDERWRITING LIMITATION b/: $3,843,550,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NM, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.

INCORPORATED IN: Nebraska.

National Surety Corporation (NAIC #24732)

BUSINESS ADDRESS: 777 San Marin Drive, Novato, CA 94949. PHONE: (415) 889–8900.

UNDERWRITING LIMITATION b/: $3,135,000. SURETY LICENSES c,f/: AZ, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.

INCORPORATED IN: Illinois.

NATIONAL TRUST INSURANCE COMPANY (NAIC #20141)

BUSINESS ADDRESS: 6300 University Parkway, Sarasota, FL 34240. PHONE: (813) 226–2322 x-2726.

UNDERWRITING LIMITATION b/: $3,135,000. SURETY LICENSES c,f/: AZ, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NC, OK, SC, TN.

INCORPORATED IN: Tennessee.

National Union Fire Insurance Company of Pittsburgh, PA (NAIC #19445)

BUSINESS ADDRESS: 175 WATER STREET, 18TH FLOOR, NEW YORK, NY 10038. PHONE: (212) 770–7000. UNDERWRITING LIMITATION b/: $1,271,526,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.

INCORPORATED IN: Pennsylvania.

NATIONS BONDING COMPANY (NAIC #11058)

BUSINESS ADDRESS: 2100 Fleur Drive, Des Moines, IA 50321–1158. PHONE: (515) 243–8171.

UNDERWRITING LIMITATION b/: $346,000. SURETY LICENSES c,f/: PA, TX.

INCORPORATED IN: Texas.

Nationwide Mutual Insurance Company (NAIC #23787)


UNDERWRITING LIMITATION b/: $686,784,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NM, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WV, WI, WY.

INCORPORATED IN: Ohio.

NAVIGATORS INSURANCE COMPANY (NAIC #42307)

BUSINESS ADDRESS: 6 International Drive, Rye Brook, NY 10573. PHONE: (914) 344–8990.

UNDERWRITING LIMITATION b/: $64,582,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NM, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.

INCORPORATED IN: New York.

New Hampshire Insurance Company (NAIC #23841)

BUSINESS ADDRESS: 175 WATER STREET, 18TH FLOOR, NEW YORK, NY 10038. PHONE: (212) 770–7000. UNDERWRITING LIMITATION b/: $139,685,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.

INCORPORATED IN: Pennsylvania.

NGM Insurance Company (NAIC #14788)

BUSINESS ADDRESS: 55 WEST YORKE, NY 10038. PHONE: (212) 770–7000. UNDERWRITING LIMITATION b/: $1,271,526,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.

INCORPORATED IN: Pennsylvania.
Ohio Farmers Insurance Company

NORTHWESTERN PACIFIC
BUSINESS ADDRESS: 650 ELM STREET, MANCHESTER, NH 03101. PHONE: (603) 644–6600.
UNDERWRITING LIMITATION b/: $25,648,000.
SURETY LICENSES c,f/: AL, AZ, AR, CA, CO, CT, DE, DC, FL, GA, ID, IN, IA, KY, LA, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: New Hampshire.

NORTH AMERICAN SPECIALTY INSURANCE COMPANY (NAIC #20087)
BUSINESS ADDRESS: 650 ELM STREET, MANCHESTER, NH 03101. PHONE: (603) 644–6600.
UNDERWRITING LIMITATION b/: $25,648,000.
SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, ID, IN, IA, KY, LA, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: New Hampshire.

One Beacon America Insurance Company (NAIC #20621)
BUSINESS ADDRESS: One Beacon Lane, Canton, MA 02021–1030. PHONE: (781) 332–7000.
UNDERWRITING LIMITATION b/: $32,680,000.
SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Massachusetts.

Old Republic Surety Company (NAIC #40444)
BUSINESS ADDRESS: P.O. BOX 1635, MILWAUKEE, WI 53201–1635. PHONE: (262) 797–2640.
UNDERWRITING LIMITATION b/: $4,329,000.
SURETY LICENSES c,f/: AL, AZ, AR, CA, CO, DC, FL, GA, ID, IL, IN, IA, KS, MD, MN, MS, MO, MT, NE, NV, NM, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VT, WA, WA, WV, WI, WY.
INCORPORATED IN: Wisconsin.

One Beacon Insurance Company (NAIC #40231)
BUSINESS ADDRESS: 55 WEST STREET, KEENE, NH 03431. PHONE: (906) 642–3000.
UNDERWRITING LIMITATION b/: $2,784,000.
SURETY LICENSES c,f/: AR, KS, LA, OH, OK, TX.
INCORPORATED IN: Florida.

Old Republic Casualty Company (NAIC #42552)
UNDERWRITING LIMITATION b/: $8,725,000.
SURETY LICENSES c,f/: AZ, CA, FL, GA, IL, IN, KS, NJ, NY, OK, PA, RI, TX, VA, WY.
INCORPORATED IN: New York.

Ohio Casualty Insurance Company (The) (NAIC #24074)
BUSINESS ADDRESS: 9450 Seward Road, Fairfield, OH 45014. PHONE: (513) 603–2400.
UNDERWRITING LIMITATION b/: $103,900,000.
SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, WA, WV, WI, WY.
INCORPORATED IN: Ohio.

Ohio Farmers Insurance Company (NAIC #24104)
BUSINESS ADDRESS: P. O. Box 5001, Westfield Center, OH 44251–5001. PHONE: (330) 877–0101.
UNDERWRITING LIMITATION b/: $124,015,000.
SURETY LICENSES c,f/: AL, AZ, AR, CO, DE, DC, FL, GA, ID, IN, IA, KY, LA, MD, MA, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Pennsylvania.

Pacific Indemnity Company (NAIC #20346)
UNDERWRITING LIMITATION b/: $220,017,000.
SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, WA, WV, WI, WY.
INCORPORATED IN: Wisconsin.

PACIFIC INDEMNITY INSURANCE COMPANY (NAIC #18380)
BUSINESS ADDRESS: 348 WEST O'BRIEN DRIVE, HAGATNA, GU 96910. PHONE: (671) 477–8801.
UNDERWRITING LIMITATION b/: $873,000.
SURETY LICENSES c,f/: GU, MP.
INCORPORATED IN: Guam.
PARTNER REINSURANCE COMPANY
OF THE U.S. (NAIC #38636)
BUSINESS ADDRESS: ONE
GREENWICH PLAZA,
GREENWICH, CT 06830–6352.
PHONE: (203) 485–4200.
UNDERWRITING LIMITATION b/:
$68,646,000. SURETY LICENSES
c/f/: AL, AK, AZ, CA, CO, DC, IL,
KS, MI, MS, NE, NY, TX, UT, WA.
INCORPORATED IN: New York.
PARTNERE INSURANCE COMPANY
OF NEW YORK (NAIC #10006)
BUSINESS ADDRESS: One
Greenwich Plaza, Greenwich, CT
06830–6352. PHONE: (203) 485–
4200. UNDERWRITING LIMITATION b/:
$10,612,000. SURETY LICENSES
c/f/: AL, AZ, CA, CO, DE, DC, ID, IL,
IN, IA, KS, KY, MD, MI, MN, MS, MT,
NE, NJ, NM, NY, ND, OH, OK, OR, PA,
RI, SC, SD, TN, UT, VT, VA, WA, WV,
WI. INCORPORATED IN: Pennsylvania.
Pennsylvania Manufacturers Indemnity
Company (NAIC #14124)
BUSINESS ADDRESS: P.O. Box 3031,
Blue Bell, PA 19422–0754. PHONE: (610)
397–5000. UNDERWRITING LIMITATION b/:
$9,302,000. SURETY LICENSES c/f/:
AL, AK, AZ, AR, CO, CT, DE, DC, ID, IN,
KS, KY, LA, MD, MI, MS, MO, MT,
NE, NV, NH, NJ, NM, NY, NC, ND,
OH, OK, OR, PA, RI, SC, SD, TN,
TX, UT, VT, VA, WA, WV, WI. INCORPORATED IN:
Pennsylvania.
Pennsylvania Manufacturers'
Association Insurance Company
(NAIC #12262)
BUSINESS ADDRESS: P.O. Box 3031,
Blue Bell, PA 19422–0754. PHONE: (610)
397–5000. UNDERWRITING LIMITATION b/:
$25,670,000. SURETY LICENSES c/f/:
AL, AK, AZ, AR, CA, CO, DE, DC, FL,
GA, HI, ID, IL, IN, IA, KS, KY, LA, ME,
MD, MA, MI, MN, MS, MO, MT,
NE, NV, NH, NJ, NM, NY, NC, OH, PA,
RI, SC, SD, TN, UT, VT, VA, WA,
INCORPORATED IN: Pennsylvania.
Pennsylvania National Mutual Casualty
Insurance Company (NAIC #14990)
BUSINESS ADDRESS: P. O. Box 2361,
Harrisburg, PA 17105–2361.
PHONE: (717) 234–4941.
UNDERWRITING LIMITATION b/:
$48,485,000. SURETY LICENSES
c/f/: AL, AR, CA, CO, CT, DE, DC, FL,
GA, ID, IL, IN, IA, KS, KY, LA, ME,
MD, MA, MI, MN, MS, MO, MT,
NE, NJ, NM, NY, NC, ND, OH, OK,
OR, PA, RI, SC, SD, TN, TX, UT,
VT, VA, WA, WV, WI.
INCORPORATED IN: Pennsylvania.
Philadelphia Indemnity Insurance
Company (NAIC #18058)
BUSINESS ADDRESS: One Bala
Plaza, Suite 100, Bala Cynwyd, PA
19004–1403. PHONE: (610) 617–
7900. UNDERWRITING LIMITATION b/:
$164,713,000. SURETY LICENSES
c/f/: AL, AK, AZ, AR, CA, CO, CT,
DE, DC, FL, GA, GU, HI, ID, IL, IN,
IA, KS, KY, LA, MD, MI, MN, MS,
MO, MT, NE, NV, NH, NJ, NC, ND, OH,
OK, PA, RI, SC, SD, TN, TX, UT,
VA, WA, WV, WI.
INCORPORATED IN: Pennsylvania.
Pioneer General Insurance Company
(NAIC #12670)
BUSINESS ADDRESS: 333 W.
Hampden Ave., Suite 815,
Englewood Cliffs, NJ 07632. PHONE:
(201) 680–9100. PHONE: (303) 649–9163.
UNDERWRITING LIMITATION b/:
$403,000.
SURETY LICENSES c/f/:
AZ, CO, KS, MO, MT, NE, NV, NM,
UT, WY. INCORPORATED IN:
Colorado.
Platte River Insurance
Company (NAIC #18619)
BUSINESS ADDRESS: P.O. Box 5900,
Madison, WI 53705–0900. PHONE:
(608) 829–4200. UNDERWRITING LIMITATION b/:
$3,667,000. SURETY LICENSES c/f/:
AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL,
GA, HI, ID, IL, IN, IA, KS, KY, LA,
ME, MD, MA, MI, MN, MS, MO,
MT, NE, NV, NH, NJ, NM, NY, NC,
ND, OH, OK, OR, PA, RI, SC, SD,
TN, TX, UT, VT, VA, WA, WV, WI.
INCORPORATED IN: Nebraska.
Plaza Insurance Company (NAIC
#30945)
BUSINESS ADDRESS: 645 Cleveland
Avenue, Westerville, OH 43082.
UNDERWRITING LIMITATION b/:
$2,910,000. SURETY LICENSES c/f/:
AK, AZ, AR, CA, DE, DC, GA, IL,
IN, IA, KS, LA, MD, MA, MI, MN,
MS, MO, MT, NE, NV, NH, NJ, NM,
ND, OK, PA, SC, SD, TX, UT, WV,
WI, WY. INCORPORATED IN:
Texas.
Progressive Casualty Insurance
Company (NAIC #21903)
BUSINESS ADDRESS: 3000 Lake
Park Plaza, Suite 350, Kansas City, MO
64112. PHONE: (816) 412–1800.
UNDERWRITING LIMITATION b/:
$1,053,000. SURETY LICENSES c/f/:
AL, AK, AZ, AR, CA, DE, DC, FL,
GA, HI, ID, IL, IN, IA, KS, KY, LA, ME,
MD, MA, MI, MN, MS, MO, MT,
NE, NV, NH, NJ, NM, NY, NC, OH,
OK, OR, PA, RI, SC, SD, TN, TX, UT,
VT, VA, WA, WV, WI.
INCORPORATED IN: Missouri.
ProCentury Insurance Company
(NAIC #21903)
BUSINESS ADDRESS: 465 Cleveland
Avenue, Westerville, OH 43082.
UNDERWRITING LIMITATION b/:
$136,168,000. SURETY LICENSES c/f/:
AL, AK, AZ, AR, CA, DE, DC, GA, IL,
IN, IA, KS, LA, MD, MA, MI, MN,
MS, MO, MT, NE, NV, NH, NJ, NM,
ND, OK, PA, SC, SD, TX, UT, WV,
WI, WY. INCORPORATED IN:
Ohio.
Protective Insurance Company (NAIC
#12416)
BUSINESS ADDRESS: P.O. Box 7099,
Indianapolis, IN 46207. PHONE:
(317) 636–9800 x-356.
UNDERWRITING LIMITATION b/:
$24,150,000. SURETY LICENSES
c/f/: AL, AK, AZ, AR, CA, CO, CT,
DE, DC, FL, GA, HI, ID, IL, IN, IA,
KS, KY, LA, ME, MD, MA, MI, MN,
MS, MO, MT, NE, NV, NH, NJ, NM,
ND, OH, OK, OR, PA, RI, SC, SD,
TN, TX, UT, VT, VA, WA, WV, WI.
INCORPORATED IN: Georgia.
Pekin Insurance Company (NAIC
#24198)
BUSINESS ADDRESS: 62 Maple
Avenue, Keene, NH 03431. PHONE:
(603) 352–3221. UNDERWRITING LIMITATION b/:
$230,245,000. SURETY LICENSES
c/f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL,
GA, ID, IL, IN, IA, KS, KY, LA, ME,
MD, MA, MI, MN, MS, MO, MT,
NE, NV, NH, NM, NY, NC, ND, OH,
OK, OR, PA, RI, SC, SD, TN, TX,
UT, VT, VA, WA, WV, WI. INCORPORATED IN:
New Hampshire.
Pekin Insurance Company (NAIC
#14982)
BUSINESS ADDRESS: 2505 COURT
STREET, PEKIN, IL 61558. PHONE:
(309) 346–1161. UNDERWRITING LIMITATION b/:
$9,225,000. SURETY LICENSES
c/f/: IL, IN, IA, MI, OH, WI. INCORPORATED IN:
Illinois.
Penn Millers Insurance Company (NAIC
#14892)
BUSINESS ADDRESS: P.O. BOX P,
WILKES–BARRE, PA 18773–0016.
PHONE: (570) 822–8111.
UNDERWRITING LIMITATION b/:
$7,249,000. SURETY LICENSES
c/f/: AL, AR, CO, CT, DE, DC, FL,
GA, ID, IL, IN, IA, KS, KY, LA, ME,
MD, MA, MI, MN, MS, MO, MT,
NE, NH, NJ, NY, NC, OH, OR, PA,
RI, SC, TN, TX, VT, VA, WA, WV,
WI. INCORPORATED IN: Pennsylvania.
Peninsula Reinsurance Company
Company (NAIC #21962)
BUSINESS ADDRESS: One Beacon
Lane, Canton, MA 02021–1030.
PHONE: (781) 332–7000.
UNDERWRITING LIMITATION b/:
$15,085,000. SURETY LICENSES
Rockwood Casualty Insurance Company (NAIC #35505)
BUSINESS ADDRESS: 654 Main Street, Rockwood, PA 15557.
PHONE: (814) 926–4661.
UNDERWRITING LIMITATION b/: $9,763,000.
SURETY LICENSES c,f/: AK, AZ, AR, CO, GA, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NY, NC, ND, OH, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WY.
INCORPORATED IN: Indiana.

Regent Insurance Company (NAIC #24449)
BUSINESS ADDRESS: One General Drive, Sun Prairie, WI 53596–0001.
PHONE: (608) 837–4440.
UNDERWRITING LIMITATION b/: $5,632,000.
SURETY LICENSES c,f/: AL, AK, AZ, CA, CO, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WY.
INCORPORATED IN: Wisconsin.

RLI Insurance Company (NAIC #12475)
BUSINESS ADDRESS: P.O. Box 530, Utica, NY 13503–0530.
PHONE: (315) 734–2000.
UNDERWRITING LIMITATION b/: $3,797,000.
SURETY LICENSES c,f/: CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Ohio.

RLI Indemnity Company (NAIC #28860)
BUSINESS ADDRESS: 9025 N. Lindbergh Drive, Peoria, IL 61615.
PHONE: (309) 692–1000.
UNDERWRITING LIMITATION b/: $3,959,000.
SURETY LICENSES c,f/: AL, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI.
INCORPORATED IN: Illinois.

ROCHE Surety and Casualty Company, Inc. (NAIC #42706)
BUSINESS ADDRESS: 1910 Orient Road, Tampa, FL 33619.
PHONE: (813) 623–5042.
UNDERWRITING LIMITATION b/: $728,000.
SURETY LICENSES c,f/: AK, AZ, AR, CT, DE, FL, GA, ID, IN, IA, KS, LA, MD, MI, MN, MS, MO, MT, NE, NV, NY, NC, ND, OH, OK, PA, SD, TN, TX, UT, VT, VA.
INCORPORATED IN: Florida.

Sagamore Insurance Company (NAIC #40460)
BUSINESS ADDRESS: P.O. Box 7099, Indianapolis, IN 46207.
PHONE: (317) 636–9800.
UNDERWRITING LIMITATION b/: $11,380,000.
SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SD, TN, TX, UT, VT, WA, WV, WI, WY.
INCORPORATED IN: Missouri.

Seneca Insurance Company, Inc. (NAIC #10936)
PHONE: (212) 344–3000.
UNDERWRITING LIMITATION b/: $16,707,000.
SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WI, WV.
INCORPORATED IN: New York.

Sentry Select Insurance Company (NAIC #21180)
BUSINESS ADDRESS: 1800 North Point Drive, Stevens Point, WI 54481–8020.
PHONE: (715) 346–6000.
UNDERWRITING LIMITATION b/: $288,899,000.
SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, WA, WV, WI, WY.
INCORPORATED IN: Wisconsin.

53600 Federal Register
Florida,
SERVICE INSURANCE COMPANY INC. (THE) (NAIC #28240)
BUSINESS ADDRESS: 80 Main Street, West Orange, NJ 07052. PHONE: (973) 731–7650. UNDERWRITING LIMITATION b/: $454,000.
SURETY LICENSES c,f/: CT, DE, MD, NH, NJ, NY, PA.
INCORPORATED IN: New Jersey.

SOUTHWEST MARINE AND GENERAL INSURANCE COMPANY (NAIC #1294)
BUSINESS ADDRESS: 919 Third Avenue, New York, NY 10022. PHONE: (212) 551–0600.
UNDERWRITING LIMITATION b/: $2,769,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CT, DE, DC, GA, HI, ID, IL, IN, IA, KS, KY, LA, MD, MI, MS, MO, MT, NE, NV, ND, OH, OK, PA, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Arizona.

St. Paul Fire and Marine Insurance Company (NAIC #24767)
BUSINESS ADDRESS: 385 Second Avenue, Southfield, MI 48034. PHONE: (248) 358–1100.
UNDERWRITING LIMITATION b/: $20,704,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Connecticut.

Suretec Insurance Company (NAIC #14023)
BUSINESS ADDRESS: 475 Steamboat Road, Greenwich, CT 06830. PHONE: (203) 542–3800.
UNDERWRITING LIMITATION b/: $11,399,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Michigan.

StarNet Insurance Company (NAIC #40045)
BUSINESS ADDRESS: 26255 American Drive, Southfield, MI 48034. PHONE: (248) 358–1100.
UNDERWRITING LIMITATION b/: $20,704,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Connecticut.

St. Paul Guardian Insurance Company (NAIC #24775)
UNDERWRITING LIMITATION b/: $388,784,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Minnesota.

St. Paul Mercury Insurance Company (NAIC #24791)
UNDERWRITING LIMITATION b/: $2,720,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Minnesota.

Standard Fire Insurance Company (The) (NAIC #19070)
BUSINESS ADDRESS: ONE TOWER SQUARE, HARTFORD, CT 06183. PHONE: (860) 277–0111.
UNDERWRITING LIMITATION b/: $137,596,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WI, WA, WV, WI, WY.
INCORPORATED IN: Ohio.

State Farm Fire and Casualty Company (NAIC #25143)
BUSINESS ADDRESS: ONE STATE FARM PLAZA, BLOOMINGTON, IL 61710. PHONE: (309) 766–2311.
UNDERWRITING LIMITATION b/: $854,000,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Illinois.

SURETY BONDING COMPANY OF AMERICA (NAIC #24047)
BUSINESS ADDRESS: P.O. Box 5111, Sioux Falls, SD 57117–5111. PHONE: (605) 336–0850.
UNDERWRITING LIMITATION b/: $809,000. SURETY LICENSES c,f/: AL, AZ, AR, CA, CO, DE, DC, GA, ID, IL, IN, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VA, WA, WV, WI, WY.
INCORPORATED IN: South Dakota.

Swiss Reinsurance America Corporation (NAIC #25127)
BUSINESS ADDRESS: 175 King Street, Armonk, NY 10504. PHONE: (913) 676–5200.
UNDERWRITING LIMITATION b/: $53,388,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: New York.

Texas Indemnity Company (NAIC #20389)
BUSINESS ADDRESS: 15 Mountain View Road, Warren, NJ 07059. PHONE: (201) 754–0777.
UNDERWRITING LIMITATION b/: $488,000. SURETY LICENSES c,f/: AL, AZ, AR, CA, DE, DC, GA, ID, IL, IN, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VA, WA, WV, WI, WY.
INCORPORATED IN: Texas.

Transatlantic Reinsurance Company (NAIC #19453)
BUSINESS ADDRESS: 80 PINE STREET, NEW YORK, NY 10005.
PHONE: (212) 365–2200.
UNDERWRITING LIMITATION b/: $401,606,000. SURETY LICENSES c,f,: AK, AZ, AR, CA, CO, DE, DC, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, NE, NV, NJ, NM, NY, OH, OK, PA, SD, UT, WA, WI.
INCORPORATED IN: New York.

Travelers Casualty and Surety Company (NAIC #19038)
BUSINESS ADDRESS: ONE TOWER SQUARE, HARTFORD, CT 06183.
PHONE: (860) 277–0111.
UNDERWRITING LIMITATION b/: $408,938,000. SURETY LICENSES c,f,: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Connecticut.

United States Fire Insurance Company (NAIC #91113)
BUSINESS ADDRESS: 1625 Eye St., NW., Washington, DC 20006.
PHONE: (202) 682–6925.
UNDERWRITING LIMITATION b/: $76,088,000. SURETY LICENSES c,f,: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Delaware.

Travelers Casualty and Surety Company of America (NAIC #31194)
BUSINESS ADDRESS: ONE TOWER SQUARE, HARTFORD, CT 06183.
PHONE: (860) 277–0111.
UNDERWRITING LIMITATION b/: $183,685,000. SURETY LICENSES c,f,: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Connecticut.

Travelers Casualty Insurance Company of America (NAIC #19046)
BUSINESS ADDRESS: ONE TOWER SQUARE, HARTFORD, CT 06183.
PHONE: (860) 277–0111.
UNDERWRITING LIMITATION b/: $51,943,000. SURETY LICENSES c,f,: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Connecticut.

Travelers Indemnity Company (The) (NAIC #25658)
BUSINESS ADDRESS: ONE TOWER SQUARE, HARTFORD, CT 06183.
PHONE: (860) 277–0111.
UNDERWRITING LIMITATION b/: $837,264,000. SURETY LICENSES c,f,: AL, AK, AZ, AR, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Connecticut.

U.S. Specialty Insurance Company (NAIC #29599)
BUSINESS ADDRESS: 13403 NORTHWEST FREeway, HOUSTON, TX 77040–6094.
PHONE: (713) 462–1000.
UNDERWRITING LIMITATION b/: $42,489,000. SURETY LICENSES c,f,: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Texas.

ULLICO Casualty Company (NAIC #37893)
BUSINESS ADDRESS: 170 Milk Street, Boston, MA 02109.
PHONE: (617) 542–3232 x109.
UNDERWRITING LIMITATION b/: $411,000. SURETY LICENSES c,f,: CT, DC, FL, MD, MA, NH, NJ, NY, PA.
INCORPORATED IN: Massachusetts.

United Fire & Casualty Company (NAIC #13021)
BUSINESS ADDRESS: P. O. BOX 73909, CEDAR RAPIDS, IA 52407–3909.
PHONE: (319) 399–5700.
UNDERWRITING LIMITATION b/: $54,204,000. SURETY LICENSES c,f,: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, TN, TX, UT, VT, WA, WV.
INCORPORATED IN: Iowa.

UNITED FIRE & INDEMNITY COMPANY (NAIC #19496)
BUSINESS ADDRESS: P. O. BOX 73909, CEDAR RAPIDS, IA 52407–3909.
PHONE: (319) 399–5700.
UNDERWRITING LIMITATION b/: $1,423,000. SURETY LICENSES c,f,: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI.
INCORPORATED IN: Texas.

United States Fidelity and Guaranty Company (NAIC #25887)
BUSINESS ADDRESS: ONE TOWER SQUARE, HARTFORD, CT 06183.
PHONE: (860) 277–0111.
UNDERWRITING LIMITATION b/: $246,576,000. SURETY LICENSES c,f,: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Connecticut.

United States Fire Insurance Company (NAIC #10656)
BUSINESS ADDRESS: P. O. Box 5605, Timonium, MD 21094–5605.
PHONE: (410) 453–9522.
UNDERWRITING LIMITATION b/: $4,279,000. SURETY LICENSES c,f,: CT, DE, DC, FL, GA, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, UT, VT, WA, WV.
INCORPORATED IN: Maryland.

UNITED SURETY AND INDEMNITY COMPANY (NAIC #44423)
BUSINESS ADDRESS: P. O. BOX 2111, SAN JUAN, PR 00922–2111.
PHONE: (787) 625–1105.
UNDERWRITING LIMITATION b/: $5,512,000. SURETY LICENSES c,f,: PR.
INCORPORATED IN: Puerto Rico.

UNIVERSAL INSURANCE COMPANY (NAIC #31704)
BUSINESS ADDRESS: GPO BOX 71338, SAN JUAN, PR 00936.
PHONE: (787) 706–7155.
UNDERWRITING LIMITATION b/: $23,296,000. SURETY LICENSES c,f,: PR.
INCORPORATED IN: Puerto Rico.

UNIVERSAL UNDERWRITERS INSURANCE COMPANY (NAIC #41181)
BUSINESS ADDRESS: 1400 AMERICAN LANE, TOWER I, 19TH FLOOR, SCHAUMBURG, IL 60196–1056. PHONE: (847) 605–6000.
UNDERWRITING LIMITATION b/:
SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: New Hampshire.
West American Insurance Company (NAIC #44393)
BUSINESS ADDRESS: 350 E. 96th Street, Indianapolis, IN 46240. PHONE: (513) 603–2400.
UNDERWRITING LIMITATION b/:
SURETY LICENSES c,f/: AL, AK, AZ, AR, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: South Dakota.
Westfield Surety Company (NAIC #42112)
BUSINESS ADDRESS: P.O. Box 5001, Westfield Center, OH 44251–5001. PHONE: (330) 887–0941.
UNDERWRITING LIMITATION b/:
SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, DC, DE, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, WA, WA, WV, WI, WY.
INCORPORATED IN: Ohio.

Utica Mutual Insurance Company (NAIC #25976)
UNDERWRITING LIMITATION b/:
SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: New York.

Van Tol Surety Company, INCORPORATED (NAIC #30279)
BUSINESS ADDRESS: 520 6th Street, Brookings, SD 57006. PHONE: (605) 690–2239.
UNDERWRITING LIMITATION b/:
SURETY LICENSES c,f/: SD.
INCORPORATED IN: South Dakota.

Vigilant Insurance Company (NAIC #20397)
BUSINESS ADDRESS: 15 Mountain View Road, Warren, NJ 07059. PHONE: (201) 612–4000.
UNDERWRITING LIMITATION b/:
SURETY LICENSES c,f/: AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, WA, WI, WY.
INCORPORATED IN: New York.

Washington International Insurance Company (NAIC #32778)
BUSINESS ADDRESS: 1200 ARLINGTON HEIGHTS ROAD, SUITE 400, ITASCA, IL 60143. PHONE: (630) 644–6600.
UNDERWRITING LIMITATION b/:
SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, WA, WA, WV, WI, WY.
INCORPORATED IN: New Hampshire.

Western Surety Company (NAIC #13188)
BUSINESS ADDRESS: P.O. Box 5077, Sioux Falls, SD 57117–5077. PHONE: (605) 326–0850.
UNDERWRITING LIMITATION b/:
SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, WA, WA, WV, WI, WY.
INCORPORATED IN: New York.

Westfield National Insurance Company (NAIC #24120)
BUSINESS ADDRESS: P.O. Box 5001, Westfield Center, OH 44251–5001. PHONE: (330) 887–0941.
UNDERWRITING LIMITATION b/:
SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, WA, WA, WV, WI, WY.
INCORPORATED IN: Ohio.

Westport Insurance Corporation (NAIC #39845)
BUSINESS ADDRESS: P.O. Box 2991, OVERLAND PARK, KS 66202–1391. PHONE: (913) 676–5200.
UNDERWRITING LIMITATION b/:
SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY.
INCORPORATED IN: New York.

White Mountains Reinsurance Company of America (NAIC #38776)
BUSINESS ADDRESS: ONE LIBERTY PLAZA—18TH FLOOR, NEW YORK, NY 10006–1404. PHONE: (212) 312–2500.
UNDERWRITING LIMITATION b/:
SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, WA, WA, WV, WI, WY.
INCORPORATED IN: Missouri.

XL Reinsurance America Inc. (NAIC #20583)
BUSINESS ADDRESS: SEAVEY HOUSE, 70 SEAVEY AVENUE, STAMFORD, CT 06902. PHONE: (203) 964–5200.
UNDERWRITING LIMITATION b/:
SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: New York.
AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: New York.

XL Specialty Insurance Company (NAIC #37885)
BUSINESS ADDRESS: SEAVIEW HOUSE, 70 SEAVIEW AVENUE, STAMFORD, CT 06902. PHONE: (203) 964–3200. UNDERWRITING LIMITATION b/:
$17,191,000. SURETY LICENSES c,f/:
$23,776,000. SURETY LICENSES c,f/:
BUSINESS ADDRESS: 300 FIRST SQUARE, HARTFORD, CT 06183. PHONE: (860) 277–0111.

U.S. Underwriters Insurance Company (NAIC #223.3(b)]
BUSINESS ADDRESS: 1400 AMERICAN LANE, TOWER I, 19TH FLOOR, SCHAUMBURG, IL 60196–1056. PHONE: (847) 605–6000.
UNDERWRITING LIMITATION b/:
$671,873,000. SURETY LICENSES c,f/:
$2,373,753,000. SURETY LICENSES c,f/:
BUSINESS ADDRESS: 385 FLOOR, SCHAUMBURG, IL 60196–1056. PHONE: (847) 605–6000.
UNDERWRITING LIMITATION b/:
$671,873,000. SURETY LICENSES c,f/:
$2,373,753,000. SURETY LICENSES c,f/:

FOOTNOTES
1 AMERICAN CONTRACTORS INDEMNITY COMPANY (NAIC# 10216) is required by state law to conduct business in the state of Texas as TEXAS BONDING COMPANY. However, business is conducted in all other covered states as AMERICAN CONTRACTORS INDEMNITY COMPANY.
2 Capitol Preferred Insurance Company (NAIC# 10908) has been issued a Certificate of Authority, under 31 U.S.C. 9305, as an acceptable surety on Federal bonds, effective July 1, 2010.
3 International Fidelity Insurance Company’s (NAIC# 11592) name is very similar to another company that is NOT certified by this Department. Please ensure that the name of the Company and the state of incorporation are similar to another company that is NOT.

Notes
(a) All Certificates of Authority expire June 30, and are renewable July 1, annually. Companies holding Certificates of Authority as acceptable sureties on Federal bonds are also acceptable as reinsuring companies. (b) The Underwriting Limitations published herein are on a per bond basis. Treasury requirements do not limit the penal sum (face amount) of bonds which surety companies may provide. However, when the penal sum exceeds a company’s Underwriting Limitation, the excess must be protected by co-insurance, reinsurance, or other methods in accordance with 31 CFR Section 223.10, Section 223.11. Treasury refers to a bond of this type as an Excess Risk. When Excess Risks on bonds in favor of the United States are protected by reinsurance, such reinsurance is to be effected by use of a Federal reinsurance form to be filed with the bond or within 45 days thereafter. In protecting such excess risks, the underwriting limitation in force on the day in which the bond was provided will govern absolutely. For further assistance, contact the Surety Bond Branch at (202) 874–6850.

(c) A surety company must be licensed in the State or other area in which it provides a bond, but need not be licensed in the State or other area in which the principal resides or where the contract is to be performed [28 Op. Atty. Gen. 127, Dec. 24, 1909; 31 CFR Section 223.5 (b)]. The term “other area” includes the District of Columbia, American Samoa, Guam, Northern Marianas Islands, Puerto Rico, and the Virgin Islands.

License information in this Circular is provided to the Treasury Department by the companies themselves. For updated license information, you may contact the company directly or the applicable State Insurance Department. Refer to the list of state insurance departments at the end of this publication. For further assistance, contact the Surety Bond Branch at (202) 874–6850.

(e) Companies holding Certificates of Authority as acceptable reinsuring companies are acceptable only as reinsuring companies on Federal bonds and may not directly write Federal bonds.
(f) Some companies may be Approved surplus lines carriers in various states. Such approval may indicate that the company is authorized to write surety in a particular state, even though the company is not licensed in the state. Questions related to this may be directed to the appropriate State Insurance Department. Refer to the list of state insurance departments at the end of this publication.
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<thead>
<tr>
<th>State</th>
<th>City</th>
<th>Telephone No.</th>
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<tbody>
<tr>
<td>Alabama, Montgomery</td>
<td>Montgomery 36104</td>
<td>(334) 269–3550</td>
</tr>
<tr>
<td>Alaska, Anchorage</td>
<td>Anchorage 99501–3567</td>
<td>(907) 269–7900</td>
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<tr>
<td>Arizona, Phoenix</td>
<td>Phoenix 85018–7256</td>
<td>(602) 364–3100</td>
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<tr>
<td>Arkansas, Little Rock</td>
<td>Little Rock 72201–1904</td>
<td>(501) 371–2600</td>
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<tr>
<td>California, Sacramento</td>
<td>Sacramento 95814</td>
<td>(213) 897–8921</td>
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<td>Denver 80202</td>
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<tr>
<td>Connecticut, Hartford</td>
<td>Hartford 06142–0816</td>
<td>(860) 297–3800</td>
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<tr>
<td>Delaware, Dover</td>
<td>Dover 19904</td>
<td>(302) 674–7390</td>
</tr>
<tr>
<td>District of Columbia,</td>
<td>Washington 20002</td>
<td>(202) 442–7813</td>
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<tr>
<td>Florida, Tallahassee</td>
<td>Tallahassee 32399–6502</td>
<td>(850) 413–3132</td>
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<tr>
<td>Georgia, Atlanta</td>
<td>Atlanta 30334</td>
<td>(404) 656–2056</td>
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<td>(808) 586–2790</td>
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<td>(208) 334–4250</td>
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<td>Maine, Augusta</td>
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<td>(207) 624–8475</td>
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<td>Maryland, Baltimore</td>
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<td>Massachusetts, Boston</td>
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<td>(617) 521–7794</td>
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<tr>
<td>Michigan, Lansing</td>
<td>Lansing 48933–1020</td>
<td>(517) 373–0220</td>
</tr>
<tr>
<td>Minnesota, St. Paul</td>
<td>St. Paul 55101–2198</td>
<td>(651) 296–6319</td>
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<tr>
<td>Mississippi, Jackson</td>
<td>Jackson 39201</td>
<td>(601) 359–3569</td>
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<tr>
<td>Missouri, Jefferson City</td>
<td>Jefferson City 65102</td>
<td>(785) 751–4126</td>
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<tr>
<td>Montana, Helena</td>
<td>Helena 59601</td>
<td>(406) 444–2040</td>
</tr>
<tr>
<td>Nebraska, Lincoln</td>
<td>Lincoln 68508</td>
<td>(402) 471–2201</td>
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<tr>
<td>Nevada, Carson City</td>
<td>Carson City 97907–5753</td>
<td>(775) 687–4270</td>
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<tr>
<td>New Hampshire, Concord</td>
<td>Concord 03301</td>
<td>(603) 271–2261</td>
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<td>New Jersey, Trenton</td>
<td>Trenton 08625</td>
<td>(609) 292–5360</td>
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<td>New Mexico, Santa Fe</td>
<td>Santa Fe 87504–1298</td>
<td>(800) 947–4722</td>
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<td>New York, New York</td>
<td>New York 10004–2319</td>
<td>(212) 480–5027</td>
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<tr>
<td>North Carolina, Raleigh</td>
<td>Raleigh 27611</td>
<td>(919) 807–6750</td>
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<tr>
<td>North Dakota, Bismarck</td>
<td>Bismarck 58505–0320</td>
<td>(701) 328–2440</td>
</tr>
<tr>
<td>Ohio, Columbus</td>
<td>Columbus 43215</td>
<td>(614) 644–2658</td>
</tr>
<tr>
<td>Oklahoma, Oklahoma City</td>
<td>Oklahoma City 73112</td>
<td>(405) 521–2828</td>
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<tr>
<td>Oregon, Salem</td>
<td>Salem 97301–3883</td>
<td>(503) 947–7880</td>
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<tr>
<td>Pennsylvania, Harrisburg</td>
<td>Harrisburg 17120</td>
<td>(717) 789–3840</td>
</tr>
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<td>Puerto Rico, San Juan</td>
<td>San Juan 00968</td>
<td>(787) 722–8686</td>
</tr>
<tr>
<td>Rhode Island, Providence</td>
<td>Providence 02903–4233</td>
<td>(401) 462–9500</td>
</tr>
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<td>South Carolina, Columbia</td>
<td>Columbia 29202–3105</td>
<td>(803) 737–6160</td>
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<td>South Dakota, Pierre</td>
<td>Pierre 57501–3185</td>
<td>(605) 773–4104</td>
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<td>Tennessee, Nashville</td>
<td>Nashville 37243–0565</td>
<td>(615) 741–2218</td>
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<tr>
<td>Texas, Austin</td>
<td>Austin 78714</td>
<td>(800) 252–3439</td>
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<tr>
<td>Utah, Salt Lake City</td>
<td>Salt Lake City 84114–1201</td>
<td>(801) 538–3800</td>
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<td>Vermont, Montpelier</td>
<td>Montpelier 05602</td>
<td>(802) 828–3301</td>
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<td>Virginia, Richmond</td>
<td>Richmond 23218</td>
<td>(804) 552–7945</td>
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<td>Virgin Islands, St. Thomas</td>
<td>St. Thomas 00802</td>
<td>(301) 340–774–7166</td>
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<tr>
<td>Washington, Olympia</td>
<td>Olympia 98504–0256</td>
<td>(360) 725–7144</td>
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<tr>
<td>West Virginia, Charleston</td>
<td>Charleston 25305–0540</td>
<td>(304) 558–3386</td>
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<tr>
<td>Wisconsin, Madison</td>
<td>Madison 53707–7873</td>
<td>(608) 266–3586</td>
</tr>
<tr>
<td>Wyoming, Cheyenne</td>
<td>Cheyenne 82002–0440</td>
<td>(307) 777–7401</td>
</tr>
</tbody>
</table>
Part III

Department of the Treasury

Office of Foreign Assets Control

31 CFR Chapter V
Alphabetical Listing of Blocked Persons, Blocked Vessels, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Global Terrorists, Foreign Terrorist Organizations, and Specially Designated Narcotics Traffickers; Final Rule
DEPARTMENT OF THE TREASURY
Office of Foreign Assets Control

31 CFR Chapter V

Alphabetical Listing of Blocked Persons, Blocked Vessels, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Global Terrorists, Foreign Terrorist Organizations, and Specially Designated Narcotics Traffickers

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Office of Foreign Assets Control (OFAC) of the Department of the Treasury is amending Appendix A to 31 CFR chapter V to reflect the addition to, or removal from, Appendix A, since it was last published, of the names of persons (which includes individuals and entities) with whom transactions and dealings are prohibited by the various economic sanctions programs administered by OFAC, as well as the names of vessels owned or controlled by such persons, provide updated identifying information for certain persons and vessels included on the appendix, and reflect the addition of Somalia as a sanctions program under which the property and interests in property of certain persons may be blocked. OFAC also is amending the “Appendixes to Chapter V-Note,” which contains notes applicable to both Appendix A and Appendix B to 31 CFR chapter V, to reflect changes in the status of several programs.

DATES: Effective Date: July 1, 2010.

FOR FURTHER INFORMATION CONTACT:
Assistant Director for Compliance, Outreach & Implementation, tel.: 202/622–2490, Office of Foreign Assets Control, or Chief Counsel (Foreign Assets Control), tel.: 202/622–2410, Office of the General Counsel, Department of the Treasury, Washington, DC 20220 (not toll free numbers).

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). Certain general information pertaining to OFAC’s sanctions programs also is available via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

Background
Appendix A to 31 CFR chapter V is a list that contains the names of blocked persons, blocked vessels, specially designated nationals, specially designated terrorists, specially designated global terrorists, foreign terrorist organizations, and specially designated narcotics traffickers whose property and interests in property are blocked pursuant to the various economic sanctions programs administered by the Department of the Treasury’s Office of Foreign Assets Control (“OFAC”). OFAC is hereby amending and republishing Appendix A in its entirety to include or delete, as appropriate, the names of persons and vessels added to, or removed from, the list since it was last published, as well as to provide updated identifying information for certain persons and vessels included on the list. OFAC also is amending the “Appendixes to Chapter V-Note,” which contains notes applicable to both Appendix A and Appendix B to 31 CFR chapter V, to reflect the addition of one new program and changes in the status of several other programs.

In addition, OFAC is amending Appendix A by adding Somalia as a sanctions program under which persons and vessels may be designated. On April 12, 2010, the President issued Executive Order 13536 (75 FR 19869, April 15, 2010), which blocks all property and interests in property of certain persons contributing to the conflict in Somalia.

Frequently updated information on OFAC designations is provided for examination on or downloading from OFAC’s Web site (http://www.treas.gov/ofac). Among other information, OFAC provides on its Web site a List of Specially Designated Nationals and Blocked Persons (the “SDN List”). OFAC updates the SDN List on an ongoing basis to reflect the inclusion or deletion of names as a result of new designations or removal actions, as well as changes in identifying information, including alternative spellings and additional aliases. OFAC also provides on its Web site alternate versions of the SDN List, which sort the names on the list by the sanctions program under which the property and interests in property have been blocked and by the person’s country of residence or incorporation.

Notice of a blocking or designation is effective upon the date of publication in the Federal Register or upon prior actual notice. The list published as Appendix A is not definitive or all-inclusive, and new or updated information may be added to OFAC’s Web site and published in the Federal Register at any time. U.S. persons or persons subject to U.S. jurisdiction, depending on the sanctions program, are advised to check the Federal Register and the most recent version of the SDN List posted on OFAC’s Web site for updated information on designations and blocking actions before engaging in transactions that may be prohibited by the economic sanctions programs administered by OFAC. Please note that some OFAC sanctions programs prohibit transactions involving persons and vessels not identified on Appendix A to 31 CFR chapter V or other lists provided by OFAC.

This amendment reflects the names of persons and vessels identified on OFAC’s SDN List as of May 13, 2010, though alternative spellings and aliases are presented in a different format on the OFAC Web site. Changes after that date are not reflected in this document.

Public Participation
Because the amendment of Appendix A to 31 CFR chapter V involves a foreign affairs function, Executive Order 12866 and the provisions of the Administrative Procedure Act (5 U.S.C. 553), requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.


1. The “Appendixes to Chapter V–Note” is amended by revising note 7 as follows:

Appendixes to Chapter V–NOTE

7. References to regulatory parts in chapter V or other authorities:

[BALKANS]: Western Balkans Stabilization Regulations, part 588; Executive Order 13304, 68 FR 32315.

[BELARUS]: Belarus Sanctions Regulations, part 548.

[Burma]: Burmese Sanctions Regulations, part 537; Executive Order 13448, 72 FR 60223; Executive Order 13464, 73 FR 24491.

[CUBA]: Cuban Assets Control Regulations, part 543; [CURA]: Cuban Assets Control Regulations, part 515.

[Darfur]: Darfur Sanctions Regulations, part 546.

[DCRCONGO]: Democratic Republic of the Congo Sanctions Regulations, part 547.

[FTO]: Foreign Terrorist Organizations Regulations, part 594.

[Iran]: Iranian Transactions Regulations, part 593.

[IRAQ2]: Executive Order 13304, 68 FR 32315; Executive Order 13350, 69 FR 46055; Executive Order 13438, 72 FR 39719.

[LEBANON]: Executive Order 13441, 72 FR 43499.

[liberia]: Former Liberian Regime of Charles Taylor Sanctions Regulations, part 593.


[SDGT]: Global Terrorism Sanctions Regulations, part 594.

[SDNT]: Narcotics Trafficking Sanctions Regulations, part 536.

[SDNTK]: Foreign Narcotics Kingpin Sanctions Regulations, part 598.

[SDT]: Terrorism Sanctions Regulations, part 595.

[SOMALIA]: Somalia Sanctions Regulations, part 551.

[SUDAN]: Sudanese Sanctions Regulations, part 538.

[Syria]: Syrian Sanctions Regulations, part 542; Executive Order 13399, 71 FR 25059; Executive Order 13460, 73 FR 8991; and [Zimbabwe]: Zimbabwe Sanctions Regulations, part 541; Executive Order 13391, 70 FR 72101; Executive Order 13469, 73 FR 43841.

2. Appendix A to Chapter V of 31 CFR is revised to read as follows:

Appendix A to Chapter V—Alphabetical Listing of Blocked Persons, Blocked Vessels, Specifically Designated Nationals, Specially Designated Terorists, Specially Designated Global Terrorists, Foreign Terrorist Organizations, and Specifically Designated Narcotics Traffickers (as of May 13, 2010)

7TH OF TIR (a.k.a. 7TH OF TIR COMPLEX; a.k.a. 7TH OF TIR INDUSTRIAL COMPLEX; a.k.a. 7TH OF TIR INDUSTRIES; a.k.a. 7TH OF TIR INDUSTRIES OF ISAHAFAN/ESFAHAN; a.k.a. MOJTMAEJANE SANATE HAFOTME TIR; a.k.a. SANAYE HAFOTME TIR; a.k.a. SEVENTH OF TIR), P.O. Box 81465–478, Isfahan, Iran; Mobarak Road Km 4, Isfahan, Iran [NPFWMD].

2000 DOUE E.S. (a.k.a. DOMA E.M), Calle 31 No. 1–34, Cali, Colombia; Nit #805015749–3 (Colombia) [SDNT].

2000–DODGE S.L., Calle Gran Via 80, Madrid, Madrid, Spain; C.I.F. B83149595 (Spain) [SDNT].

2904977 CANADA, Inc. (a.k.a. CARIBE SOL; a.k.a. HAVANTUR CANADA INC.), 818 rue Sherbrooke East, Montreal, Quebec H2L 1K3, Canada [CUBA].

A A TRADING FZCO, P.O. Box 37089, Dubai, United Arab Emirates [SDNTK].

A K DIFUSION S.A., La Paz, Baja California Sur, Mexico; citizen Mexico; nationality Mexico; C.U.R.P. AAPA850929HBSBZC09 (Mexico) [SDNTK].

A K ENGINEERING LIMITED, 3 A A K EDUCAL S.A. EDUCACION CON PUBLICIDAD Y COMUNICACIONES, Via Padova, 82, Milan, Italy; DOB 5 Feb 1962; POB Osniers, Brussel, Belgium [SDT].

ABBAS, Kassim, Via Padova, 28, Milan, Italy; DOB 5 Feb 1962; POB Osniers, Brussel, Belgium [SDT].

ABBAS, Youcef (a.k.a. “GIUSEPPE”), Via Padova 82, Milan, Italy; DOB 5 Feb 1962; POB Osniers, Brussel, Belgium [SDT].

ABBAYE, Charles Taylor Sanctions Regulations, part 593.

ABD AL-RAHMAN, Abdullah Muhammad Rajab (a.k.a. ABU AL-KHAYR, Ahmad Hasan); DOB 3 Nov 1957; POB Al Khor, Qatar [SDT].

ABD HAFIZ, Abd Al Wahab (a.k.a. FERJANDI, Mouloody; a.k.a. “MOURAD”; a.k.a. “RAHAB DI ROMA”), Via Lungotevere Dante, Rome, Italy; DOB 7 Sep 1967; POB Algiers, Algeria [SDT].

ABD AL-KHALIQ, Adil Muhammad Mahmud (a.k.a. ABDUL KHALED, Adel Mohamed Mahmood; a.k.a. ABDUL KHALIQ, Adel Mohamed Mahmoud); DOB 2 Mar 1984; POB Bahrain; Passport 1632207 (Bahrain) [SDT].

ABD AL-KHALIQ, Adil Muhammad Mahmud; DOB 2 Mar 1984; POB Bahrain; Passport 1632207 (Bahrain) [SDT].

ABD AL-KHALIQ, Adil Muhammad Mahmud; DOB 2 Mar 1984; POB Bahrain; Passport 1632207 (Bahrain) [SDT].

ABD AL-RAHMAN, Abdul Wahab (a.k.a. ABDUL KHALED, Adel Mohamed Mahmood; a.k.a. ABDUL KHALIQ, Adel Mohamed Mahmoud); DOB 2 Mar 1984; POB Bahrain; Passport 1632207 (Bahrain) [SDT].

ABD AL-KHAYR, Ahmad Hasan; DOB 3 Nov 1957; POB Al Khor, Qatar [SDT].

ABD AL-RAHMAN, Abdullah Muhammed Rajab (a.k.a. ABU AL-KHAYR, Ahmad Hasan); DOB 3 Nov 1957; POB Al Khor, Qatar [SDT].

ABD AL-KHAYR, Ahmad Hasan; DOB 3 Nov 1957; POB Al Khor, Qatar [SDT].
AL FURQAN (a.k.a. ASSOCIATION FOR CIVIL RIGHTS AND RESISTANCE TO LIES; a.k.a. ASSOCIATION FOR EDUCATION, CULTURAL, AND TO CREATE SOCIETY-SIRAT; a.k.a. ASSOCIATION FOR EDUCATION, CULTURE AND BUILDING SOCIETY-SIRAT; a.k.a. ASSOCIATION OF CITIZENS FOR THE PROMOTION OF TRUTH AND SUPPRESSION OF LIES; a.k.a. DZEMJINETJUL FURQAN; a.k.a. DZEMJINETJUL FURQAN; a.k.a. DZEMILIJATI FURKAN; a.k.a. IN SIRATEL; a.k.a. ISTIKAMET; a.k.a. SIRATEL; a.k.a. AL-RASHID TRUST, Office Dha’rbi-i-M’unin, Top Floor, Dr. Dawa Khan Dental Clinic Surgeon, Main Baxar, Mingora, Swat, Pakistan; Office Dha’rbi-i-M’unin, Room no. 3, Third Floor, Moti Plaza, near Liaquat Bagh, Murree Road, Rawalpindi, Pakistan; Kitab Ghar, D-Arab-608, Sarajevo 71 000, Bosnia and Herzegovina; ul. Strossmayerova 72, Zenica, Bosnia and Herzegovina; Muhameda Hadzijahica #42, Sarajevo, Bosnia and Herzegovina [SDGT]

AL GHABRA, Mohammed, East London, United Kingdom; DOB 1 Jun 1980; POB Damascus, Syria; nationality United Kingdom; Passport 094629366 (United Kingdom) (individual) [SDGT]


AL MANAR TV, PO Box 354/25, Beirut, Lebanon; Al Manar TV, Abed al Nour Street, Haret Hriek, Beirut, Lebanon; info@manartv.com; www.manartv.com; www.almanar.com.lb [SDT]

AL MAZIDIH, Akram Turki Hishan (a.k.a. AL-HISHAN, Akram Turki; a.k.a. AL-MIZDIH, Akram Turki Hishan; a.k.a. ‘ABU AKRAM’; a.k.a. ‘ABU JARRAH’), Zabaden, Syria; DOB 1974; alt. DOB 1975; alt. DOB 1979 (individual) [SDGT]

AL MAZIDIH, Badran Turki Hishan (a.k.a. AL-TURKI, Badran; a.k.a. Badran Turki al-Hishan; a.k.a. AL-ABU GHADIYAH; a.k.a. AL MEZIDIH, Ghazy Fezzaa Hishan (a.k.a. AL MEZIDIH, Ghazy Fezzaa; a.k.a. AL MEZIDIH, Ghazy Fezzaa; a.k.a. ‘ABU FAYSAL’; a.k.a. ‘ABU GHAZZY’; a.k.a. ‘SILASH, Mushari Abd Aziz Saleh’), Zabaden, Syria; DOB 1977; alt. DOB 1978; POB Mosul, Iraq (individual) [SDTG]

AL MAZIDIH, Ghazy Fezzaa Hishan (a.k.a. HISHAN, Ghazy Fezzaa; a.k.a. ‘ABU FAYSAL’; a.k.a. ‘ABU GHAZZY’; a.k.a. ‘SILASH, Mushari Abd Aziz Saleh’), Zabaden, Syria; DOB 1977; alt. DOB 1978; alt. DOB 1979 (individual) [SDGT]

AL NOUR RADIO (a.k.a. AL NOUR BROADCASTING STATION; a.k.a. AL NOUR RADIO; a.k.a. AL NOUR ANNOUNCER), Abed al Nour Street, PO Box 197/25, Alghobehiri, Haret Hriek, Beirut, Lebanon; info@al-nour.net; www.al-nour.net [SDT]

AL-OBAIDI, Tarik Naser S. (a.k.a. AL-'UBAYDI, Tarik; a.k.a. AL-'UBAYDI, Tarik; a.k.a. ABU GHADIYAH; a.k.a. AL MEZIDIH, Ghazy Fezzaa Hishan (a.k.a. AL MEZIDIH, Ghazy Fezzaa; a.k.a. AL MEZIDIH, Ghazy Fezzaa; a.k.a. ‘ABU FAYSAL’; a.k.a. ‘ABU GHAZZY’; a.k.a. ‘SILASH, Mushari Abd Aziz Saleh’), Zabaden, Syria; DOB 1977; alt. DOB 1978; alt. DOB 1979 (individual) [SDGT]

AL RAHMAN, Shaykh Umar Abd; DOB 03 May 1938; POB Egypt; Chief Ideological Figure of ISLAMIC GAM'AH AT (individual) [SDT]

AL-RASHID TRUST (a.k.a. AL MEENEN TRUST; a.k.a. AL AMIN TRUST; a.k.a. AL AMIN WELFARE TRUST; a.k.a. AL MADINA TRUST; a.k.a. AL RASHED TRUST; a.k.a. AL-RASHID TRUST, Office Dha’rbi-i-M’unin, Top Floor, Dr. Dawa Khan Dental Clinic Surgeon, Main Baxar, Mingora, Swat, Pakistan; Office Dha’rbi-i-M’unin, Room no. 3, Third Floor, Moti Plaza, near Liaquat Bagh, Murree Road, Rawalpindi, Pakistan; Kitab Ghar, D-Arab-608, Sarajevo 71 000, Bosnia and Herzegovina; ul. Strossmayerova 72, Zenica, Bosnia and Herzegovina; Muhameda Hadzijahica #42, Sarajevo, Bosnia and Herzegovina [SDGT]

AL SA'IDAI, Fauq Faraj Hassan (a.k.a. AL-SAUDI, Fawzi Faraj; a.k.a. AL-SAUDI, Faruj; a.k.a. IMAD MOUHAMED ABDELLAH; a.k.a. MOHAMED ABDULLA IMAD; a.k.a. MUHAMMAD ABDULLAH IMAD; a.k.a. ‘HAMZA AL LIBI’), Viale Bligny 42, Milan, Italy; DOB 28 Nov 1980; POB Libya; alt. POB Jordan; alt. POB Palestine; alt. POB Gaza; nationality Libya; alt. nationality Palestinian; alt. nationality Jordan; arrested United Kingdom (individual) [SDGT]

AL-SUNUT DEVELOPMENT COMPANY (a.k.a. AL-SUNUT DEVELOPMENT COMPANY/NY), No. 1 Brussels East, Khartoum 2, P.O. Box 1840, Khartoum, Sudan; Web site www.alsunut.com (Sudan); E-mail Address info.AlsunutKhartoum@alsunut.com; E-mail Address info.AlsunutDubai@alsunut.com [SUDAN]

AL WASEL AND BABEL GENERAL TRADING LLC, Baghdad, Iraq; Ibrahim Saeed Lootah Building, Al Ramool Street, P.O. Box 10631 & 638, Rashidya, Dubai, United Arab Emirates [IRAQ2]

AL-ZAWAHIRI, Dr. Abu, Aiman Muhammad Rabii; a.k.a. AL-ZAWAHIRI, Ayman; a.k.a. AL-ZAWAHIRI, Ayman; a.k.a. SALIM, Ahmad Fuald; DOB 19 Jun 1951; POB Giza, Egypt; Passport 1084010 (Egypt); alt. Passport 19820215; Operational and Military Leader of JIHAD GROUP (individual) [SDT] [SDT]

AL-ADL, Sayf (a.k.a. AL-ADIL, Sael); DOB 1963; POB Egypt (individual) [SDT]

AL-AHMAD, Ahmad Muhammad Yunis (a.k.a. AL-BADANI, Ahmad Muhammad Ahmad ‘Abdullah; a.k.a. AL-BARRANI, Ahmad Muhammad Ahmad ‘Abdullah); Al-Mazzah Al-Jabal District. 6 Subdistrict, 3 area, Al-Iksan complex, 40/2, Fifth Floor, Damascus, Syria; DOB 19 Sep 1978; POB Al-Anbar, Iraq; nationality Iraq; Passport H0347417 (Iraq) issued 20 Feb 2003 expires 19 Feb 2008, Top Floor, Dr. Dawa Khan Dental Clinic Surgeon, Main Baxar, Mingora, Swat, Pakistan; Office Dha’rbi-i-M’unin, Top Floor, Dr. Dawa Khan Dental Clinic Surgeon, Main Baxar, Mingora, Swat, Pakistan; Office Dha’rbi-i-M’unin, Room no. 3, Third Floor, Moti Plaza, near Liaquat Bagh, Murree Road, Rawalpindi, Pakistan; Kitab Ghar, D-Arab-608, Sarajevo 71 000, Bosnia and Herzegovina; ul. Strossmayerova 72, Zenica, Bosnia and Herzegovina; Muhameda Hadzijahica #42, Sarajevo, Bosnia and Herzegovina [SDGT]

AL-AMMIN WELFARE TRUST; a.k.a. AL MADINA TRUST; a.k.a. AL RASHED TRUST; a.k.a. AL-RASHID TRUST, Office Dha’rbi-i-M’unin, Top Floor, Dr. Dawa Khan Dental Clinic Surgeon, Main Baxar, Mingora, Swat, Pakistan; Office Dha’rbi-i-M’unin, Room no. 3, Third Floor, Moti Plaza, near Liaquat Bagh, Murree Road, Rawalpindi, Pakistan; Kitab Ghar, D-Arab-608, Sarajevo 71 000, Bosnia and Herzegovina; ul. Strossmayerova 72, Zenica, Bosnia and Herzegovina; Muhameda Hadzijahica #42, Sarajevo, Bosnia and Herzegovina [SDGT]

AL RAMAH, Shaykh Umar Abd; DOB 03 May 1938; POB Egypt; Chief Ideological Figure of ISLAMIC GAM'AH AT (individual) [SDT]

AMIN WELFARE TRUST; a.k.a. AL RASHEED TRUST; a.k.a. AL AMIN TRUST; a.k.a. AL AMIN WELFARE TRUST; a.k.a. AL MADINA TRUST; a.k.a. AL RASHED TRUST; a.k.a. AL-RASHID TRUST, Office Dha’rbi-i-M’unin, Top Floor, Dr. Dawa Khan Dental Clinic Surgeon, Main Baxar, Mingora, Swat, Pakistan; Office Dha’rbi-i-M’unin, Room no. 3, Third Floor, Moti Plaza, near Liaquat Bagh, Murree Road, Rawalpindi, Pakistan; Kitab Ghar, D-Arab-608, Sarajevo 71 000, Bosnia and Herzegovina; ul. Strossmayerova 72, Zenica, Bosnia and Herzegovina; Muhameda Hadzijahica #42, Sarajevo, Bosnia and Herzegovina [SDGT]

AL-SIBA’I, Hani Muhammad Yusuf (a.k.a. YUSEF, Hani al-Sa'id Al-Sibai), United Kingdom; DOB 1 Mar 1961; POB Qaybibiyyah, Egypt; nationality Egypt (individual) [SDGT]

AL-SUBAYI, Khalifa Muhammad Turki (a.k.a. AL-TALEE, Shadi Turki, a.k.a. AL-SUBAYI, Khalifa Mohd Turki; a.k.a. AL-SUBAYI, Khalifa; a.k.a. BIN AL-SUAYI, Khalifa Turki bin Muhammed); DOB 1 Jan 1965; citizen Qatar; National ID No. 2653400140 (Qatar); Passport 00685686 (Qatar) (individual) [SDGT]

AL-SUDANI, Khalid Ahmad Junam, Amman, Jordan; Passport H649956 (Sudan) issued 8 Apr 2002; IARA Middle East Regional Director (individual) [SDGT]

AL-TAI, Sultan Hashim Ahmed; DOB circa 1944; POB Iraq; nationality Iraq; Minister of Defense (individual) [IRAQ2]


AL-TAMIMI, Muhammad Juma Y (a.k.a. AL-TAMIMI, Muhammad Juma Y); DOB 1956; POB Baghdad, Iraq; Passport M0817630 (Iraq); alt. Passport H0284744 (Iraq) (individual) [IRAQ2]

AL-TAMIRANGOPAC, Hector, Ave. De los Angeles 5183-4, Fracc. Las Palmas, Tijuana, Baja California, Mexico; c/o KONTROLE ELECTRONICOS DE BAJA CALIFORNIA, S.A. DE C.V., Ave. Azueta 11730, Col. Libertad, Tijuana, Baja California, Mexico; DOB 18 Feb 1975; POB Baja California, Mexico; C.U.R.P. AALH750218HBCLPC02 (Mexico) (individual) [SDNTK]

AL-TIKRITI, Abid Hamid Mahmud (a.k.a. HAMMAD, Abu ‘Uthman; a.k.a. MAHMOUD, Col. Abdel Hamid; a.k.a. MAHMOUD, Abd Hamid b. Hamid); DOB circa 1957; POB Al-Awja, near Tikrit, Iraq; nationality Iraq; Saddam Hussein al-Tikriti’s presidential secretary and key advisor (individual) [IRAQ2]

AL-TIKRITI, Ahmed Wathan Ibrahim Hasan (a.k.a. AL-TIKRITI, Ahmed Wathan Ibrahim Hasan; a.k.a. MUHAWDAR, ‘Imad ‘Udi), Jirmanah Neighborhood, Damascus, Syria; Al-Ra’a’s Building, Mina Street, Tartous, Syria; Al-Halda Hotel, Sana’a, Yemen; DOB 1975; alt. DOB 1979; POB Baghdad, Iraq; nationality Iraq (individual) [IRAQ2]

AL-TIKRITI, Ali Barzan Ibrahim Hasan, Geneva, Switzerland; DOB 18 Apr 1981; nationality Iraq; son of Barzan Ibrahim Hasan al-Tikriti (individual) [IRAQ2]

AL-TIKRITI, Ali Hassan al-Majid (a.k.a. AL-KIMAWI; a.k.a. AL-MAJID, General Ali Hasan; a.k.a. AL-MAJID, General Ali Hassan); DOB 1943; alt. DOB 1941; POB al-Awja, near Tikrit, Iraq; nationality Iraq; presidential advisor and senior member of Revolutionary Command Council (individual) [IRAQ2]

AL-TIKRITI, Ali Saddam Hussein (a.k.a. HASSAN); DOB 1980; alt. DOB 1983; POB Iraq; nationality Iraq; son of Saddam Hussein al-Tikriti (individual) [IRAQ2]

AL-TIKRITI, Ayman Sab’awi Ibrahim Hasan (a.k.a. AL-TIKRITI, Aiman Sabawi Ibrahim Hasan; a.k.a. AL-TIKRITI, Ayman Sabw’ai Ibrahim Hasan; a.k.a. AL-TIKRITI, Ayman Sabwai Ibrahim Hasan; a.k.a. SALMAN, Qais Muhammad), Bludan, Syria; Mutanabbi Area, Al Monsur, Baghdad, Iraq; DOB 25 Oct 1971; POB Baghdad, Iraq; alt. POB Al-Owja, Iraq; nationality Iraq (individual) [IRAQ2]

AL-TIKRITI, Barzan abd al-Ghafer Sulaiman Majid (a.k.a. AL-GHAFUR, Barzan Razuki abd); DOB 1965; nationality Iraq; commander, Special Republican Guard (individual) [IRAQ2]

AL-TIKRITI, Barzan Ibrahim Hassan (a.k.a. AL-TIKRITI, Barzan Ibrahim Hassan; a.k.a. AL-TIKRITI, Barzan Ibrahim Hassan), Geneva, Switzerland; DOB 17 Feb 1951; POB Tikrit, Iraq; nationality Iraq; Passport M0009851/1; alt. Passport M0001666/970; alt. Passport NM0000860/114; presidential advisor; half-brother of Saddam Hussein al-Tikriti (individual) [IRAQ2]

AL-TIKRITI, Bashar Sabwai Ibrahim Hasan (a.k.a. AL-TIKRITI, Hashim Sabwai Ibrahim Hasan; a.k.a. AL-TIKRITI, Bashir Sabw’ai Ibrahim Hasan; a.k.a. AL-TIKRITI, Bashir Sabwai Ibrahim Al-Hassan; a.k.a. AL-TIKRITI, Bashir Sabwai Ibrahim Al-Hassan), Beirut, Lebanon; Fuad Davod Farm, Az Zahabani, Damascus, Syria; DOB 17 Jul 1970; POB Baghdad, Iraq; nationality Iraq (individual) [IRAQ2]

AL-TIKRITI, Hala Saddam Hussein; DOB 1972; POB Iraq; nationality Iraq; daughter of Saddam Hussein al-Tikriti (individual) [IRAQ2]

AL-TIKRITI, Hamid Raja Shahal (a.k.a. AL-TIKRITI, Hamid Raja Shalah; a.k.a. AL-TIKRITI, Hamid Raja-Shalah Hussam); DOB 1950; POB Bayji, Salah Al-din Governorate, Iraq; nationality Iraq; air force commander (individual) [IRAQ2]

AL-TIKRITI, Hani abd-al-Latif Tilfah; DOB circa 1962; POB al-Awja, near Tikrit, Iraq; nationality Iraq; #2 in Special Security Organization (individual) [IRAQ2]

AL-TIKRITI, Ibrahim Ahmad abd al-Sattar (Individual) [IRAQ2]; DOB 1943; alt. DOB 1952; alt. DOB 1950; POB Ba’qubah or al-Sumayda/ Qays Al-Omar; DOB 1950; alt. POB Tikrit, Iraq; nationality Iraq; ran Defense Forces; Deputy Director, Organization of Military Industrialization (individual) [IRAQ2]

AL-TIKRITI, Noor Barzan Ibrahim Hasan, Geneva, Switzerland; DOB 2 Nov 1983; nationality Iraq; daughter of Barzan Ibrahim Hasan al-Tikriti (individual) [IRAQ2]

AL-TIKRITI, Omar Sabawi Ibrahim Hasan (a.k.a. AL-ALUSI, Umar Ahmad Al; a.k.a. AL-TIKRITI, Omara Sabaw’i Ibrahim Hasan; a.k.a. AL-TIKRITI, Omara Sabw’i Ibrahim Hasan; a.k.a. AL-TIKRITI, Umar Sabw’i Ibrahim Hasan), Damascus, Syria; Yenom; Al-Shahid Street, Al-Mahata Neighborhood, Az Zabadi, Syria; DOB circa 1970; POB Baghdad, Iraq; nationality Iraq; Passport 2863795S (Iraq) expires 23 Aug 2005 (individual) [IRAQ2]

AL-TIKRITI, Qusay Saddam Hussein; DOB 1965; alt. DOB 1966; POB Baghdad, Iraq; nationality Iraq; Saddam Hussein al-Tikriti’s second son; oversaw Special Republican Guard, Special Security Organization, and Republican Guard (individual) [IRAQ2]

AL-TIKRITI, Rafi abd-al-Latif Tilfah; DOB circa 1954; POB Tikrit, Iraq; nationality Iraq; Director, Directorate of General Security (individual) [IRAQ2]

AL-TIKRITI, Raghad Saddam Hussein, Amman, Jordan; DOB 1967; POB Iraq; nationality Iraq; daughter of Saddam Hussein al-Tikriti (individual) [IRAQ2]

AL-TIKRITI, Rana Saddam Hussein, Amman, Jordan; DOB 1969; POB Iraq; nationality Iraq; daughter of Saddam Hussein al-Tikriti (individual) [IRAQ2]

COLOMBIA; Cedula No. 16683047 (Colombia); Passport AG830763 (Colombia) (individual) [SDNT]

AMAYA OROCZO, Luis Alberto, Calle 18N No. 9–46, Cali, Colombia; c/o COMERCIALIZADORA DE CARNES DEL PACIFICO LTDA., Cali, Colombia; DOB 15 Sep 1945; Cedula No. 4882167 (Colombia) (individual) [SDNT]

AMCO LTD. AGENCY, Al-Tahrir Car Parking Building, Tahrir Sq., Floor 3, Office 33, P.O. Box 8044, Baghdad, Iraq [IRAQ]

AMOUNI, Mehrez (a.k.a. AL-AMOUNI, Mehrez Ben Mahmoud Ben Sass; a.k.a. FUSCO, Fabio; a.k.a. HASSAN, Mohamed; a.k.a. "ABU THALE"); DOB 18 Dec 1969; POB Tunis, Tunisia; nationality Tunisia; Passport 0801888 (Bosnia and Herzegovina); alt. Passport G737411 (Tunisia) issued 24 Oct 1990 expires 20 Sep 1997 (individual) [SDGT]


AMERICAN TUNE UP, S.A. DE.C.V., Guadalajara, Jalisco, Mexico; Registration ID MAT 46–47 TOMO 460 L. (Mexico) [SDNTK]

AMERICANA DE COSMETICOS S.A., Carrera 70 No. 54–30, Bogota, Colombia; Calle 12B No. 27–40, Int. 4 of., Bogota, Colombia; Carrera 28 No. 11–65 of. 707, Bogota, Colombia; Carrera 12 No. 71–53 of. 502, Bogota, Colombia; Calle 12B No. 27–39, Bogota, Colombia; NIT #83028750–9 (Colombia) issued 13 Nov 2007 expires 12 Nov 2012 (individual) [SDGT]

AMEZCUA CONTRERAS ORGANIZATION, Mexico [SDNTK]

AMEZCUA CONTRERAS, Adan (a.k.a. MANZANO, Jose Luis), Francisco I. Madero 749, Colonia Morolete, Colima, Colima, Mexico; Calle General Juan Alvarez 1010, Colonia Lomas Vista Hermosa, Colima, Colima, Mexico; Belizario Dominguez, No. 511, Colima, Colima, Mexico; Carlos Chavez 5, Colima, Colima, Mexico; Toreros No. 672, Colonia Jardines de Guadalupe, Guadalajara, Jalisco, Mexico; Calle 27 Jun 1969; citizen Mexico; nationality Mexico; R.F.C. AECA–690627 (Mexico) (individual) [SDNTK]

AMEZCUA CONTRERAS, Jose de Jesus (a.k.a. AMECUZA, Chuey; a.k.a. AMEMZUZA CONTRERAS, Jesus; a.k.a. AMEZCUA CONTRERAS, Jose de Jesus; a.k.a. HERNANDEZ, Adan); DOB 31 Jul 1964; alt. DOB 31 Jul 1964; alt. DOB 31 Jul 1965; POB Mexico (individual) [SDNT]

AMEZCUA CONTRERAS, Luis Ignacio (a.k.a. AMECUZA, Luis; a.k.a. CONTRERAS, Luis C.; a.k.a. LOPEZ, Luis; a.k.a. LOZANO, Eduardo; a.k.a. OCHOA, Salvador; a.k.a. RODRIGUEZ LOPEZ, Sergio); DOB 22 Feb 1964; alt. DOB 21 Feb 1974; alt. DOB 21 Feb 1964; POB Mexico (individual) [SDNTK]

AMEZCUA CONTRERAS, Patricia (a.k.a. AMEZCUA CONTRERAS, Patty; a.k.a. AMEZCUA DE LADINO, Patricia), c/o FARMACIA JERYLNE, S.A. DE C.V., Tijuana, Baja California, Mexico; Calle Jesus Ponco 1083, Colonia Jardin Vista Hermosa, Colima, Colima, Mexico; DOB 18 Mar 1967; citizen Mexico; nationality Mexico; C.U.R.P. AECP760318MJCMTN07 (Mexico); R.F.C. AECP–670318 (Mexico) (individual) [SDNTK]

AMEZQUIITA MENESES, Salustio, c/o INVERSIONES GEMINIS S.A., Cali, Colombia; c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia; DOB 1 Jul 1946; Cedula No. 14943885 (Colombia) (individual) [SDNT]

AMIN EL GEZZAI COMPANY (a.k.a. EL AMIN EL GEZZAI COMPANY), Khartoum, Sudan [SDN]

AMIN INDUSTRIAL COMPLEX (a.k.a. AMIN INDUSTRIAL COMPANY; a.k.a. AMIN INDUSTRIAL COMPOUND), Amin Industrial Estate, Khalage Rd., Seyedi District, Mashad, Iran; P.O. Box 91735–549, Mashad, Iran; Kaveh Complex, Khalaj Rd., Seyedi St., Mashad, Iran [NPWMD]


AMMASH, Huda Salih Mahdi; DOB 1953; POB Baghdad, Iraq; nationality Iraq; member, Ba'th party regional command (individual) [IRAQ2]

AMMUNITION AND METALLURGY INDUSTRIES GROUP (a.k.a. AMIG; a.k.a. AMMUNITION AND METALLURGY INDUSTRY GROUP; a.k.a. AMMUNITION INDUSTRIES GROUP; a.k.a. SANAYE INDUSTRIES GROUP; a.k.a. "AMMUNITION INDUSTRIES GROUP"; a.k.a. "EL PARA"); DOB 1 Jan 1968; POB Kef Rih, Algeria; nationality Algeria (individual) [SDGT]

AMMASH, Huda Salih Mahdi; DOB 1953; POB Baghdad, Iraq; nationality Iraq; member, Ba'th party regional command (individual) [IRAQ2]

AMMUNITION AND METALLURGY INDUSTRIES GROUP (a.k.a. AMIG; a.k.a. AMMUNITION AND METALLURGY INDUSTRY GROUP; a.k.a. AMMUNITION INDUSTRIES GROUP; a.k.a. SANAYE INDUSTRIES GROUP; a.k.a. "AMMUNITION INDUSTRIES GROUP"; a.k.a. "EL PARA"); DOB 1 Jan 1968; POB Kef Rih, Algeria; nationality Algeria (individual) [SDGT]

AMMASH, Huda Salih Mahdi; DOB 1953; POB Baghdad, Iraq; nationality Iraq; member, Ba'th party regional command (individual) [IRAQ2]

AMMASH, Huda Salih Mahdi; DOB 1953; POB Baghdad, Iraq; nationality Iraq; member, Ba’th party regional command (individual) [IRAQ2]

AMMASH, Huda Salih Mahdi; DOB 1953; POB Baghdad, Iraq; nationality Iraq; member, Ba’th party regional command (individual) [IRAQ2]

AMMASH, Huda Salih Mahdi; DOB 1953; POB Baghdad, Iraq; nationality Iraq; member, Ba’th party regional command (individual) [IRAQ2]

AMMASH, Huda Salih Mahdi; DOB 1953; POB Baghdad, Iraq; nationality Iraq; member, Ba’th party regional command (individual) [IRAQ2]

AMMASH, Huda Salih Mahdi; DOB 1953; POB Baghdad, Iraq; nationality Iraq; member, Ba’th party regional command (individual) [IRAQ2]

AMMASH, Huda Salih Mahdi; DOB 1953; POB Baghdad, Iraq; nationality Iraq; member, Ba’th party regional command (individual) [IRAQ2]

AMMASH, Huda Salih Mahdi; DOB 1953; POB Baghdad, Iraq; nationality Iraq; member, Ba’th party regional command (individual) [IRAQ2]
ASSOCIATED ENGINEERS, United Kingdom [IRAQ]

ASSOCIATION DE SECOURS
PALESTINIENS (a.k.a. ASP; a.k.a. ASSOCIATION FOR PALESTINIAN AID; a.k.a. ASSOCIATION SECOUR PALESTINIEN; a.k.a. HUMANITARE HILFSORGANISATION FUR PALASTINA; a.k.a. LAJNA AL-IGTHA AL-FILISTINI; a.k.a. PALESTINE RELIEF COMMITTEE; a.k.a. PALESTINIAN AID COUNCIL; a.k.a. PALESTINIAN AID ORGANIZATION; a.k.a. PALESTINIAN RELIEF SOCIETY; a.k.a. RELIEF ASSOCIATION FOR PALESTINE), Gartnerstrasse 55, Basel CH-4109, Switzerland; Postfach 406, Basel CH-4109, Switzerland; c/o Faical Yaakoubi, 7 rue de l'Ancien Port, Geneva CH-1201, Switzerland [SDGT]

ASTAIZA TACUMA, Luz Marina, c/o COMPANIA DE FOMENTO MERCANTIL S.A., Cali, Colombia; c/o GESTORA MERCANTIL S.A., Cali, Colombia; c/o GEOLASTRO S.A., Cali, Colombia; DOB 10 Nov 1957; POB Cali, Valle, Colombia; Cedula No. 31271034 (Colombia); Passport 31271034 (Colombia) (individual) [SDNT]

ATAMALLO SHIPPING CO. LTD., c/o EMPRESA DE NAVEGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]

ATBARA CEMENT COMPANY LIMITED, P.O. Box 36, Arhaba, Sudan [SUDAN]

ATC LTD., Gibraltar, United Kingdom [LIBERIA]

A-TEAM CHEMICALS COMPANY LTD., 95/53 Soi Lasal, Sukhumwit 105 Road, Bang Na, Phra Khanong district, Bangkok, Thailand [SDNT]

ATENCIA PITALUA, Rafael Dario, c/o FUNDACION PARA LA PAZ DE CORDOBA, Monteria, Cordoba, Colombia; DOB 4 Feb 1963; Cedula No. 6889653 (Colombia) (individual) [SDNTK]

ATIA, Hachim K., 52784570 (Colombia) (individual) [SDNTK]

ATIA, Hachim K., Avenida 7 No. 112–38 of. 104, Bogota, Colombia [SDNT]

ATIELANO FELIX, Jorge (a.k.a. ‘MACUMBABA’), DOB 15 Apr 1952; nationality Mexico (individual) [SDNTK]

AURELIMARINA LTDA., Avenida 7 No. 112–38 of. 104, Bogota, Colombia [SDNT]

AUREUM PALACE HOTELS AND RESORTS (a.k.a. AUREUM PALACE HOTEL AND RESORT (BAGAN); a.k.a. AUREUM PALACE HOTEL AND RESORT (NGWE SAUNG); a.k.a. AUREUM PALACE HOTEL AND RESORT GROUP CO. LTD.; a.k.a. AUREUM PALACE HOTEL RESORT; a.k.a. AUREUM PALACE RESORTS; a.k.a. AUREUM PALACE RESORTS AND SPA), Thandwe, Rakhine, Burma; No. 41 Shwe Taung Gyar Street, Bahan Township, Yangon, Burma [BURMA]

AURIGA INTERLEXUS S.L., Calle Marques Del Duero, 76 (PLT 3C), San Pedro De Alcantara, Malaga 29670, Spain; C.I.F. B-64252703 (Spain) [SDT]

AUTO EXPRESS DORADOS S.A. DE C.V., Avenida Cristobal Colon, Saucillo, Chihuahua, Mexico; Panamerican 110 Colonia Altavista, Saucillo, Chihuahua C.P. 33620, Mexico [SDNTK]

AUTOMOBILE CORPORATION, Khartoum, Sudan [SUDAN]

AVALON, S.A., Colon Free Zone, Panama [CUBA]

AVENDANO MUNERA, Jairo Ivan, Carrera 52 No. 41–81, Edificio El Polo, Medellin, Colombia; DOB 26 Aug 1960; Cedula No. 71589827 (Colombia) (individual) [SDNT]

AVIANCITA S.A., Avenida Jose Pardo 601, Lima, Peru; RUC #20423916541 (Peru) [SDNTK]

AVIATRAN TRANSANSTALT (a.k.a. AVIATRAN ESTABLISHMENT), Ruggell, Liechtenstein [IRAQ]

AVILA DE MONDRAGON, Ana Dolores, c/o INVERSIONES Y CONSTRUCCIONES ABC S.A., Cali, Colombia; c/o COMPAX LTDA., Cali, Colombia; c/o INVERSIONES Y CONSTRUCCIONES COSMOVALLE LTDA., Cali, Colombia; DOB 22 Dec 1911; Cedula No. 29183223 (Colombia) (individual) [SDNT]

AVILA GONZALEZ, Humberto, c/o ADMINISTRADORA DE SERVICIOS VARIOS CALIMA S.A., Cali, Colombia; c/o CHAMARTIN S.A., Cali, Colombia; DOB 2 Apr 1960; Cedula No. 14882052 (Colombia); Passport 14882052 (Colombia) (individual) [SDNT]

AVILA LOPEZ, Gabriel, c/o ADMINISTRADORA DE SERVICIOS VARIOS CALIMA S.A., Cali, Colombia; c/o CHAMARTIN S.A., Cali, Colombia; DOB 3 Aug 1963; Cedula No. 16689631 (Colombia); Passport 16689631 (Colombia) (individual) [SDNT]

AVILA MIRANDA, Jorge Adalberto, Calle 52N No. 2D–29, Cali, Colombia; c/o CAUCALITO LTDA., Cali, Colombia; DOB 23 Apr 1950; Cedula No. 12534286 (Colombia) (individual) [SDNT]

AWDA, Ab Id Aziz; DOB 1946; Chief Ideological Figure of PALESTINIAN ISLAMIC JIHAD-SHIQAQI (individual) [SDT]

AWEYS, Dahir Abedullahi, Via Ciglione Facchinetti 84, Rome, Italy (individual) [SDNT]

AWEYS, Hassan Dahir (a.k.a. ALI, Sheikh Hassan Dahir Aweys; a.k.a. AWES, Hassan Dahir; a.k.a. AWES, Hassan Dahir Aweys; a.k.a. AWEYES, Hassan Awey; a.k.a. AWEYES, Ahmed Dahir; a.k.a. AWEYES, Sheikh; a.k.a. AWEYES, Sheikh Hassan Dahir; a.k.a. AWEYES, Wians Hassan; a.k.a. IBRAHIM, Mohammed Hassan; a.k.a. OAIS, Hassan Tahir; a.k.a. UWJAY, Hassan Tahir; a.k.a. "HASSAN, Sheik"); Ertrita, Somalia; DOB 1935; citizen Somalia; nationality Somalia (individual) [SDNT]

AWEYS, Hassan Dahir (a.k.a. ALI, Sheikh Hassan Dahir Aweys; a.k.a. AWES, Shakhay Hassan Dahir) DOB 1935; citizen Somalia (individual) [SDNT]


AYALA BARRERA, Rubi Yiceth, c/o MATAMBRE DE LO MEJOR, Bogota, Colombia; c/o HERJEZ LTDA., Bogota, Colombia; DOB 13 Feb 1982; Cedula No. 52784570 (Colombia) (individual) [SDNTK]
BONOMERCAD S.A. (f.k.a. DECACOOP BOLSAK E.U. (a.k.a. BOLSAK S.A.), Calle 15 No. 25–400 Urbanizacion Industrial Acopi, Yumbo, Colombia; NIT #:830018199–3 (Colombia) (individually) [SDNTK]

BONYONGWE, Happyton Mbabuya; DOB 6 Nov 1960; POB Chiakoma District, Zimbabwe; nationality Zimbabwe; Director General, Central Intelligence Organization (individual) [ZIMBABWE]

BOONCHUA, Chanchira (a.k.a. BOONCHUA, Chanjira; a.k.a. CHANCHIRA, Boochuea; a.k.a. FONG a.k.a. LIANG, Ching-fang; a.k.a. Chanjira; a.k.a. CHANCHIRA, Boochuea; (individual) [ZIMBABWE]

BOOSKOVSKI, Ljube; DOB 15 May 1951; National Foreign ID Number 35099136390 (Thailand) issued 28 Oct 1952 expires 25 May 2009 (individual) [SDNTK]

BORBAO ZAZUETA, Cinthia (a.k.a. BORBAO OF ZAMBADA, Zynthia; a.k.a. BORBAO ZAZUETA, Cinthia); Calle Miguel Hidalgo PTE 348, Centro Ciutatian, Sinaloa, Mexico; Lago Azul y Ave Lago Azul, Lomas de Boulevard, Culiacan, Sinaloa, Mexico; Manuel Bonilla 1166, Guadalupe, Culiacan, Sinaloa, Mexico; Cedula No. 325431088 (Mexico); Contadora Publica (individual) [SDNTK]

BORTOLOI, Marco (a.k.a. BORTOLOI, Massimiliano); Via Milano n.38, Spinadesco, CR, Italy; DOB 28 Dec 1970; POB Trieste, Italy; nationality Italy; Italian Fiscal Code BCHMHT69R13Z352T; R.F.C. BAM6512151D7 (Mexico); Contadora Publica (individual) [SDNTK]

BRDJANIN, Radoslav; DOB 9 Feb 1948; POB Popovac, Bosnia-Herzegovina; ICTY indictee (individual) [BALKANS]

BRECO (ASIA PACIFIC LTD) Ltd, First Floor, Falcon Clif, Palace Road, Douglas IM2 4LB, Man, Isle of; Business Registration Document #M78647 (United Kingdom) [ZIMBABWE]

BRECO (EASTERN EUROPE) LTD (a.k.a. BRECO (EASTERN EUROPE) LIMITED), Falcon Clif, Palace Road, Douglas IM9 1ZW, Man, Isle of; Hurst Grove, Standord Lane, Hurst, Reading, Berkshire RG10 0SQ, United Kingdom; Business Registration Document #FC0021189 (United Kingdom) [ZIMBABWE]

BRECO (SOUTH AFRICA) LTD, 9 Columbus Centre, Pelican Drive, Road Town, Tortola, Virgin Islands, British; Cumbrae House, Market Street, Douglas IM1 2PQ, Man, Isle of; Business Registration Number #C1090 (United Kingdom) [ZIMBABWE]

BRECO GROUP, Middleton House, Titlarks Hill Road, Sunningdale, Ascot, Berkshire SL5 0DJ, United Kingdom; Business Registration Document #2096104 (United Kingdom) [ZIMBABWE]

BOILEAU, Pierre, 1078 Rue Champigny, Duvernay, Quebec, Canada (individual) [CUBA]

BOLANOS VITAL, Raul, c/o LLC EXPORTACIONES, S. DE R.L. DE C.V., Mexico, Distrito Federal, Mexico; DOB 26 Dec 1962; c/o DED Mexico, D.F., Mexico; citizen Mexico; nationality Mexico (individual) [SDNTK]

BOLSAK E.U. (a.k.a. BOLSAK S.A.), Calle 15 No. 25–400 Urbanizacion Industrial Acopi, Yumbo, Colombia; NIT #:830018199–3 (Colombia) (individually) [SDNTK]

BOSANSKA IDEALNA FUTURA (a.k.a. BECF CHARITABLE EDUCATIONAL CENTER; a.k.a. BENEVOLENCE EDUCATIONAL CENTER; a.k.a. BECF FUTURA; a.k.a. BOSNIA CHARITABLE FUTURE), Kanal, 1, Zenica 72000, Bosnia and Herzegovina; Sehidska, Street, Breza, Bosnia and Herzegovina; Hamze, Celenke 35, Ilidza, Sarajevo, Bosnia and Herzegovina; Hadzije, Mazica Put 16F, Zenica 72000, Bosnia and Herzegovina; Salke Lumugdije 12, Sarajevo 71000, Bosnia and Herzegovina (SDGT)

BOSIKOVSKI, Ljube; DOB 24 Oct 1960 (individual) [BALKANS]

BOSQUE DE SANTA TERESITA LTDA., Avenida 6N No. 17–92, OF. 411–412, Cali, Colombia; NIT #:800117660–9 (Colombia) [SDNT]

BOTERO ARISTIZABAL, Maria Emma, Apto. No. 1003–B, Edificio Torres De La Cincuenta, Calle 9B No. 50–15, Cali, Colombia; DOB 1977; POB Bogota, Colombia; Cedula No. 32514008 (Colombia) (individual) [SDNT]

BOUCHOUCHA, Mokhtar (a.k.a. BOUCHOUCHA, Al-Mokhtar Ben Mohamed Al-Mokhtar; a.k.a. BUSHUSHA, Mokhtar), Via Milano n.38, Spinadesco, CR, Italy; DOB 13 Oct 1969; POB Tunis, Tunisia; nationality Tunisia; Italian Fiscal Code BCHMHT69R13Z352T; R.F.C. BAM6512151D7 (Mexico); Contadora Publica (individual) [SDNTK]

BOUCHANEMI, Faycal (a.k.a. BOUGHANAMI, Faical), viale Cambonino, 5/B, Cremona, Italy; DOB 28 Oct 1966; POB Tunis, Tunisia; nationality Tunisia; Italian Fiscal Code BGHFC66LR828Z352G (individual) [SDGT]

BOURNE FARM, Chegutu, Zimbabwe; owner, Great Lakes Transport, and Business Air Services des Grands Lacs, Bukavu Aviation Ltd, Bukavu, Congo; alt. DOB 13 Jan 1970; POB Dushanbe, Tajikistan; alt. citizen Ukraine; National ID No. CB039314 (Ukraine); alt. National ID No. 76704 (Russia) (individual) [LIBERIA]

BOURNE, Sergei Anatolyievich (a.k.a. BONT; SERGO; BUT; SERGI; SERGIJE; BUTT), Dimitrov Blvd, Sofia BG–1125, Bulgaria; Moscow, Russia; c/o AIR CESS, Islamabad, Pakistan; c/o AIR CESS, P.O. Box 7837, Sharjah, United Arab Emirates; DOB 27 Aug 1961; POB Tajikistan; citizen Russia; alt. citizen Ukraine; National ID No. CB039314 (Ukraine); alt. National ID No. 76704 (Russia) (individual) [LIBERIA]

BOVOS, Ali (a.k.a. ALI GHAFI), Corso degli Aranci, 107, Via San Bartolomeo, 00185, Rome, Italy; DOB 24 Feb 1962; POB Karachi, Pakistan; nationality Pakistan; C.U.R.P. BAMA651215MJCRRR05 (Mexico); Contadora Publica (individual) [SDNTK]

BRAMBILA MARTINEZ, Aurora, Avenida Obregon 180, Colonia Puente Grande, Jalisco, Mexico; c/o SALUD NATURAL MEXICANA, S.A. DE C.V., Zapopan, Jalisco, Mexico; c/o PRODUCTOS FARMACEUTICOS COLLINS, S.A. DE C.V., Zapopan, Jalisco, Mexico; c/o INSUMOS ECOLOGICOS DEL ORIENTE, S.A. DE C.V., Guadalajara, Jalisco, Mexico; DOB 15 Dec 1965; POB Mexico; citizen Mexico; nationality Mexico; C.U.R.P. BAM6512151D7 (Mexico); Contadora Publica (individual) [SDNTK]

BRECO (ASIA PACIFIC LTD) Ltd, First Floor, Falcon Clif, Palace Road, Douglas IM2 4LB, Man, Isle of; Business Registration Document #M78647 (United Kingdom) [ZIMBABWE]

BRECO (EASTERN EUROPE) LTD (a.k.a. BRECO (EASTERN EUROPE) LIMITED), Falcon Clif, Palace Road, Douglas IM9 1ZW, Man, Isle of; Hurst Grove, Standord Lane, Hurst, Reading, Berkshire RG10 0SQ, United Kingdom; Business Registration Document #FC0021189 (United Kingdom) [ZIMBABWE]

BRECO (SOUTH AFRICA) LTD, 9 Columbus Centre, Pelican Drive, Road Town, Tortola, Virgin Islands, British; Cumbrae House, Market Street, Douglas IM1 2PQ, Man, Isle of; Business Registration Number #C1090 (United Kingdom) [ZIMBABWE]

BRECO GROUP, Middleton House, Titlarks Hill Road, Sunningdale, Ascot, Berkshire SL5 0DJ, United Kingdom; Thetford Farm, P.O. Box HP86, Mount Pleasant, Harare, Zimbabwe; Mapstone House, Mapstone Hill, Lustleigh, Newton Abbot, Devon; P.O. Box HP86, Mount Pleasant, Harare, Zimbabwe; Mapstone House, Mapstone Hill, Lustleigh, Newton Abbot, Devon; P.O. Box HP86, Mount Pleasant, Harare, Zimbabwe; Mapstone House, Mapstone Hill, Lustleigh, Newton Abbot, Devon; P.O. Box HP86, Mount Pleasant, Harare, Zimbabwe; Mapstone House, Mapstone Hill, Lustleigh, Newton Abbot, Devon (individual) [BALKANS]

BOUSSEMANS, Pierre, 1078 Rue Champigny, Duvernay, Quebec, Canada (individual) [CUBA]

BRECO INTERNATIONAL, 25 Broad Street, St. Helier JE2 3RR, Jersey [ZIMBABWE]

BRECO NOMINEES LTD, New Boudary Hill Road, Sunningdale, Ascot, Berkshire SL5 0DJ, United Kingdom; Thetford Farm, P.O. Box HP86, Mount Pleasant, Harare, Zimbabwe; Mapstone House, Mapstone Hill, Lustleigh, Newton Abbot, Devon; P.O. Box HP86, Mount Pleasant, Harare, Zimbabwe; Mapstone House, Mapstone Hill, Lustleigh, Newton Abbot, Devon; P.O. Box HP86, Mount Pleasant, Harare, Zimbabwe; Mapstone House, Mapstone Hill, Lustleigh, Newton Abbot, Devon (individual) [BALKANS]

BRIL, Miroslav (a.k.a. BREL); DOB 13 Oct 1967; POB Kratine, Vitez (individual) [BALKANS]

BROERO QUINTERO, Hector Fabio, c/o MULTISERVICIOS JEVIZ S.A. DE C.V., Zapopan, Jalisco, Mexico; DOB 28 Dec 1970; POB Santiago, Chile; nationality Chile; Italian Fiscal Code BCHMHT69R13Z352T; R.F.C. BAM6512151D7 (Mexico); Contadora Publica (individual) [SDNTK]
CASTELLANOS GARZON, Henry (a.k.a. “COMANDANTE ROMANA”); a.k.a. “EDISON ROMANA”; a.k.a. “ROMANA”); DOB 20 Mar 1965; POB San Martin, Meta, Colombia; Cedula No. 17353695 (Colombia) (individual) [SDNTK]

CASTELLANOS SANCHEZ, Federico Ernesto, c/o MC OVERSEAS TRADING COMPANY S.A. DE C.V., Guadalajara, Mexico; Calle Tauro No. 4090, Colonia Juan Manuel Vallarte, Zapopan, Jalisco, Mexico; DOB 1 Jul 1957; POB Tlatelolco, Jalisco, Mexico (individual) [SDNTK]

CASTILLO RODRIGUEZ, Flor Nelsey, Bogota, Colombia; citizen Colombia; Cedula No. 38260687 (Colombia) (individual) [SDNTK]

CASTREJON PENA, Victor Nazario, Mexico; DOB 05 May 1972; POB Iguala, Guerrero, Mexico; citizen Mexico; nationality Mexico (individual) [SDNTK]

CASTRILLON VASCO, Jhon Jairo, c/o INVERSIONES Y REPRESENTACIONES S.A., Cali, Colombia; c/o HOTEL LA CASCADA S.A., Girardot, Colombia; c/o FLORIDA S.A., Medellin, Colombia; DOB 30 Mar 1960; POB Medellin, Colombia; Cedula No. 71603587 (Colombia) (individual) [SDNTK]

CASTRO ARIAS, Libardo (a.k.a. ARIAS CASTRO, Libardo), c/o COMICOMERCIO S.A., Bogota, Colombia; DOB 25 Oct 1922; Cedula No. 31138584 (Colombia) (individual) [SDNTK]

CASTRONIL VASCO, Jhon Jairo, c/o INVERSIONES Y REPRESENTACIONES S.A., Cali, Colombia; c/o HOTEL LA CASCADA S.A., Girardot, Colombia; c/o FLORIDA S.A., Medellin, Colombia; DOB 30 Mar 1960; POB Medellin, Colombia; Cedula No. 71603587 (Colombia) (individual) [SDNTK]

CASTRO CURE Y CIA. S.A. DE C.V., Calle 111 No. 34–139, Barranquilla, Colombia; NIT #802001885–5 (Colombia) (individual) [SDNTK]

CASTRO DE SAMPER CRUZ, Amparo, c/o MIRALUNA LTDA., Cali, Colombia; c/o INMOBILIARIA SAMARIA LTDA., Cali, Colombia; c/o INVERSIONES SANTA LTDA., Cali, Colombia; c/o INVERSIONES INTEGRAL LTDA., Cali, Colombia; c/o URBANIZACIONES Y CONSTRUCCIONES LTDA., DE CALI, Cali, Colombia; c/o COMERCIALIZACION Y FINANCIACION DE AUTOMOVILES S.A., Cali, Colombia; c/o SAMARIA LTDA., Cali, Colombia; DOB 13 Jan 48; alt. DOB 14 Apr 59; Cedula No. 38983611 (Colombia); Passport AA429676 (Colombia); alt. Passport PE027370 (Colombia) (individual) [SDNTK]

CASTRO GARZON, Ricardo (a.k.a. LINEROS CASTRO, Rodolfo; a.k.a. “SAB”); c/o CASTRO CURE Y CIA., S.C.S., Barranquilla, Colombia; c/o CURE SABAGH Y CIA., S.C.S., Barranquilla, Colombia; c/o FUDIA LTDA., Barranquilla, Colombia; c/o CABLES NACIONALES S.A., Barranquilla, Colombia; DOB 13 Dec 1960; POB Barranquilla, Colombia; Cedula No. 8715520 (Colombia) (individual) [SDNTK]

CASTRO GARCIA, Victor Hugo (a.k.a. “CAZAREZ”, Guadalajara, Jalisco, Mexico; DOB 10 May 1965; POB Barranquilla, Colombia; Cedula No. 72137257 (Colombia) (individual) [SDNTK]

CASTRO PAEZ, Gerardo, c/o ORIMAR LTDA., Bogota, Colombia; DOB 14 Feb 1952; POB Barranquilla, Colombia; Cedula No. 72196638 (Colombia) (individual) [SDNTK]

CASTRO PAEZ, Jhon Paul, c/o CABLES NACIONALES SAN, Barranquilla, Colombia; DOB 20 Oct 1959; POB Barranquilla, Colombia; Cedula No. 72222351 (Colombia) (individual) [SDNTK]

CASTRO SANCHEZ, Nelson, c/o ADMACOOP, Bogota, Colombia; c/o FARMACOOP, Bogota, Colombia; c/o CODISA, Bogota, Colombia; DOB 18 May 1953; Cedula No. 19308824 (Colombia); Passport 19308824 (Colombia) (individual) [SDNTK]

CASTRO VERGARA, Sandra, c/o INVERSIONES EL PENON S.A., Cali, Colombia; DOB 24 Nov 1964; Cedula No. 31924082 (Colombia) (individual) [SDNTK]

CASTRO SANCHEZ, Nelson, c/o ADMACOOP, Bogota, Colombia; c/o FARMACOOP, Bogota, Colombia; c/o CODISA, Bogota, Colombia; DOB 18 May 1953; Cedula No. 19308824 (Colombia); Passport 19308824 (Colombia) (individual) [SDNTK]
CIA. MINERA DAPA S.A., Carrera 16 No. 93–38 Ofc. 104, Bogota, Colombia; NIT #8001181373–1 (Colombia) [SDNT]

CICLON (vessel) [CUBA]

CIDCA (a.k.a. CENTRO INVESTIGACION DOCENCIA Y CONSULTORIA ADMINISTRATIVA), Calle 61 No. 11–09 Chapinero, Bogota, Colombia; Carrera 5 No. 23–16, Bogota, Colombia; NIT #860404579–7 (Colombia) [SDNT]

CIFUENTES GALINDO, Luis Eduardo (a.k.a. “EL AGUILA”); DOB 16 Mar 1960; Cedula No. 3254362 (Colombia) (individual) [SDNTK]

CIFUENTES VARGAS, Yanet (a.k.a. CIDCA (a.k.a. CENTRO INVESTIGACION DOCENCIA Y CONSULTORIA ADMINISTRATIVA), Calle 61 No. 11–09 Chapinero, Bogota, Colombia; Carrera 5 No. 23–16, Bogota, Colombia; NIT #860404579–7 (Colombia) [SDNT]

CLAVIJO ROMERO, Andres Elias, c/o MERCADO DE VALORES INTEGRADOS LTDA, Bogota, Colombia; c/o C.I. STONES AND BYPRODUCTS TRADING S.A., Bogota, Colombia; c/o GMF COMERCIALIZADORA DE MATERIA PRIMAS ORGANICAS DEL TOLIMA LTDA, Bogota, Colombia; c/o JUAN SEBASTIAN Y CAMILA ANDREA JIMENEZ RAMIREZ Y CIA S.C.S., Bogota, Colombia; c/o PROFESIONALES EN GANADERIA, Bogota, Colombia; c/o C.I. AGROINDUSTRIAL DE MATERIAS PRIMAS ORGANICAS LTDA, Bogota, Colombia; DOB 29 Jun 1973; citizen Colombia; Cedula No. 79209806 (Colombia) (individual) [SDNTK]

CLINICA ESPECIALIZADA DEL VALLE S.A. (a.k.a. C.E.V. S.A.), Calle 10 No. 4A–26, Cali, Colombia; Apartado Aereo 32412, Cali, Colombia; Carrera 46 No. 9C–85, Cali, Colombia; Carrera 40 No. 6–50, Ofc. 1501, Cali, Colombia; NIT #800134099–6 (Colombia) (individual) [SDNTK]

CLINICA SAN FRANCISCO S.A. (f.k.a. CLINICA DE OCCIDENTE TULUA S.A.; f.k.a. CLINICA NUESTRA SENORA DE FATIMA S.A.), Calle 26 No. 34–60, Tulua, Valle, Colombia; NIT #800191916–1 (Colombia) (individual) [SDNTK]

COBB BROS, S.A., Panama [CUBA]

COBRAL REFINERY CO. INC., Saskatchewan, AB, Canada [CUBA]

COCINA DE TIJUANA, S. DE R.L. DE C.V., Boulevard Sanchez Taboada No. 10451, Colonia Urbano Rio Tijuana, Tijuana, Baja California, Mexico; R.F.C. CTI050414A55 (Mexico) [SDNTK]

CODISA (a.k.a. COOPERATIVA MULTIACTIVA DE DISTRIBUCION Y SERVICIOS ADMINISTRATIVOS), Calle 17A No. 28A–43, Bogota, Colombia; Calle 23 No. 19–75, Bogota, Colombia; NIT #860524476–1 (Colombia) [SDNT]

COINDEX S.A. (f.k.a. BLAIRAM; a.k.a. C.I. INTERAMERICANA DE COSMETICOS S.A.; f.k.a. LABORATORIOS BLAIMAR DE COLOMBIA S.A.), Apartado Aereo 33248, Bogota, Colombia; NIT #860511578–8 (Colombia) [SDNT]

COLOCHONES SUNMOONS LTDA, Carrera 50 No. 37–45 Sur, Bogota, Colombia; NIT #330073142–1 (Colombia) [SDNTK]

COLD CORN FARM TRUST CO–OPERATIVE, 7 Cowie Road, Tynwald, Isle of Man; R.F.C. CAM–940526–8H9 (Mexico) [SDNTK]

COLIMA ANDINA COMERCIAL COALSA LTDA., Carrera 14 No. 95–47, Ofc. 201, Bogota, Colombia; NIT #8000084516–0 (Colombia) [SDNT]

COLON BETANCOURT, Eduardo, Panama (individual) [CUBA]

COLONY TRADING, S.A., Panama [CUBA]

COLOR 89.5 FM STEREO, Calle 15N No. 6N–34 piso 15, Edificio Alcazar, Cali, Colombia; Calle 10N No. 2N–29, Cali, Colombia; NIT #830031419–6 (Colombia) [SDNTK]

COMEDICAMENTOS S.A., Transversal 29 No. 39–92, Bogota, Colombia; NIT #830038083–0 (Colombia) [SDNT]

COMERCIAL CIMEX, S.A., Panama [CUBA]

COMERCIAL DE NEGOCIOS CLARIDAD Y CIA., Avenida Caracas No. 59–77 of. 201A, 401B y 405B, Bogota, Colombia; NIT #800080719–0 (Colombia) [SDNT]

COMERCIAL DE RODAJES Y MAQUINARIA, S.A. (a.k.a. CRYMSA), Jose Lazaro Galdeano 6–6, Madrid 28016, Spain [CUBA]

COMERCIAL DOMELY, S.A. DE C.V., Ignacio Ramirez No. 603, Col. Jorge Almada, Cullican, Sinaloa 80200, Mexico; R.F.C. CDO010522917 (Mexico) [SDNTK]

COMERCIAL IBEROAMERICANA, S.A. (a.k.a. COBA), Spain [CUBA]

COMERCIAL JINAN S.A., Calle 20 No. 16–36, Proyecto 4–4, Zona 6, Guatemala, Guatemala; NIT #4151952–3 (Guatemala) [SDNTK]

COMERCIAL JOANA, S.A. DE C.V., General Eulogio Parra No. 61, Interior Z, Col. Del Retiro, Guadalajara, Jalisco, Mexico; General Eulogio Parra No. 1750–C, Col. Del Retiro, Guadalajara, Jalisco, Mexico; Calle General Eulogio Parra Numero 61–Z, Col. Del Retiro, Guadalajara, Jalisco 44280, Mexico; Parras No. 1750, Col. Educacion Alamos, Guadalajara, Mexico; R.F.C. CJ0010202H04 (Mexico); alt. R.F.C. CJ0010202HQ7 (Mexico) [SDNTK]

COMERCIAL MURALLA, S.A. (a.k.a. MURALLA, S.A.), Panama City, Panama [CUBA]

COMERCIALIZACION DE PRODUCTOS VARIOS (a.k.a. COPROVA; a.k.a. CROPOVA SARL), Paris, France [CUBA]

COMERCIALIZACION Y FINANCIACION DE AUTOMOTORES S.A. (a.k.a. COMFIAUTOS S.A.), Carrera 4 No. 11–33 of. 303, Cali, Colombia; Avenida 2N No. 7N–55 of. 609, Cali, Colombia; NIT #800086115–1 (Colombia) [SDNTK]

COMERCIALIZADORA AMIA, S.A. DE C.V., Avenida Juan Sarabia, Calle 8106, Zona 6, Guatemala, Guatemala; P.O. Box 6996, Harare, Zimbabwe; Baja California CP 22000, Mexico; R.F.C. CAM–940526–8H9 (Mexico) [SDNTK]

COMERCIALIZADORA ANDINA BRASILERA S.A. (a.k.a. CARRASA), Calle 30 No. J 82, Bogota, Colombia; NIT #830003298–2 (Colombia) [SDNT]

COMERCIALIZADORA BRASILERA S.A. (a.k.a. CARRASA), Calle 30 No. J 82, Bogota, Colombia; NIT #830003298–2 (Colombia) [SDNT]

COMERCIALIZADORA BRASILERA S.A. (a.k.a. CARRASA), Calle 30 No. J 82, Bogota, Colombia; NIT #830003298–2 (Colombia) [SDNT]

COMERCIALIZADORA BRASILERA S.A. (a.k.a. CARRASA), Calle 30 No. J 82, Bogota, Colombia; NIT #830003298–2 (Colombia) [SDNT]

COMERCIALIZADORA BRASILERA S.A. (a.k.a. CARRASA), Calle 30 No. J 82, Bogota, Colombia; NIT #830003298–2 (Colombia) [SDNT]

COMERCIALIZADORA BRASILERA S.A. (a.k.a. CARRASA), Calle 30 No. J 82, Bogota, Colombia; NIT #830003298–2 (Colombia) [SDNT]

COMERCIALIZADORA CECILIA S.A., K.m. 3 Via Marsella Parque Industrial, Pereira, Colombia; Apartado Aereo 3786, Pereira, Colombia; NIT #800018928–0 (Colombia) [SDNT]

COMBOLO ANDINA COMERCIAL COALSA LTDA., Carrera 14 No. 95–47, Ofc. 201, Bogota, Colombia; NIT #8000084516–0 (Colombia) [SDNT]

COMITE DE ECONOMIA S.A., Apartado Posta 36, Bogota, Colombia; NIT #860511578–8 (Colombia) [SDNT]

COMITES DE AUTOMOVILES DE CALI, Avenida Juan Sarabia, Calle 8106, Zona 6, Guatemala, Guatemala; P.O. Box 6996, Harare, Zimbabwe; Baja California CP 22000, Mexico; R.F.C. CAM–940526–8H9 (Mexico) [SDNTK]

COMITE DE TRABAJO DE LAS BRASILERAS DE CARRASA, Calle 30 No. J 82, Bogota, Colombia; NIT #830003298–2 (Colombia) [SDNT]
Colombia; DOB 02 Sep 1972; alt. DOB 19 Nov 1973; POB Bogota, Colombia; citizen Colombian; nationality Colombia; Cedula No. 20645502 (Colombia) (individual) [SDNT]

CONFECCIONES LINA MARIA LTDA., Factoria La Rivera, La Union, Valle, Colombia; NIT #800026667–7 (Colombia) [SDNT]

CONFECCIONES LORD S.A., Carrera 74 No. 76 -150, Barranquilla, Atlanticó, Colombia; NIT #890101890–1 (Colombia) [SDNT]

CONDONCOM TRADING HOUSE, Butembo, Congo (Democratic Republic of the

CONSORCIO INMOBILIARIO DEL VALLE DE CULIACAN, S.A. DE C.V., Carrera Miguel Hidalgo No. 590, #3, Culiacan, Sinaloa, Mexico; Calle Rodolfo G. Robles No. 158, Culiacan, Sinaloa, Mexico; Avenida 7 No. 257, Correg. San Cristobal Vereda El Llano, Medellin, Colombia; NIT #800108122–8 (Colombia) [SDNT]

CONSTRUCCIONES ASTRO S.A. (f.k.a. CONSTRUCTORA CASCADA, f.k.a. SOCIEDAD CONSTRUCTORA LA CASCADA S.A.), Carrera 4 No. 12–41 of. 1401, Cali, Colombia; Calle 1A 62A–120 B2 108, Cali, Colombia; Calle 13 3–22 piso 12 y piso 14, Cali, Colombia; Carrera 64 1B–83, Cali, Colombia; Carrera 64 1C–63, Cali, Colombia; Apartado Aereo 10077, Cali, Colombia; Carrera 105 No. 14–01, Cali, Colombia; Calle 1A 62A–120, Cali, Colombia; Carrera 4 No. 12–41 of. 1402, Edificio Seguros Bolivar, Cali, Colombia; Carrera 4 No. 12–41 of. 1403, Cali, Colombia; Calle 1A 62A–120 2418, Cali, Colombia; Calle 1A 62A–120 2414, Cali, Colombia; Calle 1A 62A–120 6245, Cali, Colombia; NIT #890307311–4 (Colombia) [SDNT]

CONSTRUCCIONES AVENDANO GUTIERREZ Y CIA. LTDA. (a.k.a. CONAGE LTDA.), Carrera 71 No. 57–07, Bogota, Colombia; NIT #800211560–0 (Colombia) [SDNT]

CONSTRUCCIONES COLOMBO-ANDINAS LTDA., Carrera 8 No. 16–79 of. 504, Bogota, Colombia; Carrera 29 No. 36–61, Bogota, Colombia; NIT #800505252–8 (Colombia) [SDNT]

CONSTRUCCIONES E INVERSIONES LTDA., Calle 15 No. 10–52, La Union, Valle, Colombia; NIT #800154393–3 (Colombia) [SDNT]

CONSTRUCCIONES LA RESERVA S.A., Carrera 105 No. 14–01, Cali, Colombia; NIT #900100336–3 (Colombia) [SDNT]

CONSTRUCCIONES PROGRESO DEL PUERTO S.A. (a.k.a. CONPUERTO S.A.), Calle 12A No. 26–22, Puerto Tejada, Colombia; NIT #8170000779–2 (Colombia) [SDNT]

CONSTRUCTORA ALTAVISTA INTERNACIONAL S.A. (a.k.a. CONASA S.A.), Calle 77 B No. 57–141, Ofc. 917, Barranquilla, Colombia; NIT #8802019866–4 (Colombia) [SDNT]

CONSTRUCTORA ALTOS DEL RETIRO LTDA., Carrera 7 No. 72–28 of. 301, Bogota, Colombia; Carrera 4 No. 86–88, Bogota, Colombia; Transversal 3 No. 85–10 apt. 401 Interior 1, Bogota, Colombia; NIT #890329139–8 (Colombia) [SDNT]

CONSTRUCTORA AMERICA S.A., Carrera 63 No. 17–07, Bogota, Colombia; NIT #800129549–2 (Colombia) [SDNT]

CONSTRUCTORA CENTRAL DEL VALLE LTDA. (a.k.a. C.C.V. LTDA.), Calle 10 No. 44A–26, Cali, Colombia; NIT #800144909–1 (Colombia) [SDNT]

CONSTRUCTORA DIMISA LTDA., Calle 70N No. 14–31, Cali, Colombia [SDNT]

CONSTRUCTORA E INMOBILIARIA ANDINA S.A., Calle 16 Norte No. 9N–41, Cali, Colombia; NIT #800152337–0 (Colombia) [SDNT]

CONSTRUCTORA E INMOBILIARIA URVAEL LTDA., Carrera 9 No. 9–49 of. 902, Cali, Colombia; NIT #800094652–7 (Colombia) [SDNT]

CONSTRUCTORA EL NOSAL S.A. (f.k.a. CONCREUXITO S.A.), Avenida 2N No. 7N–55 of. 501, Cali, Colombia; Calle 2A No. 65A–110, apto. 501 B3, Cali, Colombia; NIT #800513749–9 (Colombia) [SDNT]

CONSTRUCTORA GOPEVA LTDA., Avenida 3A No. 51–15, Cali, Colombia [SDNT]

CONSTRUCTORA GUADALEST S.A., Correg. San Cristobal Vereda El Llano Medellin, Colombia; NIT #800147414–8 (Colombia) [SDNT]

CONSTRUCTORA IRAKA S.A., Carrera 7 No. 132–82, Bogota, Colombia; NIT #830111113–1 (Colombia) [SDNT]

CONSTRUCTORA JUANAMB S.A., Carrera 105 No. 14–01, Cali, Colombia; NIT #900100334–9 (Colombia) [SDNT]

CONSTRUCTORA LOMA LINDA S.A., Carrera 105 No. 14–01, Cali, Colombia; NIT #900100191–2 (Colombia) [SDNT]

CONSTRUCTORA PYNZAR LTDA., Avenida 3 No. 21–50 Apt. 800, Cali, Colombia; Avenida 3 Norte No. 21–44, Cali, Colombia; Avenida 3 Norte No. 21–50, Cali, Colombia; NIT #800240723–8 (Colombia) [SDNT]

CONSTRUCTORA SANTA TERESITA S.A., Avenida 6 Norte No. 17–92 Of. 411, Cali, Colombia; NIT #805028212–7 (Colombia) [SDNT]

CONSTRUCTORA TREMI LTDA., Carrera 1A Oeste No. 68–75, Cali, Colombia [SDNT]

CONSTRUCTORA UMBRIA S.A., Carrera 105 No. 14–01, Cali, Colombia; NIT #900100194–4 (Colombia) [SDNT]

CONSTRUCTORA UNIVERSAL LTDA., Carrera 50 No. 9B–20 of. 07, Cali, Colombia; Calle 52 No. 28E–30, Cali, Colombia; NIT #800112051–9 (Colombia) [SDNT]

CONSTRUVIDA S.A., Calle 70N No. 14–31, Cali, Colombia; Avenida 2N No. 7N–55 of. 521, Cali, Colombia; Carrera 68 No. 13B–61 of. 104B, Cali, Colombia; NIT #800108122–8 (Colombia) [SDNT]

CONSULTORIA DE INTERDIVISAS, S.A. DE C.V., Avenida 170, Tijuana, Baja California CP 22400, Mexico; R.F.C. CIV680927H (Mexico) [SDNT]

CONSULTORIA DE INTERDIVISAS, S.A. DE C.V., Comercial Otay, Local G–16, Tijuana, Baja California CP 22400, Mexico; R.F.C. CIV680927H (Mexico) [SDNT]

CONSULTORIA DE INTERDIVISAS, S.A. DE C.V., Avenida 170, Tijuana, Baja California CP 22400, Mexico; R.F.C. CIV680927H (Mexico) [SDNT]

CONSULTORIA DE INTERDIVISAS, S.A. DE C.V., Avenida 170, Tijuana, Baja California CP 22400, Mexico; R.F.C. CIV680927H (Mexico) [SDNT]

CONSULTORIA DE INTERDIVISAS, S.A. DE C.V., Avenida 170, Tijuana, Baja California CP 22400, Mexico; R.F.C. CIV680927H (Mexico) [SDNT]

CONSULTORIA DE INTERDIVISAS, S.A. DE C.V., Avenida 170, Tijuana, Baja California CP 22400, Mexico; R.F.C. CIV680927H (Mexico) [SDNT]
DURANTE MUNOZ, Roque (a.k.a. CAMPOS ARREDONDO, Humberto), c/o COMPANIA MINERA DEL RIO CIANURY S.A. DE C.V., Cullacan, Sinaloa, Mexico; DOB 09 Dec 1960; POB Mexico (individual) [SDNTK]

DUARTE TRADING COMPANY, 44–45, Royal Shopping Plaza, Industrial Estate, Hayatabad, Peshawar, Pakistan; 53 Royal Shopping Mall, Industrial Estate, Hayatabad, Peshawar, Pakistan [SDNTK]

DUIKER FLATS Farm, Zimbabwe [ZIMBABWE]


DURAND PROPERTIES LIMITED, Haven Court, 5 Library Ramp, Gibraltar, United Kingdom [IRAQ]

DURATEX S.A. (f.k.a. INVERSIONES JEDA S.A.), Calle 116 No. 19–22, Bogota, Colombia; Carrera 63 No. 17–07, Bogota, Colombia; Avenida 19 No. 05–15 Local 1, Bogota, Colombia; NIT #800054668–3 (Colombia) [SDNT]

DURAGCO, London, United Kingdom [CUBA]

DURUTLI, Safet (a.k.a. "ABU-SUMAYA"); DOB 10 May 1967; POB Orhovac, Kosovo; Bosnian Personal ID No. 1005967953038; Passport A4411602 (Bosnia and Herzegovina) (individual) [SDGT]

DUTY FREE SHOPS CORPORATION, P.O. Box 1789, Khartoum, Sudan [SUDAN]

DUCAN, Ceylan, United Arab Emirates; DOB 01 Mar 1975; POB Sbasat, Turkey; citizen Turkey; Driver’s License No. 11550 (Turkey); Passport 315408 (Turkey) (individual) [SDNTK]

DWIKARNA, Agus; DOB 11 Aug 1964; POB Makassar, South Sulawesi, Indonesia; nationality Indonesia; currently incarcerated in the Philippines (individual) [SDGT]

DYEDU, S.A., Panama [CUBA]

EAGLE COMMUNICATION BROKERS INC., Panama City, Panama [SDNT]

EAST ISLAND SHIPPING CO. LTD., c/o EMPRESA DE NAVEGACION MAMIBIS, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]

EAST ISLANDS (vessel) [CUBA]

EASTERN TURKISH ISLAMIC MOVEMENT (a.k.a. EASTERN TURKISH ISLAMIC PARTY; a.k.a. ETIM; a.k.a. ETIP) [SDG]

ECHEBERRIA SIMARRO, Leire; DOB 20 Dec 1957; POB Basauri (Vizcaya Province), Spain; D.N.I. 45.625.646; member ETA (individual) [SDGT]

ECHEGARAY ACHIRICA, Alfonso; DOB 10 Jan 1958; POB Plencia (Vizcaya Province), Spain; D.N.I. 16.027.051 (individual) [SDGT]

ECHEVERRI, Nevio), Carrera 38 No. 26B–41, Villavicencio, Colombia; La Pastora, Vereda La Union, Dosquebradas, Risaralda, Colombia; Carrera 10 No. 46–41, Pereira, Colombia; DOB 28 Nov 1944; Cedula No. 1005643 (Colombia) [individual] [SDNTK]

ECHEVERRI, German, Panama (individual) [CUBA]

ECHEVERRY CAVIDAD, Neo De Jesus (a.k.a. ECHEVERRY, Nevio; a.k.a. ECHEVERRY, Nevio), Carrera 38 No. 26B–11, Villavicencio, Colombia; La Pastor, Vereda La Union, Dosquebradas, Risaralda, Colombia; c/o HACIENDA VENDAVAL, Paratebueno, Cundinamarca, Colombia; c/o PROVEEDORES Y DISTRIBUIDORES NACIONALES S.A., Bogota, Colombia; Carrera 10 No. 46–41, Pereira, Colombia; DOB 28 Nov 1944; Cedula No. 10056431 (Colombia) (individual) [SDNTK]

ECHEVERRY, German, Panama (individual) [CUBA]

ECHEVERRY HERRERA, Hernando (a.k.a. ECHEVERRI HERRERA, Hernando), c/o INDUSTRIA DE PESCA SOBRE EL PACIFICO S.A., Buenaventura, Colombia; Carrera 38 No. 26B–11, Villavicencio, Colombia; La Pastor, Vereda La Union, Dosquebradas, Risaralda, Colombia; c/o HACIENDA VENDAVAL, Paratebueno, Cundinamarca, Colombia; c/o PROVEEDORES Y DISTRIBUIDORES NACIONALES S.A., Bogota, Colombia; Carrera 10 No. 46–41, Pereira, Colombia; DOB 28 Nov 1944; Cedula No. 1005643 (Colombia) (individual) [SDNTK]

ECHEVERRY TRUJILLO, Oscar Alberto, (a.k.a. M.O.C. ECHEVERRY HERMANOS LTDA., Cali, Colombia; c/o COLOR 89.5 FM STEREO, Cali, Colombia; Avenida 4N No. 17–23 piso 1, Cali, Colombia; Carrera 43N No. 4–05, Cali, Colombia; DOB 21 Oct 1964; Cedula No. 16272989 (Colombia) (individual) [SDNT]

ECHELON CORPORATION, Newburyport House, London Road, Sunningdale, Ascot, Berkshire SL5 0DJ, United Kingdom; Thetford Farm, P.O. Box HP86, Mount Pleasant, Harare, Zimbabwe; Hurst Grove, Sandford Lane, Hurst, Reading, Berkshire RG10 0SQ, United Kingdom [ZIMBABWE]

ECIM; Luban; DOB 6 Jan 1964; POB Sviljanac, Bosnia-Herzegovina; National ID No. 69164100083 (Bosnia and Herzegovina) (individual) [BALKANS]

EBDI EXCHANGE COMPANY, Tehran, Iran [NPWMD]

EBDI STOCK BROKERAGE COMPANY, Tehran, Iran [NPWMD]

EDICIONES CUBANAS, Spain [CUBA]

EDIFICACIONES DEL CARIBE LTDA. (a.k.a. EDIFICAR), Calle 74 No. 53–30, Barranquilla, Colombia; NIT #89010183–5 (Colombia) [SDNT]

EDITORA TRANSPARCIA S.A., Jr Bolognesi 125, Dpto 301, Lima, Peru; RUC #20508146885 (Peru) [SDNTK]

EDPYU, S.A., Panama [CUBA]

EGGLETON, Wilfred, Baja California 255, Edificio B., Oficina 103, Condesa, Mexico, D.F. 06500, Mexico; DOB 20 Dec 1969; POB Casablanca, Morocco; nationality Germany; D.N.I. 45.625.646; member ETA (individual) [SDGT]

EL ALYASHI, Rei Abd El Samie Abou El Yazid (a.k.a. "MERA'T"); Via Cilea 40, Milan, Italy; DOB 2 Jan 1972; POB El Gharbia, Egypt; nationality Egypt; arrested 27 Dec 2003 (individual) [SDGT]

EL BOUHALL Ahmed (a.k.a. ABU KATADA), vicolo S. Rocco, n. 10-Casalbuttano, Cremona, Italy; DOB 31 May 1963; POB Sidi Kacem, Morocco; nationality Morocco; Italian Fiscal Code LBHHMD63E31Z330M (individual) [SDGT]

EL GEZIRA AUTOMOBILE COMPANY (a.k.a. GEZIRA AUTOMOBILE COMPANY), P.O. Box 232, Khartoum, Sudan [SUDAN]

EL HADI, Mustapha Nasri Ben Abdul Kader (a.k.a. "EL HADI"); Via D. Fringuello, 20, Rome, Italy; Milan, Italy; DOB 20 Oct 1970; alt. DOB 30 Jan 1971; POB Rouba, Algeria (individual) [SDGT]

EL HABHAB, Redouane (a.k.a. "ABDELRAHMAN"); Ilitissrasse 58, Kiel 24143, Germany; DOB 20 Dec 1969; POB Casablanca, Morocco; nationality Germany; National ID No. 1007850441 (Germany) issued 27 Mar 2001 expires 26 Mar 2011; Passport 1005552350 (Germany) issued 27 Mar 2001 expires 26 Mar 2011; currently incarcerated in Lubec, Germany (individual) [SDGT]

EL HABIB, Mustapha Nasi Ab Abd Kader Ait; DOB 5 Mar 1962; POB Tunis, Tunisia; nationality Algeria; alt. nationality Germany (individual) [SDGT]

EL HASSAN, Gaffar Mohamed (a.k.a. "EL HASSAN, Gaffar Mohamed"); DOB 24 Jun 1952; POB Khartoum, Sudan; Major General for the Sudan Armed Forces [SDARFUR]

EL HEIT, Ali (a.k.a. KAMEL, Mohamed; a.k.a. "ALI DI ROMA"); Via D. Fringuello, 20, Rome, Italy; Milan, Italy; DOB 20 Oct 1970; alt. DOB 30 Jan 1971; POB Rouba, Algeria (individual) [SDGT]

EL HABIB, Mustapha Nasi Ab Abd Kader Ait; DOB 5 Mar 1962; POB Tunis, Tunisia; nationality Algeria; alt. nationality Germany (individual) [SDGT]

EL HASSAN, Gaffar Mohamed (a.k.a. "EL HASSAN, Gaffar Mohamed"); DOB 24 Jun 1952; POB Khartoum, Sudan; Major General for the Sudan Armed Forces [SDARFUR]

EL HEIT, Ali (a.k.a. KAMEL, Mohamed; a.k.a. "ALI DI ROMA"); Via D. Fringuello, 20, Rome, Italy; Milan, Italy; DOB 20 Oct 1970; alt. DOB 30 Jan 1971; POB Rouba, Algeria (individual) [SDGT]
Colombia; c/o CONSTRUXITO S.A., Cali, Colombia; c/o COMERCIAL DE NEGOCIOS CLARIDAD Y CIA., Bogota, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia; c/o INVERSIONES HERREBE LTDA., Cali, Colombia; c/o AGROPECUARIA Y REFORESTADORA HERREBE LTDA., Cali, Colombia; c/o COMERCIALIZADORA EXPERTA Y CIA. S. EN C., Bogota, Colombia; DOB 9 Feb 1977; Cedula No. 16836449 (Colombia); Passport AF246676 (Colombia) (individual) [SDNT]

GALINDO LEYVA, Esperanza, 536 Huerto Place, Chula Vista, CA 91910; 950 Norella Street, Chula Vista, CA 91910; c/o INMINIILIARIA LA PROVINCIA S.A. DE C.V., Tijuana, Baja California, Mexico; c/o COMPLEJO TURISTICO OASIS, S.A. DE C.V., Playas de Rosarito, Rosarito, Baja California, Mexico; c/o PLAYA MAR S.A. DE C.V., Tijuana, Baja California, Mexico; DOB 16 Aug 1920; POB San Ignacio, Sinaloa, Mexico; Passport 9902017901 (Mexico); alt. R.F.C. #GALE–200816–61A (Mexico) (individual) [SDNTK]
GEOVIC, Fritz Martin Abdullah; a.k.a. GEOVICT, Fritz Martin Abdullah; a.k.a. KONARS, Robert; a.k.a. "BENZL", Boefinger Weg 20, Ulm 89075, Germany; Eberhardstrasse 70, Ulm 89073, Germany; DOB 1 Sep 1979; alt. DOB 10 Apr 1979; POB Munich, Germany; alt. POB Liege, Belgium; citizen Germany; Passport 7020069907 (Germany); Personal ID Card 7020783883; currently incarcerated at Stuttgart-Stammheim, Germany (individual) [SDT]

GERMANY

GERERAL BUREAU OF ATOMIC ENERGY (a.k.a. GRAE; a.k.a. GENERAL DEPARTMENT OF ATOMIC ENERGY), Hauendorf, Pyongyong District, Pyongyang, Korea, North [NPWMD]

GENERAL DE NEGOCIOS Y ADMINISTRACION LTDA. (a.k.a. GENECA LTDA.), Calle 10 No. 4-47 piso 18, Cali, Colombia; Carrera 3 No. 11–32 of. 939, Cali, Colombia; NIT #805006744–9 (Colombia) [SDNT]

GENERAL DE OBRAS Y ALQUIERES S.A. (a.k.a. GOYASA), Co. Cruz No. 5, Madrid 28023, Spain; Calle Coso 98–100, Zaragoza, Zaragoza 50001, Spain; Calle Castello De Ponferrada 56 Villarfranca Del Castil, Madrid, Spain 28692, Spain; Calle Castello De Ponferrada 54 Villanueva De La Canada, Madrid 28692, Spain; Urbanizacion Puente Romano Fase II Local 37–38, Marbella, Malaga 29602, Spain; Calle Pore De Lluna 17, Reus, Tarragona 43204, Spain; 9 Calle Jumarea Llanch Marbella, Malaga 29601, Spain; C.I.F. A–81847204 (Spain) [SDT]

GENERAL DE PROYECTOS Y SOLUCIONES LTDA., Avenida 13 No. 100–12 Ofc. 302, Cali, Colombia; NIT #921036187–9 (Colombia) [SDNT]

GERENCIA DE PROYECTOS Y SOLUCIONES LTDA., Avenida 7 Norte Cali, Colombia; Avenida 7 Norte No. 23–77, Cali, Colombia; NIT #800154869–6 (Colombia) [SDNT]

GEX EXPLOR S. DE R.L. DE C.V., Avenida David Alfaro 25, Tijuana, Baja California CP 22350, Mexico; Avenida David Alfaro Siqueiros 2789–102, Colonia Zona Rio, Tijuana, Baja California, Mexico; Calle Nozahualcoyotl No. 1660, Colonia Zona Rio, Tijuana, Baja California CP 22320, Mexico [SDNTK]

GEZIRA TANNERY, Gezira, Sudan [SUDAN]

GEZIRA TANNERY, Gezira, Sudan [SUDAN]

GEZIRA TRADE & SERVICES COMPANY LIMITED (a.k.a. GEZIRA TRADE AND SERVICES COMPANY LIMITED), P.O. Box 215, Khartoum, Sudan; Gardar, Sudan; Kosti, Sudan; Juba, Sudan; P.O. Box 17, Port Sudan, Sudan; El Obeid, Sudan; Sennar, Sudan; Wad Medani, Sudan [SUDAN] [SDT]


GHALIB, Nayif Shindakh Thamir; nationality Iraq; Ba’th party regional command chairman, an-Najaf; member; Iraqi National Assembly (individual) [IRAQ2]

GIANI, Muhammad (a.k.a. GHANI, Mohamed Nadim), c/o ZULEKHA ENTERPRISES LIMITED (a.k.a. GIAD MOTOR INDUSTRY COMPANY), P.O. Box 1111, Sudan; Web site www.giadmotors.com [SDNTK]

GIAMX LTDA., Calle 80 No. 37–30, Bogota, Colombia; NIT #830096464–9 (Colombia) [SDNT]

GIBSON, Myrtle; DOB 03 NOV 1952; Former Liberian Senator; advisor to former President of Liberia Charles Taylor (individual) [LIBERIA]

GIL GARCIA, Jose Alejandro, Avenida Ejercito Trigaranate 7865–J, Inonafvit Cochamilla 22680, Tijuana, Baja California, Mexico; Avenida Altabrisa 15401, Fraccionamiento Altabrisa, Otay Universidad, Tijuana, Baja California, Mexico; c/o Distribuidora Imperial De Baja California, S.A. de C.V., Tijuana, Baja California, Mexico; c/o Administradora De Inmuebles Vida, S.A. de C.V., Tijuana, Baja California, Mexico; c/o ADP, S.C., Tijuana, Baja California, Mexico; c/o Farmacia Vida Suprema, S.A. DE C.V., Tijuana, Baja California, Mexico; R.F.C. GIBA–520122 (Mexico) (individual) [SDT]

GIL GARZON, lMarco Antonio, c/o CONSTRUCTORA AMERICA S.A., Bogota, Colombia; DOB 25 May 1947; POB Toca, Boyaca, Colombia; Cedula No. 17176949 (Colombia) (individual) [SDNTK]

GIL RODRIGUEZ, Ana Maria, c/o AMPARO R. DE GIL Y CIA. S.C.S., Cali, Colombia; c/o DROBLAM S.A., Cali, Colombia; DOB 24 Aug 1978; Cedula No. 67020296 (Colombia); Passport 67020296 (Colombia) (individual) [SDNT]

GIL RODRIGUEZ, Angela Maria, c/o AMPARO R. DE GIL Y CIA. S.C.S., Cali, Colombia; c/o DROBLAM S.A., Cali, Colombia; DOB 21 Feb 1980; Cedula No. 52721666 (Colombia); Passport 52721666 (Colombia) (individual) [SDNT]

GIL RODRIGUEZ, Juana, c/o DROBLAM S.A., Cali, Colombia; DOB 22 Jan 1952; POB Culiacan, Sinaloa, Mexico; Credencial electoral 103624990069 (Mexico); R.F.C. GILA–520122 (Mexico) (individual) [SDT]

GIL RODRIGUEZ, Jose Juan, c/o AMPARO R. DE GIL Y CIA. S.C.S., Cali, Colombia; c/o DROBLAM S.A., Cali, Colombia; DOB 7 Apr 1975; Cedula No. 94446642 (Colombia); Passport 94446642 (Colombia) (individual) [SDNT]

GILBOA, Jacob; a.k.a. GILBOA, Joseph; a.k.a. GILBOA, Joseph Papzan; a.k.a. GILBOA, Yosef; DOB 6 Apr 1943; POB Israel (individual) [SDNTK]

GILIANI, Mohammad (a.k.a. GHANI, Mohamed Nadim), c/o ZULEKHA ENTERPRISES LIMITED (a.k.a. GIAD MOTOR INDUSTRY COMPANY), P.O. Box 1111, Sudan; Web site www.giadmotors.com [SDNTK]

GIMBER INVESTING CORPORATION, Virgin Islands, British [SDT]

GINASAO BODY AND HEALTH, Calle 80 No. 75–210, Barranquilla, Colombia [SDNT]

GINE SUGAR FACTORY, P.O. Box 1, Gimete, Sudan [SDAN]
GONZALEZ, Maria Luz Nelly, c/o COOPERATIVA DE TRABAJO ASOCIADO ACTIVAR, Bogota, Colombia; c/o COOPERATIVA MULTITACTIVA DE COLOMBIA FOMENTAMOS, Bogota, Colombia; Cedula No. 51973466 (Colombia) (individual) [SDNT]

GOODRIDGE, Reginald B. (Senior) (a.k.a. GOODRICH, Reginald B. (Senior)); DOB 11 Nov 1952; Former Minister for Culture, Information, Tourism of Liberia (individual) [LIBERIA]

GOODING, GRACIE AND FAMILY ORGANIZATION, Inc. (f.k.a. AL-SHAHID SOCIAL ASSOCIATION; f.k.a. EDUCATIONAL DEVELOPMENT ASSOCIATION), PO Box 1794, Dearborn, Mi 48126; 13106 Warren Ave. Suite #4, Dearborn, Mi 48126 [SDGT]

GOTOVINA, Ante; DOB 12 Oct 1955; POB Sal Blagaj, CL (individual) [ZIMBABWE]

GRAJALES BERNAL, Sonia Patricia, c/o GRAJALES S.A., La Union, Valle, Colombia; c/o C.A.D. S.A., Bogota, Colombia; c/o JOSAFAT S.A., Tulua, Valle, Colombia; c/o COMUNICACIONES ABIERTAS CAMARY LTDA., Cali, Colombia; c/o ILOVIN S.A., Bogota, Colombia; c/o SALIM S.A., La Union, Valle, Colombia; c/o HOTEL LOS VINEDOS, La Union, Valle, Colombia; c/o JEHova LTDA., Tulua, Valle, Colombia; DOB 28 Oct 1972; POB La Union, Valle, Colombia; Cedula No. 94273951 (Colombia) (individual) [SDNT]

GRAJALES LEMOS, Juan Jacobo (a.k.a. GRAJALES LEMOS Joven), c/o CRETA S.A., La Union, Valle, Colombia; c/o TRANSPORTES DEL ESPIRITU SANTO S.A., La Union, Valle, Colombia; c/o FUNDACION CENTRO FRUTICOLA ANDINO, La Union, Valle, Colombia; c/o GRAJALES Y CIA. LTDA., Bogota, Colombia; c/o SALIM S.A., La Union, Valle, Colombia; c/o HEBRON S.A., Tulua, Valle, Colombia; c/o PANAMERICANA LTDA., Cali, Colombia; c/o SOCIEDADE DE NEGOCIOS SANTO DOMINGO LTDA., La Union, Valle, Colombia; c/o ILOVIN S.A., Bogota, Colombia; c/o CASA GRAJALES S.A., La Union, Valle, Colombia; Cedula No. 14965707 (Colombia) (individual) [SDNT]

GRAJALES HERNANDEZ, Alvaro Octavio, c/o CASA GRAJALES S.A., La Union, Valle, Colombia; c/o ILOVIN S.A., Bogota, Colombia; c/o CASA GRAJALES S.A., La Union, Valle, Colombia; Cedula No. 2897864 (Colombia) (individual) [SDNT]

GRAJALES HERNANDEZ, Gloria Tereza, c/o CASA GRAJALES S.A., La Union, Valle, Colombia; c/o CRETA S.A., La Union, Valle, Colombia; c/o GAD S.A., La Union, Valle, Colombia; c/o ORO COLOMBIANO LTDA., La Union, Valle, Colombia; c/o AGRONILO S.A., Bogota, Colombia; c/o CONCEPCIONES LINA MARIA LTDA., La Union, Valle, Colombia; c/o FUNDACION CENTRO FRUTICOLA ANDINO, La Union, Valle, Colombia; c/o AGRONILO S.A., Bogota, Colombia; c/o SALIM S.A., La Union, Valle, Colombia; c/o HEBRON S.A., Tulua, Valle, Colombia; c/o PANAMERICANA LTDA., Cali, Colombia; c/o SOCIEDADE DE NEGOCIOS SANTO DOMINGO LTDA., La Union, Valle, Colombia; c/o ILOVIN S.A., Bogota, Colombia; c/o CASA GRAJALES S.A., La Union, Valle, Colombia; Cedula No. 14905806 (Colombia) (individual) [SDNT]

GRAJALES LEMOS, Raul Alberto, c/o HEBRON S.A., Tulua, Valle, Colombia; c/o TRANSPORTES DEL ESPIRITU SANTO S.A., La Union, Valle, Colombia; c/o FUNDACION CENTRO FRUTICOLA ANDINO, La Union, Valle, Colombia; c/o GRAJALES Y CIA. LTDA., Bogota, Colombia; c/o SALIM S.A., La Union, Valle, Colombia; c/o HEBRON S.A., Tulua, Valle, Colombia; c/o PANAMERICANA LTDA., Cali, Colombia; c/o SOCIEDADE DE NEGOCIOS SANTO DOMINGO LTDA., La Union, Valle, Colombia; c/o ILOVIN S.A., Bogota, Colombia; c/o CASA GRAJALES S.A., La Union, Valle, Colombia; Cedula No. 25967575 (Colombia) (individual) [SDNT]

GRAJALES MARIN, Aura Cecilia, c/o CASA GRAJALES S.A., La Union, Valle, Colombia; c/o ILOVIN S.A., Bogota, Colombia; c/o CASA GRAJALES S.A., La Union, Valle, Colombia; Cedula No. 21236002 (Colombia) (individual) [SDNT]

GRAJALES MARIN, Carlos Arturo, c/o CASA GRAJALES S.A., La Union, Valle, Colombia; c/o ILOVIN S.A., Bogota, Colombia; c/o CASA GRAJALES S.A., La Union, Valle, Colombia; Cedula No. 63556339 (Colombia) (individual) [SDNT]

GRAJALES MEJIA, Hugo Marino, c/o CASA GRAJALES S.A., La Union, Valle, Colombia; c/o ILOVIN S.A., Bogota, Colombia; c/o CASA GRAJALES S.A., La Union, Valle, Colombia; Cedula No. 63556339 (Colombia) (individual) [SDNT]

GRAJALES MEJIA, Jorge Julio, c/o CASA GRAJALES S.A., La Union, Valle, Colombia; c/o ILOVIN S.A., Bogota, Colombia; c/o CASA GRAJALES S.A., La Union, Valle, Colombia; Cedula No. 63556339 (Colombia) (individual) [SDNT]

GRAJALES LONDONO, Lina Maria, c/o CASA GRAJALES S.A., La Union, Valle, Colombia; c/o ILOVIN S.A., Bogota, Colombia; c/o CASA GRAJALES S.A., La Union, Valle, Colombia; Cedula No. 63556339 (Colombia) (individual) [SDNT]

GRAJALES LONDONO, Juan Raul, c/o HEBRON S.A., Tulua, Valle, Colombia; c/o CONCEPCIONES LINA MARIA LTDA., La Union, Valle, Colombia; c/o SALIM S.A., La Union, Valle, Colombia; c/o CITICAR LTDA., La Union, Valle, Colombia; c/o INTERNATIONAL FREEZE DRIED S.A., Bogota, Colombia; c/o DOXA S.A., La Union, Valle, Colombia; c/o CALI@TELE.COM LTDA., Cali, Colombia; c/o ILOVIN S.A., Bogota, Colombia; Cedula No. 11617676 (Colombia) (individual) [SDNT]

GRAJALES POSSO, Gloria Amparo, c/o HEBRON S.A., Tulua, Valle, Colombia; c/o CONCEPCIONES LINA MARIA LTDA., La Union, Valle, Colombia; c/o SALIM S.A., La Union, Valle, Colombia; c/o CITICAR LTDA., La Union, Valle, Colombia; c/o INTERNATIONAL FREEZE DRIED S.A., Bogota, Colombia; c/o DOXA S.A., La Union, Valle, Colombia; c/o CALI@TELE.COM LTDA., Cali, Colombia; c/o ILOVIN S.A., Bogota, Colombia; Cedula No. 11617676 (Colombia) (individual) [SDNT]
HERRAN ZAVALA, Humberto, c/o INMOBILIARIA LA PROVINCIA S.A. DE C.V., Tijuana, Baja California, Mexico; c/o COMPLEJO TURISTICO OASIS S.A. DE C.V., Rosarito, Baja California, Mexico; c/o INMOBILIARIA TIJUANA COSTA S.A. DE C.V., Tijuana, Baja California, Mexico; Avenida Manuela Herrera 502, Colonia Rio Reforma CP 22000, Tijuana, Baja California, Mexico; C. Mision de Mulege 2993, Colonia Zona Urbana Tijuana, Tijuana, Baja California, Mexico; c/o PLAYA MAR S.A. DE C.V., Tijuana, Baja California, Mexico; C. Hermosillo, Colonia Rancho El Grande CP 22000, Tijuana, Baja California, Mexico; Avenida Del Bosque 4640, Colonia Jardines de Chapultepec, Tijuana, Baja California, Mexico; Pda, Del Cobre 0, Colonia Puerto De Hierro CP 22000, Tijuana, Baja California, Mexico; Avenida Manuela Herrera 500, Colonia Rio Reforma CP 22000, Tijuana, Baja California, Mexico; Pda. Mercurio, Colonia Pueblo De Dorado CP 22330, Tijuana, Baja California, Mexico; c/o INMOBILIARIA ESTADO 29 S.A. DE C.V., Tijuana, Baja California, Mexico; DOB 25 May 1943; POB Mexicali, Baja California, Mexico; C.U.R.P. #HESU430525HBCRMR09 (Mexico); alt. C.U.R.P. #HESU430525HBCRMR05 (Mexico); alt. C.U.R.P. #HESU430525HBCRMR13 (Mexico); Immigration No. A38839964 (United States) (individual) [SDNTK] HERNANDEZ SOMERO, Urbano, c/o INMOBILIARIA LA PROVINCIA S.A. DE C.V., Tijuana, Baja California, Mexico; c/o COMPLEJO TURISTICO OASIS S.A. DE C.V., Rosarito, Baja California, Mexico; c/o INMOBILIARIA TIJUANA COSTA S.A. DE C.V., Tijuana, Baja California, Mexico; Avenida Manuela Herrera 502, Colonia Rio Reforma CP 22000, Tijuana, Baja California, Mexico; C. Mision de Mulege 2993, Colonia Zona Urbana Tijuana, Tijuana, Baja California, Mexico; Avenida Del Bosque 4640, Colonia Jardines de Chapultepec, Tijuana, Baja California, Mexico; Pda, Del Cobre 0, Colonia Puerto De Hierro CP 22000, Tijuana, Baja California, Mexico; Avenida Manuela Herrera 500, Colonia Rio Reforma CP 22000, Tijuana, Baja California, Mexico; Pda. Mercurio, Colonia Pueblo De Dorado CP 22330, Tijuana, Baja California, Mexico; c/o INMOBILIARIA ESTADO 29 S.A. DE C.V., Tijuana, Baja California, Mexico; DOB 25 May 1943; POB Mexicali, Baja California, Mexico; C.U.R.P. #HESU430525HBCRMR09 (Mexico); alt. C.U.R.P. #HESU430525HBCRMR05 (Mexico); alt. C.U.R.P. #HESU430525HBCRMR13 (Mexico); Immigration No. A38839964 (United States) (individual) [SDNTK] HERNANDEZ SOMERO, Urbano, c/o INMOBILIARIA LA PROVINCIA S.A. DE C.V., Tijuana, Baja California, Mexico; c/o COMPLEJO TURISTICO OASIS S.A. DE C.V., Rosarito, Baja California, Mexico; c/o INMOBILIARIA TIJUANA COSTA S.A. DE C.V., Tijuana, Baja California, Mexico; Avenida Manuela Herrera 502, Colonia Rio Reforma CP 22000, Tijuana, Baja California, Mexico; C. Mision de Mulege 2993, Colonia Zona Urbana Tijuana, Tijuana, Baja California, Mexico; Avenida Del Bosque 4640, Colonia Jardines de Chapultepec, Tijuana, Baja California, Mexico; Pda, Del Cobre 0, Colonia Puerto De Hierro CP 22000, Tijuana, Baja California, Mexico; Avenida Manuela Herrera 500, Colonia Rio Reforma CP 22000, Tijuana, Baja California, Mexico; Pda. Mercurio, Colonia Pueblo De Dorado CP 22330, Tijuana, Baja California, Mexico; c/o INMOBILIARIA ESTADO 29 S.A. DE C.V., Tijuana, Baja California, Mexico; DOB 25 May 1943; POB Mexicali, Baja California, Mexico; C.U.R.P. #HESU430525HBCRMR09 (Mexico); alt. C.U.R.P. #HESU430525HBCRMR05 (Mexico); alt. C.U.R.P. #HESU430525HBCRMR13 (Mexico); Immigration No. A38839964 (United States) (individual) [SDNTK] HERNANDEZ SOMERO, Urbano, c/o INMOBILIARIA LA PROVINCIA S.A. DE C.V., Tijuana, Baja California, Mexico; c/o COMPLEJO TURISTICO OASIS S.A. DE C.V., Rosarito, Baja California, Mexico; c/o INMOBILIARIA TIJUANA COSTA S.A. DE C.V., Tijuana, Baja California, Mexico; Avenida Manuela Herrera 502, Colonia Rio Reforma CP 22000, Tijuana, Baja California, Mexico; C. Mision de Mulege 2993, Colonia Zona Urbana Tijuana, Tijuana, Baja California, Mexico; Avenida Del Bosque 4640, Colonia Jardines de Chapultepec, Tijuana, Baja California, Mexico; Pda, Del Cobre 0, Colonia Puerto De Hierro CP 22000, Tijuana, Baja California, Mexico; Avenida Manuela Herrera 500, Colonia Rio Reforma CP 22000, Tijuana, Baja California, Mexico; Pda. Mercurio, Colonia Pueblo De Dorado CP 22330, Tijuana, Baja California, Mexico; c/o INMOBILIARIA ESTADO 29 S.A. DE C.V., Tijuana, Baja California, Mexico; DOB 25 May 1943; POB Mexicali, Baja California, Mexico; C.U.R.P. #HESU430525HBCRMR09 (Mexico); alt. C.U.R.P. #HESU430525HBCRMR05 (Mexico); alt. C.U.R.P. #HESU430525HBCRMR13 (Mexico); Immigration No. A38839964 (United States) (individual) [SDNTK] HERNANDEZ SOMERO, Urbano, c/o INMOBILIARIA LA PROVINCIA S.A. DE C.V., Tijuana, Baja California, Mexico; c/o COMPLEJO TURISTICO OASIS S.A. DE C.V., Rosarito, Baja California, Mexico; c/o INMOBILIARIA TIJUANA COSTA S.A. DE C.V., Tijuana, Baja California, Mexico; Avenida Manuela Herrera 502, Colonia Rio Reforma CP 22000, Tijuana, Baja California, Mexico; C. Mision de Mulege 2993, Colonia Zona Urbana Tijuana, Tijuana, Baja California, Mexico; Avenida Del Bosque 4640, Colonia Jardines de Chapultepec, Tijuana, Baja California, Mexico; Pda, Del Cobre 0, Colonia Puerto De Hierro CP 22000, Tijuana, Baja California, Mexico; Avenida Manuela Herrera 500, Colonia Rio Reforma CP 22000, Tijuana, Baja California, Mexico; Pda. Mercurio, Colonia Pueblo De Dorado CP 22330, Tijuana, Baja California, Mexico; c/o INMOBILIARIA ESTADO 29 S.A. DE C.V., Tijuana, Baja California, Mexico; DOB 25 May 1943; POB Mexicali, Baja California, Mexico; C.U.R.P. #HESU430525HBCRMR09 (Mexico); alt. C.U.R.P. #HESU430525HBCRMR05 (Mexico); alt. C.U.R.P. #HESU430525HBCRMR13 (Mexico); Immigration No. A38839964 (United States) (individual) [SDNTK]
IMPRISA, Spain [CUBA]
IMPRISA, S.A., Panama [CUBA]
INCOMMERCE S.A., Calle 13 No. 66–14, Cali, Colombia; NIT #805023544–4 (Colombia) [SDNT]
INDBURU LUENGAS, Pedro Enrique, c/o COMERCIALIZADORA MGR GAVIRIA S.A., Quito, Ecuador; c/o INTERNACIONAL DE PROYECTOS INMOMBIARIOS S.A., Quito, Ecuador; c/o COMERCIALIZADORA MOR GAVIRIA S.A., Quito, Ecuador; 29 Jun 1948; POB Bogota, Colombia; Cedula No. 19074171 (Colombia); alt. Cedula No. 17199011619 (Ecuador); RUC #17199011619–9 (Ecuador) (individual) [SDNT]
INDIO VITORIO S. DE P.R. DE R.L. DE C.V., Saucillo, Chihuahua, Mexico; F.C.V. 030311–1L6 (Mexico) [SDNTK]
INFRASTRUCTURE DEVELOPMENT BANK OF ZIMBABWE (a.k.a. ZIMBABWE DEVELOPMENT BANK), P.O. Box 1720, Harare, Zimbabwe; ZDB House, 99 Rotten Row, Harare, Mashonaland East, Zimbabwe; Phone No. 263–4–7501718; Fax No. 263–4–7744225 [ZIMBABWE]
INGASANA MINES HILLS CORPORATION (a.k.a. INGASANA MINES CORPORATION), P.O. Box 2241, Khartoum, Sudan; P.O. Box 1108, Khartoum, Sudan [SUDAN]
INGERENCIA TECNICA EN COMUNICACIÓN LTDA. (a.k.a. INTENCOM), Carrera 4 No. 26–33, Local 102, Cali, Colombia [SDNT]
INMOBILIARIA AURORA LTDA., Carrera 24F Of 3–70, Cali, Colombia; Avenida Canasgordas con Avenida Guali Casa 35, Cali, Colombia; Carrera 4 12–41 piso 15, Edificio Seguros Bolivar, Cali, Colombia; Carrera 38A No. 5E–31, Edificio Conquistadores, Cali, Colombia [SDNT]
INMOBILIARIA BOLIVAR LTDA., Calle 24N No. 6N–21, Cali, Colombia; Calle 17N No. 6N–28, Cali, Colombia; NIT #890350573–3 (Colombia) [SDNT]
INMOBILIARIA DEL CARIBE LTDA., Calle 74 No. 53–30, Barranquilla, Colombia; NIT #901901005–1 (Colombia) [SDNT]
INMOBILIARIA ESPARTA S.A. DE C.V., Avenida Negrete 220 Local 2B, Colonia Zona Central, Tijuana, Baja California, Mexico; R.F.C. #IES-8708050 (Mexico) [SDNT]
INMOBILIARIA ESTADIO 29 S.A. DE C.V., Ocampo 1860 4, Colonia Zona Central, Tijuana, Baja California, Mexico; Entre Juan Sarasola C. y Tijuana, Baja California, Mexico; R.F.C. #IEV-950628 (Mexico) [SDNT]
INMOBILIARIA GALES LTDA., Avenida Caracas No. 59–77 of 201A, 401B y 405B, Bogota, Colombia; NIT #800061287–1 (Colombia) [SDNT]
INMOBILIARIA GAXIOLA HERMANOS S.A. DE C.V. (a.k.a. DISTRIBUIDORA DE MUEBLES GAXIOLA HERMANOS; a.k.a. INMOBILIARIA GAXIOLA), Guadalajara, Jalisco, Mexico; Michoacan 404 Inter. 11, Colonia Cerrada Paraiso, Hermosillo, Sonora 83170, Mexico; Blvd. L Encinas numero 581–A, Esquina Truqui, Colonia Pimentel, Hermosillo, Sonora, Mexico; Blvd. Francisco Eusebio km. 177–7, Col. 5 Pimentel, Hermosillo, Sonora, Mexico; Blvd. Jaramillo 144, Colonia Centro, Hermosillo, Sonora 83010, Mexico; Blvd. Jose Maria Morelos s/n y Ave 13 Col Colinas del Bachoco, Hermosillo, Sonora 83000, Mexico; R.F.C. IGH910522UM3 (Mexico); alt. R.F.C. DMG910552 (Mexico) [SDNTK]
INMOBILIARIA GAXIOLA CARIBE LTDA., (a.k.a. INMOBILIARIA GAXIOLA CARIBE LTDA. (f.k.a. ANDINA DE CONSTRUCCIONES S.A.), Carrera 92 No. 62–30, Cali, Colombia; NIT #805012625–0 (Colombia) [SDNT]
INMOBILIARIA LA PROVINCIA S.A. DE C.V., Cuauhtemoc 6046 3 Libertad, Tijuana, Baja California, Mexico; R.F.C. #IPR–931014 (Mexico) [SDNTK]
INMOBILIARIA LINARES LTDA., Carrera 4 No. 12–20 of 206, Cartago, Valle, Colombia; NIT #800146860–7 (Colombia) [SDNT]
INMOBILIARIA PASADENA LTDA., Carrera 4 No. 12–20 of 206, Cartago, Valle, Colombia; NIT #800146861–4 (Colombia) [SDNT]
INMOBILIARIA QULICHLAO S.A. (f.k.a. AGROPECUARIA B GRAND LTD.), Avenida 4N No. 6N–61, Apt. 510, Cali, Colombia; NIT #817002547–1 (Colombia) [SDNT]
INMOBILIARIA TIJUANA COSTA S.A. DE C.V., Entre Abelardo L. Rodriguez y Avenida Del Rio, Tijuana, Baja California, Mexico; Agua Caliente 10440 9, Colonia Aviacion, Tijuana, Baja California, Mexico; R.F.C. #ITC–910503 (Mexico) [SDNTK]
INMOBILIARIA U.M.V. S.A., Carrera 83 No. 6–50, Edificio Alquiler, Torre C, of. 302, Cali, Colombia [SDNT]
INMOBILIO INVESTMENT CORP., Avenida Federico Boyle y Calle 51, Edificio Torre Universal, Piso 3, Panama City, Panama; RUC #4055231267062 (Panama) [SDNT]
INMUEBLES SIERRA VISTA S.A. DE C.V., Hermosillo, Sonora, Mexico [SDNTK]
INSTITUTO NACIONAL DE TURISMO DE CUBA, Spain [CUBA]
INSUMOS ECOLOGICOS DE ORIENTE, S.A. DE C.V., Jose I Solorzano 746, Colonia Jardines Alcalde, Guadalajara, Jalisco 44290, Mexico; R.F.C. EEO8060245A3 (Mexico) [SDNTK]
INTERAMERICANA DE CONSTRUCCIONES S.A. (f.k.a. ANDINA DE CONSTRUCCIONES S.A.), Calle 12 Norte No. 9N–56, Cali, Colombia; NIT #800237404–2 (Colombia) [SDNT]
INTERCONSULT, Panama [CUBA]
INTERCONTINENTAL DE AVIACION S.A. (a.k.a. INTER; a.k.a. INTERCONTINENTAL), Avenida El Dorado Entrada 2 Int. 6, Bogota, Colombia; NIT #860009526–3 (Colombia) [SDNT]
INTERCONTINENTAL DE FINANCIACION AEREA S.A. (a.k.a. INTERFIAR S.A.), Avenida El Dorado Entrada 2 Int. 6, Bogota, Colombia; NIT #800043810–6 (Colombia) [SDNT]
INTERCREDITOS S.A. (a.k.a. INTERCREDITOS BOGOTA; a.k.a. INTERCREDITOS CALI), Bogota, Colombia; Avenida Roosevelt No. 38–32, piso 2, Cali, Colombia [SDNT]
INTERMARKET HOLDINGS LIMITED, 10th Floor ZB House, 46 Speke Avenue, P.O. Box 3198, Harare, Zimbabwe; Phone No. 263–4–751168; Fax No. 263–4–251029 [ZIMBABWE]
INTERNACIONAL DE PROYECTOS INMOBILIARIO IPI S.A. (a.k.a. IPI S.A.), Avenida Pedro Vila Maldonado 744, Edificio Centro Comercial El Recreo, Local 241, Pichincha, Quito, Ecuador; RUC #1791843436001 (Ecuador) [SDNT]
INTERNATIONAL COBALT CO. INC., Avenida 30 No. 80–30, Cali, Colombia [SDNT]
INTERNATIONAL FREEZE DRIED S.A., Panama [CUBA]
INTERNATIONAL DRIERS LTDA., Street, Khartoum, Sudan [SUDAN]
INTERNATIONAL FREEZE DRIED AGRARIO S.A. DE C.V., Entre Abelardo L. Rodriguez y Avenida Del Rio, Tijuana, Baja California, Mexico; Agua Caliente 10440 9, Colonia Aviacion, Tijuana, Baja California, Mexico; R.F.C. #ITC–910503 (Mexico) [SDNTK]
INTERNATIONAL DRIERS LTDA., (a.k.a. IFD S.A.), Carrera 92 No. 62–30, Cali, Colombia; NIT #805012625–0 (Colombia) [SDNT]
IRAN BAGHERI; Vessel Registration Identification IMO 7428811 (vessel) [NPWMD]
IRAN BAM; Vessel Registration Identification IMO 9323833 (vessel) [NPWMD]
IRAN BASEER; Vessel Registration Identification IMO 9010711 (vessel) [NPWMD]
IRAN BASHEER; Vessel Registration Identification IMO 8215742 (vessel) [NPWMD]
IRAN BIRJAND; Vessel Registration Identification IMO 9305219 (vessel) [NPWMD]
IRAN BOJNOORD; Vessel Registration Identification IMO 9305207 (vessel) [NPWMD]
IRAN BRAYE; Vessel Registration Identification IMO 9051650 (vessel) [NPWMD]
IRAN BROOJERDI; Vessel Registration Identification IMO 7502722 (vessel) [NPWMD]
IRAN BUSHEHR; Vessel Registration Identification IMO 9270658 (vessel) [NPWMD]
IRAN COMMUNICATION INDUSTRIES (a.k.a. ICI; a.k.a. IRAN COMMUNICATIONS INDUSTRIES GROUP; a.k.a. SANAYE MOKHABERAT IRAN), P.O. Box 19294–4731, Pasdaran Avenue, Tehran, Iran; Shahid Langary Street, Nobonyad Square Ave., Pasdaran, Tehran, Iran; P.O. Box 19294–4731, Pasdaran Avenue, Tehran, Iran [NPWMD]
IRAN DALEER; Vessel Registration Identification IMO 9118551 (vessel) [NPWMD]
IRAN DEYANAT; Vessel Registration Identification IMO 8107579 (vessel) [NPWMD]
IRAN DOLPHIN; Vessel Registration Identification IMO 8320195 (vessel) [NPWMD]
IRAN ELECTRONICS INDUSTRIES (a.k.a. IE; a.k.a. SANAYE ELECTRONIC IRAN; a.k.a. SASAD IRAN ELECTRONICS INDUSTRIES; a.k.a. SHERKAT SANAYEH ELECTRONICS IRAN), P.O. Box 19294–4731, Pasdaran Avenue, Tehran, Iran; P.O. Box 71356–1174, Hossain Abad/Arak Road, Shiraz, Iran; Business Registration Document #4110179 (United Kingdom) [NPWMD]
IRAN ENTEKHAB; Vessel Registration Identification IMO 7632814 (vessel) [NPWMD]
IRAN ESTEGHAL; Vessel Registration Identification IMO 7620550 (vessel) [NPWMD]
IRAN FARS; Vessel Registration Identification IMO 9283021 (vessel) [NPWMD]
IRAN GAHDEER; Vessel Registration Identification IMO 9010723 (vessel) [NPWMD]
IRAN GAHDEER; Vessel Registration Identification IMO 8309672 (vessel) [NPWMD]
IRAN GILAN; Vessel Registration Identification IMO 9193202 (vessel) [NPWMD]
IRAN GOLESTAN; Vessel Registration Identification IMO 9226944 (vessel) [NPWMD]
IRAN HAMADAN; Vessel Registration Identification IMO 9226956 (vessel) [NPWMD]
IRAN HAMZEH; Vessel Registration Identification IMO 8320171 (vessel) [NPWMD]
IRAN HORMUZ 12; Vessel Registration Identification IMO 9005596 (vessel) [NPWMD]
IRAN HORMUZ 14; Vessel Registration Identification IMO 9020778 (vessel) [NPWMD]
IRAN HORMUZ 21; Vessel Registration Identification IMO 8314263 (vessel) [NPWMD]
IRAN HORMUZ 22; Vessel Registration Identification IMO 8314275 (vessel) [NPWMD]
IRAN HORMUZ 23; Vessel Registration Identification IMO 8319782 (vessel) [NPWMD]
IRAN HORMUZ 25; Vessel Registration Identification IMO 8422072 (vessel) [NPWMD]
IRAN HORMUZ 26; Vessel Registration Identification IMO 8422084 (vessel) [NPWMD]
IRAN ILAM; Vessel Registration Identification IMO 9283035 (vessel) [NPWMD]
IRAN JOMHURI; Vessel Registration Identification IMO 7632826 (vessel) [NPWMD]
IRAN KABEER; Vessel Registration Identification IMO 9076478 (vessel) [NPWMD]
IRAN KASHAN; Vessel Registration Identification IMO 9270696 (vessel) [NPWMD]
IRAN KERMAN; Vessel Registration Identification IMO 9209350 (vessel) [NPWMD]
IRAN KERMANSHAH; Vessel Registration Identification IMO 9213399 (vessel) [NPWMD]
IRAN KHIRASAN; Vessel Registration Identification IMO 9193214 (vessel) [NPWMD]
IRAN KOLAHDOOZ; Vessel Registration Identification IMO 7428809 (vessel) [NPWMD]
IRAN MADANI; Vessel Registration Identification IMO 8309622 (vessel) [NPWMD]
IRAN MAHALAT; Vessel Registration Identification IMO 7428823 (vessel) [NPWMD]
IRAN MATIN; Vessel Registration Identification IMO 9051624 (vessel) [NPWMD]
IRAN MAZANDARAN; Vessel Registration Identification IMO 9193197 (vessel) [NPWMD]
IRAN MODARES; Vessel Registration Identification IMO 7618986 (vessel) [NPWMD]
IRAN NABUVEH; Vessel Registration Identification IMO 7618571 (vessel) [NPWMD]
IRAN NAV (a.k.a. IRAN DESTINY); Vessel Registration Identification IMO 8320145 (vessel) [NPWMD]
IRAN NOWSHAHR; Vessel Registration Identification IMO 9367994 (vessel) [NPWMD]
IRAN O HIND SHIPPING COMPANY (a.k.a. IHSC; a.k.a. IRANO HIND SHIPPING COMPANY; a.k.a. IRANOHIND SHIPPING COMPANY (PJS); a.k.a. KESHTIRANI IRAN VE HEND SAHAMI KHASS), 18 Mehrbash Street, Sadaghat Street, Opposite of Park Mellat, Vali-e-Azar Ave., Tehran, Iran; 265, Next to Mehrbash, Sadaghat St., Opposite of Mellat Park, Vali Azar Ave., Tehran 1A001, Iran [NPWMD]
IRAN O MISR SHIPPING COMPANY (a.k.a. IRAN & EGYPT SHIPPING LINES; a.k.a. IRAN AND EGYPT SHIPPING LINES; a.k.a. IRANOMISR SHIPPING CO.), No. 41, 3rd Floor, Corner of 6th Alley, Samaei St., Karim Khan Zand Ave., Tehran, Iran; El Nahda Building, Elhada St., 4th Floor, Port Said, Egypt; 6 El Horreya Avenue, Alexandria, Egypt [NPWMD]
IRAN OVERSEAS INVESTMENT BANK LIMITED (a.k.a. IRAN OVERSEAS INVESTMENT CORPORATION LIMITED), 120 Moorgate, London EC2M 6TS, United Kingdom; all offices worldwide [IRAN]
IRAN PIROOZI; Vessel Registration Identification IMO 9283007 (vessel) [NPWMD]
IRAN SARBAZ; Vessel Registration Identification IMO 8113011 (vessel) [NPWMD]
IRAN SEPAH; Vessel Registration Identification IMO 7373563 (vessel) [NPWMD]
IRAN SHAHED; Vessel Registration Identification IMO 9184691 (vessel) [NPWMD]
IRAN SHALAMCHEH; Vessel Registration Identification IMO 8820925 (vessel) [NPWMD]
IRAN SHARIAT; Vessel Registration Identification IMO 8107581 (vessel) [NPWMD]
IRAN TABAS; Vessel Registration Identification IMO 9305192 (vessel) [NPWMD]
IRAN TAKHTI; Vessel Registration Identification IMO 7602194 (vessel) [NPWMD]
IRAN TEYFOURI; Vessel Registration Identification IMO 7602211 (vessel) [NPWMD]
IRAN TORKAMAN; Vessel Registration Identification IMO 9368015 (vessel) [NPWMD]
IRAN TUCHAL; Vessel Registration Identification IMO 9346536 (vessel) [NPWMD]
IRAN YASOOJ; Vessel Registration Identification IMO 9284142 (vessel) [NPWMD]
IRAN YAZD; Vessel Registration Identification IMO 9213387 (vessel) [NPWMD]
IRAN ZANJAN; Vessel Registration Identification IMO 9283019 (vessel) [NPWMD]
IRAQI ALLIED SERVICES LIMITED, United Kingdom [IRAQ2]
IRAQI FREIGHT SERVICES LIMITED, United Kingdom [IRAQ2]
IRAQI TRADE CENTER, Dubai, United Arab Emirates [IRAQ2]
IRIBS AIR COMPANY, Ul. Furmanova 65, office 317, Almaty 48004, Kazakhstan [LIBERIA]
IRINVESTSHIP LTD., Global House, 61 Petty France, London SW1H 9EU, United Kingdom; Business Registration Document #4110179 (United Kingdom) [NPWMD]
MARTYRS FOUNDATION (a.k.a. AL-MARTINOVIC, Vinko; DOB 21 Sep 1963; Colombia; c/o SERVICIOS INMOBILIARIOS LTDA., Cali, Colombia; DOB 27 Oct 1951; Cedula No. 14993019 (Colombia) (individual) [SDNT]

MARTAN RODRIGUEZ, Oscar Ignacio, c/o INVERSIONES BRASIL S.A., Bogota, Colombia; Carrera 33A No 19-67, Tunja, Cali, Colombia; c/o CORPORATION CLUB DEPORTIVO TULUA, Tulua, Cali, Colombia; c/o AGROPECUARIA LINDARAJA S.A., Cali, Colombia; Calle 27 No. 38A–26, Tulua, Cali, Colombia; DOB 08 Feb 1958; POB Guapi, Cauca, Colombia; citizen Colombia; nationality Colombia; Cedula No. 19365692 (Colombia); Passport AD445570 (Colombia) expires 12 Jun 1992; alt. Passport AJ534873 (Colombia) issued 23 Jun 2005 expires 23 Jun 2015; alt. Passport AF775306 (Colombia) (individual) [SDNT]

MARTIC, Milan; DOB 18 Nov 1954; POB Zagrovic, Croatia; ICTY indictee (individual) [BALKANS]

MARTIN DIAZ, John Edward, c/o AGRO MASCOTAS S.A., Bogota, Colombia; DOB 20 Jun 1974; Cedula No. 79668278 (Colombia); Passport 79668278 (Colombia) (individual) [SDNT]

MARTIN HODWALKER M. & CIA. S. EN C. (a.k.a. MARTIN HODWALKER M. AND CIA. S. EN C. n.k.a. VERANILLO S.A.; f.k.a. VERA S. C. EN C.) Via 40 No. 67–20/42, Barranquilla, Colombia; NIT #802007314–9 (Colombia) [SDNT]

MARTINEZ ARANGO, Oscar Richard, c/o COMERCIALIZADORA DE CARNES CONTINENTAL MCCI LTDA., Bogota, Colombia; DOB 31 Jul 1972; Cedula No. 79643429 (Colombia) (individual) [SDNTK]

MARTINEZ CANTABRANA, Cesar (a.k.a. MARTINEZ CANTABRANA, Cesar Alejandro); c/o ILC EXPORTACIONES, S. DE R.L. DE C.V., Mexico, Distrito Federal, Mexico; DOB 1966; POB Xochimilco, Distrito Federal, Mexico; citizen Mexico; nationality Mexico; C.U.R.P. MAC8101027HDFRNS03 (Mexico) (individual) [SDNTK]

MARTINEZ CASAS, Carlos Mario, c/o GASOLINAS SAN FERNANDO S.A. DE C.V., Saucillo, Mexico; Mexico; c/o INDIO VITORIO S. DE P.R. DE R.L. DE C.V., Saucillo, Mexico; DOB 23 Apr 1969; citizen Mexico; nationality Mexico; C.U.R.P. MAC6904233HCRRN80 (Mexico); RFC: MAC690423–D78 (Mexico) (individual) [SDNTK]

MARTINEZ DUARTE, Armando; DOB 12 Aug 1954; nationality Mexico (individual) [SDNTK]

MARTINEZ PLAZA, Omar Axel, c/o MULTISERVICIOS SIGLO, S.A. DE C.V., Tijuana, Baja California, Mexico; DOB 4 Aug 1972; POB Irapuato, Guanajuato, Mexico (individual) [SDNTK]

MARTINOVIC, Vinko; DOB 21 Sep 1963; POB Mostar, Bosnia-Herzegovina; ICTY indictee (individual) [BALKANS]

MARTYS FOUNDATION (a.k.a. AL-SHAHID ASSOCIATION FOR MARTYRS AND INTERNEES FAMILIES; a.k.a. AL-SHAHID CORPORATION; a.k.a. BONYAD SHAHID; a.k.a. BONYAD-E SHAHID; a.k.a. BONYAD-E SHAHID VA ISARGARAN; a.k.a. ES-SHAHID; a.k.a. IRANIAN MARTYRS FUND; a.k.a. MARTYRS FOUNDATION IN LEBANON; a.k.a. AL-MU’ASSAT AL-SHAHID; a.k.a. AL-SHAHID CHARITABLE AND SOCIAL ORGANIZATION; a.k.a. AL-SHAHID FOUNDATION; a.k.a. AL-SHAHID ORGANIZATION; a.k.a. HIZBALLAH MARTYRS FOUNDATION; a.k.a. ISLAMIC REVOLUTION MARTYRS FOUNDATION; a.k.a. LEBANESE MARTYR ASSOCIATION; a.k.a. LEBANESE MARTYR FOUNDATION; a.k.a. MARTYRS FOUNDATION; a.k.a. MARYLAND INSTITUTE, Inc., a.k.a. EMPRESA DE NAVIGACION MAMBISA, Apartado 543, San Ignacio 104, Havana, Cuba [CUBA]; a.k.a. MARUZKI, Zulkifli (a.k.a. BIN MARZUKI, Zulkifli; a.k.a. BIN ZULKIFLI); a.k.a. MARUKI, Zulkifli; a.k.a. ZULKIFLI) DOB 3 Jul 1968; POB Malaysia; nationality Malaysia (individual) [SDGT]

MASPIO CEMENT CORPORATION, P.O. Box 96, Athara, Sudan [SUDAN]

Masters International Ltd., New Boundary House, London Road, Sunningdale, Ascot, Berkshire SL5 0DJ, United Kingdom; Business Registration Document No. CT27665 (United Kingdom) [ZIMBABWE]

Masters International, Inc., 1905 S. Florida Avenue, Lakeland, FL 33803; US FEIN 133798020 (United States) [ZIMBABWE]

Masuku, Angeline; DOB 14 Oct 1936; Matebeleland South Provincial Governor & Politburo Secretary for Gender and Culture (individual) [ZIMBABWE]

Mata, Mata, Noel (a.k.a. MATTAT MATHA, Noel; a.k.a. "ERFAIN GUZMAN"; a.k.a. "EL CHUCHO"); DOB 31 Jan 1935; alt. DOB 30 Jan 1935; POB Chapparal, Tolima, Colombia; Cedula No. 4870352 (Colombia) (individual) [SDNTK]

Matadero Metropolitano Ltda., Apartado Aereo 3786, Pereira, Colombia; Km. 3 Via Marsella Parque Industrial, Pereira, Colombia; Carrera 11 No. 34–21 Dao., Pereira, Colombia; NIT #89134296–8 (Colombia) [SDNT]

Matambre de Lo Mejor, Carrera 75 No. 24B–25, Bogota, Colombia; Matricula Mercantil No 166451 (Colombia) [SDNTK]

Matang & GHwin; DOB 5 Feb 1962; Passport ZL042663 (Zimbabwe); Deputy Police Commissioner (individual) [ZIMBABWE]

Mateo Laureano, Ignacio, Calle Sagitario y Lacte No. 3085, Colonia Las Palmas, entre Lacteo y Av. La Paz, Ciudad Victoria, Tamaulipas, Mexico; Calle Mariano Matamoros No. 56, Centro, Colonia San Gabriel Chilaca, Puebla, Mexico; DOB 31 Jul 1977; POB Guerrero; alt. POB Tecpan de Galeana,Guerrero; citizen Mexico; nationality Mexico; C.U.R.P. MAL770731HGRTRG07 (Mexico); Cartilla de Servicio Militar Nacional C66006497 (Mexico) (individual) [SDNTK]

Materias Primas y Suministros S.A. (a.k.a. Materias Primas y Suministros Ltda.; a.k.a. Matsum S.A.), Calle 12B No. 28–58, Bogota, Colombia; Calle 39 Bis A No. 27–20, Bogota, Colombia; NIT #830031863–3 (Colombia) [SDNT]

Mathema, Cain; DOB 28 Jan 1948; Bulawayo Provincial Governor (individual) [ZIMBABWE]

MATHUTHU, Sithokozile; Matabeleland North Provincial Governor & Deputy Secretary for Transport and Social Welfare (individual) [ZIMBABWE]

Matibiri, Innocent Tonderai; DOB 9 Oct 1968; Deputy Police Commissioner (individual) [ZIMBABWE]

Matiza, Biggie Joel; DOB 17 Aug 1960; Passport ZA557399 (Zimbabwe); Deputy Minister of Rural Housing and Social Amenities (individual) [ZIMBABWE]

Matonga, Bright; DOB circa 1969; Deputy Minister of Information and Publicity (individual) [ZIMBABWE]

Matrix Churchhill Corporation, 5903 Harper Road, Cleveland, OH 44139, OH 44139 [IRAQ2]

Matshalaga, Obert; DOB 21 Apr 1951; Deputy Minister of Foreign Affairs (individual) [ZIMBABWE]

Matthew, Karen, c/o Freight Movers International, Baseterre, Saint Kitts and Nevis; DOB 27 Jan 1964; POB St Vincent & Grenadines (individual) [SDNTK]

Matthews, Glenroy; a.k.a. MATTHEW, Glenroy Wingrove; a.k.a. MATTHEWS, Glen Roy; Frigate Bay, Saint Kitts and Nevis; DOB 26 Jul 1958; POB St Kitts and Nevis; Passport 047815 (Saint Kitts and Nevis) (individual) [SDNTK]

Max (Myanmar) Construction Co., Ltd., 1 Ywama Curve, Bayint Naung Road, Ward (2), Hlaing Township, Yangon, Burma [BURMA] [JADE]

Max Myanmar Gems and Jewellery Co., Ltd., 1 Ywama Curve, Bayint Naung Road, Ward (2), Hlaing Township, Yangon, Burma [BURMA] [JADE]

Max Myanmar Group of Companies (a.k.a. Max Myanmar; a.k.a. Max Myanmar Co.; a.k.a. Max Myanmar Company Limited; a.k.a. Max Myanmar Group), 1 Ywama Curve, Ba Yint Naung Road, Ward (2), Hlaing Township, Yangon, Burma [BURMA] [JADE]

Max Myanmar Manufacturing Co., Ltd., 1 Ywama Curve, Bayint Naung Road, Ward (2), Hlaing Township, Yangon, Burma [BURMA] [JADE]

Mata, Mata, Noel; DOB 30 Jan 1935; alt. DOB 31 Jan 1935; POB Chapparal, Tolima, Colombia; Cedula No. 4870352 (Colombia) (individual) [SDNTK]
MUSLIU, Isak; DOB 31 Oct 1970; POB Racak, Serbia and Montenegro (individual) [BALKANS]
MUSLIU, Jonuz; DOB 5 Jan 1959; POB Konculj, Serbia and Montenegro (individual) [BALKANS]
MUSLIU, Shifafa; DOB 12 Feb 1963; POB Konculj, Serbia and Montenegro (individual) [BALKANS]
MUSONI, Stratton; DOB 6 Apr 1961; alt. DOB 4 Jun 1961; POB Mugumbari, Kigali; citizen Rwanda; nationality Rwanda (individual) [SDGT]
MUSTAFA BAKRI, Ali Sa’d Muhammad; DOB 15 Oct 1949; alt. DOB 17 Jun 1950; citizen Sudan; nationality Sudan (individual) [SDGT]
MUTINHIRI, Ambrose; DOB 22 Feb 1944; citizen Zimbabwe; nationality Zimbabwe (individual) [SDGT]
MUTEZO, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEZI, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEBUTSI, Jules (a.k.a. COLONEL MUTASA, Didymus Noel Edwin; DOB 27 May 1948; Deputy Minister for Small and Medium Enterprise Development (individual) [ZIMBABWE]
MUTEZI, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEZO, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEBUTSI, Jules (a.k.a. COLONEL MUTASA, Didymus Noel Edwin; DOB 27 May 1948; Deputy Minister for Small and Medium Enterprise Development (individual) [ZIMBABWE]
MUTEZO, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEBUTSI, Jules (a.k.a. COLONEL MUTASA, Didymus Noel Edwin; DOB 27 May 1948; Deputy Minister for Small and Medium Enterprise Development (individual) [ZIMBABWE]
MUTEZI, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEZI, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEZI, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEZI, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEZI, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEZI, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEZI, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEZI, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEZI, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEZI, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEZI, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEZI, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEZI, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEZI, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEZI, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEZI, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEZI, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEZI, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEZI, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEZI, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEZI, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEZI, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEZI, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEZI, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEZI, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEZI, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEZI, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEZI, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEZI, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEZI, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
MUTEZI, Munacho Thomas Alvar; DOB 14 Feb 1960; POB South Kivu, DRC; nationality Congo, Democratic Republic of the (individual) [DRC]
ROJAS VARGAS, Alberto, c/o ESPIBENA S.A., Quito, Ecuador; c/o COLFARMA PERU S.A., Lima, Peru; c/o FARFALLA INVESTMENT S.A., Panama City, Panama; Cedula No. 13922414 (Colombia) (individual) [SDNT]

ROJAS VILLA, Andres Mauricio, c/o CIAMX LTDA., Bogota, Colombia; c/o WORLD TRADE LTDA., Bogota, Colombia; Cedula No. 80415760 (Colombia) (individual) [SDNT]

ROJAS SALCEDO, Fabio, c/o CONSTRUTORA SANTIAGO TERESTES S.A., Cali, Colombia; DOB 08 Aug 1954; POB Buga, Valle, Colombia; Cedula No. 14875349 (Colombia) (individual) [SDNT]

ROJAS SALCEDO, Milena, c/o CARMILE INVERSIONES LOPEZ Y CIA. S.A., Cali, Colombia; c/o INVERSIONES MEDICAS Y QUIRURGICAS ESPECIALIZADAS LTDA., Cali, Colombia; c/o UNIVISA S.A., Cali, Colombia; DOB 09 Feb 1960; Cedula No. 38858586 (Colombia); Passport PO66565 (Colombia) (individual) [SDNT]

ROMA, Erka, c/o TAURA S.A., Cali, Colombia; Cedula No. 66955540 (Colombia) (individual) [SDNT]

ROMEO, Charles (a.k.a. ROMEO, Charles Henri Robert), Panama (individual) [CUBA]

ROMERO VARELA, Carlos Ali (a.k.a. MARTINEZ, Richard), c/o LOS GONOMOS LTDA., Cali, Colombia; c/o SOCIEDAD DE COMERCIALIZACION INTERNACIONAL POSEIDON S.A., Sabaneta, Antioquia, Colombia; DOB 19 Mar 1959; alt. DOB 19 Feb 1959; Cedula No. 13447909 (Colombia); Passport B0088212 (Venezuela) (individual) [SDNTK]

ROMO LOPEZ, Martin (a.k.a. ROMO LOPEZ, Martin de Jesus), Piedras Negras, Coahuila, Mexico; DOB 02 Jun 1964; POB Tabasco, Zacatecas; citizen Mexico; nationality Mexico; c/o C.U.R.P. ROLM640602HZSMPR05 (Mexico) (individual) [SDNT]

RÓPER SUAREZ, Emíllo del Carmen (a.k.a. “RUBEN ZAMORA”); DOB 2 Sep 1962; POB Municipio de Nueva Granada, Norte de Santander, Colombia; citizen Colombia; nationality Colombia; Cedula No. 33416512 (individual) [SDNTK]

RÓPERR CONTRERAS, Miria, Paris, France (individual) [CUBA]

ROQUE PEREZ, Roberto, Panama (individual) [CUBA]

ROSALES DÍAZ, Hector Emilio, c/o CONCRETOS CALI S.A., Cali, Colombia; c/o INVERSIONES GEMINIS S.A., Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia; c/o CONSTRUCTORA DIMISA LTDA., Cali, Colombia; c/o COMPANIA ADMINISTRADORA DE VIVIENDA S.A., Cali, Colombia; c/o INVERSIONES EL PENON S.A., Cali, Colombia; c/o MERCACOLIVA LTDA., Cali, Colombia; c/o INVERSIONES VILLA PAZ S.A., Cali, Colombia; c/o ADMINISTRACION INMAYER S.A., Cali, Colombia; DOB 1 Apr 1955; Cedula No. 16588924 (Colombia) (individual) [SDNT]

ROSALES MENDOZA, Carlos Alberto (a.k.a. ROSALES MENDOZA, Carlos), Petacalco, Guerrero, Mexico; Michoacan, Mexico; DOB 12 Feb 1969; POB Guerrero, Michoacan; alt. POB El Naranjito, La Union, Guererro, Mexico; citizen Mexico; nationality Mexico; C.U.R.P. ROMC630212HGRSNR09 (Mexico) (individual) [SDNTK]

ROSARIO NIEBLA CARDOZA, Angiela (a.k.a. ROSARIO, Angela), Avenida Manuel Vallarta 2251 S, Colombia Centro, Culiacan, Sinaloa 80129, Mexico; R.F.C. NICR–461006–T36 (Mexico) [SDNTK]

ROSALES MENDOZA, Carlos Alberto (a.k.a. ROMO LOPEZ, Martin (a.k.a. ROMO LOPEZ, Martin de Jesus), Piedras Negras, Coahuila, Mexico; DOB 02 Jun 1964; POB Tabasco, Zacatecas; citizen Mexico; nationality Mexico; c/o C.U.R.P. ROLM640602HZSMPR05 (Mexico) (individual) [SDNT]

ROSEA MENDOZA, Felipe, Calle Ventisca 2359 Sec. Dorado, Colonias Playas de Tijuana, Tijuana, Baja California, Mexico; Calle Saino 5, Colonias Hacienda del Tepeyac, Zapopan, Jalisco CP 45053, Mexico; DOB 06 Jun 1962 (individual) [SDNTK]

RUELAS MARTINEZ, Jose Manuel, c/o MULTISERVICIOS SIGLO, S.A. DE C.V., Tijuana, Baja California, Mexico; Esmeralda 3091, Colonia Residencial Victoria CR 45051, Zapopan, Jalisco CP 44550, Mexico; alt. POB Ciudad Colina, Chula Vista, CA 91910; c/o GLOBAL FILMS, S.A. DE C.V., Tijuana, Baja California, Mexico; c/o HACIENDA DE DON JOSÉ RESTAURANT BAR, S.A. DE C.V., Tijuana, Baja California, Mexico; Av. Puente Mexico Nte. 824, Colonias Playas de Tijuana, Tijuana, Baja California CP 22200, Mexico; c/o MULTISERVICIOS ALFA, S.A. DE C.V., Tijuana, Baja California, Mexico; c/o MULTISERVICIOS GAMAL, S.A. DE C.V., Tijuana, Baja California, Mexico; DOB 16 Jun 1960; POB Talpa de Allende, Jalisco, Mexico; alt. POB Guadalajara, Jalisco, Mexico; Passport 036162282 (United States); R.F.C. RUMM–600616–C69 (Mexico); SSN 622–18–0486 (United States) (individual) [SDNTK]

RUELAS TOPETE, Carlos Antonio, Calle de la Bahia 3178, Colonias Playas Costa Hermosa, Tijuana, Baja California CP 22240, Mexico; Calle Ventisca 2359 Sec. Dorado, Colonias Playas de Tijuana, Tijuana, Baja California, Mexico; c/o HACIENDA DE DON JOSÉ RESTAURANT BAR, S.A. DE C.V., Tijuana, Baja California, Mexico; DOB 12 Aug 1968; POB Guadalajara, Jalisco, Mexico; R.F.C. RUTC–680812–PS6 (Mexico) (individual) [SDNTK]

RUELAS TOPETE, Eduardo, Calle del Volcan 682, Colonias Playas de Tijuana, Tijuana, Baja California CP 22200, Mexico; c/o CONSULTORIA DE OCIDENTE, S.A. DE C.V., Guadalajara, Jalisco, Mexico; Ave. Pque. Mexico Sur 910, Colonias Playas de Tijuana, Tijuana, Baja California CP 22200, Mexico; c/o HACIENDA DE DON JOSÉ RESTAURANT BAR, S.A. DE C.V., Tijuana, Baja California, Mexico; DOB 20 Feb 1967; POB Guadalajara, Jalisco, Mexico; R.F.C. RUTE–670220–DVO (Mexico) (individual) [SDNTK]

RUIZ CASTANO, Maria Helena, c/o LADRILLERA LA CANDELARIA LTDA., Cali, Colombia; DOB 17 Nov 1970; Cedula No. 669016105 (Colombia); Passport 66901635 (Colombia) (individual) [SDNT]
SENANQUE SHIPPING CO. LTD., c/o SELIMI, Rexhep; DOB 15 Mar 1971; POB Igalrevo, Serbia and Montenegro (individual) [BALKANS] 

SENANQUE (vessel) [CUBA] 

SEPAK ENGINEERING COMPANY, No. 4 Corner of Shad St., Mollasadra Ave., Vanak Square, Tehran, Iran [NPWMD] 

SEPPI, S.A. DE C.V., Calle Donato Guerra No. 5, Col. Centro, Culiacan, Sinaloa, Mexico; R.F.C. SEP980519G06 (Mexico) [SDNTK] 

SEPULVEDA SEPULVEDA, Manuel Salvador, c/o INVHERESA SERVICIOS FUTURA LTDA., Carrera 28 No. 6N–54, Cali, Colombia; NIT #830044689–4 (Colombia) [SDNT] 

SERRA, Maria Norby (a.k.a. SERNA DE SERRANO, YASIR, Hajji) (vessel) [SDNTK] 

SERRANO PONCE, Jose Delio, c/o DISMERCOP, Cali, Colombia; DOB 13 Apr 1965; Cedula No. 16711205 (Colombia) [SDNT] 

SERRANO SILVA, Luz Esperanza, c/o MAGEN LTDA., Bogota, Colombia; Cedula No. 51822684 (Colombia); Passport 51822684 (Colombia) [individual] [SDNT] 

SERVIAGRICOLA CIFUENTES E.U., Calle 4 No. 35A–20 Of 41, Cali, Colombia; NIT #805025920–1 (Colombia) [SDNT] 

SERVIAUTO UNO A 1A LIMITADA (a.k.a. DIAGNOSTICENTRO LA GARANTIA), Carrera 15 No. 44–46, Cali, Colombia; Calle 34 No. 5A–25, Cali, Colombia; NIT #9000543219–8 (Colombia) [individual] [SDNT] 

SERVICIO AEREO DE SANTANDER E.U. (a.k.a. S.A.S. E.U.), Carrera 66 No. 7–31, Bogota, Colombia; NIT #800543219–8 (Colombia) [SDNT] 

SERVICIO AEREO LEO LOPEZ, S.A. DE C.V., Coronado #421, Colonia Centro, Chihuahua, Chihuahua 31000, Mexico; Aeropuerto Internacional, Apartado Postal 586, Chihuahua, Chihuahua 31390, Mexico; R.F.C. SAL581025 (Mexico); alt. R.F.C. SAL003122W7 (Mexico) [SDNTK] 

SERVICIOS ADMINISTRATIVOS DE LA MANTEQUILLA (a.k.a. SES GROUP), Harasta Highway, PO Box 241, Damascus, Syria; Harasta Homs Highway, PO Box 241, Damascus, Syria [IRAQ2] 

SERVICIOS LOGISTICOS Y MARKETING LTDA. (a.k.a. S L M K LTDA.), Carrera 28 No. 6N–43, Cali, Colombia; NIT #805022419–7 (Colombia) [SDNT] 

SERVICIOS SILSA S.A.C., Jr. Huantar 278, Lima, Peru; RUC #20341067112 (Peru) [SDNTK] 

SERVIS SOCIALES LTDA., Barranquilla, Colombia [SDNT] 

SERVIMPEX, S.A., Panama [CUBA] 

SERVINVEST, S.A., Panama [CUBA] 

SES INTERNATIONAL CORP (a.k.a. SES AUTOMOBILE; a.k.a. SES GROUP), Harsta Hams Road, PO Box 291, Damascus, Syria; Harasta Homs Highway, PO Box 241, Damascus, Syria [IRAQ2] 

SESIL, Vojislav; DOB 11 Oct 1954; POB Sarajevo, Bosnia-Herzegovina; ICTY indictee (individual) [BALKANS] 

SEVENSEAS LLC, 586850, Singapore [JADE] [BURMA] 

SHABAANI, Abd al-Rahman (a.k.a. SHAHAB ADnan; a.k.a. SHAHABAD, Adnan; a.k.a. SHAHABANubb, Adnan) (individual) [IRAQ] 

SHAHBAZ KHAN GENERAL TRADING LLC (a.k.a. AL SHABHOZ KHAN GENERAL TRADING LLC.), P.O. Box 40754, Dubai, United Arab Emirates; P.O. Box 24241, Dubai, United Arab Emirates; C.R. No. 52560 (United Arab Emirates) [SDNTK] 

SHAHBAZ TV CENTER, Shop No. 1–2, Block A, Jamrud Road, Royal Market, Peshawar, Pakistan [SDNTK] 

SHAHID BAKRI INDUSTRIAL GROUP (a.k.a. SHAHID SAYYAD SHIRAZI IND.), Babaei Highway-Next to Shiraz, Shiraz, Iran [NPWMD] 

SHAHID BAKRI INDUSTRIAL GROUP (a.k.a. SHAHBAZ TV CENTER, Shop No. 1–2, Block A, Jamrud Road, Royal Market, Peshawar, Pakistan [SDNTK] 

SHAHID BAKRI INDUSTRIAL GROUP (a.k.a. "SBG"), Tehran, Iran [NPWMD] 

SHAHID HEMMAT INDUSTRIAL GROUP (a.k.a. "SHIC"), Damascus, Damascus, Syria; PO Box 1106, Damascus, Syria [SDNTK] 

SHAHID HAIDERI, Trilok (a.k.a. SHAHID HAIDERI, TRILOK; a.k.a. SHAHID HOSSEINI, TRILOK) (vessel) [SDNTK] 

SHAHID JAHANGIRI, Raziyeh (a.k.a. SHAHID JAHANGIRI, RAZIYEH) (vessel) [SDNTK] 

SHAHID JAHANGIRI, Raziyeh (a.k.a. SHAHID JAHANGIRI, RAZIYEH) (vessel) [SDNTK] 

SHAHID JAHANGIRI, Raziyeh (a.k.a. SHAHID JAHANGIRI, RAZIYEH) (vessel) [SDNTK] 

SHAHID JAHANGIRI, Raziyeh (a.k.a. SHAHID JAHANGIRI, RAZIYEH) (vessel) [SDNTK] 

SHAHID JAHANGIRI, Raziyeh (a.k.a. SHAHID JAHANGIRI, RAZIYEH) (vessel) [SDNTK] 

SHAHID JAHANGIRI, Raziyeh (a.k.a. SHAHID JAHANGIRI, RAZIYEH) (vessel) [SDNTK] 

SHAHID JAHANGIRI, Raziyeh (a.k.a. SHAHID JAHANGIRI, RAZIYEH) (vessel) [SDNTK] 

SHAHID JAHANGIRI, Raziyeh (a.k.a. SHAHID JAHANGIRI, RAZIYEH) (vessel) [SDNTK] 

SHAHID JAHANGIRI, Raziyeh (a.k.a. SHAHID JAHANGIRI, RAZIYEH) (vessel) [SDNTK] 

SHAHID JAHANGIRI, Raziyeh (a.k.a. SHAHID JAHANGIRI, RAZIYEH) (vessel) [SDNTK] 

SHAHID JAHANGIRI, Raziyeh (a.k.a. SHAHID JAHANGIRI, RAZIYEH) (vessel) [SDNTK] 

SHAHID JAHANGIRI, Raziyeh (a.k.a. SHAHID JAHANGIRI, RAZIYEH) (vessel) [SDNTK] 

SHAHID JAHANGIRI, Raziyeh (a.k.a. SHAHID JAHANGIRI, RAZIYEH) (vessel) [SDNTK] 

SHAHID JAHANGIRI, Raziyeh (a.k.a. SHAHID JAHANGIRI, RAZIYEH) (vessel) [SDNTK] 

SHAHID JAHANGIRI, Raziyeh (a.k.a. SHAHID JAHANGIRI, RAZIYEH) (vessel) [SDNTK] 

SHAHID JAHANGIRI, Raziyeh (a.k.a. SHAHID JAHANGIRI, RAZIYEH) (vessel) [SDNTK] 

SHAHID JAHANGIRI, Raziyeh (a.k.a. SHAHID JAHANGIRI, RAZIYEH) (vessel) [SDNTK] 

SHAHID JAHANGIRI, Raziyeh (a.k.a. SHAHID JAHANGIRI, RAZIYEH) (vessel) [SDNTK] 

SHAHID JAHANGIRI, Raziyeh (a.k.a. SHAHID JAHANGIRI, RAZIYEH) (vessel) [SDNTK] 

SHAHID JAHANGIRI, Raziyeh (a.k.a. SHAHID JAHANGIRI, RAZIYEH) (vessel) [SDNTK]
mstockstill on DSKH9S0YB1PROD with RULES2

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ARMANDO JAAR Y CIA. S.C.S.,
Barranquilla, Colombia; c/o CIPE
INVESTMENTS CORPORATION, Panama
City, Panama; DOB 01 Nov 1953; Cedula
No. 1629942 (El Salvador); Passport
B296684 (El Salvador) (individual) [SDNT]
SIMATOVIC, Franko (a.k.a. ‘‘FRENKI’’); DOB
1 Apr 1950; POB Belgrade, Serbia and
Montenegro; ICTY indictee in Serb custody
(individual) [BALKANS]
SIMIC, Blagoje; DOB 1 Jul 1960; POB
Kruskovo Polje; ICTY indictee in custody
(individual) [BALKANS]
SIMIC, Milan; DOB 9 Aug 1960; POB
Sarajevo, Bosnia-Herzegovina; ICTY
indictee (individual) [BALKANS]
SINALOA CARTEL (a.k.a. ‘‘ALLIANCE’’;
a.k.a. ‘‘FEDERATION’’), Mexico [SDNTK]
SININ ; Vessel Registration Identification
IMO 9274941 (vessel) [NPWMD]
SIN-MEX IMPORTADORA, S.A. DE C.V.
(a.k.a. CHIKA’S; a.k.a. CHIKA’S
ACCESORIOS Y COSMETICOS; a.k.a.
IMPORTCLUB), Plaza Fantasia, Calle del
Carmen No. 82 Local 28, Distrito Federal,
Mexico; Rubi No. 366–A, Col. Centro,
Culiacan, Sinaloa, Mexico; Plaza Coliseo
Local 11, Col. Centro, Leon, Guanajuato,
Mexico; Magno Centro Joyero Sn. Juan de
Dios Local 1038, Guadalajara, Jalisco,
Mexico; Poniente 140 No. 639, Col.
Industrial Vallejo, Mexico, Distrito Federal,
Mexico; Parras 1750 Int. C, Col. Alamo
Oriente, Tlaquepaque, Jalisco, Mexico;
Ignacio Lopez Rayon No. 9104, Col. 1 de
Mayo, Toluca, Mexico; Centro Joyero Local
21 y 25, Andador Allende No. 116 Oriente,
Aguascalientes, Ags., Mexico; Galerias San
Miguel Local 40 K, Culiacan, Sinaloa,
Mexico; Plaza Centro Sur Local I–9,
Guadalajara, Jalisco, Mexico; Plaza Centro
Sur Local D–11, Guadalajara, Jalisco,
Mexico; Centro Joyero Local 31, Culiacan,
Sinaloa, Mexico; Avenida Rayon 140 D,
Col. Colonia Toluca de Lerdo Centro,
Toluca, Estado de Mexico 50000, Mexico;
Plaza de la Mujer Local 27, Morelos No.
133 Poniente, Monterrey, Nuevo Leon,
Mexico; Av. Javier Mina No. 26, Col. San
Juan de Dios, Guadalajara, Jalisco, Mexico;
Alvaro Obregon No. 614, Col. San Juan de
Dios, Guadalajara, Jalisco, Mexico; Centro
Joyero de Toluca Local 8, Benito Juarez No.
109, Toluca, Estado Mexico, Mexico; Pedro
Loza No. 174, Col. Centro, Guadalajara,
Jalisco, Mexico; Av. Juarez No. 496, Col.
Centro, Guadalajara, Jalisco, Mexico;
Avenida Rayon 104, Col. Colonia Toluca
de Lerdo Centro, Toluca, Estado de Mexico
50000, Mexico; Ignacio Lopez Rayon, Col.
5 de Mayo, Toluca, Mexico; Poniente 140
No. 639, Col. Industrial Vallejo, Delegacion
Azcapotzalco, Distrito Federal, Mexico;
Plaza Galerias Local 22, Col. Colinas de
San Miguel, Culiacan, Sinaloa, Mexico;
Riva Palacio No. 675 Sur, Col. Almada,
Culiacan, Sinaloa, Mexico; Reforma 217–A,
Col. Centro, Leon, Guanajuato, Mexico;
R.F.C. SMI010730DH8 (Mexico) [SDNTK]
SIP CONSULTANCY SERVICES S.L., Calle
Marie Curie Edificio I+D 11 No. 4 Planta
1a Oficina D–9 Parque Tecnologico De
Andalucia, Campanillas, Malaga 29590,
Spain; C.I.F. B–92725514 (Spain) [SDNT]
SIREGAR, Parlindungan (a.k.a. SIREGAR,
Parlin; a.k.a. SIREGAR, Saleh

VerDate Mar<15>2010

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Parlindungan); DOB 25 Apr 1957; alt. DOB
25 Apr 1967; POB Indonesia; nationality
Indonesia (individual) [SDGT]
SISON, Jose Maria (a.k.a. LIWINAG,
Armando), Netherlands; DOB 8 Feb 1938;
POB Llocos Sur Northern Luzon,
Philippines (individual) [SDGT]
SISTEMA DE DISTRIBUCION MUNDIAL,
S.A.C. (a.k.a. WORLD DISTRIBUTION
SYSTEM), Avenida Jose Pardo No. 601,
Piso 11, Lima, Peru; RUC #20458382779
(Peru) [SDNTK]
SISTEMA DE RADIO DE SINALOA, S.A. DE
C.V., Cll Cristobal Colon No. 275, Col.
Centro, Culiacan, Sinaloa 80000, Mexico;
Calle Francisco Villa No. 331, Col. Centro,
Culiacan, Sinaloa, Mexico; Centro Culiacan
Ramon Corona Jesus Andrade, Culiacan
Rosales, Culiacan, Mexico; Cll Cristobal
Colon 275, Culiacan Rosales, Culiacan,
Mexico; (Clave Catastral CU–37–740–003)
Lote 3, Manzana #18, Zona 1, ‘‘El Vallado
III’’, Culiacan, Sinaloa, Mexico; R.F.C.
SRS9903153C5 (Mexico) [SDNTK]
SISTEMAS INTEGRALES DEL VALLE LTDA.
(a.k.a. SISVA LTDA.), Avenida 4 Norte No.
6N–67 of. 610, Cali, Colombia; NIT
#805006032–3 (Colombia) [SDNT]
SISTEMAS Y SERVICIOS TECNICOS
EMPRESA UNIPERSONAL (a.k.a.
SISETEC), Calle 29 Norte No. 6N–43, Cali,
Colombia; NIT #805013420–7 (Colombia)
[SDNT]
SIVAKOV, Yury; DOB 5 Aug 1946; POB
Onory, Kirov district, Belarus; citizen
Belarus; nationality Belarus; former
Minister of Sport and Tourism; former
Minister of the Interior (individual)
[BELARUS]
SIXTH OCEAN ; Vessel Registration
Identification IMO 9349679 (vessel)
[NPWMD]
SLEWA, Roodi (a.k.a. SALIWA, Rudi; a.k.a.
SLAIWAH, Rudi; a.k.a. SLAY WAH, Rudi
Untaywan); nationality Iraq (individual)
[IRAQ2]
SLIZHEVSKY, Oleg Leonidovich (a.k.a.
SLIZHEUSKI, Aleh Leanidavich; a.k.a.
SLIZHEVSKI, Oleg Leonidovich); citizen
Belarus; nationality Belarus; Head of the
Public Associations Department, Ministry
of Justice (individual) [BELARUS]
SLJIVANCANIN, Veselin; DOB 13 Jun 1953;
POB Zabljak, Serbia and Montenegro; ICTY
indictee at large (individual) [BALKANS]
SMITH CORTES, Jorge Emilio, c/o MAPRI DE
COLOMBIA LTDA., Bogota, Colombia;
Cedula No. 19323175 (Colombia); Passport
19323175 (Colombia) (individual) [SDNT]
SNIPER AFRICA (a.k.a. SNIPER OUTDOOR
CC; a.k.a. SNIPER OUTDOORS CC; a.k.a.
TRUE MOTIVES 1236 CC), 40 Mint Road,
Amoka Gardens, Fordsburg, Johannesburg,
South Africa; P.O. Box 42928, Fordsburg
2003, South Africa; 16 Gold Street,
Carletonville 2500, South Africa; P.O. Box
28215, Kensington 2101, South Africa;
Registration ID 200302847123; Tax ID No.
9113562152; Web site
www.sniperafrica.com [SDGT]
SOCIEDAD COMERCIAL Y DEPORTIVA
LTDA., Carrera 34 Diag. 29–86 Estadio
Pascual Guerrero, Cali, Colombia; Carrera
34 Diagonal 29 Estadio, Cali, Colombia;
Carrera 34 Diag. 29–05, Cali, Colombia;
NIT #800141329–4 (Colombia) [SDNT]

PO 00000

Frm 00117

Fmt 4701

Sfmt 4700

38327

SOCIEDAD CONSTRUCTORA Y
ADMINISTRADORA DEL VALLE LTDA.
(a.k.a. SOCOVALLE LTDA.), Avenida 2N
No. 7N–55 of. 601–602, Cali, Colombia
[SDNT]
SOCIEDAD DE COMERCIALIZACION
INTERNACIONAL POSEIDON S.A. (f.k.a.
C.I. COMERCIALIZADORA
INTERNACIONAL POSEIDON S.A.; a.k.a.
C.I. POSEIDON S.A.), Calle 79 Sur No.
48B–56, Sabaneta, Antioquia, Colombia;
NIT #800173090–7 (Colombia) [SDNTK]
SOCIEDAD DE NEGOCIOS SAN AGUSTIN
LTDA., Factoria La Rivera, La Union, Valle,
Colombia; NIT #800042932–1 (Colombia)
[SDNT]
SOCIEDAD MINERA GRIFOS S.A., Carrera
43 No. 1A Sur-29, Medellin, Colombia;
Avenida Rodrigo Mira Calle 53 Cras. 49 y
45, El Bagre, Antioquia, Colombia; NIT
#811033869–7 (Colombia) [SDNT]
SOCIEDAD SUPERDEPORTES LTDA.,
Carrera 10 No. 93A–29, Bogota, Colombia;
NIT #8009712337 (Colombia) [SDNT]
SOCIETA COMMERCIA MINERALI E
METTALLI, SRL (a.k.a. SOCOMET, SPA),
Milan, Italy [CUBA]
SOE, Myint Myint (a.k.a. SOE, Daw Myint
Myint); DOB 15 Jan 1953; wife of Nyan
Win (individual) [BURMA]
SOLAQUE SANCHEZ, Alfredo Alfonso, c/o
ALFA PHARMA S.A., Bogota, Colombia; c/
o PENTA PHARMA DE COLOMBIA S.A.,
Bogota, Colombia; c/o LABORATORIOS
KRESSFOR DE COLOMBIA S.A., Bogota,
Colombia; c/o PENTACOOP LTDA.,
Bogota, Colombia; c/o LABORATORIOS
BLAIMAR DE COLOMBIA S.A., Bogota,
Colombia; c/o DISTRIBUIDORA DE
DROGAS CONDOR LTDA., Bogota,
Colombia; DOB 18 Dec 1962; Cedula No.
79261845 (Colombia) (individual) [SDNT]
SOLEIMANI, Qasem (a.k.a. SALIMANI,
Qasem; a.k.a. SOLAIMANI, Qasem; a.k.a.
SOLEMANI, Qasem; a.k.a. SOLEYMANI,
Ghasem; a.k.a. SOLEYMANI, Qasem; a.k.a.
SULAIMANI, Qasem; a.k.a. SULAYMAN,
Qasmi; a.k.a. SULEMANI, Qasem); DOB 11
Mar 1957; POB Qom, Iran; citizen Iran;
nationality Iran; Diplomatic Passport
008827 (Iran) issued 1999 (individual)
[NPWMD]
SOLUCIONES COOPERATIVAS, Calle 70 Sur
No. 83–88, Bogota, Colombia; Carrera 32
No. 25–71, Bogota, Colombia; Calle 15 No.
4–43 of. 250, Cali, Colombia; NIT
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SOMALI INTERNATIONAL RELIEF
ORGANIZATION, 1806 Riverside Ave.,
2nd Floor, Minneapolis, MN [SDGT]
SOMALI INTERNET COMPANY, Mogadishu,
Somalia [SDGT]
SOMALI NETWORK AB (a.k.a. SOM NET
AB), Hallbybacken 15, Spanga 70, Sweden
[SDGT]
SONAR F.M. E.U. DIETER MURRLE (a.k.a.
FIESTA STEREO 91.5 F.M.; a.k.a. PRISMA
STEREO 89.5 F.M), Calle 43A No. 1–29
Urb. Sta. Maria del Palmar, Palmira,
Colombia; Calle 15 Norte No. 6N–34 of.
1003, Cali, Colombia; NIT #805006273–1
(Colombia) [SDNT]
SONAR F.M. S.A. (f.k.a. COLOR STEREO
S.A.; f.k.a. COLOR’S S.A.; f.k.a. RADIO
UNIDAS FM S.A.), Calle 15 Norte No. 6N–
34 piso 15 Edificio Alcazar, Cali, Colombia;

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ZAMDABA NIEBLA, Midian Patricia (a.k.a. LOPEZ LANDEY, Midian Patricia; a.k.a. ZAMBADA NIEBLA, Miriam), Calle Ciudad de Hermosillo #1168, Fraccionamiento Las Quintas, Culiacan, Sinaloa, Mexico; c/o JAMARO CONSTRUCTORES S.A. DE C.V., Culiacan, Sinaloa, Mexico; Calle Lago Caítez 1394, Colonia Las Quintas, Culiacan, Sinaloa, Mexico; c/o EL MAYITO, Culiacan, Sinaloa, Mexico; c/o NUEVA INDUSTRIA DE GANADEROS DE CULIACAN S.A. DE C.V., Culiacan, Sinaloa, Mexico; c/o DE GANADEROS DE CULIACAN S.A. DE C.V., Culiacan, Sinaloa, Mexico; c/o NUEVA INDUSTRIA DE GANADEROS DE CULIACAN S.A. DE C.V., Culiacan, Sinaloa, Mexico; c/o ESTANCIA INFANTIL NINO FELIZ S.C., Culiacan, Sinaloa, Mexico; Calle Cerro de la Campana 649, Colonia Colinas de San Miguel, Culiacan, Sinaloa 80060, Mexico; c/o NUEVA INDUSTRIA DE GANADEROS DE CULIACAN S.A. DE C.V., Culiacan, Sinaloa, Mexico; c/o ESTABLE PUERTO RICO S.A. DE C.V., Culiacan, Sinaloa, Mexico; DOB 17 Jun 1969; POB Culiacan, Sinaloa, Mexico; alt. POB Sonora, Mexico; citizen Mexico; nationality Mexico; C.U.R.P. ZANM710304MSLMBD01 (Mexico); Passport 9704021870 (Mexico); R.F.C. ZANT–690617–B3 (Mexico) [individual] [SDNTK]

ZAMDABA NIEBLA, Monica del Rosario (a.k.a. ZAMBADA NIEBLA, Monica del Rosario), c/o NUEVA INDUSTRIA DE GANADEROS DE CULIACAN S.A. DE C.V., Culiacan, Sinaloa, Mexico; c/o JAMARO CONSTRUCTORES S.A. DE C.V., Culiacan, Sinaloa, Mexico; DOB 22 Nov 1982; POB Culiacan, Sinaloa, Mexico; citizen Mexico; nationality Mexico; C.U.R.P. ZANM821122MSLMBD07 (Mexico); Passport 95040018273 (Mexico); R.F.C. ZANN–821122–H87 (Mexico) [individual] [SDNTK]

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ZAMDABA NIEBLA, Vinicio (a.k.a. ZAYGUMAN, Vicente; a.k.a. ZAMBA NIEBLA, Jesus Vicente; a.k.a. ZAMBA NIEBLA, Vicente; a.k.a. "EL MAYITO"), 4852 Palma Cocotera, Colonia Las Palmas, Culiacan, Sinaloa, Mexico; Calle Ciudad de Hermosillo #1168, Fraccionamiento Las Quintas, Culiacan, Sinaloa 80060, Mexico; c/o ESTABLE PUERTO RICO S.A. DE C.V., Culiacan, Sinaloa, Mexico; c/o NUEVA INDUSTRIA DE GANADEROS DE CULIACAN S.A. DE C.V., Culiacan, Sinaloa, Mexico; DOB 24 Mar 1975; POB Culiacan, Sinaloa, Mexico; citizen Mexico; nationality Mexico; Passport 9704001871 (Mexico); R.F.C. ZANV–750324–NY5 [individual] [SDNTK]

ZAMBRANO CERON, Maria Concepcion, c/o AGROPECUARIA LA ROBLEDA S.A., Cali, Colombia; DOB 4 Aug 1926; Cedula No. 29488292 (Colombia) [individual] [SDNTK]

ZAMBRANO MADRORERO, Carmen Alicia, c/o FARMACOOP, Bogota, Colombia; c/o DROMARCA Y CIA S.C.S., Bogota, Colombia; c/o COSMEPOP, Bogota, Colombia; c/o PATENTES MARCAS Y REGISTROS S.A.A., Bogota, Colombia; c/o COPSERVIR LTDA., Bogota, Colombia; c/o SHARPER S.A., Bogota, Colombia; c/o CREDISOL, Bogota, Colombia; c/o GLAJAN S.A., Bogota, Colombia; DOB 18 Nov 1967; Cedula No. 30738265 (Colombia); Passport 30738265 (individual) [SDNTK]

ZAMORA, Jose Hernan, c/o GANADERIAS DEL VALLE S.A., Cali, Colombia [individual] [SDNTK]

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ZARIC, Simo; DOB 25 Jul 1948; POB Trnja, Bosnia-Herzegovina; ICTY indictee [individual] [BALKANS]

ZARKAOUI, Imed Ben Mekki Ben Al-Akhdar (a.k.a. "NADRA"); a.k.a. "ZARGA"); Via Col. Aprosio 588, Vallecrosia, IM, Italy; DOB 15 Jan 1973; POB Tunisia (Tunisia); nationality Tunisia; Passport M174950 issued 27 Apr 1999 expires 26 Apr 2004; arrested 30 Sep 2002 [individual] [SDGT]

ZAW, Thein, Burma; DOB 20 Oct 1951; citizen Burma; nationality Burma; Brigadier General, Minister of Telecommunications, Post, & Telegraph [individual] [BURMA]

ZAW, Thidar (a.k.a. ZAW, Daw Thidar; a.k.a. ZAW, Thida), Burma; 6 Cairnhill Circle, Number 18–07, Cairnhill Crest 229813, Singapore; DOB 2 Feb 1964; alt. DOB 2 Feb 1964; citizen Burma; nationality Burma; Wife of Tay Za (individual) [BURMA]

ZAW, Zaw (a.k.a. ZAW, U Zaw), c/o Hotel Max, Burma; c/o Max Myanmar Group of Companies, Burma; c/o Multinational International Pte. Ltd., Burma; DOB 22 Oct 1966; citizen Burma; nationality Burma; Passport 828461 (Burma) issued 18 May 2006 expires 17 May 2009 [individual] [BURMA [FBI]]

ZAY GABAR COMPANY (a.k.a. ZAYKABAR COMPANY), Burma [BURMA]
ZULUAGA LINDO, Francisco Javier (a.k.a. GALINDO, Gabriel; a.k.a. “CORDO LINDO”), c/o SOCIEDAD SUPERDEPORTES LTDA., Bogota, Colombia; Calle 10 No. 46–45, Cali, Colombia; Calle 9 No. 28–50, Piso 3, Cali, Colombia; DOB 15 Jan 1970; POB Cali, Colombia; citizen Colombia; nationality Colombia; Cedula No. 16774828 (Colombia); Passport AE047754 (Colombia); alt. Passport AF869394 (Colombia) (individual) [SDNT]

ZUPLJANIN, Stojan; DOB 1951; POB Maslovare, Bosnia-Herzegovina; ICTY indictee (individual) [BALKANS]

ZVINAVASHE INVESTMENTS LTD. (a.k.a. LAMFONTINE FARM; a.k.a. ZVINAVASHE TRANSPORT), 730 Cowie Road, Tynwald, Harare, Zimbabwe; P.O. Box 3928, Harare, Zimbabwe [ZIMBABWE]

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Adam J. Szubin,
Director, Office of Foreign Assets Control.
[FR Doc. 2010–15683 Filed 6–30–10; 8:45 am]

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Thursday,
July 1, 2010

Part IV

Department of Transportation

Federal Railroad Administration

High-Speed Intercity Passenger Rail (HSIPR) Program; Notices
DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

High-Speed Intercity Passenger Rail (HSIPR) Program

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of funding availability for Service Development Programs; issuance of interim program guidance.


This document incorporates interim guidance required for the HSIPR program pursuant to the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act for 2010 and 49 U.S.C. 24402(a)(2). The funding opportunities described in this notice are available under Catalog of Federal Domestic Assistance (CFDA) number 20.319.

DATES: Applications for funding under this solicitation are due no later than 5 p.m. EDT, August 6, 2010. FRA reserves the right to modify this deadline.

ADDRESSES: Comments must be submitted through http://www.grantsolutions.gov. See Section 4 for additional information regarding the application process.

FOR FURTHER INFORMATION CONTACT: For further information regarding this notice and the HSIPR program, please contact the FRA HSIPR Program Manager via e-mail at HSIPR@dot.gov, or by mail: U.S. Department of Transportation, Federal Railroad Administration, MS–20, 1200 New Jersey Avenue, SE., Washington, DC 20590 Att’n: HSIPR Program.

SUPPLEMENTARY INFORMATION:

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Section 1: Funding Opportunity Description

1.1 Legislative Authority

This interim program guidance and financial assistance announcement pertains to the funding made available for Service Development Programs under FRA’s HSIPR program. The authority for this grant program is contained in two pieces of legislation: (1) The Passenger Rail Investment and Improvement Act of 2008 (PRIIA), under Sections 301, 302, and 501: Intercity Passenger Rail Investment and Improvement Act (codified at 49 U.S.C. chapter 244), General Passenger Rail Transportation (codified at 49 U.S.C. chapter 24105), and High-Speed Rail Assistance (codified at 49 U.S.C. chapter 26106), respectively; and (2) The Fiscal Year 2010 Consolidated Appropriations Act (Title I of Division A of Pub. L. 111–117, December 16, 2009) (FY 2010 DOT Appropriations Act), under the title “Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service.”

This document incorporates interim guidance required for the HSIPR program pursuant to the FY 2010 DOT Appropriations Act and 49 U.S.C. 24402(a)(2).

1.2 Funding Approach

The FY 2010 DOT Appropriations Act appropriated a total of $2.5 billion for the HSIPR program. FRA is soliciting grant applications separately for the different components of this appropriation:

• FY 2010 Service Development Programs (at least $2.125 million): Service Development Programs with a 20 percent non-Federal match. This solicitation is for these funds.

• FY 2010 Individual Projects (up to $245 million): Final Design/Construction or Preliminary Engineering/NEPA for Individual Projects with a 20 percent non-Federal match. The notice of funding availability (NOFA) for these funds is being issued concurrently with this solicitation.

• FY 2010 Planning Projects (up to $50 million): Planning projects with a 20 percent non-Federal match. The solicitation for these funds was published on April 1, 2010, and applications were due May 19, 2010.

• FY 2010 Multi-State Proposals (from $50 million for Planning Projects): Proposals for Federally-led preparation of planning documents for high-speed rail corridors that cross multiple States. The guidance for submitting proposals was published on April 1, 2010, and the proposals were due May 19, 2010.

The balance of the $2.5 billion is allocated to HSIPR program administration and research.

1.3 Approach to Service Development Programs

Investment in Service Development Programs is the long-term emphasis of the HSIPR program. Service Development Programs are aimed at developing new high-speed or intercity passenger rail services or substantially upgrading existing services. (See Appendix 1 for the definition of “high-speed and intercity passenger rail.”) Service Development Programs contain sets of inter-related projects that constitute the entirety or a distinct phase (or geographic section) of a long-range Service Development Plan (SDP)—projects which collectively produce benefits greater than the sum of each individual project. These investments will generally address, in a comprehensive manner, the construction and acquisition of infrastructure, equipment, stations, and facilities necessary to operate high-speed and intercity passenger rail service.

1.3.1 Service Development Program Administration

While the characteristics and outcomes of a Service Development Program will be unique to each individual application, for the purposes of this solicitation, FRA will classify Service Development Programs into two categories: Major Capital Projects and Standard Capital Projects.

As required by PRIIA (49 U.S.C. 24403(a)), and in keeping with project management approaches in use by other DOT agencies (e.g., FTA’s Project Management Oversight program (49 CFR part 633), and FHWA’s IPD Major Project Delivery Guidance), large, complex capital projects, designated as “Major Capital Projects” call for a particularly rigorous approach towards project management and oversight.

Administratively, three primary distinctions exist between the Major and Standard Capital Project designation when applied to a Service Development Program: (1) The approach to the environmental review process; (2) FRA’s use of a Letter of Intent (LOI) to contingently commit funds to the Service Development Program (as
described in Section 2); and, (3) the project delivery tools required and employed by FRA in managing the Service Development Program.

Given the scope, complexity, and project delivery risk inherent in implementing a Service Development Program, all Service Development Program applications are considered to be “Major Capital Projects” unless the FRA Administrator determines that this classification and the attendant requirements will not benefit the implementation of the proposed program. Applicants for funding for a Service Development Program may request to be considered a “Standard Capital Project” in their Application Form (see Section 4.2.1). This designation will typically be limited to Service Development Programs that:

1. Involve a recipient whose past experience in implementing similar HSIPR projects indicates that the program will be delivered successfully;
2. Generally are expected to have a total project cost less than $100 million; and
3. Are intended to benefit intercity passenger rail service operating at top speeds of 79 mph or less; and
4. Solely involve the use of proven technology.

As the HSIPR program develops and Service Development Programs become its primary focus, the approach to the Major and Standard designations may change. As the HSIPR program matures, FRA expects to work with project sponsors from the beginning of the project development process. FRA expects to work with project sponsors during or before the planning phase of project development.

1.3.2 Service Development Program Environmental Review

There are two general methods to satisfying National Environmental Policy Act (NEPA) requirements for intercity passenger rail capital investment projects:

• A tiered approach, utilizing a Tier 1 environmental impact statement (EIS) to address broad service level issues (“programmatic” or “Service” NEPA), followed by Tier 2 EISs, environmental assessments (EAs), or categorical exclusions (CEs) to address site-specific project environmental reviews (“project” NEPA); or

• A non-tiered approach, in which one EIS or EA would cover both service issues and individual project components.

Generally, FRA prefers to take a tiered approach with Major Service Development Programs, and a non-tiered approach with Standard Service Development Programs. For Major Service Development Programs, FRA also generally prefers to use a Tier 1 environmental impact statement (EIS) for the initial evaluation of the application. FRA encourages applicants developing Standard Service Development Programs to develop a single EIS or EA that covers both service and project environmental analysis.

FRA is responsible for the NEPA process, including the establishment of the scope of environmental reviews and the decision to use tiering or a unified project-level document. FRA encourages applicants to contact FRA as early as possible in the planning process to discuss the appropriate form and level of NEPA documentation. For more information on the NEPA process and FRA’s requirements, please see Section 4.2.5 and Appendix 2.2 of this solicitation.

1.4 Forthcoming Interim Guidance

FRA is preparing a draft guidance document as part of the process of establishing a long-term framework for the HSIPR program. This document, anticipated for publication later this year, will include details about each stage of the project development process (from planning and design through construction and operation), as well as provide substantial technical assistance on the processes and documentation needed for successful project development and delivery. This guidance is intended for future program administration and does not apply to this funding solicitation or the application process described in this notice.

The initial draft of this pending guidance document will be open for public comment, and FRA will utilize various outreach mechanisms for soliciting feedback from the HSIPR stakeholder community. FRA expects to modify the draft guidance document taking into account this feedback and to eventually issue Final Guidance that will include standards and guidelines that will be applicable to future funding opportunities.

Section 2: Award Information

Of the $2.5 billion appropriated under the FY 2010 DOT Appropriations Act, Congress mandated that not less than 85 percent of funds ($2.125 billion) be allocated to programs aimed at developing new high-speed or intercity passenger rail services or substantially upgrading existing corridor services. These grants are authorized under 49 U.S.C. 24406, 49 U.S.C. 24105, and 49 U.S.C. 26106.

FRA will make awards for Service Development Programs through cooperative agreements. Cooperative agreements allow for greater Federal involvement in carrying out the agreed upon investment. The substantial Federal involvement for these programs will include technical assistance, review of interim work products, and increased program oversight. The funding provided under these cooperative agreements will be made available to grantees on a reimbursable basis.

For Major Service Development Programs, FRA will issue a Letter of Intent (LOI) that represents the Federal Government’s contingent financial commitment—up to a prescribed amount of funding—to implement the Service Development Program. An LOI will contain defined milestones, grant conditions, and other requirements agreed upon by FRA and the grantee that must be fulfilled or met prior to any funding obligation or disbursement. These milestones and conditions will be put in place to ensure successful and timely completion of projects. An LOI does not represent an obligation or disbursement of funds. Funding will be obligated through cooperative agreements and disbursed to grantees as the agreed upon milestones are achieved. See Section 1.3 for further information on Major and Standard Service Development Programs.

While there are no predetermined minimum or maximum dollar thresholds for awards, FRA anticipates making multiple awards from the $2.125 billion or more available for Service Development Programs. As such, FRA expects applicants to tailor their applications and proposed project scopes accordingly. Pursuant to 49 U.S.C. 24402[2][1], FRA will establish the net project cost for the scope of work proposed in an application, based on engineering materials, studies of economic feasibility, information on the expected use of equipment or facilities, and other project information provided in an application. FRA reserves the right to contact applicants with any questions or comments related to applications.

Section 3: Eligibility Information

Applications under this solicitation will be required to meet minimum requirements related to applicant eligibility, project eligibility, and the fulfillment of other eligibility requirements. To the extent that an application’s substance exceeds the minimum eligibility requirements described below, such information will be considered in evaluating the merits of an application (see Section 5 for evaluation and selection criteria).
3.1 Eligible Applicants

Eligible applicant entities are as follows:

- States (including the District of Columbia);
- Groups of States (Sections 301 and 501 of PRIIA);
- Interstate compacts (Sections 301 and 501);
- Public agencies established by one or more States and having responsibility for providing intercity passenger rail service (Section 301) or high-speed passenger rail service (Section 501);
- Amtrak (Section 501); and
- Amtrak, in cooperation with States (Sections 301 and 302; see 49 U.S.C. 24402(e) for additional information on Amtrak’s eligibility requirements when applying for grants in cooperation with States).

3.2 Minimum Qualifications for Applicant Eligibility

An applicant must, in addition to demonstrating that it is an eligible applicant type for the Service Development Program, affirmatively demonstrate that the applicant has or will have the legal, financial, and technical capacity to carry out the activities proposed within an application. A prospective applicant that does not fall within the definition of a State, group of States, or Amtrak will also be required to submit documentation (such as copies of legislation) demonstrating its legal authority to provide intercity or high-speed passenger rail service on behalf of a State or group of States.

In addition, the applicant must demonstrate that it has or will have satisfactory continuing control over the use of equipment or facilities acquired, constructed, or improved by the project and the capability and willingness to maintain such equipment or facilities.

For an applicant to demonstrate the legal, financial, and technical capacity to carry out the activities proposed in the application, the applicant will be required to address the following qualifications:

- The applicant’s ability to absorb potential cost overruns or financial shortfalls;
- The applicant’s experience in effectively administering grants of similar scope and value (including timely completion of grant deliverables, compliance with grant conditions, and quality and cost controls); and
- The applicant’s experience in managing railroad investment project development activities of a nature similar to those for which funding is being requested.

For an applicant to demonstrate that it has or will have satisfactory continuing control over the use of equipment or facilities acquired, constructed, or improved by the project, the applicant will be required to show either:

- That the applicant has or will have direct ownership of the equipment or facilities acquired, constructed, or improved by the project; or
- That the applicant has secured or has made progress towards securing and will have enforceable contractual agreements providing satisfactory continuing control in place with the entity or entities (e.g., one or more railroads, or a local government) that have or will have direct ownership of such assets.

For an applicant to demonstrate that it has or will have the capability and willingness to maintain the equipment or facilities acquired, constructed, or improved by the project, the applicant will be required to show:

- That it has made progress toward, and will have contractual agreements in place with, any entity or entities (e.g., one or more railroads, or a local government) that have or will have direct ownership of the equipment or facilities acquired, constructed, or improved by the project, which address financial and operational responsibility for asset use and maintenance for the useful life of the asset;
- That, to the extent financial responsibility will fall to the applicant, a viable funding source(s) has been identified to cover maintenance costs; and
- The applicant’s experience in maintaining assets with similar financial and operational maintenance requirements as those assets for which funding is being requested.

Information and documentation demonstrating the fulfillment of the minimum qualifications described above must be submitted as part of the application (see Section 4.2).

3.3 Cost Sharing

3.3.1 Applicant Cost Sharing

The Federal share of the costs of projects funded through this solicitation shall not exceed 80 percent.

If an applicant chooses the option of contributing, from its own, its partner project sponsors’, or other interested parties’ resources, more than the required 20 percent non-Federal share of the costs of its proposed project, such additional contributions will be considered in evaluating the merit of its application.

3.3.2 Requirements for Applicant Cost Sharing

An applicant’s contribution toward the cost of its proposed project may be in the form of cash or, with FRA approval, in-kind contributions of services or supplies related to the activities proposed for funding. As part of its application, an applicant offering an in-kind contribution must provide a documented estimate of the monetary value of any such contribution and its eligibility under 49 CFR 18.24 or 19.23. However, all in-kind contributions must be allowable, reasonable, allocable, and in accordance with applicable OMB cost principles, and must not represent double-counting of costs otherwise accounted for in an indirect cost rate pursuant to which the applicant will seek reimbursement.

The applicant must provide, as part of its application, documentation that demonstrates that it has committed and will be able to fulfill any required and pledged contribution, including committing any required financial resources that are budgeted or planned at the time the application is submitted.

All applicants will be required to identify a viable funding source(s) at the time of application to absorb any cost overruns and deliver the proposed project with no Federal funding or financial assistance beyond that provided in the cooperative agreement.

3.4 Eligible Service Development Programs

Eligible Service Development Program activities under this funding announcement must consist of a coordinated and comprehensive grouping of capital projects that will result in the introduction of new high-speed or intercity passenger rail services or significant improvements to existing corridor services. These investments will generally address, in a comprehensive manner, the construction and acquisition of infrastructure, equipment, and stations, and other facilities necessary to operate high-speed and intercity passenger rail service.

Capital projects are defined by 49 U.S.C. 24401(2) and 49 U.S.C. 26106(b)(3) as acquiring, constructing, improving, or inspecting equipment, track and track structures, or a facility for use in or for the primary benefit of high-speed and intercity passenger rail service, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, environmental studies, and acquiring rights-of-way), payments for the capital portions of rail
further details regarding PE requirements.

Remaining project PE and site-specific NEPA, final design, and construction activities are eligible for funding. See Appendix 2 of this solicitation for additional information on these activities.

3.4.3 Previously Funded Service Development Programs

An application proposing to augment a Service Development Program, or component thereof, which received funding from FRA under the American Recovery and Reinvestment Act of 2009, must demonstrate the following:

- The applicant has, at the time it submits the new application, sufficiently refined the scope of previously funded elements of the Service Development Plan to ensure those elements will result in high-speed or intercity passenger rail service with operational independence, as defined in Section 3.5.2 of this notice;
- Any new elements of a Service Development Program proposed in the current application will also result in high-speed or intercity passenger rail service with operational independence, either cumulatively with the previous investment or as an independent operating segment of the Service Development Program;
- The applicant possesses the capacity and capability to manage and implement the proposed increase in scope of the Service Development Program in addition to the scope of work funded under the previous award; and
- There is a demonstrated need for immediate additional funding to implement the proposed increase in scope of the Service Development Program and the ability to expend the original and additional funds in the near term.

3.5 Additional Eligibility Requirements

3.5.1 Service Development Program Planning

Service Development Programs proposed for funding must be identified through a Service Development Plan meeting the requirements of this interim guidance. A Service Development Plan is prepared during the planning phase for HSIPR Service Development Programs and lays out the overall scope and approach for the proposed service. At a minimum, a Service Development Plan must clearly demonstrate the purpose and need for new or improved intercity passenger rail service; analyze alternatives for the proposed new or improved intercity passenger rail service, and identify the alternative that would best address the identified purpose and need; identify the discrete capital projects that will be required to implement the alternative that is proposed to be pursued; demonstrate the operational and financial feasibility of the alternative that is proposed to be pursued; and, as applicable, describe how the implementation of the HSIPR Service Development Program may be divided into discrete phases. More information on the objectives and preparation of Service Development Plans is included in Appendix 2.1.

3.5.2 Operational Independence

All Service Development Programs that are proposed to be advanced using HSIPR program funding must have operational independence. A Service Development Program is considered to have operational independence if, upon being implemented, it will result in a minimal operating segment of new or substantially improved high-speed or intercity passenger rail service that demonstrates tangible and measurable benefits, even if no additional investments in the same service are made. Examples of these benefits would include operational reliability improvements, travel-time reductions, and additional service frequencies resulting in increased ridership.

Applications that include benefits or proposed activities that are contingent upon FRA’s selection of another application will not be considered for funding.

3.5.3 Availability of Funds

It is important for awarded projects to be brought promptly to obligation through execution of a cooperative agreement by the applicant and FRA and for awarded funds to be expended without delay and in accordance with the statement of work and project schedules included in the cooperative agreement. Under 49 U.S.C. 24402(h), if any amount awarded under the HSIPR program is not obligated within 2 years of the date on which the award is made, FRA may cancel the award and redistribute the funds to other HSIPR projects at the FRA Administrator’s sole discretion. Similarly, FRA may require the return of obligated funds that remain unexpended if the grantee is not making satisfactory progress in implementing the project or program as provided for in the cooperative agreement.

3.5.4 Eligibility Restrictions

Pursuant to the provisions of Sections 301, 302, and 501 of PRIIA, the following activities are ineligible to
receive Federal funding under this solicitation:

- Applications submitted by private entities other than Amtrak;
- Projects for which commuter rail passenger transportation is the primary intended beneficiary (see Appendix 1);
- Projects in which the physical improvements are located outside of the United States; and
- Any expenses associated with passenger rail operating costs.

3.5.5 Funding Restrictions

In general, only those costs considered allowable pursuant to OMB Circular A-87, “Cost Principles for State, Local, and Indian Tribal Governments” (codified at 2 CFR part 225), will be considered for funding. Additionally, the following funding restrictions will apply to cooperative agreements awarded under this solicitation and must be taken into consideration in the development of budget information submitted as part of an application:

- Funding may not be used to fund expenses associated with the operation of intercity passenger rail service; and
- While there is no cap on a grant recipient’s use of grant funds for management and administrative costs, such costs must be allowable, reasonable, allocable, and in accordance with applicable OMB cost principles cited above.

FRA will also consider reimbursement of pre-award costs incurred after the enactment of the FY 2010 DOT Appropriations Act (December 16, 2009). However, such costs will be considered for reimbursement only to the extent that they are otherwise allowable under the applicable cost principles. To the extent such pre-award costs are incurred prior to the date of submission of an application, the application must show in detail what costs have been incurred in order for such costs to be considered for reimbursement. Projects for which construction activities commenced prior to receipt of an FRA environmental determination under NEPA will not be eligible for funding.

Additionally, a grant recipient may not generally expend any of the funds provided in an award on construction or other activities that represent an irretrievable commitment of resources to a particular course of action affecting the environment until after all environmental and historic preservation analyses required by the National Environmental Policy Act (42 U.S.C. 4332) (NEPA), the National Historic Preservation Act (16 U.S.C. 470(f)) (NHPA), and related laws and regulations have been completed and FRA has provided the grant recipient with a written notice authorizing it to proceed.

3.5.6 Standards for Equipment Procurement or Design Grants

If the applicant is seeking a grant for the procurement or design of railroad equipment, the proposed equipment should be consistent with specifications developed by the Next Generation Corridor Equipment Pool Committee. This Committee was established under Section 305 of PRIIA to develop a pool of standardized next-generation rail corridor equipment. Compliance with Section 305 of PRIIA will assist in creating the economies of scale necessary to achieve the Administration’s goal of developing a sustainable railroad equipment manufacturing base in the United States, as outlined in the Vision for High-Speed Rail in America (April 2009). The Next Generation Corridor Equipment Pool Committee will be issuing specifications for bi-level cars this summer, single-level cars this winter, and locomotives in 2011.

3.5.7 Positive Train Control (PTC)

If, as a component of an overall Service Development Plan intended to benefit high-speed or intercity passenger rail service, a project involves installation and/or improvements to railroad signaling/control systems, the application must demonstrate that the proposed improvements are consistent with a comprehensive plan for complying with the requirements for PTC implementation under Section 104 of the Rail Safety Improvement Act of 2008 (“RSIA,” Division A of Pub. L. 110–432, October 16, 2008, codified at 49 U.S.C. 20157) and with FRA’s final rule on Positive Train Control Systems published in the Federal Register on January 15, 2010 (75 FR 2598).

Section 4: Application and Submission Information

4.1 Application Procedures

4.1.1 Applying Online Through GrantsSolutions

FRA participates in the Grants Management Line of Business (GMLoB) E-Gov initiative. As part of that initiative, FRA uses the Administration for Children and Families’ (ACF) GrantsSolutions (GS) Grants Management System. All applications must be submitted to FRA through GrantsSolutions. To access the system, go to http://www.grantsolutions.gov. Should an applicant encounter difficulties accessing using GS, please contact the GrantsSolutions Help Desk at 1–866–577–0771 or via e-mail at help@grantsolutions.gov. Applicants must complete the following three steps prior to submitting an application through GS:

- Register in GS. Go to https://www.grantsolutions.gov and select “Register” on the right side of the page. Applicants should begin the process immediately to meet the application submission deadlines.
- Obtain a Data Universal Number System (DUNS) number. All applicants must include a DUNS number in their application. Applications without a DUNS number are incomplete. A DUNS number is a unique nine-digit number recognized as the universal standard for identifying and keeping track of entities receiving Federal funds. The identifier is used for tracking purposes and to validate address and point of contact information for Federal assistance applicants, recipients and subrecipients. The DUNS number will be used throughout the grant lifecycle. Obtaining a DUNS number is a free, simple, one-time activity. Obtain a number by calling 1–866–705–5177 or by applying online at http://fedgov.dnb.com/webform/displayHomePage.do.
- Register in the Central Contractor Registration (CCR) database. FRA also requires that all applicants (other than individuals) for Federal financial assistance maintain current registrations in the CCR database. The CCR database is the repository for standard information about Federal financial assistance applicants, recipients and subrecipients. Organizations that have previously submitted applications via http://www.grants.gov or GrantsSolutions should already be registered with CCR. Please note, however, that applicants must update or renew their CCR registration at least once per year to maintain an active status. Information about registration procedures can be accessed at http://www.ccr.gov.

Standard OMB forms (identified in Section 4.2.3) will be available electronically on the Funding Opportunity page at http://www.GrantsSolutions.gov. The Funding Opportunity screen provides applicants with general announcement information and access to all application kit materials in order to view and print application forms and information. In addition, applicants can apply online through this screen.

Program-specific forms (identified in Sections 4.2.1, 4.2.2, and 4.2.4) may be downloaded from FRA’s Web site at http://www.fra.dot.gov/Pages/477.shtml.


### APPLICATION CHECKLIST—Continued

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<th>Documents</th>
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<tr>
<td><strong>7. Optional Supporting Documentation</strong></td>
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<tr>
<td>□ Preliminary Engineering (PE) and/or Final Design (FD) Documentation</td>
<td>No Specified Format</td>
</tr>
<tr>
<td>□ Other Relevant and Available Documentation</td>
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</table>

Applicants must complete and submit all components of the application package; failure to do so may result in the application being removed from consideration for award. All components of the application package must be submitted through GrantSolutions (including optional supporting documentation), as described in Section 4.1.1.

The HSIPR Service Development Program application package contains seven components:

- 1. HSIPR Service Development Program Application Form (see Section 4.2.1).
- 2. HSIPR Service Development Program Budget and Schedule Form (see Section 4.2.2).
- 3. OMB Standard Forms (see Section 4.2.3).
- 4. FRA Assurances Document (see Section 4.2.4).
- 5. Service Development Supporting Documentation (see Section 4.2.5).
- 6. Service Delivery Supporting Documentation (see Section 4.2.6).
- 7. Optional Supporting Documentation (see Section 4.2.7).

For any other documentation required prior to award that is not specified in this notice, FRA will make individual consideration for award. All components of the application must be complete and include all required documentation. FRA recognizes that in certain instances the same document may be used to support each of the individual applications; however, to support FRA’s eligibility and evaluation review processes, each application package must be complete and include all required documentation.

### 4.2 Application Package

Required documents for the application package are summarized in the checklist below.

**APPLICATION CHECKLIST**

<table>
<thead>
<tr>
<th>Documents</th>
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<tr>
<td><strong>1. Application Form</strong></td>
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<tr>
<td>□ HSIPR Service Development Program Application Form</td>
<td>Form</td>
</tr>
</tbody>
</table>

| **2. Budget and Schedule Form**               |        |
| □ HSIPR Service Development Program Budget and Schedule Form | Form   |

| **3. OMB Standard Forms**                    |        |
| □ SF 424: Application for Federal Assistance | Form   |
| □ SF 424C: Budget Information—Construction  | Form   |
| □ SF 424D: Assurances—Construction          | Form   |

| **4. FRA Assurances Document**               |        |
| □ FRA Assurances Document                    | Form   |

| **5. Service Development Supporting Documentation** |        |
| □ Service Development Plan                    | No Specified Format |
| □ NEPA Documentation                          | No Specified Format |

| **6. Service Delivery Supporting Documentation** |        |
| □ Project Management Plan                     | No Specified Format |
| □ Financial Plan                              | No Specified Format |
| □ System Safety Plan                          | No Specified Format |
| □ Railroad and Project Sponsor Agreements     | No Specified Format |

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#### 4.2.1 HSIPR Service Development Program Application Form

The Application Form includes fields that have been developed by FRA to capture pertinent qualitative and quantitative program-specific information that is needed for FRA to confirm applicant and project eligibility, as well as information needed for evaluation and selection of applications. The Application Form requests four types of information:

1. General applicant and Service Development Program information; and
2. Narratives that allow the applicant to make arguments for the benefits of the proposed Service Development Program and other factors that are used to evaluate the merits of the application (see Section 5.2 for evaluation criteria); and
3. A corridor service overview that presents the applicant’s comprehensive vision for the development or improvement of a corridor service and provides a navigation tool for multiple applications related to a particular Service Development Program; and
4. An “executive summary” that outlines the major milestones for the Service Development Program. It is FRA’s intent that this portion of the application form will provide the framework for the Letter of Intent (LOI) if the project is selected for funding.
The Application Form also asks applicants who wish to be considered for designation as a Standard Service Development Program to provide a narrative describing how they meet the factors described in Section 1.3.1.

4.2.2 HSIPR Service Development Program Budget and Schedule Form

The HSIPR Service Development Program Budget and Schedule Form is a Microsoft Excel document that supports the qualitative and quantitative claims made in the applicant’s HSIPR Service Development Program Application Form. In addition to capturing detailed program budget and schedule information, the form also describes the standard cost categories developed by FRA to assist in evaluating and selecting projects.

4.2.3 OMB Standard Forms

The Standard Forms are developed by the Office of Management and Budget (OMB) and are required of all grant applicants. Applicants applying for funding should submit the following forms electronically through GrantSolutions:
- Standard Form 424: Application for Federal Assistance;
- Standard Form 424C: Budget Information—Construction Programs; and
- Standard Form 424D: Assurances—Construction Programs.

4.2.4 FRA Assurances Document

The FRA Assurances document contains standard Department certifications on grantee suspension and debarment, drug-free workplace requirements, and Federal lobbying. The FRA Assurances document can be obtained from FRA’s Web site at http://www.fra.dot.gov/downloads/admin/assurancesandcertifications.pdf. The document should be signed by an authorized certifying official for the applicant, scanned into electronic format, and submitted through GrantSolutions.

4.2.5 Service Development Supporting Documentation

The service development documentation below focuses on the physical attributes of a project and its anticipated outcomes. These materials must demonstrate that the project has completed specified prerequisites and is ready to progress to the next phase of development.

- Service Development Plan—Applicants must submit the Service Development Plan (SDP) that informed the Service Development Program. The SDP lays out the overall scope and approach for the proposed service. The SDP must address the following objectives:
  - Clearly demonstrate the purpose and need for new or improved HSIPR service;
  - Analyze alternatives for the proposed new or improved HSIPR service and identify the alternative that would best address the identified purpose and need;
  - Demonstrate the operation and financial feasibility of the alternative that is proposed to be pursued;
  - Identify the discrete capital projects that will be required to implement the alternative that is proposed to be pursued; and
  - As applicable, describe how the implementation of the HSIPR Service Development Program may be divided into discrete phases.

FRA recognizes that a variety of formats and types of information may meet the objectives described above. Applications that do not demonstrate fulfillment of these objectives may be determined by FRA to be not ready for consideration and evaluation.

- National Environmental Policy Act (NEPA) Documentation—Applicants must provide a completed Environmental Assessment or a completed Final Environmental Impact Statement that demonstrates, at a minimum, satisfaction of “Service NEPA” for the proposed Service Development Program (either submitted with the application package or references through an accurate URL). If the applicant has completed project NEPA to satisfy this requirement, particularly for Standard Service Development Programs, this documentation should be submitted. If the applicant has prepared second-tier project NEPA documents for projects within the program, those may also be submitted. Any NEPA documentation submitted must be approved by the responsible State agency as sufficient and complete. A NEPA decision document (a Record of Decision or Finding of No Significant Impact) is not required for an application but must have been issued by FRA prior to award of a construction grant and commencement of any construction activities related to the project. NEPA requirements are detailed in Appendix 2.2 of this solicitation.

4.2.6 Service Delivery Supporting Documentation

Service delivery documentation of the types described below focuses on the implementation of the project and how the risks and uncertainties associated with the project will be managed.

FRA recognizes that a variety of formats and types of information may meet the objectives described below. Applications that do not demonstrate fulfillment of these objectives may be determined by FRA to be not ready for consideration and evaluation.

- Project Management Plan—Under PRIIA (49 U.S.C. 24403(a)), all Major Capital Projects (which includes most Service Development Programs) must prepare and carry out a Project Management Plan (PMP) approved by FRA. A PMP is a formal integrated document that serves as an overview of the applicant’s approach toward the planning, monitoring, and implementation of a project. This documentation establishes the who, what, when, where, why, and how of the project. While elements of the PMP may draw information from outputs of the project development process (such as scope and design specifications, cost estimates, and project schedules), the PMP serves as FRA’s primary source of information related to an applicant’s plan for implementing the project. Applications submitted pursuant to this solicitation must include a PMP that demonstrates that the applicant’s management procedures and organization give it the legal, financial, and technical capability and capacity to carry out successfully the Service Development Plan. In accordance with 49 U.S.C. 24403(a), the PMP must, at a minimum, address the following topics:
  - Adequate recipient staff organization with well-defined reporting relationships, statements of functional responsibilities, job descriptions, and job qualifications of key personnel and positions;
  - A budget covering the project management organization, appropriate consultants, property acquisition, utility relocation, systems demonstration staff, audits, and miscellaneous payments the recipient may be prepared to justify;
  - A construction schedule for the project;
  - A document control procedure and recordkeeping system;
  - A change order procedure that includes a documented, systematic approach to handling the construction change orders;
  - Organizational structures, management skills, and staffing levels required throughout the construction phase;
  - Quality control and quality assurance functions, procedures, and responsibilities for construction, system...
installation, and integration of system components;
  o Material testing policies and procedures;
  o Internal plan implementation and reporting requirements;
  o Criteria and procedures to be used for testing the operational system or its major components;
  o Periodic updates of the plan, especially related to project budget and project schedule, financing, and ridership estimates; and
  o The project sponsor’s commitment to submit periodically a project budget and project schedule to FRA if the project is selected.

• Financial Plan—A Financial Plan is a formal integrated document that addresses the applicant’s approach toward managing the financial resources necessary to deliver the project and must be included with any application submitted pursuant to this solicitation. For a Service Development Program, the objectives of a Financial Plan are to (1) identify the sources of funding that will be used to satisfy the financing requirements to develop and implement the project (as based on the requirements established in project cost estimates); (2) describe the risks associated with the financing of the project (such as uncertainty regarding the commitment of required funding and the potential for unanticipated cost overruns); (3) identify the sources of any funding required to support the operations of the project. See Appendix 3 for additional information and suggested content for a Financial Plan that satisfies the objectives above.

• System Safety Plan—A System Safety Plan (SSP) must be submitted that demonstrates that the Service Development Program’s design, implementation, and operation will comply with all applicable FRA safety requirements and will be performed in a manner that places safety as the highest priority. In general, the length, detail, and complexity of the SSP will depend significantly on the size and complexity of the Service Development Program. For relatively simple Service Development Programs, the SSP may be limited, describing the program’s compliance with specific safety regulations and providing reference to procedures that will be followed for ensuring safe implementation. As applicable, the preparation of the SSP should be closely coordinated with, and may draw content from, documentation prepared by the applicant to satisfy requirements of the FRA Office of Railroad Safety, especially the guidelines for an APTA/FRA System Safety Program Plan, the FRA guidelines for collision hazard analysis, and any subsequent FRA regulations currently being developed requiring System Safety Plans. Prior to FRA issuing an LOI or cooperative agreement for a Service Development Program, an applicant must complete a System Security Plan.

• Railroad and Project Sponsor Agreements—Although the implementation of a HSIPR Service Development Program will generally require the development of numerous agreements of varying complexity between the parties involved with and affected by the project, two categories of agreement represent key elements of project delivery: (1) Agreements between the project sponsor(s) and the railroad(s) that own the infrastructure and that operate the service, and (2) agreements between multiple project sponsors, for projects that cross jurisdictional boundaries and/or involve subrecipients.

Railroad Agreements—Applications for Service Development Programs must include, at a minimum, agreements in principle with railroads that own any infrastructure to be improved as part of the Service Development Program and the operator of the HSIPR service(s) that will benefit from the project. Agreements in principle must demonstrate the railroads’ commitment to taking all steps within their control to ensure the achievement of the public benefits (and particularly all operational benefits) of the Service Development Program that are described in the application, and their concurrence with the program of capital project identified as being required to achieve those benefits. Such agreements in principle should be structured so as to be able serve as the basis for future contractual agreements through which the railroads’ cooperation in achieving the public benefits may be enforced by the project sponsor.

  o Project Sponsor Agreements—For any project that has multiple potential grantees or project sponsors, application must include a Project Sponsor Agreement executed among all of the parties involved that establishes the relationships between these entities and that identifies a single legal Grantee who will be responsible to and serve as the primary point of contact for FRA.

4.2.7 Optional Supporting Documentation

• Preliminary Engineering (PE) and/or Final Design (FD)/Documentation—While not required as part of the application package, applicants should provide any documents that demonstrate the PE status (or Final Design status, if completed) of the proposed projects within the program. PE refines project plans and conceptual designs in order to identify the specific design alternative that can assure delivery of project objectives. At a minimum, completed PE documentation must demonstrate fully (1) the construction and operational feasibility of the project, (2) a level of project design, cost estimates, and schedules sufficient to advance immediately into full implementation, e.g., through a “design-build” contract, and (3) identification of service operation outcomes sufficient to support agreements with stakeholders (e.g., railroads) needed to deliver those benefits. See Appendix 2.3 for additional information on Preliminary Engineering and Appendix 2.4 for information on Final Design.

• Other Relevant and Available Documentation—To support the Application Form, FRA welcomes the submission of other relevant and available supporting documentation that may have been developed by the applicant. The format and structure of any optional supporting documents is at the discretion of the applicant. Optional supporting documentation may be provided one of two ways: (1) As attachments to the application or (2) in hard copy to the address in Section 4.5 for materials that cannot otherwise be provided electronically. Applicants should provide notification of any documentation being submitted in hard copy in the appropriate section of the Application Form.

4.3 Submission Dates and Times

Applications for these funds must be submitted through GrantSolutions by 5 p.m. EDT, August 6, 2010.

4.4 Intergovernmental Review

This program has not been designated as subject to Executive Order 12372 pursuant to 49 CFR part 17.

4.5 Other Submission Information

As detailed in Section 4.1.1, all application materials, including supporting documentation, should be submitted through GrantSolutions. Should an applicant encounter technical difficulties using the GrantSolutions system, please contact the GrantSolutions Help Desk at 1–866–577–0771 or via e-mail at help@grantsolutions.gov. If the applicant experiences technical issues that may cause the applicant to miss the application deadline, the applicant must contact FRA at HSIPR@dot.gov immediately to request consideration to
submit the application after the deadline. FRA staff may ask the applicant to e-mail the complete grant application, the DUNS number, and provide a GrantSolutions Customer Support tracking number(s). After FRA reviews all of the information submitted and contacts the GrantSolutions Customer Support to validate the technical issues reported, FRA will contact the applicant to either approve or deny the request to submit a late application. If the technical issues reported cannot be validated, the application may be rejected as untimely. For applications submitted by e-mail, the applicant should print, sign, scan into electronic format (preferably Adobe Portable Document Format (.pdf)), and attach to the submission e-mail copies of all application forms requiring the applicant’s signature.

For optional supporting documentation that an applicant is unable to submit electronically (such as oversized engineering drawings), an applicant may submit an original and two copies to the address below. However, due to delays caused by enhanced screening of mail delivered via the U.S. Postal Service, applicants are advised to use other means of conveyance (such as courier service) to assure timely receipt of materials.


Section 5: Application Review Information

5.1 Review and Selection Process

Complete applications are due by 5 p.m. EDT, August 6, 2010. Applications will proceed through a three-step process:

1. Screening for completeness and eligibility (requirements outlined above in Section 3);

2. Review of each eligible application individually by a technical panel applying “evaluation criteria”; and

3. Final review of all eligible applications collectively and selection by the FRA Administrator applying “selection criteria.”

All applications will first be screened for completeness and applicant and project eligibility. Applications determined to be both complete and eligible will be referred to a technical panel consisting of subject-matter experts for an evaluation review. The panels will be comprised of professional staff employed by FRA and other DOT modal administrations, as appropriate.

Applications will be individually reviewed and assessed against the evaluation criteria outlined in Section 5.2. For each of the criteria, the panel will assign a rating of zero to three points, based on the application’s fulfillment of the objectives of each criterion. These individual criterion ratings will then be combined according to priority of criteria to arrive at an overall rating for the application.

The evaluation criteria, ranked in order of priority, are:

1. Public Benefits.
2. Sustainability of Benefits.

In addition to the ratings assigned by the technical evaluation panels, the FRA Administrator may take into account several cross-cutting and comparative selection criteria to determine awards. The Administrator will review the preliminary results to ensure that the scoring has been applied consistently and that the collective results meet several key priorities essential to the success and sustainability of the program (see Section 5.3). The five selection criteria are:

1. Fulfillment of DOT Strategic Goals.
2. Region/Location.
4. Partnerships/Participation.
5. Prior Federal Funding and State Investments.

In accordance with 49 U.S.C. 24402(c), FRA may also consider “other relevant factors as determined by the Secretary of Transportation,” in addition to the evaluation and selection criteria described below.

5.2 Evaluation Criteria

Careful economic analysis that quantifies and demonstrates the monetary value of user benefits and, if available, public benefits, will be particularly relevant to FRA in evaluating applications. The systematic process of comparing expected benefits and costs helps decision-makers organize information about, and evaluate trade-offs between, alternative transportation investments. FRA will consider benefits and costs using standard data provided by applicants and will evaluate applications in a manner consistent with Executive Order 12893, Principles for Federal Infrastructure Investments, 59 FR 4233 (January 31, 1994).

5.2.1 Public Benefits

Evaluation against this criterion will consider the qualitative factors outlined below, as supported by key quantitative metrics. Applicants must determine and identify service outcomes to quantify the anticipated benefits of the Service Development Program (or distinct phase or geographic segment) proposed in an application.

5.2.1.1 Transportation Benefits

Each application will be assessed based on its demonstration of the potential of the proposed Service Development Program investments to achieve transportation benefits in a cost-effective manner. Factors to be considered in assigning a rating include the contribution the proposed Service Development Program would make to:

• Supporting the development of intercity high-speed rail service;

• Generating improvements to existing high-speed and intercity passenger rail service, as reflected by estimated increases in ridership (as measured in passenger-miles), increases in operational reliability (as measured in reductions in delays), reductions in trip times, additional service frequencies to meet anticipated or existing demand, and other related factors;

• Generating cross-modal benefits, including anticipated favorable impacts on air or highway traffic congestion, capacity, or safety, and cost avoidance or deferral of planned investments in aviation and highway systems;

• Creating an integrated high-speed and intercity passenger rail network, including integration with existing intercity passenger rail services, allowance for and support of future network expansion, and promotion of technical interoperability and standardization (including standardizing operations, equipment, and signaling);

• Encouragement of intermodal connectivity and integration through provision of direct, efficient transfers among intercity transportation and local transit networks at train stations, including connections at airports, bus terminals, subway stations, ferry ports, and other modes of transportation;

• Enhancing intercity travel options;

• Ensuring a state of good repair of key intercity passenger rail assets;

• Promoting standardized rolling stock, signaling, communications, and power equipment;

• Improved freight or commuter rail operations, in relation to proportional cost-sharing (including donated property) by those other benefiting rail users;

• Equitable financial participation in the project’s financing, including, but not limited to, consideration of donated property interests or services; financial contributions by freight and commuter rail carriers commensurate with the benefit expected to their operations; and
financial commitments from host railroads, non-Federal governmental entities, nongovernmental entities, and others:

- Encouragement of the implementation of positive train control (PTC) technologies (with the understanding that 49 U.S.C. 20147 requires all Class I railroads and entities that provide regularly scheduled intercity or commuter rail passenger services to fully institute interoperable PTC systems by December 31, 2015);

- Incorporating private investment in the financing of capital projects or service operations.

**5.2.1.2 Other Public Benefits**

Each application will be assessed based on its demonstration of the potential of the proposed Service Development Program investments to achieve other public benefits in a cost-effective manner. Factors to be considered in assigning a rating will include:

- Environmental quality and energy efficiency and reduction in dependence on foreign oil, including use of renewable energy sources, energy savings from traffic diversions from other modes, employment of green building and manufacturing methods, reductions in key emissions types, and the purchase and use of environmentally sensitive, fuel-efficient, and cost-effective passenger rail equipment;

- Promoting interconnected livable communities, including complementing local or State efforts to concentrate higher-density, mixed-use development in areas proximate to multi-modal transportation options (including intercity passenger rail stations);

- Improving historic transportation facilities; and

- Creating jobs and stimulating the economy. Although this solicitation is not funded by the American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5), these goals remain a top priority of this Administration. Therefore, Service Development Program applications will be evaluated on the extent to which the project is expected to quickly create and preserve jobs and stimulate rapid increases in economic activity, particularly jobs and activity that benefit economically distressed areas, as defined by section 301 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3161) (“Economically Distressed Areas”).

**5.2.2 Sustainability of Benefits**

Applications will be evaluated against this criterion to assess the likelihood of realizing the proposed Service Development Program’s benefits. Factors to be considered in assigning a rating will include:

- The quality and reasonableness of revenue and operating and maintenance cost forecasts for the benefiting intercity passenger rail service(s);

- The availability of any required operating financial support, preferably from dedicated funding sources for the benefiting intercity passenger rail service(s);

- The quality and adequacy of project identification and planning;

- The reasonableness of estimates for user and non-user benefits for the project;

- The reasonableness of the operating service plan, including its provisions for protecting the future quality of other services sharing the facilities to be improved;

- The comprehensiveness and sufficiency, at the time of application, of agreements with key partners (including the railroad operating the intercity passenger rail service and infrastructure-owning railroads) that will be involved in the operation of the benefiting intercity passenger rail service, including the commitment of any affected host-rail carrier to ensure the realization of the anticipated benefits, preferably through a commitment by the affected host-rail carrier(s) to an enforceable on-time performance of passenger trains of 80 percent or greater;

- The favorability of the comparison between the level of anticipated benefits and the amount of Federal funding requested; and

- The applicant’s contribution of a cost share greater than the required minimum of 20 percent.

**5.3 Selection Criteria**

The FRA Administrator will use the criteria below to ensure that the projects selected for funding will advance key priorities of the development of intercity and high-speed passenger rail and contribute positively to the success and sustainability of the HSIPR program.

**5.3.1 Fulfillment of DOT Strategic Goals (as Outlined in the U.S. DOT Strategic Plan 2010–2015)**

- Improving transportation safety.
- Maintaining transportation infrastructure in a state of good repair.
- Promoting economic competitiveness.
- Fostering livable communities.
- Advancing environmentally sustainable transportation policies.

**5.3.2 Region/Location**

- Ensuring appropriate level of regional balance across the country.
- Ensuring promotion of livable communities in urban and rural locations.
- Ensuring consistency with national transportation and rail network objectives.
- Ensuring integration with other rail services and transportation modes.
5.3.3 Innovation/Resource Development

- Pursuing new technology and innovation where the public return on investment is favorable, while ensuring delivery of near-term transportation, public and economic recovery benefits.
- Advancing the state of the art in modeling techniques for assessing potential intercity passenger rail costs and benefits.
- Promoting domestic manufacturing, supply and industrial development, including U.S.-based manufacturing and supply industries.
- Developing professional railroad engineering, operating, planning and management capacity needed for sustainable high-speed intercity passenger rail development.

5.3.4 Partnerships/Participation

- Where corridors span multiple States, emphasizing those that have organized multi-State partnerships with joint planning and prioritization of investments.
- Employing creative approaches to ensure workforce diversity and use of disadvantaged and minority business enterprises.
- Engaging local communities and a variety of other stakeholder groups in the project, where applicable.

5.3.5 Prior Federal Funding and State Investments

- Assessing how a proposed project would complement previous construction or planning grants made under the HSIPR or related programs.
- Assessing how the proposed project would complement previous State investments in high-speed intercity passenger rail.
- Assessing the applicant’s track record in sustainable funding and project delivery.

Section 6: Award Administration Information

6.1 Award Notices

Applications selected for funding will be announced after the application review period. FRA will contact applicants with successful applications after announcement with information and instructions about the award process. Notification of a selected application is not an authorization to begin proposed project activities.

6.2 Administrative and National Policy Requirements

The provisions of this section apply to grant recipients of the HSIPR program.

6.2.1 Contracting Information

A grant recipient’s procurement of goods and services must comply with the Procurement Standards requirements set forth at 49 CFR 18.36 or 49 CFR 19.40 through 19.48, whichever is applicable depending on the type of grantee (part 18 covers State and local governments and part 19 covers non-profit and for-profit entities), and with applicable supplementary U.S. DOT or FRA directives or regulations.

6.2.2 Compliance With Federal Civil Rights Laws and Regulations

The grant recipient must comply with all civil rights laws and regulations, in accordance with applicable Federal directives, except to the extent that FRA determines otherwise in writing. These include, but are not limited to, the following: (a) Title VI of the Civil Rights Act of 1964 (Pub. L. 88–352) (as implemented by 49 CFR part 21), which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 1601–1607), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (Pub. L. 92–255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (Pub. L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd–3 and 290 ee–3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental, or financing of housing; (i) 49 U.S.C. 306, which prohibits discrimination on the basis of race, color, national origin, or sex in railroad financial assistance programs; (j) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance was made; and (k) the requirements of any other nondiscrimination statute(s) which may apply to the grant recipient. Grant recipients must comply with all regulations, guidelines, and standards adopted under the above statutes. The grant recipient is also required to submit information, as required, to the FRA Office of Civil Rights concerning its compliance with these laws and implementing regulations and its activities implementing a grant award.

6.2.3 Disadvantaged Business Enterprises (DBE)

FRA encourages its grant recipients to utilize small business concerns owned and controlled by socially and economically disadvantaged individuals (as that term is defined for other DOT operating administrations at 49 CFR part 26) in carrying out projects funded under the HSIPR program, although FRA grant recipients are not required to do so. The DOT DBE regulation (49 CFR part 26) applies only to certain categories of Federal highway, Federal transit, and airport funds. FRA is not covered under the DOT DBE regulations. The procurement standards applicable to grant recipients require grant recipients and subgrantees to take all necessary affirmative steps to assure that minority firms, women’s business enterprises, and labor surplus area firms are used when possible (see 49 CFR 18.36(e) and 19.44(b)). The grant recipient shall submit information, as required, to the FRA Office of Civil Rights concerning its activities with respect to DBEs in implementing a grant award.

6.2.4 Assurances and Certifications

Upon acceptance of the grant by FRA, all certifications and assurances provided by the grant recipient through the application process are incorporated in and become part of the grant agreement. Applicable forms include SF 424(A)/(B), SF 424(C)/(D), and FRA’s Assurances and Certification form. The OMB Standard Forms can be accessed at http://www.forms.gov. The FRA Assurances and Certifications Document is available at http://www.fra.dot.gov/downloads/admin/assurancesandcertifications.pdf.

6.2.5 Debarment and Suspension; and Drug-Free Workplace

Grant recipients must obtain certifications on debarment and suspension for all third party contractors and subgrantees and comply with all DOT regulations, “Nonprocurement Suspension and Debarment” (2 CFR part 1200), and “Governmentwide Requirements for Drug-Free Workplace (Grants)” (49 CFR part 32).
6.2.6 Safety Oversight

Grant recipients must comply with any Federal regulations, laws, policy, and other guidance that FRA or DOT may issue pertaining to safety oversight in general and in the performance of any grant award in particular. FRA has in place a comprehensive system of railroad safety oversight (see 49 CFR part 209 et seq.) that is applicable to railroad operations generally.

6.2.7 Americans With Disabilities Act (ADA)

Grant recipients must agree to use funds provided under the grant agreement in a manner consistent with the requirements of Title II of the Americans with Disabilities Act (ADA) of 1990, as amended; Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794); and both statutes’ implementing regulations at 49 CFR parts 27, 37, and 38. DOT (through its delegate FRA) has responsibility to offer technical assistance with regard to the accessibility features of passenger rail systems, to include accessibility at stations and on railcars. FRA believes such technical assistance is essential where interpretation of DOT’s regulatory requirements is necessary and/or before the creation of any new rail system.

6.2.8 Environmental Protection

All facilities that will be used to perform work under an award shall not be so used unless the facilities are designed and equipped to limit water and air pollution in accordance with all applicable local, State, and Federal standards.

Grant recipients will conduct work under an award and will require that work that is conducted as a result of an award be in compliance with the following provisions, as modified from time to time: Section 114 of the Clean Air Act, 42 U.S.C. 7414, and Section 308 of the Federal Water Pollution Control Act, 33 U.S.C. 1318, and all regulations issued there under. Through the grant agreement, grant recipients will certify that no facilities that will be used to perform work under an award are listed on the List of Violating Facilities maintained by the Environmental Protection Agency (EPA). Grant recipients will be required to notify the Administrator as soon as it or any contractor or subcontractor receives any communication from the EPA indicating that any facility which will be used to perform work pursuant to an award is under consideration to be listed on the EPA’s List of Violating Facilities; provided, however, that the grant recipient’s duty of notification shall extend only to those communications of which it is aware, or should reasonably have been aware. Grant recipients will need to include or cause to be included in each contract or subcontract entered into, which contract or subcontract exceeds $50,000.00 in connection with work performed pursuant to an award, the criteria and requirements of this section and an affirmative covenant requiring such contractor or subcontractor to immediately inform the grant recipient upon the receipt of a communication from the EPA concerning the matters set forth herein.

6.2.9 National Environmental Policy Act (NEPA)

The following is a description of FRA’s standard grant provisions on NEPA compliance. Generally, grant recipients may not expend any of the funds provided in an award on construction or other activities that represent an irretrievable commitment of resources to a particular course of action affecting the environment until after all environmental and historic preservation analyses required by the National Environmental Policy Act (42 U.S.C. 4332) (NEPA), the National Historic Preservation Act (16 U.S.C. 470(f)) (NHPA), and related laws and regulations have been completed and FRA has provided the grant recipient with a written notice authorizing them to proceed. In instances where NEPA approval has not been secured at the time of grant award, grant recipients are required to assist FRA in its compliance with the provisions of NEPA, the Council on Environmental Quality’s regulations implementing NEPA (40 CFR part 1500 et seq.), FRA’s “Procedures for Considering Environmental Impacts” (45 FR 40854, June 16, 1980, as revised May 26, 1999, 64 FR 28545), Section 106 of the NHPA, and related environmental and historic preservation statutes and regulations. As a condition of receiving financial assistance under an award, grant recipients may be required to conduct certain environmental analyses and to prepare and submit to FRA draft documents required under NEPA, NHPA, and related statutes and regulations (including draft environmental assessments and proposed draft and final environmental impact statements).

No publicly-owned land from a park, recreational area, or wildlife or waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials shall be used by grant recipients without the prior written concurrence of FRA. Grant recipients shall assist FRA in complying with these requirements of 49 U.S.C. 303(c).

6.2.10 Environmental Justice

The grant recipient will be required to agree to facilitate compliance with the policies of Executive Order No. 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” 42 U.S.C. 4321 note, except to the extent that FRA determines otherwise in writing.

6.2.11 Operating and Access Agreements

Grant recipients will be required to reach a written agreement, approved by FRA, with each of the railroads or other entity on whose property the project will be located. Among other things, such railroad/owner agreements shall specify terms and conditions regarding the following issues: responsibility for project design and implementation, project property ownership, maintenance responsibilities, and disposition responsibilities, and the owning entity’s commitment to achieve, to the extent it has control, the anticipated project benefits. If an agreement between the grant recipient and the owner that substantially addresses the above-referenced issues is already in place as of the date of execution of the grant agreement, the grant recipient will be required to submit it to FRA for FRA’s review and determination of adequacy. However, if either no agreement is in place as of the date of execution of this Agreement, or if an existing agreement has been determined by FRA to be inadequate, the grant recipient shall, prior to the grant recipient’s execution of an agreement with the owner, submit the final draft of such an agreement to FRA for FRA’s review and approval. A finding by FRA that the required approved railroad/owner agreement(s) are in place is a prerequisite for the
obligation of funding for construction-related activities.

6.2.12 Real Property and Equipment Management, Discontinuance of Service, and Disposition Requirements

The grant recipient will be required to ensure the maintenance of project property to the level of utility (including applicable FRA track safety standards) that existed when the project improvements were placed in service for a period of a minimum of 20 years from the date such project property was placed in service. In the event that all intercity passenger rail service making use of the project property is discontinued during the 20-year period, the grant recipient will be required to continue to ensure the maintenance of the project property, as set forth above, for a period of one year to allow for the possible reintroduction of intercity passenger rail service. In the event the grant recipient should fail to ensure the maintenance of project property, as set forth above, for a period of time in excess of six months, the grant recipient will be required to refund to FRA a pro-rata share of the Federal contribution, based upon the percentage of the 20-year period remaining at the time of such original default.

The grant recipient will also be required to acknowledge that the purpose of the project is to benefit intercity passenger rail service. In the event that all intercity passenger rail service making use of the project property is discontinued (for any reason) at any time during a period of 20 years from the date such project property was placed in service, as set forth above, and if such intercity passenger rail service is not reintroduced during a one-year period following the date of such discontinuance, the grant recipient will be required to refund to FRA, no later than 18 months following the date of such discontinuance, a pro-rata share of the Federal contribution, based upon the percentage of the 20-year period remaining at the time of such discontinuance.

6.2.13 Freedom of Information Act (FOIA)

As a Federal agency, FRA is subject to the Freedom of Information Act (FOIA) (5 U.S.C. 552), which generally provides that any person has a right, enforceable in court, to obtain access to Federal agency records, except to the extent that such records (or portions of them) are protected from public disclosure by one of the following: Forte, the Interests of Congress in a matter, the effect of permitting disclosure, the effect of permitting disclosure, or the information obtained from a person that is sought and to persuade the agency to provide that the Secretary of the Department of Transportation may obligate funds for a

HSIPR project only if the steel, iron, and manufactured goods used in the project are produced in the United States. The Secretary (or the Secretary’s delegate, the FRA Administrator) may waive this requirement if the Secretary finds that applying this requirement would be inconsistent with the public interest; the steel, iron, and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality; rolling stock or power train equipment cannot be bought and delivered in the United States within a reasonable time; or including domestic material will increase the cost of the overall project by more than 25 percent. For purposes of implementing these requirements, in calculating the components’ costs, labor costs involved in final assembly shall not be included in the calculation. If the Secretary determines that it is necessary to waive the application of the Buy America requirements, the Secretary is required before the date on which such finding takes effect to publish in the Federal Register a detailed written justification as to why the waiver is needed; and provide notice of such finding and an opportunity for public comment on such finding, for a reasonable period of time, not to exceed 15 days. The Secretary may not make a waiver for goods produced in a foreign country if the Secretary, in consultation with the United States Trade Representative, decides that the government of that foreign country has an agreement with the United States Government under which the Secretary cannot make a waiver for goods produced in the United States. The Buy America requirements described in this section shall only apply to projects for which the costs exceed $100,000.

6.3 Program-Specific Grant Requirements

6.3.1 Buy America

Grant recipients must comply with the Buy America provisions set forth in 49 U.S.C. 24405(a), which specifically provide that the Secretary of Transportation may obligate funds for a
financed in whole or in part by grants in connection with the project to be provided for in 49 U.S.C. 24405(c)(2).

6.3.3 Railroad Agreements

As a condition of receiving a grant under this program for a project that uses rights-of-way owned by a railroad, the grant recipient shall have in place a written agreement between the grant recipient and the railroad regarding such use and ownership, including any compensation for such use; assurance that service outcomes specified to result from the project, and for which the railroad is necessary for delivery, will be delivered, and a mechanism to enforce specified service outcomes; assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations; an assurance by the railroad that collective bargaining agreements with the railroad’s employees (including terms regulating the contracting of work) will remain in full force and effect according to their terms for work performed by the railroad on the railroad transportation corridor; and an assurance that the grant recipient complies with liability requirements consistent with 49 U.S.C. 28103. Grant recipients that use rights-of-way owned by a railroad must comply with FRA guidance regarding how to establish a written agreement between the applicant and the railroad regarding use and ownership as discussed in Sections 4.2.6 and 6.2.11 (see 49 U.S.C. 24405(c)).

6.3.4 Labor Protection

As a condition of receiving a grant under this program for a project that uses rights-of-way owned by a railroad, the grant recipient must agree to comply with the standards of 49 U.S.C. 24312, as such section was in effect on September 1, 2003, with respect to the project in the same manner that Amtrak is required to comply with those standards for construction work financed under an agreement made under 49 U.S.C. 24308(a) and the protective arrangements established under Section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836) with respect to employees affected by actions taken in connection with the project to be financed in whole or in part by grants under this program (see 49 U.S.C. 24405(c)).

6.3.5 Davis-Bacon Act

Projects funded through PRIIA that use rights-of-way owned by a railroad are required to comply with the Davis-Bacon Act (40 U.S.C. 3141 et seq.) and activities planned for the next reporting period.

- Quarterly Federal Financial Report (SF–425)—Grantees must submit a quarterly Federal financial report on or before the thirtieth (30th) calendar day of the month following the end of the quarter being reported (e.g., for quarter ending March 31, the SF–425 is due no later than April 30). A report must be submitted for every quarter of the period of performance, including partial calendar quarters, as well as for periods where no grant activity occurs. Grantees must use SF–425, Federal Financial Report, in accordance with the instructions accompanying the form, to report all transactions, including Federal cash, Federal expenditures and unobligated balance, recipient share, and program income.

- Interim Report(s)—If required, interim reports will be due at intervals specified in the statement of work and must be submitted electronically in the GrantSolutions system.

- Final Report(s)—Within 90 days of the project completion date or termination by FRA, grantees must submit a Summary Project Report, detailing the results and benefits of the grantee’s improvement efforts, as well as a final Federal Financial Report (SF–425).

6.4 Reporting

6.4.1 Standard Reporting Requirements

- Progress Reports—Progress reports are to be submitted quarterly. These reports must relate the state of completion of items in the statement of work to expenditures of the relevant budget elements. The grant recipient must furnish the quarterly progress report to FRA on or before the 30th calendar day of the month following the end of the quarter being reported. Grantees must submit reports for the periods: January 1–March 31, April 1–June 30, July 1–September 30, and October 1–December 31. Each quarterly report must set forth concise statements concerning activities relevant to the project and should include, but not be limited to, the following: (a) An account of significant progress (findings, events, trends, etc.) made during the reporting period; (b) a description of any technical and/or cost problem(s) encountered or anticipated that will affect completion of the grant within the time and fiscal constraints as set forth in the agreement, together with recommended solutions or corrective action plans (with dates) to such problems, or identification of specific action that is required by FRA, or a statement that no problems were encountered; and (c) an outline of work planned, etc. (discussed in Sections 4.2.6 and 6.2.11)

- GrantSolutions system.

6.4.2 Audit Requirements

Grant recipients that expend $500,000 or more of Federal funds during their fiscal year are required to submit an organization-wide financial and compliance audit report. The audit must be performed in accordance with U.S. General Accountability Office, Government Auditing Standards, located at http://www.gao.gov/govaud/ybk01.htm, and OMB Circular A–133, Audits of States, Local Governments, and Non-Profit Organizations, located at http://www.whitehouse.gov/omb/ circulars/a133/a133.html. Currently, audit reports must be submitted to the Federal Audit Clearinghouse no later than nine months after the end of the recipient’s fiscal year. In addition, FRA and the Comptroller General of the United States must have access to any books, documents, and records of grant recipients for audit and examination purposes. The grant recipient will also give FRA or the Comptroller, through any authorized representative, access to and the right to examine all records, books, papers or documents related to the grant. Grant recipients must require that subgrantees comply with the audit requirements set forth in OMB Circular A–133. Grant recipients are responsible for ensuring that sub-recipient audit
reports are received and for resolving any audit findings.

6.4.3 Monitoring Requirements

Grant recipients will be monitored periodically by FRA to ensure that the project goals, objectives, performance requirements, timelines, milestones, budgets, and other related program criteria are being met. FRA will conduct monitoring activities through a combination of office-based reviews and onsite monitoring visits. Monitoring will involve the review and analysis of the financial, programmatic, and administrative issues relative to each program and will identify areas where technical assistance and other support may be needed. The recipient is responsible for monitoring award activities, including sub-awards and subgrantees, to provide reasonable assurance that the award is being administered in compliance with Federal requirements. Financial monitoring responsibilities include the accounting of recipients and expenditures, cash management, maintaining of adequate financial records, and refunding expenditures disallowed by audits.

6.4.4 Closeout Process

Project closeout occurs when all required project work and all administrative procedures described in 49 CFR part 18, or 49 CFR part 19, as applicable, have been completed, and when FRA notifies the grant recipient and forwards the final Federal assistance payment, or when FRA acknowledges the grant recipient’s remittance of the proper refund. Project closeout shall not invalidate any continuing obligations imposed on the grantee by an award or by FRA’s final notification or acknowledgment. Within 90 days of the Project completion date or termination by FRA, grantees agree to submit a final Federal Financial Report (SF-425), a certification or summary of project expenses, a final report, and third party audit reports, as applicable.

Section 7: Agency Contact

For further information regarding this notice and the HSIPR program, please contact the FRA HSIPR Program Manager via e-mail at HSIPR@dot.gov, or by mail: U.S. Department of Transportation, Federal Railroad Administration, MS–20, 1200 New Jersey Avenue, SE., Washington, DC 20590 Att’n: HSIPR Program.

Appendix 1: Definition of High-Speed and Intercity Passenger Rail

“Intercity rail passenger transportation” is defined at 49 U.S.C. 24102(4) as “rail passenger transportation except commuter rail passenger transportation.” An intercity passenger rail service consists of a group of one or more scheduled trains (roundtrips) that provide intercity passenger rail transportation between bona fide travel markets (not necessarily bound by State or jurisdictional boundaries), generally with similar quality and level-of-service specifications, within a common (but not necessarily exclusive or identical) set of identifiable geographic markets. Similarly, “short-haul rail passenger transportation” is defined at 49 U.S.C. 24102(3) as “short-haul rail passenger transportation in metropolitan and suburban areas usually having reduced fare, multiple ride, and commuter tickets and morning and evening peak period operations.” In common use, the general definition of “rail passenger transportation” excludes types of local or regional rail transit, such as light rail, streetcars, and heavy rail. Similarly, both intercity passenger rail transportation and commuter rail passenger transportation exclude single-purpose scenic or tourist railroad operations.

The since-terminated Interstate Commerce Commission (ICC) established six features to aid in classifying a service as “commuter” rather than “intercity” rail passenger transportation:

- The passenger service is primarily being used by patrons traveling on a regular basis either within a metropolitan area or between a metropolitan area and its suburbs;
- The service is usually characterized by operation performed at morning and peak periods of travel;
- The service usually honors commutation rather than “intercity” rail passenger transportation; and
- The service makes several stops at short intervals either within a zone or along the entire route;
- The equipment used may consist of little more than ordinary coaches; and
- The service should not extend more than 100 miles at the most, except in rare instances; although service over shorter distances may not be commuter or short haul within the meaning of this exclusion.

FTA further refined the definition of commuter rail in the glossary for its National Transit Database (NTD) Reporting Manual. In particular, FTA refined the ICC’s third “feature” by specifying that “predominantly commuter [rail passenger] service means that for any given trip segment (i.e., distance between any two stations), more than 50 percent of the average daily ridership travels on the train at least three times a week.”

In judging the eligibility of an application under this solicitation, FRA will determine whether the rail passenger service that is primarily intended to benefit from the proposal constitutes “intercity passenger rail transportation” under the statutory definition and ICC and FTAA interpretations. FRA may also take into account whether the primary intended benefiting service has been or is currently the direct or intended beneficiary of funding provided by another Federal agency (e.g., FTA) for the purpose of improving commuter rail passenger transportation and whether the service in question is or will be operated by or on behalf of a local, regional, or State entity whose primary rail transportation mission is the provision of commuter or transit service. “High-speed rail” is an intercity passenger rail service that “is reasonably expected to reach speeds of at least 110 miles per hour” (49 U.S.C. 26106(b)(4)).

Appendix 2: Additional Information on Stages of Project Development

The information contained below in Appendices 2.1 Service Development Program Planning, 2.3 Preliminary Engineering, and 2.4 Final Design represent suggested content and approaches for completing the documentation required for each stage of project development. While FRA does not require applicants/grantees to follow the specific document structures and content listed below, they are provided to assist applicants/grantees in fulfilling the objectives necessary to successfully complete each stage of project development. However, the information contained in Appendix 2.2 Environmental Documentation must be adhered to in order to demonstrate compliance with NEPA.

Appendix 2.1 Service Development Program Planning

The Service Development Plan (SDP) is prepared during the planning phase for HSIPR Service Development Programs. The SDP lays out the overall scope and approach for the proposed service. Among the primary objectives of the SDP are:

- To clearly demonstrate the purpose and need for new or improved HSIPR service;
- To analyze alternatives for the proposed new or improved HSIPR service and identify the alternative that would best addresses the identified purpose and need;
- To demonstrate the operation and financial feasibility of the alternative that is proposed to be pursued; and
- As applicable, to describe how the implementation of the HSIPR Service Development Program may be divided into discrete phases.

The following model outline for the SDP describes the specific elements and content that optimally would be included in an SDP. While nearly all of the topics addressed in the major sections of this outline are necessarily interrelated, and should be addressed through an iterative analytical process, this outline’s organization highlights the major disciplines and analytical capabilities that should be brought together in the development of an SDP.

1. Purpose and Need

The fundamental starting point of any transportation planning effort, including SDPs developed under the HSIPR program, is
the identification of the purpose and need for an improvement to the transportation system service in a given geographic market. In outlining a transportation problem in need of a solution, the Purpose and Need section should provide, at a minimum, a description of the transportation challenges and opportunities faced in the markets to be served by the proposed service, based on current and forecasted travel demand and capacity conditions.

2. Rationale

The rationale demonstrates how the proposed new or improved HSIPR service would cost-effectively address transportation and other needs. The rationale is based on current and forecasted travel demand and capacity condition. This section should demonstrate how the proposed service can cost-effectively address transportation and other needs considering system alternatives (highway, air, other, as applicable). Development of the program rationale considers multimodal system alternatives (highway, air, other, as applicable), including a qualitative and quantitative assessment of the costs, benefits, impacts, and risks of the alternatives. Program rationale also explores synergies between the proposed service and large-scale goals and development plans within its service region and communities.

3. Identification of Alternatives

This section describes the alternative transportation improvements, including HSIPR improvements and improvements to other modes, which have been considered within the SDP as means of addressing the underlying transportation purpose and need. At a minimum, this section should identify a base case (also known as a “do-nothing” or “do-minimum” case), against which these alternatives have been analyzed within the SDP, and provide a rationale for the selection of the base case.

4. Planning Methodology

The SDP should clearly describe the basic elements of the methodology used in developing the plan. This may address a wide array of topics, but at a minimum, it should address:

a. The planning horizon utilized;
b. Any major, cross-cutting assumptions employed throughout the SDP; and
c. The level of public involvement in developing the plan.

5. Demand and Revenue Forecasts

The SDP should address the methods, assumptions, and outputs for travel demand forecasts, and the expected revenue from the service. It should provide information on the following topics and outputs:

a. Demand Forecasts
   • Methodology—Document the modeling methodology and approach used to forecast passenger rail demand (e.g., a four-step model), including competing modes, HSIPR alternatives considered, and the method for reflecting passenger capacity constraints (such as equipment, station, and station access capacity) within the HSIPR service.
   • Study Area Definition—Describe the extent of the study area, road network extent, rail stations, airports, intercity bus terminals considered.
   • Data sources—Provide the assumptions and data used to quantify the existing travel market and forecast year travel market.
   • Travel Model—
     i. Show the demand model structure including example equations and elasticities.
     ii. Describe the base and future year model, including specific travel network and service characteristics. This should include pricing assumptions (including the rationale and basis for including or excluding both revenue-maximizing and public benefit-maximizing pricing models) and travel time-related assumptions (including frequency, reliability, and schedule data for the service).
     iii. Include the mode choice model structure such as logit nested diagrams.
   iv. Explain the model calibration and validation.
   • Model Forecasts—Present and explain the detailed base and forecast year ridership outputs (including trip-table outputs), along with the ramp-up methodology employed for determining ridership during the early years between project completion and the model forecast year.
   • Revenue Forecasts
     • Ticket Revenue Forecasts—Explain base and forecast year ticket revenue forecasts.
     • Auxiliary Revenue Forecasts—If applicable, provide base and forecast year auxiliary revenue, including but not limited to, food and beverage revenue, mail and express revenue.

6. Operations Modeling

This section describes the underlying operational analyses, including railroad operation simulations and equipment and crew scheduling analyses, which in turn reflect such variables as travel demand and rolling stock configuration. The modeling should include all rail activity in the corridor including freight and commuter rail.

If the new or improved HSIPR service contemplated in the SDP makes use of facilities that would be shared with rail freight, commuter rail, or other Intercity Passenger Rail services, the existing and future characteristics of those services—as developed cooperatively with the rail freight, commuter, and Intercity Passenger Rail operators—should be included as an integral element to the SDP. In particular, the SDP should show how the proposed Service Development Program will protect the quality of those other services through a planning horizon.

In general, operations modeling performed in accordance with FRA’s publication “Railroad Corridor Transportation Plans: A Guidance Manual” would support an SDP. The section on operations modeling should provide information on the following topics and outputs:

a. Modeling Methodologies
   • Describe in detail the Service Network Analysis models and methodologies used, including the method through which potential infrastructure improvement were identified and incorporated into the modeling effort.
   • Specifically describe how stochastic operations variation, in terms of operational reliability of scheduled rail service, operational variability of non-scheduled rail service, and equipment and infrastructure reliability, has been incorporated into the modeling effort.

b. Operating Timetables
   • Provide base case and alternative-specific schedules for existing and new HSIPR service and commuter rail service, and operating windows or schedules, if applicable, for rail freight and other activities (e.g., maintenance of way). Include both revenue operations and all scheduled or likely non-revenue (deadhead) movements.

c. Equipment Consists
   • Describe the equipment consists for all services included in the operations modeling, including motive-power (locomotive or multiple-unit) characteristics (e.g., weight, horsepower, tractive effort, etc.), non-powered equipment characteristics (e.g., consist lengths in units and distance, trailing tonnage, etc.), and any use of distributed power, electronically controlled pneumatic (ECP) braking systems, or other practices affecting train performance.
   • Provide baseline acceleration rates and braking curves for all trains included in the operations modeling, consistent with the consist characteristics described.

d. Rail Infrastructure Characteristics
   • Describe the origin on the rail infrastructure network employed in the operations modeling, including whether or not it was provided by the infrastructure owner or independently developed.
   • Describe any major infrastructure-related assumptions employed in the operations modeling, including signal system characteristics, maximum unbalance, and turnout speeds.

e. Outputs
   • Provide detailed outputs from the operations modeling of all base case and alternative scenarios, including stringline (time and distance) diagrams, delay matrices, and train-performance calculator speed and distance graphs.

f. Equipment and Train Crew Scheduling
   • Provide outputs of HSIPR equipment and train crew schedule modeling, demonstrating how equipment and train crews will turn at endpoints, and the total equipment and train crew resources required to meet each modeled HSIPR operating timetable.

g. Terminal, Yard, and Support Operations
   • Provide outputs of detailed modeling of operations at major terminals, demonstrating the adequacy of identified platform tracks, pocket tracks, yard capacity, and maintenance of equipment facilities to meet the requirements of each modeled HSIPR operating timetable.

7. Station and Access Analysis

This section of the SDP addresses the location of the stations to be served by the
proposed new or improved HSIPR service, how these stations will accommodate the proposed HSIPR service, how passengers will access those stations, and how these stations will be integrated with connections to other modes of transportation. The topics addressed under this section will depend greatly on whether the Service Development Plan is intended to support the introduction of a new HSIPR service on a new route, or whether it relates to the improvement of an existing HSIPR service—generally, the latter, in serving existing stations, will not require detailed planning of station locations. This section of the SDP should provide information on the following topics and outputs.

8. Conceptual Engineering and Capital Programming

The SDP describes the rail equipment and infrastructure improvements (and other investments) required for each discrete phase of service implementation. If applicable, the SDP should prioritize improvements for each phase. The SDP presents estimated capital costs for projects and project groups, with documentation of assumptions and methods.

a. Project Identification

- The SDP should identify in detail each discrete project that will be necessary to implement the planned new or improved HSIPR service, such as construction of specific stations, individual sections of additional or upgraded track, locomotive and rolling stock purchases, etc.
- Projects should be defined at a level of detail sufficient to delineate between elements of the overall scope with differing geographic locations, different types of investments (e.g., track improvements vs. station projects vs. equipment purchases), and different implementation schedules. The manner in which the proposed scope is likely to be divided into contracts for implementation may also be considered in identifying the scope of discrete “projects.” In general, each “project” should be defined with the aim of making its scope easily comprehensible and identifiable to a layperson.
- The identification of discrete projects should likewise be consistent with proper usage of the Work Breakdown Structure (WBS) tool for project management—the “projects” themselves should constitute one of the ten levels of the Service Development Program’s overall WBS.

b. Project Cost Estimates

- The SDP should include project costs estimates in both the WBS and HSIPR Standard Cost Category format.
- The SDP should include the documentation of the cost estimates in their original format, illustrating exactly how those cost estimates were calculated.
- The cost estimate should be supported by a detailed description of the methodology and assumptions used in developing the estimates, including values and sources of unit costs for labor, materials, and equipment; overhead costs or other additives; allocated and unallocated contingencies; credit value of salvaged materials; and cost escalation factors. The source of unit costs should be explained for estimation based on broad, top-down “indicative project” prices. Unless explicitly justified, total contingencies for cost estimates developed during the planning phase should be no greater than 30%.

c. Project Schedule and Prioritization

- The SDP should present the proposed schedule for the implementation of the Service Development Plan organized in the format of Work Breakdown Structure and consistent the phases of projects development.
- The schedule should illustrate the duration of each activity within the WBS, the earliest date at which each activity could commence, and the dependencies between the various activities.

d. Conceptual Engineering Design Documentation

- The SDP should include basic visual depictions of the projects encompassed by the proposed Service Development Program, including maps and track charts.
- Track charts should clearly show the current and proposed future track configurations throughout the geographic area encompassed by the Service Development Plan (and any proposed interim configurations, if phased implementation is proposed). Track charts should be drawn to an appropriate linear scale for the detail of complexity of the track configuration in a particular segment, and should clearly show turnout sizes, road crossings, overhead and undergrade bridges, station and yard locations, junctions, track curvature, grade, signal location, signal rule applicability (e.g., CTC, ATO, PTC, DTC etc.) and maximum authorized speeds. The physical location of specific projects should be shown clearly, including the limits of any linear-oriented projects (e.g., roadbed rehabilitation, rail replacement, tie replacement, etc.).

9. Operating and Maintenance Costs and Capital Replacement Forecast

The SDP should include operating and financial projections for each phase of the planned intercity passenger rail service. The SDP should address the methods, assumptions and outputs for operating expenses for the train service including maintenance of way, maintenance of equipment, transportation (train movement), passenger traffic and services (marketing, reservations/information, station, and onboard services), and general/administrative expenses. Cost-sharing arrangements and access fees with infrastructure owners and rail operators should also be included. Where applicable, allocation of costs across routes should also be discussed.

a. Costing Methodology and Assumptions

For each different cost area, the SDP should provide the basis for estimation (application of unit costs from industry peers or a detailed resource build-up approach) of operating expenses. The SDP should include documentation of key assumptions and provide back-up data on how unit costs and quantities and cost escalation factors were derived. Typical cost areas include:

- Maintenance of way—Includes the cost of maintaining the MOW, signals, buildings, structures, bridges etc.
- Maintenance of equipment—Includes the cost of layover and turnaround servicing, preventive maintenance, bad orders, wreck & accidents, and contractor maintenance.
- Transportation (train movement)—Includes the cost of trainmen, enginemen, bus connections, train fuel, propulsion power, railroad access and incentive payments.
- Marketing and Information—Includes the cost of advertising, marketing, reservations, information, etc.
- Station—Includes the cost of station staff (ticketing, baggage, red caps, porters etc.).
building rent, maintenance, utilities, security.
- **On-board services**—Includes the cost of on-board service staff, food and provisions.
- **General/administrative expenses**.

**b. Summary of Operating Costs**

c. **Route Profit and Loss Statement**

Estimate the Profit and Loss Statement for the route based on revenue and operating cost forecasts.

d. **Capital Replacement Costs**

The SDP should provide detailed estimates of any additional capital costs, beyond those incurred in the initial implementation of the Service Development Program, that are anticipated to be required due to lifecycle replacement or other factors through the planning horizon of the SDP.

**10. Public Benefits Analysis**

The SDP should include a description and quantification of benefits, whether operational, transportation output-related, and economic in nature, with particular focus on job and retention, "green" environmental outcomes, potential energy savings, and effects on community livability. except where clearly unmonetizable, the SDP should provide the estimated economic value of those benefits. At a minimum, this section of the SDP should include:

a. **Operational and Transportation Output Benefits**

The SDP should clearly identify the operational and transportation output-related benefits that will be generated by the project. Examples of operational benefits include trip-time improvements, reliability improvements (as measured by train delay-minutes), frequency increases, and passenger capacity increases (as measured by seat-miles). Transportation output benefits include increases in HSIPR passenger-trips and passenger-miles traveled, reductions in passenger-delay-minutes, and passenger-travel time savings resulting from faster scheduled trips times.

b. **User and Non-User Economic Benefits**

The SDP should include an analysis of the monetized economic benefits to user and non-user that will be generated by the project, regardless of how or where those benefits are generated. User benefits include items such as the value of travel time savings to rail users, while non-user benefits include items such as the monetized value of emissions reductions, community development, and travel time savings due to congestion reduction for users of other modes from which demand is anticipated to shift to the new or improved HSIPR service.

c. **Benefits by Rail Service Type**

All user and non-user benefits should be delineated by the type of improved rail service (i.e., HSIPR, commuter, or freight) that will generate those benefits. For example, user benefits in the form of travel time savings generated by a project for HSIPR passengers should be shown delineated from those travel time savings accruing to users of a commuter rail service that will also benefit from the project. Likewise, non-user benefits in the form of emission reductions resulting from the shift of passengers to HSIPR service should be separated from benefits resulting from a shift of road freight transport to rail freight service.

**Appendix 2.2 Environmental Documentation**

The environmental review process required by NEPA applies to all Federal grant programs. NEPA requires Federal agencies to integrate environmental values into their decision-making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions. NEPA also mandates that all reasonable alternatives be considered, and to that end, an alternatives analysis is typically conducted during the environmental review process. Agencies must also make information on these impacts and alternatives publicly available before decisions are made and actions occur.

**Appendix 2.2.1 Corridor-Wide Environmental Documentation ("Service NEPA")**

As part of the Service Development Program planning phase applicants must complete an environmental review, which addresses the full extent of the overall Service Development Program and its related actions. Within the context of the HSIPR program, this evaluation is referred to as "Service NEPA." Service NEPA involves at least a programmatic/Tier 1 environmental review (using tiered reviews and documents), or a project environmental review, that addresses broad questions and likely environmental effects in the entire corridor relating to the type of service(s) being proposed, including alternative cities and stations served, geographical route alternatives, service levels and frequencies, choice of operating technologies (e.g., diesel vs. electric operation and maximum operating speeds), ridership projections, major infrastructure components, and identification of major terminal area or facility capacity constraints. Standard Service Development Programs are often best addressed with project NEPA documentation; while more complex Major Service Development Programs often call for a tiered approach.

Service NEPA is intended to support a Federal decision concerning whether or not to implement a Service Development Program. For major Service Development Programs, FRA generally prefers to use a tiered NEPA process and a Tier-1 environmental impact statement (EIS) to satisfy Service NEPÁ at a point prior to Preliminary Engineering that is required to support a more detailed, comprehensive "project NEPA" document. Furthermore, completion of a tiered Service NEPA EIS allows for the significant narrowing of the alternatives to be considered in preparing subsequent project NEPA documents, allowing for reduced Preliminary Engineering costs.

While FRA anticipates that most Major Service Development Programs will follow a tiered approach towards NEPA document development (including preparation of a Service NEPA EIS during the planning phase), FRA will consider a non-tiered service NEPA approach where appropriate and conducive to the efficient progression of the project and the consideration of environmental impacts. In general, FRA will consider using project NEPA for Service Development Programs where one or more of the following factors apply:

- There are no routing decisions required for the proposed service;
- The project is relatively small, and the project alternatives would result in the proposal are likely to be modest in scale and unlikely to cause significant environmental impacts;
- The Preliminary Engineering effort for the Service Development Program is likely to be modest in scale, cost, and duration;
- The project sponsor will be providing all necessary funding, from non_HSIPR program sources, to complete Preliminary Engineering and site-specific environmental analysis.

For Service Development Programs that meet these criteria and for which FRA has decided not to tier, NEPA will be satisfied through a unified project-level document developed during the PE/NEPA phase.

**Appendix 2.2.2—Project Environmental Documentation ("Project NEPA")**

As part of the PE/NEPA phase of project development, a project NEPA document and other required environmental documentation to satisfy other Federal laws are prepared for the specific design alternative identified through Preliminary Engineering and other reasonable alternatives (integrated with the design alternatives analysis performed as part of Preliminary Engineering). Additionally, the design and engineering outputs of Preliminary Engineering will serve as inputs into the evaluation of environmental impacts just as identified impacts are inputs for design and engineering. Therefore, it is essential that Preliminary Engineering and project NEPA be closely coordinated and performed in tandem with one another.

**Appendix 2.2.3—NEPA Roles and Responsibilities**

FRA, as the Federal sponsoring agency, has primary responsibility for assuring compliance with NEPA and related environmental laws for projects funded under the HSIPR program. While NEPA compliance is a Federal agency responsibility and the ultimate decisions remain with the Federal sponsoring agency, FRA encourages applicants to take a leading role in preparing environmental documentation, consistent with existing law and regulations. In the varied and flexible HSIPR program no single approach to NEPA compliance will work for every proposal. Therefore, FRA will work closely with applicants to assist in the timely and effective completion of the NEPA process in the manner most pertinent to the applicant’s proposal.

**Appendix 2.2.4—FRA NEPA Compliance**

All NEPA documents must be supported by environmental and historic preservation analyses required by the National Environmental Policy Act (42 U.S.C. 4332) (NEPA), the National Historic Preservation Act (36 U.S.C. 470f) (NHPA), and related...
Appendix 2.3—Preliminary Engineering

Preliminary Engineering (PE) builds on the conceptual engineering and other documentation developed during the planning process in order to evaluate alternatives and to identify a specific design alternative for implementing a project, and demonstrate its feasibility for implementation. Within the context of the HSIPR program, FRA relies on the documentation developed through PE in order to make a decision as to whether to obligate funding for the construction and implementation of a project. As such, HSIPR program applicants seeking to progress a project to Final Design and Construction should ensure that the PE documentation for the project is adequate to support such a decision.

In the process of demonstrating the feasibility of a particular design alternative, PE involves the refinement of the cost estimate and schedule for the project and the reduction of uncertainties (as represented by reduced cost estimate and schedule contingencies). Furthermore, as part of PE, the analyses of the financial, operational, and public benefit impacts of the project that were developed during the planning phase are refined, so as to address and reduce uncertainties and risks associated with the project after it is placed in service.

The following documentation would demonstrate the completion of PE for a project:

1. Project Description
   a. A detailed description of the design alternative identified through the PE process, including other design alternatives considered.
   b. A description of construction staging or phasing (such as sequential phasing of interlocking reconfigurations) identified as necessary to implement the identified design alternative.
   c. A presentation of the work necessary to implement the identified design alternative in a detailed Work Breakdown Structure (WBS) format. The WBS for the project would serve as the master format for organizing and presenting the various elements of the project through the subsequent phases of development, and presenting cost estimates and project schedules.
   d. An assessment of the physical condition and location of the railroad in the project area (up to two to three miles beyond the project construction limits depending upon effect and interrelationship of the project with train operations), including: bridges (rail and highway); track including the number and location of previously existing railroad tracks on a roadbed; buildings (stations and maintenance facilities, etc.); signal systems and interlocked detectors, switches, derails, and snow melters; utility systems on, over, adjacent to or under the railroad line and agreements concerning them; electrification systems, if any; description of highway crossing warning systems (if any) and daily traffic counts at public and private at grade highway crossings; existing and proposed railroad operations and routes of freight, commuter and intercity trains with train daily numbers of trains by type; a safety and security management plan; and STRACNET routes and/or moves for commercial high and wide loads.

2. Project Cost Estimate
   a. Project cost estimates in both the project’s WBS and the HSIPR Standard Cost Category format.
   b. Documentation of the cost estimate in its original format, illustrating exactly how the cost estimates were calculated.
   c. A detailed description of the methodology and assumptions used in developing the estimates, including values and sources of unit costs for labor, materials, and equipment; overhead costs, or other additives; allocated and unallocated contingencies; credit value of salvaged materials; and cost escalation factors. Unless explicitly and adequately justified, total contingencies for cost estimates developed during PE should be no greater than 20%.

3. Project Schedule
   a. A schedule for the implementation of the project organized in the format of Work Breakdown Structure and consistent with the phases of project’s development.
   b. The schedule should illustrate the duration of each activity within the WBS, the earliest date at which each activity could commence, and the dependencies between the various activities.

4. Design Documentation
   a. A project locator map showing both the location of the project area within the context of the State in which and the corridor on which it is located.
   b. A project area map showing the exact project location and the immediate surrounding area (up to two to three miles beyond the project construction limits consistent with the Project Description).
   c. Detailed PE drawings:
      - For projects involving improvements to track, track structures, signals, or other linear railroad assets, refined from those developed during the planning process.
      - Route and aspect charts for all projects involving signal system improvements, signal system installation, or track reconfigurations in signaled territory.

5. Design and Procurement Compliance
   a. Demonstration that the proposed project design is compliant with all applicable FRA safety regulations and AREMA design standards.
   b. For projects involving the procurement of rolling stock, demonstration that the proposed equipment procurement will be consistent with Section 305 of PRIIA, which calls for the establishment of a standardized next-generation rail corridor equipment pool. Compliance with Section 305 of PRIIA will assist in creating the economics of scale necessary to achieve the Administration’s goal, as outlined in FRA’s Strategic Plan, of developing a sustainable railroad equipment manufacturing base in the United States.
   c. For projects involving improvements to railroad signaling/control systems, the application should demonstrate that the proposed improvements are consistent with a comprehensive plan for complying with the requirements for positive train control (PTC) implementation under Section 104 of the Rail Safety Improvement Act of 2008 (“RSIA,” Division A of Pub. L. 110–432, October 16, 2008, codified at 49 U.S.C. 20147) and with FRA’s final rule on Positive Train Control System published in the Federal Register on January 15, 2010 (75 FR 2390).

6. Refinement of Planning Documentation

Many elements of the Service Development Plan developed during the Planning phase of project development would be expanded and updated in later phases of the project development process, as the project itself becomes more refined. Much of this refinement is completed as part of Preliminary Engineering, particularly as it relates to the following Service Development Plan elements:
Appendix 2.4 Final Design

During the Final Design phase, any remaining uncertainties or risks associated with the project and changes to design scope are fully addressed, and the products of Preliminary Engineering are refined as additional detailed design work is completed. The objective of the Final Design phase is to progress the engineering of the project beyond what was required to demonstrate the feasibility of the design of the project, to the point where the engineering documentation is sufficient to support the procurement of construction services to implement the project. Final Design includes the preparation of final design plans, final construction cost estimates, and revised project schedule, and may also encompass early construction-related activities, such as right-of-way acquisition and utility relocation.

In general, the documentation that project sponsors submit to FRA to demonstrate completion of Final Design is similar to that which constituted the outputs of Preliminary Engineering. Final Design documentation will generally incorporate design changes and refinements implemented as part of the FD process, and should reflect a level of detail sufficient to support the procurement of construction services and the effective control of the project throughout its construction. As such, major differences between the PE and FD documentation include:

- **Project Description:** Upon completion of FD, the Work Breakdown Structure of the project should reflect a level of detail sufficient to support the effective control of the project’s timely construction.
- **Final Design Documentation:** Final Design drawings should be at a level of detail sufficient to support the preparation of construction and shop drawings, and to ensure the effective control of the project’s scope and configuration.
  - As part of Final Design, detailed specification should be developed or adopted for the project, in order to ensure the quality, suitability, and durability of all construction.

Appendix 3: Additional Information on Financial Plans

The information contained below in Appendix 3 represents suggested content and approaches for completing the financial planning documentation required for Service Development Programs. While FRA does not require applicants/grantees to follow the specific document structure and content listed below, they are provided to assist applicants/grantees in fulfilling the objectives necessary to successfully complete a Financial Plan.

The Financial Plan for a Service Development Program should address two major areas of the projects financing:

- The financing of the development and implementation of the capital projects identified as necessary to support the Service Development (referred to as “capital financing”);
- The ongoing financing of the operations of the service itself, including provisions for financing any ongoing operating deficits (referred to as “operating financing”).

Appendix 3.1 General Components for Financial Plans

In general, both the capital financing and the operating financing elements of a Service Development Program’s Financial Plan should address the following topics:

- **The Financial Plan should demonstrate that the project sponsor has the legal and necessary authority to accept and spend Federal and non-Federal funds for the project.**
- **The Financial Plan documents the recent and forecasted financial condition and health of the project sponsor and other key partners that are anticipated to provide funding for the project.**
- **The Financial Plan should demonstrate that any financing necessary to deliver the project has been budgeted and committed to the project.**
  - The plan illustrates cash flow requirements to assure that funds will be available as needed, that grant funds can be spent on a timely basis, and that any project financing will be available. In general, all capital financing required for a given phase of the project’s development must be committed prior to the commencement of that phase, while all required operating financing must be committed prior to the commencement of the construction phase.
  - Both the initial Financial Plan and the annual updates should be prepared in accordance with recognized financial reporting standards such as the “Guide for Prospective Financial Information” of the American Institute of Certified Public Accountants and should be certified by the project’s sponsor.

Appendix 3.1.1 Capital Financial Planning Components

The capital financing part of a Service Development Program’s Financial Plan should address the following topics:

- **The Financial Plan demonstrates that the project sponsor has the ability to provide any required or proposed matching funds and can absorb potential cost changes and increases without impacting other proposed projects.**
- **Project sponsors must accept responsibility for any capital cost overruns if they occur and have a Financial Plan in place and another source of funds to cover overruns if needed.**
- **When a sole source or force account work is projected, the project sponsor must provide an independent analysis of comparative costs to ensure the reasonableness of the sole source budget.**

In addressing these topics, the capital financing part of the Financial Plan should comprise at least the following sections:

1. **Cost Estimate,** presenting the total cost and cost-to-complete for major project elements in year of expenditure dollars;
2. **Implementation Plan,** detailing the project schedule and the cost-to-complete in annual increments in year of expenditure dollars;
3. **Financing and Revenues,** showing each funding source as annual amounts available for project obligations;
4. **Cash Flow,** presenting cash inflows and outflows on an annual basis; and
5. **Risk Identification and Mitigation Factors,** showing how the project sponsor intends to address major financial risks, such as cost overruns and unavailability of anticipated funding.

Inputs for some of these sections will in part be drawn from, and should be consistent with, documentation prepared as part of the project development process (e.g., cost estimates and schedules), while other inputs will be drawn from, and must be consistent with, other project delivery documentation (such as risk management plans and developed as part of the Project Management Plan).

Appendix 3.1.2 Operating Financial Planning Requirements

Service Development Programs, by their very nature, carry significant risks associated with the ongoing operating of the service after the construction of capital projects has been completed and the Service Development Program has been fully implemented. In order to demonstrate that a project sponsor has the ability to address or otherwise manage this operating financing risk, the Financial Plan should include a section addressing operating financing. The operating financing part of a Service Development Program’s Financial Plan should address the following topics:

- **Operating financial projections for each phase of the planned service, with documentation of the methods, assumptions, and outputs of the following: travel demand forecasts, projected revenue, and operating expenses, including maintenance of way, maintenance of equipment, transportation...**
financing part of the Financial Plan should be consistent with, the Service Development Program’s component capital investments (not less than 20 years); the Service Development Program’s capital investments in a state-of-good repair for the period encompassing the anticipated life of the most long-lived of the Service Development Program’s capital investments (not less than 20 years);

2. Financing and Revenues, showing each funding source as annual amounts available to support any operating deficit or capital replacement requirements;

3. Cash Flow, presenting on an annual basis cash inflows and outflows; and

4. Risk Identification and Mitigation Factors, showing how the project sponsor intends to address major financial risks, such as cost overruns, revenue shortfalls, and unavailability of anticipated funding.

As with the capital financing part of the Financial Plan, inputs for some of these sections will in part be drawn from, and must be consistent with, the Service Development Plan (e.g., revenue and operating and maintenance cost forecasts and capital replacement forecasts).

Appendix 4: Additional Information on Applicant Budgets

The information contained in this appendix is intended to assist applicants with developing OMB Standard Form 424C: Budget Information—Construction Programs, as described in Section 4.2.

Applicants must present a detailed budget for the proposed project that includes both Federal funds and matching funds. Items of cost included in the budget must be reasonable, allocable, and necessary for the project. At a minimum, the budget should separate total cost of the project into the following categories and provide a basis of computation for each cost:

- **Administrative and Legal Expenses:** List the estimated amounts needed to cover administrative expenses. Do not include costs which are related to the normal functions of government. Allowable legal costs are generally only those associated with the purchase of land which is allowable for Federal participation and certain services in support of construction of the project. This may include:
  - Hours/Rate and total cost of local government staff.
  - Hours/Rate and total cost of outside counsel fees.
  - Hours/Rate and total cost of consultants.

- **Land, structures, rights-of-way, appraisals, and related items:** List the estimate site and right(s)-of-way acquisition costs (this includes purchase, lease, and/or easements). If possible, include details of number of acres, acre cost, square-footage, and square footage cost.

- **Relocation expenses and payments:** List the estimated costs relation to relocation advisory assistance, replacement of housing, relocation payments to displaced persons and businesses, etc. This may include:
  - The gross salaries and wages of employees for the grantee who will be directly engaged in performing demolition or removal of structures from developed land.
  - **Architectural and engineering fees:** List the estimated basic engineering fees related to construction (this includes start-up services and preparation of project performance work plan).
  - **Other architectural and engineering fees:** List the estimated engineering costs, such as surveys, tests, soil borings, etc.
  - **Project inspection fees:** List the estimated engineering inspection costs. This may include:
    - Rate of project inspector.
    - Construction monitoring.
    - Audit or construction programs.
  - **Site Work:** List the estimated costs of site preparation and restoration which are not included in the basic construction contract.
    - This may include:
      - Clearing.
      - Erosion control.
      - Reseeding.
  - **Demolition and removal:** List the estimated costs related to demolition activities.
  - **Construction:** List the estimated cost of the construction contract. This may include costs for:
    - Labor costs, e.g., associated with site preparation and installation of grade crossings, highway warning signs, etc.
    - Equipment rental/purchase, e.g., an excavator or bulldozer.
    - Materials, e.g., Rail anchors, retaining walls, etc.
  - **Equipment:** List the estimated cost of office, shop, laboratory, safety equipment, etc. to be used at the facility, if such costs are not included in the construction contract.
  - **Miscellaneous:** List the estimated miscellaneous costs.
  - **Contingencies:** List the estimated contingency cost.

Appendix 5: List of Acronyms and Abbreviated References

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Meaning</th>
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<tbody>
<tr>
<td>ACF</td>
<td>Administration for Children and Families.</td>
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<tr>
<td>ADA</td>
<td>Americans with Disabilities Act.</td>
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<tr>
<td>Administrator</td>
<td>Administrator of the Federal Railroad Administration.</td>
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<tr>
<td>CAST</td>
<td>Custom Applications Support and Training Unit (GrantSolutions).</td>
</tr>
<tr>
<td>CCR</td>
<td>Central Contractor Registration database.</td>
</tr>
<tr>
<td>CE</td>
<td>Categorical Exclusion—a class of action for the NEPA process.</td>
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<tr>
<td>DBE</td>
<td>Disadvantaged Business Enterprise.</td>
</tr>
<tr>
<td>DOT</td>
<td>The United States Department of Transportation.</td>
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<tr>
<td>DUNS</td>
<td>Data Universal Number System.</td>
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<tr>
<td>EA</td>
<td>Environmental Assessment—a NEPA document.</td>
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<tr>
<td>EIS</td>
<td>Environmental Impact Statement—the most extensive type of NEPA document.</td>
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<tr>
<td>FD</td>
<td>Final Design.</td>
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<tr>
<td>FHWA</td>
<td>Federal Highway Administration.</td>
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<tr>
<td>FONSI</td>
<td>Finding of No Significant Impact—a possible decision concluding the NEPA process.</td>
</tr>
<tr>
<td>FRA</td>
<td>Federal Railroad Administration—an operating administration of the U.S. Department of Transportation.</td>
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<tr>
<td>FTA</td>
<td>Federal Transit Administration.</td>
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<tr>
<td>FY</td>
<td>Fiscal Year.</td>
</tr>
<tr>
<td>GMLoB</td>
<td>Grants Management Line of Business.</td>
</tr>
<tr>
<td>GS</td>
<td>GrantSolutions grants management system.</td>
</tr>
<tr>
<td>ICC</td>
<td>Interstate Commerce Commission.</td>
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</table>
DEPARTMENT OF TRANSPORTATION
Federal Railroad Administration

High-Speed Intercity Passenger Rail (HSIPR) Program

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of funding availability for Individual Projects; issuance of interim program guidance.


FOR FURTHER INFORMATION CONTACT: For further information regarding this notice and the HSIPR program, please contact the FRA HSIPR Program Manager via e-mail at HSIPR@dot.gov, or by mail: U.S. Department of Transportation, Federal Railroad Administration, MS–20, 1200 New Jersey Avenue, SE., Washington, DC 20590 Att’n: HSIPR Program.

SUPPORTING INFORMATION:
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Appendix 2: Additional Information on Stages of Project Development
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Appendix 4: List of Acronyms and Abbreviated References

Section 1: Funding Opportunity Description

1.1 Legislative Authority

This interim program guidance and financial assistance announcement pertains to the funding made available for Individual Projects under FRA’s HSIPR program. The authority for this grant program is contained in two pieces of legislation:
- The Passenger Rail Investment and Improvement Act of 2008 (PRIIA), under Sections 301, 302, and 501: Intercity Passenger Rail Service Corridor Capital Assistance (codified at 49 U.S.C. chapter 244). General Passenger Rail Transportation (codified at 49 U.S.C. chapter 24105), and High-Speed Rail Assistance (codified at 49 U.S.C. chapter 26106), respectively; and

This document incorporates interim guidance required for the HSIPR program pursuant to the FY 2010 DOT Appropriations Act and 49 U.S.C. 24402(a)(2).

1.2 Funding Approach

The FY 2010 DOT Appropriations Act appropriated a total of $2.5 billion for the HSIPR program. FRA is soliciting grant applications separately for the different components of this appropriation:
- FY 2010 Individual Projects (up to $245 million): Final Design/Construction or Preliminary Engineering/NEPA for Individual Projects with a 20 percent non-Federal match. This solicitation is for these funds.
- FY 2010 Service Development Programs (at least $2.125 billion): Service Development Programs with a 20 percent non-Federal match. The notice of funding availability (NOFA) for these funds is being issued concurrently with this solicitation.
- FY 2010 Multi-State Proposals (from $50 million for Planning Projects): Proposals for Federally-led preparation of planning documents for high-speed rail corridors that cross multiple states. The guidance for submitting proposals was published on April 1, 2010, and applications were due May 19, 2010. The balance of the $2.5 billion is allocated to HSIPR program administration and research.

1.3 Forthcoming Interim Guidance

FRA is preparing a draft guidance document as part of the process of

Issued in Washington, DC on June 25, 2010.
Joseph C. Szabo,
Administrator.

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BILLING CODE 4910–06–P
establishing a long-term framework for the HSIPR program. This document, anticipated for publication later this year, will include details about each stage of the project development process (from planning and design through construction and operation), as well as provide substantial technical assistance on the processes and documentation needed for successful project development and delivery. This guidance is intended for future program administration and does not apply to this funding solicitation or the application process described in this notice.

The initial draft of this pending guidance document will be open for public comment, and FRA will utilize various outreach mechanisms for soliciting feedback from the HSIPR stakeholder community. FRA expects to modify the draft guidance document taking into account this feedback and to eventually issue Final Guidance that will include standards and guidelines that will be applicable to future funding opportunities.

Section 2: Award Information

Of the $2.5 billion appropriated by Congress, up to $245 million is available for individual projects. These grants are authorized under 49 U.S.C. 24406, 49 U.S.C. 24105, and 49 U.S.C. 26106.

Individual grants made under this solicitation are intended to assist States and other eligible applicants with the capital costs of improving existing high-speed or intercity passenger rail service. (See Appendix 1 for the definition of “high-speed and intercity passenger rail.”) This financial assistance opportunity is for projects that involve the following activities:

- Final design (FD)/Construction of projects that already have completed site-specific NEPA documentation (project final environmental impact statement (EIS), final environmental assessment (EA) or categorical exclusion (CE) documentation) and completed preliminary engineering (PE); or
- Completion of project NEPA and PE documentation. Completion of the grant activities should result in all of the documentation necessary for the project to move into the FD/Construction stage.

The intent of the Individual Project solicitations is to fund discrete Individual Projects that result in operational or other tangible improvements (such as station rehabilitation) benefiting one or more existing high-speed or intercity passenger rail services.

For an applicant to demonstrate that it has or will have the capability and willingness to carry out the activities proposed within an application. A prospective applicant that does not fall within the definition of a State, group of States, or Amtrak will also be required to submit documentation (such as copies of legislation) demonstrating its legal authority to provide intercity or high-speed passenger rail service on behalf of a State or group of States.

In addition, the applicant must demonstrate that it has or will have satisfactory continuing control over the use of equipment or facilities acquired, constructed, or improved by the project and the capability and willingness to maintain such equipment or facilities.

For an applicant to demonstrate the legal, financial, and technical capacity to carry out the activities proposed in its application, the applicant will be required to address the following qualifications:

- The applicant’s ability to absorb potential cost overruns or financial shortfalls;
- The applicant’s experience in effectively administering grants of similar scope and value (including timely completion of grant deliverables, compliance with grant conditions, and quality and cost controls); and
- The applicant’s experience in managing railroad investment project development activities of a nature similar to those for which funding is being requested.

For an applicant to demonstrate that it has or will have direct ownership of the equipment or facilities acquired, constructed, or improved by the project, the applicant will be required to show either:

- That the applicant has or will have direct ownership of the equipment or facilities acquired, constructed, or improved by the project; or
- That the applicant has secured or has made progress towards securing and will have enforceable contractual agreements providing satisfactory continuing control in place with the entity or entities (e.g., one or more railroads, or a local government) that have or will have direct ownership of such assets.

For an applicant to demonstrate that it has or will have the capability and willingness to maintain the equipment

allow for greater Federal involvement in carrying out the agreed upon investment. The substantial Federal involvement for these projects will include technical assistance, review of interim work products, and increased program oversight. The funding provided under these cooperative agreements will be made available to grantees on a reimbursable basis.

While there are no predetermined minimum or maximum dollar thresholds for awards, FRA anticipates making multiple awards from the maximum $245 million available for Individual Projects. As such, FRA expects applicants to tailor their applications and proposed project scopes accordingly. Pursuant to 49 U.S.C. 24402(g)(1), FRA will establish the net project cost for the scope of work proposed in an application, based on engineering materials, studies of economic feasibility, information on the expected use of equipment or facilities, and other project information provided in an application. FRA reserves the right to contact applicants with any questions or comments related to applications.

Section 3: Eligibility Information

Applications under this solicitation will be required to meet minimum requirements related to applicant eligibility, project eligibility, and the fulfillment of other eligibility requirements. To the extent that an application’s substance exceeds the minimum eligibility requirements described below, such information will be considered in evaluating the merits of an application (see Section 5 for evaluation and selection criteria).

3.1 Eligible Applicants

Eligible applicant entities are as follows:

- States (including the District of Columbia);
- Groups of States (Sections 301 and 501 of PRIIA);
- Interstate compacts (Sections 301 and 501);
- Public agencies established by one or more States and having responsibility for providing intercity passenger rail service (Section 301) or high-speed passenger rail service (Section 501);
- Amtrak (Section 501); and
- Amtrak, in cooperation with States (Sections 301 and 302; see 49 U.S.C. 24402(o) for additional information on Amtrak’s eligibility requirements when applying for grants in cooperation with States).

3.2 Minimum Qualifications for Applicant Eligibility

An applicant must, in addition to demonstrating that it is an eligible applicant type for the Individual Project, affirmatively demonstrate that the applicant has or will have the legal, financial, and technical capacity to carry out the activities proposed within an application. A prospective applicant that does not fall within the definition of a State, group of States, or Amtrak will also be required to submit documentation (such as copies of legislation) demonstrating its legal authority to provide intercity or high-speed passenger rail service on behalf of a State or group of States.

In addition, the applicant must demonstrate that it has or will have satisfactory continuing control over the use of equipment or facilities acquired, constructed, or improved by the project and the capability and willingness to maintain such equipment or facilities.

For an applicant to demonstrate the legal, financial, and technical capacity to carry out the activities proposed in its application, the applicant will be required to address the following qualifications:

- The applicant’s ability to absorb potential cost overruns or financial shortfalls;
- The applicant’s experience in effectively administering grants of similar scope and value (including timely completion of grant deliverables, compliance with grant conditions, and quality and cost controls); and
- The applicant’s experience in managing railroad investment project development activities of a nature similar to those for which funding is being requested.

For an applicant to demonstrate that it has or will have direct ownership of the equipment or facilities acquired, constructed, or improved by the project, the applicant will be required to show either:

- That the applicant has or will have direct ownership of the equipment or facilities acquired, constructed, or improved by the project; or
- That the applicant has secured or has made progress towards securing and will have enforceable contractual agreements providing satisfactory continuing control in place with the entity or entities (e.g., one or more railroads, or a local government) that have or will have direct ownership of such assets.

For an applicant to demonstrate that it has or will have the capability and willingness to maintain the equipment
or facilities acquired, constructed, or improved by the project, the applicant will be required to show:

- That it has made progress toward, and will have contractual agreements in place with, any entity or entities (e.g., one or more railroads, or a local government) that have or will have direct ownership of the equipment or facilities acquired, constructed, or improved by the project, which address financial and operational responsibility for asset use and maintenance for the useful life of the asset;
- That, to the extent financial responsibility will fall to the applicant, a viable funding source(s) has been identified to cover maintenance costs; and
- The applicant’s experience in maintaining assets with similar financial and operational maintenance requirements as those assets for which funding is being requested.

Information and documentation demonstrating the fulfillment of the minimum qualifications described above must be submitted as part of the application (see Section 4.2).

3.3 Cost Sharing

3.3.1 Applicant Cost Sharing

The Federal share of the costs of projects funded through this solicitation shall not exceed 80 percent.

If an applicant chooses the option of contributing, from its own, its partner project sponsors’, or other interested parties’ resources, more than the required 20 percent non-Federal share of the costs of its proposed project, such additional contributions will be considered in evaluating the merit of its application.

3.3.2 Requirements for Applicant Cost Sharing

An applicant’s contribution toward the cost of its proposed project may be in the form of cash or, with FRA approval, in-kind contributions of services or supplies related to the activities proposed for funding. As part of its application, an applicant offering an in-kind contribution must provide a documented estimate of the monetary value of any such contribution and its eligibility under 49 CFR 18.24 or 19.23. However, all in-kind contributions must be allowable, reasonable, allocable, and in accordance with applicable OMB cost principles, and must not represent double-counting of costs otherwise accounted for in an indirect cost rate pursuant to which the applicant will seek reimbursement.

The applicant must provide, as part of its application, documentation that demonstrates that it has committed and will be able to fulfill any required and pledged contribution, including committing any required financial resources that are budgeted or planned at the time the application is submitted.

All applicants will be required to identify a viable funding source(s) at the time of application to absorb any cost overruns and deliver the proposed project with no Federal funding or financial assistance beyond that provided in the cooperative agreement.

3.4 Eligible Individual Projects

Eligible Individual Project activities under this funding announcement include completion of PE/NEPA documentation, final design (FD), and construction activities. These activities are broken into two categories for the purpose of this solicitation and the application process: PE/NEPA completion and FD/Construction activities.

This solicitation will fund activities to advance discrete capital projects that will result in service benefits or other tangible improvements on a corridor. Capital projects are defined by 49 U.S.C. 24401(2) and 49 U.S.C. 26106(b)(3) as acquiring, constructing, improving, or inspecting equipment, track and track structures, or a facility for use in or for the primary benefit of high-speed and intercity passenger rail service, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, environmental studies, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, highway-rail grade crossing improvements related to high-speed and intercity passenger rail service, mitigating environmental impacts, communication and signalization improvements, relocation assistance, acquiring replacement housing sites, acquiring, constructing, relocating, and rehabilitating replacement housing, rehabilitating, remanufacturing, or overhauling rolling stock and facilities used primarily in intercity passenger rail service, providing access to rolling stock for nonmotorized transportation and storage capacity in trains for such transportation, equipment, and other luggage; and the first-dollar liability costs for insurance related to the provision of intercity passenger rail service under 49 U.S.C. 24404. FRA will not fund activities not included in this definition nor consider the funding of any such activities in calculating an applicant’s required cost share.

3.4.1 Eligible FD/Construction Activities

FRA intends for grants awarded for FD/Construction activities to fund the design, construction, and full implementation of projects that have completed PE/NEPA requirements, as outlined in Section 4.2.5 below.

FRA may consider funding only final design for projects that represent a critical strategic investment for HSIPR service, are sufficiently complex and broad in scope, and for which final design would constitute a substantial step in implementing the project. See Section 4.2.5 and Appendix 2 for more information on requirements for demonstrating completion of PE/NEPA and the requirements for Final Design.

3.4.2 Eligible PE/NEPA Activities

FRA intends for PE/NEPA grants to fund activities that lead directly to completion of preliminary engineering (PE) and/or project NEPA and related environmental documentation. See Appendix 2.2 for more information on NEPA documentation and Appendix 2.3 for more information on PE materials.

Activities proposed in an application must include all remaining work needed to fully complete both PE and NEPA documentation to be eligible for consideration under this solicitation. The PE/NEPA documents resulting from the grant activities must be sufficiently developed to support immediate commencement of final design or construction activities; however, these final design and construction activities would not be funded as part of the grant award.

3.4.3 Standard and Major Capital Projects

FRA will be distinguishing between “Standard” and “Major” Capital Projects. As required by PRIIA (49 U.S.C. 24403(a)), and in keeping with project management approaches in use by other DOT agencies (e.g., FTA’s Project Management Oversight program (49 CFR part 633), and FHWA’s IPD Major Project Delivery Guidance), large, complex capital projects, designated as “Major Capital Projects,” call for a particularly rigorous approach towards project management and oversight.

All Individual Projects will be assumed to be Standard Capital Projects. However, the Administrator may designate an Individual Project as a Major Capital Project if it is determined that the project carries more delivery risk and therefore would benefit from a more rigorous approach toward project management. Individual Major Capital Projects will typically be those that:
• Involve a recipient whose past experience in managing and overseeing similar HSIPR projects is limited;
• Involve the use of new or unproven technology;
• Involve particularly complex institutional relationships among project stakeholders (e.g., multiple rail freight operators, intercity and commuter rail passenger operators, infrastructure-owning railroads, and government agencies); and/or
• Are expected to have a total project cost in excess of $100 million.

3.5 Additional Eligibility Requirements

3.5.1 Project Planning

Individual Projects must be identified through a rational planning process that analyzes the investment needs and service objectives of the service that the Individual Project is intended to benefit. This document may be a Service Development Plan, State Rail Plan, or similar planning document.

At a minimum, the project planning process must demonstrate that the project has been identified as the best solution for solving a specific existing transportation problem, and make the case for investing in the proposed solution. In doing so, project planning must encompass activities such as identifying the purpose and need for the project and analyzing the costs, benefits, and impacts of a range of alternatives for implementing the project and alternatives to the project. More information on the objectives and preparation of project planning is included in Appendix 2.1.

3.5.2 Operational Independence

All projects that are proposed to be advanced using HSIPR program funding must have operational independence. A project is considered to have operational independence if, upon being implemented, it will provide tangible and measurable benefits, even if no additional investments in the same service are made. Examples of these benefits include operational reliability improvements, travel-time reductions, and additional service frequencies resulting in increased ridership. When applying for funding for PE/NEPA activities, an applicant must demonstrate that the project will have operational independence were it to advance to construction and full implementation.

Applications for projects the benefits of which are fully contingent upon FRA’s selection of another application, or which fail to provide information on the stand-alone benefits of the project, will not be considered for funding.

3.5.3 Availability of Funds

It is important for awarded projects to be brought promptly to obligation through execution of a cooperative agreement by the applicant and FRA and for awarded funds to be expended without delay and in accordance with the statement of work and project schedules included in the cooperative agreement. Under 49 U.S.C. 24402(h), if any amount awarded under the HSIPR program is not obligated within 2 years of the date on which the award is made, FRA may cancel the award and redistribute the funds to other HSIPR projects at the FRA Administrator’s sole discretion. Similarly, FRA may require the return of obligated funds that remain unexpended if the grantee is not making satisfactory progress in implementing the project or program as provided for in the cooperative agreement.

3.5.4 Eligibility Restrictions

Pursuant to the provisions of Sections 301, 302, and 501 of PRIIA, the following activities are ineligible to receive Federal funding under this solicitation:
• Applications submitted by private entities other than Amtrak;
• Projects for which commuter rail passenger transportation is the primary intended beneficiary (see Appendix 1); and
• Projects in which the physical improvements are located outside of the United States; and
• Any expenses associated with passenger rail operating costs.

3.5.5 Funding Restrictions

In general, only those costs considered allowable pursuant to OMB Circular A-87, “Cost Principles for State, Local, and Indian Tribal Governments” (codified at 2 CFR part 225), will be considered for funding. Additionally, the following funding restrictions will apply to cooperative agreements awarded under this solicitation and must be taken into consideration in the development of budget information submitted as part of an application:
• Funding may not be used to fund expenses associated with the operation of intercity passenger rail service; and
• While there is no cap on a grant recipient’s use of grant funds for management and administrative costs, such costs must be allowable, reasonable, allocable, and in accordance with applicable OMB cost principles cited above.

FRA will also consider reimbursement of pre-award costs incurred after the enactment of the FY 2010 DOT Appropriations Act (December 16, 2009). However, such costs will be considered for reimbursement only to the extent that they are otherwise allowable under the applicable cost principles. To the extent such pre-award costs are incurred prior to the date of submission of an application, the application must show in detail what costs have been incurred in order for such costs to be considered for reimbursement.

Projects for which construction activities commenced prior to receipt of an FRA environmental determination under NEPA will not be eligible for funding.

Additionally, a grant recipient may not generally expend any of the funds provided in an award on construction or other activities that represent an irretrievable commitment of resources to a particular course of action affecting the environment until after all environmental and historic preservation analyses required by the National Environmental Policy Act (42 U.S.C. 4332) (NEPA), the National Historic Preservation Act (16 U.S.C. 470(f)) (NHPA), and related laws and regulations have been completed and FRA has provided the grant recipient with a written notice authorizing it to proceed.

3.5.6 Standards for Equipment Procurement or Design Grants

If the applicant is seeking a grant for the procurement or design of railroad equipment, the proposed equipment should be consistent with specifications developed by the Next Generation Corridor Equipment Pool Committee. This Committee was established under Section 305 of PRIIA to develop a pool of standardized next-generation rail corridor equipment. Compliance with Section 305 of PRIIA will assist in creating the economies of scale necessary to achieve the Administration’s goal of developing a sustainable railroad equipment manufacturing base in the United States, as outlined in the Vision for High-Speed Rail in America (April 2009). The Next Generation Corridor Equipment Pool Committee will be issuing specifications for bi-level cars this summer, single-level cars this winter, and locomotives in 2011.

3.5.7 Positive Train Control (PTC)

If, as a component of an investment intended to benefit high-speed or intercity passenger rail service, a project involves installation and/or improvements to railroad signaling/control systems, the application must demonstrate that the proposed improvements are consistent with a comprehensive plan for complying with

Section 4: Application and Submission Information

4.1 Application Procedures

FRA participates in the Grants Management Line of Business (GMLoB) E-Gov initiative. As part of that initiative, FRA uses the Administration for Children and Families’ (ACF) GrantSolutions (GS) Grants Management System. All applications must be submitted to FRA through GrantSolutions. To access the system, go to https://www.grantsolutions.gov. Should an applicant encounter difficulties accessing using GS, please contact the GrantSolutions Help Desk at 1–866–577–0771 or via email at help@grantsolutions.gov. Applicants must complete the following three steps prior to submitting an application through GS:

• Register in GS. Go to https://www.grantsolutions.gov and select “Register” on the right side of the page. Applicants should begin the process immediately to meet the application submission deadlines.
• Obtain a Data Universal Number System (DUNS) number. All applicants must include a DUNS number in their application. Applications without a DUNS number are incomplete. A DUNS number is a unique nine-digit number recognized as the universal standard for identifying and keeping track of entities receiving Federal funds. The identifier is used for tracking purposes and to validate address and point of contact information for Federal assistance applicants, recipients and subrecipients. The DUNS number will be used throughout the grant lifecycle. Obtaining a DUNS number is a free, simple, one-time activity. Obtain a number by calling 1–866–705–5177 or by applying online at http://fedgov.dnb.com/webform/displayHomePage.do.
• Register in the Central Contractor Registration (CCR) database. FRA also requires that all applicants (other than individuals) for Federal financial assistance maintain current registrations in the CCR database. The CCR database is the repository for standard information about Federal financial assistance applicants, recipients and subrecipients. Organizations that have previously submitted applications via http://www.grants.gov or GrantSolutions should already be registered with CCR. Please note, however, that applicants must update or renew their CCR registration at least once per year to maintain an active status. Information about registration procedures can be accessed at http://www.ccr.gov.

Standard OMB forms (identified in Section 4.2.3) will be available electronically on the Funding Opportunity page at http://www.GrantSolutions.gov. The Funding Opportunity screen provides applicants with general announcement information and access to all application kit materials in order to view and print application forms and information. In addition, applicants can apply online through this screen.

Program-specific forms (identified in Sections 4.2.1, 4.2.2, and 4.2.4) may be downloaded from FRA’s Web site at http://www.fra.dot.gov/Pages/477.shtml.

4.1.2 Address to Request Paper Application Package

If Internet access is unavailable, please write to FRA at the address below to request a paper application.

U.S. Department of Transportation, Federal Railroad Administration, Attn: HSIPR Program Information (RPD–10), Mail Stop 20, 1200 New Jersey Avenue, SE., Washington, DC 20590.

4.2 Application Package

Required documents for the application package vary by type of grant activity, as summarized in the checklist below.

APPLICATION CHECKLIST

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<thead>
<tr>
<th>Documents</th>
<th>Format</th>
<th>Grant activity</th>
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<td>FD/Construction</td>
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<tr>
<td>1. Application Forms</td>
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<td>☐ HSIPR Individual Project Application Form—PE/NEPA</td>
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<td>2. Budget and Schedule Form</td>
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<td>3. OMB Standard Forms</td>
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<td>☐ SF 424A: Budget Information-Non Construction</td>
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<td>☐ SF 424B: Assurances-Non Construction</td>
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<td>☐ SF 424C: Budget Information-Construction</td>
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<td>☐ SF 424D: Assurances-Construction</td>
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<td>5. Project Development Supporting Documentation</td>
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<td>☐ Preliminary Engineering (PE) Documentation</td>
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<td>☐ NEPA Documentation</td>
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APPLICATION CHECKLIST—Continued

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<td>System Safety Plan</td>
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<tr>
<td>Railroad and Project Sponsor Agreements</td>
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</tr>
</tbody>
</table>

6. Project Delivery Supporting Documentation

☐ Other Relevant and Available Documentation n/a Optional

* These documents are required for FD/Construction projects that include investments that are not construction activities.
** These documents are not required for FD/Construction applications that only include investments that are not construction activities.

Applicants must complete and submit all components of the application package as required by grant activity; failure to do so may result in the application being removed from consideration for award. All components of the application package must be submitted through GrantSolutions (including optional supporting documentation), as described in Section 4.1.1.

The application package for HSIPR Individual Projects contains seven components:

1. HSIPR Individual Project Application Form (varies by project type) (see Section 4.2.1)
2. HSIPR Individual Project Budget and Schedule Form (see Section 4.2.2)
3. OMB Standard Forms (vary by project type) (see Section 4.2.3)
4. FRA Assurances Document (see Section 4.2.4)
5. Project Development Supporting Documentation (see Section 4.2.5)
6. Project Delivery Supporting Documentation (see Section 4.2.6)
7. Optional Supporting Documentation (see Section 4.2.7)

For any other documentation required prior to award that is not specified in this notice, FRA will make individual arrangements with applicants for the submission of the required documentation.

4.2.1 HSIPR Individual Project Application Forms

Applicants applying for funding for PE/NEPA completion must complete the HSIPR Individual Project—PE/NEPA Application Form; applicants applying for funding for FD/Construction activities must complete the HSIPR Individual Project—FD/Construction Application Form.

The Application Forms include fields that have been developed by FRA to capture pertinent qualitative and quantitative project-specific information that is needed for FRA to confirm applicant and project eligibility, as well as information needed for evaluation and selection of applications. Both Application Forms request three types of information:

1. General applicant and project information;
2. Narratives that allow the applicant to make arguments for the benefits of the proposed project or underlying project and other factors that are used to evaluate the merits of the application (see Section 5.2 for evaluation criteria); and
3. A Statement of Work (SOW)—scope, schedule, and budget—that provides a description of the work that will be completed under the cooperative agreement, including the objectives, deliverables, milestones, project management information, and a budget broken down by deliverables and milestones that includes the assumptions used to develop the estimates. See Appendix 3 of this solicitation for more information on preparing project budgets.

4.2.2 HSIPR Individual Project Budget and Schedule Form

The HSIPR Individual Project Budget and Schedule Form is a Microsoft Excel document that supports the qualitative and quantitative claims made in the applicant’s HSIPR Individual Project Application Form. In addition to capturing detailed project budget and schedule information, the form also describes the standard cost categories developed by FRA to assist in evaluating and selecting projects.

4.2.3 OMB Standard Forms

The Standard Forms are developed by the Office of Management and Budget (OMB) and are required of all grant applicants. While all applicants must submit Standard Forms with their application materials, the specific forms required vary by grant activity.

Applicants applying for funding for FD/Construction activities (except for projects that do not include construction activities) should submit the following forms electronically through GrantSolutions:

• Standard Form 424: Application for Federal Assistance;
• Standard Form 424C: Budget Information—Construction Programs;
• Standard Form 424D: Assurances—Construction Programs.

Applicants applying for funding for PE/NEPA completion or for FD/Construction activities that do not include construction activities should submit the following forms electronically through GrantSolutions:

• Standard Form 424: Application for Federal Assistance;
• Standard Form 424A: Budget Information—Non-Construction Programs;
• Standard Form 424B: Assurances—Non-Construction Programs.

4.2.4 FRA Assurances Document

The FRA Assurances document contains standard Department certifications on grantee suspension and debarment, drug-free workplace requirements, and Federal lobbying. The FRA Assurances document can be obtained from FRA’s Web site at http://www.fra.dot.gov/downloads/admin/assurancesandcertifications.pdf. The document should be signed by an authorized certifying official for the applicant, scanned into electronic format, and submitted through GrantSolutions.

4.2.5 Project Development Supporting Documentation

The project development documentation below focuses on the physical attributes of a project and its
anticipated outcomes and varies by the type of activity for which funding is being sought. These materials must demonstrate that the project has completed the specified prerequisites for the project’s prior phases of development, and is ready to progress to the next phase of development.

- Project Planning Documentation—
  - All projects: Applicants should provide documents that identifies the proposed project as an outcome of a rational planning process, demonstrates that the project has been identified as the best solution for solving a specific existing transportation problem, and makes the case for investing in the proposed solution. This document may be a Service Development Plan, State Rail Plan, or other project planning document. At a minimum, the project planning process must demonstrate that the project has been identified as the best solution for solving a specific existing transportation problem and make the case for investing in the proposed solution. In doing so, project planning must encompass activities such as identifying the purpose and need for the project and analyzing the costs, benefits, and impacts of a range of alternatives for implementing the project and alternatives to the project.
  - FRA recognizes that a variety of formats and types of information may meet the objectives described above.
  - Applications that do not demonstrate fulfillment of these objectives may be determined by FRA to be not ready for consideration and evaluation. See Appendix 2.1 for additional information and suggested content for project planning documentation that satisfies the objectives above.
  - Preliminary Engineering (PE) Documentation—
    - FD/Construction projects: Applicants should provide documents that demonstrate completion of PE (or Final Design, if completed) for the proposed project. PE refines project plans and conceptual designs in order to identify the specific design alternative that can assure delivery of project objectives. At a minimum, PE documentation must demonstrate fully (1) the construction and operational feasibility of the project, (2) a level of project design, cost estimates, and schedules sufficient to advance immediately into full implementation, e.g., through a “design-build” contract, and, as applicable, (3) identification of service operation outcomes sufficient to support agreements with other parties (e.g., railroads) needed to deliver those benefits.
  - PE/NEPA projects: Applicants should provide any documents that demonstrate the PE status, if begun, of the proposed project. See Appendix 2.3 for additional information on Preliminary Engineering.
    - National Environmental Policy Act (NEPA) Documentation—
      - FD/Construction projects: Applicants must provide documents (e.g., a Categorical Exclusion (CE) worksheet, a completed Environmental Assessment (EA), or a completed Final Environmental Impact Statement (FEIS)) that demonstrate completion of the NEPA process for the proposed project (either submitted with the application package or referenced through an accurate URL). Any NEPA documentation submitted must be approved by the responsible state agency as sufficient and complete.
      - While a project NEPA determination (a Record of Decision, Finding of No Significant Impact, or CE determination) is not required at the time of application submission, this determination must be issued by FRA prior to award of a construction grant and commencement of any construction activities related to the project. FRA will not consider for an award any project that is not supported by an adequate and appropriate NEPA document.
      - PE/NEPA projects: Applicants should provide any documents that demonstrate the status of NEPA documentation, if begun, of the proposed project.
      - NEPA requirements are detailed in Appendix 2.2 of this solicitation.

4.2.6 Project Delivery Supporting Documentation

Project delivery documentation of the types described below focuses on the implementation of the project and how the risks and uncertainties associated with the project will be managed.

- FRA recognizes that a variety of formats and types of information may meet the objectives described below.
- Applications that do not demonstrate fulfillment of these objectives may be determined by FRA to be not ready for consideration and evaluation.
- PE/NEPA projects: Applicants should provide any documents that demonstrate the status of NEPA documentation, if begun, of the proposed project.
- Financial planning documentation addresses the project’s approach toward managing the financial resources necessary to deliver the project. At a minimum, the financial planning documentation for Individual Projects must include the following:
  - Documentation of the applicant’s legal and other necessary authority to accept and spend Federal and non-Federal funds for the project;
  - Information describing the recent and forecasted financial condition and health of the applicant and other key partners that are anticipated to provide funding for the project;
  - Documentation demonstrating that any non-HSIPR program funding necessary to complete an application’s proposed activities has been, or is reasonably expected to be, committed;
  - Description of the risks associated with project financing (e.g., any uncertainty regarding funding commitments and the potential for unanticipated cost overruns) and of the approach to managing those risks;
  - A cash flow forecast showing the individual sources and uses of all project funding (preferably by quarter); and
  - Documentation demonstrating that the HSIPR service that is intended to benefit from the project will remain operationally and financially viable throughout the anticipated life of the project improvements (e.g., State operating support to make up any deficits).

Financial planning documentation accompanying a PE/NEPA application must only address the PE/NEPA phase of the project’s development, not the future final design and construction activities of the underlying project.

- System Safety Plan—A System Safety Plan (SSP) must be submitted that demonstrates that the project’s design, implementation, and operation will comply with all applicable FRA safety requirements and will be performed in a manner that places safety as the highest priority. In general, the length, detail, and complexity of the SSP will depend significantly on the size and complexity of the project. For relatively simple projects, the SSP may be very limited, describing the project
design’s compliance with specific safety regulations, and providing reference to procedures that will be followed for ensuring the project’s safe implementation. As applicable, the preparation of the SSP should be closely coordinated with, and may draw content from, documentation prepared by the applicant to satisfy requirements of the FRA Office of Railroad Safety, especially the guidelines for an APTA/FRA System Safety Program Plan, the FRA guidelines for collision hazard analysis, and any subsequent FRA regulations currently being developed requiring System Safety Plans. Prior to FRA issuing a cooperative agreement for an Individual Project, an applicant must complete a System Security Plan. Neither a System Safety Plan nor System Security Plan is required for a PE/NEPA application.

Railroad and Project Sponsor Agreements—Although the implementation of a HSIPR Individual Project will generally require the development of numerous agreements of varying complexity between the parties involved with and affected by the project, two categories of agreement represent key elements of project delivery: (1) Agreements between the project sponsor(s) and the railroad(s) that own the infrastructure and that operate the service, and (2) agreements between multiple project sponsors, for projects that cross jurisdictional boundaries and/or involve subrecipients. Agreements with these key project stakeholders should be appropriate for the phase of development the project has reached:

- FD/Construction applications: Applications for FD/Construction activities must include, at a minimum, agreements in principle with railroads that own any infrastructure to be improved as part of the project and the operator of the HSIPR service(s) that will benefit from the project. Agreements in principle must demonstrate the railroads’ commitment to taking all steps within their control to ensure the achievement of the public benefits (and particularly all operational benefits) of the Individual Project that are described in the application. Such agreements in principle should be structured so as to be able serve as the basis for future contractual agreements through which the railroads’ cooperation in achieving the public benefits may be enforced by the project sponsor.

- PE/NEPA applications: Prior to commencement of PE/NEPA activities, project sponsors must reach agreements in principle with all involved railroads (whether operators or infrastructure owners) that address the following three topics in detail (as applicable):
  1. Concurrence with the suitability of the identified project alternative to fulfill the purpose and need of the project;
  2. Participation in the refinement of project designs, cost estimates, and schedules; and
  3. Site access to support the completion of project NEPA.

- For any project (FD/Construction or PE/NEPA) that has multiple potential grantees or project sponsors, the application must include a Project Sponsor Agreement executed among all of the parties involved that establishes the relationships between these entities and that identifies a single legal Grantee who will be responsible to and serve as the primary point of contact for FRA.

4.2.7 Optional Supporting Documentation

Other Relevant and Available Documentation—To support the application package, FRA welcomes the submission of any other relevant and available supporting documentation that may have been developed by the applicant. The format and structure of any optional supporting documents is at the discretion of the applicant. Optional supporting documentation may be provided one of two ways: (1) As attachments to the application, or (2) in hard copy to the address in Section 4.5 for materials that cannot otherwise be provided electronically. Applicants should provide notifications of any documentation being submitted in hard copy in the appropriate section of the Application Form.

4.3 Submission Date and Time

Applications for these funds must be submitted through Grantsolutions by 5 p.m. EDT, August 6, 2010.

4.4 Intergovernmental Review

This program has not been designated as subject to Executive Order 12372 pursuant to 49 CFR part 17.

4.5 Other Submission Information

As detailed in Section 4.1.1, all application materials, including supporting documentation, should be submitted through Grantsolutions. Should an applicant encounter technical difficulties using the Grantsolutions system, please contact the GrantSolutions Help Desk at 1-866-577-0771 or via email at help@grantsolutions.gov. If the applicant experiences technical issues that may cause the applicant to miss the application deadline, the applicant must contact FRA at HSIPR@dot.gov immediately to request consideration to submit the application after the deadline. FRA staff may ask the applicant to email the complete grant application, the DUNS number, and provide a GrantSolutions Customer Support tracking number(s). After FRA reviews all of the information submitted and contacts the GrantSolutions Customer Support to validate the technical issues reported, FRA will contact the applicant to either approve or deny the request to submit a late application. If the technical issues reported cannot be validated, the application may be rejected as untimely. If the application submitted by email, the applicant should print, sign, scan into electronic format (preferably Adobe Portable Document Format (.pdf)), and attach to the submission email copies of all application forms requiring the applicant’s signature.

For optional supporting documentation that an applicant is unable to submit electronically (such as oversized engineering drawings), an applicant may submit an original and two copies to the address below. However, due to delays caused by enhanced screening of mail delivered via the U.S. Postal Service, applicants are advised to use other means of conveyance (such as courier service) to ensure timely receipt of materials.

U.S. Department of Transportation, Federal Railroad Administration, RPD–10 Room 38–302, Mail Stop 20, 1200 New Jersey Avenue, SE., Washington, DC 20590.

Section 5: Application Review Information

5.1 Review and Selection Process

Complete applications are due by 5 p.m. EDT, August 6, 2010. Applications will proceed through a three-step process:

1. Screening for completeness and eligibility (requirements outlined above in Section 3);
2. Review of each eligible application individually by a technical panel applying “evaluation criteria;” and
3. Final review of all eligible applications collectively and selection by the FRA Administrator applying “selection criteria.”

All applications will first be screened for completeness and applicant and project eligibility. Applications determined to be both complete and eligible will be referred to a technical panel consisting of subject-matter experts for an evaluation review. The panels will be comprised of professional
staff employed by FRA and other DOT modal administrations, as appropriate.

Applications will be individually reviewed and assessed against the evaluation criteria outlined in Section 5.2. For each of the criteria, the panel will assign a rating of zero to three points, based on the application’s fulfillment of the objectives of each criterion. These individual criterion ratings will then be combined according to priority of criteria to arrive at an overall rating for the application.

The evaluation criteria, ranked in order of priority, are:

1. Public Benefits/Project Delivery Approach
2. Sustainability of Benefits
3. Innovation/Resource Development
4. Partnerships/Participation
5. Prior Federal Funding and State Investments

For applications for funding for FD/Construction activities, the evaluation and selection criteria will be applied to the proposed projects. For applications for funding for PE/NEPA completion, the evaluation and selection criteria will be applied to the underlying projects that will be the subject of PE/NEPA development, except where explicitly indicated.

In accordance with 49 U.S.C. 24402(c), FRA may also consider "other relevant factors as determined by the Secretary" of Transportation, in addition to the evaluation and selection criteria described below.

5.2 Evaluation Criteria

Careful economic analysis that quantifies and demonstrates the monetary value of user benefits and, if available, public benefits will be particularly relevant to FRA in evaluating applications. The systematic process of comparing expected benefits and costs helps decision-makers organize information about, and evaluate trade-offs between, alternative transportation investments. FRA will consider benefits and costs using standard data provided by applicants and will evaluate applications in a manner consistent with Executive Order 12893, Principles for Federal Infrastructure Investments, 59 FR 4233 (January 31, 1994).

5.2.1 Public Benefits

Evaluation against this criterion will consider the qualitative factors outlined below, as supported by key quantitative metrics. Applicants must determine and identify service outcomes to quantify the anticipated benefits of the project (or underlying project for PE/NEPA) proposed in an application.

5.2.1.1 Transportation Benefits

Each application will be assessed based on its demonstration of the potential of the proposed project or underlying project to achieve transportation benefits in a cost-effective manner. Factors to be considered in assigning a rating include the contribution the proposed project would make to:

- Supporting the development of intercity high-speed rail service;
- Generating improvements to existing high-speed and intercity passenger rail service, as reflected by estimated increases in ridership (as measured in passenger-miles), increases in operational reliability (as measured in reductions in delays), reductions in trip times, additional service frequencies to meet anticipated or existing demand, and other related factors;
- Generating cross-modal benefits, including anticipated favorable impacts on air or highway traffic congestion, capacity, or safety, and cost avoidance or deferral of planned investments in aviation and highway systems;
- Creating an integrated high-speed and intercity passenger rail network, including integration with existing intercity passenger rail services, allowance for and support of future network expansion, and promotion of technical interoperability and standardization (including standardizing operations, equipment, and signaling);
- Encouragement of intermodal connectivity and integration through provision of direct, efficient transfers among intercity transportation and local transit networks at train stations, including connections at airports, bus terminals, subway stations, ferry ports, and other modes of transportation;
- Enhancing intercity travel options;
- Ensuring a state of good repair of key intercity passenger rail assets;
- Promoting standardized rolling stock, signaling, communications, and power equipment;
- Improved freight or commuter rail operations, in relation to proportional cost-sharing (including donated property) by those other benefiting rail users;
- Equitable financial participation in the project’s financing, including, but not limited to, consideration of donated property interests or services; financial contributions by freight and commuter rail carriers commensurate with the benefit expected to their operations; and financial commitments from host railroads, non-Federal governmental entities, nongovernmental entities, and others;
- Encouragement of the implementation of positive train control (PTC) technologies (with the understanding that 49 U.S.C. 20147 requires all Class I railroads and entities that provide regularly scheduled intercity or commuter rail passenger services to fully institute interoperable PTC systems by December 31, 2015); and
- Incorporating private investment in the financing of capital projects or service operations.

5.2.1.2 Other Public Benefits

Each application will be assessed based on its demonstration of the potential of the proposed project or underlying project to achieve other public benefits in a cost-effective manner. Factors to be considered in assigning a rating will include the contribution the proposed project (or underlying project for PE/NEPA) would make to:

- Environmental quality and energy efficiency and reduction in dependence on foreign oil, including use of renewable energy sources, energy savings from traffic diversions from other modes, employment of green building and manufacturing methods, reductions in key emissions types, and the purchase and use of environmentally sensitive, fuel-efficient, and cost-effective passenger rail equipment;
- Promoting interconnected livable communities, including complementing local or state efforts to concentrate higher-density, mixed-use, development in areas proximate to multi-modal transportation options (including intercity passenger rail stations);
- Improving historic transportation facilities; and
- Creating jobs and stimulating the economy. Although this solicitation is not funded by the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), these goals remain a top priority of this Administration. Therefore, Individual Project
5.2.2 Project Delivery Approach

Each application will be assessed to determine the risk associated with the project’s delivery within budget, on time, and as designed. Evaluation against this criterion will consider the factors outlined below, which take into account the thoroughness and quality of the supporting documentation submitted with the application. For applications to complete PE/NEPA documentation, the following factors will be applied to the proposed PE/NEPA development activities rather than to the underlying project. Factors to be considered in assigning a rating will include:

- The applicant’s financial, legal, and technical capacity to implement the project, including whether the application depends upon receipt of any waiver(s) of Federal railroad safety regulations that have not been obtained;
- The applicant’s experience in administering similar grants and projects, including a demonstrated ability to deliver on prior FRA financial assistance programs;
- The soundness and thoroughness of the cost methodologies, assumptions, and estimates for the proposed project;
- The reasonableness of the schedule for project implementation;
- The thoroughness and quality of project management documentation;
- The timing and amount of the project’s future noncommitted investments;
- The overall completeness and quality of the application, including the comprehensiveness of its supporting documentation;
- The readiness of the project to be commenced; and
- The timeliness of project completion and the realization of the project’s anticipated benefits.

The following factors are applicable only to applications for funding for FD/Construction activities:

- The adequacy of any completed engineering work to assess and manage/mitigate the proposed project’s engineering and constructability risks;
- The sufficiency of system safety and security planning; and
- The project’s progress, at the time of application, towards compliance with environmental review requirements under NEPA and related statutes.

5.2.3 Sustainability of Benefits

Applications will be evaluated against this criterion to assess the likelihood of realizing the proposed project’s benefits. Factors to be considered in assigning a rating will include:

- The quality of financial planning documentation that demonstrates the financial viability of the HSIPR service that will benefit from the project;
- The availability of any required operating financial support, preferably from dedicated funding sources for the benefiting intercity passenger rail service(s);
- The quality and adequacy of project identification and planning;
- The reasonableness of estimates for user and non-user benefits for the project;
- The comprehensiveness and sufficiency, at the time of application, of agreements with key partners (including the railroad operating the intercity passenger rail service and infrastructure-owning railroads) that will be involved in the operation of the benefiting intercity passenger rail service, including the commitment of any affected host-rail carrier to ensure the realization of the anticipated benefits, preferably through a commitment by the affected host-rail carrier(s) to an enforceable on-time performance of passenger trains of 80 percent or greater;
- The favorability of the comparison between the level of anticipated benefits and the amount of Federal funding requested; and
- The applicant’s contribution of a cost share greater than the required minimum of 20 percent.

5.3 Selection Criteria

The FRA Administrator will use the criteria below to ensure that the projects selected for funding will advance key priorities of the development of intercity and high-speed passenger rail and contribute positively to the success and sustainability of the HSIPR program.

5.3.1 Fulfillment of DOT Strategic Goals (as outlined in the U.S. DOT Strategic Plan, 2010–2015)

- Improving transportation safety.
- Maintaining transportation infrastructure in a state of good repair.
- Promoting economic competitiveness.
- Fostering livable communities.
- Advancing environmentally sustainable transportation policies.

5.3.2 Region/Location

- Ensuring appropriate level of regional balance across the country.
- Ensuring promotion of livable communities in urban and rural locations.
- Ensuring consistency with national transportation and rail network objectives.
- Ensuring integration with other rail services and transportation modes.

5.3.3 Innovation/Resource Development

- Pursuing new technology and innovation where the public return on investment is favorable, while ensuring delivery of near-term transportation, public and economic recovery benefits.
- Advancing the state of the art in modeling techniques for assessing potential intercity passenger rail costs and benefits.
- Promoting domestic manufacturing, supply and industrial development, including U.S.-based manufacturing and supply industries.
- Developing professional railroad engineering, operating, planning and management capacity needed for sustainable high-speed intercity passenger rail development.

5.3.4 Partnerships/Participation

- Where corridors span multiple States, emphasizing those that have organized multi-State partnerships with joint planning and prioritization of investments.
- Employing creative approaches to ensure workforce diversity and use of disadvantaged and minority business enterprises.
- Engaging local communities and a variety of other stakeholder groups in the project, where applicable.

5.3.5 Prior Federal Funding and State Investments

- Assessing how a proposed project would complement previous construction or planning grants made under the HSIPR or related programs.
- Assessing how the proposed project would complement previous State investments in high-speed intercity passenger rail.
- Assessing the applicant’s track record in sustainable funding and project delivery.

Section 6: Award Administration Information

6.1 Award Notices

Applications selected for funding will be announced after the application review period. FRA will contact applicants with successful applications.
after announcement with information and instructions about the award process. Notification of a selected application is not an authorization to begin proposed project activities.

6.2 Administrative and National Policy Requirements

The provisions of this section apply to grant recipients of the HSIPR program.

6.2.1 Contracting Information

A grant recipient’s procurement of goods and services must comply with the Procurement Standards requirements set forth at 49 CFR 18.36 or 49 CFR 19.40 through 19.48, whichever is applicable depending on the type of grantee (part 18 covers State and local governments and part 19 covers non-profit and for-profit entities), and with applicable supplementary U.S. DOT or FRA directives or regulations.

6.2.2 Compliance with Federal Civil Rights Laws and Regulations

The grant recipient must comply with all civil rights laws and regulations, in accordance with applicable Federal directives, except to the extent that FRA determines otherwise in writing. These include, but are not limited to, the following: (a) Title VI of the Civil Rights Act of 1964 (Pub. L. 88–352) (as implemented by 49 CFR part 21), which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 1601–1607), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (Pub. L. 92–255), as amended, relating to nondiscrimination in the sale, rental, or financing of housing; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (Pub. L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd–3 and 290 ee–3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental, or financing of housing; (i) 49 U.S.C. 306, which prohibits discrimination on the basis of race, color, national origin, or sex in railroad financial assistance programs; (j) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance was made; and (k) the requirements of any other nondiscrimination statute(s) which may apply to the grant recipient. Grant recipients must comply with all regulations, guidelines, and standards adopted under the above statutes. The grant recipient is also required to submit information, as required, to the FRA Office of Civil Rights concerning its compliance with these laws and implementing regulations and its activities implementing a grant award.

6.2.3 Disadvantaged Business Enterprises (DBE)

FRA encourages its grant recipients to utilize small business concerns owned and controlled by socially and economically disadvantaged individuals (as that term is defined for other DOT operating administrations at 49 CFR part 26) in carrying out projects funded under the HSIPR program, although FRA grant recipients are not required to do so. The DOT DBE regulation (49 CFR part 26) applies only to certain categories of Federal highway, Federal transit, and airport funds. FRA is not covered under the DOT DBE regulations. The procurement standards applicable to grant recipients require grant recipients and subgrantees to take all necessary affirmative steps to assure that minority firms, women’s business enterprises, and labor surplus area firms are used when possible (see 49 CFR 18.36(e) and 19.44(b)). The grant recipient shall submit information, as required, to the FRA Office of Civil Rights concerning its activities with respect to DBEs in implementing a grant award.

6.2.4 Assurances and Certifications

Upon acceptance of the grant by FRA, all certifications and assurances provided by the grant recipient through the application process are incorporated in and become part of the grant agreement. Applicable forms include SF 424(A)/(B), SF 424(C)/(D), and FRA’s Assurances and Certification form. The OMB Standard Forms can be accessed at http://www.forms.gov. The FRA Assurances and Certifications Document is available at http://www.fra.dot.gov/downloads/admin/assurancesandcertifications.pdf.

6.2.5 Debarment and Suspension; and Drug-Free Workplace

Grant recipients must obtain certifications on debarment and suspension for all third party contractors and subgrantees and comply with all DOT regulations.

“Nonprocurement Suspension and Debarment” (2 CFR part 1200), and “Governmentwide Requirements for Drug-Free Workplace (Grants)” (49 CFR part 32).

6.2.6 Safety Oversight

Grant recipients must comply with any Federal regulations, laws, policy, and other guidance that FRA or DOT may issue pertaining to safety oversight in general and in the performance of any grant award in particular. FRA has in place a comprehensive system of railroad safety oversight (see 49 CFR part 209 et seq.) that is applicable to railroad operations generally.

6.2.7 Americans with Disabilities Act (ADA)

Grant recipients must agree to use funds provided under the grant agreement in a manner consistent with the requirements of Title II of the Americans with Disabilities Act (ADA) of 1990, as amended; Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794); and both statutes’ implementing regulations at 49 CFR parts 27, 37, and 38. DOT (through its delegate FRA) has responsibility to offer technical assistance for the provisions of the ADA about which it issues regulations. 42 U.S.C. 12206(c)(1) reads: “Each Federal agency that has responsibility under paragraph (2) for implementing this chapter may render technical assistance to individuals and institutions that have rights or duties under the respective subchapters of this chapter for which such agency has responsibility.” Grant recipients are strongly encouraged to seek FRA’s technical assistance with regard to the accessible features of passenger rail systems, to include accessibility at stations and on railcars. FRA believes such technical assistance is essential where interpretation of DOT’s regulatory requirements is necessary and/or before the creation of any new rail system.

6.2.8 Environmental Protection

All facilities that will be used to perform work under an award shall not be so used unless the facilities are designed and equipped to limit water and air pollution in accordance with all applicable local, State, and Federal standards. Grant recipients will conduct work under an award and will require that work that is conducted as a result of an award be in compliance with the following provisions, as modified from time to time: Section 114 of the Clean
Air Act, 42 U.S.C. 7414, and Section 308 of the Federal Water Pollution Control Act, 33 U.S.C. 1318, and all regulations issued thereunder. Through the grant agreement, grant recipients will certify that no facilities that will be used to perform work under an award are listed on the List of Violating Facilities maintained by the Environmental Protection Agency (EPA). Grant recipients will be required to notify the Administrator as soon as it or any contractor or subcontractor receives any communication from the EPA indicating that any facility which will be used to perform work pursuant to an award is under consideration to be listed on the EPA’s List of Violating Facilities; provided, however, that the grant recipient’s duty of notification shall extend only to those communications of which it is aware, or should reasonably have been aware. Grant recipients will need to include or cause to be included in each contract or subcontract entered into, which contract or subcontract exceeds $50,000.00 in connection with work performed pursuant to an award, the criteria and requirements of this section and an affirmative covenant requiring such contractor or subcontractor to immediately inform the grant recipient upon the receipt of a communication from the EPA concerning the matters set forth herein.

6.2.9 National Environmental Policy Act (NEPA)

The following is a description of FRA’s standard grant provisions on NEPA compliance.

Generally, grant recipients may not expend any of the funds provided in an award on construction or other activities that represent an irretrievable commitment of resources to a particular course of action affecting the environment until after all environmental and historic preservation analyses required by the National Environmental Policy Act (42 U.S.C. 4332) (NEPA), the National Historic Preservation Act (16 U.S.C. 470(f)) (NHPA), and related laws and regulations have been completed and FRA has provided the grant recipient with a written notice authorizing them to proceed.

In instances where NEPA approval has not been secured at the time of grant award, grant recipients are required to assist FRA in its compliance with the provisions of NEPA, the Council on Environmental Quality’s regulations implementing NEPA (40 CFR part 1500 et seq.), FRA’s “Procedures for Considering Environmental Impacts” (45 FR 40854, June 16, 1980, as revised May 26, 1990, 64 FR 28545), Section 106 of the NHPA, and related environmental and historic preservation statutes and regulations. As a condition of receiving financial assistance under an award, grant recipients may be required to conduct certain environmental analyses and to prepare and submit to FRA draft documents required under NEPA, NHPA, and related statutes and regulations (including draft environmental assessments and proposed draft and final environmental impact statements).

No publicly-owned land from a park, recreational area, or wildlife or waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance so as determined by such officials shall be used by grant recipients without the prior written concurrence of FRA. Grant recipients shall assist FRA in complying with these requirements of 49 U.S.C. 303(c).

6.2.10 Environmental Justice

The grant recipient will be required to agree to facilitate compliance with the policies of Executive Order No. 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” 42 U.S.C. 4321 note, except to the extent that FRA determines otherwise in writing.

6.2.11 Operating and Access Agreements

Grant recipients will be required to reach a written agreement, approved by FRA, with each of the railroads or other entity on whose property the project will be located. Among other things, such railroad/owner agreements shall specify terms and conditions regarding the following issues: responsibility for project design and implementation, project property ownership, maintenance responsibilities, and disposition responsibilities, and the owning entity’s commitment to achieve, to the extent it has control, the anticipated project benefits. If an agreement between the grant recipient and the owner that substantially addresses the above-referenced issues is already in place as of the date of execution of the grant agreement, the grant recipient will be required to submit it to FRA for FRA’s review and determination of adequacy. However, if either no agreement is in place as of the date of execution of this Agreement, or if an existing agreement has been determined by FRA to be inadequate, the grant recipient shall, prior to the grant recipient’s execution of an agreement with the owner, submit the final draft of such an agreement to FRA for FRA’s review and approval. A finding by FRA that the required approved railroad/owner agreement(s) are in place is a prerequisite for the obligation of funding for construction-related activities.

6.2.12 Real Property and Equipment Management. Discontinuance of Service, and Disposition Requirements

The grant recipient will be required to ensure the maintenance of project property to the level of utility (including applicable FRA track safety standards) that existed when the project improvements were placed in service for a period of a minimum of 20 years from the date such project property was placed in service. In the event that all intercity passenger rail service making use of the project property is discontinued during the 20-year period, the grant recipient will be required to continue to ensure the maintenance of the project property, as set forth above, for a period of one year to allow for the possible reintroduction of intercity passenger rail service. In the event the grant recipient should fail to ensure the maintenance of project property, as set forth above, for a period of time in excess of six months, the grant recipient will be required to refund to FRA a pro-rata share of the Federal contribution, based upon the percentage of the 20-year period remaining at the time of such original default.

The grant recipient will also be required to acknowledge that the purpose of the project is to benefit intercity passenger rail service. In the event that all intercity passenger rail service making use of the project property is discontinued (for any reason) at any time during a period of 20 years from the date such project property was placed in service, as set forth above, and if such intercity passenger rail service is not reintroduced during a one-year period following the date of such discontinuance, the grant recipient will be required to refund to FRA, no later than 18 months following the date of such discontinuance, a pro-rata share of the Federal contribution, based upon the percentage of the 20-year period remaining at the time of such discontinuance.

6.2.13 Freedom of Information Act (FOIA)

As a Federal agency, FRA is subject to the Freedom of Information Act (FOIA) (5 U.S.C. 552), which generally provides that any person has a right, enforceable in court, to obtain access to Federal
agency records, except to the extent that such records (or portions of them) are protected from public disclosure by one of nine exemptions or by one of three special law enforcement record exclusions. Grant applications and related materials submitted by applicants pursuant to this notice of funding availability would become agency records and thus subject to the FOIA and to public release through individual FOIA requests. FRA also recognizes that certain information submitted in support of an application for funding in accordance with this notice could be exempt from public release under FOIA as a result of the application of one of the FOIA exemptions, most particularly Exemption 4, which protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential (5 U.S.C. 552(b)(4)). In the context of this grant program, commercial or financial information obtained from a person could be confidential if disclosure is likely to cause substantial harm to the competitive position of the person from whom the information was obtained (see National Parks & Conservation Ass’n v. Morton, 498 F.2d 765, 770 (DC Cir. 1974)). Entities seeking exempt treatment must provide a detailed statement supporting and justifying their request and should follow FRA’s existing procedures for requesting confidential treatment in the railroad safety context found at 49 CFR 209.11. As noted in the Department’s FOIA implementing regulation (49 CFR part 7), the burden is on the entity requesting confidential treatment to identify all information for which exempt treatment is sought and to persuade the agency that the information should not be disclosed (see 49 CFR 7.17). The final decision as to whether the information meets the standards of Exemption 4 rests with FRA.

6.2.14 Security Planning and Oversight

The grant recipient must comply with any Federal regulations, laws, policy, and other guidance that FRA, DOT, or the Department of Homeland Security may issue pertaining to security oversight in general and that FRA or DOT may issue regarding the performance of any grant award in particular. Prior to FRA issuing a cooperative agreement for an Individual Project, an applicant must complete a System Security Plan.

6.3 Program-Specific Grant Requirements

6.3.1 Buy America

Grant recipients must comply with the Buy America provisions set forth in 49 U.S.C. 24405(a), which specifically provide that the Secretary of Transportation may obligate funds for a HSIPR project only if the steel, iron, and manufactured goods used in the project are produced in the United States. The Secretary (or the Secretary’s delegate, the FRA Administrator) may waive this requirement if the Secretary finds that applying this requirement would be inconsistent with the public interest; the steel, iron, and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality; rolling stock or power train equipment cannot be bought and delivered in the United States within a reasonable time; or including domestic material will increase the cost of the overall project by more than 25 percent. For purposes of implementing these requirements, in calculating the components’ costs, labor costs involved in final assembly shall not be included in the calculation. If the Secretary determines that it is necessary to waive the application of the Buy America requirements, the Secretary is required before the date on which such finding takes effect to publish in the Federal Register a detailed written justification as to why the waiver is needed; and provide notice of such finding and an opportunity for public comment on such finding, for a reasonable period of time, not to exceed 15 days. The Secretary may not make a waiver for goods produced in a foreign country if the Secretary, in consultation with the United States Trade Representative, decides that the government of that foreign country has an agreement with the United States Government under which the Secretary has waived the requirement of this subsection, and the government of that foreign country has violated the agreement by discriminating against goods to which this subsection applies that are produced in the United States and to which the agreement applies. The Buy America requirements described in this section shall only apply to projects for which the costs exceed $100,000.

6.3.2 Operators Deemed Rail Carriers

With the exception of entities falling within the exclusions set forth in 49 U.S.C. 24405(e), a person that conducts rail operations, 49 U.S.C. 8301 rail infrastructure constructed or improved with funding provided in whole or in part in a grant made under this program shall be considered a rail carrier, as defined in Section 49 U.S.C. 10102(5), for purposes of title 49 of the United States Code and any other statute that adopts the definition found in 49 U.S.C. 10102(5), including the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.); the Railway Labor Act (43 U.S.C. 151 et seq.); and the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.) (see 49 U.S.C. 24405(b)).

6.3.3 Railroad Agreements

As a condition of receiving a grant under this program for a project that uses rights-of-way owned by a railroad, the grant recipient shall have in place a written agreement between the grant recipient and the railroad regarding such use and ownership, including any compensation for such use; assurance that service outcomes specified to result from the project, and for which the railroad is necessary for delivery, will be delivered, and a mechanism to enforce specified service outcomes; assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations; an assurance by the railroad that collective bargaining agreements with the railroad’s employees (including terms regulating the contracting of work) will remain in full force and effect according to their terms for work performed by the railroad on the railroad transportation corridor; and an assurance that the grant recipient complies with liability requirements consistent with 49 U.S.C. 28103. Grant recipients that use rights-of-way owned by a railroad must comply with FRA guidance regarding how to establish a written agreement between the applicant and the railroad regarding use and ownership as discussed in Sections 4.2.6 and 6.2.11 (see 49 U.S.C. 24405(c)).

6.3.4 Labor Protection

As a condition of receiving a grant under this program for a project that uses rights-of-way owned by a railroad, the grant recipient must agree to comply with the standards of 49 U.S.C. 24312, as such section was in effect on September 1, 2003, with respect to the project in the same manner that Amtrak is required to comply with those standards for construction work financed under an agreement made under 49 U.S.C. 24308(a) and the protective arrangements established under Section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 8301) with respect to employees affected by actions taken in connection with the project to be
financed in whole or in part by grants under this program (see 49 U.S.C. 24405(c)).

6.3.5 Davis-Bacon Act
Projects funded through PRIIA that use rights-of-way owned by a railroad are required to comply with the Davis-Bacon Act (40 U.S.C. 3141 et seq.) as provided for in 49 U.S.C. 24405(c)(2). The Davis-Bacon Act is a measure that fixes a floor under wages on Federal government projects and provides, in pertinent part, that the minimum wages to be paid for classes of workers under a contract for the construction, alteration, and/or repair of a Federal public building or public work must be based upon wage rates determined by the Secretary of Labor to be prevailing for corresponding classes of workers employed on projects of a character similar to the contract work in the civil subdivision of the State in which the work is to be performed.

6.3.6 Replacement of Existing Intercity Passenger Rail Service
Grant recipients providing intercity passenger rail transportation that begins operations after October 16, 2008, on a project funded in whole or in part by grants made under this program and that replaces intercity passenger rail service that was provided by Amtrak, unless such service was provided solely by Amtrak to another entity as of such date, are required to enter into a series of agreements with the authorized bargaining agent or agents for adversely affected employees of the predecessor provider (see 49 U.S.C. 24405(d)).

6.4 Reporting

6.4.1 Standard Reporting Requirements
• Progress Reports—Progress reports are to be submitted quarterly. These reports must relate the state of completion of items in the statement of work to expenditures of the relevant budget elements. The grant recipient must furnish the quarterly progress report to FRA on or before the 30th calendar day of the month following the end of the quarter being reported. Grantees must submit reports for the periods: January 1–March 31, April 1–June 30, July 1–September 30, and October 1–December 31. Each quarterly report must set forth concise statements concerning activities relevant to the project and should include, but not be limited to, the following: (a) An account of significant progress (findings, events, trends, etc.) made during the reporting period; (b) a description of any technical and/or cost problem(s) encountered or anticipated that will affect completion of the grant within the time and fiscal constraints as set forth in the agreement, together with recommended solutions or corrective action plans (with dates) to such problems, or identification of specific action that is required by FRA, or a statement that no problems were encountered; and (c) an outline of work and activities planned for the next reporting period.
• Quarterly Federal Financial Report (SF–425)—Grantees must submit a quarterly Federal financial report on or before the thirtieth (30th) calendar day of the month following the end of the quarter being reported (e.g., for quarter ending March 31, the SF–425 is due no later than April 30). A report must be submitted for every quarter of the period of performance, including partial calendar quarters, as well as for periods where no grant activity occurs. Grantees must use SF–425, Federal Financial Report, in accordance with the instructions accompanying the form, to report all transactions, including Federal cash, Federal expenditures and unobligated balance, recipient share, and program income.
• Interim Report(s)—If required, interim reports will be due at intervals specified in the statement of work and must be submitted electronically in the GrantSolutions system.
• Final Report(s)—Within 90 days of the project completion date or termination by FRA, grantees must submit a Summary Project Report detailing the results and benefits of the grantee’s improvement efforts, as well as a final Federal Financial Report (SF–425).

6.4.2 Audit Requirements
Grant recipients that expend $500,000 or more of Federal funds during their fiscal year are required to submit an organization-wide financial and compliance audit report. The audit must be performed in accordance with U.S. General Accountability Office, Government Auditing Standards, located at http://www.gao.gov/govaud/ybk01.htm, and OMB Circular A–133, Audits of States, Local Governments, and Non-Profit Organizations, located at http://www.whitehouse.gov/omb/circulars/a133/a133.html. Currently, audit reports must be submitted to the Federal Audit Clearinghouse no later than nine months after the end of the recipient’s fiscal year. In addition, FRA and the Comptroller General of the United States must have access to any books, documents, and records of grant recipients, for audit and examination purposes. The grant recipient will also give FRA or the Comptroller, through any authorized representative, access to and the right to examine all records, books, papers or documents related to the grant. Grant recipients must require that subgrantees comply with the audit requirements set forth in OMB Circular A–133. Grant recipients are responsible for ensuring that sub-recipient audit reports are received and for resolving any audit findings.

6.4.3 Monitoring Requirements
Grant recipients will be monitored periodically by FRA to ensure that the project goals, objectives, performance requirements, timelines, milestones, budgets, and other related program criteria are being met. FRA will conduct monitoring activities through a combination of office-based reviews and onsite monitoring visits. Monitoring will involve the review and analysis of the financial, programmatic, and administrative issues relative to each program and will identify areas where technical assistance and other support may be needed. The recipient is responsible for monitoring award activities, including sub-awards and subgrantees, to provide reasonable assurance that the award is being administered in compliance with Federal requirements. Financial monitoring responsibilities include the accounting of recipients and expenditures, cash management, maintaining of adequate financial records, and refunding expenditures disallowed by audits.

6.4.4 Closeout Process
Project closeout occurs when all required project work and all administrative procedures described in 49 CFR part 18, or 49 CFR part 19, as applicable, have been completed, and when FRA notifies the grant recipient and forwards the final Federal assistance payment, or when FRA acknowledges the grant recipient’s remittance of the proper refund. Project closeout should not invalidate any continuing obligations imposed on the grantee by an award or by FRA’s final notification or acknowledgment. Within 90 days of the Project completion date or termination by FRA, grantees agree to submit a final Federal Financial Report (SF–425), a certification or summary of project expenses, a final report, and third party audit reports, as applicable.

Section 7: Agency Contact
For further information regarding this notice and the HSIPR program, please contact the FRA HSIPR Program Manager via e-mail at HSIPR@dot.gov, or by mail: U.S. Department of Transportation, Federal Railroad
Appendix 1: Definition of High-Speed and Intercity Passenger Rail

“Intercity rail passenger transportation” is defined at 49 U.S.C. 24102(4) as “rail passenger transportation except commuter rail passenger transportation.” An intercity passenger rail service consists of a group of one or more scheduled trains (roundtrips) that provide intercity passenger rail transportation between bona fide travel markets (not constrained by State or jurisdictional boundaries), generally with similar quality and level-of-service specifications, within a common (but not necessarily exclusive or identical) set of identifiable geographic markets.

Similarly, “commuter rail passenger transportation” is defined at 49 U.S.C. 24102(4) as “rail passenger transportation in metropolitan and suburban areas usually having reduced fare, multiple ride, and commuter tickets and morning and evening peak period operations.” In common use, the definition of “rail passenger transportation” excludes types of local or regional rail transit, such as light rail, streetcars, and heavy rail. Similarly, both intercity passenger rail transportation and commuter rail passenger transportation exclude single-purpose scenic or tourist railroad operations.

The since-terminated Interstate Commerce Commission (ICC) established six features to aid in classifying a service as “commuter” rather than “intercity” passenger transportation:

1. The passenger service is primarily being used by patrons traveling on a regular basis either within a metropolitan area or between a metropolitan area and its suburbs;
2. The service is usually characterized by operation performed at morning and peak periods of travel;
3. The service usually honors commuter or multiple-ride tickets at a fare reduced below the ordinary coach fare and carries the majority of its patrons on such a reduced fare basis;
4. The service makes several stops at short intervals either within a zone or along the entire route;
5. The equipment used may consist of little more than ordinary coaches; and
6. The service should not extend more than 100 miles at the most, except in rare instances; although service over shorter distances may not be commuter or short haul within the meaning of this exclusion.

FTA further refined the definition of commuter rail in the glossary for its National Transit Database (NTD). Reporting Manual. In particular, FTA refined the ICC’s third “feature” by specifying that “predominantly commuter [rail passenger] service means that for any given trip segment (i.e., distance between any two stations), more than 50 percent of the average daily ridership travels on the train at least three times a week.”

In judging the eligibility of an application under this solicitation, FRA will determine whether the rail passenger service that is primarily intended to benefit from the proposal constitutes “intercity passenger rail transportation” under the statutory definition and ICC and FTA interpretations. FRA may also take into account whether the primary intended benefiting service has been or is currently the direct or intended beneficiary of funding provided by another Federal agency (e.g., FTA) for the purpose of improving commuter rail passenger transportation and whether the service in question is or will be operated by or on behalf of a local, regional, or State entity whose primary rail transportation mission is the provision of commuter or transit service.

“High-speed rail passenger transportation” is an intercity passenger rail service that “is reasonably expected to reach speeds of at least 110 miles per hour” (49 U.S.C. 26106(b)(4)).

Appendix 2: Additional Information on Stages of Project Development

The information contained below in Appendices 2.1 Planning for Individual Projects, 2.3 Preliminary Engineering, and 2.4 Final Design represent suggested content and approaches for completing the documentation required for each stage of project development. While FRA does not require applicants/grantees to follow the specific document structures and content listed below, they are provided to assist applicants/grantees in fulfilling the objectives necessary to successfully complete each stage of project development. However, the information contained in Appendix 2.2 Environmental Documentation must be adhered to in order to demonstrate compliance with NEPA.

Appendix 2.1 Planning for Individual Projects

Although Individual Projects under the HSIPR program will generally be relatively limited in scale, scope, cost, and operational impact on HSIPR service, applications for funding such projects must nonetheless be supported by a rational planning process that establishes the purpose and need of the proposed project, and makes the case for investing in the proposed solution.

At a minimum, planning for Individual Projects should address the following topics:
1. Purpose and Need;
2. Rationale;
3. Identification and Analysis of Alternatives;
4. Conceptual Engineering; and
5. Public Benefits Analysis.

In addition to these basic components, an Individual Project should also be supported by supplemental planning documentation appropriate to the specific characteristics of the project and the benefits it is intended to generate. Examples of specific planning documentation that sufficiently supports projects with certain characteristics are listed below. Note that Individual Projects may exhibit several of these characteristics, and should therefore be supported by the planning documentation specified, based on all of the project’s characteristics:

- Projects Affecting HSIPR Operations: Individual Projects that will affect operations, such as trip-time changes, reliability improvements, frequency changes, or station stopping pattern changes, should be supported by operations modeling. Such modeling demonstrates the precise nature and feasibility of operational changes that are anticipated to result from the proposed project.
- Projects to Increase HSIPR Ridership: Individual Projects intended to significantly increase ridership should be supported by both a demand and revenue forecast and a station and access analysis. Such analyses demonstrate the validity of the anticipated ridership increases, and shows that equipment, station, and access capacity are sufficient to accommodate the anticipated increase.
- Station Projects: Individual Projects involving improvements to existing stations, or development of new stations, should be supported by a station and access analysis. Such analysis demonstrates the appropriateness of the proposed station projects, and the effects of additional station stops at newly developed stations on operations.
- Equipment Procurements: Individual Projects involving procurement of equipment should be supported by operations modeling and a stations and access analysis. Such analysis demonstrates that the operating and physical characteristics of the new equipment and the proposed equipment are compatible with the existing operating plan for the service (e.g., in terms of acceleration rates, yard storage capacity, clearance envelopes, etc.), the design of the stations served (e.g., in terms of platform lengths, platform heights, etc.), and consistent with the requirements of the Americans with Disabilities Act.

Appendix 2.2 Environmental Documentation

The environmental review process required by NEPA applies to all Federal grant programs. NEPA requires Federal agencies to integrate environmental values into their decision-making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions. NEPA also mandates that all reasonable alternatives be considered, and to that end, an alternatives analysis is typically conducted during the environmental review process. Agencies must also make information on these impacts and alternatives publicly available before decisions are made and actions occur.

Appendix 2.2.1 Project Environmental Documentation (“Project NEPA”)

As part of the PE/NEPA phase of project development, a project NEPA document and other required environmental documentation to satisfy other Federal laws are prepared for the specific design alternative identified through Preliminary Engineering and other reasonable alternatives (integrated with the design alternatives analysis performed as part
of Preliminary Engineering). Additionally, the design and engineering outputs of Preliminary Engineering will serve as inputs into the evaluation of environmental impacts just as identified impacts are inputs for design and engineering. Therefore, it is essential that Engineering and project NEPA be closely coordinated and performed in tandem with one another.

Appendix 2.2.2 NEPA Roles and Responsibilities

FRA, as the Federal sponsoring agency, has primary responsibility for assuring compliance with NEPA and related environmental laws for projects funded under the HSIPR program. While NEPA compliance is a Federal agency responsibility and the ultimate decisions remain with the Federal sponsoring agency, FRA encourages applicants to take a leading role in preparing environmental documentation, consistent with law and regulations.

In the varied and flexible HSIPR program no single approach to NEPA compliance will work for every proposal. Therefore, FRA will work closely with applicants to assist in the timely and effective completion of the NEPA process in the manner most pertinent to the applicant's proposal.

Appendix 2.2.3 FRA NEPA Compliance

All NEPA documents must be supported by environmental and historic preservation analyses required by the National Environmental Policy Act (42 U.S.C. 4332) (NEPA), the National Historic Preservation Act (16 U.S.C. 470(f)(i)) (NHPA), and related laws and regulations. Such analyses must be conducted in accordance with the Council on Environmental Quality’s regulations implementing NEPA (40 CFR part 1500 et seq.). FRA’s “Procedures for Considering Environmental Impacts” (45 FR 40854, June 16, 1980), as revised May 26, 1999, 64 FR 28548), Section 106 of the NHPA, and related environmental and historic preservation statutes and regulations, and other related laws and regulations such as the Clean Water Act and the Endangered Species Act.

Appendix 2.3 Preliminary Engineering

Preliminary Engineering (PE) builds on the conceptual engineering and other documentation developed during the planning process in order to evaluate alternatives and to identify a specific design alternative for implementing a project, and demonstrate its feasibility for implementation. Within the context of the HSIPR program, FRA relies on the documentation developed through PE in order to make a decision as to whether to obligate funds for the construction and implementation of a project. As such, HSIPR program applicants seeking to progress a project to Final Design and Construction should ensure that the PE documentation for the project is adequate to support such a decision.

In the process of demonstrating the feasibility of a particular design alternative, PE involves the refinement of the cost estimate and schedule for the project and the reduction of uncertainties (as represented by reduced cost estimate and schedule contingencies). Furthermore, as part of PE, the analyses of the financial, operational, and public benefit impacts of the project that were developed during the planning phase are refined, so as to address and reduce uncertainties and risks associated with the project after it is placed in service.

The following documentation would demonstrate the completion of PE for a project:

1. Project Description
   a. A detailed description of the design alternative identified through the PE process, including other design alternatives considered.
   b. A description of construction staging or phasing (such as sequential phasing of interlocking reconfigurations) identified as necessary to implement the identified design alternative.
   c. A presentation of the work necessary to implement the identified design alternative in a detailed Work Breakdown Structure (WBS) format. The WBS for the project would serve as the master format for organizing and tracking various elements of the project through the subsequent phases of development, and presenting cost estimates and project schedules.

2. An assessment of the physical condition and location of the railroad in the planning area (up to two to three miles beyond the project construction limits depending upon effect and interrelationship of the project with train operations), including: bridges (rail and highway); track including the number and location of previously existing railroad track and buildings (stations and maintenance facilities, etc.); signal systems and interlocked detectors, switches, derailers, and snow melters; utility systems on, over, adjacent to or under the rail line and agreements concerning them; electrification systems, if any; description of highway crossing warning systems (if any) and daily traffic counts at public and private at grade highway crossings; and proposed railroad operations and routes of freight, commuter and intercity trains with train daily configurations (including train configurations, restroom configuration, doorway sizes), clearance envelope, and floor heights.

3. For projects involving improvements to stations/buildings, PE drawings should show the track and facility layout, specialized equipment (if any), and office and employee welfare facilities.

4. For projects involving equipment procurement or rehabilitation, PE drawings should include plan, elevation, and end detail drawings, clearly showing interior and exterior configurations (including partitions, restroom configuration, door sizes), clearance envelope, and floor heights.

5. For projects involving improvements to stations/buildings, PE drawings should include all renderings and plans, elevation, detail drawings necessary to illustrate the scope of the project.

i. Demonstrate and schedule charts for all projects involving improvements to track, track structures, signals, or other linear railroad assets, refined from those developed during the planning process.

ii. Route and aspect charts for all projects involving signal system improvements, signal system installation, or track reconfigurations in signaled territory.

7. Design and Procurement Compliance
   a. Demonstrate that the proposed project design is compliant with all applicable FRA safety regulations and AREMA design standards.

b. For projects involving the procurement of rolling stock, demonstration that the proposed equipment procurement will be consistent with Section 305 of PRIIA, which
calls for the establishment of a standardized next-generation rail corridor equipment pool. Compliance with Section 305 of PRIIA will assist in creating the economies of scale necessary to achieve the Administration’s goal, as outlined in FRA’s Strategic Plan, of developing a railroad equipment manufacturing base in the United States.

c. For projects involving improvements to railroad signaling/control systems, the application should demonstrate that the proposed improvements are consistent with a comprehensive plan complying with the requirements for positive train control (PTC) implementation under Section 104 of the Rail Safety Improvement Act of 2008 (“RSIA”), Division A of Pub. L. 110–432, October 16, 2008, codified at 49 U.S.C. 20147) and with FRA’s final rule on Positive Train Control System published in the Federal Register on January 15, 2010 (75 FR 2598).

6. Refinement of Planning Documentation

Many elements of project planning developed during the Planning phase of project development would be expanded and updated in later phases of the project development process, as the project itself becomes more refined. Much of this refinement is completed as part of Preliminary Engineering, particularly as it relates to the following project planning elements:

a. Identification of Alternatives (particularly as it relates to design alternatives)
b. Demand and Revenue Forecasts
c. Operations Modeling
d. Station Alignment and Access Analysis
e. Operating and Maintenance Costs and Capital Replacement Forecast
f. Public Benefits Analysis

To demonstrate completion of PE, revised versions of planning documentation that cover these topics (to the extent the topics are applicable to the project), including descriptions of how project decisions and refinements made as part of PE have resulted in changes key outputs of the planning process (such as demand forecasts, forecasts of operational benefits, operations and maintenance cost forecasts, and estimates of public benefits) should be completed.

Appendix 2.4 Final Design

During the Final Design phase, any remaining uncertainties or risks associated with minor changes to design scope are fully addressed, and the products of Preliminary Engineering are refined as additional detailed design work is completed. The objective of the Final Design phase is to progress the engineering of the project beyond what was required to demonstrate the feasibility of the design of the project to the point where the engineering documentation is sufficient to support the procurement of construction services to implement the project. Final Design includes the preparation of final design drawings, final construction cost estimates, and a refined and revised project schedule, and may also encompass early construction-related activities, such as right-of-way acquisition and utility relocation.

Final Design documentation will generally incorporate design changes and refinements implemented as part of the FD process and should reflect a level of detail sufficient to support the procurement of construction services and the effective control of the project throughout its construction. As such, major differences between the PE and FD documentation include:

- Project Description: Upon completion of FD, the Work Breakdown Structure of the project should reflect a level of detail sufficient to support the effective control of the project’s construction, particularly as it relates to the project’s scope and specifications.
- Project Cost Estimate: Upon completion of FD, cost estimates should be at a level of detail sufficient to support construction services procurement and to allow for the tracking and comparison during the construction phase of actual costs against estimated costs.
- Unless explicitly and adequately justified, total contingencies for cost estimates developed during Final Design should be no greater than 10%.
- Project Schedule: Upon completion of FD, the project schedule should reflect a level of detail sufficient to support the effective control of the project’s timely construction.
- Final Design Documentation: Final Design drawings should be at a level of detail sufficient to support the preparation of construction and shop drawings and to ensure the effective control of the project’s scope and configuration.
- As part of Final Design, detailed specification should be developed or adopted for the project, in order to ensure the quality, suitability, and durability of all construction.

Appendix 3: Additional Information on Applicant Budgets

The information contained in this appendix is intended to assist applicants with developing the SOW budget and OMB Standard Forms 424A: Budget Information—Non-Construction Programs and 424C: Budget Information—Construction Programs, as described in Section 4.2.

Appendix 3.1 Non-Construction Project Budgets

Applicants must present a detailed budget for the proposed project that includes both Federal funds and matching funds. Items of cost included in the budget must be reasonable, allocable, and necessary for the project. At a minimum, the budget should reflect the following:

- Travel: Itemize travel expenses of project personnel by purpose (training, interviews, and meetings). Show the basis of computation (e.g., X people to Y-day training at $A airfare, SB lodging, SC subsistence).
- Equipment: List non-expendable items that are to be purchased. Equipment should be tangible property having a useful life of more than two years and an acquisition cost of $5,000 or more per unit. (Note: Organization’s own capitalization policy may be used for items costing less than $5,000.) Equipment items should be included either in the “Supplies” category or in the “Other” category. Applicants should analyze the cost benefits of purchasing versus leasing equipment, especially high cost items and those subject to rapid technical advances. Rented or leased equipment should be listed in the “Contractual” category. Explain how the equipment is necessary for the success of the project.
- Attach a narrative describing the procurement method to be used.
- Supplies: List items by type (office supplies, postage, travel, meals, lodging, copying paper, and expendable equipment items costing less than $5,000) and show the basis for computation. (Note: Organization’s own capitalization policy may be used for items costing less than $5,000). Generally, supplies include any materials that are expendable or consumed during the course of the project.
- Consultants/Contracts: Indicate whether applicant’s written procurement policy (see 49 CFR 18.36) or the Federal Acquisition Regulations (FAR) are followed. Consultants Fees: For each consultant enter the name of employee, if known, service to be provided, hourly or daily fee (8-hour day), and the estimated time on the project. Consultant Expenses: List all expenses to be paid from the grant to the individual consultants in addition to their fees (travel, meals, and lodging). Contracts: Provide a description of the product or service to be procured by contract and an estimate of the cost. Applicants are encouraged to promote free and open competition in awarding contracts. A separate justification must be provided for sole source contracts in excess of $100,000.
- Other: List items (rent, reproduction, telephone, janitorial or security services) by major type and the basis of the computation. For example, provide the square footage and the cost per square foot for rent, or provide the monthly rental cost and how many months to rent.
- Indirect Costs: Indirect costs are allowed only if the applicant has a Federally-approved indirect cost rate. A copy of the rate approval (a fully executed negotiated agreement) must be attached. If the applicant does not have an approved rate, one can be requested by contacting the applicant’s cognizant Federal agency, which will review all documentation and approve a rate for the applicant organization.

Appendix 3.2 Construction Project Budgets

Applicants must present a detailed budget for the proposed project that includes both Federal funds and matching funds. Items of cost included in the budget must be reasonable, allocable, and necessary for the project. At a minimum, the budget should...
separate total cost of the project into the following categories and provide a basis of computation for each cost:

- **Administrative and Legal Expenses:** List the estimated amounts needed to cover administrative expenses. Do not include costs which are related to the normal functions of government. Allowable legal costs are generally only those associated with the purchases of land which is allowable for Federal participation and certain services in support of construction of the project. This may include:
  - Hours/Rate and total cost of government staff
  - Hours/Rate and total cost of outside counsel fees
  - Hours/Rate and total cost of consultants

- **Land, structures, rights-of-way, appraisals, and related items:** List the estimated site and right(s)-of-way acquisition costs (this includes purchase, lease, and/or easements). If possible, include details of number of acres, acre cost, square-footage, and square footage cost.

- **Relocation expenses and payments:** List the estimated costs related to relocation advisory assistance, replacement of housing, relocation payments to displaced persons and businesses, etc. This may include:
  - The gross salaries and wages of employees for the grantees who will be directly engaged in performing demolition or removal of structures from developed land
  - Architectural and engineering fees: List the estimated basic engineering fees related to construction (this includes start-up services and preparation of project performance work plan).

- **Other architectural and engineering fees:** List the estimated engineering costs, such as surveys, tests, soil borings, etc.

- **Project inspection fees:** List the estimated engineering inspection costs. This may include:
  - Rate of project inspector
  - Construction monitoring
  - Audit or construction programs

- **Site Work:** List the estimated costs of site preparation and restoration which are not included in the basic construction contract. This may include:
  - Contingency costs.

**Appendix 4: List of Acronyms and Abbreviated References**

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Meaning</th>
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<tbody>
<tr>
<td>ACF</td>
<td>Administration for Children and Families.</td>
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<tr>
<td>ADA</td>
<td>Americans with Disabilities Act.</td>
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<tr>
<td>Administrator</td>
<td>Administrator of the Federal Railroad Administration.</td>
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<tr>
<td>CAST</td>
<td>Custom Applications Support and Training Unit (GrantSolutions).</td>
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<tr>
<td>CCR</td>
<td>Central Contractor Registration database.</td>
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<tr>
<td>CE</td>
<td>Categorical Exclusion—a class of action for the NEPA process.</td>
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<tr>
<td>DBE</td>
<td>Disadvantaged Business Enterprise.</td>
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<tr>
<td>Department</td>
<td>The United States Department of Transportation.</td>
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<tr>
<td>DOT</td>
<td>The United States Department of Transportation.</td>
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<tr>
<td>DUNS</td>
<td>Data Universal Number System.</td>
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<tr>
<td>EA</td>
<td>Environmental Assessment—a NEPA document.</td>
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<tr>
<td>EIS</td>
<td>Environmental Impact Statement—the most extensive type of NEPA document.</td>
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<tr>
<td>FD</td>
<td>Final Design.</td>
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<td>FHWA</td>
<td>Federal Highway Administration.</td>
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<tr>
<td>FONSI</td>
<td>Finding of No Significant Impact—a possible decision concluding the NEPA process.</td>
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<tr>
<td>FRA</td>
<td>Federal Railroad Administration—an operating administration of the U.S. Department of Transportation.</td>
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<td>FTA</td>
<td>Federal Transit Administration.</td>
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<tr>
<td>FY</td>
<td>Fiscal Year.</td>
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<tr>
<td>GMLoB</td>
<td>Grants Management Line of Business.</td>
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<tr>
<td>GS</td>
<td>GrantSolutions grants management system.</td>
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<tr>
<td>ICC</td>
<td>Interstate Commerce Commission.</td>
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<tr>
<td>IPD</td>
<td>Innovation Program Delivery.</td>
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<td>LOI</td>
<td>Letter of Intent.</td>
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<td>mph</td>
<td>Miles Per Hour.</td>
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<td>NEPA</td>
<td>National Environmental Policy Act.</td>
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<td>NTD</td>
<td>National Transit Database.</td>
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<td>OMB</td>
<td>Office of Management and Budget.</td>
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<td>PE</td>
<td>Preliminary Engineering.</td>
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<td>PTC</td>
<td>Positive Train Control.</td>
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<tr>
<td>ROD</td>
<td>Record of Decision—a possible decision concluding of the NEPA process.</td>
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<tr>
<td>Secretary</td>
<td>Secretary of the United States Department of Transportation.</td>
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<td>State DOT</td>
<td>State Department of Transportation.</td>
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Issued in Washington, DC, on June 25, 2010.

**Joseph C. Szabo,**

*Administrator.*

[FR Doc. 2010–15993 Filed 6–28–10; 4:15 pm]

BILLING CODE 4910–06–P
The President

Memorandum of June 28, 2010—Unleashing the Wireless Broadband Revolution

Part V
Memorandum of June 28, 2010

Unleashing the Wireless Broadband Revolution

Memorandum for the Heads of Executive Departments and Agencies

America's future competitiveness and global technology leadership depend, in part, upon the availability of additional spectrum. The world is going wireless, and we must not fall behind. The resurgence of American productivity growth that started in the 1990s largely reflects investments by American companies, the public sector, and citizens in the new communications technologies that are what we know today as the Internet. The Internet, as vital infrastructure, has become central to the daily economic life of almost every American by creating unprecedented opportunities for small businesses and individual entrepreneurs. We are now beginning the next transformation in information technology: the wireless broadband revolution.

Few technological developments hold as much potential to enhance America's economic competitiveness, create jobs, and improve the quality of our lives as wireless high-speed access to the Internet. Innovative new mobile technologies hold the promise for a virtuous cycle—millions of consumers gain faster access to more services at less cost, spurring innovation, and then a new round of consumers benefit from new services. The wireless revolution has already begun with millions of Americans taking advantage of wireless access to the Internet.

Expanded wireless broadband access will trigger the creation of innovative new businesses, provide cost-effective connections in rural areas, increase productivity, improve public safety, and allow for the development of mobile telemedicine, telework, distance learning, and other new applications that will transform Americans' lives.

Spectrum and the new technologies it enables also are essential to the Federal Government, which relies on spectrum for important activities, such as emergency communications, national security, law enforcement, aviation, maritime, space communications, and numerous other Federal functions. Spectrum is also critical for many State, local, and tribal government functions. As the wireless broadband revolution unfolds, innovation can enable efficient and imaginative uses of spectrum to maintain and enhance the Government's capabilities.

In order to achieve mobile wireless broadband's full potential, we need an environment where innovation thrives, and where new capabilities also are secure, trustworthy, and provide appropriate safeguards for users' privacy. These characteristics will continue to be important to the adoption of mobile wireless broadband.

This new era in global technology leadership will only happen if there is adequate spectrum available to support the forthcoming myriad of wireless devices, networks, and applications that can drive the new economy. To do so, we can use our American ingenuity to wring abundance from scarcity, by finding ways to use spectrum more efficiently. We can also unlock the value of otherwise underutilized spectrum and open new avenues for spectrum users to derive value through the development of advanced, situation-aware spectrum-sharing technologies.

I therefore am hereby directing that executive departments, agencies, and offices, and strongly encourage that independent agencies, take the following steps:
Section 1. The Secretary of Commerce, working through the National Telecommunications and Information Administration (NTIA), shall:

(a) collaborate with the Federal Communications Commission (FCC) to make available a total of 500 MHz of Federal and nonfederal spectrum over the next 10 years, suitable for both mobile and fixed wireless broadband use. The spectrum must be available to be licensed by the FCC for exclusive use or made available for shared access by commercial and Government users in order to enable licensed or unlicensed wireless broadband technologies to be deployed;

(b) collaborate with the FCC to complete by October 1, 2010, a specific Plan and Timetable for identifying and making available 500 MHz of spectrum as described in subsection (a) of this section. For purposes of successfully implementing any repurposing of existing spectrum in accordance with subsection (a) of this section, the Plan and Timetable must take into account the need to ensure no loss of critical existing and planned Federal, State, local, and tribal government capabilities, the international implications, and the need for appropriate enforcement mechanisms and authorities;

(c) convene the Policy and Plans Steering Group (PPSG) to advise NTIA on achieving the objectives in subsections (a) and (b) of this section. The Secretaries of Defense, the Treasury, Transportation, State, the Interior, Agriculture, Energy, and Homeland Security, the Attorney General, the Administrators of the National Aeronautics and Space Administration (NASA) and the Federal Aviation Administration, the Director of National Intelligence, the Commandant of the United States Coast Guard, and the head of any other executive department or agency that is currently authorized to use spectrum shall participate and cooperate fully, or in the case of independent agencies are strongly encouraged to, in the activities of the Department of Commerce in accomplishing subsections (a) and (b) of this section and promptly provide appropriate funding and staff resources for agency support to these efforts and the work of the PPSG; and

(d) submit, not later than 180 days after the Plan and Timetable described in subsection (b) of this section are completed, to the National Economic Council (NEC), the Office of Management and Budget (OMB), and the Office of Science and Technology Policy (OSTP) an interim report to assess progress against the Plan and Timetable developed in accordance with subsection (b) of this section. Additional interim reports shall be submitted 180 days after the submission of the first interim report and then annually thereafter until such time as the Plan and Timetable are completed. In preparing these reports, the Secretary of Commerce shall work cooperatively with the FCC and other relevant departments, agencies, and offices.

Sec. 2. The Director of OMB shall work with the Secretary of Commerce, through NTIA and in consultation with affected departments, agencies, and offices, to incorporate into the Plan and Timetable referred to in section 1(b) of this memorandum adequate funding, incentives, and assistance to enable executive agencies or other affected entities to accomplish the actions specified in section 1(a) of this memorandum.

Sec. 3. The Secretary of Commerce, working through NTIA, in consultation with the National Institute of Standards and Technology, National Science Foundation (NSF), the Department of Defense, the Department of Justice, NASA, and other agencies as appropriate, shall create and implement a plan to facilitate research, development, experimentation, and testing by researchers to explore innovative spectrum-sharing technologies, including those that are secure and resilient.

Sec. 4. The FCC is strongly encouraged to work closely with the Department of Commerce, through NTIA, to carry out this memorandum as it relates to the FCC, including the repurposing of nonfederal Government spectrum as appropriate and identifying the mechanisms necessary to ensure compliance with the FCC’s decisions.
Sec. 5. The NEC, the OMB, and the OSTP (in consultation with the Department of Commerce, working through NTIA, FCC, and the National Security Staff) shall assess, based on the interim report developed pursuant to section 1(d) of this memorandum, whether there has been sufficient progress in achieving the objectives of this memorandum or whether some other mechanism, such as an independent review panel, is needed to address those areas where sufficient progress is not occurring. The NEC, the OMB, and the OSTP shall make any necessary recommendations to the President regarding such progress 45 days after receiving the initial interim report required by section 1(d) of this memorandum and, as appropriate, following subsequent reports.

Sec. 6.

(a) To the extent permitted by law and within existing appropriations, the Department of Commerce, through NTIA, shall provide administrative support for the interagency groups created in this memorandum.

(b) Nothing in this memorandum shall be construed to impair or otherwise affect the functions of the Director of OMB relating to budgetary, administrative, or legislative proposals.

(c) Nothing in this memorandum shall be construed to require the disclosure of classified information, law enforcement sensitive information, or other information that must be protected in the interests of national security.

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

(e) 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.

Sec. 7. The Secretary of Commerce is authorized and directed to publish this memorandum in the Federal Register.

THE WHITE HOUSE,
Reader Aids

Federal Register
Vol. 75, No. 126
Thursday, July 1, 2010

CUSTOMER SERVICE AND INFORMATION

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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.

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CFR PARTS AFFECTED DURING JULY
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.
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 Rondenon, 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.
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This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day. When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

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