Federal Register

7–29–10 Thursday
Vol. 75 No. 145 July 29, 2010

Pages 44709–44880

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

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

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

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

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

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

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

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

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

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

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

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

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

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

Single copies/back copies:

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

FEDERAL AGENCIES

Subscriptions:

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

FEDERAL REGISTER WORKSHOP

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

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

WHO: Sponsored by the Office of the Federal Register.

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

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

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

WHEN: Tuesday, September 14, 2010
9 a.m.–12:30 p.m.

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

RESERVATIONS: (202) 741–6008

Printed on recycled paper.

Contents

Federal Register

Vol. 75, No. 145

Thursday, July 29, 2010

Agency for Healthcare Research and Quality
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 44796–44798

Agriculture Department
See Animal and Plant Health Inspection Service
See Federal Crop Insurance Corporation
See Forest Service
See Risk Management Agency
See Rural Business-Cooperative Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals; Withdrawal, 44756

Animal and Plant Health Inspection Service
PROPOSED RULES
Agricultural Bioterrorism Protection Act:
Biennial Review and Republication of the Select Agent and Toxin List, etc., 44724–44725

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Centers for Disease Control and Prevention
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 44795–44796, 44799–44800

Coast Guard
RULES
Safety Zones:
Live-Fire Gun Exercise, M/V Del Monte, James River, VA, 44720–44723
PROPOSED RULES
Safety Zones:
Elizabeth River Private Fireworks, Elizabeth River, Norfolk, VA, 44728–44730

Commerce Department
See Foreign-Trade Zones Board
See International Trade Administration
See National Oceanic and Atmospheric Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 44758–44759
Meetings:
Department of Commerce Business Forum, 44759

Commodity Futures Trading Commission
NOTICES
Meetings:
Joint CFTC–SEC Advisory Committee on Emerging Regulatory Issues, 44781

Department of Transportation
See Pipeline and Hazardous Materials Safety Administration

Employment and Training Administration
RULES
Trade Adjustment Assistance:
Merit Staffing of State Administration and Allocation of Training Funds to States; Clarification, 44720

Energy Department
See Federal Energy Regulatory Commission

Environmental Protection Agency
PROPOSED RULES
Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes:
Nevada; Redesignation of Las Vegas Valley to Attainment for the Carbon Monoxide Standard, 44734–44753
Approval and Promulgation of Implementation Plans:
Albuquerque/Bernalillo County, New Mexico; Interstate Transport of Pollution, 44731–44734
NOTICES
Review of the National Ambient Air Quality Standards for Particulate Matter:
Second Draft Document, 44790–44791

Executive Office of the President
See Management and Budget Office
See Presidential Documents

Federal Aviation Administration
RULES
Amendment and Establishment of Restricted Areas and Other Special Use Airspace:
Razorback Range Airspace Complex, AR, 44719–44720
PROPOSED RULES
Airworthiness Directives:
Pratt & Whitney PW4000 Series Turbofan Engines; Correction, 44725
Proposed Establishment of Class E Airspace:
Clifton/Morenci, AZ, 44725–44726
Proposed Revocation and Establishment of Class E Airspace:
St. George, UT, 44727–44728

Federal Communications Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 44791–44792

Federal Crop Insurance Corporation
RULES
Common Crop Insurance Regulations:
Stonefruit Crop Insurance Provisions, 44709–44718

Federal Deposit Insurance Corporation
NOTICES
Updated Listing of Financial Institutions in Liquidation, 44792

Federal Election Commission
NOTICES
Meetings; Sunshine Act, 44792–44793

Federal Emergency Management Agency
NOTICES
Major Disaster and Related Determinations:
Nebraska, 44802
Wyoming, 44801
Major Disaster Declarations:
Maryland, 44802–44803
Pennsylvania, 44802

Federal Energy Regulatory Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 44781–44782
Combined Filings, 44783–44787
Initial Market-Based Rate Filings with Requests for Blanket Section 204 Section Authorizations:
AP Holdings, LLC, 44788
E.I. du Pont de Nemours and Co., 44787–44788
RED–Scotia, LLC, 44787
Regional Effectiveness Workshops on the Integrated Licensing Process, 44788–44789
Spark Energy, L.P., 44788
Technical Conferences:
Northern Natural Gas Co., 44789–44790

Federal Highway Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 44836–44841

Federal Maritime Commission
NOTICES
Complaints:
Rendezvous International v. Chief Cargo Services, Inc. et al., 44794–44795

Federal Motor Carrier Safety Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Transportation of Household Goods; Consumer Protection; Correction, 44841

Federal Reserve System
NOTICES
Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 44793
Meetings; Sunshine Act, 44793
Solicitation of Nominations for Membership:
Consumer Advisory Council, 44793–44794

Fish and Wildlife Service
PROPOSED RULES
Migratory Bird Hunting; Proposed Frameworks for Early Season Migratory Bird Hunting Regulations, 44856–44876
NOTICES
Environmental Assessments; Availability, etc.:
Ellicott Slough National Wildlife Refuge, Santa Cruz County, CA, 44806–44807

Foreign-Trade Zones Board
NOTICES
Applications for Subzone Authority:
Foreign Trade Zone 29; Dow Corning Corp., 44760

Forest Service
NOTICES
Meetings:
Yavapai County Resource Advisory Committee, 44757–44758

Health and Human Services Department
See Agency for Healthcare Research and Quality
See Centers for Disease Control and Prevention
See National Institutes of Health

Homeland Security Department
See Coast Guard
See Federal Emergency Management Agency
NOTICES
Meetings:
Homeland Security Information Network Advisory Committee, 44800–44801

Housing and Urban Development Department
NOTICES
Privacy Act; Systems of Records, 44803–44805

Interior Department
See Fish and Wildlife Service
See Land Management Bureau
See National Indian Gaming Commission
See National Park Service
See Reclamation Bureau
NOTICES
Environmental Assessments; Availability, etc.:
Central Utah Project Completion Act, 44805–44806

Internal Revenue Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 44842–44852

International Trade Administration
NOTICES
Export Trade Certificate Of Review, 44760–44763
Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review:
Certain Circular Welded Non-Alloy Steel Pipe from Mexico, 44763–44764
Final Results of Antidumping Duty New Shipper Review:
Wooden Bedroom Furniture from the People's Republic of China, 44764–44766
Final Results of Countervailing Duty Administrative Review:
Certain Welded Carbon Steel Standard Pipe from Turkey, 44766–44767
Initiation of New Shipper Review:
Folding Metal Tables and Chairs from the People's Republic of China, 44767–44768

Labor Department
See Employment and Training Administration
See Labor Statistics Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 44809–44811

Labor Statistics Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 44811

Land Management Bureau
NOTICES
Filing of Plats of Survey:
Montana, 44807–44808
New Mexico, 44808

Legal Services Corporation
NOTICES
Meetings; Sunshine Act, 44811–44814

Management and Budget Office
NOTICES
Audits of States, Local Governments, and Non-Profit Organizations:
Circular A–133 Compliance Supplement, 44814–44815

National Foundation on the Arts and the Humanities
NOTICES
Meetings:
Arts Advisory Panel, 44815

National Indian Gaming Commission
NOTICES
Fee Rate, 44807

National Institutes of Health
NOTICES
Meetings:
National Human Genome Research Institute, 44800
National Library of Medicine, 44800

National Oceanic and Atmospheric Administration
PROPOSED RULES
Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic:
Snapper–Grouper Fishery off Southern Atlantic States; Amendment 17A, 44753–44755
NOTICES
Endangered and Threatened Species:
Take of Anadromous Fish, 44760
Meetings:
Gulf of Mexico Fishery Management Council, 44769–44770
Marine Fisheries Advisory Committee, 44770
National Sea Grant Review Panel, 44768
Science Advisory Board, 44770
Takes of Marine Mammals Incidental to Specified Activities:
Marine Geophysical Survey in the Northwest Pacific Ocean, July through September; 2010, 44770–44781

National Park Service
NOTICES
Intent to Repatriate Cultural Items:
Forest Service, Coconino National Forest, Flagstaff, AZ, and Arizona State Museum, University of Arizona, Tucson, AZ, 44808–44809

Nuclear Regulatory Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 44815–44817
Availability of Uranium Enrichment Fuel Cycle Facility Inspection Reports:
Louisiana Energy Services, National Enrichment Facility, Eunice, NM, 44817–44818
Meetings:
Advisory Committee on Reactor Safeguards Subcommittee on ESBWR, 44818
Advisory Committee on Reactor Safeguards Subcommittee on Plant License Renewal, 44818–44819
Advisory Committee on Reactor Safeguards Subcommittee on Siting, 44819

Office of Management and Budget
See Management and Budget Office

Pipeline and Hazardous Materials Safety Administration
NOTICES
Meetings:
Hazardous Materials; Special Permits and Approvals, 44841–44842

Postal Regulatory Commission
NOTICES
New Postal Products, 44819–44820

Presidential Documents
PROCLAMATIONS
Special Observances:
Americans With Disabilities Act; Anniversary (Proc. 8542), 44877–44880

Presidio Trust
NOTICES
Proposed Use Limit of Battery Caulfield Road and Request for Comments, 44820–44821

Reclamation Bureau
NOTICES
Meetings:
Glen Canyon Dam Adaptive Management Work Group, 44809

Risk Management Agency
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 44756–44757

Rural Business-Cooperative Service
NOTICES
Funding Availability:
Rural Microentrepreneur Assistance Program, 44757

Securities and Exchange Commission
NOTICES
Applications:
Northern Funds, et al., 44821–44826
Meetings:
Joint CFTC–SEC Advisory Committee On Emerging Regulatory Issues, 44781
Self-Regulatory Organizations; Proposed Rule Changes:
NASDAQ OMX BX, Inc., 44826–44828, 44835–44836
NASDAQ OMX PHLX, Inc., 44832–44833
NASDAQ Stock Market LLC, 44829–44832
National Securities Clearing Corp., 44828–44829
Options Clearing Corp., 44833–44835

Thrift Supervision Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Community Reinvestment Act Sunshine, 44852–44853
Appointment of Receiver:
Woodlands Bank, Bluffton, SC, 44853

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See Federal Motor Carrier Safety Administration
See Pipeline and Hazardous Materials Safety Administration

Treasury Department
See Internal Revenue Service
See Thrift Supervision Office
NOTICES
List of Countries Requiring Cooperation with an International Boycott, 44842

Separate Parts In This Issue

Part II
Interior Department, Fish and Wildlife Service, 44856–44876

Part III
Presidential Documents, 44877–44880

Reader Aids

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR

Proclamations:

8542 44879

7 CFR

457 44709

Proposed Rules:

331 44724

9 CFR

Proposed Rules:

121 44724

14 CFR

73 44719

Proposed Rules:

39 44724

71 (2 documents) 44725, 44727

20 CFR

618 44720

33 CFR

165 44720

Proposed Rules:

165 44728

40 CFR

Proposed Rules:

52 (2 documents) 44731, 44734

81 44734

50 CFR

Proposed Rules:

20 44856

622 44753

Rules and Regulations

Federal Register

Vol. 75, No. 145

Thursday, July 29, 2010

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

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

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 457

RIN 0563–AC21

Common Crop Insurance Regulations; Stonefruit Crop Insurance Provisions

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) finalizes amendments to the Common Crop Insurance Regulations, Stonefruit Crop Insurance Provisions, and removes the Plum Crop Insurance Provisions from the Code of Federal Regulations. The intended effect of this action is to allow coverage for plums under the Stonefruit Crop Insurance Provisions; provide policy changes and clarify existing policy provisions to better meet the needs of the producers; and to reduce vulnerability to program fraud, waste, and abuse to the Federal crop Insurance Program. The changes will be effective for the 2011 and succeeding crop years.

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

FOR FURTHER INFORMATION CONTACT: Claire White, Economist, Product Management, Product Administration and Standards Division, Risk Management Agency, Beacon Facility, Stop 0812, Room 421, PO Box 419205, Kansas City, MO 64141–6205 at the Kansas City, MO, telephone (816) 926–7730.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

The Office of Management and Budget (OMB) has determined that this rule is non-significant for the purpose of Executive Order 12866 and, therefore, it has not been reviewed by OMB.

Paperwork Reduction Act of 1995

Pursuant to the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the collections of information in this rule have been approved by OMB under control number 0563–0053 through March 31, 2012.

E-Government Act Compliance

FCIC is committed to complying with the E-Government Act of 2002, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This rule contains no Federal mandates (under the regulatory provisions of title II of the UMRA) for State, local, and tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

Executive Order 13132

It has been determined under section 1(a) of Executive Order 13132, Federalism, that this rule does not have sufficient implications to warrant consultation with the States. The provisions contained in this rule will not have a substantial direct effect on States, or on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Regulatory Flexibility Act

FCIC certifies that this regulation will not have a significant economic impact on a substantial number of small entities. Program requirements for the Federal crop insurance program are the same for all producers regardless of the size of their farming operation. For instance, all producers are required to submit an application and acreage report to establish their insurance guarantees and compute premium amounts, and all producers are required to submit a notice of loss and production information to determine the amount of an indemnity payment in the event of an insured cause of crop loss. Whether a producer has 10 acres or 1000 acres, there is no difference in the kind of information collected. To ensure crop insurance is available to small entities, the Federal Crop Insurance Act authorizes FCIC to waive collection of administrative fees from limited resource farmers. FCIC believes this waiver helps to ensure that small entities are given the same opportunities as large entities to manage their risks through the use of crop insurance. A Regulatory Flexibility Analysis has not been prepared since this regulation does not have an impact on small entities, and therefore, this regulation is exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. 605).

Federal Assistance Program

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which require intergovernmental consultation with State and local officials. *See* the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

Executive Order 12988

This proposed rule has been reviewed in accordance with Executive Order 12988 on civil justice reform. The provisions of this rule will not have a retroactive effect. The provisions of this rule will preempt State and local laws to the extent such State and local laws are inconsistent herewith. With respect to any direct action taken by FCIC or action by FCIC to require the insurance provider to take specific action under the terms of the crop insurance policy, the administrative appeal provisions published at 7 CFR part 11 must be exhausted before any action against FCIC for judicial review may be brought.

Environmental Evaluation

This action is not expected to have a significant economic impact on the quality of the human environment, health, or safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Background

On November 24, 2009, FCIC published a notice of proposed rulemaking in the **Federal Register** at 74 FR 61286–61289 to remove and reserve 7 CFR 457.157 and to revise 7 CFR 457.159 Stonefruit Crop Insurance Provisions. Following publication of the proposed rule, the public was afforded 60 days to submit written comments and opinions.

A total of 50 comments were received from three commenters. The commenters were two reinsured companies and one insurance services organization. The comments received and FCIC's responses are as follows:

General Comments

Comment: Several commenters support combining the Plum Crop Insurance Provisions and the Stonefruit Crop Insurance Provisions since the policy provisions are so similar. A commenter specifically supports expanding plum coverage to the Pacific Northwest states.

Response: FCIC thanks the commenters for their support regarding combining the Plum Crop Insurance Provisions and the Stonefruit Crop Insurance Provisions. Combining the two Crop Provisions will enable expansion of plum insurance to producers beyond California, where there is supporting data.

Comment: A commenter recommends FCIC provide reinsured companies with a preview of the Special Provisions statements and a list of any areas intended for expansion.

Response: Providing the reinsured companies with a preview of the Special Provisions statements for intended areas of expansion exceeds the scope of this rule. FCIC cannot expand any program unless there is sufficient actuarial data upon which to establish premium rates. FCIC will coordinate with the reinsured companies through the normal course of business to ensure proper coverage is made available.

Comment: A commenter states there are some differences, such as provisions or phrases contained in the Plum Crop Insurance Provisions that are not contained in the current or proposed Stonefruit Crop Insurance Provisions, some of which are addressed in comments below. If the provisions apply only to plums, a number of "in lieu of" statements in the Plum Special Provisions statements will be required, which may not be worth combining these two sets of Crop Provisions. The commenter asked how this consolidation will affect the existing Special Provisions statements for the covered crops.

Response: Each crop insured under the Stonefruit Crop Insurance Provisions has a separate set of Special Provisions statements. Therefore, plums will have a separate set of Special Provisions statements. Each set of Special Provisions statements will clearly indicate any exclusions, restrictions, etc. for plums and for the other specific crops insured under the Stonefruit Crop Insurance Provisions. Further, FCIC has many policies, such as coarse grains and small grains, that apply to more than crop and there may be provisions that are unique to one crop. FCIC will similarly handle any such unique provisions for stonefruit and plums.

Comment: Two commenters asked if coverage will be expanded beyond the current counties with plums and stonefruit crops, and if so, the commenters asked where and when the expansion will occur.

Response: The new provisions will enable expansion of plum insurance to producers beyond California and stonefruit insurance to producers beyond the counties where stonefruit insurance is currently available, where there is actuarially sufficient data to establish premium rates. Requests to expand the Stonefruit crop insurance program should be submitted to the applicable Risk Management Agency (RMA) Regional Office.

Section 1—Definitions

Comment: A commenter states the proposed definition of "marketable" states "stonefruit production that meets or exceeds the quality standards for U.S. No. 1 in accordance with the applicable grade standards or other standards specified in the Special Provisions or is accepted by a packer, processor or other handler." According to the Background section of the proposed rule, "* * *The new definition clarifies that the grade standards will first be applied to determine whether the stonefruit is marketable. If the stonefruit does not make grade, it is not considered marketable unless a packer, handler or processor accepts the production not making grade. If accepted, it will be considered marketable." However, this is not clear in the revised definition, which still allows production to be considered "marketable" by either meeting the standards or being accepted by a processor, etc., without any indication that the grade standards must be applied first. Maybe that sequence is not needed since the production will be considered "marketable" either way, and this revision at least refers to the grade standards first (as compared to the current definition). But if it is truly intended that the grade be determined first, before considering whether the production has been accepted, the language needs to be reworked to include the phrase "* * * or if it failed to meet the applicable standards but is accepted * * *" at the end of the definition.

A commenter states if the definition of "marketable" remains as is, then a comma should be added after "Special Provisions * * *"

A commenter states the definition could be revised to remove the words "or other standards specified in the Special Provisions" since this is already covered in the revised definition of "Grade Standards."

Response: FCIC agrees the definition of "marketable" is not clear. FCIC has revised the definition of marketable to be consistent with the information provided in the Background section of the proposed rule. The definition has been revised to clarify the grade standards will first be applied to determine whether the stonefruit is marketable. If the stonefruit does not make the applicable grade, it is not considered marketable unless a packer, handler or processor accepts the production not making grade. FCIC also agrees with adding a comma after "Special Provisions" and has revised the provisions accordingly.

Comment: A commenter recommends adding a definition of "scion," which is currently defined in the Plum Crop Insurance Provisions.

Response: A scion, according to the Plum Crop Insurance Provisions, is a "twig or portion of a twig of one plant that is grafted onto a stock of another." The only other reference to scion in the Plum Crop Insurance Provisions is in section 6 regarding the minimum insurability requirements for plums produced on scions. Based on another comment FCIC received for section 6 of the proposed Stonefruit Crop Insurance Provisions, FCIC made a revision to section 6(b)(6) to specify minimum insurability requirements for trees that have been grafted. Since scions result from grafting, the reference to grafting will also include plums and other stonefruit. Therefore, it is not necessary to add a definition of "scion." The recommended change has not been made.

Comment: Two commenters state the proposed rule adds flexibility by including several references to "* * * or as specified in the Special Provisions" throughout the Crop Provisions so policy changes can be made without having to go through the regulatory process. The commenters are interested to see what comments are

received from the reinsured companies. While some flexibility can be helpful, some of these changes could cause confusion, such as adding another stonefruit crop to be covered under these Crop Provisions without having any references to that crop other than in the Special Provisions. The commenters question whether the definition of "stonefruit" should allow for a new stonefruit crop to be added in the Special Provisions without having to go through the regulatory process of revising these Crop Provisions. That would seem to bypass the process that allows members of the crop insurance industry and other members of the public to review and comment to such a significant policy change. It also could make it difficult for producers to know what exactly their policy covers when the Crop Provisions do not include a complete list of which crops are insurable under the policy.

Response: FCIC does not agree creating the flexibility to add another stonefruit crop through the Special Provisions could cause confusion. Providing this flexibility eliminates the administrative burden of revising regulations if it is determined an additional crop can be adequately insured under the Stonefruit Crop Insurance Provisions. FCIC has retained the provisions. No change has been made.

Comment: A commenter states the usual format for FCIC's policy provisions is to use semicolons at the end of subsections (a)–(g) rather than commas.

Response: FCIC agrees and has revised the provisions accordingly.

Comment: A few commenters state the proposed definition of "type" states: "A category of a stonefruit crop with similar characteristics that are grouped for insurance purposes." The commenter states this definition indicates the types will be listed in the Special Provisions. It is difficult to consider and comment on how that might affect various aspects of the crop program without any indication of what those types might be and whether they will be the same as under the current Stonefruit Crop Insurance Provisions and Plum Crop Insurance Provisions or if there will be changes. There are many references to "type" in this proposed rule but reinsured companies cannot get an accurate idea of how type will apply to the various components of this proposed rule, such as unit division, unless a preview of the Special Provisions is also provided in advance.

Response: FCIC is using type instead of varietal group but the meaning has not changed. The current varietal groups are now the new types. Therefore, the only change has been in nomenclature.

Section 2—Unit Division

Comment: Two commenters state the introductory sentence in this section uses the word "Notwithstanding" but recommends replacing this word with "In lieu of" to be more consistent with the terminology used in other Crop Provisions.

Response: Although this section was not included in the proposed rule, FCIC agrees and has revised the provisions accordingly, since it is merely a technical correction and does not change the meaning or intent of the provision.

Comment: Two commenters state section 2(b), as revised in the proposed rule, reads as follows: "Optional Units by Type: Optional units may be established by type if allowed by the Special Provisions." The commenters suggest revising section 2(b) to read as follows: "Optional Units by Type: Optional units may be established by type." Alternatively, based on a comment above, if a reference to the Special Provisions is still deemed as necessary, consider changing it to read as follows: "Optional Units by Type: Optional units may be established by type if different types are listed in the Special Provisions." The current phrase "if allowed" gives the appearance the Special Provisions will have a statement indicating whether or not optional units by type are allowed, which is not intended by this item.

Response: This section was not included in the proposed rule, the recommended change is substantive or could have unintended consequences, and the public was not provided an opportunity to comment. Therefore, FCIC cannot consider the recommended change.

Section 3—Insurance Guarantees, Coverage Levels, and Prices for Determining Indemnities

Comment: A commenter recommends changing the phrase "one price election" to "one price election percentage." If this change is made, this might require revision of the rest of this subsection to reflect this change.

Response: This section was not included in the proposed rule, the recommended change is substantive or could have unintended consequences, and the public was not provided an opportunity to comment. Therefore, FCIC cannot consider the recommended change.

Comment: A commenter recommends changing the first reference to 'cling peaches' from plural to singular ('cling peach') in section 3(a).

Response: Although this section was not included in the proposed rule, FCIC agrees and has revised the provisions accordingly, since it is merely a technical correction and does not change the meaning or intent of the provision.

Comment: A commenter suggests the reference to "Any damage * * *" in section 3(b)(1) might be clarified as "Any damage to the trees * * *" to distinguish it from damage to the previous year's fruit crop that would be reflected in a lower yield for the crop year.

Response: This section was not included in the proposed rule, the recommended change is substantive or could have unintended consequences, and the public was not provided an opportunity to comment. Therefore, FCIC cannot consider the recommended change.

Comment: A commenter questions using the word "bearing'' in section 3(b)(2). Producers are required to report their uninsurable acres, and when trees are first planted, they will be non-bearing. The commenter asked whether it is the intent for producers to report zero trees on their uninsurable acres. If the block consists of older trees and younger interplanted trees of the same variety, and only the bearing trees are counted, there will be inconsistencies with the acres, the tree spacing, and the density. If producers remove many older trees and replace them with younger trees, they will need to report them on the Producer's Pre-Acceptance Worksheet (PAW) as they have performed cultural practices that will reduce the yield from previous levels. Producers should be required to report all trees and this number should remain constant until they remove trees or plant new trees. The commenter states they should not be required to track only the trees that are bearing and be required to revise this figure each year.

Response: This section was not included in the proposed rule, the recommended change is substantive or could have unintended consequences, and the public was not provided an opportunity to comment. Therefore, FCIC cannot consider the recommended change. In addition, the information that must be submitted in accordance with section 3(b) is required in order to establish the producer's actual production history (APH) approved yield and the amount of his/her coverage. While section 3(b)(2) only requires the bearing trees on insurable and uninsurable acreage to be reported, the number of bearing and non-bearing

trees on insurable and uninsurable acreage must be reported on the PAW. Perennial crop policies contain provisions for "bearing trees" to identify trees that meet the eligibility requirements for insurance coverage. Since premium and indemnity payments are based on the number of trees that meet eligibility requirements, reinsured companies are required to track bearing trees as outlined in the Crop Provisions and the Crop Insurance Handbook.

Comment: A commenter states section 3(b) requires the producer to report for each stonefruit crop the age of trees and the planting pattern. The commenter states concerns have been raised about interplanting and tracking of age differences between plantings. Although this section of the existing Crop Provisions is not specifically included in this proposed rule, FCIC needs to address different planting patterns within a block and new plantings interplanted with mature trees. This issue is not specific to stonefruit as it affects most all Category C crops, but it is essential FCIC provide clear instructions. It is reasonable to address it during this time so it can be covered in these new provisions for 2011.

More specifically, the commenter states producers may have significant differences in age of trees within a block, even the same row. Many trees are already several years old but if damage results to a specific tree or group of trees, or if the tree is just not producing well, a producer may remove the tree and replace it with a new planting. This could be one or two trees within a row or one row within a block. Additionally, the planting pattern may start out the same but become closer or more spread out as it nears the end of the row or starts to go up a hill. FCIC must recognize that spacing requirements and planting patterns are not constant. This common practice results in inaccurate reporting because a procedure does not exist for this type of tracking. The policy language requires the producer to report the age of the trees and the planting pattern. Language needs to be added to address policies covering trees that vary in age and planting patterns.

Response: This section was not included in the proposed rule, the recommended change is substantive or could have unintended consequences, and the public was not provided an opportunity to comment. Therefore, FCIC cannot consider the recommended change. However, FCIC acknowledges situations, such as those outlined by the commenter, are not readily addressed by the general terms of the policy provisions. For this reason, instructions are provided in the Crop Insurance Handbook.

Comment: A commenter questions the need to know the planting pattern. This requires space on the PAW that could better be used to ask if the producer is 'intending to direct market' any portion of their crop. The commenter states they already capture tree spacing and tree count and this is what is needed to determine if there have been tree removals or acreage reductions.

Response: FCIC requires the producer to report the planting pattern so the reinsured company can use this information to determine if there is adequate tree spacing for the producer to carry out recommended orchard management practices.

Comment: A commenter states section 3(c) specifically states that the yield used to establish the production guarantee will be reduced. This language only indicates when it will be reduced but not how a reinsured company should apply the reduction. Although much of this language is existing in the current Stonefruit Crop Insurance Provisions, FCIC must clarify how the yield used to establish the production guarantee will be reduced or the procedures to be applied to reduce the yield used to establish the production guarantee.

Response: Not all situations will be reduced the same so it is not practical to put the provisions in the Crop Provisions. Some guidance is provided in the Basic Provisions and will be provided in the Crop Insurance Handbook. No change has been made.

Comment: Two commenters state the reference to "* * * any event or action of any of the items listed in section 3(b)(1) through (4) * * *" in section 3(c) should be changed to refer to 3(b)(1), or possibly (1) and (4), since 3(b)(2) [number of bearing trees] and 3(b)(3) [age of trees and planting pattern] are not an "event or action" that will occur at a particular time and potentially reduce the yield used to establish the production guarantee.

Response: FCIC agrees that the items listed are not all events or actions. The provisions have been revised to refer to any of the "situations" specified in section 3(b)(1) through (4).

In addition, FCIC has removed the phrase "of any of the items" in section 3(c) because it is not needed.

Comment: A commenter states the phrase "as indicated below" at the end of the first sentence of 3(c) could be deleted since the subsequent phrase "If the event or action occurred:" leads in to sections 3(b)(1) through (3). Another commenter suggests revising the phrase "as indicated below" to state "that occurred."

Response: As stated above, FCIC has revised the provisions to refer to the situations listed because some are not actions or events and deleted the phrase "as indicated below."

Comment: A commenter states throughout sections 3(c) and 3(c)(1) through 3(c)(3), it is stated that "We will reduce the yield used to establish your production guarantee, as necessary * * *" when certain events or actions have occurred. The commenter questions whether those events or actions would include when a reduced yield is due to insurable or uninsurable causes of loss that are normally reflected when the yield used to establish the production guarantee is established or updated.

Response: When situation occurs before the beginning of the insurance period, the yield used to establish the production guarantee will be reduced if the situation is due to either an insurable or uninsurable cause of loss. When the situation occurs after the beginning of the insurance period, regardless if the producer provides notification, the yield used to establish the production guarantee will be reduced if the event or action is due to an uninsurable cause of loss. FCIC has revised the provisions in sections 3(c)(1) through (3) to provide clarification.

Comment: A commenter states the wording in section 3(c)(1) is unclear:

- The first sentence states "[If the event or action occurred:] (1) Before the beginning of the insurance period, we will reduce the yield used to establish your production guarantee for the current crop year as necessary." The phrases "we will reduce the yield used to establish your production guarantee" and "as necessary" are already stated in the preceding section 3(c). Perhaps this could be rewritten or rearranged to reduce the repetition.
- The second sentence states "If you fail to notify us of any circumstance that may reduce your yields from previous levels, we will reduce your production guarantee at any time we become aware of the circumstance." Is it intended that the production guarantee will be reduced in this case, instead of the yield used to establish your production guarantee as is stated in the rest of sections 3(c) and 3(c)(1) through 3(c)(3), or should this also say "yield used to establish your production guarantee?" If the latter, then what is the difference in the penalty applied whether or not the producer notifies the reinsured company of the circumstance?
- The second sentence also states yield used to establish the production

guarantee will be reduced if the producer fails to notify the reinsured company "* * * of any circumstance that may reduce your yields from previous levels * * *" Will the yield used to establish the production guarantee be reduced if the producer fails to notify the reinsured company even if the "circumstance" does not reduce the yields used to establish the production guarantee after all? If not, the statement "we will reduce * * *" needs to be modified with the phrase "as necessary," as used in the first sentence and in sections 3(c) and 3(c)(2).

• The second sentence should also be reworded to state "If you fail to notify us of any reduction in your yields from previous levels due to any circumstance that reduces the crop's expected yield [or perhaps "yield potential" would be better] for the current crop year, we will reduce * * *", rather than "If you fail to notify us of any circumstance that may reduce your yields from previous levels, we will reduce * * *"

Response: FCIC agrees the language in the first sentence of section 3(c)(1) needs to be rewritten and has revised the language to reduce repetition. FCIC has also revised the same language in sections 3(c)(2) and 3(c)(3).

FCIC agrees the language in the second sentence of section 3(c)(1) needs to be revised. The phrase "we will reduce your production guarantee" is replaced with the phrase "we will reduce the yield used to establish your production guarantee." There is no difference in the penalty applied whether or not the producer notified the reinsured company of the circumstance prior to the beginning of the insurance period.

If the producer fails to notify the reinsured company before the beginning of the insurance period and the circumstance does not reduce the yield used to establish the production guarantee, the producer's yield used to establish the production guarantee will not be reduced. FCIC does not agree the phrase "as necessary" needs to be added after the phrase "we will reduce" because it is clear in section 3(c) that the yield will only be reduced as necessary. The phrase has been removed in paragraphs (1) and (2),

FCIC does not agree with the recommended rewording of the second sentence. The suggestion does not significantly change or clarify the provisions. No change has been made.

Comment: Two commenters recommend language be added to the last sentence of section 3(c)(1) to read as follows: "* * * If you fail to notify us of any circumstance that may reduce your yields from previous levels, we will reduce your production guarantee or assess uninsured cause of loss against your claim at any time we become aware of the circumstances." The phrase "or assess uninsured cause of loss against your claim" is the additional suggested language being proposed. Producers have a responsibility to report to the reinsured company damage and removal of trees, etc. If they report it to the reinsured company timely, the reinsured company can adjust their production guarantee and premium. There should be a penalty if they do not timely report this information and it is discovered by the adjuster at claim time. Currently there is no penalty, so there is little incentive to timely report this information to the reinsured company.

Response: FCIC does not agree the additional suggested language be added. Section 3(c)(1) refers to circumstances that occur before the beginning of the insurance period. Coverage can never be provided for any damage occurring prior to the beginning of the insurance period. Therefore, premium cannot be charged and there cannot be any uninsured cause of loss appraisals for coverage that could not be provided. No change has been made.

Comment: Two commenters ask, regarding sections 3(c)(2) and 3(c)(3), will producers always be aware of an event or action that "may occur after the beginning of the insurance period * * *" in order to notify the reinsured company of that potential event or action? And if such notification is not provided and the event or action does not occur, does section 3(c)(3) still require the reinsured company to do an appraisal and reduce the APH approved yield? In addition, section 3(c)(3) indicates how to handle the yield used to establish the production guarantee for the subsequent crop year but does not address what to do with the yield used to establish the production guarantee for the current crop year. Is the yield used to establish the production guarantee for the current crop year impacted in this situation?

Response: Generally, producers should be aware of what is going on in their farming operations, including situations that may affect this year's crop production that may occur after the beginning of the insurance period (*e.g.,* a planned orchard renovation). Therefore, the producers should be able to timely notify their reinsured company. In situations where a planned event (e.g., grafting of new varieties on existing trees) does not occur, then no adjustments are made since the situation did not occur. For situations impacting the yield used to establish the production guarantee after insurance has attached but the reinsured company was not notified, production lost due to uninsured causes equal to the amount of the reduction in the yield used to establish your production guarantee will be applied in determining any indemnity. The yield used to establish the production guarantee is not adjusted for the current crop year.

Comment: A commenter states it is unclear how the appraisal in section 3(c)(3) will be applied, suggesting the following as a possible alternative wording: "* * * an appraisal for production lost due to uninsured causes (see section 11(c)(1)(ii)) equal to the amount of the reduction in yield will be applied in determining any indemnity * * *"

Response: FCIC agrees and has revised the provisions.

Comment: A commenter states the provisions in section 3(d) are difficult to administer. The provisions state "You may not increase your elected or assigned coverage level or the ratio of your price election to the maximum price election we offer if a cause of loss that could or would reduce the yield used to establish the production guarantee of the insured crop is evident prior to the time that you request the increase." The commenter recommends it be removed from the policy. The PAW contains the following question: "Has damage (i.e. disease, hail, freeze) occurred to Trees/Vines/Bushes/Bog or have cultural practices been performed that will reduce the insured crop's production from previous levels?" If damage has occurred, and the question has been answered 'yes,' the yield used to establish the production guarantee will be adjusted accordingly to reflect the reduced potential production. This question on the PAW appears to address the issues this section is intending to handle. In addition, the sales closing dates are generally established based on the precept that any applications taken by that date will not be subject to adverse selection. If the decision is made to retain this provision, the commenter suggests clarifying what time frame is meant by "* * * if a cause of loss * * * is evident prior to the time that you request the increase." A cause of loss that occurred the previous crop year would be "prior to the time that you request the increase." Another suggestion is to rewrite this provision to read as follows: "Your request to increase the coverage level or price election percentage will not be accepted if a cause of loss that could or would reduce the yield of the insured crop is evident when your request is made."

Response: This section was not included in the proposed rule, the

recommended change is substantive or could have unintended consequences, and the public was not provided an opportunity to comment. Therefore, FCIC cannot consider the recommended change.

Section 6—Insured Crop

Comment: Two commenters suggest revising the introductory language "* * * will be all of each stonefruit crop * * *" to "* * * will be any stonefruit crop * * *" or "* * * will be all acreage of each stonefruit crop * * *"

Response: FCIC agrees and has revised the language to read "will be all acreage of each stonefruit crop."

Comment: A commenter recommends capitalizing the first word in section 6(b)(3) to be consistent with the first word in the other paragraphs.

Response: FCIC agrees and has revised the provision accordingly.

Comment: A commenter supports the proposed change in section 6(b)(5) to allow the crop to be insured if it meets the minimum production requirement in at least one of four years, as opposed to one in three years. This allows producers who may have had low yields due to circumstances beyond their control to still have an opportunity for coverage.

Response: FCIC thanks the commenter for their support of this change.

Comment: A commenter states section 6(b)(5) refers to the reinsured company's "approval in writing" to insure acreage that has not yet produced the required amount of lugs or tons per acre, while section 6(b)(6) says the reinsured company "may agree in writing" to insure acreage that has not yet reached the fifth growing season after set out. The commenter asks whether the different phrases are intended to mean different things. The commenter asks whether "agree in writing" in section 6(b)(6) requires a written agreement while section 6(b)(5) does not? If not, consider using the same phrase to avoid confusion.

Response: The two phrases are intended to mean the same thing. FCIC has revised the provision in 6(b)(6) to be consistent with the provision in 6(b)(5).

Comment: A commenter states section 6(b)(6) states the stonefruit crop must have reached at least the fifth growing season after set out in order to be insurable. However, the reinsured company may agree in writing to insure acreage that has not reached this age if it meets the requirements of section 6(b)(5). The commenter states specific language relating to plums produced on scions and to grafted plums is not present in this section of the proposed rule. Language needs to be included to address insurability when these two situations are present.

The commenter also states this proposed rule, as well as other perennial Crop Provisions, contain the following language in the: "[h]owever, we may agree in writing * * *" or "unless we inspect such acreage and give our approval in writing." However, the policy does not state the yield that will be applied if approval is granted. FCIC must add language to specify how the yield is set if crops have not met the minimum age or production requirement.

Response: FCIC agrees language addressing the minimum insurability requirements for plums needs to be added. FCIC has addressed this by revising the provisions in section 6(b)(6) to include language regarding the minimum insurability requirements for trees that have been grafted.

FCIC does not agree language needs to be added to the Stonefruit Crop Insurance Provisions to specify how the yield is set if crops have not met the minimum age or production requirement. It would be difficult to address in the Crop Provisions all scenarios when minimum age or production requirements are not met. Therefore, instructions for handling situations for which minimum age or production requirements are not met are contained in section 7F(2)(f) of the Crop Insurance Handbook.

Section 8—Insurance Period

Comment: Two commenters state the end of the insurance period date in section 8(a)(2) for plums in California has been changed from September 30 to October 20. The background portion of the proposed rule indicates that based on published data plums can be harvested as late as October 20. The commenters are concerned about the increased exposure from extending this date and wondering if this extension should only apply to certain types of plum in certain areas rather than all plums in California. The commenters also asked what 'published data' was used to support making this change.

Response: Based on the published data and an analysis conducted by FCIC, any increased exposure due to extending the end of insurance period for all plums in California from September 30 to October 20 will be minimal. The published data to which FCIC is referring is the United States Department of Agriculture National Agricultural Statistics Service Agriculture Handbook Number 729, which is titled "Fruits and Tree Nuts: Blooming, Harvesting, and Marketing Dates." According to this handbook, the Usual Harvesting Dates for Plums in California are May 15 through October 20. If other data becomes available that would warrant changing the end of insurance period for certain types of plums, section 8 of the Stonefruit Crop Insurance Provisions provides the flexibility to change the end of insurance period through the Special Provisions. No change has been made.

Comment: A commenter recommends consolidating and revising sections 8(a)(2)(ii) and 8(a)(2)(iii) to read as follows: "(ii) September 30 for all nectarines and peaches, and for all fresh plums in states other than California."

Response: FCIC does not agree with consolidating and revising sections 8(a)(2)(ii) and 8(a)(2)(iii). While the dates may be the same, combining sections 8(a)(2)(ii) and 8(a)(2)(iii) as recommended may cause confusion. The suggested revision could be interpreted to mean all nectarines, all peaches and all plums in all states except California have an end of insurance period of September 30, rather than all nectarines and all peaches in all states have a September 30 end of insurance period and only plums in California have an end of insurance period of September 30. No change has been made.

Comment: Two commenters state the phrase "* * * after an inspection * * *" in section 8(b)(1) should be removed. If damage has not generally occurred in the area where such acreage is located, it should be up to the reinsured company's discretion to decide whether the acreage needs an inspection to be considered acceptable. The language in this section already refers to the reinsured company having the ability to consider the acreage acceptable. Since the acreage and production reporting dates are after insurance attaches, the reinsured company may not know if the acreage was acquired after coverage began, but before the acreage reporting date. The commenters state reinsured companies need the right to inspect if they deem necessary, but this should not be a requirement.

The commenters also recommend language be added to section 8(b)(1) to allow reinsured companies the opportunity to inspect and insure any additional acreage that is acquired after the acreage reporting date if they wish to do so. Reinsured companies should have the opportunity to accept or deny coverage in these types of situations. This would be similar to what is currently allowed for acreage that is not reported per section 6(f) of the Basic Provisions.

Response: This section was not included in the proposed rule, the recommended change is substantive or could have unintended consequences, and the public was not provided an opportunity to comment. Therefore, FCIC cannot consider the recommended changes. However, with respect to acreage acquired after the acreage report, section 6(f) of the Basic Provisions, which allows the reinsured company to determine by unit the insurable crop acreage, share, type and practice, or to deny liability if the producer fails to report all units, would apply. The Crop Insurance Handbook also allows for reinsured company to revise an acreage report to increase liability if the crop is inspected and the appraisal indicates the crop will produce at least 90 percent of the yield used to determine the guarantee or amount of insurance for the unit.

Comment: Two commenters state the language in section 8(c) was added to most, if not all, of the perennial crops several years ago. The commenters are in agreement with the concept of continuous coverage applying for carryover producers but do have some concerns with language as it currently reads. The current language indicates, for each subsequent crop year, the policy remains continuously in force and coverage begins on the day immediately following the end of the insurance period for the prior crop year. The commenters question what happens if the damage occurs to next crop year's buds prior to this crop year's end of the insurance period. The commenters ask whether damage such as this is intended to be covered by this language. For example, assume a producer is insured and a severe hail storm occurs in July. This damage may injure this crop year's crop as well as the buds that will produce next crop year's crop. However, this damage would be outside the current insurance period based on the current language. If the intent is to cover this damage for carryover producers, the language should be revised to something along the lines of the language in the Adjusted Gross Revenue handbook, which states damage due to insurable causes of loss occurring during the previous crop year is covered. The commenters state it will be difficult to assess such damage and that it should be covered under the policy. If this is not the intent, it should be stated very clearly that we will not cover damage that occurs the previous crop year if such damage occurs prior to the end of the previous crop year's end of insurance period.

Response: The Stonefruit Crop Provisions do not provide coverage for damage to fruit if the damage occurs outside of the insurance period. FCIC recognizes situations such as the one highlighted by the commenter may occur, but believes from contacts within the agronomic community that the likelihood of those situations occurring is rare. This section was not included in the proposed rule, and the public was not provided an opportunity to comment. Therefore, FCIC cannot make changes to this section. However, FCIC will take into consideration the situation highlighted by the commenter and evaluate further if coverage should be included in the Stonefruit Crop Provisions in the future.

Comment: Two commenters suggest adding a comma after "* * * and termination dates * * *" in section 8(d).

Response: Although this section was not included in the proposed rule, FCIC agrees and has revised the provisions accordingly since it is merely a technical correction and does not change the meaning or intent of the provision.

Section 9—Causes of Loss

Comment: A commenter recommends the insured cause of loss in section 9(a)(2) be clarified as "Fire, due to natural causes, * * *" (or "Fire, if caused by lightning, * * *" as in the proposed rule revisions to the Tobacco Crop Insurance Provisions).

Response: This section was not included in the proposed rule, the recommended change is substantive or could have unintended consequences, and the public was not provided an opportunity to comment. Therefore, FCIC cannot consider the recommended changes. However, section 12 of the Basic Provisions already states all insured causes of loss must be due to a naturally occurring event. In addition, the Federal Crop Insurance Act is clear that only natural causes can be covered under the policy.

Comment: A commenter recommends considering if all of section 9(a)(3) of the Plum Crop Insurance Provisions, "Wildlife, unless control measures have not been taken," should be added to section 9(a)(3) of the Stonefruit Crop Insurance Provisions, which only states "Wildlife."

Response: This section was not included in the proposed rule, the recommended change is substantive or could have unintended consequences, and the public was not provided an opportunity to comment. Therefore, FCIC cannot consider the recommended changes.

Comment: A commenter recommends considering if section 9(a)(3) of the Plum Crop Insurance Provisions regarding insufficient number of chilling hours to effectively break dormancy should be added to section 9(a) in the Stonefruit Crop Insurance Provisions as an insurable cause of loss.

Response: This section was not included in the proposed rule, the recommended change is substantive or could have unintended consequences, and the public was not provided an opportunity to comment. Therefore, FCIC cannot consider the recommended changes.

Comment: A commenter states section 9(b)(2) of the existing Plum Crop Insurance Provisions states that rejection of the crop by the packing house due to being undersized, immature, overripe, or mechanically damaged is excluded as a covered cause of loss but is not excluded in this proposed rule. This language needs to be added back into the 2011 Stonefruit Crop Insurance Provisions as recent crop harvests have produced an abundance of good fruit, which results in lack of market due to high volume. The high volume of fruit results in packers rejecting what would normally be a nice sized piece of fruit. Although the language indicating what is covered is very specific and section 9(b)(3) of the Stonefruit Crop Insurance Provisions is also specific in the reference that inability to market is not covered, this particular language may prevent a misunderstanding among producers, RMA and reinsured companies as to the scope of coverage.

Response: This section was not included in the proposed rule, the recommended change is substantive or could have unintended consequences, and the public was not provided an opportunity to comment. Therefore, FCIC cannot consider the recommended changes. However, section 9(b)(3) of the Stonefruit Crop Insurance Provisions states "Inability to market the insured crop for any reason other than actual physical damage from an insurable cause of loss specified in this section. For example, we will not pay you an indemnity if you are unable to market due to quarantine, boycott, or refusal of any person to accept production." Therefore, rejection of the crop by the packing house is addressed under section 9(b)(3) of the Stonefruit Crop Insurance Provisions.

Section 10—Duties in the Event of Damage or Loss

Comment: Two commenters state the language in the second sentence of section 10(b) states, in part, that "We will conduct an appraisal that will be used to determine your production to count * * *" The commenters

recommend this language be revised as follows: "We will conduct an appraisal that may be used to determine your production to count * * *" Additional language in this paragraph indicates that "* * * These appraisals, and any acceptable records provided by you, will be used to determine your production to count * * *" The commenters state the reinsured company needs to maintain the ability to use the records if the reinsured company believes they are more accurate than the appraisal, as noted in this additional language. Therefore, the word "will" should be changed to "may" in order to allow reinsured companies the flexibility to apply this language accordingly.

Response: This section was not included in the proposed rule, the recommended change is substantive or could have unintended consequences, and the public was not provided an opportunity to comment. Therefore, FCIC cannot consider the recommended changes. his provision is consistent with provisions in other Crop Provisions, such as apples and pears, that contain language regarding production that is sold by direct marketing.

Comment: A commenter states section 10(c) states "* * * you must give us notice at least 15 days prior to the beginning of harvest * * *" The Plum Crop Insurance Provisions also includes the following phrase "* * * or immediately if damage is discovered during harvest, so that we may inspect the damaged production." The commenter asks if this is no longer needed, or should it be included in the new Stonefruit Crop Insurance Provisions.

Response: This section was not included in the proposed rule, the recommended change is substantive or could have unintended consequences, and the public was not provided an opportunity to comment. Therefore, FCIC cannot consider the recommended changes.

Comment: Two commenters suggest adding a comma after "* * * If you fail to notify us * * *" in section 10(c).

Response: Although this section was not included in the proposed rule, FCIC agrees and has revised the provisions accordingly, since it is merely a technical correction and does not change the meaning or intent of the provision.

Section 11—Settlement of Claim

Comment: Two commenters noted the quality loss adjustment instructions in the Stonefruit Loss Adjustment Standards Handbook (LASH) need to be clarified. There have been questions surrounding quality for a number of years. The intent of the policy language relative to handling quality adjustment needs to be clearly spelled out in the final version of the Stonefruit LASH.

Response: FCIC will update the Stonefruit LASH to reflect any changes regarding quality adjustment made in the Final Rule, as applicable, and to clarify otherwise ambiguous language.

Comment: Two commenters state the settlement of claim example references the term "guarantee" throughout and recommend this reference be changed to "production guarantee" when reference is intended on a per acre basis as this is the term defined in the Basic Provisions. Additionally, the settlement of claim example is overly simplistic and could be considered misleading. The language that states in part "You are only able to harvest 5,000 lugs * * *" could lead someone to believe production to count for the claim is based on 'the amount of lugs they are able to harvest.' The commenters recommend revising the language to state something like "You only produce 5,000 lugs as production to count." The commenters would also like to see an example for a quality loss situation. It is simple when the entire fresh crop is rejected, sent to the processor, and a bulk price per pound is received for all the fruit. However, the commenters would like to see an example which is more realistic and likely to occur in which the stonefruit is grown for fresh market and is delivered to the packer. Assume that some of the fruit makes grade and receives full price. Some of the fruit receives a slightly reduced price and additional fruit receives varying prices less than 75 percent of the marketable value. The Stonefruit LASH requires the reinsured company field grade the fruit in the field, and it is very unclear whether the reinsured company uses the field grade, or the fruit pack-out, or a combination of both, and how all of this fits together to determine the final production to count for the claim. This has been a questionable issue for a number of years and this would be a great opportunity to clarify the intent via an example in the Stonefruit Crop Insurance Provisions. This would also provide clear direction for additional support and clarification that is also needed in the Stonefruit LASH.

Response: FCIC agrees and has replaced the term "guarantee" in the settlement of claim example with the term "production guarantee" when reference is intended on a per acre basis. FCIC agrees the sentence "You are only able to harvest 5,000 lugs." is misleading and has revised it as "You harvest 5,000 lugs." FCIC has also revised the sentence "You are only able to harvest 3,000 lugs" in Scenario 2 as "You harvest 3,000 lugs."

FCIC also agrees the settlement of claim example is simplified. As with other Crop Provisions, the settlement of claim example provided in the Stonefruit Crop Insurance Provisions is intended to be a simple step-by-step example. FCIC will revise the Stonefruit LASH to include examples of more complex situations and information suggested by the commenters.

Comment: A commenter recommends adding a hyphen between "25,000" and "lug" in scenario 1, step 1, of the settlement of claim section. The commenter also recommends adding a hyphen between "25,000" and "lugs" and "15,000" and "lugs" in scenario 2, step 1.

Response: FCIC agrees and has revised the provisions accordingly. In scenario 2, step 1, FCIC also replaced the word "lugs" with the word "lug" to be consistent with the terminology used in scenario 1, step 1.

Comment: A commenter states section 11(c)(3), which references the quality adjustment for the value of insured damaged fruit, is not clear. The commenter asks if the price the packer is going to pay will be used or will there be a reduction in value listed in the Special Provisions for that particular grade of fruit.

Response: The price the packer pays, minus any adjustments for costs incurred for harvest and delivery if allowed by the Special Provisions, is the price used to value the damaged fruit. A reduction in value for that particular grade of fruit will not be listed in the Special Provisions.

Comment: Two commenters suggest inserting the phrase "for the same type" after the portion of section 11(c)(4)(i) that states "* * * the highest price election * * *" This will clarify that the price election used for this computation is based on that for the same type that is being quality adjusted and is needed whenever the price election varies by type. Paragraph 11(c)(4)(ii) already contains similar language but the commenter recommends changing "* * * available for that type" to "* * * available for the same type."

Response: FCIC agrees and has revised sections 11(c)(4)(i) and 11(c)(4)(ii) accordingly.

In addition to the changes described above, FCIC has made the following changes:

1. Added a definition of "graft" due to added provisions in section 6(b)(6);

2. Revised section 3(c)(2) to clarify the yield used to establish the production

guarantee will be reduced only if the potential reduction in yield is due to an uninsured cause of loss; and

3. Removed the introductory phrase, "Notwithstanding paragraph (a)(1) of this section, for" and replaced it with the word "For" in section 8(c) to be consistent with other Crop Provisions, such as apples and grapes; and

4. Revised section 11(b)(2), section 11(b)(4), and the settlement of claim examples to address the applicability of the percent of the price election.

List of Subjects in 7 CFR Part 457

Crop Insurance, Stonefruit, Reporting and recordkeeping requirements.

Final Rule

■ Accordingly, as set forth in the preamble, the Federal Crop Insurance Corporation amends 7 CFR part 457 effective for the 2011 and succeeding crop years for the Stonefruit Crop Insurance Provisions.

PART 457—COMMON CROP INSURANCE REGULATIONS

■ 1. The authority citation for 7 CFR part 457 continues to read as follows:

Authority: 7 U.S.C. 1506(1), 1506(o).

§ 457.157 [Removed and reserved]

■ 2. Section 457.157 is removed and reserved.

■ 3. Amend § 457.159 as follows:

■ a. Amend the introductory text by removing "2001" and adding "2011" in its place;

■ b. Remove the undesignated paragraph immediately preceding section 1. Definitions;

■ c. Add definitions in section 1 for "grade standards" and "graft";

■ d. Remove the definitions in section 1 for "grading standards" and "varietal group";

■ e. Revise the definitions in section 1 for "harvest", "lug", "marketable", "stonefruit" and "type";

■ f. Remove the word "Notwithstanding" in the introductory text in section 2 and add in its place the phrase "In lieu of";

■ g. Revise section 2(b);

■ h. Revise section 3(a);

■ i. Amend the introductory text in section 3(b) and section 3(b)(4)(i) by removing the phrase "or varietal group" in all instances where it is found;

■ j. Amend section 3 by redesignating paragraph (c) as paragraph (d) and designating the undesignated paragraph following paragraph (b)(4)(iii) as paragraph (c);

■ k. Revise redesignated section 3(c);

■ l. Revise redesignated section 3(d);

■ m. Amend section 4 by adding the phrase ", or as specified in the Special Provisions" after the word "states";

■ n. Amend section 5 by adding the phrase ", or as specified in the Special Provisions" after the word "states";

■ o. Amend the introductory text in section 6 by adding the word "acreage" after the word "all";

■ p. Revise section 6(b);

■ q. Remove sections 6(c), 6(d), 6(e), 6(f) and 6(g);

■ r. Revise section 8(a)(2)(ii);

■ s. Amend section 8 by redesignating paragraph (a)(2)(iii) as (a)(2)(v) and adding new paragraphs (a)(2)(iii) and (a)(2)(iv);

■ t. Amend section 8(c) by removing the phrase "Notwithstanding paragraph (a)(1) of this section, for" and adding in its place the word "For";

■ u. Amend section 8(d) by adding a comma after the phrase "termination dates";

■ v. Revise section 11(b);

■ w. Amend section 11(c)(3)(ii) by removing the word "grading" and adding the word "grade" in its place in both instances it is found; and

■ x. Revise section 11(c)(4).

The additions and revisions read as follows:

§ 457.159 Stonefruit crop insurance provisions.

* * * * *

1. Definitions.

* * * * *

Grade standards. The United States Standards for Grades of Peaches, the United States Standards for Grades of Nectarines, the United States Standards for Grades of Apricots, and the United States Standards for Grades of Fresh Plums and Prunes, or other such standards specified in the Special Provisions.

Graft. To unite a shoot or bud with a rootstock in accordance with recommended practices to form a living union.

Harvest. The physical removal of mature stonefruit from the tree either by hand or machine.

* * * * *

Lug. A container of fresh stonefruit of specified weight. Lugs of varying sizes will be converted to standard lug equivalents on the basis of the following average net pounds of packed fruit, or as specified in the Special Provisions:

Crop	Pounds per lug
Fresh Apricots	24
Fresh Nectarines	25
Fresh Freestone Peaches	25
Fresh Plums	28

Weight for Processing Apricots, Processing Cling Peaches, and Processing Freestone Peaches is specified in tons.

Marketable. Stonefruit production that meets or exceeds the quality standards for U.S. No. 1 in accordance with the applicable grade standards or other standards as specified in the Special Provisions, or if stonefruit production fails to meet the applicable grade standards, stonefruit production that is accepted by a packer, processor or other handler.

* * * * *

Stonefruit. Any of the following crops grown for fresh market or processing:

(a) Fresh Apricots;

(b) Fresh Freestone Peaches;

(c) Fresh Nectarines;

(d) Fresh Plums;

(e) Processing Apricots;

(f) Processing Cling Peaches;

(g) Processing Freestone Peaches; and

(h) Other crops listed in the Special Provisions.

* * * * *

Type. A category of a stonefruit crop with similar characteristics that are grouped for insurance purposes, as listed in the Special Provisions.

* * * * *

2. Unit Division.

* * * * *

(b) Optional Units by Type: Optional units may be established by type if allowed by the Special Provisions.

3. Insurance Guarantees, Coverage Levels, and Prices for Determining Indemnities.

* * * * *

(a) You may select only one price election and coverage level for each crop grown in the county and listed in the Special Provisions that is insured under this policy. If separate price elections are available by type of a crop, the price elections you choose for each type must have the same percentage relationship to the maximum price offered by us for each type. For example, if you choose 100 percent of the maximum price election for one type of cling peach, you must choose 100 percent of the maximum price election for all other types of cling peaches.

* * * * *

(c) We will reduce the yield used to establish your production guarantee, as necessary, based on our estimate of the effect of any situation listed in sections 3(b)(1) through (b)(4). If the situation occurred:

(1) Before the beginning of the insurance period, the yield used to establish your production guarantee will be reduced for the current crop year regardless of whether the situation was

due to an insured or uninsured cause of loss. If you fail to notify us of any circumstance that may reduce your yields from previous levels, we will reduce the yield used to establish your production guarantee at any time we become aware of the circumstance;

(2) Or may occur after the beginning of the insurance period and you notify us by the production reporting date, the yield used to establish your production guarantee will be reduced for the current crop year only if the potential reduction in the yield used to establish your production guarantee is due to an uninsured cause of loss; or

(3) Or may occur after the beginning of the insurance period and you fail to notify us by the production reporting date, production lost due to uninsured causes equal to the amount of the reduction in yield used to establish your production guarantee will be applied in determining any indemnity (see section 11(c)(1)(ii)). We will reduce the yield used to establish your production guarantee for the subsequent crop year.

* * * * *

6. Insured Crop.

* * * * *

(b) That is grown on trees that:

(1) Were commercially available when the trees were set out or have subsequently become commercially available;

(2) Are adapted to the area;

(3) Are grown on root stock that is adapted to the area;

(4) Are in compliance with the applicable State's Tree Fruit Agreement or related crop advisory board for the state (for each insured crop and type), when such regulations exist;

(5) Have produced at least 200 lugs of fresh market production per acre, or at least 2.2 tons per acre for processing crops, in at least one of the four most recent actual production history crop years, unless we inspect such acreage and give our approval in writing;

(6) Have, after being set out or grafted, reached at least the fifth growing season. However, we may give our approval in writing to insure acreage that has not reached this age if it meets the requirements of 6(b)(5); and

(7) Are grown in an orchard that, if inspected, is considered acceptable by us.

* * * * *

8. Insurance Period.

(a) * * *

* * * * *

(2) * * *

* * * * *

(ii) September 30 for all nectarines and peaches;

(iii) In all states except California, September 30 for all fresh plums;

(iv) In California only, October 20 for all fresh plums; or

(v) As otherwise provided for specific counties or types in the Special Provisions.

* * * * *

11. Settlement of Claim.

* * * * *

(b) In the event of loss or damage covered by this policy, we will settle your claim by:

(1) Multiplying the insured acreage for each type by its respective production guarantee;

(2) Multiplying each result of section 11(b)(1) by the respective price election for the type and by the percent of the price election;

(3) Totaling the results of section 11(b)(2) (if there is only one type, the result of (3) will be the same as the result of (2));

(4) Multiplying the total production to count (see section 11(c)), for each type, by the respective price election and by the percent of the price election;

(5) Totaling the results of section 11(b)(4);

(6) Subtracting the result of section 11(b)(5) from the result of section 11(b)(3) (if there is only one type, the result of (6) will be the same as the result of (5)); and

(7) Multiplying the result of section 11(b)(6) by your share.

Scenario 1:

You select 75 percent coverage level and 100 percent of the price election on 50.0 acres of Type A stonefruit with 100 percent share in the unit. The production guarantee is 500.0 lugs per acre and the price election is $6.00 per lug. You harvest 5,000 lugs. Your indemnity would be calculated as follows:

(1) 50.0 acres × 500.0 lugs = 25,000-lug production guarantee;

(2) 25,000 lugs × $6.00 price election × 100 percent of the price election = $150,000 value of production guarantee;

(4) 5,000 harvested lugs × $6.00 price election × 100 percent of the price election = $30,000 value of production to count;

(6) $150,000–$30,000 = $120,000 loss; and

(7) 120,000 × 1.000 share = $120,000 indemnity payment.

Scenario 2:

In addition to the above information in Scenario 1, you have an additional 50.0 acres of Type B stonefruit with 100 percent share in the unit. The production guarantee is 300.0 lugs per acre and the price election is $3.00 per lug. You harvest 3,000 lugs. Your indemnity would be calculated as follows:

(1) 50.0 acres × 500.0 lugs Type A = 25,000-lug guarantee; and 50.0 acres × 300.0 lugs Type B = 15,000-lug guarantee;

(2) 25,000 lugs × $6.00 price election × 100 percent of the price election = $150,000 value of guarantee for Type A; and 15,000 lugs × $3.00 price election × 100 percent of the price election = $45,000 value of guarantee for Type B;

(3) $150,000 + $45,000 = $195,000 total value of production guarantee;

(4) 5,000 harvested lugs Type A × $6.00 price election × 100 percent of the price election = $30,000 value of production to count; and 3,000 harvested lugs Type B × $3.00 price election × 100 percent of the price election = $9,000 value of production to count;

(5) $30,000 + $9,000 = $39,000 total value of production to count;

(6) $195,000–$39,000 = $156,000 total loss; and

(7) $156,000 loss × 1.000 share = $156,000 indemnity payment.

(c) * * *

* * * * *

(4) Harvested fresh or processing stonefruit production that is eligible for quality adjustment as specified in section 11(c)(3) will be reduced as follows:

(i) When packed and sold as fresh fruit or when insured as a processing crop, by dividing the value per lug or ton of marketable production by the highest price election for the same type and multiplying the result (not to exceed 1.00) by the quantity of such production; or

(ii) For all other fresh stonefruit, by multiplying the number of tons that could be marketed by the value per ton and dividing that result by the highest price election available for the same type.

* * * * *

Signed in Washington, DC, on July 21, 2010.

William J. Murphy,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 2010–18359 Filed 7–28–10; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2009–1050; Airspace Docket No. 09–ASW–40]

RIN 2120–AA66

Amendment and Establishment of Restricted Areas and Other Special Use Airspace, Razorback Range Airspace Complex, AR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes two new restricted areas, amends an existing restricted area, and amends the boundaries description of the Special Use Airspace (SUA) Hog High North military operation area (MOA) that is contained in the Razorback Range Airspace Complex (RRAC) in the vicinity of Fort Chaffee, AR. Unlike restricted areas, which are designated under 14 CFR part 73, MOAs are not rulemaking airspace actions. However, since the proposed R–2402B airspace and the Hog High North MOA airspace overlap, the FAA included a description of the Hog High North MOA change in the NPRM. The Air National Guard (ANG) requested these airspace changes to permit more realistic aircrew training in modern tactics to be conducted within the RRAC and to enable more efficient use of the National Airspace System.

DATES: Effective date 0901 UTC, November 18, 2010.

FOR FURTHER INFORMATION CONTACT: Colby Abbott, Airspace and Rules Group, Office of System Operations Airspace and AIM, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

On Tuesday, March 30, 2010, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish two restricted areas (R–2402B and R–2402C) and amend an existing restricted area (R–2402) and MOA (Hog High North) in the RRAC, AR (75 FR 15632). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. In that NPRM, the airspace docket number was incorrectly published as "09–ASW–3" instead of "09–ASW–40." On Monday, April 19, 2010, the FAA published an NPRM correction, correcting the airspace docket number to "09–ASW–40" (75 FR 20323). No comments were received to this proposed action.

Military Operations Areas (MOA)

MOAs are established to separate or segregate nonhazardous military flight activities from aircraft operating in accordance with instrument flight rules (IFR), and to advise pilots flying under VFR where these activities are conducted. IFR aircraft may be routed through an active MOA only by agreement with the using agency and only when air traffic control can provide approved separation from the MOA activity. VFR pilots are not restricted from flying in an active MOA, but are advised to exercise caution while doing so. As noted in the NPRM, MOAs are nonregulatory airspace areas that are established administratively and published in the National Flight Data Digest (NFDD) rather than through rulemaking procedures. When a nonrulemaking action is an integral part of a rulemaking action, FAA procedures allow for the nonrulemaking changes to be included in the rulemaking action. Since the Hog High North MOA is an integral part of the Razorback Airspace Complex, the MOA change is included in this rule as well as being published in the NFDD.

The Hog High North MOA boundaries description is being amended to include the statement, "excluding R–2402B, when that restricted area is active." This amendment will prevent airspace conflict with the overlapping R–2402B being established. The amended boundaries description will also be published in the NFDD; the rest of the MOA legal description is unchanged.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 73 by establishing R–2402B and R–2402C, and amending R–2402 in the RRAC in the vicinity of Fort Chaffee, AR. At the request of the ANG, this action establishes two new restricted areas [R–2402B and R–2402C] to provide the vertical and lateral maneuvering airspace needed for military aircraft to conduct medium to high altitude standoff weapon delivery profiles.

Specifically, R–2402B will extend approximately 5 nautical miles (NM) to the east and 3 NM to the south of R–2402 (into Hog High North MOA), from 10,000 feet MSL to FL220; R–2402C will extend approximately 5 NM to the east and north of R–2402, from 13,000 feet MSL to FL220. The restricted areas will be activated when maneuvering airspace is required and cannot be activated without R–2402 being active also. When the restricted areas are not required for training requirements, that airspace will be released to Memphis ARTCC for access by nonparticipating aircraft, as appropriate.

To keep the naming convention of the R–2402 complex standardized, the "R–2402 Fort Chaffee, AR" restricted area is renamed "R–2402A Fort Chaffee, AR." Additionally, to ensure the time of designation of all R–2402 restricted areas in the RRAC are consistent and cannot be misinterpreted, the time of designation for R–2402A is changed from "Monday through Sunday" to "daily."

Section 73.34 of Title 14 CFR part 73 was republished in FAA Order 7400.8S, effective February 16, 2010.

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

This rulemaking is promulgated under the authority described in subtitle VII, part A, subpart I, section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes and amends restricted airspace in the RRAC in the vicinity of Fort Chaffee, AR.

Environmental Review

The FAA has determined that this airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment. The FAA based this determination on the analyses conducted by the Arkansas National Guard and that it is in compliance with the National Environmental Policy Act in accordance with FAA Order 1050.1E,

Environmental Impacts: Policies and Procedures.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 continues to read as follows:

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

§ 73.24 [Amended]

■ 2. § 73.24 is amended as follows:

* * * * *

R–2402 Fort Chaffee, AR [Removed]

R–2402A Fort Chaffee, AR [New]

Boundaries. Beginning at lat. 35°18′09″ N., long. 94°03′01″ W.; to lat. 35°17′00″ N., long. 94°03′01″ W.; to lat. 35°17′00″ N., long. 94°01′01″ W.; to lat. 35°10′20″ N., long. 94°01′01″ W.; thence west along Arkansas State Highway No. 10 to lat. 35°11′33″ N., long. 94°12′01″ W.; to lat. 35°13′50″ N., long. 94°12′01″ W.; to lat. 35°18′10″ N., long. 94°12′01″ W.; to lat. 35°18′12″ N., long. 94°09′52″ W.; thence east along Arkansas State Highway No. 22 to the point of beginning.

Designated altitudes. Surface to and including 30,000 feet MSL.

Time of designation. Sunrise to sunset, daily; other times by NOTAM.

Controlling agency. FAA, Memphis ARTCC.

Using agency. Commanding General, Fort Chaffee, AR.

* * * * *

R–2402B Fort Chaffee, AR [New]

Boundaries. Beginning at lat. 35°18′26″ N., long. 93°55′41″ W.; thence clockwise along a 7–NM radius circle centered at lat. 35°15′26″ N., long. 94°03′24″ W.; to lat. 35°10′55″ N., long. 94°09′57″ W.; thence east along Arkansas State Highway 10 to lat. 35°10′20″ N., long. 94°01′01″ W.; to lat. 35°17′00″ N., long. 94°01′01″ W.; to lat. 35°17′00″ N., long. 94°03′01″ W.; to lat. 35°18′09″ N., long. 94°03′01″ W.; thence east along Arkansas State Highway 22 to the point of beginning.

Designated altitudes. 10,000 feet MSL to, but not including, FL 220.

Time of designation. Sunrise to sunset, daily; other times by NOTAM.

Controlling agency. FAA, Memphis ARTCC.

Using agency. Arkansas Air National Guard, 188th Fighter Wing, Fort Smith, AR.

* * * * *

R–2402C Fort Chaffee, AR [New]

Boundaries. Beginning at lat. 35°21′48″ N., long. 94°06′59″ W.; thence clockwise along a 7–NM radius circle centered at lat. 35°15′26″ N., long. 94°03′24″ W.; to lat. 35°18′26″ N., long. 93°55′41″ W.; thence west along Arkansas State Highway 22 to lat. 35°18′12″ N., long. 94°09′52″ W.; to the point of beginning.

Designated altitudes. 13,000 feet MSL to, but not including, FL 220.

Time of designation. Sunrise to sunset, daily; other times by NOTAM.

Controlling agency. FAA, Memphis ARTCC.

Using agency. Arkansas Air National Guard, 188th Fighter Wing, Fort Smith, AR.

Issued in Washington, DC, on July 21, 2010.

Edith V. Parish,

Manager, Airspace and Rules Group.

[FR Doc. 2010–18665 Filed 7–28–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 618

RIN 1205–AB56

Trade Adjustment Assistance; Merit Staffing of State Administration and Allocation of Training Funds to States; Clarification for the Rulemaking Record

AGENCY: Employment and Training Administration, Labor.

ACTION: Final rule; clarification for the rulemaking record.

SUMMARY: This notice provides, for the rulemaking record, information that was inadvertently omitted from the final rule in the **Federal Register** on April 2, 2010 (75 FR 16988) promulgating Trade Adjustment Assistance (TAA) regulations requiring States to use merit personnel systems in their administration of the TAA program, and prescribing a formula for allocating TAA training funds to the States.

DATES: Effective July 29, 2010.

FOR FURTHER INFORMATION CONTACT: Erin Fitzgerald, 202–693–3560; (this is not a toll-free number). TDD: 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Employment and Training Administration (ETA) published a final rule in the **Federal Register** on April 2, 2010 (75 FR 16988) promulgating Trade Adjustment Assistance (TAA) regulations requiring States to use merit personnel systems in their administration of the TAA program, and prescribing a formula for allocating TAA training funds to the States. This rule was effective May 3, 2010. This merit personnel system requirement is a condition for States receiving TAA funds as well as for State participation in the TAA program. OPM regulations (5 CFR 900.605) provide that, "Federal agencies may adopt regulations that require the establishment of a merit personnel system as a condition for receiving Federal assistance or otherwise participating in an intergovernmental program only with the prior approval of the Office of Personnel Management." Because OPM's approval was not printed as part of the April 2, 2010 **Federal Register** notice, this notice clarifies for the record that OPM gave prior approval to the Department of Labor adopting these merit personnel system regulations for the TAA program.

Signed at Washington, DC, this 21st day of July 2010.

Jane Oates,

Assistant Secretary, Employment and Training Administration.

[FR Doc. 2010–18603 Filed 7–28–10; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2010–0585]

RIN 1625–AA00

Safety Zone; Live-Fire Gun Exercise, M/V Del Monte, James River, VA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone encompassing the M/V Del Monte. This safety zone will restrict vessel traffic on a portion of the James River in the vicinity of the James River Reserve Fleet within a 1500 foot radius of the M/V Del Monte. This action is intended to restrict vessel traffic movement on specified waters of the James River to protect mariners from the hazards associated with live fire and explosive training events.

DATES: This rule is effective from 8 a.m. on August 2, 2010 to 4 p.m. on August 6, 2010.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2010–0585 and are available online by going to *http://www.regulations.gov,* inserting USCG–2010–0585 in the "Keyword" box, and then clicking "Search." They

are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or e-mail LT Tiffany Duffy, Chief Waterways Management, Sector Hampton Roads, Coast Guard; telephone 757–668–5580, e-mail *tiffany.a.duffy@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. The Coast Guard is establishing this safety zone to facilitate mission-essential training directly related to military operations and national security. Accordingly, based on the military function exception to the Administrative Procedure Act, 5 U.S.C. 553(a)(1), notice and comment rulemaking under 5 U.S.C. 553(b) and an effective date of 30 days after publication under 5 U.S.C. 553(d) are not required for this rule.

Even if the Coast Guard were required to comply with the notice and comment provisions of the Administrative Procedure Act, under 5 U.S.C. 553(b)(B), we find that good cause exists for not publishing an NPRM. This exercise is necessary to train and qualify Navy personnel in the use of weapons. This training is necessary to ensure that Navy personnel located within the Fifth Coast Guard District are properly trained and qualified before conducting military and national security operations for use in securing ports and waterways. Navy policy requires that Navy personnel meet and maintain certain qualification standards before being allowed to carry weapons on board vessels. Failure to conduct this required training at this time will result in a lapse in personnel qualification standards and, consequently, the inability of Navy personnel to carry out important national security functions at any time. It is impracticable, unnecessary, and contrary to public interest to delay the issuance of this rule.

Basis and Purpose

Coast Guard Sector Hampton Roads was notified that the U.S. Navy will conduct a live fire and explosive training event onboard the M/V Del Monte in the vicinity of the James River Reserve Fleet. The event is scheduled to take place from August 2, 2010 to August 6, 2010. Due to the need to protect mariners transiting on the James River in the vicinity of the exercise from the hazards associated with live fire and explosive events, the Coast Guard is establishing a safety zone bound by a 1500 foot radius around approximate position 37°06′11″ N/076°38′40″ W (NAD 1983). Access to this area will be temporarily restricted for public safety purposes.

Discussion of Rule

The Coast Guard is establishing a 1500 foot radius safety zone on specified waters of James River around approximate position 37°06′11″ N/076°38′40″ W (NAD 1983) in the vicinity of the James River Reserve Fleet. This safety zone is being established in the interest of public safety during the live fire and explosive training exercise and will be enforced from 8 a.m. on August 2, 2010 to 4 p.m. on August 6, 2010. Access to the safety zone will be restricted during the specified dates and times. Except for vessels authorized by the Captain of the Port or his Representative, no person or vessel may enter or remain in the safety zone.

Regulatory Analyses

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

Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. Although this regulation restricts access to the safety zone, the effect of this rule will not be significant because: (i) The safety zone will be in effect for a limited duration; (ii) the zone is of limited size; and (iii) the Coast Guard will make notifications via maritime advisories so mariners can adjust their plans accordingly. For the above reasons, the Coast Guard does not anticipate any significant economic impact.

Small Entities

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

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

This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit or anchor in a portion of the James River from 8 a.m. on August 2, 2010 to 4 p.m. on August 6, 2010. This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: (i) The safety zone will only be in place for a limited duration; (ii) before the effective period of August 2, 2010, maritime advisories will be issued allowing mariners to adjust their plans accordingly.

Assistance for Small Entities

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

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

Collection of Information

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

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or

impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0585 to read as follows:

§ 165.T05–0585 Safety Zone; Live-Fire Gun Exercise, M/V Del Monte, James River, VA

(a) *Location.* The following area is a safety zone: All waters in the vicinity of the James River Reserve Fleet on the James River within a 1500 foot radius of position 37°06′11″ N./076°38′40″ W. (NAD 1983).

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port, Hampton Roads, Virginia (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general regulations in § 165.23, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the COTP or the COTP's designated representative.

(2) The safety zone is closed to all vessel traffic, except as may be permitted by the COTP or the COTP's designated representative.

(3) Vessel operators desiring to enter or operate within the safety zone must contact the COTP or the COTP's representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement and suspension of enforcement of certain safety zones.* (1) The safety zone in paragraph (a) of this section will be enforced only when a Coast Guard vessel or Navy asset is operating in the safety zone for the purpose of conducting gunnery exercises.

(2) A notice will be published in the **Federal Register** announcing when the safety zone in paragraph (a) of this section will be enforced.

(3) The COTP will provide notice of the enforcement of the safety zones listed in paragraph (a) of this section and notice of suspension of enforcement by the means appropriate to affect the widest publicity, including broadcast

notice to mariners and publication in the local notice to mariners.

(d) *Enforcement period.* This section is effective from 8 a.m. on August 2, 2010 to 4 p.m. on August 6, 2010.

Dated: July 15, 2010.

M.S. Ogle,

Captain, U.S. Coast Guard, Captain of the Port Hampton Roads.

[FR Doc. 2010–18634 Filed 7–28–10; 8:45 am]

BILLING CODE 9110–04–P

Proposed Rules

Federal Register
Vol. 75, No. 145
Thursday, July 29, 2010

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 331

9 CFR Part 121

[Docket No. APHIS-2009-0070]

RIN 0579-AD09

Agricultural Bioterrorism Protection Act of 2002; Biennial Review and Republication of the Select Agent and Toxin List; Reorganization of the Select Agent and Toxin List

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Advance notice of proposed rulemaking and request for comments.

SUMMARY: In accordance with the Agricultural Bioterrorism Protection Act of 2002, we are soliciting public comment regarding the list of select agents and toxins that have the potential to pose a severe threat to animal or plant health, or to animal or plant products. The Act requires the biennial review and republication of the list of select agents and toxins and the revision of the list as necessary. Accordingly, we are soliciting public comment on the current list of select agents and toxins in our regulations and suggestions regarding any addition or reduction of the animal or plant pathogens currently on the list of select agents. In addition, we are soliciting public comment on the potential reorganization of the list of select agents and toxins based on the relative potential of each select agent or toxin to be misused to adversely affect human, plant or animal health. Such tiering of the list could allow for the application of different security measures for those select agents or toxins which pose a higher risk to animal or plant health if they were to be stolen or otherwise misused.

DATES: We will consider all comments that we receive on or before August 30, 2010.

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

- Federal eRulemaking Portal: Go to (*http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2009-0070*) to submit or view comments.
- Postal Mail/Commercial Delivery: Please send two copies of your comment to Docket No. APHIS-2009-0070, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. APHIS-2009-0070.

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

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

FOR FURTHER INFORMATION CONTACT: Ms. Aimee M. Hyten, Compliance Manager, APHIS Agriculture Select Agent Program, PPQ, APHIS, 4700 River Road Unit 2, Riverdale, MD 20737-1236; (301) 734-5281.

SUPPLEMENTARY INFORMATION:

Background

The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 provides for the regulation of certain biological agents and toxins that have the potential to pose a severe threat to both human and animal health, to animal health, to plant health, or to animal and plant products. The Animal and Plant Health Inspection Service (APHIS) has the primary responsibility for implementing the provisions of the Act within the Department of Agriculture (USDA). Veterinary Services (VS) select agents and toxins, listed in 9 CFR 121.3, are those that have been determined to have the potential to pose a severe threat to animal health or animal products. Plant Protection and Quarantine (PPQ) select agents and toxins, listed in 7 CFR 331.3, are those that have been determined to have the potential to pose a severe threat to plant health or plant products. Overlap select agents and toxins, listed in 9 CFR 121.4, are those that have been determined to pose a severe threat to public health and safety, to animal health, or to animal products. Overlap select agents are subject to regulation by both APHIS and the Centers for Disease Control and Prevention, which has the primary responsibility for implementing the provisions of the Act for the Department of Health and Human Services.

Title II, Subtitle B of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (which is cited as the "Agricultural Bioterrorism Protection Act of 2002" and referred to below as the Act), section 212(a), provides, in part, that the Secretary of Agriculture (the Secretary) must establish by regulation a list of each biological agent and each toxin that the Secretary determines has the potential to pose a severe threat to animal or plant health, or to animal or plant products.

In determining whether to include an agent or toxin in the list, the Act requires that the following criteria be considered:

- The effect of exposure to the agent or toxin on animal or plant health, and on the production and marketability of animal or plant products;
- The pathogenicity of the agent or the toxin and the methods by which the agent or toxin is transferred to animals or plants;
- The availability and effectiveness of pharmacotherapies and prophylaxis to treat and prevent any illness caused by the agent or toxin; and
- Any other criteria that the Secretary considers appropriate to protect animal or plant health, or animal or plant products.

Paragraph (a)(2) of section 212 of the Act requires the Secretary to review and republish the list of select agents and toxins every 2 years and to revise the list as necessary. To fulfill this statutory mandate, PPQ and VS each convene separate interagency working groups in order to review the lists of PPQ and VS select agents and toxins, as well as any overlap select agents and toxins, and develop recommendations regarding possible changes to the list using the four criteria for listing found in the Act. In this document, we are asking for

comments on the current list[1] of select agents and toxins and on any other significant pathogens so as to inform the working groups as they begin the biennial review process.

Reorganization of Current List of Select Agents and Toxins

We are also seeking public comment regarding potential reorganization of the list of select agents and toxins. Recent reports by the National Academies, the Executive Order 13486 Working Group, and the National Science Advisory Board for Biosecurity have recommended tiering the list of select agents and toxins based on the relative potential of each to be misused. If implemented, such tiering could allow for the application of different security measures for those select agents or toxins that pose a higher risk to animal or plant health if they were to be stolen or otherwise misused.

For those commenters who believe tiering the list of select agents and toxins is advisable, we also welcome recommendations as to what criteria should be used to designate high risk select agents and toxins. For example, potential tiering of the select agent and toxin list could reflect one or more of the following:

- The relative ease with which a particular select agent or toxin might be disseminated or transmitted from one animal to another or into the environment where it could produce a deleterious effect upon animal or plant health;
- The potential for high animal or plant mortality rates;
- The potential for a major animal or plant health impact;
- Select agents or toxins whose misuse might result in public panic or other social or economic disruption;
- Select agents or toxins whose use might require Federal, State, and/or local officials to take special action in planning for major animal or plant health disasters.

Additionally, we are interested in any potential corresponding changes to the security requirements of the current regulations that would be necessary to provide appropriate protection of higher tier select agents or toxins and whether such changes should be prescriptive or performance based.

At the conclusion of the working group review process, we will publish another document in the **Federal Register** either republishing the lists of select agents and toxins in 7 CFR 331.3, 9 CFR 121.3, and 9 CFR 121.4 or proposing changes to one or more of the lists. The document may also include reorganization of the lists of select agents and toxins via tiering of the select agents or toxins themselves and/or tiered security requirements.

This action has been determined to be significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by the Office of Management and Budget.

Authority: 7 U.S.C. 8401; 7 CFR 2.22, 2.80, 371.3, and 371.4.

Done in Washington, DC, this 22nd day of July 2010.

John Ferrell

Deputy Under Secretary for Marketing and Regulatory Programs.

[FR Doc. 2010–18581 Filed 7–28–10; 8:45 am]

BILLING CODE 3410–34–S

[1] You may view the lists of select agents and toxins on the Internet at (*http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2009-0070*).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–0725; Directorate Identifier 2010–NE–18–AD]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); correction.

SUMMARY: The FAA is correcting a proposed airworthiness directive (AD) which published in the **Federal Register.** That proposed AD would apply to Pratt & Whitney PW4000 series turbofan engines. The docket number is incorrect in all three of its locations. This document corrects those references. In all other respects, the original document remains the same.

DATES: This correction is effective July 29, 2010.

FOR FURTHER INFORMATION CONTACT: James Gray, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; *e-mail: james.e.gray@faa.gov;* telephone (781) 238–7742; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: On June 3, 2010 (75 FR 31330), we published a proposed AD, FR Doc. 2010–13314, in the **Federal Register.** That proposed AD applies to Pratt & Whitney PW4000 series turbofan engines. We need to make the following correction:

On page 31330, in the third column, under 14 CFR part 39, "Docket No. FAA–2010–0384" is corrected to read "FAA–2010–0725."

On page 31331, in the first column, under **SUPPLEMENTARY INFORMATION**, in the sixth and seventh lines, "Docket No. FAA 2010–0384" is corrected to read "FAA–2010–0725."

On page 31331, in the third column, under § 39.13 [Amended], in the fourth and fifth lines, "Docket No. FAA 2010–0384" is corrected to read "FAA–2010–0725."

Issued in Burlington, Massachusetts, on July 23, 2010.

Francis A. Favara,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2010–18628 Filed 7–28–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2010–0634; Airspace Docket No. 10–AWP–8]

Proposed Establishment of Class E Airspace; Clifton/Morenci, AZ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace at Greenlee County Airport, Clifton/Morenci, AZ. To accommodate aircraft using a new Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) at Greenlee County Airport. The FAA is proposing this action to enhance the safety and management of aircraft operations at the airport.

DATES: Comments must be received on or before September 13, 2010.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590; telephone (202) 366–9826. You must identify FAA Docket No. FAA–2010–0634; Airspace Docket No. 10–AWP–8, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Eldon Taylor, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601

Lind Avenue, SW., Renton, WA 98057; telephone (425) 203–4537.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA 2010–0634 and Airspace Docket No. 10–AWP–8) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov*.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA–2010–0634 and Airspace Docket No. 10–AWP–8". The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/*.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue, SW., Renton, WA 98057.

Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267–9677, for a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing Class E airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Greenlee County Airport, Clifton/Morenci, AZ. Controlled airspace is necessary to accommodate aircraft using the new RNAV (GPS) SIAPs at the airport and would enhance the safety and management of aircraft operations.

Class E airspace designations are published in paragraph 6005, of FAA Order 7400.9T, signed August 27, 2009, and effective September 15, 2009, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in this Order.

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

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the FAA Order 7400.9T, Airspace Designations and Reporting Points, signed August 27, 2009, and effective September 15, 2009 is amended as follows:

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

* * * * *

AWP AZ E5 Clifton/Morenci, AZ [New]

Greenlee County Airport, AZ
(Lat. 32°57′25″ N., long. 109°12′40″ W.)

That airspace extending from 700 feet above the surface within a 6.5-mile radius of Greenlee County Airport.

Issued in Seattle, Washington, on July 22, 2010.

Robert Henry,

Acting Manager, Operations Support Group, Western Service Center.

[FR Doc. 2010–18720 Filed 7–28–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

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

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

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

DATES: Comments must be received on or before September 13, 2010.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590; telephone (202) 366–9826. You must identify FAA Docket No. FAA–2010–0660; Airspace Docket No. 10–ANM–4, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Eldon Taylor, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue, SW., Renton, WA 98057; telephone (425) 203–4537.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA 2010–0660 and Airspace Docket No. 10–ANM–4) and be submitted in triplicate to the Docket Management System (*see* **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov*.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA–2010–0660 and Airspace Docket No. 10–ANM–4". The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/*.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (*see* the **ADDRESSES** section for the address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue, SW., Renton, WA 98057.

Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267–9677, for a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by removing Class E surface airspace and Class E airspace extending upward from 700 feet above the surface at St. George Municipal Airport, St. George, UT. The airport is closing, and SIAPs removed, eliminating the need for controlled airspace. This action also would establish Class E surface airspace within a 4.5-mile radius of the new St. George Municipal Airport; and Class E airspace upward from 700 feet above the surface at the new airport. Controlled airspace is necessary to accommodate aircraft using the new RNAV (GPS), VOR/DME and LDA/DME SIAPs at the new St. George Municipal Airport, St. George, UT. This action would enhance the safety and management of aircraft operations at the airport.

Class E airspace designations are published in paragraph 6002 and 6005, respectively, of FAA Order 7400.9T, signed August 27, 2009, and effective September 15, 2009, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in this Order.

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

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, section 106, describes the authority for the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is

promulgated under the authority described in subtitle VII, part A, subpart I, section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes controlled airspace at St. George Municipal Airport, St. George, UT.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the FAA Order 7400.9T, Airspace Designations and Reporting Points, signed August 27, 2009, and effective September 15, 2009 is amended as follows:

Paragraph 6002 Class E airspace designated as surface areas.

* * * * *

ANM UT E2 St. George, UT [Removed]

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

* * * * *

ANM UT E5 St. George, UT [Removed]

Paragraph 6002 Class E airspace designated as surface areas.

* * * * *

ANM UT E2 St. George, UT [New]

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

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

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

* * * * *

ANM UT E5 St. George, UT [New]

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

That airspace extending upward from 700 feet above the surface within 25.8 miles northeast and 4 miles each side of the 030° bearing of the St. George Municipal Airport, and 20 miles southwest and 4 miles each side 200° bearing of the St. George Municipal Airport, and 15 miles west and 4 miles each side of the 260° bearing of the St. George Municipal Airport; and that airspace extending upward from 1,200 feet above the surface within the 30-mile radius of lat. 36°48′52″ N., long. 113°29′24″ W., extending clockwise from the 030° bearing to the 360° bearing, thence from the 360° bearing 30-mile radius to lat. 37°31′02″ N., long. 113°21′25″ W., to lat. 37°23′09″ N., long. 113°04′34″ W., thence to the 030° bearing 30-mile radius.

Issued in Seattle, Washington, on July 21, 2010.

Rob Henry,

Acting Manager, Operations Support Group, Western Service Center

[FR Doc. 2010–18721 Filed 7–28–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2010–0665]

RIN 1625–AA00

Safety Zone; Elizabeth River Private Fireworks, Elizabeth River, Norfolk, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes establishing a temporary safety zone on the Elizabeth River in the vicinity of Town Point Reach, Norfolk, Virginia in support of the Elizabeth River Private Fireworks event. This action is intended to restrict vessel traffic movement on the specified portion of the Elizabeth River to protect mariners from the hazards associated with fireworks displays.

DATES: Comments and related material must be received by the Coast Guard on or before August 30, 2010.

ADDRESSES: You may submit comments identified by docket number USCG–2010–0665 using any one of the following methods:

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

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

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

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or e-mail LT Tiffany Duffy, Chief Waterways Management Division, Sector Hampton Roads, Coast Guard; telephone (757) 668–5580, e-mail *Tiffany.A.Duffy@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2010–0665), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via *http://www.regulations.gov*) or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *www.regulations.gov*, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov*, click on the

"submit a comment" box, which will then become highlighted in blue. In the "Document Type" drop down menu select "Proposed Rule" and insert "USCG–2010–0665" in the "Keyword" box. Click "Search" then click on the balloon shape in the "Actions" column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, click on the "read comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG–2010–0665" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Privacy Act

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

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one using one of the four methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Basis and Purpose

On October 2, 2010 Dominion Fireworks will sponsor a fireworks display on the Elizabeth River at position 36°50′43″ N/076°17′55″ W (NAD 1983). Due to the need to protect mariners and spectators from the hazards associated with the fireworks display, access to the Elizabeth River within 420 feet of the fireworks display will be temporarily restricted from 9 p.m. to 9:15 p.m. on October 2, 2010.

Discussion of Proposed Rule

The Coast Guard proposes establishing a safety zone on specified waters of the Elizabeth River in the vicinity of Town Point Reach, Norfolk, Virginia. This safety zone will encompass all navigable waters within 420 feet of the fireworks display located at position 36°50′43″ N/076°17′55″ W (NAD 1983). This regulated area will be established in the interest of public safety during the Elizabeth River Private Fireworks event and will be enforced from 9 p.m. to 9:15 p.m. on October 2, 2010. Access to the temporary safety zone will be restricted during the specified dates and times. Except for participants and vessels authorized by the Captain of the Port or his Representative, no person or vessel may enter or remain in the regulated area.

Regulatory Analyses

We developed this proposed 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 proposed 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 proposed regulation restricts access to the safety zone, the effect of this rule will not be significant because: (i) The safety zone will be in effect for a limited duration; (ii) the zone is of limited size; and (iii) the Coast Guard will make notifications via maritime advisories so mariners can adjust their plans accordingly.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed 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 proposed rule would not have a significant economic impact on a substantial number of small entities because the zone will only be in place for a limited duration, is of a limited size and maritime advisories will be issued allowing the mariners to adjust their plans accordingly. However, this rule may affect the following entities, some of which may be small entities: The owners and operators of vessels intending to transit or anchor in that portion of the Elizabeth River from 9 p.m. to 9:15 p.m. on October 2, 2010.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (*see* **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Lieutenant Tiffany Duffy, Chief, Waterways Management Division, Sector Hampton Roads at (757) 668–5580. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

Collection of Information

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

Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves establishing a safety zone around a fireworks display. Therefore, this rule is categorically excluded, under section 2.B.2. Figure 2–1, paragraph 34(g), or the Instruction. A preliminary environmental analysis checklist supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

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 proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

2. Add § 165.T05–0665 to read as follows:

§ 165.T05–0665 Safety Zone; Elizabeth River Private Fireworks, Elizabeth River, Norfolk, VA

(a) *Regulated Area.* The following area is a safety zone: Specified waters of the Elizabeth River located within a 420 foot radius of the fireworks display at approximate position 36°50′43″ N/ 076°17′55″ W (NAD 1983) in the vicinity of Town Point Reach, Norfolk, Virginia.

(b) *Definition.* For the purposes of this part, Captain of the Port Representative means any U.S. Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port, Hampton Roads, Virginia to act on his behalf.

(c) *Regulations.* (1) In accordance with the general regulations in 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, Hampton Roads or his designated representatives.

(2) The operator of any vessel in the immediate vicinity of this safety zone shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(3) The Captain of the Port, Hampton Roads can be reached through the Sector Duty Officer at Sector Hampton Roads in Portsmouth, Virginia at telephone number (757) 668–5555.

(4) The Coast Guard Representatives enforcing the safety zone can be contacted on VHF–FM marine band radio channel 13 (165.65 Mhz) and channel 16 (156.8 Mhz).

(d) *Enforcement Period.* This regulation will be enforced on October 2, 2010 from 9 p.m. until 9:15 p.m.

Dated: July 15, 2010.

M.S. Ogle,

Captain, U.S. Coast Guard, Captain of the Port Hampton Roads.

[FR Doc. 2010–18633 Filed 7–28–10; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2007–1119; FRL–9181–7]

Approval and Promulgation of Implementation Plans; Albuquerque/Bernalillo County, NM; Interstate Transport of Pollution

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve a revision to the Albuquerque/Bernalillo County, New Mexico State Implementation Plan (SIP) to address the "good neighbor" provisions of the Clean Air Act (CAA) section 110(a)(2)(D)(i), for the 1997 ozone standards and the 1997 $PM_{2.5}$ standards as it applies to Albuquerque/Bernalillo county. The revision addresses one element of CAA section 110(a)(2)(D)(i), which pertains to prohibiting air pollutant emissions from within a state to significantly contribute to nonattainment of the ozone and $PM_{2.5}$ NAAQS in any state. The Albuquerque/Bernalillo Air Quality Control Board (AQCB) is responsible for the portion of the New Mexico SIP that applies in Bernalillo County, which encompasses the City of Albuquerque. This rulemaking action is being taken under section 110 of the CAA.

DATES: Comments must be received on or before August 30, 2010.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2007–1119, by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.*
- Follow the online instructions for submitting comments.
- *EPA Region 6* "*Contact Us*" *Web site: http://epa.gov/region6/r6coment.htm.* Please click on "6PD (Multimedia)" and select "Air" before submitting comments.
- *E-mail:* Mr. Guy Donaldson at *donaldson.guy@epa.gov.* Please also send a copy by e-mail to the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.
- *Fax:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD–L), at fax number 214–665–7263.
- *Mail:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.
- *Hand or Courier Delivery:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733. Such deliveries are accepted only between the hours of 8 a.m. and 4 p.m. weekdays, and not on legal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket No. EPA–R06–OAR–2007–1119. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or e-mail. The *www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *www.regulations.gov* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. The file will be made available by appointment for public inspection in the Region 6 FOIA Review Room between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below or Mr. Bill Deese at 214–665–7253 to make an appointment. If possible, please make the appointment at least two working days in advance of your visit. There will be a 15 cent per page fee for making photocopies of documents. On the day of the visit, please check in at the EPA Region 6 reception area at 1445 Ross Avenue, Suite 700, Dallas, Texas.

The State submittal is also available for public inspection during official business hours, by appointment, at the City of Albuquerque, Environmental Health Department, One Civic Plaza, Albuquerque, NM 87102.

FOR FURTHER INFORMATION CONTACT: Emad Shahin, Air Planning Section (6PD–L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733, telephone (214) 665–6717; fax number (214) 665–7263; e-mail address *shahin.emad@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document wherever "we," "us," or "our" is used, we mean the EPA.

Outline

I. What action is EPA taking?
II. What is a SIP?
III. What is the background for this action?
IV. What is EPA's evaluation of the submittal?
V. Proposed Action
VI. Statutory and Executive Order Reviews

I. What action is EPA taking?

We are proposing to approve a revision to the New Mexico State Implementation Plan (SIP) to address the "good neighbor" provisions of the Clean Air Act (CAA) section 110(a)(2)(D)(i), for the 1997 ozone standards and the 1997 $PM_{2.5}$ standards for Albuquerque/Bernalillo County, demonstrating that one of the required elements of the CAA section 110(a)(2)(D)(i) has been met. The SIP revision demonstrates in part that air pollutant emissions from sources within Albuquerque/Bernalillo County do not significantly contribute to nonattainment of the relevant NAAQS in any other state. Therefore, we have determined that emissions from sources in Albuquerque/Bernalillo County do not significantly contribute to nonattainment of the 1997 ozone standards or of the 1997 $PM_{2.5}$ standards in any other state. In a separate action, EPA approved this revision for the remainder of the State. (75 FR 33174). The remaining three elements of section 110(a)(2)(D): (1) Interference with the maintenance of the NAAQS in any other

state; (2) interference with measures required to prevent significant deterioration of air quality in any other state; and (3) interference with measures required to protect visibility in any other state will be evaluated and addressed in future rulemakings.

II. What is a SIP?

Section 110(a) of the CAA requires each state to develop a plan that provides for the implementation, maintenance, and enforcement of the national ambient air quality standards (NAAQS). EPA establishes NAAQS under section 109 of the CAA. Currently, the NAAQS address six criteria pollutants: Carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide.

The plan developed by a state is referred to as the state implementation plan (SIP). The content of the SIP is specified in section 110 of the CAA, other provisions of the CAA, and applicable regulations. SIPs can be extensive, containing state regulations or other enforceable measures and various types of supporting information, such as emissions inventories, monitoring networks, and modeling demonstrations.

A primary purpose of the SIP is to provide the air pollution regulations, control strategies, and other means or techniques developed by the state to ensure that the ambient air within that state meets the NAAQS. However, another important aspect of the SIP is to ensure that emissions from within the state do not have certain prohibited impacts upon the ambient air in other states through interstate transport of pollutants. This SIP requirement is specified in section 110(a)(2)(D). Pursuant to that provision, each state's SIP must contain provisions adequate to prevent, among other things, emissions that significantly contribute to violations of the NAAQS in any other state.

States are required to update or revise SIPs under certain circumstances. One such circumstance is EPA's promulgation of a new or revised NAAQS. Each state must submit these revisions to EPA for approval and incorporation into the federally-enforceable SIP.

III. What is the background for this action?

For air quality purposes, Albuquerque/Bernalillo County operates the same way as a state. The EPA treats and funds Albuquerque/Bernalillo County as it does states. Enacted in 1967, the New Mexico Air Quality Control Act allowed the establishment of the Albuquerque/Bernalillo County AQCB as a local board and gave it authority to administer and enforce its air quality regulations within the Albuquerque/Bernalillo County boundaries. The AQCB has air quality jurisdiction over all of Bernalillo County, which encompasses the City of Albuquerque. The AQCB has the responsibility to adopt and implement the SIP as it applies to Bernalillo County. Therefore, AQCB has the responsibility to address 110(a)(2)(D) elements within Bernalillo county. The State of New Mexico Environmental Improvement Board has jurisdiction over all counties in New Mexico except Bernalillo County. The City of Albuquerque Environmental Health Department, Air Quality Division administers and staffs the air quality program for Albuquerque/Bernalillo County.

On July 18, 1997, EPA promulgated new standards for 8-hour ozone and fine particulate matter ($PM_{2.5}$). This action is being taken in response to the July 18, 1997, revision to the 8-hour ozone standards and $PM_{2.5}$ standards. This action does not address the requirements for the 2006 $PM_{2.5}$ standards or the 2008 8-hour ozone standards; those standards will be addressed in a later action.

Section 110(a)(1) of the CAA requires states to submit SIPs to address a new or revised NAAQS within 3 years after promulgation of such standards, or within such shorter period as EPA may prescribe. Section 110(a)(2) lists the elements that such new SIPs must address, as applicable, including section 110(a)(2)(D)(i), which pertains to interstate transport of certain emissions. On August 15, 2006, EPA issued its "Guidance for State Implementation Plan (SIP) Submission to Meet Current Outstanding Obligations Under Section 110(a)(2)(D)(i) for the 8-Hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards" ("Guidance") for SIP submissions that states should use to address the requirements of section 110(a)(2)(D)(i). EPA developed this guidance to make recommendations to states for making submissions to meet the requirements of section 110(a)(2)(D) for the 1997 8-hour ozone standards and 1997 $PM_{2.5}$ standards.

EPA received a SIP revision adopted by AQCB on September 12, 2007, to address the requirements of section 110(a)(2)(D)(i) for both the 1997 8-hour ozone standards and 1997 $PM_{2.5}$ standards. This SIP revision follows EPA's Guidance. As identified in the Guidance, the "good neighbor" provisions in section 110(a)(2)(D)(i) require each state to submit a SIP that prohibits emissions that adversely affect another state in the ways contemplated in the statute.

Section 110(a)(2)(D)(i) contains four distinct requirements related to the impacts of interstate transport; however, in this rulemaking EPA is addressing only the requirement that pertains to preventing sources in one state from emitting pollutants in amounts that will contribute significantly to nonattainment of the 1997 8-hour ozone standards and 1997 $PM_{2.5}$ standards in any other state. The Albuquerque/Bernalillo County submission relies on the same technical demonstration used by New Mexico Environment Department, which shows that emissions from the State of New Mexico, including Albuquerque/Bernalillo County, do not contribute to nonattainment in another state. Thus, the submission indicates that the current SIP is adequate to prevent significant contribution from the Albuquerque/Bernalillo County to nonattainment in any other state. Thus, no additional emissions controls are necessary at this time to alleviate interstate transport from sources in Albuquerque/Bernalillo County.

IV. What is EPA's evaluation of the submittal?

In accordance with EPA's Guidance, the SIP revision addresses interstate transport for the 1997 8-hour ozone standards and 1997 $PM_{2.5}$ standards. The SIP revision makes a showing that emissions from Albuquerque/Bernalillo County do not significantly contribute to violations of either NAAQS in other states by two different means. For $PM_{2.5}$, the revision relied primarily upon technical analysis performed by EPA in connection with another regional rulemaking that addresses interstate transport. For ozone, the revision relied primarily on additional modeling to address the extent of interstate transport. We believe that the submission adequately establishes that emissions from Albuquerque/Bernalillo County do not significantly contribute to violations of either NAAQS in other states, for the reasons explained below.

To support a determination of no "significant contribution" for the 1997 $PM_{2.5}$ standards, the submission relied on EPA's Clean Air Interstate Rule (CAIR) [1] analysis. This approach is consistent with EPA's Guidance to

[1] *See,* "Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule); Revisions to Acid Rain Program; Revisions to the NO_X SIP Call; Final Rule," 70 FR 25162 (May 12, 2005). Information regarding CAA section 110(a)(2)(D) SIPs can be found beginning of page 25263.

states for this SIP submission. In CAIR, EPA evaluated which states significantly contribute to violations of the 1997 8-hour ozone standards and 1997 $PM_{2.5}$ standards in other states. Based upon its analysis, EPA did not include New Mexico in the CAIR region. In the CAIR preamble, EPA provided its rationale for the exclusion of the western states, including New Mexico, from further consideration of transport for 8-hour ozone and $PM_{2.5}$ and the requirements of CAIR.

The "Technical Support Document for the Interstate Air Quality Rule Air Quality Modeling Analysis," January 2004 (available at *http://www.epa.gov/cair/technical.html*) contains documentation of the modeling used to support CAIR. This modeling included an analysis of the maximum impact of emissions from states without CAIR controls applied on areas projected in $PM_{2.5}$ nonattainment in 2010. A maximum impact level of 0.15 μg/m³ was considered significant for this analysis (**Note:** in the final CAIR EPA changed the maximum impact level for this significance test to 0.20 μg/m³). EPA's modeling indicated that the maximum impact from emissions from sources in New Mexico (including Albuquerque/Bernalillo County) on any projected nonattainment area in another state was 0.03 μg/m³. This value is 20% of the significant impact level that EPA used in the CAIR proposal, and therefore EPA determined that emissions from the State of New Mexico (including Albuquerque/Bernalillo County) do not significantly contribute to pollutant levels in any area projected to be nonattainment of the $PM_{2.5}$ standard in that analysis.

CAIR was remanded by the U.S. Court of Appeals for the District of Columbia, and EPA is currently in the process of developing a replacement rule to address interstate transport for the 1997 8-hour ozone and 1997 $PM_{2.5}$ standards. We do not believe that the CAIR remand affects EPA's CAIR analysis for the purpose of evaluating New Mexico's and Albuquerque/Bernalillo County's $PM_{2.5}$ impacts on other states. Specifically, EPA's modeling was conducted without including the impact of any CAIR controls, and thus the evaluation is not impacted by any uncertainty in the implementation of CAIR controls due to the remand. Also, despite remand of the CAIR rules, EPA's reliance on the maximum impact level of 0.20 μg/m³ as the cutoff for the inclusion of a state in the CAIR region was upheld by the court. Therefore, with respect to the 1997 $PM_{2.5}$ standards, we believe that the submission adequately establishes that sources in that State, including Albuquerque/Bernalillo County, are not significantly contributing to violations of that NAAQS in any other state.

To support a determination of no "significant contribution" for the 8-hour ozone NAAQS, AQCB could not rely upon EPA's CAIR analysis because western states including New Mexico were not included in the area modeled for ozone. Instead, New Mexico and AQCB provided an additional modeling analysis of the impact of emissions from the State on projected 8-hour ozone nonattainment in downwind states. We note that modeling is not necessarily required to support this type of SIP submission, but this approach is consistent with EPA's Guidance to states for this SIP submission.

The modeling relied upon by AQCB is described in greater detail in its technical support document in the submission, and is available at *http://www.regulations.gov*, Docket No. EPA–R06–OAR–2007–1119. We note that EPA assisted the State and AQCB with this analysis, including the development of the modeling demonstration. In order to develop a model scenario that could evaluate New Mexico's impacts, the State and EPA determined that it was appropriate to rely on data developed by the Central Regional Air Planning Association (CENRAP). Modeling was conducted using a 2002 third quarter CENRAP modeling dataset that included New Mexico in the modeling domain. While a more recent dataset might be assumed to be more appropriate to support this action, a 2010 dataset was not available from CENRAP. However, we believe that the use of the 2002 dataset is adequate to evaluate the degree of contribution of emission sources in Albuquerque/Bernalillo County, to violations of the 1997 8-hour ozone standards. Because the analysis is based on year 2002 emissions, we believe it is a conservative estimate of potential transport impacts in 2010 because emissions have been decreasing since 2002 due to various recent federal control programs (including On-Road and Nonroad reductions). This trend is confirmed by available 2005 inventory. In other words, if data from 2002 establish that there is no significant contribution to violations of the 1997 8-hour ozone standards in other states, then Albuquerque/Bernalillo County would have even lower impacts in 2010 and consequently no significant contribution.

In the Guidance, we recommended a number of ways that states might elect to evaluate whether or not there is significant contribution, and we suggested that states might consider assessing the potential for contribution using assumptions similar to those used by EPA in CAIR. The State's and AQCB's analysis considered three factors comparable to those used by EPA as screening criteria in determining significance for states in CAIR: (a) The magnitude of the contribution, (b) the frequency of the contribution, and (c) the relative amount of contribution. The additional modeling yielded consistent results showing New Mexico emissions, including Albuquerque/Bernalillo County do not contribute significantly to 8-hour ozone nonattainment in any of the areas analyzed. New Mexico's highest overall contribution to total nonattainment for any nonattainment area at the time of the modeling was for Dallas/Fort Worth. New Mexico's highest impact on the Dallas/Fort Worth area was a daily average contribution of 0.4%, with a contribution average of 0.4 ppb. By EPA's own metrics (as established in CAIR and upheld by the court), these impacts are considered to be small, infrequent, and well below screening criteria established at 1% and 2 ppb, respectively. Moreover, not a single metric of the three contribution factors was found to be above the significance threshold established by EPA for any of the downwind counties. For more details please see the document titled "Modeling Data and Report for New Mexico from EPA Regions 6 and 7" that is included in the docket materials for this action.

At the time the modeling was performed, Denver's air quality was meeting the standard. (The 2004–2006 8-Hour Ozone Design Value (DV) was 81 ppb.) Therefore, the State and AQCB did not evaluate New Mexico's ozone impacts on Denver. Denver had a very high ozone season in 2007 that temporarily pushed the area into nonattainment. The preliminary 2007–2009 DV (awaiting final data validation) is 82 ppb so the area appears to now be back in attainment. The preliminary 2007–2009 DV is based upon 4th High values of 90 ppb in 2007, 79 ppb in 2008, and 79 ppb in 2009 (preliminary). With the last two 4th Highs of 79 ppb, Denver would have to monitor a 4th High value of 97 ppb in 2010 to go back into nonattainment for the period 2008–2010. Denver has not had a 4th High value of more than 92 ppb in the last 15 years, so it is unlikely that Denver will be in nonattainment at the end of the 2010 ozone season for the 84 ppb standard. Based on preliminary 2007–2009 data, Denver is attaining the standard, so Albuquerque/Bernalillo County emissions should not be

considered as contributing to nonattainment in Denver.

With respect to the 1997 8-hour ozone standards, we believe that the submission adequately establishes that sources in Albuquerque/Bernalillo County are not significantly contributing to violations of that NAAQS in any other state. As noted previously, EPA will be acting on the other elements of Section 110(a)(2)(D)(i) in separate rulemakings.

V. Proposed Action

We are proposing to approve a revision to the New Mexico SIP which adequately demonstrates that air pollutant emissions from sources within Albuquerque/Bernalillo County do not significantly contribute to nonattainment of the relevant NAAQS on any other state.

Information provided by New Mexico Environment Department and AQCB in the technical demonstration sufficiently demonstrates that emissions from Albuquerque/Bernalillo County do not significantly contribute to downwind nonattainment. Thus, EPA concludes that the New Mexico SIP as it pertains to Albuquerque/Bernalillo County complies with CAA section 110(a)(2)(D)(i)(I).

VI. 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.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: July 20, 2010.

Lawrence E. Starfield,

Acting Regional Administrator, Region 6.

[FR Doc. 2010–18560 Filed 7–28–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R09–OAR–2010–0585; FRL–9182–7]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Nevada; Redesignation of Las Vegas Valley to Attainment for the Carbon Monoxide Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve the State of Nevada's request to redesignate to attainment the Las Vegas Valley nonattainment area for the carbon monoxide national ambient air quality standard. EPA is also proposing to approve the carbon monoxide maintenance plan and motor vehicle emissions budgets for the area, as well as certain additional revisions to the Nevada State implementation plan. These revisions include the suspension of a local wintertime cleaner burning gasoline rule, and the relaxation of a State rule governing wintertime gasoline in Clark County. EPA's proposed approval is contingent upon receipt of a supplemental submittal from the State of Nevada containing a commitment to reinstate the existing vapor pressure limit in the State wintertime gasoline rule, if necessary, and thereby to implement the related contingency measure in the maintenance plan.

DATES: Comments must be received on or before August 30, 2010.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2010–0585, by one of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
2. *E-mail: oconnor.karina@epa.gov.*
3. Mail or deliver: Karina O'Connor (AIR–2), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: Direct your comments to Docket ID No. EPA–R09–OAR–2010–0585. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an "anonymous access" system, which means that EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, without going through *http://www.regulations.gov,* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you

submit an electronic comment, EPA recommends that you include your name and other contact information in the body of the comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other information, such as copyrighted material, will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Office of Air Planning, Environmental Protection Agency (EPA), Region IX, 75 Hawthorne Street, San Francisco, California. To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Karina O'Connor, EPA Region IX, (775) 833–1276, *oconnor.karina@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, the terms "we," "us," and "our" refer to EPA. This supplementary information is organized as follows:

Table of Contents

I. Summary of Today's Proposed Action
II. Background
III. Procedural Requirements for Adoption and Submittal of SIP Revisions
IV. Substantive Requirements for Redesignation
V. Evaluation of the State's Redesignation Request for Las Vegas Valley
A. Determination That the Area Has Attained the Applicable NAAQS
B. The Area Must Have a Fully Approved SIP Meeting Requirements Applicable for Purposes of Redesignation Under Section 110 and Part D
1. Basic SIP Requirements Under CAA Section 110
2. Part D Requirements
a. Introduction
b. RFP and Attainment Demonstration
c. Reasonable Available Control Measures/Control Technology
d. Emission Inventory
e. Permits for New and Modified Major Stationary Sources
f. Contingency Provisions
g. Conformity Requirements
h. VMT Forecasts and Annual Updates
i. Vehicle Inspection and Maintenance Program
j. TCMs To Offset VMT-Related Emissions Increases and To Provide for RFP
k. Oxygenated Gasoline Program
l. Clean Data Policy and CO Milestone Requirement
3. Conclusion With Respect to Section 110 and Part D Requirements
C. The Area Must Show the Improvement in Air Quality Is Due to Permanent and Enforceable Emissions Reductions
D. The Area Must Have a Fully Approved Maintenance Plan Under CAA Section 175A
1. Attainment Inventory
2. Maintenance Demonstration
3. Monitoring Network
4. Verification of Continued Attainment
5. Contingency Provisions
6. Subsequent Maintenance Plan Revisions
7. Motor Vehicle Emissions Budgets
8. Conclusion
VI. Evaluation of Suspended or Relaxed Wintertime Gasoline Specifications
VII. Proposed Action and Request for Comment
VIII. Statutory and Executive Order Reviews

I. Summary of Today's Proposed Action

EPA is proposing to approve the Nevada Division of Environmental Protection's (NDEP's) request to redesignate to attainment the Las Vegas Valley [1] carbon monoxide (CO) nonattainment area located within Clark County, Nevada, and related revisions to the Nevada State implementation plan (SIP). The specific SIP revision submittals that we are proposing to approve are listed in the following table:

Plan or Rule	Adoption date(s)	State of Nevada submittal date(s)
Carbon Monoxide Redesignation Request and Maintenance Plan, Las Vegas Valley Nonattainment Area, Clark County, Nevada (September 2008).	Adopted by the Clark County Board of Commissioners on September 2, 2008.	Submitted by NDEP by letter dated September 18, 2008.
Clark County Air Quality Regulations, Section 54 ("Cleaner Burning Gasoline (CBG): Wintertime Program") (Suspended).	Adopted by the Clark County Board of Commissioners on September 15, 2009, effective September 29, 2010.	Submitted by NDEP by letter dated March 26, 2010.
Nevada Administrative Code (NAC) section 590.065 (amended).	Adopted by the Nevada Board of Agriculture on December 9, 2010, effective January 28, 2010.	Submitted by NDEP by letter dated March 26, 2010.

Specifically, we are proposing to approve NDEP's maintenance plan submittal dated September 18, 2008 titled *Carbon Monoxide Redesignation Request and Maintenance Plan, Las Vegas Valley Nonattainment Area, Clark County, Nevada* (September 2008) ("Las Vegas Valley CO Maintenance Plan" or "Maintenance Plan") [2] as a revision to the Nevada SIP, and to approve NDEP's request to redesignate Las Vegas Valley to attainment for the CO NAAQS. We are proposing to approve the Las Vegas Valley CO Maintenance Plan because we find that it meets all requirements for such plans in section 175A under the Clean Air Act ("Act" or CAA), and we are proposing to approve NDEP's redesignation request for Las Vegas Valley from nonattainment to attainment because we believe that the area has met all of the criteria for redesignation under CAA section 107(d)(3)(E). The Las Vegas Valley CO Maintenance Plan includes CO motor vehicle emissions budgets (MVEBs) for years 2008, 2010, and 2020,

[1] Specifically, the Las Vegas Valley CO nonattainment area is defined by reference to State hydrographic area #212. *See* 40 CFR 81.329. The Las Vegas Valley encompasses roughly 1,500 square miles within Clark County and includes the cities of Las Vegas, North Las Vegas, and Henderson. Roughly two million people reside in Clark County, mostly within Las Vegas Valley. NDEP is the State agency under State law that is responsible for SIP matters for the State of Nevada. Within Clark County, the Clark County Board of Commissioners, acting through the Department of Air Quality and Environmental Management (DAQEM), is empowered under State law to develop air quality plans and to regulate stationary sources within the county with the exception of certain types of power plants, which lie exclusively within the jurisdiction of NDEP.

[2] The Las Vegas Valley CO Maintenance Plan consists of the main body of the plan and three appendices: Appendix A ("Wintertime Gasoline Fuel Specification Study"), Appendix B (Technical Support Document, Carbon Monoxide Modeling for the Clark County Maintenance Plan"), Appendix C ("Documentation of the Public Review Process").

and we are proposing to approve these budgets for the purposes of transportation conformity based on our conclusion that they meet the criteria for such budgets in 40 CFR 93.118(e). Final approval of the redesignation request and maintenance plan would change the legal description of the Las Vegas Valley CO nonattainment area in 40 CFR part 81 from nonattainment to attainment, and would make Federally enforceable the commitments and contingency provisions contained in the maintenance plan.

In connection with the CO Maintenance Plan, Clark County and the State of Nevada have decided to suspend or relax two gasoline-related regulations that formed part of the control strategy that has provided for attainment of the CO standard in Las Vegas Valley but that they believe are not needed for the purposes of maintaining the CO standard now that the CO standard has been attained. These are Clark County Air Quality Regulations (AQR) Section 54 ("Cleaner Burning Gasoline: Wintertime Program") (herein, referred to as the "CBG Rule"), which establishes certain wintertime gasoline specifications related to sulfur and aromatic hydrocarbons ("aromatics"), and Nevada Administrative Code (NAC) section 590.065 (herein referred to as the "Low RVP Rule"), which establishes a low Reid vapor pressure (RVP) specification for gasoline sold during the late fall and winter months in Clark County. We are proposing to approve the suspension of Clark County's CBG Rule and the relaxation of the State's Low RVP Rule because we conclude, in accordance with CAA section 110(l), that doing so would not interfere with attainment or maintenance of any of the NAAQS or any applicable requirement of the Clean Air Act.[3]

The Las Vegas Valley CO Maintenance Plan includes reinstatement of the CBG Rule and the Low RVP Rule as contingency measures, as required under CAA section 175A(d). However, while Clark County, through adoption of the maintenance plan, has committed to reinstatement of the CBG Rule in accordance with the contingency provisions of the plan, the Nevada State Department of Agriculture, which is responsible for the Low RVP Rule, has not yet made a similar commitment with respect to the Low RVP Rule. Thus, our approval of the Maintenance Plan and redesignation request is contingent upon the submittal, and EPA approval, of such a commitment as a revision to the Nevada SIP.[4]

II. Background

Carbon monoxide (CO) is a colorless, odorless gas emitted in combustion processes. In most areas where elevated CO levels are found, CO comes primarily from tailpipe emissions of cars and trucks. Exposure to elevated CO levels is associated with impairment of visual perception, work capacity, manual dexterity and learning ability, and with illness and death for those who already suffer from cardiovascular disease, particularly angina or peripheral vascular disease.

On April 30, 1971 (*see* 36 FR 8186), pursuant to section 109 of the Act, as amended in 1970, EPA promulgated the original national ambient air quality standards (NAAQS) for several pervasive air pollutants, including CO. NAAQS represent concentration levels the attainment and maintenance of which, allowing for an adequate margin of safety, EPA has determined to be requisite to protect public health ("primary" NAAQS) and welfare ("secondary" NAAQS). The primary (*i.e.,* health-based) NAAQS for CO is 9 parts per million (ppm) averaged over an 8-hour period, and 35 ppm averaged over 1 hour, neither to be exceeded more than once per year. In our 1971 rulemaking, we established identical primary and secondary NAAQS for CO but later revoked the secondary (welfare) NAAQS for CO. *See* 50 FR 37484 (September 13, 1985). The (primary) CO NAAQS established by EPA in 1971, remain in effect today. *See* 40 CFR 50.8 ("National primary ambient air quality standards for carbon monoxide").

Under section 110 of the Act, each State is required to adopt and submit to EPA a plan that provides for the implementation, maintenance, and enforcement of the NAAQS within each State. These plans are referred to as "State implementation plans" or "SIPs." Under the Clean Air Act, as amended in 1970, SIPs were required to provide for attainment of the NAAQS within 3 years after EPA approval of the plan. However, many areas of the country did not attain the NAAQS within the statutory period.

In response, Congress amended the Act in 1977 to establish a new approach, based on area designations, for attaining the NAAQS, and on March 3, 1978 (43 FR 8962), we promulgated attainment status designations for all areas within each of the States. In the 1978 rulemaking, we designated Las Vegas Valley as a "nonattainment" area for the CO NAAQS based on monitored violations of the 8-hour CO NAAQS.[5] *See* 43 FR 8962, at 9013 (March 3, 1978).

The Clean Air Act, as amended in 1977, required States to revise their SIPs by preparing, adopting and submitting attainment plans (for EPA approval) that set forth a strategy to achieve the NAAQS in designated nonattainment areas. The original statutory deadline for attainment under the 1977 Amended Act was 1982, but extensions to 1987 were allowed if certain SIP requirements were met. In response, Clark County and the State of Nevada adopted and implemented various air quality plans and programs, including a vehicle inspection and maintenance (I/M) program, to reduce CO levels in Las Vegas Valley. EPA approved these plans and programs at various times as revisions to the Nevada State implementation plan (SIP). *See* 46 FR 21758 (April 14, 1981); 47 FR 15790 (April 13, 1982); 49 FR 44208 (November 5, 1984). Despite these programs, Las Vegas Valley did not attain the CO NAAQS by the then-applicable 1987 attainment date.

The CAA was significantly amended by Congress in 1990 to establish new attainment dates and planning and control requirements for areas, like Las Vegas Valley, that had failed to attain the NAAQS under the 1977 Amendments. Under the 1990 Amended Act, Las Vegas Valley was initially classified as a "moderate" nonattainment area for CO (based on a design value of 14.4 ppm) but was subsequently reclassified as a "serious" CO nonattainment area after having failed to attain the standard by the applicable attainment date (*i.e.,* December 31, 1995) for moderate areas.

[3] We are not including subsection (7) of amended NAC 590.065 in our proposed approval because the limits in subsection (7) of the amended rule are unrelated to the vapor pressure requirement and associated CO emissions reductions, and are severable from the rest of the rule.

[4] On July 12, 2010, the Nevada Department of Agriculture initiated a 30-day comment period to solicit comment (or request a public hearing) on the draft commitment regarding implementation of the contingency measure in the Maintenance Plan related to reinstatement of the Low RVP Rule. The Department's notice of intent to solicit public comment, which includes the commitment language, has been placed in the docket for this rulemaking. We have reviewed the language of the Department's draft commitment and expect to approve it if it is ultimately submitted to us without significant modification.

[5] Thus, the CO plans previously approved by EPA for Las Vegas Valley assume that the 8-hour CO standard, rather than the 1-hour CO standard, is the controlling standard. That is, attainment of the former necessarily means attainment of the latter. The same holds true in the submitted Las Vegas Valley CO Maintenance Plan, which includes a maintenance demonstration for the 8-hour CO standard, not the 1-hour CO standard.

See 62 FR 51604 (October 2, 1997). The Las Vegas Valley area was then subject to the applicable attainment deadline for "serious" CO nonattainment areas (*i.e.,* December 31, 2000). *See* CAA section 186(a)(1).

In response to nonattainment classifications and related CAA requirements, Clark County and the State of Nevada adopted and implemented new air quality plans and programs, including a "serious" area attainment plan titled *Carbon Monoxide State Implementation Plan, Las Vegas Valley Nonattainment Area, Clark County, Nevada* (August 2000) ("2000 Las Vegas Valley CO Plan" or "2000 CO Plan"). We approved the 2000 Las Vegas Valley CO Plan in 2004. *See* 69 FR 56351 (September 21, 2004).

In connection with the 2000 Las Vegas Valley CO Plan, we approved, among other plan elements, Clark County AQR Section 54 ("Cleaner Burning Gasoline (CBG): Wintertime Program") (*i.e.,* the CBG Rule) (originally adopted by Clark County in 1999), the State's alternate "low" enhanced vehicle I/M program for Las Vegas Valley and Boulder City, the State's regulation establishing a low RVP wintertime gasoline specification for Clark County (*i.e.,* the Low RVP Rule) (originally adopted by the State Board of Agriculture in 1995), the State's alternative fuels for government fleets program, the Regional Transportation Commission of Southern Nevada's (RTC's) Transportation Control Measures/Transportation Demand Management (TCM/TDM) program, and an amended version of previously approved Clark County AQR Section 53 ("Oxygenated Gasoline Program") (originally adopted by Clark County in 1991). The 2000 Las Vegas Valley CO Plan identifies the CBG Rule, I/M program, Low RVP Rule, and the oxygenated gasoline program, along with the Federal Motor Vehicle Control Program (FMVCP), as the primary control measures providing for attainment of the CO NAAQS in Las Vegas Valley by the applicable attainment date (2000). In 2004, we also approved the 2000 CO Plan's motor vehicle emissions budgets (MVEBs) for years 2000, 2010 and 2020.[6]

In 2005, EPA determined that the Las Vegas Valley had attained the CO NAAQS by its applicable attainment deadline of December 31, 2000 [70 FR 31353 (June 1, 2005)], and had continued to attain through 2003 [70 FR 3174, at 3177 (January 21, 2005)]. This attainment determination did not constitute redesignation to attainment, however, because it did not include consideration or approval of the additional requirements for redesignation set forth in CAA section 107(d)(3)(E), *e.g.,* a maintenance plan satisfying CAA section 175A.

In 2006, EPA approved a Las Vegas Valley CO plan titled *Carbon Monoxide State Implementation Plan Revision, Las Vegas Valley Nonattainment Area, Clark County, Nevada* (October 2005) ("2005 Las Vegas Valley CO Plan" or "2005 CO Plan"), which amended the emissions inventories, attainment demonstration, and related MVEBs from the 2000 Las Vegas Valley CO Plan in response to changes in the EPA-approved motor vehicle emission factor model and higher-than-forecast increases in population growth in Las Vegas Valley. *See* 71 FR 44587 (August 7, 2006).

EPA today is proposing to approve the State's request to redesignate the Las Vegas Valley to attainment for the CO NAAQS, and to approve the Las Vegas Valley CO Maintenance Plan. We are also proposing approval of the suspension or relaxation of two specific control measures that had previously been approved into the SIP, but that Clark County has shown are no longer needed to maintain the CO NAAQS in Las Vegas Valley: the County's CBG Rule and the State's Low RVP Rule. Our evaluation of the submittals and the redesignation request is provided in the following sections of this document.

III. Procedural Requirements for Adoption and Submittal of SIP Revisions

Section 110(l) of the Act requires States to provide reasonable notice and public hearing prior to adoption of SIP revisions. In this action, we are proposing action on the following SIP revisions: The Las Vegas Valley CO Maintenance Plan, submitted by NDEP on September 18, 2008; and the suspended or relaxed wintertime gasoline regulations, submitted by NDEP on March 26, 2010.

Both of the SIP revision submittals cited above contain evidence that reasonable notice of a public hearing was provided to the public and that a public hearing was conducted prior to adoption. Specifically, notice of the availability of, and opening of a 30-day comment period on, the draft CO maintenance plan was published on several dates in a newspaper of general circulation within the Las Vegas area beginning on May 11, 2008. The Clark County Board of Commissioners adopted the Las Vegas Valley CO Maintenance Plan by resolution on September 2, 2008 at the close of the public hearing. Appendix C to the plan documents the public review process used by the county to adopt the plan. Following adoption, Clark County DAQEM forwarded the plan to NDEP, the Governor of Nevada's designee for SIP matters, and NDEP then submitted the plan as a revision to the Nevada SIP to EPA for approval.

NDEP's March 26, 2010 SIP submittal documents the public review process used by the Clark County Board of Commissioners in suspending Section 54 (*i.e.,* the CBG Rule) and by the State Board of Agriculture in relaxing the wintertime gasoline vapor pressure requirement. Specifically, NDEP's March 26, 2010 submittal documents the Clark County Board of Commissioners' September 15, 2009 public hearing on, and subsequent adoption of, Ordinance No. 3809 suspending the CBG Rule, effective September 29, 2009. Notice of Clark County DAQEM's workshop to discuss suspension of the CBG Rule was published on several dates in a newspaper of general circulation within the Las Vegas area beginning on May 17, 2009.

The March 26, 2010 SIP revision submittal also documents the State Board of Agriculture's December 9, 2009 public hearing on, and subsequent adoption of, amendments to NAC section 590.065 (LCB File No. R111–08), effective January 28, 2010, including the relaxation of the RVP wintertime gasoline limit in Clark County from 9.0 to 13.5 pounds per square inch (psi). This action on the part of the Board of Agriculture was preceded by publication on September 16, 2009 by the Nevada Department of Agriculture of a notice of a workshop to be held on October 13, 2009 to solicit comments on amendments to NAC section 590.065, and by publication on November 4, 2009 of a notice of intent to act upon a regulation.

Based on the documentation submitted with the two SIP submittals and summarized above, we find that both SIP revisions cited above satisfy the procedural requirements of section 110(l) of the Act for revising SIPs.

[6] While important for the purposes of attaining the CO standard by the applicable attainment date (2000), the Maintenance Plan shows that the Low RVP Rule and the CBG Rule are no longer necessary for the purposes of maintaining the CO standard. The consistent, but more gradual, emissions reduction benefits of the FMVCP and natural vehicle turnover (*i.e.,* replacement of older more polluting motor vehicles with newer cleaner vehicles) allow for the relaxation of these fuel rules consistent with continued maintenance of the CO standard.

IV. Substantive Requirements for Redesignation

The CAA establishes the requirements for redesignation of a nonattainment area to attainment. Specifically, section 107(d)(3)(E) allows for redesignation provided that the following criteria are met: (1) EPA determines that the area has attained the applicable NAAQS; (2) EPA has fully approved the applicable implementation plan for the area under section 110(k); (3) EPA determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable SIP, applicable Federal air pollution control regulations, and other permanent and enforceable reductions; (4) EPA has fully approved a maintenance plan for the area as meeting the requirements of CAA section 175A; and (5) the State containing such area has met all requirements applicable to the area under section 110 and part D of the CAA. Section 110 identifies a comprehensive list of elements that SIPs must include, including plan revisions meeting the requirements of part D (*i.e.,* CAA section 171 through section 193), and part D establishes the SIP requirements for nonattainment areas. Part D is divided into six subparts; the CO-specific nonattainment SIP requirements are found in part D, subpart 3, which includes CAA sections 186 and 187.

EPA provided guidance on redesignations in a document entitled, "State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990," published in the **Federal Register** on April 16, 1992 (57 FR 13498), and supplemented on April 28, 1992 (57 FR 18070) (referred to herein as the "General Preamble"). Another relevant EPA guidance document includes "Procedures for Processing Requests to Redesignate Areas to Attainment," Memorandum from John Calcagni, Director, Air Quality Management Division, EPA Office of Air Quality Planning and Standards, September 4, 1992 (referred to herein as the "Calcagni memo").

For the reasons set forth below in section V of this document, we propose to approve NDEP's request for redesignation of the Las Vegas Valley nonattainment area to attainment for the CO NAAQS based on our conclusion that all of the criteria under CAA section 107(d)(3)(E) have been satisfied. For the reasons set forth in section V.D.5 of this document, our proposed approval is contingent upon NDEP's submission of a commitment by the Nevada Department of Agriculture to reinstate the Low RVP Rule if necessary to address future violations of the CO NAAQS in Las Vegas Valley and thereby implement the related contingency measure in the Maintenance Plan.

V. Evaluation of the State's Redesignation Request for Las Vegas Valley

A. Determination That the Area Has Attained the Applicable NAAQS

CAA section 107(d)(3)(E) requires that we determine that the area has attained the NAAQS. EPA makes the determination as to whether an area's air quality is meeting the CO NAAQS based upon air quality data gathered at CO monitoring sites in the nonattainment area which have been entered into the Air Quality System (AQS) database. This data is reviewed to determine the area's air quality status in accordance with 40 CFR 50.8; EPA policy guidance as stated in a memorandum from William G. Laxton, Director Technical Support Division, entitled "Ozone and Carbon Monoxide Design Value Calculations," dated June 18, 1990; and EPA's General Preamble at 57 FR 13535.

The 8-hour and 1-hour CO design values are used to determine attainment of CO areas, and the design values are determined by reviewing 8 quarters of data, or a total of two complete calendar years of data for an area. The 8-hour design value is computed by first finding the maximum and second maximum (non-overlapping) 8-hour values at each monitoring site for each year of the two calendar years prior to and including the attainment date. Then the higher of the "second high" values is used as the design value for the monitoring site, and the highest design value among the various CO monitoring sites represents the CO design value for the area.

The CO NAAQS requires that not more than one 8-hour average per year equals or exceeds 9.5 ppm (values below 9.5 are rounded down to 9 and are not considered exceedances). If an area has a design value that is equal to or greater than 9.5 ppm, this means that there was a monitoring site where the second highest (non-overlapping) 8-hour average was measured to be equal to or greater than 9.5 ppm in at least one of the two years being reviewed to determine attainment for the area. This indicates that there were at least two values above the NAAQS during one year at that site and thus the NAAQS for CO was not met. Conversely, an 8-hour design value of less than 9.5 ppm indicates that the area has attained the CO NAAQS. The 1-hour CO design value is computed in the same manner. An area attains the one-hour CO NAAQS if the 1-hour design value is less than 35.5 ppm.

On June 1, 2005 (70 FR 31353), we determined that the Las Vegas Valley "serious" CO nonattainment area had attained the CO NAAQS by the applicable attainment date (2000) based on complete quality-assured data showing a design value of the area (from Sunrise Acres station) for 1999–2000 of 8.2 ppm, eight-hour average, and 10.2 ppm, one-hour average. (The corresponding NAAQS are 9 ppm, eight-hour average, and 35 ppm, one-hour average.) We also found that Las Vegas Valley had continued to attain the standard through year 2003. As part of that determination, we reviewed the ambient CO monitoring network operated by Clark County DAQEM and found that it met or exceeded our requirements. *See* 70 FR 3174 (January 21, 2005).

In our proposed determination that the area had attained by its attainment deadline (2000) (70 FR 3174, January 21, 2005), we described Clark County's CO monitoring network at that time as including 7 SLAMS sites, 4 NAMS sites, and 4 special purpose sites.[7] Since our 2005 finding of attainment, Clark County has closed a number of CO monitoring sites. There are now five CO monitoring sites in Las Vegas Valley: Winterwood, East Sahara, Sunrise Acres, Orr School and J.D. Smith. All of the monitoring sites are SLAMS, and the J.D. Smith site is also a NAMS site. All sites have population exposure as their monitoring objective except Sunrise Acres, which has "highest concentration" as its monitoring objective.

While the number of CO monitoring stations has been reduced, we conclude in our Technical Systems Audit Report (February 2010) that the network currently meets or exceeds the requirements for the minimum number of CO monitoring sites. Moreover, we note that the Sunrise Acres monitoring station, which is the site at which the highest CO concentrations have historically been recorded, remains among those that continue to be operated by Clark County DAQEM.

For the purposes of this proposed rule, we reviewed complete, quality-assured monitoring data that are

[7] EPA has established ambient air quality monitoring requirements and standards for State and Local Air Monitoring Stations (SLAMS) and for National Air Monitoring Stations (NAMS). These requirements and standards provide for operating schedules, data quality assurance, and for the design and siting of CO samplers.

uploaded to our Air Quality System (AQS) database. We found that no exceedances of the CO NAAQS were recorded in Las Vegas Valley during the entire period from 2004–2009. During this period, the highest 8-hour CO concentrations were 60% of the NAAQS or less at all of the monitoring stations. Table 1 summarizes the 2nd highest 8-hour and 1-hour average CO concentrations at the various monitoring stations during the most recent two-year period. As shown in the table, the 8-hour design value for the area based on 2008–2009 data is 3.7 ppm, eight-hour average, and 4.7 ppm, 1-hour average, both of which are well below the corresponding NAAQS of 9 and 35 ppm, respectively. Preliminary data available for 2010 show that there continue to be no exceedances of the CO NAAQS in the area.

TABLE 1—SUMMARY OF LAS VEGAS VALLEY CO MONITORING DATA, 2008–2009

Monitoring site name	2nd highest 8-hour concentration (ppm)			2nd highest 1-hour concentration (ppm)		
	2008	2009	Design value	2008	2009	Design value
Winterwood	2.9	2.8	2.9	3.8	3.7	3.8
East Sahara	3.7	3.1	3.7	4.7	4.2	4.7
Sunrise Acres	3.5	2.8	3.5	4.2	4.7	4.7
Orr School	2.6	2.6	2.6	3.2	3.2	3.2
J.D. Smith	2.5	2.4	2.5	3.6	3.2	3.6
Area Design Value	8-Hour CO Design Value = 3.7 ppm (East Sahara)			1-Hour CO Design Value = 4.7 ppm (East Sahara and Sunrise Acres)		
CO NAAQS	9 ppm			35 ppm		

Based on the AQS data presented above and the positive assessment of the Clark County DAQEM ambient CO monitoring network that we made in February 2010, we propose to determine that Las Vegas Valley has attained the CO NAAQS, and thus meets the criterion for redesignation set forth in section 107(d)(3)(E)(i).

B. The Area Must Have a Fully Approved SIP Meeting Requirements Applicable for Purposes of Redesignation Under Section 110 and Part D

Section 107(d)(3)(E)(ii) and (v) require EPA to determine that the area has a fully approved applicable SIP under section 110(k) that meets all applicable requirements under section 110 and part D for the purposes of redesignation.

1. Basic SIP Requirements Under CAA Section 110

Section 110(a)(2) sets forth the general elements that a SIP must contain in order to be fully approved. Although section 110(a)(2) was amended in 1990, a number of the requirements did not change in substance, and therefore, EPA believes that the pre-amendment EPA-approved SIP met these requirements in Las Vegas Valley with respect to CO. As to those requirements that were amended, (*see* 57 FR 27936 and 27939, June 23, 1992), many are duplicative of other requirements of the Act. EPA has analyzed the Nevada SIP and determined that it is consistent with the requirements of amended section 110(a)(2). The Las Vegas Valley portion of the approved Nevada SIP contains enforceable emission limitations; requires monitoring, compiling and analyzing of ambient air quality data; requires preconstruction review of new or modified stationary sources; provides for adequate funding, staff, and associated resources necessary to implement its requirements; and provides the necessary assurances that the State maintains responsibility for ensuring that the CAA requirements are satisfied in the event that Clark County is unable to meet its CAA obligations.[8]

On numerous occasions over the past 38 years, NDEP has submitted and we have approved provisions addressing the basic CAA section 110 provisions. There are no outstanding or disapproved applicable SIP submittals with respect to the Las Vegas Valley portion of the SIP. We propose to conclude that NDEP and Clark County have met all SIP requirements for Las Vegas Valley applicable for purposes of redesignation under section 110 of the CAA (General SIP Requirements). With the exception discussed below in Section V.B.2.l of this document, the SIP for Las Vegas Valley also has been approved as meeting applicable requirements under part D of Title I of the CAA.

2. Part D Requirements

a. Introduction

The requirements that apply under part D (of Title I) of the Act to "serious" CO nonattainment areas are set forth in sections 172, 176, 187, and 211. In the General Preamble, we have issued guidance describing how we will review SIPs and SIP revisions submitted under part D (of Title I) of the Act, including

[8] The applicable SIP for NDEP and Clark County may be found at *http://yosemite.epa.gov/r9/r9sips.nsf/allsips?readform&state=Nevada.*

We note that SIPs must be fully approved only with respect to applicable requirements for purposes of redesignation in accordance with section 107(d)(3)(E)(ii). Thus, for example, CAA section 110(a)(2)(D) requires that SIPs contain certain measures to prevent sources in a State from significantly contributing to air quality problems in another State. However, the section 110(a)(2)(D) requirements for a State are not linked with a particular nonattainment area's designation and classification in that State. EPA believes that the requirements linked with a particular nonattainment area's designation and classification are the relevant measures to evaluate in reviewing a redesignation request. The transport SIP submittal requirements, where applicable, continue to apply to a State regardless of the designation of any one particular area in the State.

Thus, we do not believe that these requirements should be construed to be applicable requirements for purposes of redesignation. In addition, EPA believes that the other section 110 elements not connected with nonattainment plan submissions and not linked with an area's attainment status are not applicable requirements for purposes of redesignation. The State will still be subject to these requirements after Las Vegas Valley is redesignated. The section 110 and part D requirements, which are linked with a particular area's designation and classification, are the relevant measures to evaluate in reviewing a redesignation request. This policy is consistent with EPA's existing policy on applicability of conformity (*i.e.,* for redesignations) and oxygenated fuels requirement. *See* Reading, Pennsylvania, proposed and final rulemakings 61 FR 53174–53176 (October 10, 1996), 62 FR 24816 (May 7, 1997); Cleveland-Akron-Lorain, Ohio, final rulemaking 61 FR 20458 (May 7, 1996); and Tampa, Florida, final rulemaking 60 FR 62748 (December 7, 1995). See also the discussion of this issue in the Cincinnati redesignation 65 FR 37890 (June 19, 2000), in the Pittsburgh redesignation 66 FR 50399 (October 19, 2001), and in the Los Angeles redesignation 72 FR 6986 (February 14, 2007) and 72 FR 26718 (May 11, 2007). EPA believes that section 110 elements not linked to the area's nonattainment status are not applicable for purposes of redesignation.

those containing "serious" CO nonattainment area SIP provisions. In the following paragraphs, we explain how the State has met the applicable SIP revision requirements under part D for the Las Vegas Valley CO nonattainment area or where, in the case of certain requirements, how the requirement does not apply because Las Vegas Valley has attained the CO standard.[9]

b. RFP and Attainment Demonstration

Under CAA sections 172(c)(2) and 187(a)(7), with respect to a serious CO nonattainment area, States are required to a submit a SIP revision that provides, and a demonstration that the plan as revised will provide, for attainment of the CO NAAQS by the applicable attainment date and provisions for such specific annual emission reductions as are necessary to attain the standard by that date. In 2004, in approving the 2000 Las Vegas Valley CO Plan, we approved the area's RFP demonstration under sections 172(c)(2) and 187(a)(7) and attainment demonstration under section 187(a)(7). *See* 69 FR 56351, at 56353 (September 21, 2004). Thus, the area has met the SIP requirements under CAA sections 172(c)(2) and 187(a)(7).

c. Reasonable Available Control Measures/Control Technology

Section 172(c)(1) of the Act requires States to submit a SIP revision for nonattainment areas that provide for the implementation of all reasonably available control measures (RACM) as expeditiously as practicable (including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology (RACT)) and shall provide for attainment of the NAAQS. RACM is a more general term that can refer to stationary, area or mobile sources while RACT is a term that refers to stationary sources.

Attainment of the CO NAAQS in Las Vegas Valley relied upon the Federal Motor Vehicle Control Program and five State or local control measures: The State's vehicle I/M program, the State's Low RVP Rule, Clark County's rules (AQR sections 53 (*i.e.,* wintertime oxygenated gasoline rule) and the CBG Rule) establishing wintertime gasoline requirements related to oxygen content, sulfur content, and aromatics, and to a lesser degree, the State's Alternative Fuels for Government Fleets program, and RTC's TCM/TDM program. We have previously approved all of these State and local control measures into the Nevada SIP. Based on our 2005 determination that Las Vegas Valley had attained the CO NAAQS by the applicable attainment date (2000), we believe that no additional measures need be submitted to fulfill the RACM/RACT requirement of CAA section 172(c)(1) in the Las Vegas Valley CO nonattainment area.

d. Emissions Inventory

Sections 172(c)(3) and 187(a)(1) of the Act require States to submit a comprehensive, accurate, current inventory of actual CO emissions for year 1990 from all sources within the nonattainment area. The inventory is to address actual CO emissions during the peak CO season for the area, and all stationary (generally referring to larger stationary source or "point" sources), area (generally referring to smaller stationary and fugitive (non-smokestack) sources), and mobile (on-road, nonroad, locomotive and aircraft) sources are to be included in the inventory. Section 187(a)(5) requires States to submit periodic (every three years) updates to the inventories required under section 187(a)(1).

We interpret the Act such that the emission inventory requirements of section 172(a)(3), 187(a)(1), and 187(a)(5) are satisfied by the inventory requirements of the maintenance plan. *See* 57 FR 13498, at 13564 (April 16, 1992). Thus, our proposed approval of the Las Vegas Valley CO Maintenance Plan and related CO emission inventories satisfies the requirements of sections 172(a)(3), 187(a)(1), and 187(a)(5) for the purposes of redesignation of Las Vegas Valley to attainment for the CO NAAQS. *See* section V.D herein for details concerning the CO emission inventories in the Maintenance Plan.

e. Permits for New and Modified Major Stationary Sources

Under section 172(c)(5), the CAA requires States to submit SIP revisions that establish certain requirements for new or modified stationary sources in nonattainment areas, including provisions to ensure that major new sources or major modifications of existing sources of nonattainment pollutants incorporate the highest level of control, referred to as the Lowest Achievable Emission Rate (LAER), and that increases in emissions from such stationary sources are offset so as to provide for reasonable further progress towards attainment in the nonattainment area. The process for reviewing permit applications and issuing permits for new or modified stationary sources of air pollution is referred to as "New Source Review" (NSR). With respect to nonattainment pollutants in nonattainment areas, this process is referred to as "nonattainment NSR."

In 2004 (69 FR 54006, September 7, 2004), we approved Clark County's NSR rules as meeting the requirements of section 172(c)(5). *See* our proposed rule at 69 FR 31056, at 31059 (June 2, 2004) for details concerning how Clark County's NSR rules comply with CAA requirements for CO nonattainment areas. We have also made a finding under section 187(c)(1) that stationary sources do not contribute significantly to ambient CO levels in the Las Vegas Valley CO nonattainment area. *See* at 69 FR 56351, at 56353 (September 21, 2004).

For certain types of power plants in Clark County, NDEP rather than Clark County has the authority to issue air pollution permits under State law. In 2004, we approved a State rule (NAC section 445B.22083) that prohibits new power plants or major modification to existing power plants under State jurisdiction within the Las Vegas Valley nonattainment area. *See* 69 FR 31056, 31059 (June 2, 2004) and 69 FR 54006, at 54017 (September 7, 2004). In 2008, we approved an amended version of NAC section 445B.22083. *See* 73 FR 20536 (April 16, 2008).

Based on our previous approvals of Clark County's NSR rules and NAC section 445B.22083, we find that the State has met the requirements of CAA section 172(c)(5).

f. Contingency Provisions

Sections 172(c)(9) and 187(a)(3) of the Act require a State to submit contingency measures that will be implemented if an area fails to make reasonable further progress (RFP), if VMT estimates in the attainment plan are exceeded, or if the area fails to attain by the applicable attainment date. In 2005, based on our determination that Las Vegas Valley had attained the CO NAAQS by the applicable attainment date, we found that the CAA's requirement for the SIP to provide for CO contingency provisions under CAA sections 172(c)(9) and 187(a)(3) no longer applies to Las Vegas Valley. *See* 70 FR 31353 (June 1, 2005).

g. Conformity Requirements

Under section 176(c) of the Clean Air Act Amendments of 1990, States were required to establish criteria and

[9] In addition, we note that the State has not sought to exercise the options available under CAA sections 172(c)(4) (identification and quantification of certain emissions increases) and 172(c)(8) (equivalent techniques). Thus, these provisions are not relevant to the request for redesignation for the Las Vegas Valley CO nonattainment area.

procedures to ensure that Federally supported or funded projects conform to the air quality planning goals in the applicable SIP. Section 176(c) further provided that State conformity provisions must be consistent with Federal conformity regulations that the CAA required EPA to promulgate. EPA's conformity regulations are codified at 40 CFR part 93, subparts A (referred to herein as "transportation conformity") and B (referred to herein as "general conformity"). Transportation conformity applies to transportation plans, programs, and projects developed, funded, and approved under title 23 U.S.C. or the Federal Transit Act, and general conformity applies to all other Federally-supported or funded projects. SIP revisions intended to address the conformity requirements are referred to herein as "conformity SIPs."

In November 2008, EPA approved Clark County's transportation conformity criteria and procedures as meeting the related SIP requirements under part 51, subpart T ("Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Project Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws"). *See* 73 FR 66182 (November 7, 2008).

In August 2005, Congress passed the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU), which eliminated the requirement for States to adopt and submit conformity SIPs addressing general conformity requirements. *See* 75 FR 17254 (April 5, 2010) for conforming changes to EPA's general conformity regulations. Based on our approval of Clark County's transportation conformity SIP and SAFETEA–LU's elimination of the general conformity SIP requirement, we find that Clark County and the State have met the requirements for conformity SIPs in Las Vegas Valley under CAA section 176(c). In any event, EPA believes it is reasonable to interpret the conformity requirements as not applicable for purposes of evaluating a redesignation request under section 107(d)(3)(E). *See Wall* v. *EPA,* 265 F.3d 426, 439 (6th Cir. 2001) upholding this interpretation.

h. VMT Forecasts and Annual Updates

Under CAA section 187(a)(2)(A), States are required to submit a SIP revision for serious CO nonattainment areas that contains a forecast of VMT in the nonattainment area concerned for each year before the year in which the plan projects the CO standard will be attained, and must provide for annual updates of the VMT forecasts. In 2004, we approved VMT forecasts and the responsible agencies' commitments to revise and replace the VMT projections as needed and to monitor actual VMT levels in the future, under section 187(a)(2)(A) of the Act (*see* RTC's Resolution No. 149, approved into the SIP in 2004). Thus, we find that the SIP requirement for VMT forecasts and annual updates for Las Vegas Valley under CAA section 187(a)(2)(A) has been met.

i. Vehicle Inspection and Maintenance Program

Under section 187(a)(6), the CAA requires States with serious CO nonattainment areas to submit a SIP revision that provides for a vehicle I/M program that meets applicable Federal I/M requirements, including the "enhanced" I/M performance standard. In 2004, we approved the "alternate low" enhanced vehicle I/M program for Las Vegas Valley and Boulder City as meeting the requirements of CAA section 187(a)(6) and EPA's I/M Regulation (40 CFR part 52, subpart S ("Inspection/Maintenance Program Requirements"). *See* at 69 FR 56351, at 56353 (September 21, 2004). Since then, we have approved an update to the statutory and regulatory elements of the vehicle I/M program. *See* 73 FR 38124, at 38127 (footnote 31), and 74 FR 3975 (January 22, 2009). Thus, the vehicle I/M SIP requirement for Las Vegas Valley under CAA section 187(a)(6) has been met.

j. TCMs To Offset VMT-Related Emissions Increases and To Provide for RFP

Section 187(b)(2) of the Clean Air Act applies the requirements of section 182(d)(1) to serious CO nonattainment areas with the purpose of reducing CO emissions rather than emissions of volatile organic compounds (VOC). Specifically, section 187(b)(2) requires States with a serious CO nonattainment area to submit a SIP revision that identifies and adopts specific enforceable transportation control strategies and transportation control measures (collectively, "TCMs") to offset any growth in CO emissions from growth in VMT or numbers of vehicle trips in such area and to reduce motor vehicle CO emissions as necessary, in combination with other emission reductions requirements, to provide for RFP. As noted above, we approved the CO RFP demonstration for Las Vegas Valley as part of our approval of the Las Vegas Valley 2000 CO Plan.

EPA has concluded that States are not required to submit such measures if the SIP includes a demonstration that, despite growth in projected VMT, CO emissions will decline each year through the attainment year. *See, e.g.,* EPA proposed approval of California's redesignation request for the South Coast Air Basin at 72 FR 6986 (February 14, 2007); finalized at 72 FR 26718 (May 11, 2007). In the General Preamble, we state that: "If projected total motor vehicle emissions during the ozone season in one year are not higher than during the ozone season the year before, given the control measures in the SIP, the VMT offset requirement is satisfied." General Preamble at 57 FR 13522. For CO areas, the General Preamble principle quoted above applies to motor vehicle emissions of CO during the CO season.

The Las Vegas Valley 2000 CO Plan includes CO emissions inventories for a base year (1996) and the attainment year (2000) that show a sharp decline in CO motor vehicle emissions during the 1996 through 2000 period. *See* page 6–3 of the Las Vegas Valley 2000 CO Plan. We approved the emissions inventories in 2004 (69 FR 56351, September 21, 2004). Thus, no TCMs for Las Vegas Valley were required to prevent an increase in emissions associated with a growth in VMT or vehicle trips, since emissions decline each year through the attainment year despite increases in VMT and vehicle trips. Nonetheless, the State did submit a TCM/TDM program (RTC's CAT MATCH commuter incentive program) as part of the Las Vegas Valley 2000 CO Plan. *See* 2000 CO Plan, appendix D, sections 2 and 9. In 2004, we approved the TCM/TDM program under section 187(b)(2) and our voluntary mobile source emissions reduction program policy. *See* 69 FR 56351, at 56353 (September 21, 2004).

Based on our 2004 approval of the emissions inventories and RFP demonstration from the Las Vegas Valley 2000 CO Plan that show that no additional TCMs are required to offset VMT-related emissions increases or to provide RFP, we find that the TCM-related requirements of CAA section 187(b)(2) for Las Vegas Valley have been met.

k. Oxygenated Gasoline Program

Under sections 187(b)(3) and 211(m), the CAA requires States with serious CO nonattainment areas to submit a SIP revision that provides for an oxygenated gasoline program. Such a program must require gasoline to be blended to contain not less than 2.7% oxygen by weight during the period of the year during which CO levels are elevated (*i.e.,* the winter months). In 1999, we approved Clark County's oxygenated gasoline rule, Section 53 ("Oxygenated

Gasoline Program") as meeting the requirements under sections 187(b)(3) and 211(m). *See* 64 FR 29573 (June 2, 1999). Clark County AQR Section 53 requires gasoline sold in Las Vegas Valley, Eldorado Valley, Ivanpah Valley, and the Boulder City limits to be blended to contain 3.5% oxygen by weight each year from October 1st through March 31st. In 2004, we approved administrative changes to the rule. *See* 69 FR 56351, at 56353 (September 21, 2004). Thus, the oxygenated gasoline requirement under CAA sections 187(b)(3) and 211(m) has been met.

l. Clean Data Policy and CO Milestone Requirement

CAA section 187(d) ("CO Milestone") applies to serious CO areas and requires: (1) The State to submit a demonstration that the area has achieved certain specific annual emission reductions; (2) EPA to determine whether the demonstration is adequate; and (3) the State to submit a plan revision, if EPA notifies the State that the CO milestone demonstration is inadequate, that implements CAA section 182(g)(4) economic incentive and transportation control programs sufficient to achieve the specific annual emission reductions by the attainment date. EPA has not approved a CO Milestone demonstration for Las Vegas Valley, but, as explained below, the CO Milestone requirement is linked to the RFP requirement in section 187(a)(7), and because RFP has no meaning when the area has attained the standard, the CO Milestone requirement similarly is no longer meaningful and no corresponding SIP revision is required to be approved for purposes of redesignation.

In some designated nonattainment areas, monitored data demonstrates that the NAAQS have already been achieved. Based on its interpretation of the Act, EPA has determined that certain SIP submission requirements of part D, subparts 1, 2, and 4 of the Act do not apply for purposes of evaluating redesignation requests and therefore we do not require certain submissions for an area that has attained the NAAQS. These include RFP requirements, attainment demonstrations and contingency measures, because these provisions have the purpose of helping achieve attainment of the NAAQS.

The Clean Data Policy is the subject of two EPA memoranda setting forth our interpretation of the provisions of the Act as they apply to areas that have attained the relevant NAAQS. EPA also finalized the statutory interpretation set forth in the policy in a final rule, 40 CFR 51.918, as part of its Final Rule to Implement the 8-hour Ozone National Ambient Air Quality Standard—Phase 2 (Phase 2 Final Rule). *See* discussion in the preamble to the rule at 70 FR 71645–71646 (November 29, 2005). We have also applied the same approach to the interpretation of the provisions of subparts 1 and 4 applicable to particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM–10). For detailed discussions of this interpretation with respect to the CAA's PM–10 requirements for RFP, attainment demonstrations, and contingency measures, *see* 71 FR 6352, 6354 (February 8, 2006); 71 FR 13021, 13024 (March 14, 2006); 71 FR 27440, 27443–27444 (May 11, 2006); 71 FR 40952, 40954 (July 19, 2006); and 71 FR 63642 (October 30, 2006).

EPA believes that the legal bases set forth in detail in our Phase 2 Final rule, our May 10, 1995 memorandum from John S. Seitz, entitled "Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard" (Seitz memo), and our December 14, 2004 memorandum from Stephen D. Page entitled "Clean Data Policy for the Fine Particle National Ambient Air Quality Standards" (Page memo), are equally pertinent to the interpretation of provisions of subparts 1 and 3 applicable to CO. EPA's interpretation of how the provisions of the Act apply to areas with "clean data" is not logically limited to ozone, particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers ("fine particles" or PM–2.5), and PM–10, because the rationale is not dependent upon the type of pollutant. Our interpretation that an area that is attaining the standard is relieved of obligations to demonstrate RFP and to provide an attainment demonstration and contingency measures pursuant to part D of the CAA, pertains whether the standard is CO, 1-hour ozone, 8-hour ozone, PM–2.5, or PM–10.

The reasons for relieving an area that has attained the relevant standard of certain part D, subpart 1 and 2 (sections 171 and 172) obligations, applies equally as well to part D, subpart 3, which contains specific attainment demonstration and RFP provisions for CO nonattainment areas. As we have explained in the 8-hour ozone Phase 2 Final Rule, our ozone and PM–2.5 clean data memoranda, and our approval of PM–10 SIPs, EPA believes it is reasonable to interpret provisions regarding RFP and attainment demonstrations, along with related requirements, so as not to require SIP submissions if an area subject to those requirements is already attaining the NAAQS (*i.e.,* attainment of the NAAQS is demonstrated with three consecutive years of complete, quality-assured air quality monitoring data for ozone and PM, and two consecutive years for CO). A number of U.S. Circuit Courts of Appeals have upheld EPA rulemakings applying its interpretation of subparts 1 and 2 with respect to ozone. *Latino Issues Forum* v. *EPA,* Nos. 06–75831 and 08–71239 (9th Cir. March 2, 2009) (memorandum opinion); *Sierra Club* v. *EPA,* 99 F.3d 1551 (10th Cir. 1996); *Sierra Club* v. *EPA,* 375 F.3d 537 (7th Cir. 2004); *Our Children's Earth Foundation* v. *EPA,* No. 04–73032 (9th Cir. June 28, 2005) (memorandum opinion). It has been EPA's longstanding interpretation that the general provisions of part D, subpart 1 of the Act (sections 171 and 172) do not require the submission of SIP revisions concerning RFP for areas already attaining the ozone NAAQS. In the General Preamble, we stated:

> [R]equirements for RFP will not apply in evaluating a request for redesignation to attainment, since, at a minimum, the air quality data for the area must show that the area has already attained. A showing that the State will make RFP towards attainment will, therefore, have no meaning at that point. 57 FR at 13564.

See also page 6 of the Calcagni memo. EPA believes the same reasoning applies to the CO RFP provisions of part D, subpart 3.

With respect to RFP, CAA section 171(1) states that, for purposes of part D of title I, RFP:

> means such annual incremental reductions in emissions of the relevant air pollutant as are required by this part or may reasonably be required by the Administrator for the purpose of ensuring attainment of the applicable NAAQS by the applicable date.

The stated purpose of RFP is to ensure attainment by the applicable attainment date, whether dealing with the general RFP requirement of section 172(c)(2), the ozone-specific RFP requirements of sections 182(b) and (c), the PM–10 specific RFP requirements of section 189(c)(1), or the CO-specific RFP requirements of section 187(a)(7).

Section 187(a)(7) states that the SIP for moderate CO areas with a design value greater than 12.7 ppm must:

> provide a demonstration that the plan as revised will provide for attainment of the carbon monoxide NAAQS by the applicable attainment date and provisions for such specific annual emission reductions as are necessary to attain the standard by that date.

This same requirement also applies to serious CO areas in accordance with CAA section 187(b)(1).

It is clear that once the area has attained the standard, no further specific annual emission reductions are necessary or meaningful. With respect to CO areas, this interpretation is supported by language in section 187(d)(3), which mandates that a State that fails to achieve the milestone must submit a plan that assures that the State achieves the "specific annual reductions in carbon monoxide emissions set forth in the plan by the attainment date." Section 187(d)(3) assumes that the requirement to submit and achieve the milestone does not continue after attainment of the NAAQS.

If an area has in fact attained the standard, the stated purpose of the RFP and specific annual emissions reductions requirements will have already been fulfilled.[10] The specific annual emission reductions required are only those necessary to attain the standard by the attainment date. EPA took this position with respect to the general RFP requirement of section 172(c)(2) in the April 16, 1992 General Preamble and also in the May 10, 1995 memorandum with respect to the requirements of sections 182(b) and (c). We are proposing to extend that interpretation to the specific provisions of part D, subpart 3.

As noted above, CAA section 187(d), CO Milestone, applies to serious CO areas and requires the State to submit a demonstration that the area has achieved certain specific annual emission reductions. EPA interprets this provision consistent with its interpretation of section 182(g) in subpart 2. *See* May 10, 1995 Seitz Memorandum at page 5. There, EPA included in its identification of SIP submission requirements linked with attainment and RFP requirements the "Section 182(g) requirements concerning milestones that are based on the section 182(b)(1) and 182(c)(2)(B) and (C) submissions." In Subpart 3, similarly, milestone requirements are based on the section 187(a)(7) specific annual emission reduction requirements.

Thus, while Las Vegas Valley does not have an approved SIP with respect to the CO Milestone demonstration, we believe that, for the reasons set forth here and established in our prior "clean data" memoranda and rulemakings, a CO nonattainment area that has "clean data" should be relieved of the part D, subpart 3 obligation to provide the CAA section 187(d) CO milestone demonstration. Based on our 2005 determination that Las Vegas Valley attained the CO NAAQS by the applicable attainment date, and the above detailed rationale, we conclude that the requirement for a CO milestone demonstration under section 187(d) no longer applies to Las Vegas Valley.

3. Conclusion With Respect to Section 110 and Part D Requirements

Based on our evaluation of the various SIP requirements and submittals discussed above, we propose to find that the State has a fully approved SIP for section 110 and part D requirements applicable for purposes of redesignation of Las Vegas Valley for the CO NAAQS, and that the criteria for redesignation in section 107(d)(3)(E)(ii) and (v) are met.

C. The Area Must Show the Improvement in Air Quality Is Due to Permanent and Enforceable Emissions Reductions

Section 107(d)(3)(E)(iii) precludes redesignation of a nonattainment area to attainment unless EPA determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable SIP and applicable Federal air pollution control regulations and other permanent and enforceable regulations. If EPA makes such a determination, then the criterion is satisfied.

The 2000 and 2005 Las Vegas Valley CO plans credit the following control measures in demonstrating attainment of the CO NAAQS in Las Vegas Valley: the Federal Motor Vehicle Control Program; the State's vehicle I/M program; the State's Low RVP Rule (NAC section 590.065); Clark County's wintertime gasoline requirements, including Clark County AQR Section 53 ("Oxygenated Gasoline Program") and the CBG Rule; and to a lesser extent, the State's Alternative Fuels for Government Fleets Program and RTC's voluntary TCM/TDM program. All of the State and local control measures listed above have been approved into the SIP and are thus Federally enforceable.

The Federal Motor Vehicle Control Program has contributed to improved air quality through the gradual, continued turnover and replacement of older vehicle models with newer models manufactured to meet increasingly stringent Federal tailpipe emissions standards. The emissions reductions from the Federal Motor Vehicle Control Program are reflected in the emissions inventories and maintenance demonstration discussed later in this document through the use of EPA's MOBILE emission factor model for on-road motor vehicles. The State and local control measures further reduce CO emissions from on-road motor vehicles, the single largest source category in the CO emissions inventory for Las Vegas Valley.

A rough sense of the effectiveness of the control measures to reduce CO emissions can be gained by a comparison between area-wide CO emissions in 1996 (a nonattainment year) with those in 2006 (an attainment year). In 1996, area-wide CO emissions in Las Vegas Valley were estimated to be approximately 662 tons per day (average winter weekday), and in 2006, despite an increase in population and VMT of approximately 90% and 70%, respectively, area-wide CO emissions dropped approximately 10% (to 581 tons per day average winter weekday).[11]

With respect to permanence and enforceability, none of the State or local control measures relied upon for attainment have sunset clauses, and all would continue to be implemented under the Las Vegas Valley CO Maintenance Plan, with the exception of the State's Low RVP Rule, and the County's CBG Rule.[12] For the reasons set forth in section VI of this document, we are proposing to approve the suspension or relaxation of these two control measures because, among other reasons, the maintenance demonstration in the Las Vegas Valley CO Maintenance

[10] For PM–10 areas, we have concluded that it is a distinction without a difference that section 189(c)(1) speaks of the PM–10 nonattainment area RFP requirement as one to be achieved until an area is "redesignated as attainment", as opposed to section 172(c)(2), which is silent on the period to which the requirement pertains, or the ozone and CO nonattainment area RFP requirements in sections 182(b)(1) or 182(c)(2) for ozone and 187(a)(7) for CO, which refer to the RFP requirements as applying until the "attainment date", since, section 189(c)(1) defines RFP by reference to section 171(l) of the Act. Reference to section 171(l) clarifies that, as with the general RFP requirements in section 172(c)(2) and the ozone-specific requirements of section 182(b)(1) and 182(c)(2) and the CO-specific requirements of section 187(a)(7), the PM-specific requirements may only be required for the purpose of ensuring attainment of the applicable national ambient air quality standard by the applicable date. 42 U.S.C. section 7501(1). As discussed in the text of this rulemaking, EPA interprets the RFP requirements, in light of the definition of RFP in section 171(l), to be a requirement that no longer applies once the standard has been attained.

[11] *See* tables 3–2 and 3–12 from the 2005 CO Plan for estimates of population, VMT, and area-wide CO emissions.

[12] The CO Maintenance Plan also lists the State's Alternative Fuels for Government Fleets Program and RTC's TCM/TDM program as contingency measures, meaning that the plan takes no credit for the measures in its maintenance demonstration. However, the State has not requested rescission, suspension, or relaxation of these two control measures and thus they will remain Federally enforceable control measures under the CAA until EPA approves such a request as a revision to the Nevada SIP.

Plan shows that they are not necessary to maintain the CO standard, at least through 2020. Moreover, as required under CAA section 175A(d), Clark County has committed to reinstating the CBG Rule as a contingency measure if needed to address any violations of the CO standard that might occur after redesignation to attainment. The Nevada Department of Agriculture has not yet made the commitment to seek reinstatement of the Low RVP Rule, and thus our proposed approval of the relaxation of the Low RVP Rule is contingent upon submittal of the necessary commitment. The commitments to reinstatement of the wintertime gasoline requirements by Clark County and the Nevada Department of Agriculture, once approved, will become Federally enforceable under the CAA.

With respect to the connection between the emissions reductions and the improvement in air quality, the Las Vegas Valley CO Maintenance Plan provides a demonstration that the air quality improvement in Las Vegas Valley, that resulted in attainment of the CO NAAQS by 2000 and continued attainment since then, is due to emission reductions from implementation of the control measures discussed above and is not the result of a local economic downturn or unusual or extreme weather patterns. The demonstration shows that from 1990 to 2007, despite increases in population, employment growth, increases in vehicle miles traveled (VMT), and strong economic conditions, CO levels decreased. The demonstration also examined wintertime meteorological data for the years 1998 through 2007 to determine if favorable meteorology influenced CO levels. The data showed that only a few periods had favorable meteorology. *See* pages 5–1 through 5–10 of the Las Vegas Valley CO Maintenance Plan.

Thus, we find that the improvement in CO air quality in Las Vegas Valley is the result of permanent and enforceable emissions reductions from a combination of the Federal Motor Vehicle Control Program and EPA-approved State and local control measures. As such, we propose to find that the criterion for redesignation set forth at CAA section 107(d)(3)(E)(iii) is satisfied.

D. The Area Must Have a Fully Approved Maintenance Plan Under CAA Section 175A

Section 175A of the CAA sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. We interpret this section of the Act to require, in general, the following core elements: attainment inventory, maintenance demonstration, monitoring network, verification of continued attainment, and contingency plan. *See* Calcagni memo, pages 8 through 13.

Under CAA section 175A, a maintenance plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after EPA approves a redesignation to attainment. Eight years after redesignation, the State must submit a revised maintenance plan that demonstrates continued attainment for the subsequent ten-year period following the initial ten-year maintenance period. To address the possibility of future NAAQS violations, the maintenance plan must contain such contingency provisions, that EPA deems necessary, to promptly correct any violation of the NAAQS that occurs after redesignation of the area. Based on our review and evaluation of the plan, as detailed below, we are proposing to approve the Las Vegas Valley CO Maintenance Plan because we believe that it meets the requirements of CAA section 175A.

1. Attainment Inventory

The plan must contain an attainment year emissions inventory to identify a level of emissions in the area that is sufficient to attain the CO NAAQS. This inventory is to be consistent with EPA's most recent guidance on emissions inventories for nonattainment areas available at the time and should represent emissions during the time period associated with the monitoring data showing attainment. The inventory should also be based on actual "CO season data" (*i.e.,* wintertime) emissions for an attainment year.

In this case, we have already approved an "attainment year" emissions inventory in that we approved the 2006 emissions inventory contained in the 2005 CO plan. The emissions inventories in the Las Vegas Valley CO Maintenance Plan represent updates to the previously approved emissions inventories in the 2005 CO Plan. As with the previous plan, the emission inventories in the Las Vegas Valley CO Maintenance are comprehensive, including emissions from stationary point sources, area sources, nonroad mobile sources, and on-road mobile sources, and represent CO season data (weekday in December). As was the case with the inventories in the 2000 and 2005 CO attainment plans for Las Vegas Valley, the CO inventories in the Maintenance Plan are not used directly to demonstrate maintenance of the CO standard, but they reflect the same methods, factors, and assumptions used to develop the CO emission rates used for the dispersion modeling analysis which provides the basis for the maintenance demonstration.

As noted in our proposed approval of the 2005 CO Plan, the 2005 CO Plan provided a comprehensive revision to the base year (1996) emissions inventory and future year emissions projections reflecting updated underlying data, such as population and VMT forecasts, and updated methods, such as MOBILE6.2 and NONROAD2004. The 2005 CO Plan presented an emissions inventory for years 2006, 2010, 2015, 2020, and 2030. The Las Vegas Valley CO Maintenance Plan presents emissions inventories for 2008, 2010, and 2020 that were developed using similar emissions calculations procedures, models, and assumptions as were used for the 2005 CO Plan (and described in detail in our proposed approval of the 2005 CO Plan at 71 FR 26910, at 26913–26915, May 9, 2006), but that were revised to reflect use of:

- Updated population and vehicle activity projections developed by the Regional Transportation Commission (RTC) (from RTC's FY2006–2030 Regional Transportation Plan, approved by RTC in October 2006);
- Updated TransCAD travel demand model output from RTC;
- Revised wintertime gasoline properties that assume relaxation of the RVP limit from 9.0 psi to 13.5 psi, and suspension of the County's CBG Rule (*i.e.,* suspension of the local sulfur content and aromatic hydrocarbon limits);[13]
- An updated emissions factor model (NONROAD2005, Core Model Version 2005a, February 2006) to estimate emissions for the nonroad source category; and
- Updated emissions information for Nellis Air Force Base.

In addition, the emissions projections in the Las Vegas Valley CO Maintenance Plan take no credit for the RTC's TCM program or the State's alternative fuels for government vehicles program. More detailed descriptions of the 1996 base year inventory, the 2008 projected inventory, and the 2010 and 2020 projected inventory are documented in the Las Vegas Valley CO Maintenance Plan on pages 7–2 through 7–8, and in the plan's Technical Support Document (attached to the plan as appendix B).

We have summarized the emissions projections in table 2, below. As shown

[13] The revised wintertime gasoline specifications were used in developing the emissions inventories in the Maintenance Plan to calculate CO emissions from both on-road and nonroad gasoline-powered vehicles.

in table 2, on-road mobile sources would continue to dominate CO emissions within the nonattainment area through the initial maintenance period (*i.e.,* 10 years beyond redesignation). The 2005 CO Plan estimated on-road CO emissions at approximately 441 tons per day (*see* table 3–12 of the 2005 plan) for year 2006, and the increase in CO emissions from on-road mobile sources for 2008, 2010, and 2020 as shown in table 2 (relative to 2006) reflects the change in wintertime gasoline specifications, as described above. The change in wintertime gasoline specifications has not yet occurred, and will not occur until EPA approves the suspension/relaxation of the State and local gasoline rules, as proposed herein, thus, the emissions projections shown in table 2 below overestimate emissions that actually occurred in year 2008. Aggregate emissions of CO are expected to hold steady, or to increase slightly, over the course of the initial maintenance period.

TABLE 2—SUMMARY OF CO EMISSIONS IN TONS PER DAY

[For a weekday in December]

	2008	2010	2020
Point sources	15.8	15.8	15.8
Area sources	13.9	14.7	18.6
Aviation	39.7	42.2	53.5
Railway	0.3	0.3	0.4
Non-road mobile sources	57.7	60.8	71.2
On-road mobile sources	579.3	579.7	574.4
Total	706.7	713.5	733.9

Source: See Las Vegas Valley CO Maintenance Plan, Table 7–3.

Based on our review and prior approval of the emissions inventories (and related documentation) from the 2005 CO plan, and our review of the changes to the earlier-approved inventories, we find that the 2006 emission inventory from the 2005 CO Plan suffices as an attainment inventory for Las Vegas Valley, and that the emissions inventories in the Maintenance Plan reflect the latest planning assumptions and emissions models and provide a comprehensive and reasonably accurate forecast of CO emissions in Las Vegas Valley for years 2010 and 2020. As described in the next section in this document, dispersion modeling results derived from the same emissions methods, factors and assumptions used to develop the inventories provide the basis for the demonstration of maintenance of the CO NAAQS through 2020.

2. Maintenance Demonstration

CAA section 175A(a) requires that the maintenance plan "provide for the maintenance of the national primary ambient air quality standard for such air pollutant in the area concerned for at least 10 years after the redesignation." Generally, a State may demonstrate maintenance of the CO NAAQS by either showing that future emissions will not exceed the level of the attainment inventory or by modeling to show that the future mix of sources and emissions rates will not cause a violation of the NAAQS. For areas that are required under the Act to submit modeled attainment demonstrations, the maintenance demonstration should use the same type of modeling. Calcagni memorandum, page 9. Because the attainment demonstration for Las Vegas Valley in the 2000 CO Plan, and revised in the 2005 CO Plan, relied upon modeling techniques, the CO Maintenance Plan also relies on modeling techniques to demonstrate maintenance of the standard through the initial maintenance period.

The Las Vegas Valley CO Maintenance Plan builds upon, and updates, previous modeling efforts conducted, most recently, in support of attainment demonstration in the 2005 CO Plan. Like the previous approved plan, the maintenance plan includes both area-wide modeling analysis and micro-scale modeling analyses at heavily-traveled intersections and local airports. As before, area-wide analysis, was conducted using the Urban Airshed Model (UAM), and the micro-scale analyses were conducted using CAL3QHC for local intersections, and the Emissions Dispersion Modeling System (EDMS) for the local airports. Generally, the micro-scale analyses combine the results of UAM modeling with those using either CAL3QHC (for intersections) or EDMS (for airports) to generate worst-case maximum CO concentrations in the various analysis years. The maintenance demonstration is discussed on pages 7–6 through 7–14 of the Maintenance Plan, and at more length in appendix B to the plan.

The Maintenance Plan provides an area-wide UAM-based modeling demonstration of maintenance from year 2008 through year 2020 using December 8–9, 1996 episode conditions (which is the same episode used in the 2000 and 2005 CO plans) to determine peak CO concentrations. The UAM modeling for the Maintenance Plan uses updated emission inventories (*see* table 2, above) that reflect continued implementation of those control measures that are being retained for CO maintenance purposes, including the State's vehicle I/M program and the county's wintertime oxygenated gasoline program. The concentration estimates are shown in table 3, below. The estimates in table 3 do not include any CO emissions reductions from those measures in the maintenance plan that are identified as contingency measures, such as the State's Low RVP Rule and the County's CBG Rule.

In the area-wide modeling demonstration, spatial patterns of predicted 8-hour CO are similar to those predicted by previous modeling in the 2005 CO plan. While the CO concentrations estimated for the Maintenance Plan are higher than those estimated in previous modeling completed for the 2005 CO Plan (due to the suspended/relaxed gasoline requirements assumed for the maintenance plan), they are below the 8-hour CO standard of 9 ppm and decrease over time. Also, as in previous modeling, the area-wide impact of McCarran Airport increases over time with peak values increasing around the airport due to growth in airport activities.

TABLE 3—LAS VEGAS VALLEY CO MAINTENANCE PLAN AREA-WIDE MODELING RESULTS

[Peak 8-hour UAM concentrations]

Year	Concentration (ppm)
2008	8.8
2010	8.5
2020	7.7

Source: Table 7–4 of the Las Vegas Valley CO Maintenance Plan.

As noted above, in addition to the area-wide modeling effort, two micro-scale models, CAL3QHC and EDMS, were used to predict maximum CO concentrations at potential hot spot receptors at heavily traveled intersections and at local area airports. CAL3QHC is used to predict the micro-scale impacts of vehicles operating at congested intersections. Vehicles operating under congested conditions spend more time in idle mode that can contribute to high levels of CO near the roadways. As in the 2005 CO plan, micro-scale modeling was completed for three intersections (1) Eastern Avenue/Charleston Blvd., (2) Eastern Avenue/Fremont Street, and (3) Fremont Street/Charleston Blvd. These three intersections comprise the "5 points" area, which is near the Sunrise Acres CO monitoring station. Traffic data from the 2005 CO Plan were scaled based on updated TransCAD transportation modeling outputs and combined with emission factors from MOBILE6.2 and worst-case meteorological data to predict local hotspot concentrations. These hourly results from the micro-scale model were then combined with hourly concentrations from the background UAM grid cell to compute maximum running 8-hour concentrations. The combined results from CAL3QHC and UAM are shown in table 4, below.

TABLE 4—LAS VEGAS VALLEY CO MAINTENANCE PLAN MAXIMUM PREDICTED COMBINED MODELING RESULTS AT SELECTED INTERSECTIONS

[Peak 8-hour CO concentrations]

Intersection	Year		
	2008	2010	2020
Eastern Ave./Charleston Blvd.	8.1	7.7	6.9
Eastern Ave./Fremont St.	7.7	7.4	6.7
Fremont St./Charleston Blvd.	7.0	6.7	6.0

Source: Table 3–2 in appendix B to the Las Vegas Valley CO Maintenance Plan.

To model the impact of airport sources, EDMS was used again as in the 2005 CO Plan. This model was developed for evaluating the specific emission sources typically located at airports. The hotspot results from EDMS were combined with the results of the UAM analysis to predict the concentrations at receptors around the airports. The Maintenance Plan presents the results of the combined UAM and EDMS models for all the future years in table 3–3 of appendix B. No values were modeled above the 9.0 ppm CO standard at any publicly accessible receptor location. The peak combined concentration at McCarran International Airport for future years is 8.9 ppm for 2020.

Lastly, UAM was used to identify a safety margin [14] to be included in the on-road motor vehicle emissions budgets to facilitate future transportation conformity determinations for CO during the initial maintenance period. *See* section V.D.7 of this document for EPA's review and proposed approval of the budgets in the Las Vegas Valley CO Maintenance Plan.

To identify a safety margin consistent with maintenance of the CO standard through the initial maintenance period, the maintenance plan scaled up the on-road motor vehicle emissions initially estimated and used for concentration modeling purposes (*see* table 2 above) over the entire modeling domain to the point at which the peak 8-hour CO concentration reached 8.9 ppm in 2008, 2010, and 2020. The on-road motor vehicle emissions outside the central urban sub-domain were then increased by an additional 60% in each year to reach a maximum peak 8-hour CO concentration of just under 9.0 ppm in the peak UAM grid cell, at peak UAM plus CAL3QHC receptor, or at the peak UAM plus EDMS receptor. *See* pages 3–11 through 3–16 of appendix B to the Maintenance Plan.

The target CO concentration was reached at the point where on-road motor vehicle emissions were increased to 658 tpd (13% higher than baseline 2008 on-road emissions), 686 tpd (18% higher), and 704 tpd (23% higher), in 2008, 2010, and 2020, respectively. *See* table 3–5 of appendix B to the Maintenance Plan. The corresponding peak 8-hour modeled concentrations (assuming this higher level of on-road motor vehicle emissions) ranged from 8.87 ppm in 2008 to 8.98 ppm in 2020. The 2020 value reflects microscale analysis (combining UAM plus EDMS) for a receptor at McCarron Airport. We find this procedure to be a reasonable means to identify an acceptable safety margin for CO emissions in Las Vegas Valley.

Based on our review of the documentation provided in the CO maintenance plan as summarized above, we find that the revised modeling results are consistent with the underlying emission estimates and reflect reasonable methods and assumptions. Further, we find that the revised modeling results demonstrate continued maintenance of the CO NAAQS in Las Vegas Valley through 2020.

3. Monitoring Network

Continued ambient monitoring of an area is generally required over the maintenance period. As discussed in section V.A of this document, CO is currently monitored by Clark County DAQEM at five stations within Las Vegas Valley. In the Las Vegas Valley CO Maintenance Plan (*see* page 7–15 of the plan), Clark County DAQEM indicates its intention to continue operation of an air quality monitoring network consistent with EPA's monitoring requirements in 40 CFR part 58 ("Ambient Air Quality Surveillance") to verify continued attainment of the CO NAAQS within Las Vegas Valley. The Las Vegas Valley CO Maintenance Plan also states that, in addition, Clark County DAQEM's CO monitoring network will be reviewed annually pursuant to 40 CFR 58.10 to determine

[14] The term "safety margin" refers to the amount by which the total projected emissions from all sources of a given pollutant are less than the total emissions that would satisfy the applicable requirement for reasonable further progress, attainment or maintenance. *See* 40 CFR 93.101.

whether the system continues to meet the monitoring objectives in 40 CFR part 58, appendix D. We find the County's commitment for continued ambient CO monitoring as set forth in the Las Vegas Valley CO Maintenance Plan to be acceptable.

4. Verification of Continued Attainment

NDEP, the State Board of Agriculture, and the Clark County Board of County Commissioners have the legal authority to implement and enforce the requirements of the Las Vegas Valley CO Maintenance Plan. This includes the authority to adopt, implement and enforce any emission control contingency measures determined to be necessary to correct CO NAAQS violations. To verify continued attainment, Clark County DAQEM commits in the Maintenance Plan to the continued operation of a CO monitoring network that meets EPA monitoring requirements, and also to conduct studies to determine whether additional or re-sited CO monitors are necessary in response to measured changes in mobile source parameters (*e.g.,* VMT, fleet mix). *See* page 7–15 of the Las Vegas Valley CO Maintenance Plan. This is acceptable.

5. Contingency Provisions

Section 175A(d) of the Act requires that maintenance plans include contingency provisions, as EPA deems necessary, to promptly correct any violations of the NAAQS that occur after redesignation of the area. Such provisions must include a requirement that the State will implement all measures with respect to the control of the air pollutant concerned which were contained in the SIP for the area before redesignation of the area as an attainment area.

Under section 175A(d), contingency measures identified in the contingency plan do not have to be fully adopted at the time of redesignation. However, the contingency plan is considered to be an enforceable part of the SIP and should ensure that the contingency measures are adopted expeditiously once they are triggered by a specified event. The maintenance plan should clearly identify the measures to be adopted, a schedule and procedure for adoption and implementation, and a specific timeline for action by the State. As a necessary part of the plan, the State should also identify specific indicators or triggers, which will be used to determine when the contingency measures need to be implemented.

The Las Vegas Valley CO Maintenance Plan identifies four specific contingency measures: RTC's TDM/TCM program, the State's Alternative Fuels for Government Fleets Program, Clark County's CBG Rule, and the State's Low RVP Rule. All of these measures have been approved by EPA into the SIP and are currently in effect. The first two measures would remain in effect but are identified as "contingency measures" in the Maintenance Plan because the maintenance demonstration takes no emissions credit for these programs. EPA has concluded that contingency measures need not be new measures that would be triggered by a violation, but may consist of early implementation of measures that provide surplus reductions beyond those needed for attainment or maintenance. *See* "Early Implementation of Contingency Measures for Ozone and Carbon Monoxide (CO) Nonattainment Areas," memorandum from G.T. Helms to EPA Air Branch Chiefs, August 13, 1993. Identification of RTC's TDM/TCM program and the State's Alternative Fuels for Government Fleets Program as contingency measures in the Las Vegas Valley CO Maintenance Plan is acceptable because, based on the rationale presented above, we believe that the Maintenance Plan adequately demonstrates maintenance of the CO NAAQS without taking any credit for these two measures.

With respect to the Clark County's CBG Rule and the State Board of Agriculture's Low RVP Rule, we are proposing to approve the suspension of the former, and the relaxation of the latter, in this document. As noted above, contingency provisions must include a requirement that the State will implement all measures with respect to the control of the air pollutant concerned which were contained in the SIP for the area before redesignation of the area as an attainment area. In this instance, Clark County's CBG Rule and the State's Low RVP Rule are two measures that were contained in the SIP prior to redesignation and thus must be included as contingency measures in the maintenance plan. The Maintenance Plan does in fact list both measures as contingency measures (*see* page 5–8 of the Maintenance Plan), and we believe that, by adopting the Las Vegas Valley CO Maintenance Plan, Clark County has adequately committed to reinstate the suspended fuels program, if necessary in light of a monitored violation of the CO NAAQS, and thereby implement the related contingency measure. The State Department of Agriculture has yet to specifically commit to seek reinstatement by the Board of Agriculture of the Low RVP Rule if needed to remedy future CO NAAQS violations in Las Vegas Valley. Based on our discussions with Clark County, NDEP and the Department of Agriculture, however, we expect that such a commitment from the Department of Agriculture will be forthcoming in the near future, and we will not finalize our proposed approval of the Maintenance Plan and redesignation request unless and until we receive and approve the State's submittal of this commitment as a revision to the Nevada SIP.

The contingency provisions of the Las Vegas Valley CO Maintenance Plan (*see* pages 7–15 and 7–16 of the plan) are triggered upon the occurrence of an exceedance of the 8-hour CO standard (*i.e.,* a monitored level of 9.5 ppm or greater) at any of the monitoring stations in the area. Upon such an occurrence, Clark County DAQEM will review and verify the monitoring data within three months, and recommend contingency measures within six months. The types of contingency measures envisioned under these circumstances would be local, voluntary measures.

However, if a second exceedance occurs at the same monitoring site within a consecutive two-year period, DAQEM will make a recommendation to the Clark County Board of County Commissioners (within six months of the second exceedance) from among those contingency measures specifically listed in the Maintenance Plan, as described above, including reinstatement of Clark County's CBG Rule and reinstatement of the State's Low RVP Rule. The Maintenance Plan would not require implementation of these contingency measures unless the area experiences a violation of the 8-hour CO NAAQS (*i.e.* a second exceedance at the same site during the same calendar year). The Maintenance Plan states that the contingency measures will be implemented six to 12 months after approval by the Clark County Board of Commissioners, depending on the time needed to put the measures in place. *See* page 7–16 of the Maintenance Plan.

Upon our review of the plan, as summarized above, we find that the contingency provisions of the Maintenance Plan clearly identify specific contingency measures, contain tracking and triggering mechanisms to determine when contingency measures are needed, contain a description of the process of recommending and implementing contingency measures, and contain specific timelines for action. Thus, we conclude that, with the exception of the absence of a commitment by the State Department of

Agriculture to seek reinstatement by the Board of Agriculture of the Low RVP Rule, the contingency provisions of the Las Vegas Valley CO Maintenance Plan are adequate to ensure prompt correction of a violation and therefore comply with section 175A(d) of the Act. We will not take final action to approve the Maintenance Plan until we receive the commitment by the State Department of Agriculture to seek reinstatement of the Low RVP Rule if needed to remedy a future CO NAAQS violation in Las Vegas Valley.[15]

6. Subsequent Maintenance Plan Revisions

CAA section 175A(b) provides that States shall submit a SIP revision 8 years after redesignation providing for maintaining the NAAQS for an additional 10 years. The Las Vegas Valley CO Maintenance Plan provides that Clark County DAQEM will prepare a revised maintenance plan eight years after redesignation to attainment. *See* page 7–17 of the Maintenance Plan.

7. Motor Vehicle Emissions Budgets

Transportation conformity is required by section 176(c) of the CAA. Our transportation conformity rule (codified in 40 CFR part 93, subpart A) requires that transportation plans, programs, and projects conform to SIPs and establishes the criteria and procedures for determining whether or not they do so. Conformity to the SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

Maintenance plan submittals must specify the maximum emissions of transportation-related CO emissions allowed in the last year of the maintenance period, *i.e.,* the motor vehicle emissions budget (MVEB). The submittal must also demonstrate that these emissions levels, when considered with emissions from all other sources, are consistent with maintenance of the NAAQS. In order for us to find these emissions levels or "budgets"adequate and approvable, the submittal must meet the conformity adequacy provisions of 40 CFR 93.118(e)(4) and (5). For more information on the transportation conformity requirement and applicable policies on MVEBs, please visit our transportation conformity Web site at: *http://www.epa.gov/otaq/stateresources/transconf/index.htm.*

The Las Vegas Valley CO Maintenance Plan includes the CO MVEBs shown in table 5 below. The budgets are based on table 7–9 of the Maintenance Plan and other documentation in section 7.5 of the plan. *See also* the discussion of projected emissions in section V.D.2 ("Maintenance Demonstration") of this document.

TABLE 5—LAS VEGAS VALLEY CO MAINTENANCE PLAN, MOTOR VEHICLE EMISSIONS BUDGETS

[Winter weekday emissions in tons per day]

Year	MVEB
2008	658
2010	686
2020	704

In setting MVEBs, States generally use the on-road motor vehicle portion of the emission inventories in the associated plan. Clark County, however, did not cap MVEBs at projected motor vehicle emissions levels. Because overall projected levels of emissions from all sources are expected to be significantly less than the levels necessary to maintain the CO NAAQS, Clark County scaled up emissions in the maintenance demonstration to set MVEBs at a higher level. As long as emissions from all sources are lower than needed to provide for continued maintenance of the standard, the State may allocate additional emissions to future mobile source growth by assigning a portion of the safety margin to the MVEBs (*see* 40 CFR 93.124).

The criteria by which we determine whether a SIP's MVEBs are adequate and approvable for conformity purposes are outlined in 40 CFR 93.118(e)(4) and (5). The following paragraphs provide our review of the budgets in the Las Vegas Valley CO Maintenance Plan against our adequacy criteria and provide the basis for our proposed approval of the MVEBs.

Under 40 CFR 93.118(e)(4)(i), we review a submitted plan to determine whether the plan was endorsed by the Governor (or designee) and was subject to a public hearing. The Las Vegas Valley CO Maintenance Plan was submitted to EPA on September 18, 2008 by NDEP's Administrator, the Governor of Nevada's designee for all SIP revision submittals. This SIP submittal documents that the Clark County Board of Commissioners held a public hearing on the plan on September 2, 2008, and adopted the plan on that same date. Therefore, we conclude that the plan and related budgets meet the criterion under 40 CFR 93.118(e)(4)(i).

Under 40 CFR 93.118(e)(4)(ii), we review a submitted plan to determine whether the plan was developed through consultation with Federal, State and local agencies, whether full implementation plan documentation was provided to EPA, and whether EPA's stated concerns, if any, were addressed. Consultation for development of this plan largely consisted of public meetings (*see* appendix C to the Maintenance Plan); discussions with Federal, State, and local transportation planning agencies; and a public hearing, preceded by notices that were published in a newspaper of general circulation. Documentation was provided to EPA, and EPA's stated concerns were addressed. We conclude that adequate consultation occurred prior to submittal of the Maintenance Plan to EPA, and that EPA's concerns were adequately addressed for the purposes of 40 CFR 93.118(e)(4)(ii).

Under 40 CFR 93.118(e)(4)(iii), we review a submitted plan to determine whether the MVEBs are clearly identified and precisely quantified. The Maintenance Plan clearly identifies and precisely quantifies the CO MVEBs for the years 2008, 2010 and 2020 on page 7–15 of the plan (and table 5, above). We conclude therefore that the plan and related budgets meet the adequacy criterion under 40 CFR 93.118(e)(4)(iii).

Under 40 CFR 93.118(e)(4)(iv), we review a submitted plan to determine whether the MVEBs, when considered together with all other emissions sources, are consistent with applicable requirements for reasonable further progress, attainment, or maintenance (whichever is relevant to a given SIP submission). The Maintenance Plan shows how the MVEBs and related safety margins are consistent with maintenance of the CO NAAQS through 2020 (*see* pages 7–6 through 7–15 of the Maintenance Plan). In particular, Tables 7–6, 7–7, 7–8, and 7–9 of the Maintenance Plan show the extent to which maximum future year emissions (including the budget safety margins) fall below ambient concentration levels for the 8-hour CO NAAQS. Consequently, we find that the plan and related budgets meet this criterion for adequacy.

[15] On July 12, 2010, the Nevada Department of Agriculture initiated a 30-day comment period to solicit comment (or request a public hearing) on the draft commitment regarding implementation of the contingency measure in the Maintenance Plan related to reinstatement of the Low RVP Rule. The Department's notice of intent to solicit public comment, which includes the commitment language, has been placed in the docket for this rulemaking. We have reviewed the language of the Department's draft commitment and expect to approve it if it is ultimately submitted to us without significant modification.

Under 40 CFR 93.118(e)(4)(v), we review a plan to determine whether the MVEBs are consistent with and clearly related to the emissions inventory and the control measures in the submitted control strategy plan or maintenance plan. The MVEBs in the Maintenance Plan appropriately reflect the measures relied upon for continued maintenance of the CO standard in Las Vegas Valley, including the wintertime oxygenated gasoline program and the State's vehicle I/M program, as well as the decision by State and Clark County to suspend or relax certain other wintertime gasoline requirements (*i.e.,* suspend the CBG Rule and relax the Low RVP Rule) and to take no CO credit for certain other measures (*i.e.,* the Alternative Fuels for Government Fleets program and RTC's TDM/TCM program). Thus, we find that the MVEBs are consistent with and clearly related to the emissions inventory and the control measures in the submitted maintenance plan and thereby meet the criterion for adequacy under 40 CFR 93.118(e)(4)(v).

Under 40 CFR 93.118(e)(4)(vi), we review a submitted plan to determine whether revisions to previously submitted plans explain and document any changes to previously submitted budgets and control measures; impacts on point and area source emissions; any changes to established safety margins; and reasons for the changes (including the basis for any changes related to emissions factors or estimates of vehicle miles traveled and changes in control measures). There are no previously submitted CO maintenance plans for the Las Vegas Valley. Changes in the MVEBs relative to the previously approved MVEBs from the attainment plans (*i.e.,* the Las Vegas Valley 2000 CO Plan and then later from the Las Vegas Valley 2005 CO Plan) reflect updates to EPA's MOBILE model, RTC's planning assumptions regarding employment and population, and RTC's travel activity and fleet mix projections; the decision to establish safety margins for motor vehicle emissions; and the decision to take no CO emission reduction credit for certain control measures (*e.g.,* CBG Rule and Low RVP Rule). Thus, we find that the Maintenance Plan meets the criterion for adequacy under 40 CFR 93.118(e)(4)(vi).

Under 40 CFR 93.118(e)(5), we review the State's compilation of public comments and response to comments that are required to be submitted with any SIP revision. Appendix C of the Maintenance Plan submittal documents the notice for public comments on the draft Maintenance Plan and documents the proceedings at the public hearing. The only comments on the draft Maintenance Plan were submitted by EPA, and appendix C (to the Maintenance Plan) documents how the draft Maintenance Plan was amended in response to those comments. We find Clark County DAQEM's responses to our comments on the draft plan to be acceptable, and thus, we find that the Maintenance Plan meets the criterion for adequacy under 40 CFR 93.118(e)(5).

For the reasons set forth above, we find that the MVEBs in the Las Vegas Valley CO Maintenance Plan meet the requirements under 40 CFR 93.118(e)(4) and (5), and that the maintenance plan as a whole will ensure maintenance of the CO NAAQS through the last year of the maintenance plan. Thus, we propose to approve the motor vehicle emissions budgets for transportation conformity purposes. If we finalize our action as proposed, RTC (which is the area's Metropolitan Planning Organization) and the U.S. Department of Transportation will be required to use the CO MVEBs from the Maintenance Plan for future transportation conformity determinations.[16]

EPA generally first reviews budgets submitted with an attainment, RFP, or maintenance plan for adequacy, prior to taking action on the plan itself. The availability of the Las Vegas CO Maintenance Plan with the 2008, 2010, and 2020 budgets was announced for public comment on EPA's adequacy Web page on September 30, 2008, at: *http://www.epa.gov/otaq/transp/conform/adequacy.htm.* The public comment period on the adequacy of the budgets closed on October 30, 2008. EPA did not receive any comments on the budgets, but did not complete the process and make an adequacy determination on the budgets. Instead, we are now proposing to approve the budgets.

8. Conclusion

For the reasons set forth above, we find that the Las Vegas Valley CO Maintenance Plan satisfies the applicable CAA requirements, including CAA section 175A, and thus, we propose to approve it as a revision to the Nevada SIP under section 110(k)(3), contingent upon receipt of a commitment from the State Department of Agriculture to seek reinstatement by the State Board of Agriculture of the Low RVP Rule if needed to remedy a future violation of the CO NAAQS in Las Vegas Valley.

VI. Evaluation of Suspended or Relaxed Wintertime Gasoline Specifications

As noted previously, NDEP's March 26, 2010 SIP revision includes an amended State fuels rule that relaxes the existing wintertime gasoline requirement for RVP (referred to herein as the "Low RVP Rule"), and includes the suspension by Clark County of their local Cleaner Burning Gasoline (CBG) rule (referred to herein as the "CBG Rule"). The CBG Rule established sulfur and aromatics limits for gasoline sold in Clark County during the period from November 1 to March 31.

On December 9, 2009, the State Board of Agriculture amended NAC section 590.065 (*i.e.,* the Low RVP Rule) to incorporate updated ASTM standard specifications and to relax the vapor pressure limit for wintertime gasoline sold in Clark from 9.0 psi to 13.5 psi.[17] EPA first approved the Low RVP Rule as a revision to the Nevada SIP in 2004 when EPA approved the rule as a CO control measure of the 2000 CO Plan. *See* 69 FR 56351 (September 21, 2004). EPA's proposed approval of the Low RVP Rule (68 FR 4141, January 28, 2003) describes how lower vapor pressure in gasoline reduces CO emissions and the relative magnitude in the corresponding reduction in vehicular CO emissions. Please *see* EPA's January 28, 2003 proposed rule for additional information on this topic at 68 FR 4141, 4150–4151.

In our 2003 proposed approval of the Low RVP Rule, we considered whether the RVP specification is preempted under the Act. Section 211(c)(4)(A) preempts certain State fuel regulations by prohibiting a State from prescribing or attempting to enforce "any control or prohibition respecting any characteristic or component of a fuel or fuel additive" for the purposes of motor vehicle emission control, if EPA has prescribed under section 211(c)(1), "a control or prohibition applicable to such characteristic or component of the fuel or fuel additive," unless the State

[16] The current approved CO motor vehicle emissions budgets from the 2005 CO (Attainment) Plan are: 690, 768, and 817 tons per winter weekday for 2010, 2015, and 2015, respectively. See 71 FR 44587 (August 7, 2006). The Maintenance Plan does not explicitly indicate that the budgets set forth therein are intended to replace the budgets from the 2005 CO Plan. Thus, if EPA takes final action to approve the Maintenance Plan budgets as proposed, then both sets of budgets (*i.e.,* those from the 2005 CO Plan, and those from the Maintenance Plan) would apply because they relate to different CAA requirements for the same years. As a practical matter, however, the Maintenance Plan budgets, being lower than the 2005 CO Plan budgets, would be the constraining budgets for determining conformity.

[17] The State's wintertime vapor pressure limit (raised from 9.0 psi to 13.5 psi) would continue to apply to gasoline sold within Clark County from October 1st through March 31st. Another revision to the rule would extend the wintertime vapor pressure limit in Clark County to "any blend of gasoline and ethanol."

control or prohibition is identical to the control or prohibition prescribed by EPA. In our 2003 proposed rule, we concluded that, because the Federal controls on RVP, promulgated under section 211(h) and section 211(c)(1), apply only in the summer months, there would be no Federal preemption of the State's Low RVP Rule. What was true in 2003 remains true today. There is still no Federal RVP control applicable to gasoline in the wintertime, and thus, no Federal preemption of the relaxed vapor pressure limit (13.5 psi) established in amended NAC section 590.065.

Further, in 2004, EPA approved CBG into the Nevada SIP. *See* 69 FR 56351 (September 21, 2004). The CBG Rule is described in detail in EPA's proposed approval of the rule and the related 2000 CO Plan on January 28, 2003 (68 FR at 4151–4152). At the time, we also considered whether the sulfur content and aromatics limits for CBG were preempted under CAA section 211(c)(4)(C).[18] As earlier explained, CAA section 211(c)(4)(A) preempts certain State fuel regulations by prohibiting a State from prescribing or attempting to enforce "any control or prohibition respecting any characteristic or component of a fuel or fuel additive" for the purposes of motor vehicle emission control, if EPA has prescribed under section 211(c)(1), "a control or prohibition applicable to such characteristic or component of the fuel or fuel additive," unless the State control or prohibition is identical to the control or prohibition prescribed by EPA. Further, under CAA section 211(c)(4)(C), a State may prescribe and enforce an otherwise preempted fuel control if EPA approves the control into the State's SIP. In order to approve a preempted control into a SIP, EPA must find that the State control is necessary to achieve a NAAQS either because no other measures that would bring about timely attainment exist or that such measures exist but are either unreasonable or impracticable. CAA section 211(c)(4)(C) is intended to ensure that a State resorts to a fuel measure only if there are no available practicable and reasonable non-fuel measures, and in our 2004 approval of the CBG Rule, we found that Clark County's requirements for sulfur and aromatics limits were "necessary" to achieve the CO NAAQS.

In addition, the Energy Policy Act of 2005 (EPAct) amended section 211(c)(4)(C) by including a number of provisions addressing State "boutique"fuel programs.[19] The EPAct required EPA, in consultation with the Department of Energy, to determine the total number of fuels approved into all SIPs under section 211(c)(4)(C) as of September 1, 2004, and to publish a list that identifies these fuels, the States and Petroleum Administration for Defense Districts (PADD) in which they are used. CAA section 211(c)(4)(C)(v)(II).

On December 28, 2006, EPA published a notice containing the final interpretation, which was by fuel type, of the EPAct provisions in the **Federal Register**. *See* 71 FR 78192. We also determined and published a list of a total of eight (8) fuel types approved into SIPs, under section 211(c)(4)(C) as of September 1, 2004, the States and the PADD in which they are used. Clark County CBG, which as earlier explained has sulfur and aromatics content limits for gasoline in use during the period from November 1 to March 31, is on the list.

The EPAct also placed the following three additional restrictions on EPA's authority to waive preemption by approving a State fuel program into SIPs under section 211(c)(4)(C):

- First, EPA may not approve a State fuel program into the SIP if it would cause an increase in the total number of fuel types approved into SIPs as of September 1, 2004.
- Second, in cases where EPA approval of a fuel would increase the total number of fuel types on the list but not above the number approved as of September 1, 2004, because the total number of fuel types in SIPs is below the number of fuel types as of September 1, 2004, we are required to make a finding after consultation with DOE, that the new fuel will not cause supply or distribution interruptions or have a significant adverse impact on fuel producibility in the affected or contiguous areas.
- Third, with the exception of 7.0 psi RVP, EPA may not approve a State fuel into a SIP unless that fuel type is already approved in at least one SIP in the applicable PADD. CAA Section 211(c)(4)(C)(v)(I), (IV) and (V).

Therefore, EPAct also amended section 211(c)(4)(C) to make any new EPA approvals of State fuels under section 211(c)(4)(C) significantly more difficult by, for example, limiting the total number of approved "boutique" fuel types to the number of fuel types approved into SIPs as of September 1, 2004. If there is no room on the list, for example, then EPA cannot approve any more boutique fuels regardless of the needs of a given area to address air pollution problems.

Lastly, CAA section 211(c)(4)(C)(v)(III) requires EPA to remove a fuel from the boutique fuels list described above if a fuel either ceases to be included in a SIP or if a fuel in a SIP is identical to a Federal fuel formulation implemented by EPA. CBG will not cease to be included in the SIP because, as earlier discussed, CBG is currently in the SIP and will continue in the SIP as a specific contingency measure in the Las Vegas Valley CO Maintenance Plan, and because we intend to synchronize our final actions on the Maintenance Plan and the (suspended) CBG Rule (and thereby avoid a gap in time when the CBG Rule would not be either an active or contingency measure in the SIP). Thus, in today's action, we are not proposing to remove CBG from the boutique fuels list. In addition, since we are not approving any new fuel into the SIP under section 211(c)(4)(C), no issues are raised concerning the three restrictions on such an approval described above.

As a general matter, under CAA section 110(l), EPA may approve relaxations or suspensions of control measures so long as doing so would not interfere with attainment or maintenance of any of the NAAQS or would otherwise conflict with applicable CAA requirements. In this instance, the relaxation of the Low RVP Rule and the suspension of the CBG Rule (and related sulfur and aromatics content limits) would not conflict with any applicable CAA requirement. However, the changes to the two fuels rules would affect the properties of the gasoline sold in Clark County during the winter and would thereby change vehicular emissions relative to those that would occur without these changes with concomitant effects on ambient pollutant concentrations (and potentially interfering with attainment or maintenance of the NAAQS).

To specify the changes in the properties of wintertime gasoline due to the changes in the fuels rules, Clark County DAQEM commissioned a study by ENVIRON and Sierra Research. The study was submitted as appendix A to the Las Vegas Valley CO Maintenance Plan. As far as changes to sulfur content are concerned, the study authors predict

[18] The CBG Rule establishes a maximum sulfur content limit of 80 ppm (by weight). With respect to sulfur content, producers and importers must also meet a 40 ppm flat limit or an average limit of 30 ppm subject to the 80 ppm cap. The standards for aromatic hydrocarbons include a 30% cap (by volume), with producers and importers required to meet a 25% flat limit or an average limit of 22% (subject to the 30% cap). The applicable geographic area is Clark County, and the applicable period for use of CBG is November 1st through March 31st.

[19] While the phrase "boutique"fuels programs can mean different things, it generally refers to State fuels programs that establish different requirements than the Federal fuels program required in a given area, typically for the purpose of addressing specific local air quality issues.

essentially no increase in gasoline sulfur content due to the applicability of Federal tier 2 gasoline sulfur limits [which are very similar (30 ppm average, with an 80 ppm cap) to the corresponding limits under the CBG rule]. We agree that any increase would be minimal due to the similarities between the Federal sulfur limits and those in the CBG Rule, and would expect the Federal gasoline sulfur content limits to essentially backstop the emissions reductions associated with the low sulfur content limit in the CBG Rule.

As far as aromatics are concerned, the study predicts an increase in aromatic content from the current (2006) wintertime average of approximately 20% (by volume) to approximately 23%, based on the average aromatics content in gasoline nationwide. *See* page 12 of appendix A to the Maintenance Plan. Moreover, wintertime gasoline RVP could increase from the current (2006) average of 8.8 psi to as high as 13.5 psi in response to the relaxation of the Low RVP Rule. The relative increases in aromatics and RVP would lead to higher emissions of CO and VOC, and potentially of particulate matter as well. We review these increases or potential increases, in the context of attainment and maintenance of the CO, ozone, and particulate matter NAAQS in the paragraphs that follow.

With respect to CO, we conclude that the changes in wintertime gasoline specifications due to the rules changes would not interfere with the NAAQS based on the modeling results documented in the Las Vegas Valley CO Maintenance Plan and our proposed approval of the Maintenance Plan herein. The modeling conducted for the Maintenance Plan relies on emissions factors that take no credit for either the CBG Rule or the Low RVP Rule and still demonstrates maintenance of the CO NAAQS in Las Vegas Valley through 2020.

For the ozone NAAQS, we recognize that a portion of Clark County is designated nonattainment for the 8-hour ozone NAAQS, and thus, absent modeling results or other convincing evidence showing non-interference, we would not normally approve a SIP revision that would result in an increase in ozone precursors within the nonattainment area. However, in the Las Vegas Valley CO Maintenance Plan, Clark County DAQEM contends that there would be no interference with the ozone NAAQS in this instance because the effect of the gasoline fuel changes is limited to the winter months whereas ozone exceedances occur during the summertime. *See* pages 6–2 and 6–3 of the Maintenance Plan. At the outset, we generally find this line of reasoning for a non-interference finding to be acceptable, but to gain a more detailed understanding of the seasonal nature of ozone exceedances in Las Vegas Valley, we reviewed ozone data by month to determine when exceedances of the 0.075 ppm, eight-hour average, ozone NAAQS occurred. The data indicates that, over the past 6 years (2004–2009), all exceedances of the 0.075 ppm standard occurred during and between the months of April and September. Conversely, no ozone NAAQS exceedances were recorded from October through March, which is the period of time affected by the suspension of the CBG Rule and relaxation of the RVP specification. Thus, we find that the changes in Clark County wintertime gasoline specifications would not interfere with attainment or maintenance of the ozone NAAQS.

With respect to the 1987 (24-hour average) PM–10, Las Vegas Valley is classified as a "serious" nonattainment area. *See* 40 CFR 81.329. In 2004, EPA approved the "serious" area PM–10 plan for Las Vegas Valley and approved the request to extend the applicable attainment date to the end of 2006. *See* 69 FR 32273 (June 9, 2004). In our 2004 final rule approving the PM–10 plan, we approved a number of fugitive dust rules, including Clark County Air Quality Regulations (AQR) Sections 90 through 94, that limit emissions from such sources as open areas and vacant lots; unpaved roads, unpaved alleys and unpaved easement roads; unpaved parking lots; construction sites; and paved roads and street sweeping equipment. In approving the Las Vegas Valley "serious" area PM–10 plan, we also indicated that we agreed with Clark County DAQEM's conclusion that nonroad and on-road vehicle exhaust are not significant source categories in Las Vegas Valley for the purpose of implementing Best Available Control Measures (BACM). *See* our proposed approval of the PM–10 plan at 68 FR 2954, at 2959 (January 22, 2003).

In the Las Vegas Valley CO Maintenance Plan, Clark County DAQEM contends that the changes in wintertime gasoline specifications would not interfere with the PM–10 NAAQS based on the determination in the approved serious area PM–10 plan that vehicular exhaust is not a significant source of PM–10 in Las Vegas Valley.[20] *See* pages 6–3 and 6–4 of the Maintenance Plan. Clark County DAQEM also contends that removing fuels controls has no impact on PM–10 emissions from vehicular exhaust. Lastly, Clark County DAQEM points to the most recent PM–10 emissions inventory that shows vehicular exhaust to account for less than one percent of the total PM–10 emissions in Las Vegas Valley in year 2006.

First of all, Clark County DAQEM is correct in pointing out that vehicular exhaust was determined not to be a significant source of PM–10 emissions in Las Vegas Valley for the purposes of implementing the BACM requirement. We also believe that Clark County DAQEM's most recent inventory presents reasonable estimates of existing sources of PM–10 in Las Vegas Valley. As a general matter, we do not agree that removal of fuels controls has no affect on vehicular exhaust emissions of PM–10, but we recognize that the extent to which the higher aromatics content (from 20% to 23%, by volume) and higher RVP (from 8.8 to 13.5 psi) would affect PM–10 from vehicle exhaust, and whether that effect would be positive or negative, is difficult to predict because EPA's MOBILE emissions factor model, which was used in the development of the Maintenance Plan, does not have the capability to quantify the resulting emissions changes.

However, even assuming the effect would be an increase in PM–10 from vehicle exhaust, we can still find that the changes in wintertime gasoline specifications due to the fuels changes would not interfere with attainment of the PM–10 NAAQS, because, in addition to the minimal impact of vehicular emissions on PM–10 concentrations in Las Vegas Valley (based on PM–10 inventories), the area appears to have attained the standard due to the implementation and enforcement of fugitive dust controls. To determine whether Las Vegas Valley is attaining the PM–10 standard, we reviewed 2007–2009 PM–10 monitoring data from the various monitoring stations for which Clark County DAQEM reports data into EPA's Air Quality Database (AQS). The review of the data reveals two exceedances (*i.e.,* 24-hour-average concentrations equal to or greater than 155 $\mu g/m^3$) over the 2007–2009 period, both of which were recorded during year 2008 at the Craig Road PM–10 monitoring site in North Las Vegas. The PM–10 monitor at the Craig Road site is a continuous monitor,

[20] The significant source categories identified in the serious area PM–10 plan for Las Vegas Valley are fugitive types of sources, including disturbed vacant land/unpaved parking lots, construction (including highway construction), and vehicular travel on paved and unpaved roads. See 68 FR 2954, at 2959 (January 22, 2003).

and thus the expected number of days per year, averaged over the 2007–2009 period, is less than 1.0,[21] which means that the PM–10 NAAQS has been met at the Craig Road monitor, and since the Craig Road monitor is the only site recording any exceedances, it follows that the entire valley has attained the standard.[22]

We do not believe that a hypothetical, incremental increase in PM–10 emissions, from a source category (vehicular exhaust) estimated to contribute less than 1% to the overall emissions inventory, would have a discernible effect on ambient PM–10 concentrations. This lack of discernible effect, coupled with an attainment finding, provides us with a sufficient rationale for concluding that the changes in wintertime gasoline properties, expected to occur with the relaxation of the Low RVP Rule and the suspension of the CBG Rule, would not interfere with attainment or maintenance of the PM–10 NAAQS in Las Vegas Valley.

With respect to the 1997 (annual) and 2006 (24-hour) PM–2.5 NAAQS, Las Vegas Valley and the various other hydrographic areas that comprise Clark County, are designated as "unclassifiable/attainment" areas. *See* 40 CFR 81.329. A review of AQS data from the various PM–2.5 monitoring sites in Clark County reveals that PM–2.5 concentrations are well below the PM–2.5 NAAQS. Over the past three years, the highest 98th percentile value (for the 24-hour average), recorded at the Sunrise Avenue site, is 23 $\mu g/m^3$, well below the corresponding 24-hour NAAQS of 35 $\mu g/m^3$. The highest annual concentration, also recorded as the Sunrise Avenue site, is 10.3 $\mu g/m^3$, well below the corresponding annual NAAQS of 15.0 $\mu g/m^3$.

As discussed above for PM–10, the changes to wintertime gasoline properties due to the relaxed Low RVP Rule and suspended County CBG Rule could result in increases in PM–10 emissions from vehicular exhaust. All of the PM–10 from vehicular exhaust can be assumed also to be fine particulate matter (*i.e.,* PM–2.5), and thus the changes to the wintertime gasoline properties could also result in increased PM–2.5 emissions from vehicular exhaust. However, we have no reason to believe that this hypothetical increase would be large enough to cause an exceedance of the 24-hour or annual PM–2.5 NAAQS. Therefore, we conclude that the changes in wintertime gasoline properties, expected to occur with the relaxation of the Low RVP Rule and the suspension of the CBG Rule, would not interfere with attainment or maintenance of the PM–2.5 NAAQS in Clark County.

Based on our previous approvals of NAC section 590.065 (*i.e.,* the Low RVP Rule) and the CBG Rule, and the nature of the regulatory changes submitted to us (*e.g.,* relaxing a vapor pressure limit (not subject to preemption), updating specifications and test methods in the State rule, suspension of the county CBG rule) as well as the above evaluation of the impact of the changes in wintertime gasoline properties in Clark County on ambient CO, ozone, PM–10, and PM–2.5 concentrations, we find that the changes would not interfere with attainment or maintenance of any of the NAAQS, nor would they interfere with any applicable requirement of the Act, and thus are approvable under CAA section 110(l). As such, we propose to approve the amendments to NAC section 590.065, and suspension of the CBG Rule, as submitted by NDEP on March 26, 2010, as revisions to the Nevada SIP.[23]

VII. Proposed Action and Request for Comment

Under section 110(k)(3) of the Act, EPA is proposing to approve NDEP's submittal dated September 18, 2008 of the Las Vegas Valley CO Maintenance Plan as a revision to the Nevada SIP because we find that it satisfies the requirements of section 175A of the CAA to include a reasonably accurate and comprehensive attainment inventory, an adequate maintenance demonstration, contingency provisions, and commitments to continue operation of an acceptable ambient monitoring network to verify continued attainment. Final approval of the Las Vegas Valley CO Maintenance Plan would make Federally enforceable the commitments, such as the commitment to continue operation of an adequate CO monitoring network, and the contingency provisions, contained therein. In addition, we are proposing to approve for transportation conformity purposes the motor vehicle emissions budgets in the Las Vegas Valley CO Maintenance Plan for years 2008, 2010, and 2020 because we find they meet the criteria found in 40 CFR 93.118(e). The budgets for 2008, 2010 and 2020 are 658 tons per day, 686 tons per day, and 704 tons per day, respectively (based on typical weekday during the winter).

Based in part on our proposed approval of the Las Vegas Valley CO Maintenance Plan, we are also proposing to approve NDEP's September 18, 2008 request to redesignate Las Vegas Valley to attainment for the CO NAAQS. In doing so, we find that the area has met all of the criteria for redesignation under CAA section 107(d)(3)(E), *i.e.,* the area has attained the CO standard; EPA has fully approved the Las Vegas Valley SIP for all requirements under section 110 and part D of the CAA that are applicable for purposes of redesignation; the improvement in CO conditions in Las Vegas Valley is due to permanent and enforceable reductions; and as described above, the State has submitted a maintenance plan for the area that meets the requirements of section 175A.

Contingency provisions in maintenance plans must include the measures contained in the SIP prior to redesignation, and for one such contingency measure included in the Las Vegas Valley CO Maintenance Plans, the State's Low RVP Rule, the responsible State agency (State Department of Agriculture) has not yet made the necessary commitment. Thus, our proposed approval of the Maintenance Plan and redesignation request is contingent upon submittal (and approval by EPA) of such a commitment as a revision to the Nevada SIP.[24]

We are also proposing to approve, under section 110(k)(3) of the CAA, NDEP's March 26, 2010 submittal of the

[21] The PM–10 NAAQS is 150 micrograms per cubic meter ($\mu g/m^3$), 24-hour average concentration. The standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 $\mu g/m^3$, as determined in accordance with appendix K to 40 CFR part 50, is equal to or less than one. See 40 CFR 50.6.

[22] An attainment finding is not the same as redesignation of an area to attainment. The latter type of action can only be approved by EPA if all of the criteria under CAA section 107(d)(3)(E) are met, including submittal of, and EPA approval of, a maintenance plan.

[23] In addition to gasoline vapor pressure requirements, NAC section 590.065 also includes maximum content limits in gasoline for lead, phosphorus, manganese, ethanol, and sulfur. See NAC section 590.065(7). Because none of these content limits relate to gasoline vapor pressure requirements in Las Vegas Valley nor the CO emissions reductions achieved therefrom, and because the subsection in NAC section 590.065 containing these limits (*i.e.,* subsection (7)) is severable from the rest of the rule, we are not including NAC section 590.065(7) in our proposed approval of amendments to NAC section 590.065.

[24] On July 12, 2010, the Nevada Department of Agriculture initiated a 30-day comment period to solicit comment (or request a public hearing) on the draft commitment regarding implementation of the contingency measure in the Maintenance Plan related to reinstatement of the Low RVP Rule. The Department's notice of intent to solicit public comment, which includes the commitment language, has been placed in the docket for this rulemaking. We have reviewed the language of the Department's draft commitment and expect to approve it if it is ultimately submitted to us without significant modification.

suspension of Clark County's Air Quality Regulations (AQR) Section 54 ("Cleaner Burning Gasoline: Wintertime Program") ("CBG Regulation"), and the amendments to the NAC section 590.065, including the relaxation in the State's wintertime gasoline RVP requirement for Clark County from 9.0 to 13.5 psi, because we find that doing so would not interfere with attainment or maintenance of any of the NAAQS or any applicable requirement of the Clean Air Act for the purposes of CAA section 110(l). We are not including subsection (7) of amended NAC section 590.065 in our proposed approval because the limits in subsection (7) of the amended rule are unrelated to the vapor pressure requirement and associated CO emissions reductions, and are severable from the rest of the rule.

We will accept comments from the public on this proposal for the next 30 days.

VIII. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the accompanying approval of a maintenance plan under section 107(d)(3)(E) are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those imposed by State law. A redesignation to attainment does not in and of itself create any new requirements, but rather results in the applicability of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, 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, these actions merely propose to approve a State plan and redesignation request as meeting Federal requirements and do not impose additional requirements beyond those imposed by State law. For these reasons, these actions:

- Are not "significant regulatory actions" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Are 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.*);
- Do 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);
- Do not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Are not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Are not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Are 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
- Do 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 proposed 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. Nonetheless, EPA has discussed the proposed action with the one Tribe, the Las Vegas Paiute Tribe, located within Las Vegas Valley.

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Reporting and recordkeeping requirements.

40 CFR Part 81

Environmental protection, Air pollution control, Carbon monoxide, National parks, Wilderness areas.

Dated: July 21, 2010.

Keith Takata,

Acting Regional Administrator, Region IX.

[FR Doc. 2010–18645 Filed 7–28–10; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

RIN 0648–AY10

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

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

ACTION: Notice of Availability of Amendment 17A to South Atlantic Snapper-Grouper Fishery Management Plan; request for comments.

SUMMARY: The South Atlantic Fishery Management Council (Council) has submitted Amendment 17A to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP) for review, approval, and implementation by NMFS. The amendment proposes to establish a rebuilding plan for red snapper, specify a proxy for the fishing mortality rate that will produce the maximum sustainable yield (MSY), specify the optimum yield (OY), specify the value for the minimum stock size threshold (MSST), and specify an annual catch limit (ACL) and accountability measures (AMs) for red snapper. Amendment 17A would also prohibit harvest and possession of red snapper in or from Federal waters of the South Atlantic and in or from state waters for vessels holding a Federal snapper-grouper permit, and implement an area closure that extends from southern Georgia to northern Florida where all harvest and possession of snapper-grouper would be prohibited (except when fishing with black sea bass pots or spearfishing gear for species other than red snapper). Additionally, Amendment 17A would require the use of non-stainless steel circle hooks north of 28° N. lat. and require a monitoring program for South Atlantic red snapper. The actions contained in Amendment 17A are intended to end overfishing of South Atlantic red snapper and rebuild the fishery.

DATES: Comments must be received no later than 5 p.m., eastern time, on September 27, 2010.

ADDRESSES: You may submit comments, identified by "0648–AY10", by any one of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the

Federal e-Rulemaking Portal *http://www.regulations.gov.*

• *Fax:* 727–824–5308, Attn: Kate Michie.

• *Mail:* Kate Michie, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: No comments will be posted for public viewing until after the comment period is over. All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

To submit comments through the Federal e-Rulemaking Portal: *http://www.regulations.gov,* enter "NOAA–NMFS–2010–0035" in the keyword search, then check the box labeled "Select to find documents accepting comments or submissions", then select "Send a Comment or Submission." NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

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

FOR FURTHER INFORMATION CONTACT: Kate Michie, telephone: 727–824–5305; fax: 727–824–5308; e-mail: *Kate.Michie@noaa.gov.*

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

Background

Amendment 17A would specify a proxy for the fishing mortality rate that will produce the maximum sustainable yield (F_{MSY}). The Council recommended that the status quo F_{MSY} proxy ($F_{30\%SPR}$) be maintained until the Southeast Fisheries Science Center is able to conduct a comprehensive review of how F_{MSY} proxies should be applied across all southeastern fisheries. The Council also suggested that the decision to apply a specific F_{MSY} proxy should try to be made comprehensively, rather than on a species-by-species basis. Therefore, the Council determined it would be advantageous to first determine what methodology would be most appropriate for assigning F_{MSY} proxies to species/stocks across all southeast fisheries before proceeding with a change to the current F_{MSY} proxy for red snapper.

The Magnuson-Stevens Act requires that a rebuilding plan be specified for any federally-managed species determined to be overfished. Rebuilding plans consist of a rebuilding schedule and a rebuilding strategy. Amendment 17A would define a rebuilding schedule of 35 years for red snapper. The rebuilding time period would end in 2044.

The Council chose a rebuilding strategy equal to 98 percent of F_{MSY} (98 percent of $F_{30\%SPR}$) based a constant $F_{REBUILD}$ of 0.145, and the ACL would be zero. Under this rebuilding strategy, an initial 76 percent reduction in total mortality would be required, and the optimum yield value would be 2,425,000 lbs (1,083,632 kg) whole weight with a 53 percent probability of rebuilding by 2044. The Council chose an ACL of zero and an AM for red snapper that would include monitoring the catch per unit effort that uses data from fishery-independent and fishery-dependent data sources to track changes in biomass.

In order to reach the rebuilding goal within the specified timeframe, the Council chose to prohibit all harvest and possession of red snapper in or from the South Atlantic exclusive economic zone (EEZ), and in or from state waters for vessels holding Federal snapper-grouper permits. To address the issue of red snapper bycatch in the snapper-grouper fishery, NMFS proposes to implement a snapper-grouper closed area that extends from southern Georgia to northern Florida between the depths of 98 ft (30 m) to 240 ft (73 m). Within the closed area all harvest and possession of snapper-grouper would be prohibited except when fishing with black sea bass pots or spearfishing gear for species other than red snapper. Transit through the proposed closed area for vessels with species other than red snapper onboard would be permitted with gear appropriately stowed.

To further reduce bycatch mortality of red snapper while targeting other snapper-grouper species, Amendment 17A would require the use of non-stainless steel circle hooks when fishing with hook-and-line gear north of 28° N. lat. Amendment 17A also requires a red snapper monitoring program that would utilize, but not be limited to, fishery-independent data collection methods. The program would be designed to monitor rebuilding progress of the stock, and data would be employed in red snapper assessments. Stock assessments would be used to determine if the stock is rebuilding, or if additional regulatory modifications are needed to end overfishing.

The Council has submitted Amendment 17A for Secretarial review, approval, and implementation. NMFS' decision to approve, partially approve, or disapprove Amendment 17A will be based, in part, on consideration of comments, recommendations, and information received during the comment period on this notice of availability. After consideration of these factors, and consistency with the Magnuson-Stevens Act and other applicable laws, NMFS will publish a notice of agency action in the **Federal Register** announcing the Agency's decision to approve, partially approve, or disapprove Amendment 17A, and the associated rationale.

Proposed Rule for Amendment 17A

A proposed rule that would implement measures outlined in Amendment 17A has been received from the Council. In accordance with the Magnuson-Stevens Act, NMFS is evaluating Amendment 17A to determine whether it is consistent with the FMP, the Magnuson-Stevens Act, and other applicable law. If an affirmative determination is made, NMFS will publish the proposed rule in the **Federal Register** for public review and comment.

Consideration of Public Comments

Comments received by September 27, 2010, whether specifically directed to the amendment or the proposed rule, will be considered by NMFS in its decision to approve, disapprove, or partially approve the amendment. Comments received after that date will not be considered by NMFS in this decision. All comments received by NMFS on the amendment or the proposed rule during their respective comment periods will be addressed in the final rule.

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

Dated: July 26, 2010.

Carrie Selberg,

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

[FR Doc. 2010–18662 Filed 7–26–10; 4:15 pm]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 75, No. 145

Thursday, July 29, 2010

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

DEPARTMENT OF AGRICULTURE

Notice: Withdrawal

July 26, 2010.

AGENCY: Office of the Assistant Secretary for Civil Rights.

ACTION: Notice: Withdrawal.

SUMMARY: The Department of Agriculture published a document in the **Federal Register** on July 22, 2010, page number 42678 concerning a request for comments on a new information collection "Independent Assessment of the Delivery of Technical and Financial Assistance" OMB control number 0583–New. The document is being withdrawn.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2010–18661 Filed 7–28–10; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Risk Management Agency

Notice of Request for Revision of a Currently Approved Collection.

AGENCY: Risk Management Agency, USDA.

ACTION: Revision of a Currently Approved Collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces a public comment period on the information collection requests (ICRs) associated with the Standard Reinsurance Agreement and Appendices I, II and IV administered by Federal Crop Insurance Corporation (FCIC). Appendix III is excluded because it contains the Data Acceptance System requirements.

DATES: Written comments on this notice will be accepted until close of business, September 27, 2010.

ADDRESSES: Interested persons are invited to submit written comments to David L. Miller, Director, Reinsurance Services Division, Federal Crop Insurance Corporation, United States Department of Agriculture (USDA), 1400 Independence Avenue, SW., Stop 0804, Washington, DC 20250. Written comments may also be submitted electronically to: *dave.miller@rma.usda.gov.*

FOR FURTHER INFORMATION CONTACT: David L. Miller, Director, Risk Management Agency, at the address listed above, telephone (202) 720–9830.

SUPPLEMENTARY INFORMATION:

Title: Standard Reinsurance Agreement; Appendices I, II and IV.

OMB Number: 0563–0069.

Type of Request: Revised and new Information Collection.

Abstract: The Federal Crop Insurance Act (Act), Title 7 U.S.C. Chapter 36, Section 1508(k), authorizes the FCIC to provide reinsurance to insurers approved by FCIC that insure producers of any agricultural commodity under one or more plans acceptable to FCIC. The Act also states that the reinsurance shall be provided on such terms and conditions as the Board may determine to be consistent with subsections (b) and (c) of this section and sound reinsurance principles.

FCIC executes the same form of reinsurance agreement, called the Standard Reinsurance Agreement (SRA), with sixteen participating insurers approved for the 2011 reinsurance year. Appendix I of the SRA, Regulatory Duties and Responsibilities, sets forth the company's responsibilities as required by statute. Appendix II of the SRA, the Plan of Operations (Plan), sets forth the information the insurer is required to file with RMA for each reinsurance year they wish to participate. The Plan's information enables RMA to evaluate the insurer's financial and operational capability to deliver the crop insurance program in accordance with the Act. Estimated premiums by fund by state, and retained percentages along with current policyholders surplus are used in calculations to determine whether to approve the insurer's requested maximum reinsurable premium volume for the reinsurance year per 7 CFR part 400 subpart L. This information has a direct effect upon the insurer's amount of retained premium and associated liability and is required to calculate the insurer's underwriting gain or loss.

Appendix IV of the SRA, Quality Control and Program Integrity, establishes the minimum annual agent and loss adjuster training requirements, and quality control review procedures and performance standards required of the insurance companies. FCIC requires each insurer to submit, for each reinsurance year, a Quality Control Report to FCIC containing details of the results of their completed reviews. The insurance companies must also provide an annual Training and Performance Evaluation Report which details the evaluation of each agent and loss adjuster and reports of any remedial actions taken by the Company to correct any error or omission or ensure compliance with the SRA.

Since the currently approved information collection package does not account for new information collections implemented in the 2011 reinsurance year, we are asking the Office of Management and Budget (OMB) to approve this revised information collection activity for 3 years.

The purpose of this notice is to solicit comments from the public concerning this information collection activity as associated with the SRA in effect for the 2011 and subsequent reinsurance years. These comments will help us:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

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

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, *e.g.,* permitting electronic submission of responses.

The SRA includes Conflict of Interest data collection, which in addition to the insurance companies reinsured by FCIC, encompasses the insurance companies' employees and their contracted agents and loss adjusters. The SRA also includes a Controlled Business data collection from all employed or

contracted agent. The estimate below shows the burden that will be placed upon the following affected entities.

Estimate of Burden: The public reporting burden for the collection of Appendix II information is estimated to average 162 hours per response.

Respondents/Affected Entities: Insurance companies reinsured by FCIC.

Estimated annual number of respondents: 16.

Estimated annual number of responses per respondent: 1.

Estimated annual number of responses: 16.

Estimated total annual burden on respondents (hours): 2,592.

Estimate of Burden: The public reporting burden for the Appendix I collection of Conflict of Interest information is estimated to average 1 hour per response.

Respondents/Affected Entities: Approved Insurance Provider's employees and their contracted agents and loss adjusters.

Estimated annual number of respondents: 20,800.

Estimated annual number of responses per respondent: 1.

Estimated annual number of responses: 20,800.

Estimated total annual burden on respondents (hours): 20,800.

Estimate of Burden: The public reporting burden for the Appendix I collection of Controlled Business information is estimated to average 1 hour per response.

Respondents/Affected Entities: Approved Insurance Provider's employed and contracted agents.

Estimated annual number of respondents: 15,000.

Estimated annual number of responses per respondent: 1.

Estimated annual number of responses: 15,000.

Estimated total annual burden on respondents (hours): 15,000.

Estimate of Burden: The public reporting burden for the Appendix IV annual Training and Performance Evaluation Report and Quality Control Report is estimated to average 16 hours per response.

Respondents/Affected Entities: Insurance companies reinsured by FCIC.

Estimated annual number of respondents: 16.

Estimated annual number of responses per respondent: 1.

Estimated annual number of responses: 16.

Estimated total annual burden on respondents (hours): 256.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Signed in Washington, DC, on July 26, 2010.

William J. Murphy,

Administrator, Federal Crop Insurance Corporation.

[FR Doc. 2010–18664 Filed 7–28–10; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Notice of Funding Availability (NOFA) Inviting Applications for the Rural Microentrepreneur Assistance Program

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice to extend application deadlines and award dates.

SUMMARY: The Agency published a document in the **Federal Register** of June 3, 2010, at 75 FR 31413 to announce the acceptance of applications under the Rural Microentrepreneur Assistance Program (RMAP) to provide direct loans, technical assistance grants, and technical assistance-only grants to microdevelopment organizations to support the development and ongoing success of rural microentrepreneurs and microenterprises. This notice extends the application deadline and anticipated award date for applications submitted for Fiscal Year 2010.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Mark Brodziski, (202) 720–1394.

SUPPLEMENTARY INFORMATION:

On July 19, 2010, the Agency published a correction notice (75 FR 41695) to the Interim Rule for the Rural Microentrepreneur Assistance Program (7 CFR part 4280, subpart D). One of the items corrected was the definition of a "nonprofit entity." This correction removed the word "private" from the definition of "nonprofit entity". The original definition of "nonprofit entity" published in the Interim Rule, referred to "a private entity chartered as a nonprofit entity under State law." The corrected definition is "an entity chartered as a nonprofit entity under State law." It was not the intention of the Agency to restrict eligible nonprofit entities to only private entities. In making this correction to the Interim Rule, there may be additional entities eligible to participate in RMAP in Fiscal Year 2010. Because the correction occurred after the Fiscal Year 2010 application deadline of July 16, 2010, as found in the June 3, 2010, notice, the Agency is extending the application deadline for Fiscal Year 2010 applications from July 16, 2010 to August 16, 2010.

In addition, because the Fiscal Year 2010 application deadline is being extended, it is necessary to provide additional time for the Agency to review applications received between July 16, 2010 and August 16, 2010. Therefore, the Agency is extending the anticipated award date for Fiscal Year 2010 applications from August 31, 2010 to September 15, 2010.

All other aspects of the June 3, 2010 notice for RMAP remain unchanged and in effect for applications submitted by the new application deadline for Fiscal Year 2010.

Dated: July 22, 2010.

Judith A. Canales,

Administrator, Rural Business-Cooperative Service.

[FR Doc. 2010–18639 Filed 7–28–10; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF AGRICULTURE

Forest Service

Yavapai County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Yavapai County Resource Advisory Committee (RAC) will meet in Prescott, Arizona. The committee is meeting as authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) and in compliance with the Federal Advisory Committee Act. The purpose of the meeting is to orientate new committee members to the Secural Rural Schools Act, roles of members, guidelines for Title II, and the Federal Advisory Committee Act.

DATES: The meeting will be held August 19, 2010; 9 a.m. to 4 p.m.

ADDRESSES: The meeting will be held at the Prescott Fire Center, 2400 Melville Dr, Prescott, AZ 86301.

FOR FURTHER INFORMATION CONTACT: Debbie Maneely, RAC Coordinator, Prescott National Forest, 344 S. Cortez, Prescott, AZ 86301; (928) 443–8130 or *dmaneely@fs.fed.us.*

SUPPLEMENTARY INFORMATION: The meeting is open to the public. The following business will be conducted: (1) Welcome and introductions; (2) overview of Secure Rural Schools Act, Title II funding and timeline; (3) develop RAC charter and operating guidelines; (4) discussion of Committee members and Designated Federal

Official roles; (5) selection of RAC Chairperson; (6) next meeting agenda, location, and date.

Dated: July 23, 2010.

Cynthia Moody

Acting Forest Supervisor.

[FR Doc. 2010–18632 Filed 7–28–10; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Telecommunications and Information Administration (NTIA).

Title: Broadband Subscription and Usage Supplement to the Census Bureau's Current Population Survey.

OMB Control Number: 0660–0021.

Form Number: None.

Type of Request: Regular submission (Reinstatement with change of a previously approved collection).

Number of Respondents: 54,000 households.

Average Time per Response: 90 seconds.

Burden Hours: 1,350.

Needs and Uses: The NTIA proposes to add eight questions to the Census Bureau (Census or Bureau) October 2010 Current Population Survey (CPS) in order to gather reliable data on broadband (also known as high-speed Internet) use by U.S. households. President Obama has established a national goal of universal, affordable broadband access for all Americans.[1] To that end, the Administration is working with Congress, the Federal Communications Commission, and other stakeholders to develop and advance economic and regulatory policies that foster broadband deployment and adoption. Current, systematic, and comprehensive data on broadband access and non-use by U.S. households is critical to allow policymakers not only to gauge progress made to date, but also to identify problem areas with a specificity that permits carefully targeted and cost effective responses.

Census is widely regarded as a superior collector of data based on its centuries of experience and its scientific methods. The collection of NTIA's requested broadband usage data, moreover, will occur in conjunction with Census' scheduled October 2010 CPS, thereby significantly reducing the potential burdens on the Bureau and the households surveyed. Questions on broadband and Internet usage were included in eight previous Census household surveys.

Affected Public: Individuals or households.

Frequency: One-time only.

Respondent's Obligation: Voluntary.

OMB Desk Officer: William Tucker, (202) 395–1743.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6616, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to William Tucker, OMB Desk Officer, e-mail address, *wtucker@omb.eop.gov*, or Fax number (202) 395–5167.

Dated: July 23, 2010.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2010–18576 Filed 7–28–10; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: American Fisheries Act Reports in the Bering Sea and Aleutian Islands Management Area.

OMB Control Number: 0648–0401.

Form Number(s): None.

Type of Request: Regular submission (extension of a currently approved information collection).

Number of Respondents: 11.

Average Hours per Response: 12 hours for AFA Annual Report; 30 minutes for Non-member vessel contract fishing application; 5 minutes for Inshore catcher vessel cooperative pollock catch report; 5 minutes for Agent for service of process; 40 hours for Salmon Bycatch Reduction Inter-Cooperative Agreement (ICA).

Burden Hours: 101.

Needs and Uses: This is an extension of a currently approved information collection. The American Fisheries Act (AFA) was signed into law in October of 1998. The AFA established an allocation program for the pollock fishery of the Bering Sea and Aleutian Islands Management Area (BSAI). The AFA established a limited access program for the inshore sector of the BSAI pollock fishery that is based on the formation of fishery cooperatives around each inshore pollock processor. Implementing regulations are found at 50 CFR part 679, Subpart F.

The original purposes of the AFA were to tighten United States ownership standards that had been exploited under the Anti-reflagging Act, to provide Alaska's BSAI pollock fleet the opportunity to conduct their fishery in a more rational manner, and to protect non-AFA participants in other fisheries. In addition, a voluntary civil agreement among pollock cooperatives, Western Alaska Community Development Quota (CDQ) groups, and western Alaska subsistence salmon user groups is intended to coordinate the pollock fishery in a manner that reduces incidental catch rates of salmon. Reduced bycatch, higher utilization rates, increased economic returns, and improved safety are among the direct benefits of the AFA. The flexibility provided by cooperatives and by individual vessel allocations of pollock and other species has allowed the BSAI pollock fleet to spread their fishing effort in time and space. The cooperative management structure has shifted more of the monitoring and enforcement burden to the cooperatives and their members, allowing NMFS to manage the fishery more precisely. The AFA cooperative annual reports are required to provide information about how the cooperative allocated pollock, other groundfish species, and prohibited species among the vessels in the cooperative; the catch of these species by area for each vessel in the cooperative; information about how the cooperative monitored fishing by its members; and a description of any actions taken by the cooperative to penalize vessels that exceeded the catch and bycatch allocations made to the vessel by the cooperative.

Affected Public: Business or other for-profit organizations.

Frequency: Annually and on occasion.

Respondent's Obligation: Mandatory.

[1] *See http://www.whitehouse.gov/sites/default/files/20091217-recovery-act-investments-broadband.pdf (last viewed May 11, 2010).*

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6616, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395–7285, or *David_Rostker@omb.eop.gov.*

Dated: July 26, 2010.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2010–18644 Filed 7–28–10; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Department of Commerce Business Forum

AGENCY: U.S. Department of Commerce.

ACTION: Notice of a public meeting and request for comments.

SUMMARY: The United States Department of Commerce (DOC) is seeking vendors that currently conduct business with, or have previously conducted business with or hope to conduct business with DOC. Interested parties are asked to offer comments on the DOC acquisition function for the purpose of strengthening the process. Parties may offer oral comments at a public meeting to be held on August 10, 2010. Parties are also encouraged to provide written comments.

DATES: A public meeting will be conducted on August 10, 2010, at 1 p.m. Eastern time and will end no later than 4 p.m. Eastern time.

The public is asked to pre-register by 5 p.m. Eastern time on August 6, 2010, due to security precautions and seating limitations. Registration is on a first-come first-served basis and space is limited. To preregister, please send an e-mail to *DOCBusinessForum Registration@doc.gov* with attending personnel names, business represented, along with contact information and the topics of interest (see topics below). Please put "Registration" in the subject line of the e-mail. Registration on August 10, 2010 at the meeting location will begin at 12 p.m. Eastern time on August 10, 2010 and the meeting will start at 1 p.m. Eastern time.

ADDRESSES: The meeting will be held in the auditorium of the Department of Commerce. The auditorium is located off the main lobby of the Department of Commerce building at 1401 Constitution Avenue, NW., Washington DC 20230.

The public meeting will be physically accessible to people with disabilities. Request for sign language interpretation or other auxiliary aids should be directed to *DOCBusinessForum Registration@doc.gov* by August 6, 2010. Please put "Accommodations" in the subject line.

In lieu of, or in addition to, participating in the public meeting, interested parties may submit written comments to *DOCBusinessForum Comment@doc.gov* by August 31, 2010. Please put "Comment" in the subject line. Because DOC would like to implement possible suggestions to strengthen acquisition relations within the business community, interested parties wishing to have their comments considered in connection with this process must submit their comments by 5 p.m. Eastern time on August 31, 2010. Comments received after this date, but before DOC completes its work, may be considered in follow-up implementation efforts, as appropriate.

FOR FURTHER INFORMATION CONTACT: For clarification of the subject matter related to the memorandum: E-mail *DOCBusinessForum Registration@doc.gov*. Please put "Question" in the subject line.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to encourage public comment on ways DOC can improve its acquisition processes and relationship with the business community. A list of topics are provided at the end of this notice. Parties wishing to make oral or written comments are especially encouraged to provide comment on these issues for DOC consideration.

DOC welcomes public comments on DOC's acquisition function best practices, opportunities for improvement, and challenges related to business contracting and seeks public input on the issues described below:

General Impressions of the DOC Acquisition function: DOC is looking to strengthen the acquisition function and would like to hear your comments and suggestions on improving the DOC acquisition process to help businesses, thoughts on developing well defined solicitations, suggestions to ensure DOC's evaluation criteria is well defined, making debriefings useful and your thoughts and suggestions on some key processes that can be implemented to improve the DOC acquisition function.

DOC Acquisition Personnel: In order to strengthen the acquisition function key personnel such as contracting officers, contracting specialist and purchasing agents are vital to maintain a healthy acquisition function. DOC wants to hear your thoughts, suggestions and comments on accessibility, helpfulness and knowledge of the acquisition personnel, program offices, OSDBU and small business specialists when seeking to gain a contract with DOC. Additionally, DOC would like to hear your thoughts, comments, suggestions on the availability of forecasting opportunities, the best practices from other agencies that can be utilized by DOC and some improvement opportunities DOC could implement to help businesses when using the acquisition process.

Training, outreach, and technology: DOC understands that training is essential to any organization and would like your thoughts, comments, suggestions on the types of training for DOC acquisition personnel or businesses that improve businesses' ability to participate in the DOC marketplace. Additionally, DOC would like to know your thoughts, comments and suggestions on the best ways to deliver this training to the business community and learn what other Federal organizations do to improve their business outreach strategies. Furthermore, DOC would like your thoughts, comments and suggestions on available technology systems and applications are most helpful to businesses in finding contracting opportunities, and available technological improvements that can be made to existing technologies, or what new applications might be considered to make doing business with DOC more attractive.

An agenda will be posted at Web site *http://oam.ocs.doc.gov/* no later than July 31, 2010, with additional details on the structure of the meeting. The meeting may include break-out sessions that focus on individual topics, such as those described at the end of this notice. Therefore, parties may be asked to focus their oral comments on the topic of greatest interest to them.

Dated: July 22, 2010.

Helen Hurcombe,

Senior Procurement Executive, Department of Commerce.

[FR Doc. 2010–18513 Filed 7–28–10; 8:45 am]

BILLING CODE 3510–17–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 20–2009]

Foreign-Trade Zone 29; Application for Subzone Authority; Dow Corning Corporation; Extension of Rebuttal Period

Based on a request from an interested party, the rebuttal period on the preliminary recommendation for the application for subzone status at the Dow Corning Corporation (Dow Corning) facilities in Carrollton, Elizabethtown and Shepherdsville, Kentucky (75 FR 31763, 6/3/2010) is being extended to August 26, 2010 to allow additional time in which to provide rebuttal comments. The original submission shall be sent to the Board's Executive Secretary at: Foreign-Trade Zones Board, U.S. Department of Commerce, Room 2111, 1401 Constitution Ave., NW., Washington, DC 20230. An electronic copy shall be submitted to *ftz@trade.gov.*

For further information, contact Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov* or (202) 482–0473.

Dated: July 23, 2010.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2010–18680 Filed 7–28–10; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XX86

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Applications for one new scientific research permits.

SUMMARY: Notice is hereby given that NMFS has received one scientific research permit application requests relating to Pacific salmon. The proposed research is intended to increase knowledge of species listed under the Endangered Species Act (ESA) and to help guide management and conservation efforts. The application may be viewed online at: *https://apps.nmfs.noaa.gov/preview/preview__open__for__comment.cfm*

DATES: Comments or requests for a public hearing on the applications must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific standard time on August 30, 2010.

ADDRESSES: Written comments on the application should be sent to the Protected Resources Division, NMFS, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232–1274. Comments may also be sent via fax to 503–230–5441 or by e-mail to *nmfs.nwr.apps@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Garth Griffin, Portland, OR (ph.: 503–231–2005, Fax: 503–230–5441, e-mail: *garth.griffin@noaa.gov*. Permit application instructions are available from the address above, or online at *apps.nmfs.noaa.gov*.

SUPPLEMENTARY INFORMATION:

Species Covered in This Notice

The following listed species are covered in this notice:

Chinook salmon (*Oncorhynchus tshawytscha*): threatened Puget Sound (PS).

Steelhead (*O. mykiss*): threatened PS.

Authority

Scientific research permits are issued in accordance with section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 et. seq) and regulations governing listed fish and wildlife permits (50 CFR 222–226). NMFS issues permits based on findings that such permits: (1) are applied for in good faith; (2) if granted and exercised, would not operate to the disadvantage of the listed species that are the subject of the permit; and (3) are consistent with the purposes and policy of section 2 of the ESA. The authority to take listed species is subject to conditions set forth in the permits.

Anyone requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). Such hearings are held at the discretion of the Assistant Administrator for Fisheries, NMFS.

Applications Received

Permit 1568–3M

The Northwest Fisheries Science Center (NWFSC) is seeking to modify Permit 1568–2M, which they currently hold and which would be in effect until December 31, 2011. The current permit authorizes the NWFSC to take juvenile PS Chinook salmon and steelhead while conducting research designed to provide information on their basic life histories, ecology, and genetic compositions in the Snohomish River estuary and three of its major distributary sloughs (Ebey, Union and Steamboat) in northwest Washington State. The research is designed to (1) characterize the ecology of existing Chinook salmon populations and life history types in the Snohomish River estuary, and (2) evaluate how effectively habitat protection and restoration actions in the estuary help Chinook salmon populations in the Snohomish River basin. The information gathered by this research would benefit the fish by helping recovery planning in the Snohomish River estuary and other estuaries of the Puget Sound. The modification would allow the NWFSC to increase the number of fish taken due to an increase in sampling effort. The increase in effort consists of adding sites in the estuary and increasing the number of sampling days. The NWFSC is seeking to capture fish (using fyke nets and beach seines); anesthetize them; measure them, weigh them, check them for external marks and coded wire tags; and release them. A portion of the captured fish would be killed for full necropsy. A small portion of the captured fish may be unintentionally killed; however accidental mortalities would be used in place of sacrificed fish whenever possible.

This notice is provided pursuant to section 10(a) of the ESA. NMFS will evaluate the applications, associated documents, and comments submitted to determine whether the applications meet the requirements of section 10(a) of the ESA and Federal regulations. The final permit decisions will not be made until after the end of the 30–day comment period. NMFS will publish notice of its final action in the **Federal Register**.

Dated: July 23, 2010.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2010–18667 Filed 7–28–10; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

International Trade Administration

[Application No. 10–00003]

Export Trade Certificate of Review

ACTION: Notice of Issuance of an Export Trade Certificate of Review to Saintilien Enterprise Inc., doing business as Saintilien Global Services ("SGS") (Application # 10–00003).

SUMMARY: On July 21, 2010, the Department of Commerce issued an

Export Trade Certificate of Review to Saintilien Enterprise Inc., doing business as Saintilien Global Services ("SGS").

This notice summarizes the conduct for which certification has been granted.

FOR FURTHER INFORMATION CONTACT: Joseph E. Flynn, Director, Office of Competition and Economic Analysis, International Trade Administration, by telephone at (202) 482–5131 (this is not a toll-free number) or e-mail at *etca@trade.gov.*

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4011–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR part 325 (2010).

The Office of Competition and Economic Analysis ("OCEA") is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Secretary of Commerce to publish a summary of the certification in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Certified Conduct

SGS is certified to engage in the Export Trade Activities and Methods of Operation described below in the following Export Trade and Export Markets.

I. Export Trade

1. Products

All Products.

2. Services

All Services.

3. Technology Rights

Technology rights, including, but not limited to, patents, trademarks, copyrights, and trade secrets, that relate to Product and Services.

4. Export Trade Facilitation Services (as they relate to the Export of Products, Services, and Technology Rights)

Export Trade Facilitation Services include professional services in the areas of government relations and assistance with state and federal programs; foreign trade and business protocol; consulting; market research and analysis; collection of information on trade opportunities; marketing; negotiations; joint ventures; shipping; export management; export licensing; advertising; documentation and services related to compliance with customs requirements; insurance and financing; trade show exhibitions; organizational development; management and labor strategies; transfer of technology; transportation; and facilitating the formation of shippers' associations.

II. Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

III. Export Trade Activities and Methods of Operation

1. With respect to the sale of Products and Services, licensing of Technology Rights and provision of Export Trade Facilitation Services, SGS, subject to the terms and conditions listed below, may:

a. Provide and/or arrange for the provisions of Export Trade Facilitation Services;

b. Engage in promotional and marketing activities and collect information on trade opportunities in the Export Markets and distribute such information to clients;

c. Enter into exclusive and/or non-exclusive licensing and/or sales agreements with Suppliers for the export of Products, Services, and/or Technology Rights to Export Markets;

d. Enter into exclusive and/or non-exclusive agreements with distributors and/or sales representatives in Export Markets;

e. Allocate export sales or divide Export Markets among Suppliers for the sale and/or licensing of Products, Services, and/or Technology Rights;

f. Allocate export orders among Suppliers;

g. Establish the price of Products, Services, and/or Technology Rights for sales and/or licensing in Export Markets;

h. Negotiate, enter into, and/or manage licensing agreements for the export of Technology Rights; and

i. Enter into contracts for shipping.

2. SGS and individual Suppliers may regularly exchange information on a one-on-one basis regarding that Supplier's inventories and near-term production schedules in order that the availability of Products for export can be determined and effectively coordinated by SGS with its distributers in Export Markets.

Definition

"*Supplier*" means a person who produces, provides, or sells Products, Services, and/or Technology Rights.

Dated: July 23, 2010.

Joseph E. Flynn,

Director, Office of Competition and Economic Analysis.

[FR Doc. 2010–18569 Filed 7–28–10; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[Application 10–00004]

Export Trade Certificate of Review

ACTION: Notice of Application for an Export Trade Certificate of Review From Canned Wild Salmon Export Council, LLC ("CWSEC").

SUMMARY: The Office of Competition and Economic Analysis, International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review ("Certificate"). This notice summarizes the conduct for which certification is sought and requests comments relevant to whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Joseph E. Flynn, Director, Office of Competition and Economic Analysis, International Trade Administration, by telephone at (202) 482–5131 (this is not a toll free number) or E-mail at *etca@trade.gov.*

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4011–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Export Trading Company Act of 1982 and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register**, identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments:

Interested parties may submit written comments relevant to the determination whether a Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a

nonconfidential version of the comments (identified as such) should be included. Any comments not marked "privileged" or "confidential business information" will be deemed to be nonconfidential. An original and five (5) copies, plus two (2) copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Office of Competition and Economic Analysis, International Trade Administration, U.S. Department of Commerce, Room 7021X, Washington, DC 20230, or transmitted by E-mail at *etca@trade.gov.* Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as "Export Trade Certificate of Review, application number 10–00004." A summary of the application follows.

Summary of the Application:

Applicant: Canned Wild Salmon Export Council ("CWSEC").

Contact: James R. Hennessey, Smith and Hennessey, 316 Occidental Avenue South, Suite 500, Seattle, Washington 98104.

Telephone: (206) 292–1770.

Application No.: 10–00004.

Date Deemed Submitted: July 14, 2010.

Members (in addition to applicant): CWSEC members include the following entities: Alaska General Seafoods, Kenmore, WA; Icicle Seafoods, Inc., Seattle WA; Ocean Beauty Seafoods, LLC, Seattle, WA; Peter Pan Seafoods, Inc., Seattle, WA; Trident Seafoods Corporation, Seattle, WA; and Yardarm Knot, Inc., Seattle, WA.

CWSEC seeks a Certificate of Review to engage in the Export Trade Activities and Methods of Operation described below for the following Export Trade and Export Markets:

Export Trade

Products

Shelf stable non-refrigerated salmon product packed in a can or retort pouch, also known as canned salmon. Shelf stable means that the product can be safely stored in a sealed container at room or ambient temperature for a usefully long shelf life. A retort pouch is a flexible package in which prepared food is hermetically sealed for long-term unrefrigerated storage.

Export Markets

The export markets include all parts of the world except for Canada and the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

1. Canned Wild Salmon Export Council, LLC is seeking certification for engaging in the following conduct:

a. *Sales Price.* Establish sales prices, minimum sales prices, target sales prices and/or minimum target sales prices, and other terms of sales in the Export Markets, including but not limited to timing of payments, timing of sales, restrictions on bidding and audits performed by the customer in the Export Markets;

b. *Marketing and Distribution.* Conduct marketing and distribution of canned salmon in the Export Markets;

c. *Promotion.* Conduct promotion of canned salmon in the Export Markets;

d. *Quantities.* Agree on quantities of canned salmon to be sold in export markets, provided that each Member shall be required to dedicate only such quantities as each such Member shall independently determine;

e. *Market and Customer Allocation.* Allocate geographic areas or countries in the Export Markets and/or customers in the Export Markets among Members;

f. *Refusals to Deal.* Refuse to quote prices for canned salmon, or to market or sell canned salmon to any customers in the Export Markets, or any countries or geographical area in the Export Markets;

g. *Exclusive/Nonexclusive Deals.* Enter into exclusive and nonexclusive agreements appointing one or more Export Intermediaries for the sale of canned salmon with price, quantity, territorial and/or customer restrictions as provided above; and

h. *Customer Audits.* Collectively agree on matters related to audits (ethical, social, technical, or other) that may be required by customers of the Members in the Export Markets;

2. Canned Wild Salmon Export Council, LLC is seeking certification for sharing among its Members the following information:

a. Information about sale and marketing efforts for the Export Markets, activities and opportunities for sales of canned salmon in the Export Markets, selling strategies for the Export Markets, sales for the Export Markets, contract and spot pricing in the Export Markets, projected demands in the Exports Markets for canned salmon, terms of sale in the Export Markets, prices and availability of canned salmon in the Export Markets and specifications for canned salmon by customers in the Export Markets;

b. Information about the price, quantity, quality, source, and delivery dates of canned salmon available for the Members to export;

c. Information about the terms and conditions of contracts for sale in the Export Markets to be considered and/or bid on;

d. Information about joint bidding or selling arrangements for the Export Markets and allocations of sales resulting from such arrangements among the Members;

e. Information about expenses specific to exporting to and within the Export Markets, including without limitation transportation, insurance, inland freights to port, port storage, commissions, documentation, financing, customs, duties, and taxes;

f. Information about U.S. and foreign legislation and regulations, including without limitation federal marketing assistance programs affecting sales of canned salmon for the Export Markets;

g. Information about export operations, including without limitation, sales and distribution networks, prior export sales by Members; and

h. Information about export customer credit terms and credit history.

3. Canned Wild Salmon Export Council, LLC, and any or all of its Members, is seeking authority to meet and engage in the activities described in paragraphs 1 and 2, above.

Dated: July 22, 2010.

Joseph E. Flynn,

Director, Office of Competition and Economic Analysis.

[FR Doc. 2010–18571 Filed 7–28–10; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[Application No. 94–4A007]

Export Trade Certificate of Review

ACTION: Notice of Application (94–4A007) To Amend the Export Trade Certificate of Review Issued to Florida Citrus Exports, L.C. ("FCE"), Application No. 94–00007.

SUMMARY: The Office of Competition and Economic Analysis ("OCEA") of the International Trade Administration, U.S. Department of Commerce, has received an application to amend an Export Trade Certificate of Review ("Certificate"). This notice summarizes

the proposed amendment and requests comments relevant to whether the amended Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Joseph E. Flynn, Director, Office of Competition and Economic Analysis, International Trade Administration, (202) 482–5131 (this is not a toll-free number) or by e-mail at *etca@trade.gov.*

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from State and Federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Export Trading Company Act of 1982 and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked as privileged or confidential business information will be deemed to be nonconfidential. An original and five (5) copies, plus two (2) copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Office of Competition and Economic Analysis, International Trade Administration, U.S. Department of Commerce, Room 7021–X, Washington, DC 20230, or transmitted by E-mail to *etca@trade.gov.* Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as "Export Trade Certificate of Review, application number 94–4A007."

The original Certificate for Florida Citrus Exports, L.C. was issued on February 23, 1995 (60 FR 12735, March 8, 1995), and last amended on May 8, 2000 (65 FR 30564, May 12, 2000). A summary of the current application for an amendment follows.

Summary of the Application

Applicant: Florida Citrus Exports, L.C. ("FCE"), c/o Kristen C. Gunter, Macfarlane Ferguson & McMullen, 1611 Harden Boulevard, Lakeland, FL 33803, *Contact:* Kristen C. Gunter, Attorney, *Telephone:* (863) 680–9908 .

Application No.: 94–4A007.

Date Deemed Submitted: July 15, 2010.

Proposed Amendment: FCE seeks to amend its Certificate to:

1. Add the following new Members of the Certificate within the meaning of section 325.2(l) of the Regulations (15 CFR 325.2(l)): Riverfront Packing Co. LLC, Vero Beach, FL; and Indian River Exchange Packers, Inc., Vero Beach Florida.

2. Delete the following Members from FCE's Certificate: Dole Citrus, Vero Beach, FL; Harbor Island Citrus, Inc., Vero Beach, FL; and Minton Sun, Inc., Ft. Pierce, FL.

Dated: July 22, 2010.

Joseph E. Flynn,

Director, Office of Competition and Economic Analysis.

[FR Doc. 2010–18570 Filed 7–28–10; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–805]

Certain Circular Welded Non-Alloy Steel Pipe From Mexico; Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

FOR FURTHER INFORMATION CONTACT: Maryanne Burke or Robert James, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–5604 or (202) 482–0649, respectively.

Background

On November 30, 2009, the Department of Commerce (the Department) received a timely request from domestic interested parties Allied Tube and Conduit Corporation and TMK–IPSCO to conduct an administrative review of the antidumping duty order on certain circular welded non-alloy steel pipe from Mexico. We also received review requests on November 30, 2009, from companies Tuberia Nacional, S.A. de C.V.'s (TUNA), Mueller Comercial de Mexico, S. de R.L. de C.V. (Mueller) and Mueller's affiliated importer Southland Pipe Nipples Co., Inc. On December 23, 2009, the Department published a notice of initiation of this administrative review, covering the period of November 1, 2008 to October 31, 2009. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 74 FR 68229 (December 23, 2009). The current deadline for the preliminary results of this review is August 9, 2010.[1]

Extension of Time Limits for Preliminary Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to complete the preliminary results of an administrative review within 245 days after the last day of the anniversary month of an order for which a review is requested. However, if it is not practicable to complete the review within this time period, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the preliminary results to a maximum of 365 days after the last day of the anniversary month of an order for which a review is requested.

The Department finds it is not practicable to complete the preliminary results of this review within the original time frame because we require additional time with respect to cost of production data used in the margin calculation programs. In particular, there are complex issues concerning Mueller's cost of production which involve multiple unaffiliated companies. Accordingly, the Department is extending the time limit for completion of the preliminary results of this administrative review until no later than December 7, 2010.[2] We intend to issue the final results no

[1] As explained in the memorandum from the Deputy Assistant Secretary for Import Administration, the Department has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from February 5, through February 12, 2010. Thus, all deadlines in this segment of the proceeding have been extended by seven days which makes the revised deadline for these preliminary results August 9, 2010. *See* Memorandum to the Record from Ronald Lorentzen, DAS for Import Administration, regarding "Tolling of Administrative Deadlines As a Result of the Government Closure During the Recent Snowstorm," dated February 12, 2010.

[2] December 7, 2010 is 365 days from the last day of the anniversary month and includes the Department's extension of all deadlines by seven calendar days because of the February 2010 snowstorm.

later than 120 days after publication of the preliminary results notice.

This extension is issued and published in accordance with sections 751(a)(3)(A) and 777(i) of the Act.

Dated: July 23, 2010.

Edward C. Yang,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2010–18688 Filed 7–28–10; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–890]

Wooden Bedroom Furniture from the People's Republic of China: Final Results of Antidumping Duty New Shipper Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: July 29, 2010

SUMMARY: On March 3, 2010, the Department of Commerce ("Department") published the preliminary results of the new shipper review ("NSR") of the antidumping duty order on wooden bedroom furniture from the People's Republic of China ("PRC") covering sales of subject merchandise made by Zhejiang Tianyi Scientific & Educational Equipment Co., Ltd. ("Zhejiang Tianyi").[1] In accordance with 19 CFR 351.309(c)(ii), we gave interested parties an opportunity to comment on the *Preliminary Results*. Based on our analysis of the comments received, the Department has not made changes to the *Preliminary Results* and continues to determine that Zhejiang Tianyi has not made sales at less than normal value ("NV").

FOR FURTHER INFORMATION CONTACT: Rebecca Pandolph or Howard Smith, AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–4474 and (202) 482–5193, respectively.

SUPPLEMENTARY INFORMATION: We published the *Preliminary Results* for this NSR on March 3, 2010. In the *Preliminary Results*, the Department stated that interested parties were to submit case briefs within 30 days of publication of the *Preliminary Results* and rebuttal briefs within five days after the due date for filing case briefs.[2] On April 2, 2010, the Department received a case brief from Zhejiang Tianyi. On April 7, 2010, the Department received a rebuttal brief from the American Furniture Manufacturers Committee for Legal Trade and Vaughan–Bassett Furniture Company, Inc. (collectively, "Petitioners"). On May 18, 2010, the Department received factual information submitted by Petitioners, which raised issues concerning the veracity of the information on the record submitted by Zhejiang Tianyi. In May and June 2010, the Department issued questionnaires to Zhejiang Tianyi. In May, June, and July 2010, Zhejiang Tianyi submitted its responses to the Department's questionnaires and comments on the allegation. In June 2010, Petitioners submitted comments on Zhejiang Tianyi's responses. On July 14, 2010, Zhejiang Tianyi submitted comments on this issue. For a full discussion of this issue, *see* Memorandum to the File, regarding "Zhejiang Tianyi's Eligibility for a New Shipper Review and the Validity of its Data," dated July 23, 2010.

On July 6, 2010, the Department notified interested parties that it would be reconsidering its valuation of the labor wage rate in this NSR, as a result of the recent decision in *Dorbest Limited et. al. v. United States*, 2009–1257, -1266, issued by the United States Court of Appeals for the Federal Circuit ("CAFC") on May 14, 2010. On July 6, 2010,[3] July 12, 2010,[4] and July 13, 2010,[5] the Department placed export and wage data, which the Department was considering in connection with the valuation of the labor wage rate, on the record of this NSR and invited interested parties to comment on the narrow issue of the labor wage value in light of the CAFC's decision. On July 9, and July 14, 2010, Petitioners submitted comments on the export and wage data.

Period of Review

The period of review ("POR") is January 1, 2009, through June 30, 2009.

Scope of the Order

The product covered by the order is wooden bedroom furniture. Wooden bedroom furniture is generally, but not exclusively, designed, manufactured, and offered for sale in coordinated groups, or bedrooms, in which all of the individual pieces are of approximately the same style and approximately the same material and/or finish. The subject merchandise is made substantially of wood products, including both solid wood and also engineered wood products made from wood particles, fibers, or other wooden materials such as plywood, strand board, particle board, and fiberboard, with or without wood veneers, wood overlays, or laminates, with or without non–wood components or trim such as metal, marble, leather, glass, plastic, or other resins, and whether or not assembled, completed, or finished.

The subject merchandise includes the following items: (1) wooden beds such as loft beds, bunk beds, and other beds; (2) wooden headboards for beds (whether stand–alone or attached to side rails), wooden footboards for beds, wooden side rails for beds, and wooden canopies for beds; (3) night tables, night stands, dressers, commodes, bureaus, mule chests, gentlemen's chests, bachelor's chests, lingerie chests, wardrobes, vanities, chessers, chifforobes, and wardrobe–type cabinets; (4) dressers with framed glass mirrors that are attached to, incorporated in, sit on, or hang over the dresser; (5) chests–on-chests,[6] highboys,[7] lowboys,[8] chests of drawers,[9] chests,[10] door chests,[11] chiffoniers,[12] hutches,[13] and armoires;[14] (6) desks,

[1] *See Wooden Bedroom Furniture from the People's Republic of China: Preliminary Results of Antidumping Duty New Shipper Review*, 75 FR 9581 (March 3, 2010) ("*Preliminary Results*").

[2] *See Preliminary Results*, 75 FR at 9586.

[3] *See* Memorandum to The File, through Howard Smith, Program Manager, AD/CVD Operations, Office 4, regarding, "Wage Data," dated July 6, 2010.

[4] *See* Memorandum to The File, through Howard Smith, Program Manager, AD/CVD Operations, Office 4, concerning, "Wage Data," dated July 12, 2010.

[5] *See* Memorandum to The File, through Howard Smith, Program Manager, AD/CVD Operations, Office 4, concerning, "Wage Data," dated July 13, 2010.

[6] A chest-on-chest is typically a tall chest-of-drawers in two or more sections (or appearing to be in two or more sections), with one or two sections mounted (or appearing to be mounted) on a slightly larger chest; also known as a tallboy.

[7] A highboy is typically a tall chest of drawers usually composed of a base and a top section with drawers, and supported on four legs or a small chest (often 15 inches or more in height).

[8] A lowboy is typically a short chest of drawers, not more than four feet high, normally set on short legs.

[9] A chest of drawers is typically a case containing drawers for storing clothing.

[10] A chest is typically a case piece taller than it is wide featuring a series of drawers and with or without one or more doors for storing clothing. The piece can either include drawers or be designed as a large box incorporating a lid.

[11] A door chest is typically a chest with hinged doors to store clothing, whether or not containing drawers. The piece may also include shelves for televisions and other entertainment electronics.

[12] A chiffonier is typically a tall and narrow chest of drawers normally used for storing undergarments and lingerie, often with mirror(s) attached.

[13] A hutch is typically an open case of furniture with shelves that typically sits on another piece of furniture and provides storage for clothes.

[14] An armoire is typically a tall cabinet or wardrobe (typically 50 inches or taller), with doors, and with one or more drawers (either exterior below or above the doors or interior behind the doors), shelves, and/or garment rods or other apparatus for storing clothes. Bedroom armoires may also be used

computer stands, filing cabinets, book cases, or writing tables that are attached to or incorporated in the subject merchandise; and (7) other bedroom furniture consistent with the above list.

The scope of the order excludes the following items: (1) seats, chairs, benches, couches, sofas, sofa beds, stools, and other seating furniture; (2) mattresses, mattress supports (including box springs), infant cribs, water beds, and futon frames; (3) office furniture, such as desks, stand–up desks, computer cabinets, filing cabinets, credenzas, and bookcases; (4) dining room or kitchen furniture such as dining tables, chairs, servers, sideboards, buffets, corner cabinets, china cabinets, and china hutches; (5) other non–bedroom furniture, such as television cabinets, cocktail tables, end tables, occasional tables, wall systems, book cases, and entertainment systems; (6) bedroom furniture made primarily of wicker, cane, osier, bamboo or rattan; (7) side rails for beds made of metal if sold separately from the headboard and footboard; (8) bedroom furniture in which bentwood parts predominate;[15] (9) jewelry armories;[16] (10) cheval mirrors;[17] (11) certain metal parts;[18] (12) mirrors that do not attach to, incorporate in, sit on, or hang over a dresser if they are not designed and marketed to be sold in conjunction with a dresser as part of a dresser–mirror set; (13) upholstered beds[19] and (14) toy boxes.[20]

Imports of subject merchandise are classified under subheading 9403.50.9040 of the HTSUS as "wooden . . . beds" and under subheading 9403.50.9080 of the HTSUS as "other . . . wooden furniture of a kind used in the bedroom." In addition, wooden headboards for beds, wooden footboards for beds, wooden side rails for beds, and wooden canopies for beds may also be entered under subheading 9403.50.9040 of the HTSUS as "parts of wood" and framed glass mirrors may also be entered under subheading 7009.92.5000 of the HTSUS as "glass mirrors . . . framed." The order covers all WBF meeting the above description, regardless of tariff classification. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

Analysis of Comments Received

All issues raised in the post–preliminary comments by parties in this review are addressed in the memorandum from Edward C. Yang, Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Deputy Assistant Secretary for Import Administration, "Issues and Decision Memorandum for the Final Results of the January 2009 through June 2009 New Shipper Review of Wooden Bedroom Furniture from the People's Republic of China," dated July 23, 2010 ("Issues and Decision Memorandum"), which is hereby adopted by this notice. A list of the issues that parties raised and to which the Department responded in the Issues and Decision Memorandum is attached to this notice as an appendix. The Issues and Decision Memorandum is a public document and is on file in the Central Records Unit in room 1117 in the main Commerce Department building, and is also accessible on the Web at <http://ia.ita.doc.gov/frn>. The paper copy and electronic version of the memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of the comments received, we have made the following change to our *Preliminary Results*: Pursuant to a recent decision by the CAFC, we have calculated a revised hourly wage rate to use in valuing Zhejiang Tianyi's reported labor input by averaging earnings and/or wages in countries that are economically comparable to the PRC and that are significant producers of comparable merchandise.[21]

---

to hold television receivers and/or other audio-visual entertainment systems.

[15] As used herein, bentwood means solid wood made pliable. Bentwood is wood that is brought to a curved shape by bending it while made pliable with moist heat or other agency and then set by cooling or drying. *See* Customs' Headquarters' Ruling Letter 043859, dated May 17, 1976.

[16] Any armoire, cabinet or other accent item for the purpose of storing jewelry, not to exceed 24 in width, 18 in depth, and 49 in height, including a minimum of 5 lined drawers lined with felt or felt-like material, at least one side door (whether or not the door is lined with felt or felt-like material), with necklace hangers, and a flip-top lid with inset mirror. *See* Issues and Decision Memorandum from Laurel LaCivita to Laurie Parkhill, Office Director, Concerning Jewelry Armoires and Cheval Mirrors in the Antidumping Duty Investigation of Wooden Bedroom Furniture from the People's Republic of China, dated August 31, 2004. *See also Wooden Bedroom Furniture From the People's Republic of China: Final Changed Circumstances Review, and Determination to Revoke Order in Part*,71 FR 38621 (July 7, 2006).

[17] Cheval mirrors are any framed, tiltable mirror with a height in excess of 50 that is mounted on a floor-standing, hinged base. Additionally, the scope of the order excludes combination cheval mirror/jewelry cabinets. The excluded merchandise is an integrated piece consisting of a cheval mirror, *i.e.*, a framed tiltable mirror with a height in excess of 50 inches, mounted on a floor-standing, hinged base, the cheval mirror serving as a door to a cabinet back that is integral to the structure of the mirror and which constitutes a jewelry cabinet line with fabric, having necklace and bracelet hooks, mountings for rings and shelves, with or without a working lock and key to secure the contents of the jewelry cabinet back to the cheval mirror, and no drawers anywhere on the integrated piece. The fully assembled piece must be at least 50 inches in height, 14.5 inches in width, and 3 inches in depth. *See Wooden Bedroom Furniture From the People's Republic of China: Final Changed Circumstances Review and Determination To Revoke Order in Part*, 72 FR 948 (January 9, 2007).

[18] Metal furniture parts and unfinished furniture parts made of wood products (as defined above) that are not otherwise specifically named in this scope (*i.e.*, wooden headboards for beds, wooden footboards for beds, wooden side rails for beds, and wooden canopies for beds) and that do not possess the essential character of wooden bedroom furniture in an unassembled, incomplete, or unfinished form. Such parts are usually classified under the Harmonized Tariff Schedule of the United States ("HTSUS") subheading 9403.90.7000.

[19] Upholstered beds that are completely upholstered, *i.e.*, containing filling material and completely covered in sewn genuine leather, synthetic leather, or natural or synthetic decorative fabric. To be excluded, the entire bed (headboards, footboards, and side rails) must be upholstered except for bed feet, which may be of wood, metal, or any other material and which are no more than nine inches in height from the floor. *See Wooden Bedroom Furniture from the People's Republic of China: Final Results of Changed Circumstances Review and Determination to Revoke Order in Part*, 72 FR 7013 (February 14, 2007).

[20] To be excluded the toy box must: (1) Be wider than it is tall; (2) have dimensions within 16 inches to 27 inches in height, 15 inches to 18 inches in depth, and 21 inches to 30 inches in width; (3) have a hinged lid that encompasses the entire top of the box; (4) not incorporate any doors or drawers; (5) have slow-closing safety hinges; (6) have air vents; (7) have no locking mechanism; and (8) comply with American Society for Testing and Materials ("ASTM") standard F963-03. Toy boxes are boxes generally designed for the purpose of storing children's items such as toys, books, and playthings. *See Wooden Bedroom Furniture from the People's Republic of China: Final Results of Changed Circumstances Review and Determination to Revoke Order in Part*, 74 FR 8506 (February 25, 2009). Further, as determined in the scope ruling memorandum "Wooden Bedroom Furniture from the People's Republic of China: Scope Ruling on a White Toy Box," dated July 6, 2009, the dimensional ranges used to identify the toy boxes that are excluded from the wooden bedroom furniture order apply to the box itself rather than the lid.

[21] *See* Issues and Decision Memorandum at Comment 1.

New Shipper Status

No party has contested the *bona fide* nature of Zhejiang Tianyi's sale(s) during the POR. Therefore, for these final results we find, as in the *Preliminary Results*, that the new shipper sale made by Zhejiang Tianyi was made on a *bona fide* basis.

Surrogate Country

Since the *Preliminary Results*, no interested party has commented on the selection of the Philippines as the surrogate country. Therefore, we continue to determine that the Philippines is the appropriate surrogate country for the final results of this NSR.

Separate Rates

The Department found in the *Preliminary Results* that Zhejiang Tianyi demonstrated a lack of *de jure* and *de facto* government control with respect to its export activities, and preliminarily determined that it was eligible for a separate rate.[22] No information has been placed on the record of this segment of the proceeding since the *Preliminary Results* to contradict our preliminary separate–rate determination. Therefore, for the final results, we continue to determine that Zhejiang Tianyi is eligible for a separate rate.

Final Results of the New Shipper Review

The Department has determined that the following final dumping margin exists for the period January 1, 2009, through June 30, 2009:

Exporter	Weighted–average margin (percent)
Zhejiang Tianyi Scientific & Educational Equipment Co., Ltd. ..	0

Assessment

The Department will determine, and U.S. Customs and Border Protection ("CBP") shall assess, antidumping duties on all appropriate entries pursuant to 19 CFR 351.212(b). For importers/customers of the respondent where the respondent did not report entered values, we have calculated importer/customer–specific antidumping duty assessment amounts based on the ratio of the total amount of antidumping duties calculated for the examined sales of subject merchandise to the total quantity of subject merchandise sold in those transactions. For importers/customers of the respondent where the respondent reported entered values, we have calculated an *ad valorem* rate for that importer/customer by dividing the total amount of antidumping duties calculated in the examined sales of subject merchandise by the total entered value of those transactions. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of NSR. Where an importer specific *ad valorem* rate is *de minimis*, the Department will order CBP to liquidate appropriate entries without regard to antidumping duties.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of these final results of NSR for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: 1) for the exporter/producer listed above, the cash deposit rate will be the rate shown for these companies; 2) for previously investigated or reviewed PRC and non–PRC exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter–specific rate or combination rate published for the most recent period; 3) for all PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the PRC–wide rate of 216.01 percent; and 4) for all non–PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporters that supplied that non–PRC exporter. These deposit requirements shall remain in effect until further notice.

Notification of Interested Parties

This notice also 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 the antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under the APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing these final results and notice in accordance with sections 751(a)(2)(B), 751(a)(2)(C), and 777(i) of the Act and 19 CFR 351.214(h) and 19 CFR 351.221(b)(5).

Dated: July 23, 2010.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

Appendix I

Comment 1: Zhejiang Tianyi's Eligibility for a New Shipper Review and the Validity of Its Data
Comment 2: Reliance on the Regression–Based Wage Rate as a Surrogate Value of Labor
Comment 3: Whether the Department Should Use the Hourly Wage Rate Only from the Philippines to Value Wage Rate
Comment 4: Whether the Department Should Expand the List of Economically Comparable Countries
Comment 5: The Correction of Errors in the Wage Rate Data

[FR Doc. 2010–18681 Filed 7–28–10; 8:45 am]

BILLING CODE 3510–DS–S

[22] *See Preliminary Results*, 75 FR at 9583.

DEPARTMENT OF COMMERCE

International Trade Administration

[C–489–502]

Certain Welded Carbon Steel Standard Pipe from Turkey: Final Results of Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On April 1, 2010, the Department of Commerce (the Department) published in the **Federal Register** its preliminary results of administrative review of the countervailing duty (CVD) order on certain welded carbon steel standard pipe from Turkey for the January 1, 2008, through December 31, 2008, period of review (POR). *See Certain Welded Carbon Steel Standard Pipe From Turkey: Preliminary Results of Countervailing Duty Administrative Review*, 75 FR 16439 (April 1, 2010) (*Preliminary Results*). The Department preliminarily found that the following producers/exporters of subject merchandise covered by this review had

de minimis net subsidy rates for the POR: (1) Borusan Group, Borusan Mannesmann Boru Sanayi ve Ticaret A.S. (BMB), and Borusan Istikbal Ticaret T.A.S. (Istikbal) (collectively, Borusan); and (2) Tosyali dis Ticaret A.S. (Tosyali) and Toscelik Profil ve Sac Endustrisi A.S. (Toscelik Profil), (collectively, Toscelik).[1] We did not receive any comments on our *Preliminary Results*, and we have made no revisions.

This administrative review is now completed in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). The final net subsidy rate for Borusan and Toscelik is listed below in the "Final Results of Review" section.

EFFECTIVE DATE: July 29, 2010.

FOR FURTHER INFORMATION CONTACT: Kristen Johnson, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–4793.

SUPPLEMENTARY INFORMATION:

Background

On March 7, 1986, the Department published in the **Federal Register** the CVD order on certain welded carbon steel pipe and tube products from Turkey. *See Countervailing Duty Order: Certain Welded Carbon Steel Pipe and Tube Products From Turkey*, 51 FR 7984 (March 7, 1986). On April 1, 2010, the Department published in the **Federal Register** the preliminary results for this review. *See Preliminary Results*, 75 FR 16439. On June 23 and 24, 2010, the Department verified the questionnaire responses submitted by Borusan. *See* Memorandum to Melissa Skinner, Director, AD/CVD Operations, Office 3, from the Team, regarding "Verification of the Questionnaire Responses Submitted by the Borusan Group," (July 7, 2010).[2] The verification report was released to interested parties on July 8, 2010. See Memorandum to the File from Kristen Johnson, Trade Analyst, AD/CVD Operations, Office 3, regarding "Case and Rebuttal Briefs Schedule," (July 9, 2010). In the *Preliminary Results*, we invited interested parties to submit case briefs commenting on the preliminary results or to request a hearing. We did not hold a hearing in this review, as one was not requested, and did not receive any case briefs. We, therefore, have made no revisions to the preliminary results.

Scope of Order

The products covered by this order are certain welded carbon steel pipe and tube with an outside diameter of 0.375 inch or more, but not over 16 inches, of any wall thickness (pipe and tube) from Turkey. These products are currently provided for under the Harmonized Tariff Schedule of the United States (HTSUS) as item numbers 7306.30.10, 7306.30.50, and 7306.90.10. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Final Results of Review

As noted above, the Department received no comments concerning the preliminary results. Therefore, consistent with the *Preliminary Results*, we continue to find that Borusan and Toscelik had *de minimis* net countervailable subsidy rates for the POR. In accordance with section 751(a)(1)(A) of the Act, we calculated a total net countervailable subsidy rate of 0.12 percent *ad valorem* for Borusan and 0.09 percent for Toscelik. Pursuant to 19 CFR 351.106(c), these calculated rates are *de minimis*.

As there have been no changes to or comments on the preliminary results, we are not attaching a decision memorandum to this **Federal Register** notice. For further details of the programs included in this proceeding, *see Preliminary Results*.

Assessment Rates/Cash Deposits

The Department intends to issue assessment instructions to U.S. Customs and Border Protection (CBP) 15 days after the date of publication of these final results, to liquidate shipments of subject merchandise by Borusan and Toscelik entered, or withdrawn from warehouse, for consumption on or after January 1, 2008, through December 31, 2008, without regard to countervailing duties because a *de minimis* subsidy rate was calculated for each company. We will also instruct CBP not to collect cash deposits of estimated countervailing duties on shipments of the subject merchandise by Borusan and Toscelik entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

For all non–reviewed companies, we will instruct CBP to continue to collect cash deposits at the most recent company–specific or country–wide rate applicable to the company. Accordingly, the cash deposit rates that will be applied to companies covered by this order, but not examined in this review, are those established in the most recently completed administrative proceeding for each company. These rates shall apply to all non–reviewed companies until a review of a company assigned these rates is requested.

Return or Destruction of Proprietary Information

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 in accordance with 19 CFR 351.305(a)(3). 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 the terms of an APO is a sanctionable violation.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: July 23, 2010.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 2010–18685 Filed 7–28–10; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–868]

Folding Metal Tables and Chairs From the People's Republic of China: Initiation of New Shipper Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* July 29, 2010.

SUMMARY: The Department of Commerce (the "Department") has determined that a request for a new shipper review of the antidumping duty order on folding metal tables and chairs ("FMTCs") from the People's Republic of China ("PRC"), received on June 30, 2010, meets the statutory and regulatory requirements for initiation. The period of review ("POR") of this new shipper review is June 1, 2009, through May 31, 2010.

FOR FURTHER INFORMATION CONTACT: Lilit Astvatsatrian, Erin Kearney, or Charles Riggle, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department

[1] The review of Yucel Boru Group, Cayirova Boru Sanayi ve Ticaret A.S., Yucelboru Ihracat Ithalat ve Pazarlama A.S., and Yucel Boru ve Profil Endustrisi A.S. (collectively, Yucel) was rescinded. *See Welded Carbon Steel Standard Pipe and Tube from Turkey: Notice of Rescission of Countervailing Duty Administrative Review, In Part*, 74 FR 47921(September 18, 2009).

[2] A public version of this report is available on the public file in room 1117 of the main Department of Commerce building.

of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–6412, (202) 482–0167, and (202) 482–0650, respectively.

SUPPLEMENTARY INFORMATION:

Background

The notice announcing the antidumping duty order on FMTCs from the PRC was published in the **Federal Register** on June 27, 2002. *See Antidumping Duty Order: Folding Metal Tables and Chairs From the People's Republic of China,* 67 FR 43277 (June 27, 2002). On June 30, 2010, we received a timely request for a new shipper review from Xinjiamei Furniture (Zhangzhou) Co., Ltd. ("Xinjiamei") in accordance with 19 CFR 351.214(c) and 351.214(d). Xinjiamei has certified that it produced all of the FMTCs it exported, which is the basis for its request for a new shipper review.

Pursuant to the requirements set forth in 19 CFR 351.214(b)(2)(i)(d), 19 CFR 351.214(b)(2)(ii) and 19 CFR 351.214(b)2(iii), in its request for a new shipper review, Xinjiamei, as an exporter and producer, certified that: (1) It did not export FMTCs to the United States during the period of investigation ("POI"); (2) since the initiation of the investigation, Xinjiamei has never been affiliated with any company that exported subject merchandise to the United States during the period of investigation ("POI"); and (3) its export activities were not controlled by the central government of the PRC.

In accordance with 19 CFR 351.214(b)(2)(iv), Xinjiamei submitted documentation establishing the following: (1) The date on which it first shipped FMTCs for export to the United States and the date on which the FMTCs were first entered, or withdrawn from warehouse, for consumption; (2) the volume of its first shipment; and (3) the date of its first sale to an unaffiliated customer in the United States.

Initiation of New Shipper Review

Pursuant to section 751(a)(2)(B) of the Tariff Act of 1930, as amended (the "Act") and 19 CFR 351.214(d)(1), we find that the request submitted by Xinjiamei meets the threshold requirements for initiation of a new shipper review for shipments of FMTCs from the PRC produced and exported by Xinjiamei. *See* Memorandum to the File through Wendy Frankel, Office Director, New Shipper Initiation Checklist, dated concurrently with this notice. However, if the information supplied by Xinjiamei is later found to be incorrect or insufficient during the course of this proceeding, the Department may rescind the review or apply adverse facts available, depending upon the facts on record. The POR is June 1, 2009, through May 31, 2010. *See* 19 CFR 351.214(g)(1)(i)(A). The Department will conduct this review according to the deadlines set forth in section 751(a)(2)(B)(iv) of the Act.

It is the Department's usual practice, in cases involving non-market economies ("NMEs), to require that a company seeking to establish eligibility for an antidumping duty rate separate from the country-wide rate provide evidence of *de jure* and *de facto* absence of government control over the company's export activities. Accordingly, we will issue questionnaires to Xinjiamei, which will include separate rate sections. The review will proceed if the response provides sufficient indication that Xinjiamei is not subject to either *de jure* or *de facto* government control with respect to its export of FMTCs.

We will instruct U.S. Customs and Border Protection to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for each entry of the subject merchandise from Xinjiamei in accordance with section 751(a)(2)(B)(iii) of the Act and 19 CFR 351.214(e). Because Xinjiamei certified that it both produced and exported the subject merchandise, the sale of which is the basis for this new shipper review request, we will apply the bonding privilege to Xinjiamei only for subject merchandise which Xinjiamei both produced and exported.

Interested parties requiring access to proprietary information in this new shipper review should submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 19 CFR 351.306.

This initiation and notice are in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 19 CFR 351.221(c)(1)(i).

Dated: July 23, 2010.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 2010–18683 Filed 7–28–10; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

National Sea Grant Review Panel

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Sea Grant Advisory Board. Board members will discuss and provide advice on the National Sea Grant College Program in the areas of program evaluation, strategic planning, education and extension, science and technology programs, and other matters as described in the Agenda below.

DATES: The announced meeting is scheduled for: Monday, August 30, 2010.

ADDRESSES: Conference Call. Public access is available at SSMC Bldg 3, ROOM # 5836, 1315 East-West Highway, Silver Spring, MD.

FOR FURTHER INFORMATION CONTACT: Mr. Jim Murray, National Sea Grant College Program, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 11837, Silver Spring, Maryland 20910, (301)734–1070.

SUPPLEMENTARY INFORMATION: The Panel, which consists of a balanced representation from academia, industry, state government and citizens groups, was established in 1976 by Section 209 of the Sea Grant Improvement Act (Pub. L. 94–461, 33 U.S.C. 1128). The Panel advises the Secretary of Commerce and the Director of the National Sea Grant College Program with respect to operations under the Act, and such other matters as the Secretary refers to them for review and advice. The agenda for the meeting is as follows:

Monday, August 30, 2010—3 p.m. to 5 p.m.

Agenda

I. Discussion of Advisory Board report to Congress on the state of Sea Grant.

Dated: July 23, 2010.

Mark E. Brown,

Chief Financial Officer/Chief Administrator Officer, Office of Oceanic and Atmospheric Research.

[FR Doc. 2010–18587 Filed 7–28–10; 8:45 am]

BILLING CODE 3510–KA–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XX91

Gulf of Mexico Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene public meetings.

DATES: The meetings will be held August 16–20, 2010.

ADDRESSES: The meetings will be held at the Crowne Plaza, 200 E. Gregory St., Pensacola, FL 32502.

Council address: Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Dr. Stephen Bortone, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION:

Council

Thursday, August 19, 2010

1 p.m. - The Council meeting will begin.

1:05 p.m. - 1:10 p.m. - There will be the swearing in of the New Council Members.

1:10 p.m. - 1:20 p.m. - The council will review of the agenda and approve of the minutes.

1:20 p.m. - 1:45 p.m. - There will be a briefing on the Deepwater Horizon Oil Spill.

1:45 p.m. - 2 p.m. - The Council will receive a presentation titled "Fisheries 101".

2 p.m. - 6:30 p.m. - The Council will receive public testimony on exempted fishing permits (EFPs), if any; and a Final Framework Action for Greater Amberjack. Afterwards there will be an open public comment period regarding any fishery issue of concern. People wishing to speak before the Council should complete a public comment card prior to the comment period.

Friday, August 20, 2010

8:45 a.m. - 4:45 p.m. - The Council will review and discuss reports from the committee meetings as follows: Reef Fish; AP Selection; SEDAR Selection; Administrative Policy; Shrimp Management; Data Collection; Sustainable Fisheries/Ecosystem; Habitat; Outreach & Education; Budget/Personnel; and Spiny Lobster/Stone Crab.

4:45 p.m. - 5:15 p.m. - Other Business items will follow.

5:15 p.m. - 5:30 p.m. - There will be an election for Council Chairman and Vice Chairman. The Council will conclude its meeting at approximately 5:30 p.m.

Committees

Monday, August 16, 2010

12 p.m. - 5:30 p.m. - The Sustainable Fisheries/Ecosystem Committee will discuss the options paper for the Generic Annual Catch Limit/Accountability Measures Amendment including reports on derivation of acceptable biological catch; the committee will also review the summary of the Ecosystem Scientific & Statistical Committee Meeting.

-Recess-

Tuesday, August 17, 2010

8:30 a.m. - 8:45 a.m. - **CLOSED SESSION** - Full Council - The AP Selection Committee and full Council will appoint a vice chair of the Ad Hoc Reef Fish Limited Access Privilege Program Advisory Panel.

8:45 a.m. - 9 a.m. - **CLOSED SESSION** - Full Council - The SEDAR Selection Committee and full Council will appoint participants to the SEDAR Greater Amberjack Review workshop and the SEDAR Spiny Lobster Assessment workshop.

9 a.m. - 11 a.m. - The Administrative Policy Committee will discuss modifications to the Administrative Handbook.

11 a.m. - 12 p.m. - The Shrimp Management Committee will discuss the take of Smalltooth Sawfish and Sturgeon.

1:30 p.m. - 5 p.m. - The Reef Fish Management Committee will take final action on a framework action for greater amberjack; discuss the Red Grouper regulatory amendment - codified text of regulations and Gag Interim Rule; receive a status report on Amendment 32 Gag/Red Grouper; discuss a Fish Tag System for recreational Grouper; discuss Black Grouper allocation between the Gulf and South Atlantic; discuss the pros and cons of regionalized management; review a discussion paper on potential Red Snapper changes; review the Red Snapper IFQ; review the IFQ finance program; and review an Options Paper for Red Snapper TAC in 2011 and 2012.

-Recess-

Wednesday, August 18, 2010

8:30 a.m. - 12 p.m. & 1:30 p.m. - 3:30 p.m. - The Reef Fish Management Committee will continue to meet.

3:30 p.m. - 4:30 p.m. - The Data Collection Committee will receive a report from the Data Collection Advisory Panel meeting and the Vessel Monitoring System Advisory Panel; discuss a Fish Tag System for recreational Grouper; and receive a presentation on MRFSS Landing Data Frequency.

4:30 p.m. - 5 p.m. - The Outreach and Education Committee will receive a summary from the Outreach and Education Advisory Panel Meeting.

-Recess-

Immediately Following Committee Recess - There will be an informal open public question and answer session on Gulf of Mexico Fishery Management Issues.

Thursday, August 19, 2010

8:30 a.m. - 9 a.m. - The Budget/Personnel Committee will receive a quarterly budget review.

9 a.m. - 11 a.m. - The Spiny Lobster Management Committee will review draft Amendment 10 for Spiny Lobster.

11 a.m. - 11:30 a.m. - The Habitat Protection Committee will receive a status report on Essential Fish Habitat update and a review of the Habitat policy and procedures section of the Handbook.

Although other non-emergency issues not on the agendas may come before the Council and Committees for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during these meetings. Actions of the Council and Committees will be restricted to those issues specifically identified in the agendas and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency. The established times for addressing items on the agenda may be adjusted as necessary to accommodate the timely completion of discussion relevant to the agenda items. In order to further allow for such adjustments and completion of all items on the agenda, the meeting may be extended from, or completed prior to the date/time established in this notice.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Tina O'Hern at the Council (see **ADDRESSES**) at least 5 working days prior to the meeting.

Dated: July 23, 2010.

Tracey L. Thompson,

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

[FR Doc. 2010–18586 Filed 7–28–10; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XX87

Marine Fisheries Advisory Committee

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

ACTION: Notice of open public meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Marine Fisheries Advisory Committee (MAFAC). The members will discuss and provide advice on issues outlined in the agenda below.

DATES: The meeting is scheduled for August 12, 2009, from 2 – 4 p.m. Eastern Daylight Time.

ADDRESSES: Conference call. Public access is available at SSMC3, Room 13817, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Heidi Lovett, (301) 713–9070 x–118; e-mail: *Heidi.Lovett@noaa.gov*.

SUPPLEMENTARY INFORMATION: The MAFAC was established by the Secretary of Commerce (Secretary) on February 17, 1971, to advise the Secretary on all living marine resource matters that are the responsibility of the Department of Commerce. This committee advises and reviews the adequacy of living marine resource policies and programs to meet the needs of commercial and recreational fisheries, and environmental, State, consumer, academic, tribal, governmental and other national interests. The complete charter and summaries of prior meetings are located online at *http://www.nmfs.noaa.gov/ocs/mafac/*.

Matters To Be Considered

This meeting is convening to discuss and consider recommendations of the MAFAC Strategic Planning, Budget and Program Management Subcommittee on the NOAA Next Generation Strategic Plan. This agenda is subject to change.

Dated: July 23, 2010.

Samuel D. Rauch III,

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

[FR Doc. 2010–18666 Filed 7–28–10; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Science Advisory Board, Notice of Public Meeting

AGENCY: Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of Public Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the NOAA Science Advisory Board. The members will discuss and provide advice on issues outlined in the agenda below.

DATES: The meeting is scheduled for: Wednesday, August 4, 2010 from 3 p.m.–5 p.m. Eastern Time.

ADDRESSES: Conference call. Public access is available at: NOAA, SSMC 3, Room 11836, 1315 East-West Highway, Silver Spring, MD.

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*).

SUPPLEMENTARY INFORMATION: 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.

Matters to be Considered: The agenda for the meeting is as follows:

Date and Time: Wednesday, August 4, 2010; 3 p.m.–5 p.m. Eastern Time

Agenda

1. Discussion and consideration of comments from the Working Groups of the NOAA Science Advisory Board on the NOAA Next Generation Strategic Plan and decision on final comments to be transmitted to NOAA.
2. Discussion and consideration of the transmittal letter to NOAA highlighting recommendations from the report from the April 2010 meeting of the Climate Working Group.
3. Discussion and consideration of next actions on NOAA Science Workshop White Paper.

Dated: July 23, 2010.

Mark E. Brown,

Chief Financial Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2010–18588 Filed 7–28–10; 8:45 am]

BILLING CODE 3510–KD–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XX45

Takes of Marine Mammals Incidental to Specified Activities; Marine Geophysical Survey in the Northwest Pacific Ocean, July Through September, 2010

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

ACTION: Notice; issuance of an incidental take authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA) regulations, notification is hereby given that NMFS has issued an Incidental Harassment Authorization (IHA) to Lamont-Doherty Earth Observatory (L–DEO), a part of Columbia University, to take small numbers of marine mammals, by harassment, incidental to conducting a marine geophysical survey at the Shatsky Rise in the northwest Pacific Ocean, July through September, 2010.

DATES: Effective July 19, 2010, through September 28, 2010.

ADDRESSES: A copy of the IHA and application are available 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 or by telephoning the contacts listed here. A copy of the application containing a list of the references used in this document may be obtained by writing to the above address, telephoning the contact listed here (*see* **FOR FURTHER INFORMATION CONTACT**) or visiting the internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications.* The following associated documents are also available at the same internet address: Environmental Assessment (EA) prepared by NMFS, and the finding of no significant impact (FONSI). The NMFS Biological Opinion will be available online at: *http://www.nmfs.noaa.gov/pr/consultation/opinions.htm.* Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address. Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address.

FOR FURTHER INFORMATION CONTACT: Jeannine Cody, Office of Protected Resources, NMFS, (301) 713–2289, ext. 113 or Benjamin Laws, Office of Protected Resources, NMFS, (301) 713–2289, ext. 159.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(D) of the MMPA (16 U.S.C. 1371(a)(5)(D)) directs the Secretary of Commerce to authorize, upon request, the incidental, but not intentional, taking of small numbers of marine mammals of a species or population stock, 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, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Authorization for incidental taking of small numbers of marine mammals shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses. The authorization must set forth the permissible methods of taking, other means of effecting the least practicable adverse impact on the species or stock and its habitat, and monitoring and reporting of such takings. NMFS has defined "negligible impact" in 50 CFR 216.103 as "* * * an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival."

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Section 101(a)(5)(D) of the MMPA establishes a 45-day time limit for NMFS' review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of small numbers of marine mammals. Within 45 days of the close of the public comment period, NMFS must either issue or deny the authorization.

Except with respect to certain activities not pertinent here, the MMPA defines "harassment" as:

> any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Summary of Request

NMFS received an application on February 2, 2010 from L–DEO for the taking by harassment, of marine mammals, incidental to conducting a marine geophysical survey in the northwest Pacific Ocean. L–DEO, with research funding from the U.S. National Science Foundation (NSF), plans to conduct a marine seismic survey in the northwest Pacific Ocean, from July through September, 2010.

L–DEO plans to use one source vessel, the R/V *Marcus G. Langseth* (*Langseth*), a seismic airgun array, and ocean bottom seismometers (OBS) to conduct a geophysical survey at the Shatsky Rise, a large igneous plateau in the northwest Pacific Ocean. The survey will provide data necessary to decipher the crustal structure of the Shatsky Rise; may address major questions of Earth history, geodynamics, and tectonics; could impact the understanding of terrestrial magmatism and mantle convection; and may obtain data that could be used to improve estimates of regional earthquake occurrence and distribution. In addition to the operations of the seismic airgun array, L–DEO intends to operate a multibeam echosounder (MBES) and a sub-bottom profiler (SBP) continuously throughout the survey.

Acoustic stimuli (*i.e.,* increased underwater sound) generated during the operation of the seismic airgun array, may have the potential to cause marine mammals in the survey area to be behaviorally disturbed in a manner that NMFS considers to be Level B harassment. This is the principal means of marine mammal taking associated with these activities and L–DEO has requested an authorization to take several marine mammals by Level B harassment.

Description of the Specified Activity

L–DEO's seismic survey on the Shatsky Rise is scheduled to commence on July 24, 2010, and continue for approximately 17 days ending on September 7, 2010. L–DEO will operate the *Langseth* to deploy an airgun array, deploy and retrieve OBS, and tow a hydrophone streamer to complete the survey.

The *Langseth* will transit to the Shatsky Rise, located at 30–37 °N, 154–161°E in international waters offshore from Japan. Some minor deviation from these dates is possible, depending on logistics, weather conditions, and the need to repeat some lines if data quality is substandard. Therefore, NMFS plans to issue an authorization that extends to September 28, 2010.

Geophysical survey activities will involve conventional seismic methodologies to decipher the crustal structure of the Shatsky Rise. To obtain high-resolution, 3–D structures of the area's magmatic systems and thermal structures, the *Langseth* will deploy a towed array of 36 airguns as an energy source and approximately 28 OBSs and a 6-kilometer (km) long hydrophone streamer. As the airgun array is towed along the survey lines, the hydrophone streamers will receive the returning acoustic signals and transfer the data to the vessel's onboard processing system. The OBSs record the returning acoustic signals internally for later analysis.

The Shatsky Rise study (*e.g.,* equipment testing, startup, line changes, repeat coverage of any areas, and equipment recovery) will take place in international waters deeper than 1,000 meters (m) (3,280 feet (ft)) and will require approximately 17 days (d) to complete approximately 15 transects of variable lengths totaling 3,160 kilometers (km) of survey lines. Data acquisition will include approximately 408 hours (hr) of airgun operation (17 d × 24 hr).

The scientific team consists of Drs. Jun Korenaga (Yale University, New Haven, CT), and William Sager (Texas A&M University, College Station, TX).

NMFS outlined the purpose of the program in a previous notice for the proposed IHA (75 FR 28568, May 21,

2010). The activities to be conducted have not changed between the proposed IHA notice and this final notice announcing the issuance of the IHA. For a more detailed description of the authorized action, including vessel and acoustic source specifications, the reader should refer to the proposed IHA notice (75 FR 28568, May 21, 2010).

Comments and Responses

A notice of receipt of the L–DEO application and proposed IHA was published in the **Federal Register** on May 21, 2010 (75 FR 28568). During the comment period, NMFS received comments from the Marine Mammal Commission (Commission). The public comments can be found online at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm.* Following are their comments and NMFS' responses.

Comment 1: The Commission recommends that before issuing the requested IHA, NMFS provide additional justification for its preliminary determination that the planned monitoring program will be sufficient to detect with a high level of confidence, all marine mammals within or entering the identified exclusion zones.

Response: NMFS believes that the planned monitoring program will be sufficient to detect (using visual detection and PAM), with reasonable certainty, most marine mammals within or entering identified exclusion zones (EZs). This monitoring, along with the required mitigation measures, will result in the least practicable adverse impact on the affected species or stocks and will result in a negligible impact on the affected species or stocks.

At present, NMFS views the combination of visual and passive acoustic monitoring as the most effective mitigation techniques available for detecting marine mammals within or entering the exclusion zone. L–DEO and the federal funding agency (NSF) are receptive to incorporating proven technologies and techniques to enhance the current monitoring and mitigation program. Until proven technological advances are made, nighttime mitigation measures during operations include combinations of the use of protected species visual observers (PSVOs), PAM, night vision devices, and continuous shooting of a mitigation gun. Should the airgun array be powered-down, it is believed that the operation of a single airgun continues to serve as a sound source deterrent to marine mammals. In the event of a complete airgun array shut down, for mitigation or repairs, then science is suspended until one half hour after civil dawn (when PSO's are able to clear the safety zone). Science does not begin until the entire safety radius is visible for at least 30 minutes.

In cooperation with NMFS, L–DEO will be conducting efficacy experiments of night vision devices (NVD) during a future *Langseth* cruise. In addition, in response to a recommendation from NMFS, L–DEO is evaluating the use of handheld thermal imaging cameras to supplement nighttime mitigation practices. These devices are currently successfully utilized by another federal agency while conducting nighttime seismic operations.

Comment 2: The Commission recommends that NMFS require the applicant to use location-specific environmental parameters to re-estimate exclusion zones and verify the estimates with field measurements prior to or at the beginning of the study.

Response: L–DEO and the NSF have invested significant resources into the *Langseth's* seismic equipment calibration studies. The data results from the studies were peer reviewed and the calibration results, viewed as conservative, were used to determine the cruise-specific exclusion zones. With the expected low density of marine mammals, combined with the remote, deep water survey location, NMFS has determined that the exclusion zones identified in the IHA are appropriate for the survey.

Comment 3: The Commission recommends that NMFS require the applicant to re-estimate exposures based upon location-specific environmental parameters and associated ensonified areas.

Response: See the response to Comment 2. NMFS has concluded that the exposures estimated in the IHA are appropriate for this survey.

Comment 4: Clarify the qualifiers "when practical," "if practical," and "when feasible" with respect to: (1) Using two marine mammal observers to monitor the exclusion zone for marine mammals during daytime operations and nighttime start-ups of the airguns; (2) using crew members to assist observers in detecting marine mammals and implementing mitigation requirements; and (3) using marine mammal observers during daytime periods to compare sighting rates and animal behavior during times when seismic airguns are and are not operating.

Response: The *Langseth* typically carries five trained, NMFS-qualified and experienced PSVOs for every seismic study involving use of an airgun system comparable to that planned for the upcoming project. PSVOs are appointed by L–DEO with NMFS concurrence. L–DEO will utilize two (except during meal times and restroom breaks), NMFS-qualified, vessel-based PSVOs to watch for and monitor marine mammals near the seismic source vessel during all daytime airgun operations and before and during start-ups of airguns day or night. PSVOs will have access to reticle binoculars, big-eye binoculars, and night vision devices to scan the area around the vessel. PSVOs will alternate between binoculars and the naked eye to avoid eye fatigue. During all daytime periods, two PSVOs will be on duty from the observation tower to monitor. During mealtimes it is sometimes difficult to have two PSVOs on effort, but at least one PSVO will be on watch during bathroom breaks and mealtimes. Use of two simultaneous observers increases the effectiveness of detecting animals near the source vessel. However, during meal times, only one PSVO may be on duty.

The complement of five PSVOs will rotate shifts, with generally three PSVOs typically on watch at a time, with duty shifts lasting typically one to four hours. Two PSVOs will also be on visual watch during all nighttime start-ups of the seismic airguns. A third PSVO will monitor the PAM equipment 24 hours a day to detect vocalizing marine mammals present in the action area. In summary, a typical daytime cruise would have scheduled two PSVOs on duty from the observation tower, a third PSVO on PAM, and a fourth and fifth PSVO off duty in preparation for shifts.

L–DEO will also instruct the *Langseth* crew to assist in detecting marine mammals and turtles and implementing mitigation requirements.

Last, PSVOs will conduct observations during daytime periods when the seismic system is not operating for comparison of sighting rates and behavior both with versus without airgun operations and between acquisition periods.

Comment 5: Propose to L–DEO that it revise its study design to add pre- and post-seismic survey assessments as a way of obtaining more realistic baseline sighting rates for marine mammals, as well as better assessment of impacts and recovery from those impacts.

Response: Extending the survey is not practicable from an operational standpoint for the applicant. Due to the remote location of the survey and the length of time needed to conduct the requested science experiment, there is little time left for the vessel to operate without the need for refueling and servicing.

During the cruise, there will be significant amounts of transit time pre- and post-survey during which PSVOs

will be on watch (*e.g.,* prior-to and after seismic portions of the survey and during the deployment and retrieval of the OBSs. Considering the low marine mammal density anticipated at this survey site, it is unlikely that the information would result in any statistically robust conclusions for this particular seismic survey.

Comment 6: Clarify the qualifier "ideally," including the conditions under which the towed hydrophones would not be monitored, and clarify and describe the conditions that it assumes would render the use of passive acoustic monitoring impracticable for supplementing the visual monitoring program.

Response: The primary PAM streamer on the *Langseth* is a digital hydrophone streamer. Should the digital streamer fail, back-up systems should include an analog spare streamer and a hull-mounted hydrophone. Every effort would be made to have a working PAM system during the cruise. In the unlikely event that all three of these systems were to fail, L–DEO would continue science acquisition with the visual based PSVO program. Until further technological advances are made with the PAM system, it is still viewed as a supplementary enhancement to the visual monitoring program. If weather conditions were to prevent the use of PAM, then conditions would also likely prevent the use of the airgun array.

The towed hydrophones will ideally be monitored 24 hours per day while at the seismic survey area during airgun operations, and during most periods when the *Langseth* is underway while the airguns are not operating; PAM may not be possible if damage occurs to both the primary and back-up hydrophone arrays during operations.

Comment 7: Extend the monitoring period to at least one hour before initiation of seismic activities and at least one hour before the resumption of airgun activities after a shutdown because of a marine mammal sighting within an exclusion zone.

Response: As the Commission points out, several species of deep-diving cetaceans are capable of remaining underwater for more than 30 minutes; however, for the following reasons NMFS believes that 30 minutes is an adequate length for the monitoring period prior to the start-up of airguns:

(1) Because the *Langseth* is required to monitor before ramp-up of the airgun array, the time of monitoring prior to start-up of any but the smallest array is effectively longer than 30 minutes (ramp-up will begin with the smallest airgun in the array and airguns will be added in sequence such that the source level of the array will increase in steps not exceeding approximately 6 dB per 5 minute period over a total duration of 20 to 30 minutes);

(2) In many cases PSVOs are making observations during times when the seismic airguns are not being operated and will actually be observing prior to the 30-minute observation period anyway;

(3) The majority of the species that may be exposed do not stay underwater more than 30 minutes; and

(4) All else being equal and if deep-diving individuals happened to be in the area in the short time immediately prior to the pre-start-up monitoring, if an animal's maximum underwater dive time is 45 minutes, then there is only a one in three chance that the last random surfacing would occur prior to the beginning of the required 30-minute monitoring period and that the animal would not be seen during that 30-minue period.

Also, seismic vessels are moving continuously (because of the long, towed array) and NMFS believes that unless the animal submerges and follows at the speed of the vessel (highly unlikely, especially when considering that a significant part of their movements is vertical [deep-diving]), the vessel will be far beyond the length of the exclusion zone (EZ) radii within 30 minutes, and therefore it will be safe to start the airguns again.

The effectiveness of monitoring is science-based and the requirement that mitigation measures be "practicable." NMFS believes that the framework for visual monitoring will: (1) Be effective at spotting almost all species for which take is requested; and (2) that imposing additional requirements, such as those suggested by the Commission, would not meaningfully increase the effectiveness of observing marine mammals approaching or entering the EZs.

Comment 8: The Commission recommends that, before issuing the requested IHA, NMFS require that observers collect and analyze data on the effectiveness of ramp-up as a mitigation measure during all such procedures.

Response: The IHA requires that PSVOs on the *Langseth* make observations for 30 minutes prior to ramp-up, during all ramp-ups, and during all daytime seismic operations and record the following information when a marine mammal is sighted:

(i) Species, group size, age/size/sex categories (if determinable), behavior when first sighted and after initial sighting, heading (if consistent), bearing and distance from seismic vessel, sighting cue, apparent reaction to the airguns or vessel (*e.g.,* none, avoidance, approach, paralleling, etc., and including responses to ramp-up), and behavioral pace; and

(ii) Time, location, heading, speed, activity of the vessel (including number of airguns operating and whether in state of ramp-up or power-down), Beaufort wind force sea state, visibility, and sun glare.

One of the primary purposes of monitoring is to result in "increased knowledge of the species" and the effectiveness of monitoring and mitigation measures; the effectiveness of marine mammal's reaction to ramp-up would be useful information in this regard. NMFS has asked NSF and L–DEO to gather all data that could potentially provide information regarding the effectiveness of ramp-ups as a mitigation measure. However, considering the low numbers of marine mammal sightings and low numbers of ramp-ups, it is unlikely that the information will result in any statistically robust conclusions for this particular seismic survey. Over the long term, these requirements may provide information regarding the effectiveness of ramp-up as a mitigation measure, provided animals are detected during ramp-up.

Post-cruise monitoring reports required by the IHA contain vast amounts of sighting data. LGL Ltd., Environmental Research Associates (LGL), a contractor for L–DEO, has processed sighting and density and data, and their publications can be viewed online at: *http://www.lgl.com/index.php?option=com_content&view=article&id=69&Itemid=162&lang=en.* Post-cruise monitoring reports are currently available on the NMFS MMPA Incidental Take Program Web site and future reports will also be available on the NSF Web site should there be interest in further analysis of this data by the public.

Comment 9: The Commission requests that NMFS work with the applicant to correct discrepancies within the application and between the application and **Federal Register** notice. The last paragraph of page 8 of the application states that "[t]hirty-three cetacean species including 26 odontocete species and seven mysticetes may occur in the Shatsky Rise area * * *" but then goes on to state that the "[i]nformation on the occurrence, distribution, population size, and conservation status for each of the 34 marine mammal species that may occur in the study area is presented in Table 2. The text of the notice refers to 34 species of marine mammals that

could be taken by harassment, but Table 3 in the notice lists only 32 species.

Response: NMFS could find no discrepancies in L–DEO's application between the last paragraph on page 8 and Table 2. The application discussed 33 species which included 26 odontocetes, seven mysticetes and the addition of one pinniped, the northern fur seal (*Callorhinus ursinus*), totaling 34 species shown in Table 2.

Please note that Table 3 combines three cryptic species (Ginkgo-toothed beaked whale, Stejneger's beaked whale, and Hubb's beaked whale into one category, named *Mesoplodon spp.;* thus reducing the number of species listed in Table 3 by two for a total of 32 species. However, the total number of species that could be taken by harassment remains at 34 animals.

Comment 10: The Commission requests that NMFS advise the applicant of the need to use the 160-dB re 1 $\mu Pa_{(rms)}$ threshold for all cetaceans as currently used by the Service or to explain the bases for using some other sound level as the appropriate threshold.

Response: The applicant understands that the 170-dB level is currently not an accepted threshold level for an authorization from NMFS. The requested takes are based on the 160-dB level.

In closing, NMFS is open to meeting with the Commission to further discuss the broad issues raised in their comments, which relate to more than just the IHA contemplated here. NMFS' staff has contacted Commission staff in response to this request and will follow up to schedule a meeting this year.

Description of the Marine Mammals in the Area of the Specified Activity

Thirty-four marine mammal species may occur in the Shatsky Rise survey area, including 26 odontocetes (toothed cetaceans), 7 mysticetes (baleen whales) and one pinniped. Six of these species are listed as endangered under the U.S. Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*), including the north Pacific right (*Eubalena japonica*), humpback (*Megaptera novaeangliae*), sei (*Balaenoptera borealis*), fin (*Balaenoptera physalus*), blue (*Balaenoptera musculus*), and sperm (*Physeter macrocephalus*) whale.

The western North Pacific gray whale (*Eschrichtius robustus*) occurs in the northwest Pacific Ocean and is listed as endangered under the ESA and as critically endangered by the International Union for Conservation of Nature (IUCN). L–DEO does not expect to encounter this species within the survey area as gray whales are known to prefer nearshore coastal waters. Thus, L–DEO does not present analysis for this species nor does the application request take for this species.

NMFS has presented a more detailed discussion of the status of these stocks and their occurrence in the northeastern Pacific Ocean, as well as other marine mammal species that occur around Shatsky Rise, in the notice of the proposed IHA (75 FR 28568, May 21, 2010).

Potential Effects on Marine Mammals

Summary of Potential Effects of Airgun Sounds

Level B harassment of cetaceans and pinnipeds has the potential to occur during the seismic survey due to acoustic stimuli caused by the firing of a single airgun or the 36-airgun array which introduces sound into the marine environment. The effects of sounds from airguns might include one or more of the following: Tolerance, masking of natural sounds, behavioral disturbance, temporary or permanent hearing impairment, or non-auditory physical or physiological effects (Richardson *et al.,* 1995; Gordon *et al.,* 2004; Nowacek *et al.,* 2007; Southall *et al.,* 2007). Permanent hearing impairment, in the unlikely event that it occurred, would constitute injury, but temporary threshold shift (TTS) is not an injury (Southall *et al.,* 2007). Although the possibility cannot be entirely excluded, it is unlikely that the project would result in any cases of temporary or permanent hearing impairment, or any significant non-auditory physical or physiological effects. Some behavioral disturbance is expected, but NMFS expects the disturbance to be localized and short-term.

The notice of the proposed IHA (75 FR 28568, May 21, 2010) included a discussion of the effects of sounds from airguns on mysticetes, odontocetes, and pinnipeds, including tolerance, masking, behavioral disturbance, hearing impairment, and other non-auditory physical effects. Additional information on the behavioral reactions (or lack thereof) by all types of marine mammals to seismic vessels can be found in L–DEO's application and NMFS' EA. The notice of the proposed IHA also included a discussion of the potential effects of the multibeam echosounder (MBES) and the sub-bottom profiler (SBP). Because of the shape of the beams of these sources and their power, NMFS believes it unlikely that marine mammals will be exposed to either the MBES or the SBP at levels at or above those likely to cause harassment. Further, NMFS believes that the brief exposure of cetaceans to a few signals from the multi-beam bathymetric sonar system is not likely to result in the harassment of marine mammals.

Anticipated Effects on Marine Mammal Habitat

A detailed discussion of the potential effects of this action on marine mammal habitat, including physiological and behavioral effects on marine fish and invertebrates was included in the proposed IHA (75 FR 28568, May 21, 2010). Based on the discussion in the proposed IHA notice and the nature of the activities (limited duration), the authorized operations are not expected to result in any permanent impact on habitats used by marine mammals, including the food sources they use. The main impact associated with the activity will be temporarily elevated noise levels and the associated direct effects on marine mammals.

Mitigation

In order to issue an incidental take authorization (ITA) under Section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable adverse impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and the availability of such species or stock for taking for certain subsistence uses.

L–DEO has based the mitigation measures described herein, to be implemented for the seismic survey, on the following:

(1) Protocols used during previous L–DEO seismic research cruises as approved by NMFS;

(2) previous IHA applications and IHAs approved and authorized by NMFS; and

(3) recommended best practices in Richardson *et al.* (1995), Pierson *et al.* (1998), and Weir and Dolman, (2007).

To reduce the potential for disturbance from acoustic stimuli associated with the activities, L–DEO and/or its designees will implement the following mitigation measures for marine mammals:

(1) Exclusion zones;

(2) power-down procedures;

(3) shutdown procedures, including procedures for species of concern such as emergency shut-down procedures for North Pacific right whales; and

(4) ramp-up procedures.

Exclusion Zones–During the study, all survey effort will take place in deep (greater than 1,000 m) water. L–DEO

uses safety radii to designate exclusion zones and to estimate take (described in greater detail in Section VII of the application) for marine mammals. Table 1 shows the distances at which three sound levels (160-, 180-, and 190-dB) are expected to be received from the 36-airgun array and a single airgun. The 180- and 190-dB levels are shut-down criteria applicable to cetaceans and pinnipeds, respectively, as specified by NMFS (2000); and L–DEO used these levels to establish the EZs.

TABLE 1—MEASURED (ARRAY) OR PREDICTED (SINGLE AIRGUN) DISTANCES TO WHICH SOUND LEVELS ≥190, 180, AND 160 DB RE: 1 μPA COULD BE RECEIVED IN DEEP (>1000 M; 3280 FT) WATER FROM THE 36-AIRGUN ARRAY, AS WELL AS A SINGLE AIRGUN, DURING THE SHATSKY RISE SEISMIC SURVEY, JULY—SEPTEMBER, 2010 (BASED ON L–DEO MODELS AND TOLSTOY *et al.,* 2009).

Source and volume	Tow depth (m)	*Predicted RMS Distances (m)*		
		190 dB	180 dB	160 dB
Single Bolt airgun 40 in^3	*9–12	12	40	385
4 Strings 36 airguns 6,600 in^3	9	400	940	3,850
	12	460	1,100	4,400

*The tow depth has minimal effect on the maximum near-field output and the shape of the frequency spectrum for the single 40-in^3 airgun; thus the predicted safety radii are essentially the same at each tow depth.

If the protected species visual observer (PSVO) detects marine mammal(s) within or about to enter the appropriate EZ, the *Langseth* crew will immediately power down the airguns, or perform a shut down immediately (*see* Shut-down Procedures).

Power-Down Procedures—A power down involves decreasing the number of airguns in use such that the radius of the 180–dB zone is decreased to the extent that marine mammals are no longer in or about to enter the EZ. A power down of the airgun array can also occur when the vessel is moving from one seismic line to another. During a power down for mitigation, L–DEO will operate one airgun. The continued operation of one airgun is intended to alert marine mammals to the presence of the seismic vessel in the area. In contrast, a shut down occurs when the *Langseth* suspends all airgun activity.

If the PSVO detects a marine mammal (other than a north Pacific right whale—*see* Shut-down Procedures) outside the EZ, but it is likely to enter the EZ, L–DEO will power down the airguns to a single airgun before the animal is within the EZ. Likewise, if a mammal is already within the EZ when first detected L–DEO will power down the airguns immediately. During a power down of the airgun array, L–DEO will also operate the 40-in^3 airgun. If the PSVO detects a marine mammal within or near the smaller EZ around that single airgun (Table 1), L–DEO will shut down the airgun (*see* next Section).

Following a power down, L–DEO will not resume airgun activity until the marine mammal has cleared the safety zone for the full array. L–DEO will consider the animal to have cleared the EZ if:

- A PSVO has visually observed the animal leave the EZ, or
- a PSVO has not sighted the animal within the EZ for 15 minutes. for small odontocetes (or pinnipeds), or 30 min. for mysticetes and large odontocetes, including sperm, pygmy sperm, dwarf sperm, and beaked whales.

During airgun operations following a power down (or shut down) whose duration has exceeded the time limits specified previously, L–DEO will ramp-up the airgun array gradually (*see* Shut-down Procedures).

Shut-down Procedures—L–DEO will shut down the operating airgun(s) if a marine mammal is seen within or approaching the EZ for the single airgun. L–DEO will implement a shut down:

(1) If an animal enters the EZ of the single airgun after L–DEO has initiated a power down, or

(2) If an animal is initially seen within the EZ of the single airgun when more than one airgun (typically the full airgun array) is operating. L–DEO will not resume airgun activity until the marine mammal has cleared the EZ, or until the PSVO is confident that the animal has left the vicinity of the vessel. Criteria for judging that the animal has cleared the EZ will be as described in the preceding section.

Considering the conservation status for North Pacific right whales, L–DEO will shut down the airgun(s) immediately in the unlikely event that this species is observed, regardless of the distance from the *Langseth.* L–DEO will only begin a ramp-up if the right whale has not been seen for 30 minutes.

Ramp-Up Procedures—L–DEO will follow a ramp-up procedure when the airgun array begins operating after a specified period without airgun operations or when a power down has exceeded that period. L–DEO proposes that, for the present cruise, this period would be approximately 8 minutes. This period is based on the 180–dB radius (940 m, 3,084 ft) for the 36-airgun array towed at a depth of 9 m relation to the minimum planned speed of the Langseth while shooting (7.4 km/h, 4.6 mi/h). Similar periods (approximately 8–10 minutes) were used during previous L–DEO surveys.

Ramp-up will begin with the smallest airgun in the array (40-in^3). Airguns will be added in a sequence such that the source level of the array will increase in steps not exceeding six dB per five-minute period over a total duration of approximately 35 minutes. During ramp-up, the PSVOs will monitor the EZ, and if marine mammals are sighted, L–DEO will implement a power down or shut down as though the full airgun array were operational.

If the complete EZ has not been visible for at least 30 minutes prior to the start of operations in either daylight or nighttime, L–DEO will not commence the ramp-up unless at least one airgun (40-in^3 or similar) has been operating during the interruption of seismic survey operations. Given these provisions, it is likely that the airgun array will not be ramped up from a complete shut down at night or in thick fog, because the outer part of the safety zone for that array will not be visible during those conditions. If one airgun has operated during a power-down period, ramp-up to full power will be permissible at night or in poor visibility, on the assumption that marine mammals will be alerted to the approaching seismic vessel by the sounds from the single airgun and could move away. L–DEO will not initiate a ramp-up of the airguns if a marine mammal is sighted within or near the applicable EZs during the day or close to the vessel at night.

NMFS has carefully evaluated the applicant's mitigation measures and has considered a range of other measures in the context of ensuring that NMFS prescribes the means of effecting the least practicable adverse impact on the affected marine mammal species and stocks and their habitat. Our evaluation of potential measures included consideration of the following factors in relation to one another: (1) The manner in which, and the degree to which, the successful implementation of the measure is expected to minimize adverse impacts to marine mammals; (2) the proven or likely efficacy of the specific measure to minimize adverse impacts as planned; and (3) the practicability of the measure for applicant implementation.

Based on our evaluation of the applicant's mitigation measures, as well as other measures considered by NMFS or recommended by the public, NMFS has determined that the required mitigation measures provide the means of effecting the least practicable adverse impacts on marine mammals species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

In order to issue an ITA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth "requirements pertaining to the monitoring and reporting of such taking." The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for IHAs must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the action area.

L–DEO proposes to sponsor marine mammal monitoring during the present project, in order to implement the mitigation measures that require real-time monitoring, and to satisfy the anticipated monitoring requirements of the IHA. L–DEO's Monitoring Plan is described below this section and was planned as a self-contained project independent of any other related monitoring projects that may be occurring simultaneously in the same regions. L–DEO is prepared to discuss coordination of its monitoring program with any related work that might be done by other groups insofar as this is practical.

Vessel-based Visual Monitoring

PSVOs will be based aboard the seismic source vessel and will watch for marine mammals near the vessel during daytime airgun operations and during any start-ups at night. PSVOs will also watch for marine mammals near the seismic vessel for at least 30 minutes prior to the start of airgun operations after an extended shut down. When feasible, PSVOs will also observe during daytime periods when the seismic system is not operating for comparison of sighting rates and behavior with airgun operations versus without airgun operations. Based on PSVO observations, L–DEO will power down or shut down the airguns when marine mammals are observed within a designated EZ or are about to enter a designated EZ. The EZ is a region in which a possibility exists of adverse effects on animal hearing or other physical effects.

During seismic operations at the Shatsky Rise, five PSVOs will be based aboard the *Langseth.* L–DEO will appoint the PSVOs with NMFS' concurrence. At least one PSVO and when practical, two PSVOs will monitor marine mammals near the seismic vessel during ongoing daytime operations and nighttime start ups of the airguns. Use of two simultaneous PSVOs will increase the effectiveness of detecting animals near the sound source. PSVOs will be on duty in shifts of duration no longer than four hours. L–DEO will also instruct other vessel crew to assist in detecting marine mammals and implementing mitigation requirements (if practical). Before the start of the seismic survey, L–DEO will give the crew additional instruction regarding how to accomplish this task.

The *Langseth* is a suitable platform for marine mammal and turtle observations. When stationed on the observation platform, the eye level will be approximately 21.5 m (70.5 ft) above sea level, and the observer will have a good view around the entire vessel. During daytime, the PSVOs will scan the area around the vessel systematically with reticle binoculars (*e.g.,* 7 x 50 Fujinon), Big-eye binoculars (25 x 150), and with the naked eye. During darkness, night vision devices (NVDs) will be available (ITT F500 Series Generation 3 binocular-image intensifier or equivalent), when required. Laser range-finding binoculars (Leica LRF 1200 laser rangefinder or equivalent) will be available to assist with distance estimation. These devices are useful in training PSVOs to estimate distances visually, but are generally not useful in measuring distances to animals directly; that is done primarily with the reticles in the binoculars' lenses.

Passive Acoustic Monitoring

Passive Acoustic Monitoring (PAM) will complement the visual monitoring program, when practicable. Visual monitoring typically is not effective during periods of poor visibility (*e.g.,* bad weather) or at night. In instances of with good visibility, visual monitoring is unable to detect marine mammals when they are below the surface or beyond visual range. L–DEO can use acoustical monitoring in addition to visual observations to improve detection, identification, and localization of cetaceans. The acoustic monitoring will serve to alert visual observers (if on duty) when vocalizing cetaceans are detected. It is only useful when marine mammals call, but it can be effective either by day or by night, and does not depend on good visibility. It will be monitored in real time so that the visual observers can be advised when cetaceans are detected. When bearings (primary and mirror-image) to calling cetacean(s) are determined, the bearings will be relayed to the visual observer to help him/her sight the calling animal(s).

The PAM system consists of hardware (*i.e.,* hydrophones) and software. The "wet end" of the system consists of a towed four-hydrophone array, two of which are monitored simultaneously; the active section of the array is approximately 30 m (98 ft) long. The array is attached to the vessel by a 250-m (820 ft) electromechanical lead-in cable and a 50-m (164 ft) long deck lead-in cable. However, not the entire length of lead-in cable is used; thus, the hydrophones are typically located 120 m (394 ft) behind the stern of the ship. The deck cable is connected from the array to a computer in the laboratory where signal conditioning and processing takes place. The digitized signal is then sent to the main laboratory, where the acoustic PSVO monitors the system. The hydrophone array is typically towed at depths less than 20 m (66 ft).

The towed hydrophones will ideally be monitored 24 hr/d while at the seismic survey area during airgun operations, and during most periods when the Langseth is underway while the airguns are not operating. One PSVO will monitor the acoustic detection system at any one time, by listening to the signals from two channels via headphones and/or speakers and watching the real-time spectrographic display for frequency ranges produced by cetaceans. PSVOs monitoring the acoustical data will be on shift for one

to six hours at a time. Besides the PSVO, an additional protected species observer (PSO) with primary responsibility for PAM will also be aboard. All PSVOs are expected to rotate through the PAM position, although the most experienced with acoustics will be on PAM duty more frequently.

When a vocalization is detected while visual observations are in progress, the acoustic PSO will contact the visual PSVO immediately, to alert him/her to the presence of cetaceans (if not already visually detected), and initiate a power down or shut down, if required. The information regarding the call will be entered into a database. The data to be entered include an acoustic encounter identification number, whether it was linked with a visual sighting, date, time when first and last heard and whenever any additional information was recorded, position and water depth when first detected, bearing if determinable, species or species group (*e.g.,* unidentified dolphin, sperm whale), types and nature of sounds heard (*e.g.,* clicks, continuous, sporadic, whistles, creaks, burst pulses, strength of signal, etc.), and any other notable information. The acoustic detection can also be recorded for further analysis.

PSVO Data and Documentation

PSVOs will record data to estimate the numbers of marine mammals exposed to various received sound levels and to document apparent disturbance reactions or lack thereof. Data will be used to estimate numbers of animals potentially 'taken' by harassment (as defined in the MMPA). They will also provide information needed to order a power down or shut down of the airguns when a marine mammal is within or near the EZ.

When a sighting is made, the PSVO/L–DEO will record the following information about the sighting:

1. Species, group size, age/size/sex categories (if determinable), behavior when first sighted and after initial sighting, heading (if consistent), bearing and distance from seismic vessel, sighting cue, apparent reaction to the airguns or vessel (*e.g.,* none, avoidance, approach, paralleling, etc.), and behavioral pace.

2. Time, location, heading, speed, activity of the vessel, sea state, visibility, and sun glare.

The data listed under (2) will also be recorded at the start and end of each observation watch, and during a watch whenever there is a change in one or more of the variables.

All observations and power downs or shut downs will be recorded in a standardized format. Data will be entered into an electronic database. The accuracy of the data entry will be verified by computerized data validity checks as the data are entered and by subsequent manual checking of the database. These procedures will allow initial summaries of data to be prepared during and shortly after the field program, and will facilitate transfer of the data to statistical, graphical, and other programs for further processing and archiving.

Results from the vessel-based observations will provide:

1. The basis for real-time mitigation (airgun power down or shut down).

2. Information needed to estimate the number of marine mammals potentially taken by harassment, which must be reported to NMFS.

3. Data on the occurrence, distribution, and activities of marine mammals and turtles in the area where the seismic study is conducted.

4. Information to compare the distance and distribution of marine mammals and turtles relative to the source vessel at times with and without seismic activity.

5. Data on the behavior and movement patterns of marine mammals and turtles seen at times with and without seismic activity.

L–DEO will submit a report to NMFS and NSF within 90 days after the end of the cruise. The report will describe the operations conducted and sightings of marine mammals and turtles near the operations. The report will provide full documentation of methods, results, and interpretation pertaining to all monitoring. The 90-day report will summarize the dates and locations of seismic operations, and all marine mammal sightings (dates, times, locations, activities, associated seismic survey activities). The report will also include estimates of the number and nature of exposures that could result in "takes" of marine mammals by harassment or in other ways.

L–DEO will report all injured or dead marine mammals (regardless of cause) to NMFS as soon as practicable. The report should include the species or description of the animal, the condition of the animal, location, time first found, observed behaviors (if alive) and photo or video, if available.

Estimated Take of Marine Mammals by Incidental Harassment

Except with respect to certain activities not pertinent here, the MMPA defines "harassment" as:

> any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Only take by Level B harassment is anticipated and authorized as a result of the marine geophysical survey at the Shatsky Rise. Acoustic stimuli (*i.e.,* increased underwater sound) generated during the operation of the seismic airgun array, may have the potential to cause marine mammals in the survey area to be exposed to sounds at or greater than 160 decibels (dB) or cause temporary, short-term changes in behavior. There is no evidence that the activities could result in injury or mortality within the specified geographic area for which L–DEO seeks the IHA. The required mitigation and monitoring measures are expected to minimize the possibility of takes by (Level A harassment), serious injury, or mortality.

NMFS included an in-depth discussion of the methods used to calculate the densities of the marine mammals in the area of the seismic survey in a previous notice for the proposed IHA (75 FR 28568, May 21, 2010). A summary is included here.

L–DEO's estimates are based on a consideration of the number of marine mammals that could be disturbed appreciably by operations with the 36-airgun array to be used during approximately 3,160 km of seismic surveys at the Shatsky Rise.

Density data on 18 marine mammal species in the Shatsky Rise area are available from two sources using conventional line transect methods: Japanese sighting surveys conducted since the early 1980s, and fisheries observers in the high-seas driftnet fisheries during 1987–1990 (*see* Table 3 in L–DEO's application). For the 16 other marine mammal species that could be encountered in the survey area, data from the western North Pacific right whale are not available (*see* Table 3 in L–DEO's application). NMFS is not aware of any density estimates for three of those species—Hubb's, Stejneger's, and gingko-toothed beaked whales. For the remaining 13 species (*see* Table 3 in L–DEO's application), density estimates are available from other areas of the Pacific: 11 species from the offshore stratum of the 2002 Hawaiian Islands survey (Barlow, 2006) and two species from surveys of the California Current ecosystem off the U.S. west coast between 1991 and 2005 (Barlow and Forney, 2007). Those estimates are based on standard line-transect protocols developed by NMFS'

Southwest Fisheries Science Center (SWFSC).

Densities for 14 species are available from Japanese sighting surveys in the Shatsky Rise survey area. Miyashita (1993a) provided estimates for six dolphin species in this area that have been taken in the Japanese drive fisheries. The densities used here are Miyashita's (1993a) estimates for the 'Eastern offshore' survey area (30–42° N, 145°–180° E). Kato and Miyashita (1998) provided estimates for sperm whale densities from Japanese sightings data during 1982 to 1996 in the western North Pacific (20–50° N, 130°–180° E), and Hakamada *et al.* (2004) provided density estimates for sei whales during August through September in the JARPN II sub-areas 8 and 9 (35–50° N, 150–170° E excluding waters in the Exclusive Economic Zone of Russia) during 2002 and 2003. L–DEO used density estimates during 1994 through 2007 for minke whales at 35–40° N, 157–170° E from Hakamada *et al.* (2009), density estimates during 1998 through 2002 for Bryde's whales at 31–43° N, 145–165° E from Kitakado *et al.* (2008), and density estimates during 1994–2007 for blue, fin, humpback, and North Pacific right whales at 31–51° N, 140–170° E from Matsuoka *et al.* (2009).

For four species (northern fur seal, Dall's porpoise, Pacific white-sided dolphin (*Lagenorhynchus obliquidens*), northern right-whale dolphin (*Lissodelphis borealis*)), estimates of densities in the Shatsky Rise area are available from sightings data collected by observers in the high-seas driftnet fisheries during 1987 through 1990 (Buckland *et al.,* 1993). Those data were analyzed for 5° x 5° blocks, and the densities used here are from blocks for which available data overlap the survey area. In general, those data represent the average annual density in the northern half of the Shatsky Rise survey area (35–40° N).

The densities mentioned above had been corrected by the original authors for detectability bias and, with the exception of Kitakado *et al.* (2008) and Hakamada *et al.* (2009), for availability bias. Detectability bias is associated with diminishing sightability with increasing lateral distance from the track line [$f(0)$]. Availability bias refers to the fact that there is less than a 100 percent probability of sighting an animal that is present along the survey track line, and it is measured by $g(0)$.

There is some uncertainty about the accuracy of the density data from the Japanese Whale Research Program under Special Permit (JARPN/JARPN II). For example, densities in Miyashita (1993a) and Buckland *et al.* (1993) are from the 1980s and represent the best available information for the Shatsky Rise area at this time. To provide some allowance for these uncertainties, particularly underestimates of densities present and numbers of marine mammals potentially affected have been derived; L–DEO's maximum estimates (precautionary estimates) are 1.5 times greater than the best estimates.

The estimated numbers of individuals potentially exposed are based on the 160-dB re 1 μPa · m_{rms} criterion for all cetaceans (*see* Table 2 in this notice). It is assumed that marine mammals exposed to airgun sounds that strong might change their behavior sufficiently to be considered "taken by harassment."

L–DEO's estimates of exposures to various sound levels assume that the surveys will be completed. As is typical during offshore ship surveys, inclement weather and equipment malfunctions are likely to cause delays and may limit the number of useful line-kilometers of seismic operations that can be undertaken. Furthermore, any marine mammal sightings within or near the designated exclusion zones will result in the power down or shut down of seismic operations as a mitigation measure. Thus, the following estimates of the numbers of marine mammals potentially exposed to sound levels of 160 re 1 μPa · m_{rms} are precautionary and probably overestimate the actual numbers of marine mammals that might be involved. These estimates also assume that there will be no weather, equipment, or mitigation delays, which is highly unlikely.

Table 2 in this notice shows the best and maximum estimated number of exposures and the number of different individuals potentially exposed during the seismic survey if no animals moved away from the survey vessel. The take authorization is based on the maximum estimates in Table 2 rather than the best estimates of the numbers of individuals exposed, because of uncertainties associated with applying density data from one area to another.

The number of different individuals that may be exposed to airgun sounds with received levels greater than or equal to 160 dB re 1 μPa · m_{rms} on one or more occasions was estimated by considering the total marine area that would be within the 160-dB radius around the operating airgun array on at least one occasion. The number of possible exposures (including repeated exposures of the same individuals) can be estimated by considering the total marine area that would be within the 160-dB radius around the operating airguns, including areas of overlap. In the survey, the seismic lines are widely spaced in the survey area, so an individual mammal would most likely not be exposed numerous times during the survey; the area including overlap is only 1.4 times the area excluding overlap. Moreover, it is unlikely that a particular animal would stay in the area during the entire survey. The number of different individuals potentially exposed to received levels greater than or equal to 160 re 1 μPa · m_{rms} was calculated by multiplying:

(1) The expected species density, either "mean" (*i.e.,* best estimate) or "maximum", times

(2) the anticipated minimum area to be ensonified to that level during airgun operations including overlap (exposures), or

(3) the anticipated area to be ensonified to that level during airgun operations excluding overlap (individuals).

The area expected to be ensonified was determined by entering the planned survey lines into a MapInfo Geographic Information System (GIS), using the GIS to identify the relevant areas by "drawing" the applicable 160-dB buffer (*see* Table 1) around each seismic line, and then calculating the total area within the buffers. Areas of overlap were included only once when estimating the number of individuals exposed.

Applying the approach described above, approximately 20,831 square kilometers (km^2) would be within the 160-dB isopleth on one or more occasions during the survey, whereas 22,614 km^2 is the area ensonified to greater than or equal to 160 dB when overlap is included. Thus, an average individual marine mammal would be exposed only once during the survey. Because this approach does not allow for turnover in the mammal populations in the study area during the course of the survey, the actual number of individuals exposed could be underestimated. However, the approach assumes that no cetaceans will move away from or toward the trackline as the *Langseth* approaches in response to increasing sound levels prior to the time the levels reach 160 dB, which will result in overestimates for those species known to avoid seismic vessels.

The 'maximum estimate' of the number of individual cetaceans that could be exposed to seismic sounds with received levels greater than or equal to 160 dB re: 1 μPa during the survey is 20,003. Most (96%) of the cetaceans potentially exposed are delphinids; short-beaked common, striped, pantropical spotted, and Pacific white-sided dolphins are estimated to be the most common species in the area,

with maximum estimates of 9,666 (0.3% of the regional population), 3,721 (0.7%), 2,200 (0.5%), and 1,137 (0.1%) exposed to levels greater than or equal to 160 dB re: 1 μPa, respectively.

TABLE 2—ESTIMATES OF THE POSSIBLE NUMBERS OF MARINE MAMMALS EXPOSED TO DIFFERENT SOUND LEVELS DURING L–DEO'S SEISMIC SURVEY AT SHATSKY RISE DURING JULY—SEPTEMBER, 2010.

Species	Estimated number of individuals exposed to sound levels ≥ 160 dB re: 1 μPa (Best)	Estimated number of individuals exposed to sound levels ≥ 160 dB re: 1 μPa (Maximum)
North Pacific right whale	1	2
Humpback whale	15	22
Minke whale	57	85
Bryde's whale	11	16
Sei whale	37	56
Fin whale	22	34
Blue whale	12	18
Sperm whale	22	32
Pygmy sperm whale	66	100
Dwarf sperm whale	163	244
Cuvier's beaked whale	142	212
Baird's beaked whale	18	27
Longman's beaked whale	9	14
Blainville's beaked whale	27	40
Mesoplodon spp.	2	3
Rough-toothed dolphin	65	97
Bottlenose dolphin	500	750
Pantropical spotted dolphin	1,467	2,200
Spinner dolphin	17	26
Striped dolphin	2,480	3,721
Fraser's dolphin	95	143
Short-beaked common dolphin	6,444	9,666
Pacific white-sided dolphin	758	1,137
Northern right whale dolphin	9	13
Risso's dolphin	225	337
Melon-headed whale	27	41
Pygmy killer whale	0	0
False killer whale	43	64
Killer whale	3	5
Short-finned pilot whale	104	156
Dall's porpoise	457	686
Northern fur seal	37	56

Best and maximum estimates are based on Table 3 in L–DEO's application. N.A. means not available. *Mesoplodon* spp. could include ginkgo-toothed, Stejneger's, or Hubb's beaked whales; density (not available) is an arbitrary low value.

Negligible Impact and Small Numbers Analysis and Determination

NMFS has defined "negligible impact" in 50 CFR 216.103 as "* * * an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival." In making a negligible impact determination, NMFS considers:

(1) The number of anticipated mortalities;

(2) the number and nature of anticipated injuries;

(3) the number, nature, and intensity, and duration of Level B harassment; and

(4) the context in which the takes occur.

As mentioned previously, NMFS estimates that 34 species of marine mammals could be potentially affected by Level B harassment over the course of the IHA. For each species, these numbers are small (each, less than two percent) relative to the population size.

No takes by (Level A harassment), serious injury, or mortality are anticipated to occur as a result of the L–DEO's marine geophysical survey, and none are authorized. Only short-term behavioral disturbance is anticipated to occur due to the brief and sporadic duration of the survey activities. Due to the nature, degree, and context of the behavioral harassment anticipated, the activity is not expected to impact rates of recruitment or survival.

NMFS has determined, provided that the aforementioned mitigation and monitoring measures are implemented, that the impact of conducting a marine geophysical survey at the Shatsky Rise in the northwest Pacific Ocean, July through September 2010, may result, at worst, in a temporary modification in behavior and/or low-level physiological effects (Level B harassment) of small numbers of certain species of marine mammals.

While behavioral modifications, including temporarily vacating the area during the operation of the airgun(s), may be made by these species to avoid the resultant acoustic disturbance, the availability of alternate areas within these areas and the short and sporadic duration of the research activities, have led NMFS to determine that this action will have a negligible impact on the species in the specified geographic region.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the mitigation and monitoring measures, NMFS finds that L–DEO's planned research activities, will result in the incidental take of small numbers of marine mammals, by Level B

harassment only, and that the total taking from the marine geophysical survey will have a negligible impact on the affected species or stocks.

Impact on Availability of Affected Species or Stock for Taking for Subsistence Uses

There are no relevant subsistence uses of marine mammals implicated by this action.

Endangered Species Act

Of the 34 species of marine mammals that may occur in the survey area, six are listed as endangered under the ESA, including the north Pacific right, humpback, sei, fin, blue, and sperm whales. Under Section 7 of the ESA, NSF had initiated formal consultation with the NMFS, Office of Protected Resources, Endangered Species Division, on this seismic survey. NMFS' Office of Protected Resources, Permits, Conservation and Education Division, also initiated formal consultation under Section 7 of the ESA with NMFS' Office of Protected Resources, Endangered Species Division, to obtain a Biological Opinion (BiOp) evaluating the effects of issuing the IHA on threatened and endangered marine mammals and, if appropriate, authorizing incidental take. On July 16, 2010, NMFS concluded formal Section 7 consultation with itself and issued a BiOp which concluded that the proposed action and issuance of the IHA are not likely to jeopardize the continued existence of the north Pacific right, humpback, sei, fin, blue, and sperm whales and leatherback (*Dermochelys coriacea*), green (*Chelonia mydas*), loggerhead (*Caretta caretta*), hawksbill (*Eretmochelys imbricata*), and olive ridley (*Lepidochelys olivacea*) sea turtles. The BiOp also concluded that designated critical habitat for these species does not occur in the action area and would not be affected by the survey. L–DEO must comply with the Relevant Terms and Conditions of the Incidental Take Statement corresponding to NMFS' BiOp issued to both NSF and NMFS' Office of Protected Resources.

National Environmental Policy Act (NEPA)

To meet NMFS' National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) requirements for the issuance of an IHA to L–DEO, NMFS has prepared an Environmental Assessment (EA) titled "*Issuance of an Incidental Harassment Authorization to the Lamont-Doherty Earth Observatory to Take Marine Mammals by Harassment Incidental to a Marine Geophysical Survey on the Shatsky Rise in the Northwest Pacific Ocean, July-September 2010.*" This EA incorporates the NSF's Environmental Analysis Pursuant To Executive Order 12114 (NSF, 2010) and an associated report (Report) prepared by LGL Limited Environmental Research Associates (LGL) for NSF, titled, "*Environmental Assessment of a Marine Geophysical Survey by the R/V Marcus G. Langseth on the Shatsky Rise in the Northwest Pacific Ocean, July–September, 2010, (LGL, 2010)*" by reference pursuant to 40 Code of Federal Regulations (CFR) 1502.21 and NOAA Administrative Order (NAO) 216–6 § 5.09(d). NMFS' EA analyzes the direct, indirect and cumulative environmental impacts of the specified activities on marine mammals including those listed as threatened or endangered under the ESA.

The NMFS has made a Finding of No Significant Impact (FONSI) and, therefore, it is not necessary to prepare an environmental impact statement for the issuance of an IHA to L–DEO for this activity. The EA and the NMFS FONSI for this activity are available upon request (*see* **ADDRESSES**).

Determinations

NMFS has determined that the impact of conducting the specific seismic survey activities described in this notice and the IHA request in the specific geographic region within the Shatsky Rise area in the northwest Pacific Ocean may result, at worst, in a temporary modification in behavior (Level B harassment) of small numbers of marine mammals. Further, this activity is expected to result in a negligible impact on the affected species or stocks of marine mammals. The provision requiring that the activity not have an unmitigable impact on the availability of the affected species or stock of marine mammals for subsistence uses is not implicated for this action.

For reasons stated previously, the specified activities associated with the survey are not likely to cause TTS, PTS or other non-auditory injury, serious injury, or death to affected marine mammals because:

(1) The likelihood that, given sufficient notice through relatively slow ship speed, marine mammals are expected to move away from a noise source that is annoying prior to its becoming potentially injurious;

(2) The fact that cetaceans would have to be closer than 940 m (0.61 mi) in deep water when the full array is in use at a 9 m (29.5 ft) tow depth from the vessel to be exposed to levels of sound believed to have even a minimal chance of causing PTS;

(3) The fact that marine mammals would have to be closer than 3,850 m (2.4 mi) in deep water when the full array is in use at a 9 m (29.5 ft) tow depth from the vessel to be exposed to levels of sound (160 dB) believed to have even a minimal chance at causing TTS; and

(4) The likelihood that marine mammal detection ability by trained observers is high at that short distance from the vessel;

(5) The use of PAM, which is effective out to tens of kilometers, will assist in the detection of vocalizing marine mammals at greater distances from the vessel;

(6) The incorporation of other required mitigation measures (*i.e.,* ramp-up, power-down, shut-down, temporal and spatial avoidance, special measures for species of particular concern, and additional mitigation measures); and

(7) The relatively limited duration and geographically widespread distances of the seismic survey in the Shatsky Rise study area (approximately 17 days).

As a result, no take by injury, serious injury, or death is anticipated or authorized, and the potential for temporary or permanent hearing impairment is very low and will be avoided through the incorporation of the monitoring and mitigation measures.

While the number of marine mammals potentially incidentally harassed will depend on the distribution and abundance of marine mammals in the vicinity of the survey activity, the number of potential Level B incidental harassment takings (*see* Table 2) is estimated to be small, equal to or less than two percent of any of the estimated population sizes based on the data disclosed in Table 2 of this notice, and has been mitigated to the lowest level practicable through incorporation of the monitoring and mitigation measures mentioned previously in this document. Also, there are no known important reproductive or feeding areas in the action area.

Authorization

As a result of these determinations, NMFS proposes to issue an IHA to L–DEO for conducting a marine geophysical survey at the Shatsky Rise area in the northwest Pacific Ocean, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. The duration of the IHA would not exceed one year from the date of its issuance.

Dated: July 26, 2010.

James H. Lecky,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2010–18660 Filed 7–28–10; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62552; File No. 265–26]

Joint CFTC–SEC Advisory Committee on Emerging Regulatory Issues

AGENCY: Commodity Futures Trading Commission ("CFTC") and Securities and Exchange Commission ("SEC").

ACTION: Notice of Meeting of Joint CFTC–SEC Advisory Committee on Emerging Regulatory Issues.

SUMMARY: The Joint CFTC–SEC Advisory Committee on Emerging Regulatory Issues will hold a public meeting on August 11, 2010, from 9 a.m. to 1 p.m., at the CFTC's Washington, DC headquarters. At the meeting, the committee will continue its examination of the market events of May 6, 2010.

DATES: The meeting will be held on August 11, 2010 from 9 a.m. to 1 p.m. Members of the public who wish to submit written statements in connection with the meeting should submit them by August 10, 2010.

ADDRESSES: The meeting will take place in the first floor hearing room at the CFTC's headquarters, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581.

Written statements may be may be submitted to either the CFTC or the SEC; all submissions will be reviewed jointly by the two agencies. Please use the title "Joint CFTC–SEC Advisory Committee" in any written statement you may submit. Statements may be submitted to any of the addresses listed below. Please submit your statement to only one address.

E-mail:

Jointcommittee@cftc.gov; or *rule-comments@sec.gov.* If e-mailing to this address, please refer to "File No. 265–26" on the subject line.

SEC's Internet Submission Form: http://www.sec.gov/rules/other.shtml.

Regular Mail:

Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581, attention Office of the Secretary; or

Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F St., NE., Washington, DC 20549. Comments mailed to this address should be submitted in triplicate and should refer to File No. 265–26.

Fax: (202) 418–5521.

Any statements submitted in connection with the committee meeting will be made available to the public.

FOR FURTHER INFORMATION CONTACT: Martin White, Committee Management Officer, at (202) 418–5129, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581; Ronesha Butler, Special Counsel, at (202) 551–5629, Division of Trading and Markets, Securities and Exchange Commission, 100 F St., NE., Washington, DC 20549; or Elizabeth M. Murphy, Committee Management Officer, at (202) 551–5400, Securities and Exchange Commission, 100 F St., NE., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include (1) committee organizational matters and (2) hearing two industry panels presenting views and information regarding the market events of May 6, 2010.

The meeting will be webcast on the CFTC's Web site, *www.cftc.gov.* Members of the public also can listen to the meeting by telephone. The public access call-in numbers will be announced at a later date.

Authority: 5 U.S.C. app. 2 § 10(a)(2).

Dated: July 23, 2010.

By the Commodity Futures Trading Commission.

Martin White,

Committee Management Officer.

By the Securities and Exchange Commission.

Elizabeth M. Murphy,

Committee Management Officer.

[FR Doc. 2010–18584 Filed 7–28–10; 8:45 am]

BILLING CODE P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC10–582–000]

Commission Information Collection Activities (FERC–582); Comment Request; Extension

July 22, 2010.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed information collection and request for comments.

SUMMARY: In compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A) (2006), (Pub. L. 104–13), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the proposed information collection described below.

DATES: Comments in consideration of the collection of information are due 60 days after publication of this Notice in the **Federal Register**.

ADDRESSES: Comments may be filed either electronically (eFiled) or in paper format, and should refer to Docket No. IC10–582–000. Documents must be prepared in an acceptable filing format and in compliance with Commission submission guidelines at *http://www.ferc.gov/help/submission-guide.asp.* eFiling instructions are available at: *http://www.ferc.gov/docs-filing/efiling.asp.* First time users must follow eRegister instructions at: *http://www.ferc.gov/docs-filing/eregistration.asp,* to establish a user name and password before eFiling. The Commission will send an automatic acknowledgement to the sender's e-mail address upon receipt of eFiled comments. Commenters making an eFiling should not make a paper filing. Commenters that are not able to file electronically must send an original and two (2) paper copies of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street, NE., Washington, DC 20426.

Users interested in receiving automatic notification of activity in this docket may do so through eSubscription at *http://www.ferc.gov/docs-filing/esubscription.asp.* In addition, all comments and FERC issuances may be viewed, printed or downloaded remotely through FERC's eLibrary at: *http://www.ferc.gov/docs-filing/elibrary.asp,* by searching on Docket No. IC10–582. For user assistance, contact FERC Online Support by e-mail at *ferconlinesupport@ferc.gov,* or by phone at (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by: e-mail at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION: The information required by FERC–582, ("Electric Fees; Annual Charges; Waivers; and Exemptions;" OMB Control No. 1902–0132) covers the filing

requirements in the Code of Federal Regulations (CFR) under Title 18, part 381 [1] and part 382.[2]

FERC–582 is used by the Commission to implement the statutory provisions of the Independent Offices Appropriation Act of 1952 (IOAA) (31 U.S.C. 9701) which authorizes the Commission to establish fees for its services.[3] In addition, the Omnibus Budget Reconciliation Act of 1986 (OBRA) (42 U.S.C. 7178) authorizes the Commission "to assess and collect fees and annual charges in any fiscal year in amounts equal to all the costs incurred by the Commission in that fiscal year."

In calculating electric fees and annual charges, the Commission first determines the total costs of its electric regulatory program and then subtracts all electric regulatory program filing fee collections to determine the total collectible electric regulatory program costs. It then uses the data submitted under FERC–582 [4] to determine the total megawatt-hours of transmission of electric energy in interstate commerce. This is measured by the sum of the megawatt-hours (MWh) of all unbundled transmission (including MWh delivered in wheeling transactions and MWh delivered in exchange transactions) and the megawatt-hours of all bundled wholesale power sales (to the extent these later megawatt-hours were not separately reported as unbundled transmission).

Public utilities and power marketers subject to these annual charges must submit FERC–582 data to the Commission by April 30 of each year (18 CFR 382.201). The Commission issues bills for annual charges, and public utilities and power marketers then must pay the charges within 45 days of the Commission's issuance of the bill.

Requests for waivers and exemptions of fees and charges (required by 18 CFR Parts 381 and 382) are filed, based on need. The Commission's staff uses the filer's financial information to evaluate the request for a waiver or exemption of the obligation to pay a fee or an annual charge.

Action: The Commission is requesting a three-year extension of the FERC–582 reporting requirements, with no changes.

Burden Statement: The estimated annual burden figures and costs follow.

Information collection	Number of respondents (1)	Average number of reponses per respondent (2)	Average burden hours per response (3)	Total burden hours (1)×(2)×(3)
FERC–582 [1] [2] (except 381.302, below)	73	1	3	219
Exemption/waiver of fee for declaratory order (under 381.302)	6	1	2	12
Total	79	1	.....	231

The total estimated annual cost burden to respondents is $15,312 (231 hours/2080 hours [5] per year, times $137,874 [6]).

The reporting burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclose, or provide the information including: (1) Reviewing instructions; (2) developing, acquiring, installing, and utilizing technology and systems for the purposes of collecting, validating, verifying, processing, maintaining, disclosing and providing information; (3) adjusting the existing ways to comply with any previously applicable instructions and requirements; (4) training personnel to respond to a collection of information; (5) searching data sources; (6) completing and reviewing the collection of information; and (7) transmitting, or otherwise disclosing the information.

The estimate of cost for respondents is based upon salaries for professional and clerical support, as well as direct and indirect overhead costs. Direct costs include all costs directly attributable to providing this information, such as administrative costs and the cost for information technology. Indirect or overhead costs are costs incurred by an organization in support of its mission. These costs apply to activities which benefit the whole organization rather than any one particular function or activity.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.* permitting electronic submission of responses.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–18594 Filed 7–28–10; 8:45 am]

BILLING CODE 6717–01–P

[1] Title 18 CFR 381.105, 381.106, 381.108, 381.302, and 381.305.

[2] Title 18 CFR 382.102, 382.103, 382.105, 382.106, and 382.201.

[3] The most recent "Annual Update of Filing Fees" was issued on 1/20/2010 and is posted at *http://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=12249237*. Other reporting requirements, associated with the estimation of annual charges or filing fees, are separate from the FERC–582 and not a subject of Docket Number IC10–582 or the FERC–582 clearance request. They are approved separately by OMB and include: (a) FERC–583 ("Annual Kilowatt Generating Report (Annual Charges)," OMB Control Number 1902–0136) for hydropower generation facilities; (b) FERC Form No. 2 (Major Natural Gas Pipeline Annual Report, OMB Control Number 1902–0028), FERC Form No. 2A (Non-Major Natural Gas Pipeline Annual Report, OMB Control Number 1902–0030), and FERC Form No. 6 (Annual Report of Oil Pipeline Companies, OMB Control Number 1902–0022) for estimating charges for natural gas and oil pipelines; and (c) FERC–587 (Land Description: Public Land States/Non-Public Land States (Rectangular or Non Rectangular Survey System Lands in Public Land States); OMB Control Number 1902–0145) for estimating fees associated with the use of Federal lands.

[4] FERC–582 Annual Charges Reports are available in FERC's eLibrary system (at *http://www.ferc.gov/docs-filing/elibrary.asp*), by searching under the document class and type of "Report/Form/Annual Charges Report."

[5] An employee works an estimated 2,080 hours per year.

[6] The estimated average annual cost per employee is $137,874.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Wednesday, July 21, 2010.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG10–53–000.
Applicants: Goshen Phase II LLC.
Description: Self-Certification of EWG Status of Goshen Phase II LLC.
Filed Date: 07/20/2010.
Accession Number: 20100720–5089.
Comment Date: 5 p.m. Eastern Time on Tuesday, August 10, 2010.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER03–534–010.
Applicants: Ingenco Wholesale Power, L.L.C.
Description: Notice of Change in Status of Ingenco Wholesale Power, L.L.C.
Filed Date: 07/21/2010.
Accession Number: 20100721–5125.
Comment Date: 5 p.m. Eastern Time on Wednesday, August 11, 2010.

Docket Numbers: ER10–1217–001.
Applicants: PacifiCorp.
Description: Refund Report of PacifiCorp.
Filed Date: 07/21/2010.
Accession Number: 20100721–5093.
Comment Date: 5 p.m. Eastern Time on Wednesday, August 11, 2010.

Docket Numbers: ER10–1637–001.
Applicants: Synergics Roth Rock Wind Energy, LLC.
Description: Synergies Roth Rock Wind Energy, LLC submits amended application for authorization to sell energy and capacity in wholesale transactions at negotiated, market based rates.
Filed Date: 07/20/2010.
Accession Number: 20100720–0209.
Comment Date: 5 p.m. Eastern Time on Tuesday, August 10, 2010.

Docket Numbers: ER10–1673–001.
Applicants: Synergics Roth Rock North Wind Energy, LLC.
Description: Synergics Wind Energy, LLC submits amended application for authorization to sell energy and capacity in wholesale transactions at negotiated, market-based rates.
Filed Date: 07/20/2010.
Accession Number: 20100720–0210.
Comment Date: 5 p.m. Eastern Time on Tuesday, August 10, 2010.

Docket Numbers: ER10–1749–000.
Applicants: ISO New England Inc.
Description: Request of ISO New England Inc. for Limited Waiver of NAESB WEQ Standards (Corrected Version).
Filed Date: 07/20/2010.
Accession Number: 20100720–5042.
Comment Date: 5 p.m. Eastern Time on Tuesday, August 10, 2010.

Docket Numbers: ER10–1817–000.
Applicants: Southwestern Public Service Company.
Description: Southwestern Public Service Company submits tariff filing per 35: 20100720_Baseline Filing to be effective 7/20/2010.
Filed Date: 07/20/2010.
Accession Number: 20100720–5082.
Comment Date: 5 p.m. Eastern Time on Tuesday, August 10, 2010.

Docket Numbers: ER10–1819–000.
Applicants: Northern States Power Company, a Minnesota Corporation.
Description: Northern States Power Company, a Minnesota Corporation submits tariff filing per 35: 20100720_baseline filing to be effective 7/20/2010.
Filed Date: 07/20/2010.
Accession Number: 20100720–5093.
Comment Date: 5 p.m. Eastern Time on Tuesday, August 10, 2010.

Docket Numbers: ER10–1820–000.
Applicants: Northern States Power Company, a Wisconsin Corporation.
Description: Northern States Power Company, a Wisconsin Corporation submits tariff filing per 35: 20100720_Baseline Filing to be effective 7/20/2010.
Filed Date: 07/20/2010.
Accession Number: 20100720–5094.
Comment Date: 5 p.m. Eastern Time on Tuesday, August 10, 2010.

Docket Numbers: ER10–1821–000.
Applicants: Goshen Phase II LLC.
Description: Goshen Phase II LLC submits tariff filing per 35.12: MBR Application of Goshen Phase II LLC to be effective 9/1/2010.
Filed Date: 07/20/2010.
Accession Number: 20100720–5095.
Comment Date: 5 p.m. Eastern Time on Tuesday, August 10, 2010.

Docket Numbers: ER10–1822–000.
Applicants: Maine Electric Power Company.
Description: Maine Electric Power Company submits an Amendment to the Basic Operating Agreement.
Filed Date: 07/20/2010.
Accession Number: 20100720–0208.
Comment Date: 5 p.m. Eastern Time on Tuesday, August 10, 2010.

Docket Numbers: ER10–1823–000.
Applicants: Dominion Energy Marketing, Inc.
Description: Dominion Energy Marketing, Inc. submits tariff filing per 35.12: Baseline to be effective 7/20/2010.
Filed Date: 07/20/2010.
Accession Number: 20100720–5105.
Comment Date: 5 p.m. Eastern Time on Tuesday, August 10, 2010.

Docket Numbers: ER10–1824–000.
Applicants: Southern California Edison Company.
Description: Southern California Edison Company submits tariff filing per 35.13(a)(2)(iii): SGIA–DSA_GBU_N_072110 to be effective 7/22/2010.
Filed Date: 07/21/2010.
Accession Number: 20100721–5000.
Comment Date: 5 p.m. Eastern Time on Wednesday, August 11, 2010.

Docket Numbers: ER10–1825–000.
Applicants: Cleco Evangeline LLC.
Description: Cleco Evangeline LLC submits tariff filing per 35.12: Cleco Evangeline MBR Baseline to be effective 7/21/2010.
Filed Date: 07/21/2010.
Accession Number: 20100721–5001.
Comment Date: 5 p.m. Eastern Time on Wednesday, August 11, 2010.

Docket Numbers: ER10–1826–000.
Applicants: Acadia Power Partners, L.L.C.
Description: Acadia Power Partners, L.L.C. submits tariff filing per 35.12: Acadia Power Partner Market Based Rate Tariff to be effective 7/21/2010.
Filed Date: 07/21/2010.
Accession Number: 20100721–5002.
Comment Date: 5 p.m. Eastern Time on Wednesday, August 11, 2010.

Docket Numbers: ER10–1827–000.
Applicants: Cleco Power LLC.
Description: Cleco Power LLC submits tariff filing per 35.12: Cleco Power Market Based Rate Tariff to be effective 7/21/2010.
Filed Date: 07/21/2010.
Accession Number: 20100721–5003.
Comment Date: 5 p.m. Eastern Time on Wednesday, August 11, 2010.

Docket Numbers: ER10–1828–000.
Applicants: Mirant Bowline, LLC.
Description: Mirant Bowline, LLC submits tariff filing per 35.12: Market-Based Rate Tariff in Compliance With Order No. 714 to be effective 7/21/2010.
Filed Date: 07/21/2010.
Accession Number: 20100721–5058.
Comment Date: 5 p.m. Eastern Time on Wednesday, August 11, 2010.

Docket Numbers: ER10–1829–000.
Applicants: Mirant Canal, LLC.
Description: Mirant Canal, LLC submits tariff filing per 35.12: Market-Based Rate Tariff in Compliance with Order No. 714 to be effective 7/21/2010.
Filed Date: 07/21/2010.
Accession Number: 20100721–5059.
Comment Date: 5 p.m. Eastern Time on Wednesday, August 11, 2010.

Docket Numbers: ER10–1830–000.
Applicants: Mirant Chalk Point, LLC.
Description: Mirant Chalk Point, LLC submits tariff filing per 35.12: Market-Based Rate Tariff in Compliance with Order No. 714 to be effective 7/21/2010.
Filed Date: 07/21/2010.
Accession Number: 20100721–5061.
Comment Date: 5 p.m. Eastern Time on Wednesday, August 11, 2010.

Docket Numbers: ER10–1831–000.
Applicants: Mirant Delta, LLC.
Description: Mirant Delta, LLC submits tariff filing per 35.12: Market-Based Rate Tariff in Compliance with Order No. 714 to be effective 7/21/2010.
Filed Date: 07/21/2010.
Accession Number: 20100721–5062.
Comment Date: 5 p.m. Eastern Time on Wednesday, August 11, 2010.

Docket Numbers: ER10–1832–000.
Applicants: Mirant Kendall, LLC.
Description: Mirant Kendall, LLC submits tariff filing per 35.12: Market-Based Rate Tariff in Compliance with Order No. 714 to be effective 7/21/2010.
Filed Date: 07/21/2010.
Accession Number: 20100721–5063.
Comment Date: 5 p.m. Eastern Time on Wednesday, August 11, 2010.

Docket Numbers: ER10–1833–000.
Applicants: Mirant Mid-Atlantic, LLC.
Description: Mirant Mid-Atlantic, LLC submits tariff filing per 35.12: Market-Based Rate Tariff in Compliance with Order No. 714 to be effective 7/21/2010.
Filed Date: 07/21/2010.
Accession Number: 20100721–5064.
Comment Date: 5 p.m. Eastern Time on Wednesday, August 11, 2010.

Docket Numbers: ER10–1834–000.
Applicants: Mirant Potomac River, LLC.
Description: Mirant Potomac River, LLC submits tariff filing per 35.12: Market-Based Rate Tariff in Compliance with Order No. 714 to be effective 7/21/2010.
Filed Date: 07/21/2010.
Accession Number: 20100721–5065.
Comment Date: 5 p.m. Eastern Time on Wednesday, August 11, 2010.

Docket Numbers: ER10–1835–000.
Applicants: Mirant Potrero, LLC.
Description: Mirant Potrero, LLC submits tariff filing per 35.12: Market-Based Rate Tariff in Compliance with Order No. 714 to be effective 7/21/2010.
Filed Date: 07/21/2010.
Accession Number: 20100721–5066.
Comment Date: 5 p.m. Eastern Time on Wednesday, August 11, 2010.

Docket Numbers: ER10–1836–000.
Applicants: Ashtabula Wind, LLC.
Description: Ashtabula Wind, LLC submits tariff filing per 35.12: Ashtabula Baseline Filing to be effective 7/21/2010.
Filed Date: 07/21/2010.
Accession Number: 20100721–5067.
Comment Date: 5 p.m. Eastern Time on Wednesday, August 11, 2010.

Docket Numbers: ER10–1837–000.
Applicants: Ashtabula Wind II, LLC.
Description: Ashtabula Wind II, LLC submits tariff filing per 35.12: Ashtabula II Baseline Filing to be effective 7/21/2010.
Filed Date: 07/21/2010.
Accession Number: 20100721–5073.
Comment Date: 5 p.m. Eastern Time on Wednesday, August 11, 2010.

Docket Numbers: ER10–1838–000.
Applicants: Backbone Mountain Windpower, LLC.
Description: Backbone Mountain Windpower, LLC submits tariff filing per 35.12: Backbone Baseline Filing to be effective 7/21/2010.
Filed Date: 07/21/2010.
Accession Number: 20100721–5078.
Comment Date: 5 p.m. Eastern Time on Wednesday, August 11, 2010.

Docket Numbers: ER10–1839–000.
Applicants: Badger Windpower, LLC.
Description: Badger Windpower, LLC submits tariff filing per 35.12: Badger Baseline Filing to be effective 7/21/2010.
Filed Date: 07/21/2010.
Accession Number: 20100721–5079.
Comment Date: 5 p.m. Eastern Time on Wednesday, August 11, 2010.

Docket Numbers: ER10–1840–000.
Applicants: Blythe Energy, LLC.
Description: Blythe Energy, LLC submits tariff filing per 35.12: Blythe Baseline Filing to be effective 7/21/2010.
Filed Date: 07/21/2010.
Accession Number: 20100721–5086.
Comment Date: 5 p.m. Eastern Time on Wednesday, August 11, 2010.

Docket Numbers: ER10–1841–000.
Applicants: Butler Ridge Wind Energy Center, LLC.
Description: Butler Ridge Wind Energy Center, LLC submits tariff filing per 35.12: Butler Ridge Baseline Filing to be effective 7/21/2010.
Filed Date: 07/21/2010.
Accession Number: 20100721–5089.
Comment Date: 5 p.m. Eastern Time on Wednesday, August 11, 2010.

Docket Numbers: ER10–1842–000.
Applicants: Calhoun Power Company I, LLC.
Description: Calhoun Power Company I, LLC submits tariff filing per 35.12: Calhoun I Baseline Filing to be effective 7/21/2010.
Filed Date: 07/21/2010.
Accession Number: 20100721–5090.
Comment Date: 5 p.m. Eastern Time on Wednesday, August 11, 2010.

Docket Numbers: ER10–1843–000.
Applicants: Crystal Lake Wind, LLC.
Description: Crystal Lake Wind, LLC submits tariff filing per 35.12: Crystal Lake I Baseline Filing to be effective 7/21/2010.
Filed Date: 07/21/2010.
Accession Number: 20100721–5094.
Comment Date: 5 p.m. Eastern Time on Wednesday, August 11, 2010.

Docket Numbers: ER10–1844–000.
Applicants: Crystal Lake Wind II, LLC.
Description: Crystal Lake Wind II, LLC submits tariff filing per 35.12: Crystal Lake II Baseline Filing to be effective 7/21/2010.
Filed Date: 07/21/2010.
Accession Number: 20100721–5098.
Comment Date: 5 p.m. Eastern Time on Wednesday, August 11, 2010.

Docket Numbers: ER10–1845–000.
Applicants: Crystal Lake Wind III, LLC.
Description: Crystal Lake Wind III, LLC submits tariff filing per 35.12: Crystal Lake III Baseline Filing to be effective 7/21/2010.
Filed Date: 07/21/2010.
Accession Number: 20100721–5100.
Comment Date: 5 p.m. Eastern Time on Wednesday, August 11, 2010.

Docket Numbers: ER10–1846–000.
Applicants: Day County Wind, LLC.
Description: Day County Wind, LLC submits tariff filing per 35.12: Day County Baseline Filing to be effective 7/21/2010.
Filed Date: 07/21/2010.
Accession Number: 20100721–5106.
Comment Date: 5 p.m. Eastern Time on Wednesday, August 11, 2010.

Docket Numbers: ER10–1847–000.
Applicants: Diablo Winds, LLC.
Description: Diablo Winds, LLC submits tariff filing per 35.12: Diablo Baseline Filing to be effective 7/21/2010.
Filed Date: 07/21/2010.
Accession Number: 20100721–5109.
Comment Date: 5 p.m. Eastern Time on Wednesday, August 11, 2010.

Docket Numbers: ER10–1848–000.
Applicants: Carolina Power & Light Company.
Description: Carolina Power & Light Company Notice of Cancellation of Rate Schedule 186 and Transmission Service Agreement.
Filed Date: 07/21/2010.
Accession Number: 20100721–5122.
Comment Date: 5 p.m. Eastern Time on Wednesday, August 11, 2010.

Docket Numbers: ER10–1849–000.
Applicants: Elk City Wind, LLC.
Description: Elk City Wind, LLC submits tariff filing per 35.12: Elk City

Baseline Filing to be effective 7/21/2010.

Filed Date: 07/21/2010.

Accession Number: 20100721–5126.

Comment Date: 5 p.m. Eastern Time on Wednesday, August 11, 2010.

Docket Numbers: ER10–1851–000.

Applicants: ESI Vansycle Partners, L.P.

Description: ESI Vansycle Partners, L.P. submits tariff filing per 35.12: ESI Vansycle Baseline Filing to be effective 7/21/2010.

Filed Date: 07/21/2010.

Accession Number: 20100721–5127.

Comment Date: 5 p.m. Eastern Time on Wednesday, August 11, 2010.

Docket Numbers: ER10–1852–000.

Applicants: Florida Power & Light Company.

Description: Florida Power & Light Company submits tariff filing per 35.12: FPL MBR Baseline Filing to be effective 7/21/2010.

Filed Date: 07/21/2010.

Accession Number: 20100721–5128.

Comment Date: 5 p.m. Eastern Time on Wednesday, August 11, 2010.

Docket Numbers: ER10–1853–000.

Applicants: Dominion Energy New England, Inc.

Description: Dominion Energy New England, Inc. submits tariff filing per 35.12: Baseline to be effective 7/21/2010.

Filed Date: 07/21/2010.

Accession Number: 20100721–5129.

Comment Date: 5 p.m. Eastern Time on Wednesday, August 11, 2010.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

As it relates to any qualifying facility filings, the notices of self-certification [or self-recertification] listed above, do not institute a proceeding regarding qualifying facility status. A notice of self-certification [or self-recertification] simply provides notification that the entity making the filing has determined the facility named in the notice meets the applicable criteria to be a qualifying facility. Intervention and/or protest do not lie in dockets that are qualifying facility self-certifications or self-recertifications. Any person seeking to challenge such qualifying facility status may do so by filing a motion pursuant to 18 CFR 292.207(d)(iii). Intervention and protests may be filed in response to notices of qualifying facility dockets other than self-certifications and self-recertifications.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St, NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–18601 Filed 7–28–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

July 20, 2010.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC10–82–000.

Applicants: E. I. du Pont de Nemours and Company.

Description: Section 203 Application of E. I. du Pont de Nemours and Company.

Filed Date: 07/19/2010.

Accession Number: 20100719–5127.

Comment Date: 5 p.m. Eastern Time on Monday, August 09, 2010.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1461–001.

Applicants: Public Service Company of New Mexico.

Description: Public Service Co of New Mexico submits a non-conforming Transmission Service Agreement with Third Planet Windpower, LLC.

Filed Date: 07/19/2010.

Accession Number: 20100719–0208.

Comment Date: 5 p.m. Eastern Time on Monday, August 09, 2010.

Docket Numbers: ER10–1505–001.

Applicants: Public Service Company of New Mexico.

Description: Public Service Co of New Mexico submits a non-conforming Transmission Service Agreement with NextEra Energy Resources LLC.

Filed Date: 07/19/2010.

Accession Number: 20100719–0209.

Comment Date: 5 p.m. Eastern Time on Monday, August 09, 2010.

Docket Numbers: ER10–1728–001.

Applicants: The Dayton Power and Light Company.

Description: The Dayton Power and Light Company submits tariff filing per 35: FERC Electric Tariff, First Revised Volume 10 to be effective 7/20/2010.

Filed Date: 07/20/2010.

Accession Number: 20100720–5038.

Comment Date: 5 p.m. Eastern Time on Tuesday, August 10, 2010.

Docket Numbers: ER10–1802–000.

Applicants: Dominion Energy Manchester Street, Inc.

Description: Dominion Energy Manchester Street, Inc. submits tariff filing per 35.12: Baseline to be effective 7/19/2010.

Filed Date: 07/19/2010.

Accession Number: 20100719–5070.

Comment Date: 5 p.m. Eastern Time on Monday, August 09, 2010.

Docket Numbers: ER10–1803–000.

Applicants: New York State Electric & Gas Corporation.

Description: New York State Electric & Gas Corp submits a supplement to Rate Schedule FERC No. 72.

Filed Date: 07/19/2010.

Accession Number: 20100719–0207.

Comment Date: 5 p.m. Eastern Time on Monday, August 09, 2010.

Docket Numbers: ER10–1804–000.

Applicants: New York State Electric & Gas Corporation.

Description: New York State Electric & Gas Corporation submits supplement to Rate Schedule FERC 117–Facilities Agreement.

Filed Date: 07/19/2010.

Accession Number: 20100719–0210.

Comment Date: 5 p.m. Eastern Time on Monday, August 09, 2010.

Docket Numbers: ER10–1806–000.

Applicants: AP Holdings, LCC.

Description: AP Holdings, LLC submits Petition for Approval of Initial Market-Based Rate Tariff and Certain Blanket Authority and Waivers, and Request for Expedited Consideration etc.

Filed Date: 07/19/2010.

Accession Number: 20100719–0213.

Comment Date: 5 p.m. Eastern Time on Monday, August 09, 2010.

Docket Numbers: ER10–1807–000.

Applicants: Spark Energy, L.P.

Description: Application of Spark Energy, LP Market-Based Rate Authorization and Granting of Waivers and Blanket Authorizations.

Filed Date: 07/19/2010.

Accession Number: 20100719–0212.

Comment Date: 5 p.m. Eastern Time on Monday, August 09, 2010.

Docket Numbers: ER10–1808–000.

Applicants: Western Massachusetts Electric Company.

Description: Western Massachusetts Electric Company submits tariff filing per 35.12: WMECO Baseline Filing of Market-Based Tariff Under Order No. 714 to be effective 7/19/2010.

Filed Date: 07/19/2010.

Accession Number: 20100719–5099.

Comment Date: 5 p.m. Eastern Time on Monday, August 09, 2010.

Docket Numbers: ER10–1809–000.

Applicants: RED-Scotia, LLC.

Description: RED-Scotia, LLC submits tariff filing per 35.12: Application of Red-Scotia, LLC For Market-Based Rate Authority to be effective 7/19/2010.

Filed Date: 07/19/2010.

Accession Number: 20100719–5106.

Comment Date: 5 p.m. Eastern Time on Monday, August 09, 2010.

Docket Numbers: ER10–1810–000.

Applicants: E. I. du Pont de Nemours and Company.

Description: E. I. du Pont de Nemours and Company submits tariff filing per 35.12: E.I. du Pont de Nemours and Company MBR Tariff Application to be effective 9/30/2010.

Filed Date: 07/19/2010.

Accession Number: 20100719–5110.

Comment Date: 5 p.m. Eastern Time on Monday, August 09, 2010.

Docket Numbers: ER10–1811–000.

Applicants: Select Energy, Inc.

Description: Select Energy, Inc. submits tariff filing per 35.12: Select Energy, Inc., Baseline Filing of Market-Based Tariff Under Order No. 714 to be effective 7/20/2010.

Filed Date: 07/20/2010.

Accession Number: 20100720–5002.

Comment Date: 5 p.m. Eastern Time on Tuesday, August 10, 2010.

Docket Numbers: ER10–1812–000.

Applicants: Southwest Power Pool Inc.

Description: Southwest Power Pool, Inc. submits executed Meter Agent Services Agreement between Tenaska Power Service Co and Southwestern Public Service Company, effective 4/1/10.

Filed Date: 07/19/2010.

Accession Number: 20100720–0203.

Comment Date: 5 p.m. Eastern Time on Monday, August 09, 2010.

Docket Numbers: ER10–1813–000.

Applicants: PJM Interconnection L.L.C.

Description: PJM Interconnection, LLC submits executed Interconnection Service Agreement et al between PJM, Pennsylvania Department of Correction, et al.

Filed Date: 07/19/2010.

Accession Number: 20100720–0204.

Comment Date: 5 p.m. Eastern Time on Monday, August 09, 2010.

Docket Numbers: ER10–1814–000.

Applicants: Midwest Independent System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc submits executed Generator Interconnection Agreement.

Filed Date: 07/19/2010.

Accession Number: 20100720–0201.

Comment Date: 5 p.m. Eastern Time on Monday, August 09, 2010.

Docket Numbers: ER10–1815–000.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corporation submits tariff filing per 35.13(a)(2)(iii): 2010–07–20 CAISO Alternative Dispute Resolution Amendment to be effective 9/19/2010.

Filed Date: 07/20/2010.

Accession Number: 20100720–5046.

Comment Date: 5 p.m. Eastern Time on Tuesday, August 10, 2010.

Docket Numbers: ER10–1816–000.

Applicants: The Dayton Power and Light Company.

Description: The Dayton Power and Light Company submits tariff filing per 35.12: FERC Rate Schedule No. 42 to be effective 7/20/2010.

Filed Date: 07/20/2010.

Accession Number: 20100720–5063.

Comment Date: 5 p.m. Eastern Time on Tuesday, August 10, 2010.

Docket Numbers: ER10–1817–000.

Applicants: Southwestern Public Service Company.

Description: Southwestern Public Service Company submits tariff filing per 35: 20100720_Baseline Filing to be effective 7/20/2010.

Filed Date: 07/20/2010.

Accession Number: 20100720–5082.

Comment Date: 5 p.m. Eastern Time on Tuesday, August 10, 2010.

Docket Numbers: ER10–1818–000.

Applicants: Public Service Company of Colorado.

Description: Public Service Company of Colorado submits tariff filing per 35: 20100720_Baseline Filing to be effective 7/20/2010.

Filed Date: 07/20/2010.

Accession Number: 20100720–5084.

Comment Date: 5 p.m. Eastern Time on Tuesday, August 10, 2010.

Take notice that the Commission received the following open access transmission tariff filings:

Docket Numbers: OA08–34–004.

Applicants: Public Service Company of New Mexico.

Description: Public Service Co. of New Mexico submits a Notification Filing pursuant to Order 890.

Filed Date: 07/19/2010.

Accession Number: 20100719–0211.

Comment Date: 5 p.m. Eastern Time on Monday, August 09, 2010.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

As it relates to any qualifying facility filings, the notices of self-certification [or self-recertification] listed above, do not institute a proceeding regarding qualifying facility status. A notice of self-certification [or self-recertification] simply provides notification that the

entity making the filing has determined the facility named in the notice meets the applicable criteria to be a qualifying facility. Intervention and/or protest do not lie in dockets that are qualifying facility self-certifications or self-recertifications. Any person seeking to challenge such qualifying facility status may do so by filing a motion pursuant to 18 CFR 292.207(d)(iii). Intervention and protests may be filed in response to notices of qualifying facility dockets other than self-certifications and self-recertifications.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–18602 Filed 7–28–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER10–1809–000]

RED-Scotia, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

July 22, 2010.

This is a supplemental notice in the above-referenced proceeding of RED-Scotia, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 11, 2010.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–18598 Filed 7–28–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER10–1810–000]

E.I. du Pont de Nemours and Company; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

July 22, 2010.

This is a supplemental notice in the above-referenced proceeding of E. I. du Pont de Nemours and Company's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 11, 2010.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a

document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–18597 Filed 7–28–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER10–1807–000]

Spark Energy, L.P.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

July 22, 2010.

This is a supplemental notice in the above-referenced proceeding of Spark Energy, L.P.'s application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 11, 2010.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–18599 Filed 7–28–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER10–1806–000]

AP Holdings, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

July 22, 2010.

This is a supplemental notice in the above-referenced proceeding of AP Holdings, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 11, 2010.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–18600 Filed 7–28–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

ILP Effectiveness Evaluation 2010, et al.; Supplemental Notice of Regional Effectiveness Workshops on the Integrated Licensing Process

July 22, 2010.

ILP Effectiveness Evaluation 2010	Docket No. AD10–7–000.
Georgia Power Company	Project No. 2237–013.
Public Service Company of New Hampshire	Project No. 7528–004.
Pacific Gas & Electric Company	Project No. 803–068.
Pacific Gas & Electric Company	Project No. 2106–059.

PPL, Montana, LLC	Project No. 2301–019.
Energy Northwest	Project No. 2244–022.
Appalachian Power Company	Project No. 2210–169.
Appalachian Power Company	Project No. 739–022.
Public Service Company of Colorado	Project No. 400–051.
Public Service Company of Colorado	Project No. 12589–001.
Green Island Power Authority	Project No. 13–023.
City of Seattle	Project No. 2144–038.
Public Utility District of Snohomish Co., WA	Project No. 2157–188.
Northern Lights, Inc	Project No. 2594–013.
Onyx Specialty Papers, Inc	Project No. 2985–006.
Mahoning Creek Hydro. Co., LLC	Project No. 12555–004.
Vermont Marble Power Division of Omya Inc	Project No. 2558–029.
FPL Energy Maine Hydro LLC	Project No. 2615–037.
Douglas County PUD	Project No. 2149–131.
Exelon Generation Company, LLC	Project No. 2355–011.
Exelon Generation Company, LLC	Project No. 405–087.
Merced Irrigation District	Project No. 2179–042.
Pacific Gas & Electric Company	Project No. 2310–173.
Nevada Irrigation District	Project No. 2266–096.
Sabine River Authority of Texas and State of Louisiana	Project No. 2305–020.
Town of Massena Electric Department	Project No. 12607–001.
Free Flow Power Corporation	Project No. 12829–001.
Free Flow Power Corporation	Project No. 12861–001.
Free Flow Power Corporation	Project No. 12912–001.
Free Flow Power Corporation	Project No. 12915–001.
Free Flow Power Corporation	Project No. 12921–001.
Free Flow Power Corporation	Project No. 12930–001.
Free Flow Power Corporation	Project No. 12938–001.

As announced in the May 18, 2010 *Notice of Interviews, Teleconferences, Regional Workshops And Multi-Stakeholder Technical Conference On The Integrated Licensing Process* (May 18, 2010 Notice), Commission staff will hold regional workshops at the locations and times listed below. The purposes of the regional workshops are to: (1) Seek feedback and share experiences learned from implementing the Integrated Licensing Process (ILP); (2) build on the feedback gathered through personal interviews and by-sector teleconferences conducted in June and July 2010, and (3) explore ideas to better implement the ILP within the framework of the existing regulations. Because of *ex parte* concerns, discussions will be limited to process rather than the merits of any proceeding before the Commission.

Location	Date/time
Albany, New York	
The Hilton Garden Inn Albany Medical Center, USS Albany Ballroom, 62 New Scotland Avenue, Albany, New York 12208.	Tuesday, September 21, 2010, 9:30 a.m. to 4 p.m.
Seattle, Washington	
Embassy Suites Seattle—Tacoma International Airport, 15920 West Valley Highway, Seattle, Washington 98188.	Tuesday, September 21, 2010, 9:30 a.m. to 4 p.m.
Charlotte, North Carolina	
The Doubletree Guest Suites Charlotte SouthPark, 6300 Morrison Boulevard, Charlotte, North Carolina 28211.	Thursday, September 23, 2010, 9:30 a.m. to 4 p.m.
Sacramento, California	
Holiday Inn Capitol Plaza, 300 J Street, Sacramento, California 95814	Tuesday, September 28, 2010, 9:30 a.m. to 4 p.m.

The workshops are open to the public and all interested parties are invited to attend and participate. These meetings will be posted on the Commission's calendar located at *http://www.ferc.gov/EventCalendar/EventsList.aspx.*

To ensure adequate materials are available, please register to attend the workshops by e-mailing Stephanie Obadia at *sobadia@kearnswest.com* by September 14, 2010. While we encourage interested parties to attend the workshops in person, anyone wishing to participate via teleconference should e-mail Stephanie Obadia at *sobadia@kearnswest.com* by September 14, 2010, to receive the toll-free telephone number and password to join the teleconference.

See the May 18, 2010 Notice for additional details regarding the ILP effectiveness evaluation.

For additional information, please contact David Turner at 202–502–6091 or *david.turner@ferc.gov.*

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–18593 Filed 7–28–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP10–841–000]

Northern Natural Gas Company; Notice of Technical Conference

July 20, 2010.

By order dated July 9, 2010 [1] the Federal Energy Regulatory Commission

[1] *Northern Natural Gas Company,* 132 FERC ¶ 61,021 (2010).

(Commission) ordered a technical conference in the captioned proceeding (July 9, 2010 Order). The conference will be held on Thursday, August 19, 2010 at the Commission's headquarters at 888 First Street, Washington, DC 20426, beginning at 9 a.m. in a room to be identified. The conference will address matters of the resale of market-based storage and capacity release discussed in the July 9, 2010 Order.

FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an e-mail to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–208–8659 (TTY); or send a Fax to 202–208–2106 with the required accommodations. For further information contact John M. Robinson at 202–502–6808 or William Howard at 202–502–8239.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–18596 Filed 7–28–10; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2007–0492; FRL–9182–8]

Second Draft Document Related to the Review of the National Ambient Air Quality Standards for Particulate Matter

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Extension of Comment Period.

SUMMARY: The EPA is announcing an extension of the public comment period for one chapter of the draft assessment document titled, *Policy Assessment for the Review of the Particulate Matter National Ambient Air Quality Standards—Second External Review Draft.* The EPA is extending the comment period for chapter 4—Review of the Secondary Standards for Visibility-Related Effects. This chapter is based on the *Particulate Matter Urban-Focused Visibility Assessment (UFVA)* which was finalized later than originally anticipated. As a result, the Agency is extending the comment period by two weeks to provide stakeholders and the public with adequate time to conduct appropriate analysis and prepare meaningful comments on chapter 4 of the second draft Policy Assessment. The original comment period was to end on August 16, 2010. The extended comment period for chapter 4 will now close on August 30, 2010.

DATES: Comments should be submitted on or before August 30, 2010.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2007–0492, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail:* Comments may be sent by electronic mail (e-mail) to *a-and-r-docket@epa.gov,* Attention Docket ID No. EPA–HQ–OAR–2007–0492.
- *Fax:* Fax your comments to 202–566–9744, Attention Docket ID No. EPA–HQ–OAR–2007–0492.
- *Mail:* Send your comments to: Air and Radiation Docket and Information Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention Docket ID No. EPA–HQ–OAR–2007–0492.
- *Hand Delivery or Courier:* Deliver your comments to: EPA Docket Center, 1301 Constitution Ave., NW., Room 3334, Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OAR–2007–0492. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov,* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Air Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. This Docket Facility is open from 8:30 a.m. to 4:30 p.m. Monday through Friday, excluding legal holidays. The Docket telephone number is 202–566–1742; fax 202–566–9744.

FOR FURTHER INFORMATION CONTACT: For questions related to this draft document, please contact Ms. Beth Hassett-Sipple, Office of Air Quality Planning and Standards (Mail code C504–06), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; e-mail: *hassett-sipple.beth@epa.gov;* telephone: 919–541–4605; fax: 919–541–0237.

General Information

A. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *http://www.regulations.gov* or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).

• Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

• Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

• Describe any assumptions and provide any technical information and/or data that you used.

• If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

• Provide specific examples to illustrate your concerns, and suggest alternatives.

• Make sure to submit your comments by the comment period deadline identified.

SUPPLEMENTARY INFORMATION: Under section 108(a) of the Clean Air Act (CAA), the Administrator identifies and lists certain pollutants which "cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare." The EPA then issues air quality criteria for these listed pollutants, which are commonly referred to as "criteria pollutants." The air quality criteria are to "accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of [a] pollutant in the ambient air, in varying quantities." Under section 109 of the CAA, EPA establishes primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) for pollutants for which air quality criteria are issued. Section 109(d) of the CAA requires periodic review and, if appropriate, revision of existing air quality criteria. The revised air quality criteria reflect advances in scientific knowledge on the effects of the pollutant on public health or welfare. The EPA is also required to periodically review and revise the NAAQS, if appropriate, based on the revised criteria.[1]

As part of EPA's review of the primary (health-based) and secondary (welfare-based) PM NAAQS, the Agency recently released the *Policy Assessment for the Review of the Particulate Matter National Ambient Air Quality Standards—Second External Review Draft*[2] (Policy Assessment; 75 FR 39253; July 8, 2010). The second draft Policy Assessment builds on the scientific and technical information available in this review as assessed in the *Integrated Science Assessment for Particulate Matter*[3] and two quantitative assessment documents, *Particulate Matter Urban-Focused Visibility Assessment (UFVA)* and Quantitative *Health Risk Assessment for Particulate Matter.*[4]

The UFVA was scheduled to be finalized on or about June 30, 2010 (75 FR 39252, July 8, 2010). However, in finalizing this document, EPA staff identified a data processing error which caused organic carbonaceous material to be over estimated on some days. The corrections were quite small and did not affect the conclusions. Corrections have been made to the final UFVA. Since the UFVA was finalized later than originally anticipated and chapter 4 of the second draft Policy Assessment (Review of the Secondary Standards for Visibility-Related Effects) builds on the information presented in the UFVA, EPA is extending the comment period by two weeks for this chapter to provide stakeholders and the public with adequate time to conduct appropriate analysis and prepare meaningful comments. The second draft Policy Assessment may be accessed online through EPA's TTN website at: *http://www.epa.gov/ttn/naaqs/standards/pm/s_pm_2007_pa.html.*

The draft document described above does not represent and should not be construed to represent any final EPA policy, viewpoint, or determination.

Dated: July 22, 2010.

Jennifer Noonan Edmonds,

Acting Director, Office of Air Quality Planning and Standards.

[FR Doc. 2010–18646 Filed 7–28–10; 8:45 am]

BILLING CODE 6560–50–P

[1] *See http://www.epa.gov/ttn/naaqs/review.html* for more information on the NAAQS review process.

[2] EPA–452/P–10–007, June 2010; Available: *http://www.epa.gov/ttn/naaqs/standards/pm/s_pm_2007_pa.html.*

[3] EPA 600/R–08/139F and EPA 600/R–08/139FA, December 2009; Available: *http://www.epa.gov/ttn/naaqs/standards/pm/s_pm_2007_isa.html.*

[4] EPA 452/R–10–004, July 2010 and EPA 452/R–10–005, June 2010; Available: *http://www.epa.gov/ttn/naaqs/standards/pm/s_pm_2007_risk.html.*

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted for Review and Approval to the Office of Management and Budget (OMB), Comments Requested

July 21, 2010.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501 – 3520. Comments are requested concerning: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and (e) ways to further reduce the information collection burden for small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a currently valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before August 30, 2010. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202–395–5167 or via email to Nicholas_A._Fraser@omb.eop.gov and to the Federal Communications Commission via email to PRA@fcc.gov and Cathy.Williams@fcc.gov. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page http://reginfo.gov/public/do/PRAMain, (2) look for the section of the web page called "Currently Under Review", (3) click on the downward–pointing arrow in the "Select Agency" box below the "Currently Under Review" heading, (4) select "Federal Communications Commission" from the list of agencies presented in the "Select Agency" box, (5) click the "Submit" button to the right of the "Select Agency" box, and (6) when the list of FCC ICRs currently under review appears, look for the title of this ICR (or its OMB Control Number, if there is one) and then click on the ICR

Reference Number to view detailed information about this ICR.

FOR FURTHER INFORMATION CONTACT: Cathy Williams on (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0678.

Title: Part 25 of the Communication's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Stations and Space Stations.

Form No.: FCC Form 312 and Schedule S.

Type of Review: Revision of a currently approved collection.

Respondents: Business and other for–profit.

Number of Respondents/Responses: 1,248 respondents; 1,248 responses.

Estimated Time Per Response: 0.25–22 hours per response.

Frequency of Response: On occasion and annual reporting requirements; Recordkeeping requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in Sections 4(i), 7(a), 11, 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended; 47 U.S.C. 154(i), 157(a), 303(c), 303(f), 303(g) and 303(r).

Total Annual Burden: 9,765 hours.

Annual Cost Burden: $22,375,860.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: In general, there is no need for confidentiality.

Needs and Uses: The Federal Communications Commission ("Commission") is revising OMB Control No. 3060–0678 to add the following rule sections that were previously included under OMB Control No. 3060–1007: 47 CFR 25.113, 25.131, 25.154, 25.164 and 25.165. Additionally, we are revising the information collection to include the respondents, annual burden hours and annual costs associated with these rule sections.

Upon OMB approval of the revisions to this information collection, OMB Control No. 3060–1007 also titled, "Streamlining and Other Revisions of Part 25 of the Commission's Rules" will be discontinued.

The information collection requirements accounted for in this collection are necessary to determine the technical and legal qualifications of applicants or licensees to operate a station, transfer or assign a license, and to determine whether the authorization is in the public interest, convenience and necessity. Without such information, the Commission could not determine whether to permit respondents to provide telecommunication services in the U.S. Therefore, the Commission would be unable to fulfill its statutory responsibilities in accordance with the Communications Act of 1934, as amended, and the obligations imposed on parties to the World Trade Organization (WTO) Basic Telecom Agreement.

Federal Communications Commission.

Marlene H. Dortch,

Secretary,

Office of the Secretary,

Office of Managing Director.

[FR Doc. 2010–18630 Filed 7–28–10– 8:45 am]

BILLING CODE 6712–01–S

FEDERAL DEPOSIT INSURANCE CORPORATION

Update to Notice of Financial Institutions for Which the Federal Deposit Insurance Corporation Has Been Appointed Either Receiver, Liquidator, or Manager

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Update Listing of Financial Institutions in Liquidation.

SUMMARY: Notice is hereby given that the Federal Deposit Insurance Corporation (Corporation) has been appointed the sole receiver for the following financial institutions effective as of the Date Closed as indicated in the listing. This list (as updated from time to time in the **Federal Register**) may be relied upon as "of record" notice that the Corporation has been appointed receiver for purposes of the statement of policy published in the July 2, 1992 issue of the **Federal Register** (57 FR 29491). For further information concerning the identification of any institutions which have been placed in liquidation, please visit the Corporation Web site at *http://www.fdic.gov/bank/individual/failed/banklist.html* or contact the Manager of Receivership Oversight in the appropriate service center.

Dated: July 26, 2010.

Federal Deposit Insurance Corporation.

Pamela Johnson,

Regulatory Editing Specialist.

INSTITUTIONS IN LIQUIDATION

[In alphabetical order]

FDIC Ref. No.	Bank name	City	State	Date closed
10264	Community Security Bank	New Prague	MN	7/23/2010
10265	Crescent Bank and Trust Company	Jasper	GA	7/23/2010
10266	Home Valley Bank	Cave Junction	OR	7/23/2010
10267	SouthwestUSA Bank	Las Vegas	NV	7/23/2010
10268	Sterling Bank	Lantana	FL	7/23/2010
10269	Thunder Bank	Sylvan Grove	KS	7/23/2010
10270	Williamsburg First National Bank	Kingstree	SC	7/23/2010

[FR Doc. 2010–18637 Filed 7–28–10; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Notices

AGENCY: Federal Election Commission.

DATE AND TIME: Thursday, July 22, 2010, at 1:30 p.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Draft Advisory Opinion 2010–09: Club for Growth, by its counsel, Carol A. Laham, Esq., and D. Mark Renaud, Esq., of Wiley Rein LLP.

Draft Advisory Opinion 2010–11: Commonsense Ten, by its counsel, Marc E. Elias, Esq., and Ezra Reese, Esq., of Perkins Cole LLP.

Management and Administrative Matters.

* * * * *

DATE AND TIME: Thursday, July 29, 2010, at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.

Draft Advisory Opinion 2010–13: Libertarian Party of Florida, by its treasurer, Mr. James Tall.

Management and Administrative Matters.

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Darlene Harris, Deputy Commission Secretary, at (202) 694–1040, at least 72 hours prior to the hearing date.

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, *Telephone:* (202) 694–1220.

Darlene Harris,

Deputy Secretary of the Commission.

[FR Doc. 2010–18422 Filed 7–28–10; 8:45 am]

BILLING CODE 6715–01–M

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 23, 2010.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. BancFirst Corporation, Oklahoma City, Oklahoma; to merge with Union National Bancshares, Inc., and thereby indirectly acquire voting shares of Union Bank of Chandler, both in Chandler, Oklahoma.

Board of Governors of the Federal Reserve System, July 26, 2010.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2010–18629 Filed 7–28–10; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 3:00 p.m., Tuesday, August 3, 2010.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Implications of Dodd–Frank Reform Act for Board Organization and Staffing.

2. Any items carried forward from a previously announced meeting.

FOR FURTHER INFORMATION CONTACT: Michelle Smith, Director, or Dave Skidmore, Assistant to the Board, Office of Board Members at 202–452–2955.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at *http://www.federalreserve.gov* for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Board of Governors of the Federal Reserve System, July 27, 2010.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2010–18805 Filed 7–27–10; 4:15 pm]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Consumer Advisory Council Solicitation of Nominations for Membership

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice.

SUMMARY: The Board invites the public to nominate qualified individuals for appointment to its Consumer Advisory Council, whose membership represents the interests of consumers, communities, and the financial services industry. The Board plans to appoint up to ten members for terms that will begin in January 2011. Appointments are typically for three years. However, the duration of members' terms may be subject to change pursuant to the implementation of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

DATES: Nominations must be received by September 10, 2010. Nominations not received by September 10 may not be considered.

ADDRESSES: Nominations must include a résumé for each nominee. Electronic nominations are preferred. The appropriate form can be accessed at: *https://www.federalreserve.gov/secure/cacnomination/*.

If electronic submission is not feasible, the nominations may be mailed (not faxed) to Joseph Firschein, Assistant Director and Community Affairs Officer, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, DC 20551.

FOR FURTHER INFORMATION CONTACT: Jennifer Kerslake, Secretary of the Council, Division of Consumer and Community Affairs, (202) 452–6470, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: The Consumer Advisory Council was established in 1976 at the direction of the Congress to advise the Federal Reserve Board on the exercise of its duties under the Consumer Credit Protection Act and on other consumer-related matters. The Council by law represents the interests both of consumers and of the financial services industry (15 U.S.C. 1691(b)). Under the Rules of Organization and Procedure of the Consumer Advisory Council (12 CFR 267.3), members serve three-year terms that are staggered to provide the Council with continuity. The duration of members' terms may be subject to change pursuant to the implementation of the Dodd-Frank Wall Street Reform

and Consumer Protection Act. The Board will continue to use the Council's valuable advice and expertise during the implementation of the Act.

The Board plans to appoint up to ten members for terms that will begin January 1, 2011, to replace members whose terms expire in December 2010. The Board expects to announce the appointments in early January.

Nomination letters should include:

- A résumé for each nominee;
- Nominee's full name, organizational affiliation, title, address, phone and fax numbers, and e-mail address;
- Nominee organization's name, brief description of organization, address, and phone and fax numbers;
- Information about past and present positions held by the nominee, dates, and description of responsibilities;
- A description of the nominee's special knowledge, interests, or experience related to community development and reinvestment, consumer protection regulations, consumer credit, or other consumer financial services issues;
- Positions held in community organizations and on councils and boards; and
- Nominator's full name, organizational affiliation, title, address, phone and fax numbers, and e-mail address.

Individuals may nominate themselves.

The Board is interested in candidates who have familiarity with consumer financial services, community development and reinvestment, and consumer protection regulations, and who are willing to express their views. Candidates do not have to be experts on all levels of consumer financial services or community reinvestment, but they should possess some basic knowledge of the issues. They must be able and willing to make the necessary time commitment to participate in conference calls and prepare for and attend meetings three times a year (usually for two days, including committee meetings). The meetings are held at the Board's offices in Washington, DC. The Board pays travel expenses, lodging, and a nominal honorarium.

In making the appointments, the Board will seek to complement the background of continuing Council members in terms of affiliation and geographic representation. The Board may consider prior years' nominees and does not limit consideration to individuals nominated by the public when making its selection.

Council members whose terms end as of December 31, 2010, are:

Michael Calhoun, President, Center for Responsible Lending, Durham, North Carolina
Alan Cameron, President and Chief Executive Officer, Idaho Credit Union League, Boise, Idaho
Kathleen Engel, Associate Professor of Law, Cleveland-Marshall College of Law, Cleveland, Ohio
Greta Harris, Vice President—Southeast Region, Local Initiatives Support Corporation, Richmond, Virginia
Lorenzo Littles, Consultant, Foundation for Community Empowerment, Grapevine, Texas
Saurabh Narain, Chief Fund Advisor, National Community Investment Fund, Chicago, Illinois
Ronald Phillips, President, Coastal Enterprises, Inc., Wiscasset, Maine
Kevin Rhein, Division President, Wells Fargo Card Services, Minneapolis, Minnesota
Shanna Smith, President and Chief Executive Officer, National Fair Housing Alliance, Washington, District of Columbia
Jennifer Tescher, Director, Center for Financial Services Innovation, Chicago, Illinois

Council members whose terms continue through 2011 and 2012 are:

Maeve Elise Brown, Executive Director, Housing and Economic Rights Advocates, Oakland, California
Paula Bryant-Ellis, Senior Vice President, Community Development Banking Group, BOK Financial Corporation, Tulsa, Oklahoma
Joanne Budde, Chief Executive Officer, Consumer Credit Counseling Service, San Francisco, California
John Carey, Executive Vice President and Chief Administrative Officer, Citi Cards, Long Island City, New York
Tino Diaz, Managing Director and CEO, CharisPros, Miami, Florida
Kerry Doi, President and CEO, Pacific Asian Consortium in Employment, Los Angeles, California
Betsy E. Flynn, President and Vice Chairman, Community Financial Services Bank, Benton, Kentucky
Patricia Garcia Duarte, President and Chief Executive Officer, Neighborhood Housing Services of Phoenix, Inc., Phoenix, Arizona
Ira Goldstein, Director, Policy and Information Services, The Reinvestment Fund, North Philadelphia, Pennsylvania
Mike Griffin, Senior Vice President, KeyBank, N.A., Cleveland, Ohio
Brian Hudson, Sr., Executive Director and CEO, Pennsylvania Housing Finance Agency, Harrisburg, Pennsylvania
Kirsten Keefe, Senior Staff Attorney, Empire Justice Center, Albany, New York
Larry Litton, Jr., President and Chief Executive Officer, Litton Loan Servicing, LP, Houston, Texas
Andy Navarrete, Senior Vice President, Chief Counsel—National Lending, Capital One Financial Corporation, McLean, Virginia
Jim Park, President and Chief Executive Officer, New Vista Asset Management, San Diego, California
Dory Rand, President, Woodstock Institute, Chicago, Illinois
Phyllis Salowe-Kaye, Executive Director, New Jersey Citizen Action, Newark, New Jersey
Corey Stone, Chair, First Community Bank of New Haven, New Haven, Connecticut
Mary Tingerthal, President, Capital Markets Companies, Housing Partnership Network, St. Paul, Minnesota
Mark Wiseman, Principal Assistant Attorney General, Consumer Protection Section, Ohio Attorney General's Office, Cleveland, Ohio

Board of Governors of the Federal Reserve System, July 26, 2010.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 2010–18606 Filed 7–28–10; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL MARITIME COMMISSION

[Docket No. 10–07]

Rendezvous International v. Chief Cargo Services, Inc., Kaiser Apparel, Inc., Edco Logistics, Inc., Oriental Logistics, Inc., and Razor Enterprise; Notice of Filing of Complaint and Assignment

Notice is given that a complaint has been filed with the Federal Maritime Commission ("Commission") by Rendezvous International ("Rendezvous"), hereinafter "Complainant," against Chief Cargo Services, Inc., Kaiser Apparel, Inc., Edco Logistics, Inc., Oriental Logistics, Inc., and Razor Enterprise, hereinafter "Respondents." Complainant asserts that it is a partnership formed in the Country of Pakistan in the business of manufacturing garments. Complainant asserts that Respondents are "corporations and/or business entities formed in the State of New York and doing business in the State of New York" and that Respondents "perform importing services, freight forwarding and handling services, pay duties and freight, and clear shipments of goods through US Customs."

Complainant alleges that "[t]he transactions of business underlying the

Claimant's claim took place between Pakistan and New York, USA via ocean vessels NYK Cosmos, Asir, and Fowairet, from April 24, 2009, May 23, 2009 and June 5, 2009." Complainant asserts that "shipments were to be released only upon presentation by Respondents of Original endorsed Negotiable Bills of Lading. The payment terms were on a CAD (Cash Against Documents) basis." Complainant alleges that the terms of the Bill of Lading were "violated by Respondents when Respondents released the goods without obtaining the endorsed Bill of Lading." As a result, Complainant alleges that Respondents violated: "U.S. Code Title 46 Sec. 1 (a), Sec 30701(4), 30701(6), 30701(7), 30701(8), Sec 41102(b), 41102(c) (Shipping Act Sec 10(a)(1) and 10(d)(1)), 41301 (sec 11(a) of the Shipping Act), 41302, 41303, 41304, 41305, 41309, 305; U.S. Code 49 Sec 80101, 80102, 80103, 80104, 80110, 80111, 80116, 80106."

Complainant asserts that it has suffered damages in the sum of "$290,424.91, plus interst/mark-up, plus US$ 7500.00", for attorney fees and other expenses. Complainant requests that the Commission "investigate the matter"; that Respondents be required to answer the charges made by Complainant; that Respondents be ordered to pay reparations of $290,424.91 with interest, costs and attorney's fees; and order any such other and further relief as the Commission deems just and proper.

This proceeding has been assigned to the Office of Administrative Law Judges. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61, and only after consideration has been given by the parties and the presiding officer to the use of alternative forms of dispute resolution. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Pursuant to the further terms of 46 CFR 502.61, the initial decision of the presiding officer in this proceeding shall be issued by July 25, 2011 and the final decision of the Commission shall be issued by November 22, 2011.

Karen V. Gregory,

Secretary.

[FR Doc. 2010–18580 Filed 7–28–10; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–10–0557]

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 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

National Public Health Performance Standards Program Local Public Health Governance Assessment (OMB 0920–0580 exp. 8/31/2010)—Extension—Office of State, Tribal, Local and Territorial Support (OSTLTS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Office of State, Tribal, Local and Territorial Support is proposing to extend the formal, voluntary data collection that assesses the capacity of local boards of health to deliver the essential services of public health. Electronic data submission will be used when local boards of health complete the public health assessment.

A three-year approval is being sought with the current data collection instrument. The data collection instrument has been valuable in assessing performance and capacity and identifying areas for improvement.

From 1998–2002, the CDC National Public Health Performance Standards Program convened workgroups with the National Association of County and City Health Officials (NACCHO), The Association of State and Territorial Health Officials (ASTHO), the National Association of Local Boards of Health (NALBOH), the American Public Health Association (APHA), and the Public Health Foundation (PHF) to develop performance standards for public health systems based on the essential services of public health. In 2005, CDC reconvened workgroups with these same organizations to revise the data collection instruments, in order to ensure the standards remain current and improve user friendliness. There is no cost to the respondent, other than their time.

The estimated annualized burden hours are 875.

ANNUALIZED BURDEN HOURS

No. of respondents	No. of responses per respondent	Average burden per response (in hours)	Total burden hours
175	1	5	875

Dated: July 22, 2010.

Maryam I. Daneshvar,

Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. 2010–18626 Filed 7–28–10; 8:45 am]

BILLING CODE 4163–18–P

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: "Eisenberg Center Voluntary Customer Survey Generic Clearance for the Agency for Health Care Research and Quality." 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 20th, 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 30, 2010.

ADDRESSES: Written comments should be submitted to: AHRQs 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

Eisenberg Center Voluntary Customer Survey Generic Clearance for the Agency for Healthcare Research and Quality The Agency for Healthcare Research and Quality (AHRQ) requests that the Office of Management and Budget (OMB) renew, under the Paperwork Reduction Act of 1995, AHRQ's Generic Clearance to collect information from users of work products and services initiated by the John M. Eisenberg Clinical Decisions and Communications Science Center (Eisenberg Center).

AHRQ is the lead agency charged with supporting research designed to improve the quality of healthcare, reduce its cost, improve patient safety, decrease medical errors, and broaden access to essential services. *See* 42 U.S.C. 299.

AHRQ's Eisenberg Center is an innovative effort aimed at improving communication of findings to a variety of audiences ("customers"), including consumers, clinicians, and health care policy makers. The Eisenberg Center compiles research results into a variety of useful formats for customer stakeholders. The Eisenberg Center also conducts its own program of research into effective communication of research findings in order to improve the usability and rapid incorporation of findings into medical practice. The Eisenberg Center is one of three components of AHRQ's Effective Health Care Program, *see* 42 U.S.C. 299b–7. For the period 2005 until September 2008, the Eisenberg Center was operated through a contractual arrangement with the Oregon Health and Science University (OHSU), Department of Medicine, located in Portland, Oregon. In September 2008, the contract for operation of the Eisenberg Center was awarded to Baylor College of Medicine (BCM), located in Houston Texas.

The collections proposed under this clearance include activities to assist in the development of materials to be disseminated through the Eisenberg Center and to provide feedback to AHRQ on the extent to which these products meet customer needs. These materials include Summary Guides that summarize and translate the findings of comparative effectiveness reviews (CER) and research reports for purposes of summarizing research findings for various decision-making audiences, such as consumers, clinicians, or policymakers. The guides are designed to help these decision makers use research evidence to maximize the benefits of health care, minimize harm, and optimize the use of health care resources. In addition, each year of the project the Eisenberg Center will develop one computerized, interactive decision aid for those clinical problems identified from selected CERs. The intent is for the decision aid to increase the patient/consumer's knowledge of the health condition, options, and risk/benefits, lead to greater assurance in making a decision, increase the congruence between values and choices, and enhance involvement in the decision making process. Information collections conducted under this generic clearance are not required by regulation and will not be used to regulate or sanction customers. Surveys will be entirely voluntary, and information provided by respondents will be combined and summarized so that no individually identifiable information will be released. The Eisenberg Center will produce from 17 to a maximum of 33 Summary Guides per audience (*i.e.,* clinician, policymaker, consumer) per year, depending on the information needed for each product with each audience.

In accordance with OMB guidelines for generic clearances for voluntary customer surveys and Executive Order 12862, AHRQ has established an independent review process to assure the development, implementation, and analysis of high quality customer surveys within AHRQ. Specifically, AHRQ understands that each activity conducted must be submitted to OMB with a supporting statement and accompanying instruments. Information collection may not proceed until approved by OMB.

Method of Collection

Information collections conducted under this clearance will be collected via the following methods:

- *Focus Groups.* Focus groups may include clinical professionals, patients or other health care consumers, or health policy makers. They will be used to provide input regarding the needs for products and for the development of Decision Aids and Summary Guides. Focus groups may also be used to test draft products to determine if intended information and messages are being delivered through products that are produced and disseminated through the Eisenberg Center.
- *In-person or Telephone Interviews.* Interviews will be conducted with individuals from one or more of the three groups identified above. The purpose of these interviews is to (1) to provide input regarding the development of Decision Aids and Summary Guides, (2) to determine if intended information and messages are being delivered effectively through products that are produced and disseminated through the Eisenberg Center, and (3) to engage the subject in cognitive testing to (a) determine if changes in topical knowledge levels can be identified following exposure to

Eisenberg Center informational or instructional products, and (b) identify strengths and weaknesses in products and services for purposes of making improvements that are practical and feasible.

• *Customer Satisfaction Survey for the Decision Aids.* Baseline survey data will be collected on both clinician and patient characteristics, characteristics of the health care condition, and selected outcome measures such as knowledge and decisional self-efficacy. Following delivery of the decision aid, a user survey will be completed to explore subjects' impressions of the tool, including ease of use, clarity of presentation, length, balance of information, rating of interactive features, and overall satisfaction. Both clinicians and patients/consumers will be surveyed. For patients, the customer satisfaction survey will include decisional outcome measures (*e.g.,* decisional conflict, desire for involvement in decision-making), measures of attitudes and self-efficacy, and indicators of choice intention or actual choice made. If the aid is evaluated within a clinical context, measures of physician-patient interaction will also be considered. Additionally, clinicians may be interviewed about the impact of the aid on clinical flow.

• *Customer Satisfaction Surveys for the Summary Guides.* These surveys will be offered to health care professionals, consumers, and policy makers that use the online Summary Guides. Respondents will report via Likert-type or numerical response scales how specific informational or educational products or materials influenced health care or clinical practice behaviors.

• *Follow-up CME Surveys.* Continuing Medical Education (CME) credit will be offered to physicians who wish to participate in online activities developed around the Summary Guides for clinicians. Three months after completing the educational activity, physicians will be asked to complete a follow-up survey to assess realized changes in clinical practice, barriers to making change, and self-assessed impacts on patient care.

• *Solicited Topic Nominations.* Visitors to the Website will have the opportunity to provide information about suggested topics that might be addressed through the research and dissemination efforts of the EHC program.

• *Web site Registration.* Visitors to the Web site will be able to register personal contact information (*e.g.,* name, email address) if wishing to receive updated information and materials as they become available.

• *Glossary Feedback Survey.* Visitors to the Website who access the health care glossary will be asked to suggest missing terms and provide additional comments on definitions or usage sentences, if desired.

This information will be used to develop, improve and/or maintain high quality products and services to lay and health professional publics.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden for the respondents' time to participate in this research. These estimates assume a maximum of 33 Summary Guides per year and separate Guides for clinicians, policy makers and consumers and are thus slight overestimates. Focus groups will be used for needs assessment and will be conducted with clinicians and consumers for development of the Summary Guides, and additionally with policymakers for those Guides in which policy recommendations are applicable. Focus groups will be conducted with no more than 1,056 persons per year and will last about 1½ hours.

Once the Summary Guides are developed they will be subjected to in-person or telephone interviews for purposes of usability and product testing with clinicians, policy makers and consumers. In-person/telephone interviews will be conducted twice with about 1,386 persons annually and will take about 66 minutes on average. Two rounds of interviews will be conducted with all consumer representatives during product development, with a second round of interviews conducted occasionally with clinicians and policy makers, as needed.

Customer satisfaction surveys for the Summary Guides will be conducted with approximately 6,600 representatives from the audience to be targeted by the Summary Guides annually (*i.e.,* clinician, policymaker or consumer) and will take 5 minutes to complete.

Customer satisfaction surveys will also be administered to approximately 50 clinicians and 500 patients in evaluating the Decision Aid. These surveys will take about 10 minutes to complete, and will be administered before and after implementation of the Decision Aid in the study populations.

Clinicians that have completed CME accrediting requirements and are requesting CME credit will be asked to complete the follow-up CME Survey three months following completion of the online activity. This data collection will be completed with about 1,320 clinicians annually and will require 5 minutes to complete.

Approximately 2,500 solicited topic nomination forms will be completed annually by healthcare professional and consumer visitors to the Website and will require about 5 minutes to complete. Website Registration will be completed by all persons wanting to stay up-to-date with the latest information from the Eisenberg Center, about 6,000 annually, and requires about 5 minutes to complete. The Glossary Feedback Survey will be completed by about 200 persons annually that access the glossary and takes 5 minutes to complete. The total burden hours are estimated to be 6,203.

Exhibit 2 shows the estimated annualized cost burden associated with the respondent's time to participate in this research. The cost burden is estimated to be $290,227 annually.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Type of data collection	Number of respondents	Number of response per respondent	Hours per response	Total burden hours
Focus Groups	1,056	1	1.5	1,584
In-person/Telephone Interviews	1,386	2	1.1	3,050
Customer Satisfaction Surveys for the Decision Aid	550	2	10/60	184
Customer Satisfaction Surveys for the Summary Guides	6,600	1	5/60	550
Follow-up CME Surveys	1,320	1	5/60	110
Solicited Topic Nominations	2,500	1	5/60	208
Web site Registration	6,000	1	5/60	500
Glossary Feedback Survey	200	1	5/60	17

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of data collection	Number of respondents	Number of response per respondent	Hours per response	Total burden hours
Total	19,612	na	na	6,203

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Type of data collection	Number of respondents	Total burden hours	Average hourly wage rate*	Total cost burden
Focus Groups	1,056	1,584	$48.98	$77,584
In-person/Telephone Interviews	1,386	3,050	46.82	142,801
Customer Satisfaction Surveys for the Decision Aid	550	184	25.53	4,698
Customer Satisfaction Surveys for the Summary Guides	6,600	550	39.55	21,753
Follow-up CME Surveys	1,320	110	77.64	8,540
Solicited Topic Nominations	2,500	208	48.07	9,999
Web site Registration	6,000	500	48.07	24,035
Glossary Feedback Survey	200	17	48.07	817
Total	19,612	6,203	na	290,227

*Based upon the mean and weighted mean wages for clinicians (29–1062 family and general practitioners), policy makers (11–0000 management occupations, 11–3041 compensation & benefits managers, 13–1072 compensation, benefits & job analysis specialists, 11–9111 medical and health service managers, 13–2053 insurance underwriters and 15–2011 actuaries) and consumers (00–0000 all occupations). Focus groups include 528 clinicians ($77.64/hr) and 528 consumers ($20.32/hr); in-person/telephone interviews includes 528 clinicians, 330 policy makers ($39.91/hr) and 528 consumers; customer satisfaction surveys for the decision aid includes 50 clinicians and 500 consumers; customer satisfaction surveys for the summary guides includes 1,650 clinicians, 1,650 policy makers and 3,300 consumers; follow-up CME surveys includes 1,320 clinicians; solicited topic nominations include 1,125 clinicians, 250 policy makers and 1,125 consumers; website registration includes 2,700 clinicians, 600 policy makers and 2,700 consumers; glossary feedback survey includes 90 clinicians, 20 policy makers and 90 consumers, National Compensation Survey: Occupational wages in the United States May 2008, "U.S. Department of Labor, Bureau of Labor Statistics."

Estimated Annual Costs to the Federal Government

The maximum cost to the Federal Government is estimated to be $1,439,003 annually.

Exhibit 3 shows the total and annualized cost by the major cost components.

EXHIBIT 3—ESTIMATED TOTAL AND ANNUALIZED COST

Cost component	Total cost	Annualized cost
Project Development	$1,019,970	$339,990
Data Collection Activities	735,405	245,135
Data Processing and Analysis	1,889,505	629,835
Project Management	557,380	185,793
Overhead	114,750	38,250
Total	4,317,010	1,439,003

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: July 19, 2010.

Carolyn M. Clancy,

Director.

[FR Doc. 2010–18413 Filed 7–28–10; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–10–0580]

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 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

National Public Health Performance Standards Program Local Public Health Governance Assessment (OMB 0920–0580 exp. 8/31/2010)—Extension—Office of State, Tribal, Local and Territorial Support (OSTLTS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Office of State, Tribal, Local and Territorial Support is proposing to extend the formal, voluntary data collection that assesses the capacity of local boards of health to deliver the essential services of public health. Electronic data submission will be used when local boards of health complete the public health assessment.

A three-year approval is being sought with the current data collection instrument. The data collection instrument has been valuable in assessing performance and capacity and identifying areas for improvement.

From 1998–2002, the CDC National Public Health Performance Standards Program convened workgroups with the National Association of County and City Health Officials (NACCHO), The Association of State and Territorial Health Officials (ASTHO), the National Association of Local Boards of Health (NALBOH), the American Public Health Association (APHA), and the Public Health Foundation (PHF) to develop performance standards for public health systems based on the essential services of public health. In 2005, CDC reconvened workgroups with these same organizations to revise the data collection instruments, in order to ensure the standards remain current and improve user friendliness. There is no cost to the respondent, other than their time. The estimated annualized burden hours are 875.

ANNUALIZED BURDEN HOURS

No. of respondents	No. of responses per respondent	Average burden per response (in hours)	Total burden hours
175	1	5	875

Dated: July 22, 2010.

Maryam I. Daneshvar,

Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. 2010–18622 Filed 7–28–10; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–10–0237]

Proposed Data Collections Submitted for Public Comment and Recommendations

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

The National Health and Nutrition Examination Survey (NHANES)—(OMB No. 0920–0237 exp. 12/31/2011)—Revision—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 306 of the Public Health Service (PHS) Act (42 U.S.C. 242k), as amended, authorizes that the Secretary of Health and Human Services (DHHS), acting through NCHS, shall collect statistics on the extent and nature of illness and disability; environmental, social and other health hazards; and determinants of health of the population of the United States. This three-year clearance request includes the data collection in 2011 and 2012 and data planning and testing activities for 2013–2014 data collection.

The National Health and Nutrition Examination Survey (NHANES) was conducted periodically between 1970 and 1994, and continuously since 1999 by the National Center for Health Statistics, CDC. Almost 19,000 persons are screened, with about 5,000 participants interviewed and examined annually. Participation in NHANES is completely voluntary and confidential.

NHANES programs produce descriptive statistics which measure the health and nutrition status of the general population. Through the use of questionnaires, physical examinations, and laboratory tests, NHANES studies the relationship between diet, nutrition and health in a representative sample of the United States. NHANES monitors the prevalence of chronic conditions and risk factors related to health such as arthritis, asthma, osteoporosis, infectious diseases, diabetes, high blood pressure, high cholesterol, obesity, smoking, drug and alcohol use, physical activity, environmental exposures, and diet. NHANES data are used to produce national reference data on height, weight, and nutrient levels in the blood. Results from more recent NHANES can be compared to findings reported from previous surveys to monitor changes in the health of the U.S. population over time. NHANES continues to collect genetic material on a national probability sample for future genetic research aimed at understanding disease susceptibility in the U.S. population. NCHS collects personal identification information from survey respondents to facilitate linkage of survey data with health related administrative records. For the 2011–2012 survey, NHANES will add an Asian oversample to the survey design.

NHANES data users include the U.S. Congress; the World Health Organization; numerous Federal agencies such as the National Institutes of Health, the Environmental Protection Agency, and the United States Department of Agriculture; private groups such as the American Heart Association; schools of public health; private businesses; individual practitioners; and administrators. NHANES data are used to establish, monitor, and/or evaluate recommended dietary allowances, food fortification policies, environmental exposures, immunization guidelines and health education and disease prevention programs.

There is no cost to respondents other than their time. The total estimated annualized burden hours are 49,626.

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
NHANES Respondents	NHANES questionnaire and examination	18,813	1	2
Special study/pretest participants	NHANES special study/pretest participants	4,000	1	3

Dated: July 23, 2010.

Catina Conner,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. 2010–18618 Filed 7–28–10; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App), notice is hereby given of a meeting of the Literature Selection Technical Review Committee.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The portion of the meeting devoted to the review and evaluation of journals for potential indexing by the National Library of Medicine will be closed to the public in accordance with the provisions set forth in section 552b(c)(9)(B), Title 5 U.S.C., as amended. Premature disclosure of the titles of the journals as potential titles to be indexed by the National Library of Medicine, the discussions, and the presence of individuals associated with these publications could significantly frustrate the review and evaluation of individual journals.

Name of Committee: Literature Selection Technical Review Committee.

Date: October 28–29, 2010.

Time: October 28, 2010, 9 a.m. to 11 a.m.

Agenda: Administrative reports and program discussion.

Place: National Library of Medicine, Building 38, 2nd Floor, Board Room, 8600 Rockville Pike, Bethesda, MD 20892.

Closed: October 28, 2010, 11 a.m. to 5 p.m.

Agenda: To review and evaluate journals as potential titles to be indexed by the National Library of Medicine.

Place: National Library of Medicine, Building 38, 2nd Floor, Board Room, 8600 Rockville Pike, Bethesda, MD 20892.

Closed: October 29, 2010, 8:30 a.m. to 2 p.m.

Agenda: To review and evaluate journals as potential titles to be indexed by the National Library of Medicine

Contact Person: Sheldon Kotzin, MLS, Associate Director, Division of Library Operations, National Library of Medicine, 8600 Rockville Pike, Building 38, Room 2W06, Bethesda, MD 20892, 301–496–6921, *kotzins@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS).

Dated: July 22, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–18625 Filed 7–28–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory Council for Human Genome Research.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council for Human Genome Research.

Date: August 18, 2010.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5635 Fishers Lane, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Mark S. Guyer, Director for Extramural Research, National Human Genome Research Institute, 5635 Fishers Lane, Suite 4076, MSC 9305, Bethesda, MD 20892, 301–496–7531, *guyerm@mail.nih.gov.*

Information is also available on the Institute's/Center's home page: *http://www.genome.gov/11509849,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: July 23, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–18627 Filed 7–28–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Notice of Meeting of the Homeland Security Information Network Advisory Committee, Tuesday, August 31, and Wednesday, September 1, 2010

AGENCY: Department of Homeland Security.

ACTION: Notice of open meeting.

SUMMARY: The Homeland Security Information Network Advisory Committee (HSINAC) will meet from August 31, 2010, to September 1, 2010, in Potomac, MD. This meeting is open to the public during the times listed in this notice.

DATES: The HSINAC will meet on Tuesday, August 31, 2010, from 2 p.m. to 6 p.m., and on Wednesday, September 1, 2010, from 9 a.m. to 6 p.m. The meeting will adjourn early if the committee has completed its business prior to 6 p.m. on September 1.

ADDRESSES: The meeting convenes at the Bolger Center, 9600 Newbridge

Drive, Potomac, MD 20854–4436. Send written material, comments, and requests to make oral statements by August 20, 2010, to Gabrielle Gallegos, Department of Homeland Security. Requests can be submitted by e-mail (*HSINAC@DHS.gov*), fax (202–357–7678), or mail (Gabrielle Gallegos, Department of Homeland Security, OPS CIO–D Stop 0426, 245 Murray Lane, SW., BLDG 410, Washington, DC 20528–0426); include the docket number, DHS–2010–0061, with the request. Background documents and comments received will be posted without alteration at *http://www.regulations.gov*, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Gabrielle Gallegos, Department of Homeland Security, OPS CIO–D Stop 0426, 245 Murray Lane, SW., BLDG 410, Washington, DC 20528–0426, *HSINAC@DHS.Gov,* 202–357–7624, fax 202–357–7678.

SUPPLEMENTARY INFORMATION: Notice of this meeting is delivered in accordance with the Federal Advisory Committee Act, 5 U.S.C. App. 1 (Pub. L. 92–463). The mission of the Homeland Security Information Network Advisory Committee is to identify issues and provide to senior leadership of the Department, in particular the Director of Operations Coordination and Planning, independent advice and recommendations for the improvement of the Homeland Security Information Network (HSIN). The meeting agenda will include discussion of the following topics: HSIN NextGen and the Common Operating Picture upgrade, the HSIN NextGen capabilities release schedule, the DHS portal consolidation program, interoperability across Federal systems, the HSIN business case update, desired future HSIN capabilities, and relocation of the HSIN program.

This meeting is open to the public during the times listed in this notice. Participation in HSINAC deliberations is limited to committee members and Department of Homeland Security officials. The public may attend the meetings, but will not be able to participate in the deliberations. Seating may be limited and is available on a first-come, first-served basis.

Accessibility: For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Gabrielle Gallegos as soon as possible.

The Federal Relay Service (FedRelay), a Federal Government telecommunications service, enables those who are deaf, hard of hearing, or deaf/blind or who have speech disabilities to have equal communication access.

All calls are strictly confidential and no records of conversations are maintained. Toll-Free and Toll Access Numbers for Federal Relay are:

800–877–8339: TTY (Text Telephone)/ ASCII (American Standard Code For Information Interchange)
877–877–6280: VCO (Voice Carry Over)
877–877–8982: Speech-to-Speech
800–845–6136: Spanish
800–877–0996: Customer Service (Voice/TTY, ASCII and Spanish)
866–377–8642: Voice
866–893–8340: TeleBraille

From non-domestic locations the number is 605–331–4923

Dated: July 20, 2010.

Richard Chavez,

Acting Director, Operations Coordination and Planning.

[FR Doc. 2010–18577 Filed 7–28–10; 8:45 am]

BILLING–CODE–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–1923–DR; Docket ID FEMA–2010–0002]

Wyoming; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Wyoming (FEMA–1923–DR), dated July 14, 2010, and related determinations.

DATES: *Effective Date:* July 14, 2010.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Recovery Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated July 14, 2010, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the "Stafford Act"), as follows:

I have determined that the damage in certain areas of the State of Wyoming resulting from flooding during the period of June 4–18, 2010, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the "Stafford Act"). Therefore, I declare that such a major disaster exists in the State of Wyoming.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Steven S. Ward, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Wyoming have been designated as adversely affected by this major disaster:

Fremont County and the portions of the Wind River Indian Reservation that lie within Fremont County for Public Assistance.

All counties and Tribes within the State of Wyoming are eligible to apply for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2010–18589 Filed 7–28–10; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–1924–DR; Docket ID FEMA–2010–0002]

Nebraska; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Nebraska (FEMA–1924–DR), dated July 15, 2010, and related determinations.

DATES: *Effective Date:* July 15, 2010.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Recovery Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated July 15, 2010, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the "Stafford Act"), as follows:

I have determined that the damage in certain areas of the State of Nebraska resulting from severe storms, flooding, and tornadoes beginning on June 1, 2010, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the "Stafford Act"). Therefore, I declare that such a major disaster exists in the State of Nebraska.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Stephen R. Thompson, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Nebraska have been designated as adversely affected by this major disaster:

Antelope, Arthur, Blaine, Boone, Boyd, Brown, Burt, Cass, Chase, Cherry, Cheyenne, Colfax, Cuming, Custer, Dodge, Douglas, Frontier, Garden, Garfield, Greeley, Harlan, Hayes, Holt, Howard, Keya Paha, Knox, Lincoln, Logan, Loup, Madison, McPherson, Morrill, Nance, Nemaha, Nuckolls, Otoe, Perkins, Phelps, Pierce, Platte, Richardson, Rock, Sarpy, Saunders, Sherman, Sioux, Stanton, Thomas, Valley, Washington, Wayne, Webster, and Wheeler Counties for Public Assistance.

All counties within the State of Nebraska are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2010–18595 Filed 7–28–10; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–1898–DR; Docket ID FEMA–2010–0002]

Pennsylvania; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Pennsylvania (FEMA–1898–DR), dated April 16, 2010, and related determinations.

DATES: *Effective Date:* July 20, 2010.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Recovery Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of Pennsylvania is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of April 16, 2010.

Montgomery County for Public Assistance.

Montgomery County for emergency protective measures (Category B), including snow assistance, under the Public Assistance program for any continuous 48-hour period during or proximate to the incident period.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2010–18590 Filed 7–28–10; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–1910–DR; Docket ID FEMA–2010–0002]

Maryland; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Maryland (FEMA–1910–DR), dated May 6, 2010, and related determinations.

DATES: *Effective Date:* July 20, 2010.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Recovery Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the

State of Maryland is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of May 6, 2010.

Caroline County for emergency protective measures (Category B), including snow assistance, under the Public Assistance program for an additional 24-hour period during or proximate to the incident period (already designated for Public Assistance and emergency protective measures (Category B), including snow assistance, under the Public Assistance program for any continuous 48-hour period during or proximate to the incident period).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2010–18591 Filed 7–28–10; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5386–N–07]

Privacy Act of 1974; Notice of a New Privacy Act System of Records (SORN), Ginnie Mae Master Subservicer System

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice of a New Privacy Act SORN.

SUMMARY: The Department proposes to establish a new Privacy Act SORN subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The Ginne Mae Master Subservicer System will be used to perform a wide range of loan servicing functions required to process transactions relating to the servicing of home and project loans on behalf of Ginnie Mae. These services include, but are not limited to, servicing current, delinquent and defaulted loans, both pooled and non-pooled, including foreclosure services, management and disposition of acquired properties (Real Estate Owned).

DATES: *Effective Date:* This action shall be effective without further notice on *August 30, 2010* unless comments are received that would result in a contrary determination.

Comments Due By: August 30, 2010.

ADDRESSES: Interested persons are invited to submit comments regarding this notice to the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: For Privacy Act related questions contact Donna Robinson-Staton, Departmental Privacy Officer, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 2256, Washington, DC 20410, Telephone Number (202) 402–8073. (This is not a toll-free number.) A telecommunication device for hearing- and speech-impaired individuals (TTY) is available at 1–800–877–8339 (Federal Information Relay Service).

SUPPLEMENTARY INFORMATION: Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, notice is given of a new system of records, Ginnie Mae Master Subservicer System. Title 5 U.S.C. 552a(e)(4) and (11) provide that the public be afforded a 30-day period in which to comment on the new system of records, and require published notice of the existence and character of the system of records. The new system report was submitted to the Office of Management and Budget (OMB), the Committee on Homeland Security and Governmental Affairs of the Senate, and the House Committee on Oversight and Government Reform of the House of Representatives pursuant to paragraph 4c of Appendix 1 to OMB Circular No. A–130, "Federal Agency Responsibilities for Maintaining Records About Individuals," July 25, 1994; 59 FR 37914.

Authority: Sec. 306(g), National Housing Act, 12 U.S.C. 1721(g).

Dated: July 15, 2010.

Jerry E. Williams,

Chief Information Officer.

HUD/GNMA–02

SYSTEM NAME:

Ginnie Mae Master Subservicer System.

SYSTEM LOCATION:

Individual borrowers' and co-borrowers' data relating to mortgage loans pooled in or formerly pooled in Ginnie Mae Mortgage-Backed Securities are located at their respective Ginnie Mae Master Subservicer.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Borrowers and co-borrowers.

CATEGORIES OF RECORDS IN THE SYSTEM:

May include but are not limited to: Borrower's name, co-borrowers' name(s), social security number, date of birth, property address, telephone number, email address, and income and other financial data; also, the Federal Housing Administration (FHA), Department of Veterans Affairs (VA), Department of Agriculture Rural Housing Service (RHS), or HUD Office of Public and Indian Housing (PIH) loan number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 306(g), National Housing Act, 12 U.S.C. 1721(g).

PURPOSES:

The information is used to perform a wide range of loan servicing functions. The data are maintained in a comprehensive loan servicing system that processes transactions relating to the servicing of home and project loans on behalf of Ginnie Mae.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, other routine uses are as follows:

(a) To the U.S. Treasury—for disbursements, adjustments, collection services; and

(b) To the Internal Revenue Service and to state and local governments—for reporting payments for mortgage interest, for reporting of discharge indebtedness and real estate taxes; and

(c) To the U.S. Department of Justice, courts, Federal, state and local government agencies in conjunction with civil, administrative and criminal litigation as well as investigations and audits; and

(d) To individuals and entities under contract, cooperative agreement, or

working agreement with HUD to assist the Department in fulfilling its statutory and management responsibilities; and

(e) To credit bureaus and other entities for credit reporting purposes; and

(f) To employers to effect wage garnishment; and

(g) To third party purchasers or potential purchasers in connection with asset sale transactions; and

Additional Disclosure for Purposes of Facilitating Responses and Remediation Efforts in the Event of a Data Breach. A record from a system of records maintained by this Department may be disclosed to appropriate agencies, entities, and persons when:

(a) The Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; and

(b) The Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the HUD or another agency or entity) that rely upon the compromised information; and

(c) The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the HUD's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic files are stored on servers and back-up files are stored on tapes. Servers are stored in a secured server room and at an offsite secured facility for disaster contingency. The original collateral documents (hard copy) are stored securely at the contractors' offices or at a secured offsite document storage facility.

RETRIEVABILITY:

Information can be retrieved by borrower's name, social security number, property address, or by FHA, VA, Department of Agriculture RHS, and PIH Master Subservicer's loan numbers.

SAFEGUARDS:

Electronic records are maintained in a secured computer network behind a firewall. Access to records is limited to authorized personnel.

RETENTION AND DISPOSAL:

Are in accordance with HUD Records Disposition Schedule 2225.6, Appendix 20.

SYSTEM MANAGER(S) AND ADDRESS:

The offices of various contractors servicing as Master Subservicers for Ginnie Mae, Office of Mortgage-Backed Securities. Individual borrowers and co-borrowers are to contact the appropriate Master Subservicer identified on their loan payment statements when requesting record access, corrections, monthly mortgage loan payment instructions and/or inquiries.

RECORD ACCESS AND NOTIFICATION PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR part 16. If additional information or assistance is required, individual borrowers and co-borrowers are to contact the System Manager identified above.

CONTESTING RECORD PROCEDURES:

The procedures for requesting amendment or correction of records appear in 24 CFR part 16. If additional information is needed, contact:

(i) In relation to contesting contents of records, the Departmental Privacy Officer at HUD, 451 Seventh Street, SW., Room 2256, Washington, DC 20410; and

(ii) In relation to appeals of initial denials, HUD, Departmental Privacy Appeals Officer, Office of General Counsel, 451 Seventh Street, SW., Washington, DC 20410.

RECORD SOURCE CATEGORIES:

Records are established using information received from borrowers and from legal instruments related to borrowers' loans (i.e., mortgages, notes, and deeds).

EXEMPTIONS:

None.

[FR Doc. 2010–18548 Filed 7–28–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5386–N–06]

Privacy Act of 1974; Notice of a New Privacy Act System of Records (SORN), Ginnie Mae Mortgage-Backed Securities Unclaimed Funds System

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice of a New Privacy Act SORN.

SUMMARY: The Department proposes to establish a new Privacy Act SORN subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, entitled Ginnie Mae Mortgage-Backed Security Unclaimed Funds System. The new record system will be used to track unclaimed security holder payments. Such unclaimed payments are owed to certificate holders of Ginnie Mae-guaranteed mortgage-backed securities who cannot be located by the Ginnie Mae servicer. Ginnie Mae tracks this information to ensure that security holders are paid properly.

DATES: *Effective Date:* This action shall be effective without further notice on *August 30, 2010* unless comments are received that would result in a contrary determination.

Comments Due By: August 30, 2010.

ADDRESSES: Interested persons are invited to submit comments regarding this notice to the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: The Privacy Officer, Donna Robinson-Staton, Departmental Privacy Officer, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 2256, Washington, DC 20410, Telephone Number (202) 402–8073. (This is not a toll-free number.) A telecommunication device for hearing- and speech-impaired individuals (TTY) is available at 1–800–877–8339 (Federal Information Relay Service).

SUPPLEMENTARY INFORMATION: Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, notice is given of a new system or records, Ginnie Mae Mortgage-Backed Security Unclaimed Funds System. Title 5 U.S.C. 552a(e)(4) and (11) provide that the public be afforded a 30-day period in which to comment on the modified system of records, and require published notice of the existence and character of the system of records.

The new system report was submitted to the Office of Management and Budget (OMB), the Committee on Homeland Security and Governmental Affairs of the Senate, and the House Committee on Oversight and Government Reform of the House of Representatives pursuant to paragraph 4c of Appendix 1 to OMB Circular No. A–130, "Federal Agency Responsibilities for Maintaining

Records About Individuals," July 25, 1994; 59 FR 37914.

Authority: Sec. 306(g), National Housing Act, 12 U.S.C. 1721(g).

Dated: July 15, 2010.

Jerry E. Williams,

Chief Information Officer.

HUD/GNMA–01

SYSTEM NAME:

Ginnie Mae Mortgage-Backed Securities Unclaimed Funds System.

SYSTEM LOCATION:

Bank of New York (Contractor site), New York, New York.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Ginnie Mae-guaranteed mortgage-backed securities certificate holders who have not been located.

CATEGORIES OF RECORDS IN THE SYSTEM:

Security holder's(s') name(s), address, social security number, certificate number, Ginnie Mae pool number, and Committee on Uniform Securities Identification Procedures (CUSIP) number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 306(g), National Housing Act, 12 U.S.C. 1721(g).

PURPOSES:

The system is used to track unclaimed security holder payments. Such unclaimed payments are owed to certificate holders of Ginnie Mae-guaranteed mortgage-backed securities who cannot be located by the Ginnie Mae servicer.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, other routine uses are as follows:

(a) To the U.S. Treasury—for disbursements and adjustments; and

(b) To the Internal Revenue Service and to state and local governments—for reporting payments for interest; and

(c) To the U.S. Department of Justice, courts, Federal, state and local government agencies in conjunction with civil, administrative and criminal litigation as well as investigations and audits; and

(d) To individuals and entities under contract, cooperative agreement, or working agreement with HUD to assist the Department in fulfilling its statutory and management responsibilities.

Additional Disclosure for Purposes of Facilitating Responses and Remediation Efforts in the Event of a Data Breach. A record from a system of records maintained by this Department may be disclosed to appropriate agencies, entities, and persons when:

(a) The Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; and

(b) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the HUD or another agency or entity) that rely upon the compromised information; and

(c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the HUD's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic files are stored on servers and back-up files are stored on tapes. Servers are stored in a secured server room and at an offsite secured facility for disaster contingency. The original documents (hard copy) are stored securely at the contractor's office or at a secured offsite document storage facility.

RETRIEVABILITY:

Information is retrieved by security holder's(s') name(s), address, social security number, certificate number, Ginnie Mae pool number, and CUSIP number.

SAFEGUARDS:

Electronic records are maintained in a secured computer network behind a firewall. Access to records is limited to authorized personnel.

RETENTION AND DISPOSAL:

Are in accordance with HUD Records Disposition Schedule 2225.6, Appendix 20.

SYSTEM MANAGER(S) AND ADDRESS:

Bank of New York servicing Ginnie Mae, Office of Program Operations guaranteed mortgage-backed securities. Inquiries or requests are to be submitted to the Bank of New York Mellon, 101 Barclay Street 8 East, New York, New York 10286 (Attention) Evan Delcolle, (202) 815–2086.

RECORD ACCESS AND NOTIFICATION PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR part 16. If additional information or assistance is required, contact the System Manager identified above.

CONTESTING RECORD PROCEDURES:

The procedures for requesting amendment or correction of records appear in 24 CFR part 16. If additional information is needed, contact:

(i) In relation to contesting contents of records, the Departmental Privacy Officer at HUD, 451 Seventh Street, SW., Room 2256, Washington, DC 20410; and

(ii) In relation to appeals of initial denials, HUD, Departmental Privacy Appeals Officer, Office of General Counsel, 451 Seventh Street, SW., Washington, DC 20410.

RECORD SOURCE CATEGORIES:

Records are established using information received from servicers of Ginnie Mae-guaranteed mortgage-backed securities.

EXEMPTIONS:

None.

[FR Doc. 2010–18551 Filed 7–28–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Central Utah Project Completion Act; Notice of Availability, Draft Environmental Assessment (Draft EA); Realignment of a Portion of the Utah Lake Drainage Basin Water Delivery System

AGENCY: Office of the Assistant Secretary—Water and Science, Interior

ACTION: Notice of Availability, Draft Environmental Assessment (Draft EA)—Realignment of a Portion of the Utah Lake Drainage Basin Water Delivery System.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior, the Utah Reclamation Mitigation and Conservation Commission, and the Central Utah Water Conservancy District, are evaluating the impacts of the proposed project.

This project anticipates realignment of a portion of the Utah Lake Drainage Basin Water Delivery System (ULS) through Provo and Orem, Utah. The realignment is being considered to avoid active and historic landslides and to

reduce the risk to the pipeline associated with geologic faults.

DATES: Submit written comments on the Draft EA by August 30, 2010.

ADDRESSES: Send written comments on the Draft EA to Ms. Sarah Sutherland, Provo Reach Realignment, 355 W. University Parkway, Orem, UT 84058–7303, by e-mail to *sarah@cuwcd.com,* or by fax at 801–226–7171.

Copies of the Draft EA are available for inspection at:

- Central Utah Water Conservancy District, 355 West University Parkway, Orem, Utah 84058–7303.
- Department of the Interior, Central Utah Project Completion Act Office, 302 East 1860 South, Provo, Utah 84606.

In addition, the document is available at *http://www.cuwcd.com* and *http://www.cupcao.gov.*

FOR FURTHER INFORMATION CONTACT: Additional information may be obtained by contacting Mr. Lee Baxter, Central Utah Project Completion Act Office, 302 East 1860 South, Provo, Utah 84606, by calling (801) 379–1174, or e-mail at *lbaxter@usbr.gov.*

Before including your name, address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: July 22, 2010.

Reed R. Murray,

Program Director, Central Utah Project Completion Act, Department of the Interior.

[FR Doc. 2010–18463 Filed 7–28–10; 8:45 am]

BILLING CODE 4310–RK–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–R–2008–N106; 80230–1265–0000–S3]

Ellicott Slough National Wildlife Refuge, Santa Cruz County, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments: draft comprehensive conservation plan/environmental assessment.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service) announce the availability of a Draft Comprehensive Conservation Plan (CCP) and Environmental Assessment (EA) for the Ellicott Slough National Wildlife Refuge for public review and comment. The CCP/EA, prepared under the National Wildlife Refuge System Improvement Act of 1997, and in accordance with the National Environmental Policy Act of 1969, describes how the Service will manage the Refuge for the next 15 years. Draft compatibility determinations for several existing and proposed public uses are also available for review and public comment.

DATES: To ensure consideration, we must receive your written comments by August 30, 2010.

ADDRESSES: Send your comments or requests for more information by any of the following methods.

E-mail: fw8plancomments@fws.gov. Include "Ellicott Slough CCP" in the subject line of the message.

Fax: Attn: Sandy Osborn, (916) 414–6497.

U.S. Mail: Pacific Southwest Region, Refuge Planning, U.S. Fish and Wildlife Service, 2800 Cottage Way, W–1832, Sacramento, CA 95825–1846.

In-Person Drop-off: You may drop off comments during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Sandy Osborn, Planning Team Leader, at (916) 414–6503, or Diane Kodama, Refuge Manager, at (510) 792–0222 or *fw8plancomments@fws.gov.* Further information may also be found at *http://www.fws.gov/cno/refuges/ellicott/index.cfm.*

SUPPLEMENTARY INFORMATION: The National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd-668ee), which amended the National Wildlife Refuge System Administration Act of 1966, requires us to develop a CCP for each national wildlife refuge. The purpose in developing a CCP is to provide refuge managers with a 15-year plan for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife management, conservation, legal mandates, and our policies. In addition to outlining broad management direction on conserving wildlife and their habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, environmental education and interpretation.

We initiated the CCP/EA for the Ellicott Slough National Wildlife Refuge in July 2008. At that time and throughout the process, we requested, considered, and incorporated public scoping comments in numerous ways. Our public outreach has included a **Federal Register** notice of intent published on July 14, 2008 (73 FR 40360), a planning update, and a CCP webpage (*http://www.fws.gov/cno/refuges/ellicot/index.cfm*). We received two scoping comments during the 30-day public comment period.

Background

Ellicott Slough National Wildlife Refuge was established in 1975 under the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) and the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3901–3932). The nearly 300-acre Ellicott Slough National Wildlife Refuge, located in Santa Cruz County, California, consists of three noncontiguous units within and adjacent to Ellicott Slough and associated watersheds. The Refuge was established to protect the endangered Santa Cruz long-toed salamander by supporting 2 of the 20 known breeding populations of the salamander. Due to the sensitivity of the habitat, the Refuge is currently closed to the public. Through this CCP process, we will determine whether any wildlife-dependent recreational opportunities should be made available to the public.

Alternatives

The Draft CCP/EA identifies and evaluates three alternatives for managing Ellicott Slough National Wildlife Refuge for the next 15 years. The alternative that appears to best meet the Refuge purposes is identified as the preferred alternative. The preferred alternative is identified based on the analysis presented in the Draft CCP/EA, which may be modified following the completion of the public comment period based on comments received from other agencies, Tribal governments, nongovernmental organizations, or individuals.

Under Alternative A, the no action alternative, we would continue to manage the Refuge as we have in the recent past. No major changes in habitat management would occur. The Refuge would remain closed to the public.

With Alternative B (preferred alternative), the Service would standardize the monitoring and surveying program for species, construct and improve breeding and ephemeral pond habitat, identify buffer and corridor habitat for boundary expansion and acquisition, develop weed management and prevention/early detection plans, assess contaminants and disease, conduct climate change modeling, identify additional breeding

and aestivation habitat for boundary expansion and acquisition, develop a trail system, expand on-site restoration education with local schools, and develop in-class environmental education in collaboration with partners.

Alternative C includes all actions in Alternative B, plus expanding natural resource surveys, expanding control of additional priority invasive vegetation, propagating and/or reintroducing listed plants, and improving outreach to neighbors and the community.

Public Meetings

The locations, dates, and times of public meetings will be listed in a planning update distributed to the project mailing list and posted on the refuge planning Web site at *http://www.fws.gov/cno/refuges/ellicott/index.cfm.*

Review and Comment

Copies of the Draft CCP/EA may be obtained by writing to Sandy Osborn (*see* **ADDRESSES**). Copies of the Draft CCP/EA may be viewed at the same address or at the San Francisco Bay National Wildlife Refuge Complex, 1 Marshlands Road, Fremont, CA 94536; and the Watsonville Main Public Library, 275 Main Street, Suite 100, Watsonville, CA 95076. The Draft CCP/EA will also be available for viewing and downloading online at: *http://www.fws.gov/cno/refuges/ellicot/index.cfm.*

Comments on the Draft CCP/EA should be addressed to Sandy Osborn (*see* **ADDRESSES**).

At the end of the review and comment period for this Draft CCP/EA, comments will be analyzed by the Service and addressed in the Final CCP/EA. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: July 22, 2010.

Ken McDermond,

Acting Regional Director, Pacific Southwest Region, Sacramento, California.

[FR Doc. 2010–18459 Filed 7–28–10; 8:45 am]

BILLING CODE 4310–55–P

NATIONAL INDIAN GAMING COMMISSION

Fee Rate

AGENCY: National Indian Gaming Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given, pursuant to 25 CFR 514.1(a) (3), that the National Indian Gaming Commission has adopted final annual fee rates of 0.00% for tier 1 and 0.060% (.00060) for tier 2 for calendar year 2010. These rates shall apply to all assessable gross revenues from each gaming operation under the jurisdiction of the Commission. If a tribe has a certificate of self-regulation under 25 CFR part 518, the preliminary fee rate on class II revenues for calendar year 2010 shall be one-half of the annual fee rate, which is 0.030% (.00030).

FOR FURTHER INFORMATION CONTACT: Chris White, National Indian Gaming Commission, 1441 L Street, NW., Suite 9100, Washington, DC 20005; telephone (202) 632–7003; fax (202) 632–7066 (these are not toll-free numbers).

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act (IGRA) established the National Indian Gaming Commission which is charged with, among other things, regulating gaming on Indian lands.

The regulations of the Commission (25 CFR part 514), as amended, provide for a system of fee assessment and payment that is self-administered by gaming operations. Pursuant to those regulations, the Commission is required to adopt and communicate assessment rates; the gaming operations are required to apply those rates to their revenues, compute the fees to be paid, report the revenues, and remit the fees to the Commission on a semi-annual basis.

The regulations of the Commission and the final rate being adopted today are effective for calendar year 2010. Therefore, all gaming operations within the jurisdiction of the Commission are required to self administer the provisions of these regulations, and report and pay any fees that are due to the Commission by December 31, 2010.

Dated: July 21, 2010.

Tracie Stevens,

Chairwoman.

Dated: July 21, 2010.

Steffani A. Cochran,

Vice-Chairwoman.

Dated: July 23, 2010.

Daniel Little,

Associate Commissioner.

[FR Doc. 2010–18692 Filed 7–28–10; 8:45 am]

BILLING CODE 7565–01–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLMT926000–10–L19100000–BJ0000–LRCS44020800]

Notice of Filing of Plats of Survey; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of filing of plats of survey.

SUMMARY: The Bureau of Land Management (BLM) will file the plat of survey of the lands described below in the BLM Montana State Office, Billings, Montana, thirty (30) days from the date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Marvin Montoya, Cadastral Surveyor, Branch of Cadastral Survey, Bureau of Land Management, 5001 Southgate Drive, Billings, Montana 59101–4669, telephone (406) 896–5124 or (406) 896–5009.

SUPPLEMENTARY INFORMATION: This survey was executed at the request of the Program Manager, Bureau of Reclamation, Great Plains Region, Montana Area Office, Billings, Montana, and was necessary to determine the boundaries of Federal Interest lands.

The lands we surveyed are:

Principal Meridian, Montana

T. 37 N., R. 12 W.

The plat, in 3 sheets, representing the dependent resurvey of portions of the Third Guide Meridian West, through Township 37 North, the east boundary, the subdivisional lines, and the subdivision of certain sections, Township 37 North, Range 12 West, Principal Meridian, Montana, was accepted July 16, 2010.

We will place a copy of the plat, in 3 sheets, and related field notes we described in the open files. They will be available to the public as a matter of information. If the BLM receives a protest against this survey, as shown on this plat, in 3 sheets, prior to the date of the official filing, we will stay the filing pending our consideration of the protest. We will not officially file this

plat, in 3 sheets, until the day after we have accepted or dismissed all protests and they have become final, including decisions or appeals.

Authority: 43 U.S.C. Chap. 3.

Dated: July 20, 2010.

James D. Claflin,

Chief Cadastral Surveyor, Division of Resources.

[FR Doc. 2010–18635 Filed 7–28–10; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNM915000L1311000.XZ0000]

Notice of Filing of Plats of Survey, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of filing of Plats of Survey.

SUMMARY: The plats of survey described below are scheduled to be officially filed in the New Mexico State Office, Bureau of Land Management (BLM), Santa Fe, New Mexico, thirty (30) calendar days from the date of this publication.

FOR FURTHER INFORMATION CONTACT: These plats will be available for inspection in the New Mexico State Office, Bureau of Land Management, 301 Dinosaur Trail, Santa Fe, New Mexico. Copies may be obtained from this office upon payment. Contact Marcella Montoya at 505–954–2097, or by e-mail at *Marcella_Montoya@nm.blm.gov*, for assistance.

SUPPLEMENTARY INFORMATION:

New Mexico Principal Meridian, New Mexico (NM)

The plat, representing the dependent resurvey and survey of the Burec Tract, within the Tierra Amarilla Grant, of the New Mexico Principal Meridian, accepted July 6, 2010, for Group 1087 NM.

The plat, in eight sheets, representing the dependent resurvey and survey of the Chama Ranch, within the Tierra Amarilla Grant, of the New Mexico Principal Meridian, accepted July 6, 2010, for Group 1087 NM.

The plat representing the dependent resurvey and survey of the Mossman Tract, within the Tierra Amarilla Grant, of the New Mexico Principal Meridian, accepted July 6, 2010, for Group 1088 NM.

The plat, representing the dependent resurvey and survey, in Township 24 South, Range 1 East, of the New Mexico Principal Meridian, accepted May 7, 2010, for Group 1090 NM.

The plat, representing the dependent resurvey and survey, in Townships 25 and 26 North, Range 13 East, of the New Mexico Principal Meridian, accepted May 7, 2010, for Group 1082 NM.

The plat, representing the dependent resurvey and survey, in Township 17 North, Range 5 East, of the New Mexico Principal Meridian, accepted May 26, 2010, for Group 1071 NM.

The plat, in three sheets, representing the dependent resurvey and survey, in Township 17 North, Range 12 West, of the New Mexico Principal Meridian, accepted May 13, 2010, for Group 1083 NM.

Indian Meridian, Oklahoma (OK)

The plat representing the dependent resurvey and survey in Township 24 North, Range 10 East, of the Indian Meridian, accepted October 14, 2009, for Group 173 OK.

The plat representing the dependent resurvey and survey in Township 18 North, Range 21 East, of the Indian Meridian, accepted May 5, 2010, for Group 176 OK.

The plat representing the dependent resurvey and survey in Township 22 North, Range 3 East, of the Indian Meridian, accepted June 7, 2010, for Group 187 OK.

The plat, in five sheets, representing the dependent resurvey and survey in Township 9 North, Range 25 East, of the Indian Meridian, accepted May 26, 2010, for Group 61 OK.

The plat, in two sheets, representing the dependent resurvey and survey in Township 28 North, Range 24 East, of the Indian Meridian, accepted May 24, 2010, for Group 72 OK.

The plat representing the dependent resurvey and survey in Township 25 North, Range 10 East, of the Indian Meridian, accepted October 14, 2009, for Group 172 OK.

If a protest against a survey, as shown on any of the above plats, is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal affirmed.

A person or party who wishes to protest against any of these surveys must file a written protest with the New Mexico State Director, Bureau of Land Management, stating that they wish to protest.

A statement of reasons for a protest may be filed with the notice of protest to the State Director or the statement of reasons must be filed with the State Director within thirty (30) days after the protest is filed.

Stephen W. Beyerlein,

Acting Chief, Branch of Cadastral, Survey/GeoSciences.

[FR Doc. 2010–18638 Filed 7–28–10; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent To Repatriate Cultural Items: U.S. Department of Agriculture, Forest Service, Coconino National Forest, Flagstaff, AZ, and Arizona State Museum, University of Arizona, Tucson, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items in the control of the U.S. Department of Agriculture, Forest Service, Coconino National Forest, Flagstaff, AZ, and in the possession of the Arizona State Museum, University of Arizona, Tucson, AZ, that meet the definition of unassociated funerary objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the cultural items. The National Park Service is not responsible for the determinations in this notice.

The 57 cultural items are 2 ceramic vessels, 4 non-ceramic vessels, 10 arrow shafts, 4 arrow foreshafts, 12 arrows, 3 quivers, 2 bows, 9 items of clothing, 3 textile fragments, 3 pieces of yucca fiber cord, 1 prayer stick, 2 bags, 1 bundle of human hair and 1 botanical sample. In 1933, the 57 cultural items were removed without an Antiquities Act permit from Hidden House Ruin on National Forest System land, administered by Coconino National Forest, by Clarence R. King of the United Verde Copper Company. In February 1934, the cultural items came into the possession of the Arizona State Museum and have remained at the museum since that time.

According to museum records, the objects were found below the surface with human remains. Both were removed, however, the human remains were immediately reburied. Therefore, the objects are considered to be unassociated funerary objects.

Based on material culture, architecture and site organization, the small cliff dwelling at Hidden House Ruin has been identified as a Southern Sinaguan site in Sycamore Canyon in north-central Arizona and was occupied between A.D. 1100 and A.D. 1300.

Continuities of oral traditions, ethnographic materials, technology, and architecture indicate the affiliation of Southern Sinaguan sites in Sycamore Canyon with the Hopi Tribe of Arizona.

Officials of the U.S. Department of Agriculture, Forest Service, Coconino National Forest, have determined that, pursuant to 25 U.S.C. 3001(3)(B), the 57 cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual. Officials of the U.S. Department of Agriculture, Forest Service, Coconino National Forest, have also determined that, pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Hopi Tribe of Arizona.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the unassociated funerary objects should contact Dr. Frank E. Wozniak, NAGPRA Coordinator, Southwestern Region, USDA Forest Service, 333 Broadway Blvd., SE., Albuquerque, NM 87102, telephone (505) 842–3238, before August 30, 2010. Repatriation of the unassociated funerary objects to the Hopi Tribe of Arizona may proceed after that date if no additional claimants come forward.

The U.S. Department of Agriculture, Forest Service, Coconino National Forest, is responsible for notifying the Hopi Tribe of Arizona; Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona; and the Zuni Tribe of the Zuni Reservation, New Mexico, that this notice has been published.

Dated: June 22, 2010.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2010–18435 Filed 7–28–10; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Glen Canyon Dam Adaptive Management Work Group (AMWG)

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of public meeting.

SUMMARY: The Glen Canyon Dam Adaptive Management Program (AMP) was implemented as a result of the Record of Decision on the Operation of Glen Canyon Dam Final Environmental Impact Statement to comply with consultation requirements of the Grand Canyon Protection Act (Pub. L. 102–575) of 1992. The AMP includes a Federal advisory committee, the Adaptive Management Work Group (AMWG), a technical work group (TWG), a Grand Canyon Monitoring and Research Center, and independent review panels. The AMWG makes recommendations to the Secretary of the Interior concerning Glen Canyon Dam operations and other management actions to protect resources downstream of Glen Canyon Dam consistent with the Grand Canyon Protection Act. The TWG is a subcommittee of the AMWG and provides technical advice and recommendations to the AMWG.

DATES: The AMWG will conduct the meeting on Tuesday and Wednesday, August 24–25, 2010. The meeting will begin at 9:30 a.m. and end at 5 p.m. the first day and will begin at 8 a.m. and conclude at approximately 3 p.m. on the second day.

ADDRESSES: The meeting will be held at the Bureau of Land Management National Training Center, 9828 N. 31st Avenue, Phoenix, Arizona.

FOR FURTHER INFORMATION CONTACT: Glen Knowles, Bureau of Reclamation, telephone (801) 524–3781; facsimile (801) 524–3858; e-mail at *gknowles@usbr.gov.*

SUPPLEMENTARY INFORMATION:

Agenda: The primary purpose of the meeting will be for the AMWG to discuss and recommend the Fiscal Year 2011–12 biennial budget, workplan, and hydrograph. They will discuss the following items: (1) Mid-fiscal Year 2010 expenditures, (2) High Flow Experiment Protocol and the Non-Native Fish Control/Removal environmental assessments, (3) Science and Management Actions, (4) Colorado River Basin hydrology, (5) Temperature Control Device and Sediment Augmentation, and (6) the administrative history of the Glen Canyon Dam Adaptive Management Program. In addition, there will be updates from the Charter Ad Hoc Group, the Desired Future Conditions Ad Hoc Group, and other ad hoc groups. The AMWG will also address other administrative and resource issues pertaining to the AMP. To view a copy of the agenda and documents related to the above meeting, please visit Reclamation's Web site at: *http://www.usbr.gov/uc/rm/amp/amwg/mtgs/10aug24/index.html.* Time will be allowed at the meeting for any individual or organization wishing to make formal oral comments. To allow for full consideration of information by the AMWG members, written notice must be provided to Glen Knowles, Bureau of Reclamation, Upper Colorado Regional Office, 125 South State Street, Room 6107, Salt Lake City, Utah 84138; telephone 801–524–3781; facsimile 801–524–3858; e-mail at *gknowles@usbr.gov* at least five (5) days prior to the call. Any written comments received will be provided to the AMWG members.

Public Disclosure of Comments

Before including your name, address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: *July 13, 2010.*

Glen Knowles,

Chief, Adaptive Management Group, Environmental Resources Division, Upper Colorado Regional Office, Salt Lake City, Utah.

[FR Doc. 2010–18643 Filed 7–28–10; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF LABOR

Office of the Secretary Submission for OMB Review: Comment Request

ACTION: Submission for OMB Review: Comment Request.

SUMMARY: The Department of Labor (DOL) hereby announces the submission of the following public information collection requests (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 each 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 202–693–2443 (this is not a toll-free number)/e-mail: *DOL_PRA_PUBLIC@dol.gov.*

Interested parties are encouraged to send comments to the Office of Information and Regulatory Affairs, *Attn:* OMB Desk Officer for the Department of Labor—Occupational Safety and Health Administration

(OSHA), 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:

- Evaluate whether the proposed information collection requirements are necessary for the proper performance of the Agency, including whether the information will have practical utility;
- Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collections 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: Occupational Safety and Health Administration.

Type of Review: Extension without change of a previously approved collection.

Title of Collection: Aerial Lifts (29 CFR 1926.253).

OMB Control Number: 1218–0216.

Affected Public: Business or other for-profits.

Estimated Number of Respondents: 62.

Estimated Total Annual Burden Hours: 6.

Estimated Total Annual Costs Burden (excludes hourly wage costs): $0.

Description: The certification requirement specified in the Aerial Lifts Standard demonstrates that the manufacturer or an equally-qualified entity has assessed a modified aerial lift and found that it was safe for use by workers. For additional information, see the related 60-day preclearance notice published in the **Federal Register** on February 24, 2010, (Vol. 75, page 8406). PRA documentation prepared in association with the preclearance notice is available on *http://www.regulations.gov* under docket number OSHA–2009–0045.

Agency: Occupational Safety and Health Administration.

Type of Review: Extension without change of a previously approved collection.

Title of Collection: Peer Review, Conflict of Interest (COI) and Disclosure Form.

OMB Control Number: 1218–0255.

Affected Public: Individuals or households.

Estimated Number of Respondents: 36.

Estimated Total Annual Burden Hours: 27.

Estimated Total Annual Costs Burden (excludes hourly wage costs): $0.

Description: The Occupational Safety and Health Administration conducts peer reviews to review a draft product for quality by specialists in the field who were not involved in producing the draft. The selection of participants in a peer review is based on expertise, with due consideration of independence. The Office of Management and Budget published the Final Information Quality Bulletin for Peer Review on December 15, 2004. The Bulletin states " * * * the agency must address reviewers' potential conflicts of interest (including those stemming from ties to regulated businesses and other stakeholders) and independence from the agency."

The Bulletin requires agencies to adopt or adapt the committee selection policies employed by the National Academy of Sciences (NAS) when selecting peer reviewers who are not government employees. To fulfill this requirement OSHA has developed a Conflict of Interest and Disclosure Form, based on NAS, Conflict of Interest Disclosure form. This form will be used to determine whether or not a conflict exists for a potential peer review panel member. For additional information, see the related 60-day preclearance notice published in the **Federal Register** on February 8, 2010 (Vol. 75, page 7522). PRA documentation prepared in association with the preclearance notice is available on *http://www.regulations.gov* under docket number OSHA–2009–0042.

Dated: July 8, 2010.

Linda Watts Thomas,

Acting Departmental Clearance Officer.

[FR Doc. 2010–18574 Filed 7–28–10; 8:45 am]

BILLING CODE 4410–26–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

AGENCY: Employee Benefits Security Administration, Department of Labor.

ACTION: 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 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—Employee Benefits Security Administration, Room 10235, Washington, DC 20503, Telephone: 202–395–6929/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 applicable 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: Employee Benefits Security Administration.

Type of Review: New.

Title of Collection: Model Employer CHIP Notice.

OMB Control Number: 1210–0137.

Frequency: On occasion.

Affected Public: Individuals or households; Business or other for-profit; Not-for-profit institutions.

Cost to Federal Government: $0.

Total Number of Respondents: 7,056,000.

Total Number of Responses: 203,794,701.

Total Burden Hours: 1,053,000.

Total Hour Burden Cost (operating/maintaining): $25,271,000.

Description: On February 4, 2009, President Obama signed the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA, Pub. L. 111–3). Under ERISA section 701(f)(3)(B)(i)(I), PHS Act section 2701(f)(3)(B)(i)(I), and section 9801(f)(3)(B)(i)(I) of the Internal Revenue Code, as added by CHIPRA, an employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act (SSA), or child health assistance under a State child health plan under title XXI of the SSA, in the form of premium assistance for the purchase of coverage under a group health plan, is required to make certain disclosures. Specifically, the employer is required to notify each employee of potential opportunities currently available in the State in which the employee resides for premium assistance under Medicaid and CHIP for health coverage of the employee or the employee's dependents.

ERISA section 701(f)(3)(B)(i)(II) requires the Department of Labor to provide employers with model language for the Employer CHIP Notice to enable them to timely comply with this requirement. The model is required to include information on how an employee may contact the State in which the employee resides for additional information regarding potential opportunities for premium assistance, including how to apply for such assistance.

Section 311(b)(1)(D) of CHIPRA provides that the Departments of Labor and Health and Human Services shall develop the initial Model Employer CHIP Notices under ERISA section 701(f)(3)(B)(i)(II), and the Department of Labor shall provide such notices to employers, by February 4, 2010. Moreover, each employer is required to provide the initial annual notices to such employer's employees beginning with the first plan year that begins after the date on which the initial model notices are first issued. The ICR relates to the Model Employer Chip Notice

Dated: July 22, 2010.

Linda Watts Thomas,

Acting Departmental Clearance Officer.

[FR Doc. 2010–18605 Filed 7–28–10; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Office of the Secretary; Agency Information Collection Activities

ACTION: 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 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—Bureau of Labor Statistics, Room 10235, Washington, DC 20503, *Telephone:* 202–395–7314/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 applicable 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: Bureau of Labor Statistics.

Type of Review: Extension of a currently approved collection.

Title of Collection: Report on Occupational Employment and Wages.

OMB Control Number: 1220–0042.

Frequency: Semi-annually.

Affected Public: Business or other for profit, Not-for-profit institutions, Federal Government, State, Local, or Tribal Government.

Cost to Federal Government: $0.

Total Respondents: 315,900.

Total Number of Responses: 315,900.

Total Burden Hours: 236,925.

Total Hour Burden Cost (operating/maintaining): $0.

Description: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed extension of the "Report on Occupational Employment and Wages." A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

Dated: July 23, 2010.

Linda Watts Thomas,

Acting Departmental Clearance Officer.

[FR Doc. 2010–18604 Filed 7–28–10; 8:45 am]

BILLING CODE 4510–24–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting of the Board of Directors and Five Board Committees

Amended Notice

Changes to the Meeting Time

NOTICE: The Legal Services Corporation (LSC) is announcing an amendment to

the notice of the meeting of the Board of Directors and five Board Committees. Specifically, the following two additional items have been added to the agenda of the Operations & Regulations Committee ("Committee"). The Committee's agenda will be announced in Volume 75 of the **Federal Register**. There are no other changes to the original notice.

ITEMS ADDED TO COMMITTEE'S AGENDA:

- Briefing on management's plans for reviewing and improving LSC performance measures, including identification of possible impediments to development of numerical criteria for the measurement of LSC performance
- Briefing on how the Corporation receives and uses timekeeping data related to service delivery collected from grantees

DATE AND TIME: The Legal Services Corporation Board of Directors will meet on July 30–31, 2010. On Friday July 30, the meeting will commence at 3:15 p.m., Central Time. On July 31, the first meeting will commence at 8:30 a.m., Central Time. On each of these two days, each meeting other than the first meeting of the day will commence promptly upon adjournment of the immediately preceding meeting.

LOCATION: The Hyatt Regency Hotel, 333 West Kilbourn Avenue, Milwaukee, Wisconsin.

PUBLIC OBSERVATION: Unless otherwise noticed, all meetings of the LSC Board of Directors are open to public observation. Members of the public that are unable to attend but wish to listen to a public proceeding may do so by following the telephone call-in directions given below. You are asked to keep your telephone muted to eliminate background noises. From time to time the presiding Chair may solicit comments from the public.

CALL-IN DIRECTIONS FOR OPEN SESSIONS:

- Call toll-free number: 1–(866) 451–4981;
- When prompted, enter the following numeric pass code: 5907707348;
- When connected to the call, please "Mute" your telephone immediately.

MEETING SCHEDULE

	Time [1]
Friday, July 30, 2010:	
1. Promotion & Provision for the Delivery of Legal Services Committee ("Promotions & Provisions Committee")	3:15 p.m.
2. Governance & Performance Review Committee	
3. Operations & Regulations Committee	
Saturday, July 31, 2010:	
4. Finance Committee	8:30 a.m.
5. Audit Committee	
6. Board of Directors	

STATUS OF MEETING: Open, except as noted below.

- *Board of Directors*—Open, except that a portion of the meeting of the Board of Directors may be closed to the public pursuant to a vote of the Board of Directors who will consider and perhaps act on the General Counsel's report on potential and pending litigation involving LSC, consider and may act on a report from the Operations & Regulations Committee regarding an employee benefits matter, and hear briefings by LSC's President and Inspector General.[2]

A verbatim written transcript will be made of the closed session of the Board meeting. However, the transcript of any portions of the closed session falling within the relevant provisions of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(2) and (9)(B), and the corresponding provisions of the Legal Services Corporation's implementing regulation, 45 CFR 1622.5(a) and (g), will not be available for public inspection. A copy of the General Counsel's Certification that in his opinion the closing is authorized by law will be available upon request.

- *Governance & Performance Review Committee*—Open, except that a portion of the meeting of the Governance & Performance Review Committee may be closed to the public pursuant to a vote of the Board of Directors so the Committee can act and consider a records retention matter.

A verbatim written transcript will be made of the closed session of the Committee meeting. However, the transcript of any portions of the closed session falling within the relevant provisions of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(2), and the corresponding provisions of the Legal Services Corporation's implementing regulation, 45 CFR 1622.5(a) will not be available for public inspection. A copy of the General Counsel's Certification that in his opinion the closing is authorized by law will be available upon request.

- *Operations & Regulations Committee*—Open, except that a portion of the meeting of the Operations & Regulations Committee may be closed to the public pursuant to a vote of the Board of Directors so the Committee can act and consider an employee benefits matter. A verbatim written transcript will be made of the closed session of the Committee meeting. However, the transcript of any portions of the closed session falling within the relevant provisions of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(2), and the corresponding provisions of the Legal Services Corporation's implementing regulation, 45 CFR 1622.5(a) will not be available for public inspection. A copy of the General Counsel's Certification that in his opinion the closing is authorized by law will be available upon request.

MATTERS TO BE CONSIDERED:

Friday, July 30, 2010

Promotion and Provision for the Delivery of Legal Services Committee

Agenda

1. Approval of agenda
2. Approval of Minutes of the Committee's meeting of April 16, 2010
3. Consider and act on proposed revised Committee Charter

Staff report—Karen Sarjeant, Vice President for Program and Compliance

4. Public comment
5. Consider and act on other business
6. Consider and act on adjournment of meeting

[1] Please note that all times in this notice are in the Central Time zone.

[2] Any portion of the closed session consisting solely of staff briefings does not fall within the Sunshine Act's definition of the term "meeting" and, therefore, the requirements of the Sunshine Act do not apply to such portion of the closed session. 5 U.S.C. 552b(a)(2) and (b). *See also* 45 CFR 1622.2 & 1622.3.

Governance and Performance Review Committee

Agenda

Open Session

1. Approval of agenda
2. Approval of minutes of the Committee's meeting of April 17, 2010
3. Staff report on Virtual Board Manual
4. Consider and act on Committee Self-Evaluation Forms
5. Discussion of LSC research agenda, goals, methods, and areas of concentration
6. Issues from the OIG OLA Report
7. Consider and act on other business
8. Public Comment

Closed Session

9. Consider and act on records retention matter
10. Consider and act on motion to adjourn meeting

Operations & Regulations Committee

Amended Agenda

Open Session

1. Approval of agenda
2. Approval of minutes of the Committee's meeting of April 17, 2010
3. Approval of minutes of the Committee's joint meeting of June 15, 2010 with the Audit Committee
4. Consider and act on potential initiation of rulemaking to amend 45 CFR part 1622 to remove from its requirements the Board's Search and Development Committees and the Board's Governance & Performance Review Committee when it is meeting to consider performance evaluations of the President and the Inspector General
   i. Presentation by Mattie Cohan, Senior Assistant General Counsel
   ii. Comment by Laurie Tarantowicz, Assistant Inspector General and Legal Counsel
   iii. Public Comment
5. Consider and act on the proposed 2011 Grant Assurances
   i. Presentation by Karen Sarjeant, Vice President for Programs and Compliance
   ii. Public Comment
6. Briefing on management's plans for reviewing and improving LSC performance measures, including identification of possible impediments to development of numerical criteria for the measurement of LSC performance
7. Briefing on how the Corporation receives and uses timekeeping data related to service delivery collected from grantee
8. Public comment
9. Consider and act on other business

Closed Session

10. Consider and act on an employee benefits matter
11. Consider and act on adjournment of meeting

Saturday, July 31, 2010

Finance Committee

Agenda

1. Approval of agenda
2. Approval of the minutes of the Committee's meeting of April 17, 2010
3. Consider and Act on potential advisory committee member for the Finance Committee
4. Presentation on LSC's Financial Reports for the first eight months of FY 2010
   • Presentation by David Richardson, Treasurer/Comptroller
5. Consider and act on revisions to the Consolidated Operating Budget for FY 2010 including internal budgetary adjustments and recommend Resolution 2010–XXX to the full Board
   • Presentation by David Richardson, Treasurer/Comptroller
6. Consider and act on proposed 2010 pay increase
   • Presentation by Victor Fortuno, President
   • Comments by David Richardson, Treasurer/Comptroller
   • Comments by Jeffrey Schanz, Inspector General
7. Consider and Act on the Temporary Operating Budget for FY 2011 and recommend Resolution 2010–XXX to the full Board for action
   • Presentation by David Richardson, Treasurer/Comptroller
8. Discussion of FY 2012 Budget Request considerations
9. Consider and act on amendment to LSC's 403(b) plan
   • Presentation by Alice Dickerson, Director of Human Resources
   • Comments by Mark Freedman, Office of Legal Affairs
10. Staff report on the Loan Repayment Assistance Program ("LRAP")
   • Bristow Hardin, Program Analyst, Office of Program Performance
11. Public comment
12. Consider and act on other business
13. Consider and act on adjournment of meeting

Audit Committee

Agenda

1. Approval of agenda
2. Approval of minutes of the Committee's April 17, 2010 meeting
3. Approval of minutes of the Committee's June 15, 2010 joint meeting with the Operations and Regulations Committee.
4. Report on 403(b) plan performance and annual audit and consider and act on changes to LSC's 403(b) Plan
5. Alice Dickerson, Director of Human Resources
6. Mark Freedman, Office of Legal Affairs
7. Report on TIG grants management
8. Janet LaBella, Director, Office of Program Performance
9. Glenn Rawdon, TIG program counsel
10. David Richardson, Treasurer and Comptroller
11. Report on timely issuance of OCE and OPP program visit reports
12. Karen Sarjeant, Vice President for Programs and Compliance
13. Consider and act on Resolution # 2010–XXX regarding future amendments to the LSC Accounting Manual
14. Consider and act on complaint procedure for audit committee
15. Review of internal controls associated with grant awards
16. Karen Sarjeant, Vice President for Programs and Compliance
17. Janet LaBella, Director, Office of Program Performance
18. David Richardson, Treasurer and Comptroller
19. Briefing by Inspector General
20. Jeffrey Schanz, Inspector General
21. Public comment
22. Consider and act on other business
23. Consider and act on adjournment of meeting

Board of Directors

Agenda

Open Session

1. Approval of agenda
2. Approval of Minutes of the Board's Open Session meeting of April 17, 2010
3. Approval of Minutes of the Board's Open Session Telephonic meeting of May 19, 2010
4. Approval of Minutes of the Board's Open Session Telephonic meeting of June 15, 2010
5. Consider and act on report from Thomas Smegal, Chairman, Board of Directors of Friends of the Legal Services Corporation, regarding ownership of 3333 K Street, NW., Washington, DC, the property housing LSC's offices
6. Chairman's Report
7. Members' Reports
8. President's Report
9. Inspector General's Report
10. Consider and act on the report of the Search Committee for LSC President

11. Consider and act on the report of the Promotion & Provision for the Delivery of Legal Services Committee
12. Consider and act on the report of the Finance Committee
13. Consider and act on the report of the Audit Committee
14. Consider and act on the report of the Operations & Regulations Committee
15. Consider and act on the report of the Governance & Performance Review Committee
16. Consider and act on Resolution 2010–XXX recognizing the late Edna Fairbanks-Williams and her contributions to the civil legal services community.
17. Consider and act on whether to establish a Development Committee and related proposed Charter, Resolution 2010–XXX
18. Staff Report on Strategic Directions performance measures for 2006–2010
19. Consider and act on designation of new LSC Ethics Officer
20. Staff Report on the provision of civil legal services to veterans
21. Consider and act on Meeting Schedule for calendar year 2011
22. Public comment
23. Consider and act on other business
24. Consider and act on whether to authorize an executive session of the Board to address items listed below under Closed Session

Closed Session

25. Approval of minutes of the Board's April 17, 2010 Closed Session meeting
26. Consider and act on General Counsel's report on potential and pending litigation involving LSC
27. Consider and act on report of the Governance & Performance Review Committee regarding a records retention matter
28. Consider and act on report of the Operations & Regulations Committee regarding an employee benefits matter
29. IG briefing of the Board
30. Consider and act on motion to adjourn meeting

CONTACT PERSON FOR INFORMATION: Katherine Ward, Executive Assistant to the Vice President & General Counsel, at (202) 295–1500. Questions may be sent by electronic mail to *FR_NOTICE_QUESTIONS@lsc.gov.*

SPECIAL NEEDS: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Katherine Ward, at (202) 295–1500 or *FR_NOTICE_QUESTIONS@lsc.gov.*

Dated: July 25, 2010.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 2010–18716 Filed 7–27–10; 11:15 am]

BILLING CODE 7050–01–P

OFFICE OF MANAGEMENT AND BUDGET

Audits of States, Local Governments, and Non-Profit Organizations; Circular A–133 Compliance Supplement

AGENCY: Executive Office of the President, Office of Management and Budget.

ACTION: Notice of availability of the 2010 Circular A–133 Compliance Supplement.

SUMMARY: This notice announces the availability of the 2010 Circular A–133 Compliance Supplement. The notice also offers interested parties an opportunity to comment on the 2010 Circular A–133 Compliance Supplement (Supplement). The 2010 Supplement adds thirteen new programs, including two programs added to existing clusters. It deletes two programs and has also been updated for program changes and technical corrections. The two deleted programs are Catalog of Federal Domestic Assistance (CFDA) 93.794, Reimbursement of State Costs for Provision of Part D Drugs, and CFDA 93.703, ARRA-Grants to Health Centers Program. The CFDA 93.794 program is no longer active (*i.e.,* no funds are being spent by recipients), and it has been removed from the CFDA. The CFDA 93.703 was originally used as a new CFDA number for tracking purposes for the American Recovery and Reinvestment Act (Pub. L. 111–5) and was clustered with the Community Health Centers Program (93.224) in Addendum #1 of the 2009 Compliance Supplement. However, in fiscal year 2010, the compliance requirements for this program have substantially changed, and those requirements are no longer consistent with the requirements that apply to the other programs in the Community Health Centers program cluster. Therefore, this program is being dropped from this cluster, and auditors can consult directly with the Department of Health and Human Services for the compliance requirements for this program (the plan is for the 2011 Compliance Supplement to include compliance requirements for this program).

In total, the 2010 Supplement includes 227 individual programs. A list of changes to the 2010 Supplement can be found at APPENDIX V. It updates APPENDIX VII that provides an audit alert and compliance requirements regarding the grant programs funded under American Recovery and Reinvestment Act of 2009. Due to its length, the 2010 Supplement is not included in this Notice. *See* **ADDRESSES** for information about how to obtain a copy on line or through the Government Printing Office.

DATES: The 2010 Supplement will apply to audits of fiscal years beginning after June 30, 2009 and supersedes the 2009 Supplement. All comments on the 2010 Supplement must be in writing and received by October 31, 2010. Late comments will be considered to the extent practicable.

Due to potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, we encourage respondents to submit comments electronically to ensure timely receipt. We cannot guarantee that comments mailed will be received before the comment closing date.

Electronic mail comments may be submitted to: *Hai_M._Tran@omb.eop.gov.* Please include "A–133 Compliance Supplement—2010" in the subject line and the full body of your comments in the text of the electronic message and as an attachment. Please include your name, title, organization, postal address, telephone number, and e-mail address in the text of the message. Comments may also be submitted via facsimile at 202–395–3952.

Comments may be mailed to Gilbert Tran, Office of Federal Financial Management, Office of Management and Budget, 725 17th Street, NW., Room 6025, New Executive Office Building, Washington, DC 20503.

Comments may also be sent to via *http://www.regulations.gov*—a Federal E-Government Web site that allows the public to find, review, and submit comments on documents that agencies have published in the **Federal Register** and that are open for comment. Simply type "A–133 Compliance Supplement—2010" (in quotes) in the Comment or Submission search box, click Go, and follow the instructions for submitting comments. Comments received by the date specified above will be included as part of the official record.

ADDRESSES: The 2010 Supplement is available on-line under the Management heading from the OMB home page

(Management/Grants Management/Circulars subpage) on the Internet at *http://www.whitehouse.gov/omb.* Hard copies of the 2010 Supplement may be purchased at any Government Printing Office (GPO) bookstore (*stock number:* 041–001–00677–0). The main GPO bookstore is located at 710 North Capitol Street, NW., Washington, DC 20401, (202) 512–0132.

FOR FURTHER INFORMATION CONTACT: Recipients should contact their cognizant or oversight agency for audit, or Federal awarding agency, as appropriate under the circumstances. The Federal agency contacts are listed in Appendix III of the Supplement. Subrecipients should contact their pass-through entity. Federal agencies should contact Gilbert Tran, Office of Management and Budget, Office of Federal Financial Management, at (202) 395–3052.

Debra J. Bond,

Deputy Controller.

[FR Doc. 2010–18578 Filed 7–28–10; 8:45 am]

BILLING CODE P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Arts Advisory Panel

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that one meeting of the Arts Advisory Panel to the National Council on the Arts will be held at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 as follows (ending time is approximate):

AccessAbility (application review): August 19, 2010 by teleconference. This meeting, from 2 p.m. to 3:30 p.m. DST, will be closed.

The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of November 10, 2009, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels that are open to the public, and if time allows, may be permitted to participate in the panel's discussions at the discretion of the panel chairman. If you need any accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TDY–TDD 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to these meetings can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5691.

Dated: *July 23, 2010.*

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations, National Endowment for the Arts.

[FR Doc. 2010–18567 Filed 7–28–10; 8:45 am]

BILLING CODE 7537–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2010–0262]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

SUMMARY: The NRC invites public comment about our intention to request the OMB's approval for renewal of an existing information collection that is summarized below. We are required to publish this notice in the **Federal Register** under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* NRC Form 4, "Cumulative Occupational Dose History".

2. *Current OMB approval number:* 3150–0005.

3. *How often the collection is required:* Occasionally.

4. *Who is required or asked to report:* NRC licensees who are required to comply with 10 CFR Part 20.

5. *The number of annual respondents:* 194.

6. *The number of hours needed annually to complete the requirement or request:* 14,390 hours.

7. *Abstract:* NRC Form 4 is used to record the summary of a radiation worker's cumulative occupational radiation dose, including prior occupational radiation exposure and the current year's occupational radiation exposure. NRC Form 4 is used by licensees, and inspected by NRC, to ensure that occupational radiation doses do not exceed the regulatory limits specified in 10 CFR 20.1501.

Submit, by September 27, 2010, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html.* The document will be available on the NRC home page site for 60 days after the signature date of this notice. Comments submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed. Comments submitted should reference Docket No. NRC–2010–0262. You may submit your comments by any of following methods. Electronic comments: Go to *http://www.regulations.gov* and search for Docket No. NRC–2010–0262. Mail comments to NRC Clearance Officer, Tremaine Donnell (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Questions about the information collection requirements may be directed to the NRC Clearance Officer, Tremaine Donnell (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, by telephone at 301–415–6258, or by e-mail to *INFOCOLLECTS.Resource@NRC.GOV.*

Dated at Rockville, Maryland, this 22nd day of July 2010.

For the Nuclear Regulatory Commission.

Tremaine Donnell,

NRC Clearance Officer, Office of Information Services.

[FR Doc. 2010–18656 Filed 7–28–10; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2010–0263]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

SUMMARY: The NRC invites public comment about our intention to request the OMB's approval for renewal of an existing information collection that is summarized below. We are required to publish this notice in the **Federal Register** under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* NRC Form 5, "Occupational Exposure Record for a Monitoring Period" .

2. *Current OMB approval number:* 3150–0006.

3. *How often the collection is required:* Annually.

4. *Who is required or asked to report:* NRC licensees who are required to comply with 10 CFR part 20.

5. *The number of annual respondents:* 3,848.

6. *The number of hours needed annually to complete the requirement or request:* 68,556 hours.

7. *Abstract:* NRC Form 5 is used to record and report the results of individual monitoring for occupational radiation exposure during a monitoring (one calendar year) period to ensure regulatory compliance with annual radiation dose limits specified in 10 CFR 20.1201.

Submit, by September 27, 2010, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html.* The document will be available on the NRC home page site for 60 days after the signature date of this notice. Comments submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed. Comments submitted should reference Docket No. NRC–2010–0263. You may submit your comments by any of the following methods. Electronic comments: Go to *http://www.regulations.gov* and search for Docket No. NRC–2010–0263. Mail comments to NRC Clearance Officer, Tremaine Donnell (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Questions about the information collection requirements may be directed to the NRC Clearance Officer, Tremaine Donnell (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, by telephone at 301–415–6258, or by e-mail to *INFOCOLLECTS.Resource@NRC.GOV.*

Dated at Rockville, Maryland, this 22nd day of July 2010.

For the Nuclear Regulatory Commission.

Tremaine Donnell,

NRC Clearance Officer, Office of Information Services.

[FR Doc. 2010–18657 Filed 7–28–10; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2010–0261]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

SUMMARY: The NRC invites public comment about our intention to request the OMB's approval for renewal of an existing information collection that is summarized below. We are required to publish this notice in the **Federal Register** under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* 10 CFR Part 4: "Nondiscrimination In Federally Assisted Commission Programs".

2. *Current OMB approval number:* 3150–0053.

3. *How often the collection is required:* On occasion and annually, approximately 3 reports.

4. *Who is required or asked to report:* All recipients of Federal financial assistance from the Nuclear Regulatory Commission (NRC).

5. *The number of annual respondents:* Approximately 200.

6. *The number of hours needed annually to complete the requirement or request:* 3,600 hours.

7. *Abstract:* Recipients of NRC financial assistance provide data to demonstrate assurance to NRC that they are in compliance with non-discrimination regulations and policies.

Submit, by September 27, 2010, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html.* The document will be available on the NRC home page site for 60 days after the signature date of this notice. Comments submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying

or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed. Comments submitted should reference Docket No. NRC–2010–0261. You may submit your comments by any of the following methods. Electronic comments: Go to *http://www.regulations.gov* and search for Docket No. NRC–2010–0261. Mail comments to NRC Clearance Officer, Tremaine Donnell (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Questions about the information collection requirements may be directed to the NRC Clearance Officer, Tremaine Donnell (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, by telephone at 301–415–6258, or by e-mail to *INFOCOLLECTS.Resource@NRC.GOV.*

Dated at Rockville, Maryland, this 22nd day of July 2010.

For the Nuclear Regulatory Commission.

Tremaine Donnell,

NRC Clearance Officer, Office of Information Services.

[FR Doc. 2010–18658 Filed 7–28–10; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–3103; NRC–2010–0264]

Notice of Availability of Uranium Enrichment Fuel Cycle Facility Inspection Reports Regarding Louisiana Energy Services, National Enrichment Facility, Eunice, NM Prior to the Commencement of Operations

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

FOR FURTHER INFORMATION CONTACT: Ty Naquin, Project Manager, Uranium Enrichment Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Rockville, MD 20852. Telephone: (301) 492–3187; Fax Number: (301) 492–3359; E-mail: *Tyrone.Naquin@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The Nuclear Regulatory Commission (NRC) staff has conducted inspections of the Louisiana Energy Services (LES), LLC, National Enrichment Facility in Eunice, New Mexico, and has verified that cascade number 1 of the facility has been constructed in accordance with the requirements of the approved license. The NRC staff has prepared inspection reports documenting its findings in accordance with the requirements of the NRC Inspection Manual. As a result of these inspections, on June 10, 2010, the Commission authorized the licensee to start operations of cascade number 1. The publication of this Notice satisfies the requirements of 10 CFR 70.32(k) and section 193(c) of the Atomic Energy Act of 1954, as amended.

The introduction of uranium hexafluoride into any module of the National Enrichment Facility is not permitted until the Commission completes an operational readiness and management measures verification review to verify that management measures that ensure compliance with the performance requirements of 10 CFR 70.61 have been implemented and confirms that the facility has been constructed in accordance with the license and will be operated safely. This notice addresses the licensee's readiness for its first phase of plant operation. Subsequent operational readiness and management measures verification reviews will continue throughout the various phases of plant construction and, upon completion of these subsequent phases, additional notices will be posted to verify that the phase in question has been constructed in accordance with the license and to acknowledge licensee readiness for operations. As additional cascades are made available for inspection, the Commission will determine whether they are authorized for use. Any cascade authorizations will be discussed in the additional notices.

II. Further Information

Documents related to this action are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.* From this site, you can access the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this Notice are:

Inspection report Nos.	Date	ADAMS accession No.
70–3103/2006–001	01–19–2007	ML070190661
70–3103/2007–001	05–24–2007	ML071440430
70–3103/2007–002	08–16–2007	ML072280647
70–3103/2007–003	11–02–2007	ML073060571
70–3103/2007–004	03–07–2008	ML080670475
70–3103/2008–001	04–24–2008	ML081160345
70–3103/2008–002	07–10–2008	ML081930118
70–3103/2008–003	10–30–2008	ML083040618
70–3103/2008–004	12–19–2008	ML083540709
70–3103/2008–005	03–02–2009	ML090610203
70–3103/2008–006	03–20–2009	ML090790642
70–3103/2009–001	03–26–2009	ML090850669
70–3103/2009–002	06–30–2009	ML091770643
70–3103/2009–003	09–30–2009	ML092730612
70–3103/2009–004	12–21–2009	ML093511013
70–3103/2009–006	10–14–2009	ML092820188
70–3103/2009–007	01–27–2010	ML100271177
70–3103/2009–008	03–18–2010	ML100770218
70–3103/2010–005	03–26–2010	ML100850424
70–3103/2010–006	05–03–2010	ML101230475
70–3103/2010–007	03–31–2010	ML100900329

Inspection report Nos.	Date	ADAMS accession No.
70–3103/2010–008	04–27–2010	ML101170813
70–3103/2010–009	05–07–2010	ML101300087
70–3103/2010–010	06–04–2010	ML101480080
70–3103/2010–202	06–04–2010	ML101480060

Several inspections of the Information Security Program were completed. These inspections included reviews of how classified matter is protected at the facility as well as reviews of classified computer networks. These inspection reports have not been listed in this Notice because they are not available publicly.

If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room Reference staff at 1–800–397–4209, 301–415–4737 or by email to *pdr.resource@nrc.gov.*

These documents may also be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, MD, this 13th day of July 2010.

For the Nuclear Regulatory Commission.

Brian W. Smith,

Chief, Uranium Enrichment Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2010–18659 Filed 7–28–10; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on ESBWR

The ACRS Subcommittee on ESBWR will hold a meeting on August 16–17, 2010,

Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed to protect information that is proprietary to General Electric—Hitachi Nuclear Americas, LLC (GEH) and its contractors pursuant to 5 U.S.C. 552b(c)(4).

The agenda for the subject meeting shall be as follows:

Monday, August 16, 2010 and Tuesday, August 17, 2010—8:30 a.m. Until 5:30 p.m.

The Subcommittee will discuss Chapters 2, 10, 12, 14, 15, 16, 18, 20, and 21 of the final Safety Evaluation Report associated with the ESBWR design. In addition, the Subcommittee will discuss the staff's evaluations of licensing technical reports NEDC–33373P, "Dynamic, Load-Drop and Thermal-Hydraulic Analysis for ESBWR Fuel Racks," NEDC–33374P, "Safety Analysis Report for Fuel Storage Racks Criticality Analysis for ESBWR Plants," NEDE–33083P, "TRACG Application for ESBWR," NEDE–33083P, Supplement 1, "TRACG Application for ESBWR Stability Analysis," NEDE–33083P, Supplement 2, "TRACG Application for ESBWR Anticipated Transient Without Scram Analyses," and NEDE–33083P, Supplement 3, "TRACG Application for ESBWR Transient Analysis." The Subcommittee will hear presentations by and hold discussions with representatives of the NRC staff, GEH, and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Christopher Brown (Telephone 301–415–7111 or E-mail *Christopher.Brown@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 14, 2009, (74 FR 58268–58269).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

Dated: July 22, 2010.

Cayetano Santos,

Chief, Reactor Safety Branch A, Advisory Committee on Reactor Safeguards.

[FR Doc. 2010–18653 Filed 7–28–10; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS): Meeting of the ACRS Subcommittee on Plant License Renewal

The ACRS Subcommittee on Plant License Renewal will hold a meeting on August 18, 2010, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, August 18, 2010—8:30 a.m. Until 12:30 p.m.

The Subcommittee will discuss the Kewaunee Power Station License Renewal Application and the associated Safety Evaluation Report (SER) with open items prepared by the staff. The Subcommittee will hear presentations by and hold discussions with representatives of the NRC staff, Dominion Energy Kewaunee, and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and

facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Girija Shukla (Telephone 301–415–6855 or E-mail *Girija.Shukla@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be e-mailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 14, 2009, (74 FR 58268–58269).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

Dated: July 22, 2010.

Duncan White,

Acting Chief, Reactor Safety Branch B, Advisory Committee on Reactor Safeguards.

[FR Doc. 2010–18655 Filed 7–28–10; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Siting

The ACRS Subcommittee on Siting will hold a meeting on August 19–20, 2010, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Thursday, August 19, 2010 and Friday, August 20, 2010—8:30 a.m. Until 5 p.m.

The Subcommittee will review the MOX Fuel Fabrication Facility (Shaw-Areva MOX Services, LLC) proposed for construction at Savannah River. The Subcommittee will hear presentations by and hold discussions with representatives of the NRC staff, Shaw-Areva, LLC, and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Neil Coleman (Telephone 301–415–7656 or E-mail *Neil.Coleman@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 14, 2009, (74 FR 58268–58269).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

Dated: July 22, 2010.

Duncan White,

Acting Chief, Reactor Safety Branch B, Advisory Committee on Reactor Safeguards.

[FR Doc. 2010–18654 Filed 7–28–10; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2010–32 and CP2010–77; Order No. 497]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recently-filed Postal Service filing to add Priority Mail Contract 27 to the competitive product list. The Postal Service has also filed a related contract. This notice addresses procedural steps associated with the filing.

DATES: Comments are due: July 30, 2010.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Commenters who cannot submit their views electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on alternatives to electronic filing.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, *stephen.sharfman@prc.gov* or 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Notice of Filing
III. Ordering Paragraphs

I. Introduction

Pursuant to 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.*, the Postal Service filed a formal request and associated supporting information to add Priority Mail Contract 27 to the competitive product list.[1] The Postal Service asserts that Priority Mail Contract 27 is a competitive product "not of general applicability" within the meaning of 39 U.S.C. 3632(b)(3). *Id.* at 1. The Postal Service states that prices and classification underlying this contract are supported by Governors' Decision No. 09–6 in Docket No. MC2009–25. *Id.*

[1] Request of the United States Postal Service to Add Priority Mail Contract 27 to Competitive Product List and Notice of Filing (Under Seal) of Contract and Supporting Data, July 21, 2010 (Request).

The Request has been assigned Docket No. MC2010–32.

The Postal Service contemporaneously filed a contract related to the proposed new product pursuant to 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. The contract has been assigned Docket No. CP2010–77.

Request. In support of its Request, the Postal Service filed six attachments as follows:

- Attachment A—a redacted copy of the Governor's Decision No. 09–6, originally filed in Docket No. MC2009–25, authorizing certain Priority Mail contracts;
- Attachment B—a redacted copy of the contract;
- Attachment C—a proposed change in the Mail Classification Schedule competitive product list;
- Attachment D—a Statement of Supporting Justification as required by 39 CFR 3020.32;
- Attachment E—a certification of compliance with 39 U.S.C. 3633(a); and
- Attachment F—an application for non-public treatment of materials to maintain redacted portions of the contract and supporting document under seal.

In the Statement of Supporting Justification, Brian G. Denneny, Acting Manager, Sales and Communications, asserts that the service to be provided under the contract will cover its attributable costs, make a positive contribution to institutional costs, and increase contribution toward the requisite 5.5 percent of the Postal Service's total institutional costs. *Id.,* Attachment D. Thus, Mr. Denneny contends there will be no issue of subsidization of competitive products by market dominant products as a result of this contract. *Id.*

Related contract. A redacted version of the specific Priority Mail Contract 27 is included with the Request. The contract will become effective on the day that the Commission provides all necessary regulatory approvals. It is terminable upon 30 days notice by a party, but could continue for 3 years. The Postal Service represents that the contract is consistent with 39 U.S.C. 3633(a). *See id.,* Attachment D. The Postal Service will provide the shipper with Priority Mail packaging for eligible Priority Mail items mailed by the shipper.

The Postal Service filed much of the supporting materials, including the specific Priority Mail Contract 27, under seal. It maintains that the contract and related financial information, including the customer's name and the accompanying analyses that provide prices, terms, conditions, cost data, and financial projections should remain under seal. *See* Attachment F. It also requests that the Commission order that the duration of such treatment of all customer-identifying information be extended indefinitely, instead of ending after 10 years. *Id.* at 7.

II. Notice of Filings

The Commission establishes Docket Nos. MC2010–32 and CP2010–77 for consideration of the Request pertaining to the proposed Priority Mail Contract 27 product and the related contract, respectively. In keeping with practice, these dockets are addressed on a consolidated basis for purposes of this order; however, future filings should be made in the specific docket in which issues being addressed pertain.

Interested persons may submit comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642 and 39 CFR part 3015 and 39 CFR 3020, subpart B. Comments are due no later than July 30, 2010. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Paul L. Harrington to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2010–32 and CP2010–77 for consideration of the matter raised in each docket.
2. Pursuant to 39 U.S.C. 505, Paul L. Harrington is appointed to serve as officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.
3. Comments by interested persons in these proceedings are due no later than July 30, 2010.
4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2010–18575 Filed 7–28–10; 8:45 am]

BILLING CODE 7710–FW–S

THE PRESIDIO TRUST

Proposed Use Limit of Battery Caulfield Road and Request for Comments

AGENCY: The Presidio Trust.

ACTION: Notice.

SUMMARY: The Presidio Trust (Trust) is considering two approaches to limit vehicular use of a portion of Battery Caulfield Road in the Presidio of San Francisco (Presidio): (1) Limitation of vehicular use during weekday peak AM and PM hours, 7 to 9 a.m. and 5 to 7 p.m., as well as on weekends (Alternative 1); or (2) limitation of vehicular use at all times (Alternative 2). The proposed limitation on vehicular use is intended to reduce the amount of cut-through traffic to maintain public health and safety, to protect environmental values, to protect natural resources, and to avoid conflict among visitor uses. By restricting the use of Battery Caulfield Road, the Trust also intends to reduce the amount of traffic through the 14th and 15th Avenue gates. Under both Alternative 1 and Alternative 2, designated vehicles (*e.g.,* emergency vehicles, PresidiGo shuttles and designated Presidio residents and tenants) will continue to have unrestricted access to Battery Caulfield Road, and access by pedestrians and bicyclists will remain unrestricted. The Trust invites comments on both of these proposed limits of public use.

Located in the Public Health Service Hospital (PHSH) District at the southern end of the Presidio, Battery Caulfield Road is not a major thoroughfare within the Presidio, but rather it is a narrow roadway connecting the upper and lower plateaus of the PHSH District (District). Battery Caulfield Road was built by the Army in 1984 to facilitate internal circulation, not to accommodate through-traffic. The road passes through sensitive wildlife areas and native plant communities, and recreational use of the area has increased with the expansion of the Presidio's trails and bikeways. Of the total daily traffic through the 15th Avenue gate, an estimated 350–550 cars use Battery Caulfield Road as a cut-through route, *i.e.,* travel from an origin outside the Presidio to a destination outside the Presidio.

SUPPLEMENTARY INFORMATION: Under 36 CFR 1001.5, the Board of Directors of the Trust (Board) may impose public use limits or close all or a portion of the area administered by the Trust to all public use or to a specific use or activity, given a determination that such action is necessary to maintain public health and safety, to protect environmental or scenic values, to protect natural or cultural resources, or to avoid conflict among visitor use activities. In its April 2007 Record of Decision for the development of the District, the Board identified its intent to restrict use of Battery Caulfield

Road—"The Trust will undertake measures to discourage traffic not destined for the [District] from passing through the area, including considering restrictions on Battery Caulfield road to allow passage by [District] traffic only and will institute traffic-calming techniques to slow traffic through the district." (p. 11, PHSH Record of Decision.)

By Resolution 08–5 adopted on November 13, 2007, the Board determined that limiting vehicular use of Battery Caulfield Road is necessary to maintain public health and safety, to protect environmental values, to protect natural resources, and to avoid conflict among visitor uses, and authorized the Trust Executive Director to implement Alternative 2. As 36 CFR 1001.5(c) encourages the achievement of public use limits by less restrictive measures where possible, subsequent to the adoption of Resolution 08–5 Trust staff revisited the approach to achieve the desired traffic limitation on Battery Caulfield Road, and have determined that it may possibly be met by Alternative 1, a closure that is limited to weekday peak hours and to weekends.

Under Alternative 1, northbound motor vehicle access on Battery Caulfield Road will be restricted beginning approximately at the northern edge of the parking lot at the District lower plateau. Advance warning signage within the District, within the park as a whole, and within the immediate areas of the City (subject to consent by the City of San Francisco) will notify drivers of the restrictions. Southbound traffic will be restricted at the intersection of Battery Caulfield Road and Washington Boulevard. Access by pedestrians and bicyclists will not be restricted, and the anticipated reduction in traffic is expected to improve conditions for these park users. If the Trust determines that Alternative 1 is insufficient to reduce the cut-through traffic adequately, then the Trust will implement Alternative 2.

Reference: 16 U.S.C. 460bb appendix; 36 CFR 1001.5.

FOR FURTHER INFORMATION CONTACT: John Fa (415.561.5065), The Presidio Trust, 34 Graham Street, P.O. Box 29052, San Francisco, CA 94129–0052.

Comments: Address all written comments about Alternative 1, Alternative 2, or both to: The Planning Department, The Presidio Trust, 34 Graham Street, P.O. Box 29052, San Francisco, CA 94129–0052. Comments must be received by the Trust no later than September 1, 2010. All written comments submitted to the Trust will be considered, and this proposed use limit may be modified accordingly. The final decision of the Trust will be published in the **Federal Register.**

If individuals submitting comments request that their address or other contact information be withheld from public disclosure, it will be honored to the extent allowable by law. Such requests must be stated prominently at the beginning of the comments. The Trust will make available for public inspection all submissions from organizations or businesses and from persons identifying themselves as representatives or officials of organizations and businesses. Anonymous comments may not be considered.

Dated: July 22, 2010.

Karen A. Cook,

General Counsel.

[FR Doc. 2010–18568 Filed 7–28–10; 8:45 am]

BILLING CODE 4310–4R–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 29368; File No. 812–13707]

Northern Funds, et al.; Notice of Application

July 23, 2010.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of an application for an order pursuant to (a) section 6(c) of the Investment Company Act of 1940 ("Act") granting an exemption from sections 18(f) and 21(b) of the Act; (b) section 12(d)(1)(J) of the Act granting an exemption from section 12(d)(1) of the Act; (c) sections 6(c) and 17(b) of the Act granting an exemption from sections 17(a)(1), 17(a)(2) and 17(a)(3) of the Act; and (d) section 17(d) of the Act and rule 17d–1 under the Act to permit certain joint arrangements.

SUMMARY OF THE APPLICATION: Applicants request an order that would permit certain registered open-end management investment companies to participate in a joint lending and borrowing facility.

APPLICANTS: Northern Funds ("NF"), Northern Institutional Funds ("NIF", each of NF and NIF a "Trust," and together, the "Trusts"), Northern Trust Investments, N.A. ("NTI"), Northern Trust Global Investments Limited ("NTGIL"), and The Northern Trust Company of Connecticut ("NTCC") (each of NTI, NTGIL, and NTCC, an "Adviser," and such entities together, the "Advisers").

FILING DATES: The application was filed on September 30, 2009, and amended on March 4, 2010. Applicants have agreed to file an amendment during the notice period, the substance of which is reflected in this notice.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on August 17, 2010, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090; Applicants: NF, NIF, and NTI, 50 South LaSalle Street, Chicago, Illinois 60603; NTGIL, 50 Bank Street, Canary Wharf, London E14 5NT, United Kingdom; NTCC, 300 Atlantic Street, Stamford, Connecticut 06901.

FOR FURTHER INFORMATION CONTACT: Steven I. Amchan, Senior Counsel, at (202) 551–6826 or Jennifer L. Sawin, 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 an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. Each Trust is organized as a Delaware statutory trust and is registered under the Act as an open-end management investment company. Each Trust consists of multiple series ("Funds"). Certain of the Funds hold themselves out as money market funds in reliance on rule 2a–7 under the Act (the "Money Market Funds"). NTI, NTGIL, and NTCC are each registered as an investment adviser under the Investment Advisers Act of 1940 ("Advisers Act") and are each indirect subsidiaries of Northern Trust Corporation. NTI is a national banking

association and serves as the investment adviser to NIF and NF. NTGIL is a private company with limited liability under the laws of England and Wales and serves as co-investment adviser with NTI to the NIF International Growth Portfolio, the NF International Growth Equity Fund, and NF Global Fixed Income Fund.[1] NTCC is a state bank and trust company organized under the laws of Connecticut and serves as co-investment adviser with NTI to certain Funds of NF that have multiple investment sub-advisers. NTI also serves as administrator of the Trusts.[2]

2. At any particular time, while some Funds enter into repurchase agreements, or invest their cash balances in Money Market Funds or other short-term instruments, other Funds may need to borrow money for temporary purposes to satisfy redemption requests, to cover unanticipated cash shortfalls such as a trade "fail" in which cash payment for a security sold by a Fund has been delayed, or for other temporary purposes. Currently, the Trusts have a $100 million revolving bank credit agreement administered by a bank (the "Committed Credit Facility") for short-term temporary purposes.

3. When a Fund borrows money under the Committed Credit Facility, it pays interest on the loan at a rate that is significantly higher than the rate that is earned by other (non-borrowing) Funds on investments in repurchase agreements, Money Market Funds, and other short-term instruments of the same maturity as the bank loan. Applicants assert that this differential represents the profit earned by the lender on loans and is not attributable to any material difference in the credit quality or risk of such transactions.

4. The Trusts seek to enter into master interfund lending agreements ("Interfund Lending Agreements") with each other on behalf of the Funds that would permit each Fund to lend money directly to and borrow directly from other Funds through a credit facility for temporary purposes (an "Interfund Loan"). The Money Market Funds typically will not participate as borrowers in the proposed credit facility. Applicants state that the proposed credit facility would both substantially reduce the Funds' potential borrowing costs and enhance the ability of the lending Funds to earn higher rates of interest on their short-term lendings. Although the proposed credit facility would substantially reduce the Funds' need to borrow from banks, the Funds would be free to establish and maintain committed lines of credit or other borrowing arrangements with unaffiliated banks.

5. Applicants anticipate that the proposed credit facility would provide a borrowing Fund with significant savings at times when the cash position of the borrowing Fund is insufficient to meet temporary cash requirements. This situation could arise when shareholder redemptions exceed anticipated volumes and certain Funds have insufficient cash on hand to satisfy such redemptions. When the Funds liquidate portfolio securities to meet redemption requests, they often do not receive payment in settlement for up to three days (or longer for certain foreign transactions). However, redemption requests normally are effected immediately. The proposed credit facility would provide a source of immediate, short-term liquidity pending settlement of the sale of portfolio securities.

6. Applicants also anticipate that a Fund could use the proposed credit facility when a sale of securities "fails" due to circumstances beyond the Fund's control, such as a delay in the delivery of cash to the Fund's custodian or improper delivery instructions by the broker effecting the transaction. "Sales fails" may present a cash shortfall if the Fund has undertaken to purchase a security using the proceeds from securities sold. Alternatively, the Fund could "fail" on its intended purchase due to lack of funds from the previous sale, resulting in additional cost to the Fund, or sell a security on a same-day settlement basis, earning a lower return on the investment. Use of the proposed credit facility under these circumstances would enable the Fund to have access to immediate short-term liquidity.

7. While bank borrowings generally could supply needed cash to cover unanticipated redemptions and sales fails, under the proposed credit facility, a borrowing Fund would pay lower interest rates than those that would be payable under short-term loans offered by banks. In addition, Funds making short-term cash loans directly to other Funds would earn interest at a rate higher than they otherwise could obtain from investing their cash in repurchase agreements or Money Market Funds. Thus, applicants assert that the proposed credit facility would benefit both borrowing and lending Funds.

8. The interest rate to be charged to the Funds on any Interfund Loan (the "Interfund Loan Rate") would be the average of the "Repo Rate" and the "Bank Loan Rate," both as defined below. The Repo Rate for any day would be the highest or best (after giving effect to factors such as the credit quality of the counterparty) rate available to a lending Fund from investment in overnight repurchase agreements with counterparties approved by the Fund or its Adviser. The Bank Loan Rate for any day would be calculated by the Interfund Lending Committee, as defined below, each day an Interfund Loan is made according to a formula established by each Fund's board of trustees (the "Trustees") intended to approximate the lowest interest rate at which bank short-term loans would be available to the Funds. The formula would be based upon a publicly available rate (*e.g.,* Federal funds plus 25 basis points) and would vary with this rate so as to reflect changing bank loan rates. The initial formula and any subsequent modifications to the formula would be subject to the approval of each Fund's Trustees. In addition, each Fund's Trustees would periodically review the continuing appropriateness of using the formula to determine the Bank Loan Rate, as well as the relationship between the Bank Loan Rate and current bank loan rates that would be available to the Funds.

9. The proposed credit facility would be administered by investment professionals and administrative personnel from one or more of the Advisers (the "Interfund Lending Committee"). No portfolio manager of any Fund will serve as a member of the Interfund Lending Committee. Under the proposed credit facility, the portfolio managers for each participating Fund could provide standing instructions to participate daily as a borrower or lender. The Interfund Lending Committee on each business day would collect data on the uninvested cash and borrowing requirements of all participating Funds. Once it had determined the aggregate amount of cash available for loans and borrowing demand, the Interfund Lending Committee would allocate loans among borrowing Funds without any further communication from the

[1] Beginning July 31, 2010, NTGIL will no longer be a co-investment adviser to the NIF International Growth Portfolio and NF International Growth Equity Fund.

[2] Applicants request that the relief also apply to any other open-end registered management investment company that is advised by an Adviser or any entity controlling, controlled by, or under common control with an Adviser (such entity is included in the term "Adviser" and is or will be registered as an investment adviser under the Advisers Act) and that currently, or in the future, is part of the same "group of investment companies" as the Trusts, as defined in section 12(d)(1)(G)(ii) of the Act (included in the term "Trusts"). All entities that currently intend to rely on the requested order have been named as applicants. Any other entity that relies on the requested order in the future will comply with the terms and conditions set forth in the application.

portfolio managers of the Funds. Applicants anticipate that there typically will be far more available uninvested cash each day than borrowing demand. Therefore, after the Interfund Lending Committee has allocated cash for Interfund Loans, the Interfund Lending Committee will invest any remaining cash in accordance with the standing instructions of the portfolio managers or such remaining amounts will be invested directly by the portfolio managers of the Funds.

10. The Interfund Lending Committee would allocate borrowing demand and cash available for lending among the Funds on what the Interfund Lending Committee believes to be an equitable basis, subject to certain administrative procedures applicable to all Funds, such as the time of filing requests to participate, minimum loan lot sizes, and the need to minimize the number of transactions and associated administrative costs. To reduce transaction costs, each loan normally would be allocated in a manner intended to minimize the number of participants necessary to complete the loan transaction. The method of allocation and related administrative procedures would be approved by each Fund's Trustees, including a majority of Trustees who are not "interested persons" of the Fund, as that term is defined in section 2(a)(19) of the Act ("Independent Trustees"), to ensure that both borrowing and lending Funds participate on an equitable basis.

11. The Advisers would: (a) Monitor the Interfund Loan Rate and the other terms and conditions of the loans; (b) limit the borrowings and loans entered into by each Fund to ensure that they comply with the Fund's investment policies and limitations; (c) ensure equitable treatment of each Fund; and (d) make quarterly reports to the Trustees concerning any transactions by the Funds under the proposed credit facility and the Interfund Loan Rate charged.

12. Each Adviser, through the Interfund Lending Committee, would administer the proposed credit facility as a disinterested fiduciary as part of its duties under the investment management contract with each Fund and would receive no additional fee as compensation for its services in connection with the administration of the proposed credit facility. An Adviser may collect standard pricing, record keeping, bookkeeping and accounting fees associated with the transfer of cash and/or securities in connection with repurchase and lending transactions generally, including transactions effected through the proposed credit facility. Such fees would be no higher than those applicable for comparable bank loan transactions.

13. No Fund may participate in the proposed credit facility unless: (a) The Fund has obtained shareholder approval for its participation, if such approval is required by law; (b) the Fund has fully disclosed all material information concerning the credit facility in its prospectus and/or statement of additional information; and (c) the Fund's participation in the credit facility is consistent with its investment objectives, limitations and organizational documents.

14. In connection with the credit facility, applicants request an order under section 6(c) of the Act exempting them from the provisions of sections 18(f) and 21(b) of the Act; under section 12(d)(1)(J) of the Act exempting them from section 12(d)(1) of the Act; under sections 6(c) and 17(b) of the Act exempting them from sections 17(a)(1), 17(a)(2), and 17(a)(3) of the Act; and under section 17(d) of the Act and rule 17d–1 under the Act to permit certain joint arrangements.

Applicants' Legal Analysis

1. Section 17(a)(3) of the Act generally prohibits any affiliated person of a registered investment company, or affiliated person of an affiliated person, from borrowing money or other property from the registered investment company. Section 21(b) of the Act generally prohibits any registered management company from lending money or other property to any person, directly or indirectly, if that person controls or is under common control with that company. Section 2(a)(3)(C) of the Act defines an "affiliated person" of another person, in part, to be any person directly or indirectly controlling, controlled by, or under common control with, such other person. Section 2(a)(9) of the Act defines "control" as the "power to exercise a controlling influence over the management or policies of a company," but excludes circumstances in which "such power is solely the result of an official position with such company." Applicants state that the Funds may be under common control by virtue of having common investment advisers and/or by having common Trustees and officers.

2. Section 6(c) of the Act provides that an exemptive order may be granted where an exemption is 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. Section 17(b) of the Act authorizes the Commission to exempt a proposed transaction from section 17(a) provided that the terms of the transaction, including the consideration to be paid or received, are fair and reasonable and do not involve overreaching on the part of any person concerned, and the transaction is consistent with the policy of the investment company as recited in its registration statement and with the general purposes of the Act. Applicants believe that the proposed arrangements satisfy these standards for the reasons discussed below.

3. Applicants assert that sections 17(a)(3) and 21(b) of the Act were intended to prevent a party with strong potential adverse interests to, and some influence over the investment decisions of, a registered investment company from causing or inducing the investment company to engage in lending transactions that unfairly inure to the benefit of such party and that are detrimental to the best interests of the investment company and its shareholders. Applicants assert that the proposed credit facility transactions do not raise these concerns because: (a) Each Adviser, through the Interfund Lending Committee, would administer the program as a disinterested fiduciary as part of its duties under the investment management contract with each Fund; (b) all Interfund Loans would consist only of uninvested cash reserves that the lending Fund otherwise would invest in short-term repurchase agreements or other short-term instruments either directly or through a Money Market Fund; (c) the Interfund Loans would not involve a significantly greater risk than such other investments; (d) the lending Fund would receive interest at a rate higher than it could otherwise obtain through such other investments; and (e) the borrowing Fund would pay interest at a rate lower than otherwise available to it under its bank loan agreements and avoid some up-front commitment fees associated with committed lines of credit. Moreover, applicants assert that the other terms and conditions that applicants propose also would effectively preclude the possibility of any Fund obtaining an undue advantage over any other Fund.

4. Section 17(a)(1) of the Act generally prohibits an affiliated person of a registered investment company, or any affiliated person of such a person, from selling securities or other property to the investment company. Section 17(a)(2) of the Act generally prohibits an affiliated person of a registered investment company, or any affiliated person of such a person, from purchasing securities or other property

from the investment company. Section 12(d)(1) of the Act generally prohibits a registered investment company from purchasing or otherwise acquiring any security issued by any other investment company except in accordance with the limitations set forth in that section.

5. Applicants state that the obligation of a borrowing Fund to repay an Interfund Loan could be deemed to constitute a security for the purposes of sections 17(a)(1) and 12(d)(1). Applicants also state that any pledge of assets in connection with an Interfund Loan could be construed as a purchase of the borrowing Fund's securities or other property for purposes of section 17(a)(2) of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt persons or transactions from any provision of section 12(d)(1) if and to the extent that such exemption is consistent with the public interest and the protection of investors. Applicants contend that the standards under sections 6(c), 17(b), and 12(d)(1)(J) are satisfied for all the reasons set forth above in support of their request for relief from sections 17(a)(3) and 21(b) and for the reasons discussed below. Applicants also state that the requested relief from section 17(a)(2) of the Act meets the standards of section 6(c) and 17(b) because any collateral pledged to secure an Interfund Loan would be subject to the same conditions imposed by any other lender to a Fund that imposes conditions on the quality of or access to collateral for a borrowing (if the lender is another Fund) or the same or better conditions (in any other circumstance).

6. Applicants state that section 12(d)(1) was intended to prevent the pyramiding of investment companies in order to avoid imposing on investors additional and duplicative costs and fees attendant upon multiple layers of investments. Applicants submit that the proposed credit facility does not involve these abuses. Applicants note that there will be no duplicative costs or fees to the Funds or their shareholders, and that each Adviser will receive no additional compensation for its services in administering the credit facility. Applicants also note that the purpose of the proposed credit facility is to provide economic benefits for all the participating Funds and their shareholders.

7. Section 18(f)(1) of the Act prohibits open-end investment companies from issuing any senior security except that a company is permitted to borrow from any bank, provided, that immediately after the borrowing, there is asset coverage of at least 300 per centum for all borrowings of the company. Under section 18(g) of the Act, the term "senior security" generally includes any bond, debenture, note or similar obligation or instrument constituting a security and evidencing indebtedness. Applicants request exemptive relief under section 6(c) from section 18(f)(1) to the limited extent necessary to implement the proposed credit facility (because the lending Funds are not banks).

8. Applicants believe that granting relief under section 6(c) is appropriate because the Funds would remain subject to the requirement of section 18(f)(1) that all borrowings of a Fund, including combined interfund and bank borrowings, have at least 300% asset coverage. Based on the conditions and safeguards described in the application, applicants also submit that to allow the Funds to borrow from other Funds pursuant to the proposed credit facility is consistent with the purposes and policies of section 18(f)(1).

9. Section 17(d) of the Act and rule 17d–1 under the Act generally prohibit an affiliated person of a registered investment company, or any affiliated person of such a person, when acting as principal, from effecting any joint transaction in which the investment company participates, unless, upon application, the transaction has been approved by the Commission. Rule 17d–1(b) under the Act provides that in passing upon an application filed under the rule, the Commission will consider whether the participation of the registered investment company in a joint enterprise on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of the other participants.

10. Applicants assert that the purpose of section 17(d) is to avoid overreaching by and unfair advantage to insiders. Applicants assert that the proposed credit facility is consistent with the provisions, policies and purposes of the Act in that it offers both reduced borrowing costs and enhanced returns on loaned funds to all participating Funds and their shareholders. Applicants note that each Fund would have an equal opportunity to borrow and lend on equal terms consistent with its investment policies and fundamental investment limitations. Applicants assert that each Fund's participation in the proposed credit facility would be on terms that are no different from or less advantageous than that of other participating Funds.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. The Interfund Loan Rate will be the average of the Repo Rate and the Bank Loan Rate.

2. On each business day, the Interfund Lending Committee will compare the Bank Loan Rate with the Repo Rate and will make cash available for Interfund Loans only if the Interfund Loan Rate is: (a) More favorable to the lending Fund than the Repo Rate and, if applicable, the yield of any money market fund in which the lending Fund could otherwise invest; and (b) more favorable to the borrowing Fund than the Bank Loan Rate.

3. If a Fund has outstanding bank borrowings, any Interfund Loans to the Fund: (a) Will be at an interest rate equal to or lower than the interest rate of any outstanding bank loan; (b) will be secured at least on an equal priority basis with at least an equivalent percentage of collateral to loan value as any outstanding bank loan that requires collateral; (c) will have a maturity no longer than any outstanding bank loan (and in any event not over seven days); and (d) will provide that, if an event of default by the Fund occurs under any agreement evidencing an outstanding bank loan to the Fund, that event of default will automatically (without need for action or notice by the lending Fund) constitute an immediate event of default under the Interfund Lending Agreement entitling the lending Fund to call the Interfund Loan (and exercise all rights with respect to any collateral) and that such call will be made if the lending bank exercises its right to call its loan under its agreement with the borrowing Fund.

4. A Fund may make an unsecured borrowing through the proposed credit facility if its outstanding borrowings from all sources immediately after the interfund borrowing total 10% or less of its total assets, provided that if the Fund has a secured loan outstanding from any other lender, including but not limited to another Fund, the Fund's interfund borrowing will be secured on at least an equal priority basis with at least an equivalent percentage of collateral to loan value as any outstanding loan that requires collateral. If a Fund's total outstanding borrowings immediately after an interfund borrowing would be greater than 10% of its total assets, the Fund may borrow through the proposed credit facility only on a secured basis. A Fund may not borrow through the proposed credit facility or from any other source if its total outstanding

borrowings immediately after such borrowing would be more than 33⅓% of its total assets.

5. Before any Fund that has outstanding interfund borrowings may, through additional borrowings, cause its outstanding borrowings from all sources to exceed 10% of its total assets, the Fund must first secure each outstanding Interfund Loan by the pledge of segregated collateral with a market value at least equal to 102% of the outstanding principal value of the loan. If the total outstanding borrowings of a Fund with outstanding Interfund Loans exceed 10% of its total assets for any other reason (such as a decline in net asset value or because of shareholder redemptions), the Fund will within one business day thereafter: (a) Repay all of its outstanding Interfund Loans; (b) reduce its outstanding indebtedness to 10% or less of its total assets; or (c) secure each outstanding Interfund Loan by the pledge of segregated collateral with a market value at least equal to 102% of the outstanding principal value of the loan until the Fund's total outstanding borrowings cease to exceed 10% of its total assets, at which time the collateral called for by this condition 5 shall no longer be required. Until each Interfund Loan that is outstanding at any time that a Fund's total outstanding borrowings exceed 10% is repaid or the Fund's total outstanding borrowings cease to exceed 10% of its total assets, the Fund will mark the value of the collateral to market each day and will pledge such additional collateral as is necessary to maintain the market value of the collateral that secures each outstanding Interfund Loan at least equal to 102% of the outstanding principal value of the Interfund Loan.

6. No Fund may lend to another Fund through the proposed credit facility if the loan would cause its aggregate outstanding loans through the proposed credit facility to exceed 15% of the lending Fund's current net assets at the time of the loan.

7. A Fund's Interfund Loans to any one Fund shall not exceed 5% of the lending Fund's net assets.

8. The duration of Interfund Loans will be limited to the time required to receive payment for securities sold, but in no event more than seven days. Loans effected within seven days of each other will be treated as separate loan transactions for purposes of this condition.

9. A Fund's borrowings through the proposed credit facility, as measured on the day when the most recent loan was made, will not exceed the greater of 125% of the Fund's total net cash redemptions for the preceding seven calendar days or 102% of the Fund's sales fails for the preceding seven calendar days.

10. Each Interfund Loan may be called on one business day's notice by a lending Fund and may be repaid on any day by a borrowing Fund.

11. A Fund's participation in the proposed credit facility must be consistent with its investment objectives and limitations and organizational documents.

12. The Interfund Lending Committee will calculate total Fund borrowing and lending demand through the proposed credit facility, and allocate loans on an equitable basis among the Funds, without the intervention of any portfolio manager of the Funds. The Interfund Lending Committee will not solicit cash for the proposed credit facility from any Fund or prospectively publish or disseminate loan demand data to portfolio managers. The Interfund Lending Committee will invest any amounts remaining after satisfaction of borrowing demand in accordance with the standing instructions of the portfolio managers or such remaining amounts will be invested directly by the portfolio managers of the Funds.

13. The Interfund Lending Committee will monitor the Interfund Loan Rate and the other terms and conditions of the Interfund Loans and will make a quarterly report to the Trustees of each Fund concerning the participation of the Funds in the proposed credit facility and the terms and other conditions of any extensions of credit under the credit facility.

14. The Trustees of each Fund, including a majority of the Independent Trustees, will:

(a) Review, no less frequently than quarterly, the Fund's participation in the proposed credit facility during the preceding quarter for compliance with the conditions of any order permitting such transactions;

(b) Establish the Bank Loan Rate formula used to determine the interest rate on Interfund Loans and review, no less frequently than annually, the continuing appropriateness of the Bank Loan Rate formula; and

(c) Review, no less frequently than annually, the continuing appropriateness of the Fund's participation in the proposed credit facility.

15. In the event an Interfund Loan is not paid according to its terms and such default is not cured within two business days from its maturity or from the time the lending Fund makes a demand for payment under the provisions of the Interfund Lending Agreement, an Adviser will promptly refer such loan for arbitration to an independent arbitrator selected by the Trustees of each Fund involved in the loan who will serve as arbitrator of disputes concerning Interfund Loans.[3] The arbitrator will resolve any problem promptly, and the arbitrator's decision will be binding on both Funds. The arbitrator will submit, at least annually, a written report to the Trustees setting forth a description of the nature of any dispute and the actions taken by the Funds to resolve the dispute.

16. Each Fund will maintain and preserve for a period of not less than six years from the end of the fiscal year in which any transaction by it under the proposed credit facility occurred, the first two years in an easily accessible place, written records of all such transactions setting forth a description of the terms of the transactions, including the amount, the maturity and the Interfund Loan Rate, the rate of interest available at the time each Interfund Loan is made on overnight repurchase agreements and commercial bank borrowings, the yield of any money market fund in which the lending Fund could otherwise invest, and such other information presented to the Fund's Trustees in connection with the review required by conditions 13 and 14.

17. The Advisers will prepare and submit to the Trustees for review an initial report describing the operations of the proposed credit facility and the procedures to be implemented to ensure that all Funds are treated fairly. After the commencement of the proposed credit facility, the Advisers will report on the operations of the proposed credit facility at the Trustees' quarterly meetings.

Each Fund's chief compliance officer, as defined in rule 38a–1(a)(4) under the Act, shall prepare an annual report for its Trustees each year that the Fund participates in the proposed credit facility, that evaluates the Fund's compliance with the terms and conditions of the application and the procedures established to achieve such compliance. Each Fund's chief compliance officer will also annually file a certification pursuant to Item 77Q3 of Form N–SAR as such Form may be revised, amended or superseded from time to time, for each year that the Fund participates in the proposed credit facility, that certifies that the Fund and the Advisers have established procedures reasonably designed to

[3] If the dispute involves Funds with different Trustees, the respective Trustees of each Fund will select an independent arbitrator that is satisfactory to each Fund.

achieve compliance with the terms and conditions of the order. In particular, such certification will address procedures designed to achieve the following objectives:

(a) That the Interfund Loan Rate will be higher than the Repo Rate and, if applicable, the yield of the money market funds, but lower than the Bank Loan Rate;

(b) Compliance with the collateral requirements as set forth in the application;

(c) Compliance with the percentage limitations on interfund borrowing and lending;

(d) Allocation of interfund borrowing and lending demand in an equitable manner and in accordance with procedures established by the Trustees; and

(e) That the Interfund Loan Rate does not exceed the interest rate on any third party borrowings of a borrowing Fund at the time of the Interfund Loan.

Additionally, each Fund's independent public accountants, in connection with their audit examination of the Fund, will review the operation of the proposed credit facility for compliance with the conditions of the application and their review will form the basis, in part, of the auditor's report on internal accounting controls in Form N–SAR.

18. No Fund will participate in the proposed credit facility upon receipt of requisite regulatory approval unless it has fully disclosed in its prospectus and/or statement of additional information all material facts about its intended participation.

For the Commission, by the Division of Investment Management, under delegated authority.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–18675 Filed 7–28–10; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Release No. 34–62553; File No. SR–BX–2010–050]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Expand the $1 Strike Program on the Boston Options Exchange Facility

July 22, 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 July 19, 2010, NASDAQ OMX BX, Inc. (the "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Chapter IV, Section 6 (Series of Options Contracts Open for Trading) of the Rules of the Boston Options Exchange Group, LLC ("BOX") to expand the Exchange's $1 Strike Price Program (the "$1 Strike Program" or "Program") to allow the Exchange to select 150 individual stocks on which options may be listed at $1 strike price intervals. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room, on the Commission's Web site at *http://www.sec.gov,* and also on the Exchange's Internet Web site at *http://nasdaqomxbx.cchwallstreet.com/NASDAQOMXBX/Filings/.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to expand the $1 Strike Program (the "Program").[5] The $1 Strike Program currently allows BOX to select a total of 55 individual stocks on which option series may be listed at $1 strike price intervals. In order to be eligible for selection into the Program, the underlying stock must close below $50 in its primary market on the previous trading day. If selected for the Program, BOX may list strike prices at $1 intervals from $1 to $50, but no $1 strike price may be listed that is greater than $5 from the underlying stock's closing price in its primary market on the previous day. BOX may also list $1 strikes on any other option class designated by another securities exchange that employs a similar Program under their respective rules. BOX may not list long-term option series ("LEAPS") [6] at $1 strike price intervals for any class selected for the Program, except as provided in Supplementary Material .02(c) to Chapter IV, Section 6 of the BOX Rules.[7] BOX is also restricted from listing series with $1 intervals within $0.50 of an existing strike price in the same series, except that strike prices of $2, $3, and $4 shall be permitted within $0.50 of an existing strike price for classes also selected to participate in the $0.50 Strike Program.[8]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] The Commission approved the $1 Strike Price Program as a pilot in February 2004. *See* Securities Exchange Act Release No. 49292 (Feb. 20, 2004), 69 FR 8993 (Feb. 26, 2004) (SR–BSE–2004–01). The Program was subsequently extended. *See* Securities Exchange Act Release No. 49806 (June 4, 2004), 69 FR 32640 (June 10, 2004) (SR–BSE–2004–22) (extending the Program until June 5, 2005); Securities Exchange Act Release No. 51778 (June 2, 2005), 70 FR 33562 (June 8, 2005) (SR–BSE–2005–18) (extending the Program until June 5, 2006); Securities Exchange Act Release No. 53855 (May 24, 2006), 71 FR 30973 (May 31, 2006) (SR–BSE–2006–19) (extending the Program until June 5, 2007); Securities Exchange Act Release No. 55684 (Apr. 30, 2007), 72 FR 26188 (May 8, 2007) (SR–BSE–2007–17) (extending the Program until June 5, 2008). The Program was subsequently expanded and permanently approved in 2008. *See* Securities Exchange Act Release No. 57302 (Feb. 11, 2008), 73 FR 8913 (Feb. 15, 2008) (SR–BSE–2008–08). The Pilot Program was last expanded in 2009. *See* Securities Exchange Act Release No. 59589 (Mar. 17, 2009), 73 FR 8913 (Mar. 24, 2009) (SR–BSE–2009–16).

[6] LEAPS are long-term options that have from twelve to thirty-nine months from the time they are listed until expiration. *See* Chapter IV, Section 8(a) Long-Term Equity Option Series (LEAPS®).

[7] Supplementary Material .02(c) to Chapter IV, Section 6 of the BOX Rules states that the Exchange may list $1 strike prices up to $5 in LEAPS in up to 200 option classes in individual stocks. *See* Securities Exchange Act Release No. 61041 (Nov. 20, 2009) 75 FR 62623 (Nov. 30, 2009) (SR–BSE–2009–073).

[8] Regarding the $0.50 Strike Program, which allows $0.50 strike price intervals for options on stocks trading at or below $3.00, *see* Supplementary Material .02 to Chapter IV, Section 6(a) and Securities Exchange Act Release No. 60814 (Oct. 13, 2009), 74 FR 53535 (Oct. 19, 2009) (SR–BSE–2009–063). *See also* Securities Exchange Act Release No.

The Exchange now proposes to expand the Program to allow BOX to select a total of 150 individual stocks on which option series may be listed at $1 strike price intervals. The existing restrictions on listing $1 strikes would continue, *i.e.,* no $1 strike price may be listed that is greater than $5 from the underlying stock's closing price in its primary market on the previous day, and BOX is restricted from listing any series that would result in strike prices being $0.50 apart (unless an option class is selected to participate in both the $1 Strike Program and the $0.50 Strike Program).

As stated in the filings establishing BOX's Program and in subsequent extensions and expansions of the Program,[9] BOX believes that $1 strike price intervals provide investors with greater flexibility in the trading of equity options that overlie lower price stocks by allowing investors to establish equity options positions that are better tailored to meet their investment objectives.

BOX believes that market conditions have led to an increase in the number of securities trading below $50 warranting the proposed expansion of the $1 Strike Program.[10] In addition, BOX notes that this filing is based on rules of other options exchanges, such as, NASDAQ OMX PHLX, Inc ("PHLX"), Chicago Board Options Exchange ("CBOE"), International Securities Exchange, LLC ("ISE"), NYSE Arca, Inc. ("NYSE Arca"), NYSE Amex LLC ("NYSE Amex"), and NASDAQ Options Market ("NOM").[11] With regard to previous expansions of the Program, the Commission has approved proposals from the options exchanges that employ a $1 Strike Program in lockstep.

The Exchange notes that, in addition to options classes that are trading pursuant to the $1 strike programs of options exchanges, there are also options trading at $1 strike intervals on BOX on over 95 exchange-traded fund shares ("ETFs") and exchange-traded notes (ETNs"),[12] ETF and ETN options trading at $1 intervals have not, however, negatively impacted the system capacity of BOX or OPRA.

With regard to the impact of this proposal on system capacity, BOX has analyzed its capacity and the Exchange represents that it and OPRA have the necessary systems capacity to handle the potential additional traffic associated with the listing and trading of an expanded number of series in the $1 Strike Program.

BOX believes that the $1 Strike Program has provided investors with greater trading opportunities and flexibility and the ability to more closely tailor their investment and risk management strategies and decisions to the movement of the underlying security. Furthermore, BOX has not detected any material proliferation of illiquid options series resulting from the narrower strike price intervals. For these reasons, BOX requests an expansion of the current Program and the opportunity to provide investors with additional strikes for investment, trading, and risk management purposes.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,[13] in general, and Section 6(b)(5) of the Act,[14] in particular, in that it is designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism for a free and open market and a national market system and, in general, to protect investors and the public interest. In particular, the Exchange believes that expanding the current $1 Strike Program will result in a continuing benefit to investors by giving them more flexibility to closely tailor their investment decisions in a greater number of securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not significantly affect the protection of investors or the public interest, does not impose any significant burden on competition, and, by its terms, does not become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[15] and Rule 19b–4(f)(6) thereunder.[16]

The Exchange has requested that the Commission waive the 30-day operative delay. The Commission believes that waiver of the operative delay is consistent with the protection of investors and the public interest because the proposal is substantially similar to that of another exchange that has been approved by the Commission.[17] Therefore, the Commission designates the proposal operative upon filing.[18]

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.

61811 (Mar. 31, 2010), 75 FR 17802 (April 7, 2010) (SR–BSE–2010–025) (permitting concurrent listing of $3.50 and $4 strikes for classes in the $0.50 Strike and $1 Strike Programs).

[9] *See supra* note 5.

[10] *See, e.g.,* Securities Exchange Act Release No. 59589 (Mar. 17, 2009), 73 FR 8913 (Mar. 24, 2009) (SR–BSE–2009–16) (referencing the more than five-fold increase in the number of individual stocks on which options may be listed at $1 intervals).

[11] *See* Securities Exchange Act Release No. 62420 (June 30, 2010), 75 FR 39593 (July 9, 2010) (SR–Phlx–2010–72); Securities Exchange Act Release No. 62443 (July 2, 2010), 75 FR 39608 (July 9, 2010) (SR–CBOE–2010–64); Securities Exchange Act Release No. 62442 (July 2, 2010), 75 FR 39597 (July 9, 2010) (SR–ISE–2010–64); Securities Exchange Act Release No. 62450 (July 2, 2010), 75 FR 39712 (July 12, 2010) (SR–NYSEArca–2010–66); Securities Exchange Act Release No. 62449 (July 2, 2010) (SR–NYSEAmex–2010–67); Securities Exchange Act Release No. 62451 (July 6, 2010) (SR–NASDAQ–2010–83).

[12] *See* Supplementary Material .01 to Chapter IV, Section 6 of the BOX Rules (allowing $1 strike price intervals for ETF and ETN options where the strike price is $200 or less).

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission has waived the five-day pre-filing requirement in this case.

[17] *See* Securities Exchange Act Release No. 62420 (June 30, 2010), 75 FR 39593 (July 9, 2010) (SR–Phlx–2010–72) (order approving expansion of $1 strike program to 150 classes).

[18] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–BX–2010–050 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BX–2010–050. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2010–050 and should be submitted on or before August 19, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–18572 Filed 7–28–10; 8:45 am]

BILLING CODE 8010–01–P

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62567; File No. SR–NSCC–2010–07]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of Proposed Rule Change To Amend Addendum C of Its Rules and Procedures To Implement Risk Enhancements to Its Stock Borrow Program

July 23, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 1, 2010, National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission ("Commission") proposed rule change SR–NSCC–2010–07 as described in Items I, II, and III below, which Items have been substantially prepared by NSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule change is to amend Addendum C of NSCC's Rules and Procedures ("Rules") to implement risk enhancements so that municipal and corporate bonds would be ineligible for lending through the Stock Borrow Program ("SBP") and so that Members would be prevented from lending securities through the SBP that were issued by that Member or any of its affiliates.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC 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. NSCC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.[3]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Commission has modified parts of these statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

National Securities Clearing Corporation ("NSCC") proposes amending its Rules to implement risk enhancements so that municipal and corporate bonds would be ineligible for lending through the SBP and so that Members would be prevented from lending securities through the SBP that were issued by that Member or any of its affiliates.

1. Stock Borrow Program Background

In the course of daily operations, NSCC's Continuous Net Settlement ("CNS") system often requires a number of shares for a particular security that exceeds the number of shares available to NSCC through Member deliveries. This can arise for several reasons including satisfaction of Member priority requests for allocation as well as buy-ins submitted by Members. To improve the efficiency of the clearing system in these situations, NSCC's Board authorized implementation of automated stock borrow procedures to meet these needs for shares of a particular CNS security.

Members wishing to participate in the SBP notify NSCC each day [4] of the securities they have on deposit at The Depository Trust Company ("DTC") that are available to be borrowed by NSCC. The daytime and nighttime SBP are separate processes. Members can choose to participate only in the nighttime SBP, only in the daytime SBP, or in both.

After NSCC's nighttime processing of regular deliveries, unsatisfied needs that remain in a particular security are borrowed from Members that identified available securities for the nighttime SBP.[5] Similarly, needs in a particular security remaining unsatisfied at a time designated during the day cycle are borrowed from Members that have delivered instructions specifying available securities for the daytime SBP. Shares borrowed are placed in a special CNS subaccount, and the Member lending the shares is advanced the full market value of the borrowed shares until they are returned. As shares become available, borrowed stock is returned through normal long allocations against the special subaccount.

[4] By such times specified by NSCC.

[5] Securities subject to a voluntary reorganization are not borrowed by NSCC after nighttime processing on E+2 through the end of the protected period.

2. Proposed Amendment to Addendum C of the NSCC's Rules

After reviewing the SBP, NSCC has determined that it faces increased risks in two situations. Specifically, NSCC has identified increased risks when NSCC borrows municipal or corporate bonds and when NSCC borrows securities issued by the lending Member or any of its affiliates. First, if NSCC is unable to timely close out long positions in corporate or municipal bonds that were created by loans of such securities from a Member that becomes insolvent, then NSCC may possess high concentrations of corporate or municipal bonds that it cannot deliver to the insolvent Member. Consequently, NSCC bears an increased risk of loss because it would be forced to liquidate those corporate or municipal bond positions in thinly traded markets. Second, NSCC incurs credit exposure in instances where it borrows securities from a Member that is also the issuer of the securities or is an affiliate of the issuer. In the event that such a Member becomes insolvent, then NSCC incurs the additional risk that the securities issued by the Member or its affiliate and that are lent through the SBP will likely decline in value.

In both situations, NSCC believes there are certain risks posed by the SBP that outweigh the benefits to NSCC and its Members. Accordingly, NSCC proposes amending its Rules so that municipal and corporate bonds would be ineligible for lending through the SBP and so that Members would be unable to lend securities through the SBP that are issued by the Member or its affiliates. Members would be advised of the implementation date for these proposed changes through the issuance of an NSCC Important Notice. The language of the proposed changes to NSCC's Rules and Procedures can be found in Exhibit 5 to proposed rule change SR–NSCC–2010–07 at *http://www.dtcc.com/downloads/legal/rule_filings/2010/nscc/2010–07.pdf.*

NSCC believes the proposed rule changes are consistent with the requirements of Section 17A of the Act [6] and the rules and regulations thereunder because the proposed changes would facilitate prompt and accurate clearance and settlement of securities transactions by establishing appropriate safeguards and enhanced efficiency within the SBP process to mitigate risks that the SBP poses to NSCC.

[6] 15 U.S.C. 78q–1.

B. Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change would impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule change have not been solicited or received. NSCC will notify the Commission of any written comments received by NSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NSCC–2010–07 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–NSCC–2010–07. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of NSCC. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR–NSCC–2010–07 and should be submitted on or before August 19, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–18608 Filed 7–28–10; 8:45 am]

BILLING CODE 8010–01–P

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62554; File No. SR–NASDAQ–2008–014]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Order Approving a Proposed Rule Change, as Modified by Amendments No. 1 and 2 Thereto, To Amend Certain Corporate Governance Disclosure Requirements for Listed Companies

July 22, 2010.

On February 27, 2008, 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") [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend certain of its rules relating to corporate governance standards for listed companies. The proposed rule change, as modified by Amendments No. 1 and 2 thereto, was published for comment in the **Federal**

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Register on June 17, 2010.[3] The Commission received no comments on the proposal.

The proposed rule change would remove the disclosure requirements that a listed company must fulfill when it relies on certain exceptions to Nasdaq rules concerning the composition and independence of audit, compensation, and nominating committees, and replace them with references to equivalent disclosure requirements of Regulation S–K under the Securities Act of 1933. The proposal also would add a reference to the disclosures that a listed company must make pursuant to Rule 10A–3 under the Act when a listed company relies on certain exceptions to that rule. The proposal further would allow a listed company the option of disclosing on or through its website, instead of in its annual proxy (or similar document), when it has relied on the exception that permits the appointment of a non-independent director to a company's compensation or nominating committee in exceptional and limited circumstances.[4] Finally, the proposal would permit the disclosure of waivers of a company's code of conduct, as required by Nasdaq Rule 5610, to be made on or through a listed company's website or, in certain circumstances, through a press release.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange[5] and, in particular, the requirements of Section 6 of the Act[6] and the rules and regulations thereunder. The Commission finds specifically that the proposed rule change is consistent with Section 6(b)(5) of the Act[7] because it would remove disclosure requirements in Nasdaq's rules that duplicate Commission disclosure requirements and replace them with direct references to those Commission requirements. In addition, the proposed rule change would afford Nasdaq-listed companies additional methods to make certain disclosures required by the Exchange's rules, thereby easing compliance for listed companies and allowing them to rely on technology to provide information to investors in a timelier manner, consistent with the goal of investor protection.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[8] that the proposed rule change (SR–NASDAQ–2008–014), as modified by Amendments No. 1 and 2 thereto, be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–18671 Filed 7–28–10; 8:45 am]

BILLING CODE 8010–01–P

[3] *See* Securities Exchange Act Release No. 62285 (June 11, 2010), 75 FR 34506.

[4] In general, directors serving on the compensation and nominating committees of listed companies must be independent. *See* Nasdaq Rules 5605(d)(1) and (2) and 5605(e)(1) and (2). Non-independent directors, however, are permitted under exceptional and limited circumstances. *See* Nasdaq Rules 5605(d)(3) and 5605(e)(3).

[5] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[6] 15 U.S.C. 78f.

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(2).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62564; File No. SR–NASDAQ–2010–089]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Regarding Fees Assessed for Supplemental MPIDs

July 23, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 20, 2010, The NASDAQ Stock Market LLC ("NASDAQ"), filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NASDAQ. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

NASDAQ proposes to assess member firms a monthly fee for each additional market participant identifier or maker participant identifier ("MPID") approved by NASDAQ for use by a member firm on NASDAQ's systems beyond the primary MPID. NASDAQ plans to implement the proposed fee pursuant to Rule 7001 beginning September 1, 2010.

The text of the proposed rule change is below. Proposed new language is italicized.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

7000. Charges for Membership, Services, and Equipment

7001. Membership Fees

(a)–(b) No change.

(c) The first market participant identifier or maker participant identifier issued to a member, referred to as the "Primary MPID," is provided at no cost. Additional identifiers, referred to as "Supplemental MPIDs," may be approved for use on NASDAQ for a fee of $1,000 per month, per additional identifier. Supplemental MPIDs that are used exclusively for reporting information to facilities of the Financial Industry Regulatory Authority (e.g., FINRA/NASDAQ Trade Reporting Facility) are excluded from this fee.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASDAQ included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NASDAQ has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NASDAQ is proposing to assess a fee for each MPID approved by NASDAQ for use by a member firm on NASDAQ's systems in excess of one. MPIDs are special numerical identifiers assigned to certain broker-dealers to identify the firms' transaction and quoting activity. NASDAQ administers the assignment of MPIDs, which may be requested by broker-dealers for use on NASDAQ systems, reporting to FINRA, or a combination of the two. NASDAQ member firms are assigned a unique Primary MPID upon gaining NASDAQ membership. A member firm may, however, request additional MPIDs beyond its Primary MPID, called Supplemental MPIDs. Currently, NASDAQ does not assess a fee for the privilege of using approved Supplemental MPIDs on NASDAQ. In recent years, member firms have increasingly adopted business structures and strategies that require multiple Supplemental MPIDs. Member firms use

Supplemental MPIDs to separate orders or quotes entered into the NASDAQ system for affiliates, segregated business units or trading desks, or sponsored access firms. Member firms may also use Supplemental MPIDs for secondary clearing and/or for reporting trades and other information to facilities of the Financial Industry Regulatory Authority ("FINRA") that are operated by NASDAQ (*e.g.,* the FINRA/NASDAQ Trade Reporting Facility). As a result, NASDAQ has seen a large increase in the number of Supplemental MPIDs requested by individual member firms.

NASDAQ proposes to assess a monthly fee for each Supplemental MPID approved by NASDAQ for use by a member firm on NASDAQ's systems. Supplemental MPIDs that are used exclusively for reporting information to facilities of FINRA that are operated by NASDAQ will be excluded from this fee; however, a member firm would be assessed the proposed fee for every month that a Supplemental MPID is not used exclusively for such FINRA reporting purposes. NASDAQ believes that assessing a fee on Supplemental MPIDs will benefit the markets and investors because such a fee will promote efficiency in MPID use. NASDAQ notes that certain member firms possess many MPIDs through which very little activity occurs. These unused or underutilized MPIDs provide negligible benefit to the market, yet represent an administrative and regulatory burden to NASDAQ.

NASDAQ notes that the New York Stock Exchange ("NYSE") assesses fees for firm access to its floor, and NASDAQ believes such fees are analogous to the proposed fees for assignment of multiple MPIDs.[3] Such NYSE fees are based on the number of individuals that a member firm wishes to employ on the floor of the exchange and include, among other things, an annual fee of $40,000 per trading license per floor broker, a $5,000 annual fee per handheld device used on the floor, and a $250 annual badge maintenance fee per badge. By contrast, to have multiple MPIDs on NASDAQ, a member would need to pay the proposed MPID fee in addition to an annual membership fee of $3,000 and a trading rights fee of $500 per month, totaling $9,000 annually.[4] As such, NASDAQ's fees are significantly less than the analogous fees of NYSE. NASDAQ anticipates, however, that the proposed fees may provide NASDAQ with a profit.

Competition for order flow is fierce among the national securities exchanges and other trading venues. As a consequence, member firms may easily re-direct order flow away from a trading venue should they determine that the venue's fees are set too high. As noted above, use of multiple MPIDs is generally a business decision made by member firms, and to the extent that such firms believe the MPID fee is excessive they may eliminate unneeded Supplemental MPIDs or may choose to move their order flow to other markets.

2. Statutory Basis

NASDAQ believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[5] in general, and Section 6(b)(4) of the Act,[6] in particular, because it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system that NASDAQ operates or controls, and it does not unfairly discriminate between customers, issuers, brokers or dealers. Member firms will continue to have discretion to request NASDAQ approval to use Supplemental MPIDs on NASDAQ. Use of MPIDs beyond a member firm's Primary MPID is voluntary and solely determined by a member firm's needs. The proposed Supplemental MPID fee will be imposed on all member firms equally based on the number of Supplemental MPIDs approved for use on NASDAQ.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASDAQ does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. As the Commission has recognized,[7] the market for transaction execution and routing services is highly competitive. Broker-dealers currently have numerous alternative venues for their order flow, including multiple competing self-regulatory organization markets, as well as broker-dealers and aggregators such as electronic communications networks. A member firm is able to select any venue of which it is a member or participant to send its order flow. As such, if member firms believe that the proposed fee for Supplemental MPIDs is excessive they may easily choose to move their order flow elsewhere. NASDAQ believes that its proposed fees are comparable to fees assessed by the NYSE for market access, but are set at lower levels than the corresponding NYSE fees. NASDAQ also believes that the proposed fee will encourage efficiency in member firms' use of MPIDs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[8] and subparagraph (f)(2) of Rule 19b–4 thereunder.[9] 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–NASDAQ–2010–089 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.

[3] *See http://www.nyse.com/pdfs/2010pricelist.pdf.*

[4] *See* Rule 7001(a).

[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b)(4).

[7] Specifically, the Commission stated: "Exchanges compete not only with one another, but also with broker-dealers that match customer orders within their own systems and also with a proliferation of alternative trading systems ('ATSs') and electronic communications networks ('ECNs') that the Commission has also nurtured and authorized to execute trades in any listed issue. As a result, market share of trading fluctuates among execution facilities based on their ability to service the end customer. The execution business is highly competitive and exhibits none of the characteristics of a monopoly * * *." Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74775 (December 9, 2008) (SR–NYSEArca–2006–21).

[8] 15 U.S.C. 78s(b)(3)(a)(ii).

[9] 17 CFR 240.19b–4(f)(2).

All submissions should refer to File Number SR–NASDAQ–2010–089. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR–NASDAQ–2010–089 and should be submitted on or before August 19, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–18673 Filed 7–28–10; 8:45 am]

BILLING CODE 8010–01–P

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62562; File No. SR–Phlx–2010–98]

Self-Regulatory Organizations; NASDAQ OMX PHLX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Rebates and Fees for Adding and Removing Liquidity in Select Symbols

July 23, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 15, 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's Fee Schedule to both add and remove certain options from the Exchange's current Rebates and Fees for Adding and Removing Liquidity in Select Symbols in Section I of the Fee Schedule.

While changes to the Fee Schedule pursuant to this proposal are effective upon filing, the Exchange has designated these changes to be operative for transactions settling on or after August 2, 2010.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqtrader.com/micro.aspx?id=PHLXfilings,* at the principal office of the Exchange, on the Commission's Web site at *http://www.sec.gov*, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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 Exchange proposes to increase liquidity and to attract order flow by increasing the number of options to be included in the Exchange's current Rebates and Fees for Adding and Removing Liquidity in Select Symbols as well as removing three options. Currently, the Exchange has 81 symbols [3] ("Select Symbols") to which this applies.

Specifically, the Exchange proposes to add the following four options to the Select Symbols: (i) BP p.l.c. Common Stock ("BP"), (ii) Baidu, Inc. ("BIDU"), (iii) IShares FTSE/Xinhua China 25 Index ("FXI"), and (iv) Exxon Mobil Corp. ("XOM"), collectively ("the options"). These additional 4 symbols would be subject to the Rebates and Fees for Adding and Removing Liquidity in Select Symbols. Additionally, the Exchange proposes to remove the following three options from the Select Symbols: (i) ARIAD Pharmaceuticals, Inc. ("ARIA"), (ii) Star Scientific, Inc. ("CIGX") and (iii) Palm, Inc. ("PALM").

The Exchange currently assesses a per-contract transaction charge in various Select Symbols on six different categories of market participants that submit orders and/or quotes that "take," liquidity from the Exchange: (i) Specialists, Registered Options Traders ("ROTs"),[4] Streaming Quote Traders ("SQTs") [5] and Remote Streaming Quote Traders ("RSQTs"); [6] (ii) customers; [7] (iii) specialists, SQTs and RSQTs that receive Directed Orders ("Directed Participants" [8] or "Directed Specialists, RSQTs, or SQTs" [9]); (iv) Firms; (v)

[3] These 81 currently include: AA, AAPL, ABK, ABX, AIG, ALL, AMD, AMR, AMZN, ARIA, AXP, BAC, BRCD, C, CAT, CIEN, CIGX, CSCO, DELL, DIA, DNDN, DRYS, EBAY, EK, F, FAS, FAZ, GDX, GE, GLD, GLW, GS, HAL, IBM, INTC, IWM, IYR, JPM, LVS, MGM, MOT, MSFT, MU, NEM, NOK, NVDA, ONNN, ORCL, PALM, PFE, POT, QCOM, QID, QQQQ, RIG, RIMM, RMBS, SBUX, SDS, SIRI, SKF, SLV, SMH, SNDK, SPY, T, TBT, TZA, UAUA, UNG, USO, UYG, V, VALE, VZ, WYNN, X, XHB, XLF, XRX and YHOO ("Select Symbols").

[4] A ROT includes a SQT, a RSQT and a Non-SQT, which by definition is neither a SQT or a RSQT. *See* Exchange Rule 1014 (b)(i) and (ii).

[5] 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)(ii)(A).

[6] 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)(ii)(B).

[7] This applies to all customer orders, directed and non-directed.

[8] For purposes of the fees and rebates related to adding and removing liquidity, a Directed Participant is a Specialist, SQT, or RSQT that executes a customer order that is directed to them by an Order Flow Provider and is executed electronically on PHLX XL II.

[9] *See* Exchange Rule 1080(l), "* * * The term 'Directed Specialist, RSQT, or SQT' means a specialist, RSQT, or SQT that receives a Directed

broker-dealers; and (vi) Professionals.[10] The current per-contract transaction charge depends on the category of market participant submitting orders and/or quotes that "take," liquidity from the Exchange.

The Exchange also currently provides certain per-contract rebates for orders or quotations that add liquidity in the Select Symbols. The amount of the rebate depends on the category of participant whose order or quote was executed as part of the Phlx Best Bid and Offer. Finally, the Exchange assesses a $0.05 per contract fee for adding liquidity in the select Symbols for Firms and Broker-Dealers.

While changes to the Fee Schedule pursuant to this proposal are effective upon filing, the Exchange has designated these changes to be operative for transactions settling on or after August 2, 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 addition and removal of certain options from the Rebates and Fees for Adding and Removing Liquidity in Select Symbols is both equitable and reasonable, because the Select Symbols apply to all categories of participants in the same manner. The Rebates and Fees for Adding and Removing Liquidity in Select Symbols, which are currently applicable to each market participant, will continue to apply to the Select Symbols.

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 such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–Phlx–2010–98 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2010–98. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro/shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–Phlx–2010–98 and should be submitted on or before August 19, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–18672 Filed 7–28–10; 8:45 am]

BILLING CODE 8010–01–P

Order." A Directed Participant has a higher quoting requirement as compared with a specialist, SQT or RSQT who is not acting as a Directed Participant. *See* Exchange Rule 1014.

[10] The Exchange defines a "professional" as 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) (hereinafter "Professional"). *See* Exchange Rule 1000(b)(14).

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(4).

[13] 15 U.S.C. 78s(b)(3)(A)(ii).

[14] 17 CFR 240.19b–4(f)(2).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62566; File No. SR–OCC–2010–10]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend OCC's By-Laws and Rules To Change Its Method of Holding Certain Securities Pledged by Members To Satisfy Margin and Clearing Fund Obligations

July 23, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934,[1] notice is hereby given that on July 1, 2010, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared substantially by OCC. OCC filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [2] and Rule 19b–4(f)(4) [3] thereunder so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78s(b)(3)(A)(iii).

[3] 17 CFR 240.19b–4(f)(4).

comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The proposed rule change would amend OCC's By-Laws and Rules to change its method of holding certain securities pledged by Members to satisfy margin and clearing fund obligations.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change would amend OCC's By-Laws and Rules to change OCC's method of holding certain securities pledged by Members to satisfy margin and clearing fund obligations. Securities issued by the United States or Canadian governments and securities issued by U.S. government-sponsored enterprises ("Government Securities") are among the securities OCC's Members may deposit to satisfy margin and clearing fund obligations. OCC currently permits Members to satisfy such obligations by means of a paper pledge agreement or an electronic pledge system of a depository approved by OCC.

Instead of continuing to use these types of Government Securities pledges, OCC proposes taking direct control of Government Securities that Members pledge to satisfy margin and clearing fund obligations. OCC would require that such pledged securities be held in an account in the name of OCC and The EDP Pledge System would be retained during a transition period designated by OCC.

OCC believes this proposed change to how margin and clearing fund deposits are held would enhance OCC's control of such securities and would allow OCC to access such securities more efficiently. OCC intends for the proposed change to relate only to the mechanism through which the securities would be held and not to affect the respective rights of OCC or its Members in the deposited securities. The general lien granted under new paragraph (b) of Article VIII, Section 1 of OCC's By-Laws, would replace the security interests created through the pledge mechanisms where securities are held directly in OCC's name. To preserve flexibility for OCC to be able to respond to unanticipated circumstances, the amendment would allow OCC to specify a different method of accepting margin and clearing fund deposits if necessary.

The proposed change would also provide clarification regarding how OCC would credit foreign currency toward clearing fund and margin requirements. OCC does not presently accept foreign currency either as clearing fund contributions or margin deposits. However, because Canadian government securities are included in the definition of Government Securities OCC could receive and could potentially hold Canadian dollars it receives as interest on or as proceeds from those securities. When determining the U.S. dollar value of such foreign currency, OCC would conduct its valuations in the same way that it has previously valued margin deposits of assets that are denominated in a foreign currency. This involves using such exchange rates and "haircuts" as OCC deems appropriate. To reflect this policy, OCC is proposing a minor amendment to Rule 604(e) as well as adding a similar provision in Section 3 of Article VIII of the By-Laws.

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [4] and Rule 19b–4(f)(4) [5] thereunder because it effects a change in an existing service of a registered clearing agency that does not adversely affect the safeguarding of securities or funds in the custody or control of the clearing agency or for which it is responsible and does not significantly affect the respective rights or obligations of the clearing agency or persons using the service. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule 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.

B. Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change would impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

OCC has not solicited or received written comments relating to the proposed rule change. OCC will notify the Commission of any written comments it receives.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [6] and Rule 19b–4(f)(4) [7] thereunder because it effects a change in an existing service of a registered clearing agency that does not adversely affect the safeguarding of securities or funds in the custody or control of the clearing agency or for which it is responsible and does not significantly affect the respective rights or obligations of the clearing agency or persons using the service. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule 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–OCC–2010–10 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 No. SR–OCC–2010–10. 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

[4] 15 U.S.C. 78s(b)(3)(A)(iii).

[5] 17 CFR 240.19b–4(f)(4).

[6] 15 U.S.C. 78(b)(3)(A)(iii).

[7] 17 CFR 240.19b4–(f)(4).

post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at OCC's principal office and on OCC's Web site at *http://www.theocc.com/about/publications/bylaws.jsp*. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–OCC–2010–10 and should be submitted on or before August 19, 2010.

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[8]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–18607 Filed 7–28–10; 8:45 am]

BILLING CODE 8010–01–P

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62555; File No. SR–BX–2010–051]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Extending the Pilot Period for Boston Options Exchange To Receive Inbound Routes of Orders From Nasdaq Options Services

July 22, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act")[1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on July 21, 2010, NASDAQ OMX BX, Inc. (the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as constituting a non-controversial rule change under Rule 19b–4(f)(6) under the Act,[3] 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 persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange submits this proposed rule change to extend the pilot period of the Exchange's prior approval for Boston Options Exchange ("BOX") to receive inbound routes of certain option orders from Nasdaq Options Services, LLC ("NOS") through November 17, 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

Currently, NOS is the approved outbound routing facility of the NASDAQ Exchange for NOM, providing outbound routing from NOM to other market centers.[4] The Exchange and the NASDAQ Exchange have previously adopted rules to permit BOX to receive inbound routes of certain option orders by NOS in its capacity as an order routing facility of the NASDAQ Exchange for NOM.[5] The Exchange specifically has adopted a rule to prevent potential informational advantages resulting from the affiliation between BOX and NOS, as related to NOS's authority to route certain orders from NOM to BOX without checking the NOM book prior to routing.[6] NOS's authority to route these orders to BOX is subject to a pilot period ending August 16, 2010.[7] The Exchange hereby seeks to extend the previously approved pilot period (with the attendant obligations and conditions) for an additional 3 months, through November 17, 2010.

2. Statutory Basis

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 the proposal is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Specifically, the proposed rule change will allow BOX to continue receiving inbound routes of equities orders from NOS, acting in its capacity as a facility of the NASDAQ Exchange, in a manner consistent with prior approvals and established protections. The Exchange believes that extending the previously approved pilot period for three months is of sufficient length to permit both the

[3] 17 CFR 240.19b–4(f)(6).

[4] NOM Rule Chapter VI, Section 11(c). Under NOM Rule Chapter VI, Section 11(c): (1) NOM routes orders in options via NOS, which serves as the sole "routing facility" of NOM; (2) the sole function of the routing facility is to route orders in options to away markets pursuant to NOM rules, solely on behalf of NOM; (3) NOS is a member of an unaffiliated self-regulatory organization, which is the designated examining authority for the broker-dealer; (4) the routing facility is subject to regulation as a facility of the NASDAQ Exchange, including the requirement to file proposed rule changes under Section 19 of the Act; (5) use of NOS to route order to other market centers is optional; (6) NOM must establish and maintain procedures and internal controls reasonably designed to adequately restrict the flow of confidential and proprietary information between the NASDAQ Exchange and its facilities (including the routing facility), and any other entity; and (7) the books, records, premises, officers, directors, agents, and employees of the routing facility, as a facility of the NASDAQ Exchange, shall be subject at all times to inspection and copying by the NASDAQ Exchange and the Commission.

[5] *See* Securities Exchange Act Release No. 60349 (July 20, 2009), 74 FR 37071 (July 27, 2009) (SR–BX–2009–035); Securities Exchange Act Release No. 60354 (July 21, 2009), 74 FR 37074 (July 27, 2009) (SR–NASDAQ–2009–065).

[6] *See* Chapter XXXIX, Section 2(c) of the Grandfathered Rules of the Exchange.

[7] *See* Securities Exchange Act Release No. 60349 (July 20, 2009), 74 FR 37071 (July 27, 2009) (SR–BX–2009–035).

[8] 15 U.S.C. 78f.

[9] 15 U.S.C. 78f(b)(5).

Exchange and the Commission to assess the impact of the Exchange's authority to permit BOX to receive direct inbound routes of certain option orders via NOS (including the attendant obligations and conditions).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change does not: (1) Significantly affect the protection of investors or the public interest; (2) impose any significant burden on competition; and (3) become operative for 30 days after the date of this filing, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [10] and Rule 19b–4(f)(6) thereunder.[11]

A proposed rule change filed under 19b–4(f)(6) normally may not become operative prior to 30 days after the date of filing.[12] However, Rule 19b–4(f)(6)(iii) [13] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay. The Exchange notes that the proposal will allow BOX to continue receiving inbound routes of equities orders from NOS, in a manner consistent with prior approvals and established protections, while also permitting the Exchange and the Commission to assess the impact of the pilot.[14] The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because such waiver would allow the pilot period to be extended without interruption delay through November 17, 2010. For this reason, the Commission designates the proposed rule change to be operative upon filing with the Commission.[15]

At any time within 60 days of the filing of such proposed rule change the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–BX–2010–051 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BX–2010–051. 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 on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2010–051 and should be submitted on or before August 19, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–18573 Filed 7–28–10; 8:45 am]

BILLING CODE 8010–01–P

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6)(iii). In addition, Rule 19b–4(f)(6)(iii) requires that a self-regulatory organization submit to the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[13] *Id.*

[14] *See supra* Section II.A.2.

[15] For the purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[16] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2010–0095]

Agency Information Collection Activities: Notice of Request for Extension of Currently Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for extension of currently approved information collection.

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) to renew an information collection. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on May 19, 2010. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by August 30, 2010.

ADDRESSES: You may send comments within 30 days to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention DOT Desk Officer. You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated

burden; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. All comments should include the Docket number FHWA–2010–0095.

FOR FURTHER INFORMATION CONTACT: Gary Jensen, 202–366–2048 or Marshall Wainright, 202–366–4842, Office of Real Estate Services, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Title: Fixed Residential Moving Cost Schedule.

OMB Control #: 2125–0616.

Background: Relocation assistance payments to owners and tenants who move personal property for a Federal or federally-assisted program or project is governed by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act). 49 Code of Federal Regulations (CFR), part 24, is the implementing regulation for the Uniform Act. 49 CFR 24.301 addresses payments for actual and reasonable moving and related expenses. The fixed residential moving cost schedule is an administrative alternative to reimbursement of actual moving costs. This option provides flexibility for the agency and affected property owners and tenants. The FHWA requests the State Departments of Transportation (State DOTs) to analyze moving cost data periodically to assure that the fixed residential moving cost schedules accurately reflect reasonable moving and related expenses. The regulation allows State DOTs flexibility in determining how to collect the cost data in order to reduce the burden of government regulation. Updated State fixed residential moving costs are submitted to the FHWA electronically.

Respondents: State Departments of Transportation (52, including the District of Columbia and Puerto Rico).

Frequency: Once every 3 years.

Estimated Average Burden per Response: 24 hours per respondent.

Estimated Total Annual Burden Hours: 24 hours for each of the 52 State Departments of Transportation. The total is 1,248 burden hours, once every 3 years, or 416 hours annually.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: July 22, 2010.

Judith Kane,

Acting Chief, Management Programs and Analysis Division.

[FR Doc. 2010–18647 Filed 7–28–10; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2010–0097]

Agency Information Collection Activities: Notice of Request for Extension of Currently Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for extension of currently approved information collection.

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) to renew an information collection. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on May 19, 2010. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by August 30, 2010.

ADDRESSES: You may send comments within 30 days to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention DOT Desk Officer. You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burden; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. All comments should include the Docket number FHWA–2010–0097.

FOR FURTHER INFORMATION CONTACT: Erin Kenley, 202–366–8556, Office of Safety, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Title: Drug Offender's Drivers License Suspension Certification.

OMB Control #: 2125–0579.

Background: States are legally required to enact and enforce laws that revoke or suspend the drivers licenses of any individual convicted of a drug offense and to make annual certifications to the FHWA on their actions. The implementing regulations of the Department of Transportation and Related Agencies Appropriation Act, 1993 (Pub. L. 102–388, October 6, 1992) require annual certifications by the Governors. In this regard, the State must submit by January 1 of each year either a written certification, signed by the Governor, stating that the State is in compliance with 23 U.S.C. 159; or a written certification stating that the Governor is opposed to the enactment or enforcement, and that the State legislature has adopted a resolution expressing its opposition to 23 U.S.C. 159.

Beginning in Fiscal Year 1996, States' failure to comply by October 1 of each fiscal year resulted in a withholding penalty of 10 percent from major categories of Federal-aid funds (i.e., National Highway System, Surface Transportation Program and the Interstate Maintenance Program) from States' apportionments for the fiscal year. Any funds withheld in Fiscal Year 1996 and thereafter cannot be restored and will be redistributed.

Respondents: 50 States and the District of Columbia and Puerto Rico.

Frequency: Annually.

Estimated Average Burden per Response: 5 hours for each respondent.

Estimated Total Annual Burden Hours: 260 total annual burden hours.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: July 22, 2010.

Judith Kane,

Acting Chief, Management Programs and Analysis Division.

[FR Doc. 2010–18648 Filed 7–28–10; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2010–0096]

Agency Information Collection Activities: Notice of Request for Extension of Currently Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for extension of currently approved information collection.

SUMMARY: The FHWA has forwarded the information collection request described

in this notice to the Office of Management and Budget (OMB) to renew an information collection. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on May 19, 2010. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by August 30, 2010.

ADDRESSES: You may send comments within 30 days to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention DOT Desk Officer. You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burden; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. All comments should include the Docket number FHWA–2010–0096.

FOR FURTHER INFORMATION CONTACT: Henry Murdaugh, 703–235–0535, Office of Professional and Corporate Development, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Title: Eisenhower Transportation Fellowship Program

OMB Control #: 2125–0617.

Background: The Eisenhower Transportation Fellowship Program is comprised of two programs, the Eisenhower Transportation Fellowship and the National Highway Institute (NHI). The Eisenhower Transportation Fellowship is currently authorized by Public Law 109–59, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users of 2005 (SAFETEA–LU). The purpose of the fellowship is to advance transportation education and research, and attract qualified students to the field of transportation. The Eisenhower Transportation Fellowship allows for the collection and analysis of vital program information from student transportation education programs, also serving as a management tool to measure program performance and evaluate effectiveness in meeting Federal intent and workforce development common goals and objectives. An application form is used to collect basic information from the student to determine eligibility and qualifications for fellowship.

The NHI is authorized under Section 5204 of The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users of 2005 (SAFETEA–LU) which calls for the development and delivery of courses for the transportation community and requires the involvement and satisfaction measurement of transportation partners. One vital component involved in reaching those goals is providing training pertaining to highway activities, making sure that professionals and members of the public have access to the best, most accurate information. Towards this goal, the NHI develops and implements applicable training programs. To manage this increasingly complex task and to make the training process more accessible and useful, NHI has automated an online training management tool—the NHI Web Portal. The training evaluation and registration forms collect basic participant data for record keeping and basic course and instructor evaluation information for customer feedback about what NHI is doing well and what we need to improve.

Respondents: Approximately 200 students submit applications for the Eisenhower Transportation Fellowship and approximately 20,000 students for the NHI.

Frequency: The Eisenhower Transportation Fellowship frequency is annually. The NHI is by learning session.

Estimated Average Burden per Response: The estimated burden to complete the application for the Eisenhower Transportation Fellowship is 3 hrs, 600 hrs annually. The estimated burden to complete each training evaluation and registration for the NHI form is 3 minutes, 1000 hrs annually.

Estimated Total Annual Burden Hours: Approximately 1,600 hours annually.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: July 22, 2010.

Judith Kane,

Acting Chief, Management Programs and Analysis Division.

[FR Doc. 2010–18649 Filed 7–28–10; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2010–0098]

Agency Information Collection Activities: Notice of Request for Extension of Currently Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for extension of currently approved information collection.

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) to renew an information collection. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on May 19, 2010. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by August 30, 2010.

ADDRESSES: You may send comments within 30 days to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention DOT Desk Officer. You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burden; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. All comments should include the Docket number FHWA–2010–0098.

FOR FURTHER INFORMATION CONTACT: Carol Tan, Ph.D, Office of Safety Research and Development (HRDS), at (202) 493–3315, Turner-Fairbank Highway Research Center, Federal Highway Administration, 6300 Georgetown Pike, McLean, VA, 22101, between 9:00 a.m. and 5:30 p.m., Monday through Friday, except Federal Holidays.

SUPPLEMENTARY INFORMATION:

Title: Motorcycle Crash Causation Study and Pilot Motorcycle Crash Causes and Outcomes Study.

OMB Control #: 2125–0619.

Background: Motorcycle injuries and fatalities have increased every year since 2003 in the United States. Per vehicle mile traveled motorcyclists were

about 32 times more likely to die, and 6 times more likely to be injured in a motor vehicle crash than were passenger car occupants. This data shows that the motorcycle crash problem is becoming more severe.[1] Congress has recognized this problem and directed the Department of Transportation to conduct research that will provide a better understanding of the causes of motorcycle crashes. Specifically, in Section 5511 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) Public Law 109–59, Congress directed the Secretary of Transportation to provide grants to the Oklahoma Transportation Center (OTC) for the purpose of conducting a comprehensive, in-depth motorcycle crash causation study that employs the common international methodology for in-depth motorcycle crash investigation developed by the Organization for Economic Cooperation and Development (OECD).[2] The Secretary of Transportation delegated authority to FHWA for the Motorcycle Crash Causation Grants under Section 5511 (71 FR 30831).

Proposed Data Acquisition Methodology

Use of Parallel and Complementary Procedures

The OECD describes two complementary procedures to be performed for acquiring the data needed to understand the causes of motorcycle crashes. The first of these is the traditional in-depth crash investigation that focuses on the sequence of events leading up to the crash, and on the motorcycle, rider, and environmental characteristics that may have been relevant to the crash. The second procedure, known as the case-control procedure, complements the first. It requires the acquisition of matched control data to allow for a determination of the extent to which rider and driver characteristics, and pre-crash factors observed in the crash vehicles, are present in similarly-at-risk control vehicles.

Such a dual approach offers specific advantages to the understanding of crashes and the development of countermeasures. The in-depth study of the crash by itself allows for analysis of the events antecedent to the crash, some of which, if removed or altered, could result in a change in subsequent events that would have led to a non-crash, or reduced crash severity outcome. For example, an in-depth crash investigation may reveal that an automobile approaching an intersection was in a lane designated for straight through traffic only, but the motorist proceeded to make a left turn from that lane into the path of an oncoming motorcycle. That finding can, by itself, be used to develop countermeasures, and does not require matched control data. However, acquiring matched control data from similarly-at-risk riders and drivers provides additional critical information about crash causes that cannot be obtained if only crashes are examined. The main purpose of acquiring matched data is to allow for inferences to be made regarding risk factors for crash causes. A brief explanation is provided here so that those less familiar with case-control procedures will understand the advantage of acquiring controls.[3] Consider a hypothetical situation where it is observed that the proportion of motorcycle riders involved in crashes that have a positive Blood Alcohol Content (BAC) is the *same as* the proportion of matched (similarly-at-risk) control motorcycle riders not involved in crashes. And assume that the proportion of passenger-vehicle motorists who crash with motorcycles at a positive BAC is *greater than* matched control passenger-vehicle motorists. These data considered together would suggest that for crashes involving passenger vehicles and motorcycles, alcohol is a bigger risk factor for passenger vehicle drivers than it is for motorcycle riders. That is, the *relative risk* of crash involvement attributable to alcohol in motorcycle-automobile crashes is greater for passenger-vehicle motorists than for motorcyclists. Other risk factors for crashes (*i.e.,* age, gender, riding and driving experience, fatigue level) for both motorcyclists and motorists can also be examined in this manner. If scaled interval measurements of risk factor levels are obtained (for example, if the level of alcohol is measured, not just its presence or absence), then it becomes possible to calculate functions showing how risk changes with changes in the variable of interest. Such risk functions are highly useful in the development of countermeasures.[4]

Issues Related to Sampling

Characteristics of the Crash Sample

To properly acquire in-depth crash data, it is necessary to find a location in the country that experiences the full range of motorcycle crash types that occur under a wide range of conditions and with a wide range of motorcycle rider characteristics. The location must also have a sufficiently high frequency of motorcycle crashes to allow acquisition of the crash data in a reasonable amount of time. It is anticipated that it will be possible to find a single location meeting these requirements.

It is not necessary that the crash types observed (or other composite indices or parameters of interest) be drawn from a nationally representative sample, because it is not the intent of FHWA to make projections of the national incidence of the causes of crashes involving motorcycles from this study. Rather, the focus will be on identifying the antecedents and risk factors associated with motorcycle crashes. If it is deemed necessary, FHWA and NHTSA may utilize their alternative databases that incorporate certain of the key variables that will be acquired in this study, and those databases could be used in conjunction with this study's data to make national estimates of population parameters of interest.[5]

In addition, the crash investigations will be conducted on-scene, while the involved operators and vehicles are still in place. This provides access to physical data that is less disturbed by rescue and clean up activities. It also facilitates the collection of interview data while memories are unaffected. This quick-response approach is most

[1] More detailed information on motorcycle crashes can be found in Traffic Safety Facts—Motorcycles, published by NHTSA and available on its Web site at: *http://www-nrd.nhtsa.dot.gov/pdf/nrd-30/NCSA/Rpts/2006/810606.pdf.*

[2] The OECD methodology may be obtained by sending a request to *jtrc.contact@oecd.org.*

[3] This being a study of crashes involving motorcycles, data will be acquired from both crash-involved motorcycles and also motor vehicles involved in those crashes as countermeasures may be developed separately for each that could lead to a reduction in crashes involving motorcycles. Similarly, when control data are acquired, data from similarly-at-risk motorcycle rider controls and similarly-at-risk automobile driver controls will also be acquired. This way a balanced picture of the causes of crashes involving motorcycles and other vehicles will emerge.

[4] Certainly other outcomes besides the one presented are possible, and other comparisons are of interest. For example it would be useful to compare crash-involved motorcyclists to non-crash involved motorcyclists and crash-involved passenger vehicle motorists to non-crash involved passenger-vehicle motorists. These comparisons would allow for estimates of changes in relative risks for riders and drivers independently.

[5] There is a lengthy precedent for studying crashes using case-control methods including the Grand Rapids study, (Borkenstein, R.F., Crowther, F.R., Shumate, R.P., Ziel, W.B. & Zylman, R. (1974). The Role of the Drinking Driver in Traffic Accidents (The Grand Rapids Study). Blutalkohol, 11, Supplement 1), and of course the Hurt study, (Hurt, H.H., Jr., Ouellet, J.V., and Thom, D.R. (1981). Motorcycle Accident Cause Factors and Identification of Countermeasures Volume I: Technical Report).

effective when a census of applicable crashes is selected for inclusion.

Characteristics of the Control Sample

While the occurrence of a crash involving a motorcycle in the study site is sufficient for it to be selected into the study, selecting the similarly-at-risk controls is not as straightforward. The OECD recommends several options for acquiring matched controls including interviewing motorcyclists who may be filling up at nearby gas stations, taking videos of motorcyclists who pass the crash scenes, and interviewing motorcyclists at the location of the crash location at the same time of day, same day of week, and same direction of travel. The first of these methods suffers from the shortcoming that a rider or motorist filling his fuel tank is not presented with the same risks, in the same setting, as is the crash-involved rider and motorist. To illustrate, consider a motorcycle rider who is hit from the rear by a passenger vehicle motorist on a Friday night at 1 a.m. There is a reasonable chance that alcohol is involved in this crash, but to estimate the relative risk it will not help to measure the BAC of passenger vehicle motorists (and motorcyclists) at a nearby gas station. Passenger-vehicle motorists and motorcyclists will need to be sampled at the location of the crash on the same day of the week, at the same hour, and from the same travel direction. Even if the suspected risk factor is not alcohol, but some other variable (*e.g.,* distraction associated with cell phone use), it is still highly advantageous to acquire the comparison data at the crash locations (matched on time and direction), rather than somewhere else.

Using the second method mentioned above, acquiring the risk sample by taking video at the crash scenes provides a similarly-at-risk pool, and it also allows for many controls to be acquired at low cost. Its chief disadvantage is that it does not allow capture of some of the key risk factors for crashes (*e.g.,* BAC), while others (*e.g.,* fatigue) may be very difficult to capture. However, some risk factors could be acquired later by contacting the riders and drivers if license tag numbers are recorded, and so this method could be used to supplement the safety zone interview (described below).

The final method, the voluntary safety research interview, involves setting up a safety zone at the crash location, one week later at the same time of day, and asking those drivers and motorcyclists who pass through to volunteer in a study. With this method, Certificates of Confidentiality are presented to each interviewed driver and rider and immunity is provided from arrest. The main advantage of this method is that the key variables that are thought to affect relative crash risk can be acquired from drivers and riders who are truly similarly-at-risk. A final decision on the means of acquiring control data has not been made.

Information Proposed for Collection

The OECD protocol includes the following number of variables for each aspect of the investigation:

Administrative log 28
Accident typology/configuration 9
Environmental factors 35
Motorcycle mechanical factors 146
Motorcycle dynamics 32
Other vehicle mechanical factors 9
Other vehicle dynamics 18
Human factors 51
Personal protective equipment 34
Contributing environmental factors 8
Contributing vehicle factors 13
Contributing motorcycle factors 57
Contributing human factors 50
Contributing overall factors 2

Note that multiple copies of various data forms will be completed as the data on each crash-involved vehicle and person and each control vehicle and person are acquired. This increases the number of variables above the sum of what is presented above. There are also diagrams and photographs that are essential elements of each investigation that are entered into the database. In prior OECD implementations, about 2,000 data elements in total were recorded for each crash.

Estimated Burden Hours for Information Collection

Frequency: Annually.

Respondents: This study will be based on all crashes occurring within the sampling area; however, this burden estimate is based on what we know about fatal crashes. The plan calls for data to be captured from *up to* 1200 crashes with motorcycle involvement, and for all surviving crash-involved riders and drivers to be interviewed. Two control riders will be interviewed for each crash-involved motorcyclist, and one rider and one driver will be interviewed for each rider and motorist in multi-vehicle crashes. Passengers accompanying crash-involved riders and passenger-vehicle drivers will also be interviewed. The following table shows the sampling plan and estimated number of interviews assuming 1200 crashes are investigated.[6]

Maximum total crashes to be investigated is 1200.

Crash Interviews:	
Single vehicle motorcycle crashes =	540
Multi-vehicle (2-vehicle) motorcycle crashes (660*2) =	1320
Passenger interviews motorcycle (.10* 540 + .10*660) =	120
Passenger interviews cars (.68*660) =	449
Total Crash Interviews (540+1320+120+449) =	2429
Control interviews:	
Controls for single vehicle motorcycle crashes (2*540) =	1080
Controls for multi-vehicle motorcycle crashes (1*660 + 1*660) =	1320
Passenger Interviews =	0
Total Control Interviews =	2400
Grand Total Crash plus Control Interviews (2429 + 2400) =	4829

[6] The final crash sample size will depend on the rate at which crashes can be acquired in the selected site(s) and other matters related to logistics and the final budget. However, the study will acquire crashes on a sample size that exceeds the requirements of the OECD methodology, and will be of sufficient size to meet the goals of the study.

Estimated Average Burden per Interviewee: Crash interviews are estimated to require about 15 minutes per individual interviewed. To the extent possible, crash interviews will be collected at the scene, although it is likely that some follow-ups will be needed to get completed interviews from crash involved individuals. Control individuals' interviews will be completed in a single session and are expected to require about 10 minutes per individual.

Estimated Total Annual Burden Hours: Burden hours estimates are based on the total of 2,429 crash interviews to be conducted at an average length of 15 minutes each and 2,400 control interviews to be conducted at an average length of 10 minutes each for a total one-time burden on the public of 1007.25 hours.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued On: July 22, 2010.

Judith Kane,

Acting Chief, Management Programs and Analysis Division.

[FR Doc. 2010–18650 Filed 7–28–10; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2010–0193]

Agency Information Collection Activities; Revision of a Currently-Approved Information Collection Request: Transportation of Household Goods; Consumer Protection

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice; correction.

SUMMARY: The FMCSA published a notice in the **Federal Register** of July 21, 2010, requesting comments by Aug. 20, 2010, concerning an information collection request (ICR), "*Transportation of Household Goods; Consumer Protection,*" OMB Control Number 2126–0025. An error was discovered in the previous calculations of respondents.

FOR FURTHER INFORMATION CONTACT: Mr. James R. Dubose, Commercial Enforcement Division, Federal Motor Carrier Safety Administration, West Building 6th Floor, 1200 New Jersey Avenue, SE., Washington, DC 20590. *Telephone:* 215–656–7251; e-mail *james.dubose@dot.gov.*

Correction

In the **Federal Register** of July 21, 2010, FR Doc. 2010–17746 on page 42476, in the first column, correct "*Respondents:* 6,000 household goods movers" to read:

Respondents: 8,500 [6,000 household goods movers + 2,500 consumers].

Issued on: July 23, 2010.

Kelly Leone,

Director, Office of Information Technology.

[FR Doc. 2010–18631 Filed 7–28–10; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Special Permits and Approvals—Minimum Level of Fitness Determinations; Public Meeting

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice is to advise interested persons that PHMSA will conduct a public meeting to discuss Special Permit and Approval applicant fitness determinations. PHMSA will hold a public meeting on August 19, 2010, in Washington, DC, to provide interested persons with an opportunity to submit oral comments and participate in discussions concerning the criteria used when determining an applicant's minimum level of fitness.

DATES: *Public Meeting:* August 19, 2010; starting at 9:30 a.m. and ending by 3:30 p.m.

ADDRESSES: *Public Meeting:* The meeting will be held at the U.S. DOT Headquarters, West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590. The main visitor's entrance is located in the West Building, on New Jersey Avenue and M Street. Upon entering the lobby, visitors must report to the security desk. Visitors should indicate that they will be attending the Special Permit and Approval Applicant Fitness Determinations Public Meeting and wait to be escorted to the meeting location.

Notification: Any person wishing to participate in the public meeting should send an e-mail to *approvals@dot.gov* and include their name and contact information (Organization/Address/Telephone Number) no later than the close of business on August 16, 2010. Providing this information will facilitate the security screening process for entry into the building on the day of the meeting.

Conference Call Capability/Live Meeting Information: Conference call-in and "live meeting"capability will be provided for this meeting. Specific information on the call-in and live meeting access will be posted when available at: *http://www.phmsa.dot.gov/hazmat.*

Documentation: Copies of documents for the Minimum Level of Fitness public meeting and the meeting agenda will be posted when available at: *http://www.phmsa.dot.gov/hazmat.*

FOR FURTHER INFORMATION CONTACT: Mr. Arthur Pollack, Office of Hazardous Materials Special Permits and Approvals, Office of Hazardous Materials Safety, Department of Transportation, Washington, DC 20590; (202) 366–4512 and *arthur.pollack@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Pipeline and Hazardous Materials Safety Administration (PHMSA) has the primary responsibility for the issuance of DOT Special Permits and Approvals to the Hazardous Materials Regulations (HMR). A Special Permit is a document which authorizes a person to perform a function that is not currently authorized under the authority of the HMR. In addition, some activities under the HMR are only authorized when approved by PHMSA. Approvals are required when classifying explosives, fireworks, organic peroxides, and self-reactive materials. Approvals are also required for certain package design types and for persons performing certain activities requiring approval *(e.g.,* visual cylinder re-qualifiers). An Approval document can only be issued if there is a specific approval citation in the HMR.

Under 49 CFR 107.709(d) PHMSA may only grant an approval after determining that an applicant is fit to conduct the activity authorized by the approval, or renewal or modification of approval. PHMSA may determine an applicant's fitness through the information provided in the application, the applicant's prior compliance history, or other information that is available to the Associate Administrator. The first step in evaluating an application, regardless of the approval type, is to conduct an initial level of fitness review. PHMSA uses the Hazmat Intelligence Portal (HIP) and Safety and Fitness Electronic Records (SAFER) in determining an applicants' initial fitness.

Hazmat Intelligence Portal (HIP)

The Hazmat Intelligence Portal (HIP) provides an integrated information source to identify hazardous material safety trends through the analysis of incident and accident information. This information repository supports all transportation modes, data analysts, field inspectors, and team leaders. HIP includes several hazardous materials data points (*e.g.,* Incidents from the 5800 report, PHMSA registrations, approvals, cargo tank registrations, EPA toxic release inventory, inspection/reviews, NRC incidents, one time movements, penalties, PHMSA complains, RAM certifications, USCG releases, and violations). HIP data is organized on customized Dashboards to provide data pertinent to the mode, agency, office or group utilizing the system. The Dashboards are customized for each user or user group. HIP is not searchable by the general public due to privacy concerns.

Safety and Fitness Electronic Records (SAFER)

FMCSA's SAFER System provides company safety data and related services to the industry and public. SAFER's Company Snapshot is an electronic record of a carrier's identification, size commodity information, and safety records, including the safety rating (if any), a roadside out-of-service inspection summary, and crash information. SAFER is publicly searchable and can be found at: *http://safer.fmcsa.dot.gov/CompanySnapshot.aspx*

Criteria Used by PHMSA in Determining Initial Fitness

The following criteria are currently used by PHMSA when determining minimum level of fitness. Applicants that fall below the following criteria are considered fit. Applicants that meet one or more of the following criteria require further review by Field Operations. **Note:** These Applicants are not considered unfit.

HIP:

—Incidents Criteria
More than 30 total hazardous materials incidents involving 172.504 table 2; or
More than one serious hazardous materials incident.

—Civil Cases Criteria
Four civil enforcement cases;
Four warning letters;
A combination totaling four civil enforcement cases and/or warning letters; or
Any open cases.

SAFER:

—Motor Carrier Safety Rating of "unsatisfactory";
—HazMat out-of-service percentage greater than the national average;*
—Driver out-of-service percentage greater than two times the national average;*
—Vehicle out-of-service percentage greater than two times the national average.*

* Note that if the Applicant has been inspected less than ten times or the Applicant has only one out-of-service, the data should not be considered statistical significant and the Applicant will not be considered in need of further review.

II. Purpose of Public Meeting

The August 19, 2010 meeting is intended to provide an opportunity for all interested parties to comment on the aspects of the Minimum Level of Fitness Determination criteria. During this meeting, PHMSA is soliciting comments relative to the use of HIP and SAFER data, applicability of the data, criteria used in determining an applicant's minimum level of fitness, potential alternative sources of fitness data, and other appropriate matters.

Issued in Washington, DC under authority delegated in 49 CFR part 1.

Magdy El-Sibaie,

Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2010–18652 Filed 7–28–10; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Office of the Secretary

List of Countries Requiring Cooperation With an International Boycott

In accordance with section 999(a)(3) of the Internal Revenue Code of 1986, the Department of the Treasury is publishing a current list of countries which require or may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1986).

On the basis of the best information currently available to the Department of the Treasury, the following countries require or may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1986).

Kuwait
Lebanon
Libya
Qatar
Saudi Arabia
Syria
United Arab Emirates
Yemen, Republic of

Iraq is not included in this list, but its status with respect to future lists remains under review by the Department of the Treasury.

Dated: July 20, 2010.

Manal Corwin,

International Tax Counsel (Tax Policy).

[FR Doc. 2010–18418 Filed 7–28–10; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–155608–02]

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 final regulation, REG–155608–02, Revised Regulations Concerning Section 403(b) Tax-Sheltered Annuity Contracts.

DATES: Written comments should be received on or before September 27, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald Shields, Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Allan Hopkins at Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–6665, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Revised Regulations Concerning Section 403(b) Tax-Sheltered Annuity Contracts.

OMB Number: 1545–2068.

Regulation Project Number: REG–155608–02.

Abstract: The collection of information in the regulations is in § 1.403(b)–10(b)(2) of the Income Tax Regulations, requiring, in the case of certain exchanges or transfers, that the section 403(b) plan sponsor or administrator enter into an agreement to exchange certain information with vendors of section 403(b) contracts. Such information exchange is necessary to ensure compliance with tax law requirements relating to loans and hardship distributions from section 403(b) plans.

Current Actions: There are no changes being made to this regulation.

Type of Review: Extension of a previously approved collection.

Affected Public: Individuals or households, state, local or tribal governments, and not-for-profit institutions.

Estimated Number of Respondents: 11,000.

Estimated Time Per Respondent: 4.1 hours.

Estimated Total Annual Burden Hours: 45,000.

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: July 6, 2010.

Gerald Shields,

Supervisory Tax Analyst.

[FR Doc. 2010–18679 Filed 7–28–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–149524–03]

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 proposed regulation, REG–149524–03, (NPRM) LIFO Recapture Under Section 1363(d).

DATES: Written comments should be received on or before September 27, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald Shields, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Allan Hopkins, at (202) 622–6665, or at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW, Washington, DC 20224, or through the Internet, at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: (NPRM) LIFO Recapture Under Section 1363(d)

OMB Number: 1545–1906.

Regulation Project Number: REG–149524–03.

Abstract: Section 1.1363–2(e)(ii) allows a partnership to elect to adjust the basis of its inventory to take account of LIFO recapture. Section 1.1363–2(e)(3) provides guidance on how to make this election.

Current Actions: There is no change to this existing regulation.

Type of review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and Individuals or households.

Estimated Number of Respondents/Recordkeepers: 100.

Estimated Time Per Respondent/Recordkeeper: 2 hrs.

Estimated Total Annual Reporting/Recordkeeping Burden Hours: 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 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: July 6, 2010.

Gerald Shields,

Supervisory Tax Analyst.

[FR Doc. 2010–18682 Filed 7–28–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–138176–02]

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 proposed regulation, REG–138176–02 (NPRM), Timely Mailing Treated As Timely Filing.

DATES: Written comments should be received on or before September 27, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald Shields, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Allan Hopkins, at (202) 622–6665, or at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Timely Mailing Treated As Timely Filing.

OMB Number: 1545–1899.

Regulation Project Number: REG–138176–02.

Abstract: Under I.R.C. section 7502, in order for taxpayers to establish the postmark date and prima facie evidence of delivery when using registered or certified mail to file documents with the IRS, taxpayers will need to retain the sender's receipt.

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, federal government and state, local, or tribal government.

Estimated Number of Respondents: 10,847,647.

Estimated Time per Respondent: 6 minutes.

Estimated Total Annual Burden Hours: 1,084,765.

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: July 6, 2010.

Gerald Shields,

Supervisory Tax Analyst.

[FR Doc. 2010–18684 Filed 7–28–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Notice 2007–46 (NOT–146367–06).

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 Notice 2007–46 (NOT–146367–06), Guidance Regarding Heavy Hybrid Vehicles.

DATES: Written comments should be received on or before September 27, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald Shields, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of notice should be directed to Allan Hopkins, at (202) 622–6665, or at Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Guidance Regarding Heavy Hybrid Vehicles.

OMB Number: 1545–2060.

Notice Number: Notice 2007–46 (NOT–146367–06).

Abstract: This notice sets forth a process that allows taxpayers who purchase medium-duty and heavy-duty hybrid vehicles to rely on domestic manufacturer's (or, in the case of a foreign manufacturer, its domestic distributor's) certification that both a particular make, model, and year of vehicle qualifies as a qualified hybrid motor vehicle under § 30B(3) and (d), and the amount of the credit allowable with respect to the vehicle.

Current Actions: There are no changes being made to the notice 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: 12.

Estimated Time Per Respondent: 12 hours.

Estimated Total Annual Burden Hours: 280.

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: July 2, 2010.

Gerald Shields,

Supervisory Tax Analyst.

[FR Doc. 2010–18686 Filed 7–28–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Notice 89–102

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 Notice 89–102, Treatment of Acquisition of Certain Financial Institutions; Tax Consequences of Federal Financial Assistance.

DATES: Written comments should be received on or before September 27, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald Shields, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Allan Hopkins at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6665, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Treatment of Acquisition of Certain Financial Institutions; Tax Consequences of Federal Financial Assistance.

OMB Number: 1545–1141.

Notice Number: Notice 89–102.

Abstract: Section 597 of the Internal Revenue Code provides that the Secretary of the Treasury shall provide guidance concerning the tax consequences of Federal financial assistance received by certain financial institutions. Notice 89–102 provides that qualifying financial institutions that receive Federal financial assistance prior to a planned sale of their assets or their stock to another institution may elect to defer payment of any net tax liability attributable to the assistance. Such financial institutions must file a statement describing the assistance received, the date of receipt and any amounts deferred.

Current Actions: There are no changes to this notice at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 250.

Estimated Average Time per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 125.

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: July 7, 2010.

Gerald Shields,

Supervisory Tax Analyst.

[FR Doc. 2010–18700 Filed 7–28–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–208985–89]

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 notice of proposed rulemaking, REG–208985–89, Taxable Year of Certain Foreign Corporations Beginning After July 10, 1989 (Sec. Sec. 1.563–3, 1.898–3, and 1.898–4).

DATES: Written comments should be received on or before September 27, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald Shields, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Allan Hopkins at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6665, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Taxable Year of Certain Foreign Corporations Beginning After July 10, 1989.

OMB Number: 1545–1355.

Regulation Project Number: REG–208985–89 (formerly INTL–848–89).

Abstract: This regulation provides guidance concerning Internal Revenue Code section 898, which seeks to eliminate the deferral of income and, therefore, the understatement in

income, by United States shareholders of certain controlled foreign corporations and foreign personal holding companies. The elimination of deferral is accomplished by requiring a specified foreign corporation to conform its taxable year to the majority U.S. shareholder year. The information collected will be used by the IRS to assess the reported tax and determine whether taxpayers have complied with Code section 898.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 700.

Estimated Time per Respondent: 1 hour.

Estimate Total Annual Burden Hours: 700.

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: July 7, 2010.

Gerald Shields,

Supervisory Tax Analyst.

[FR Doc. 2010–18699 Filed 7–28–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–209274–85]

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 notice of proposed rulemaking and temporary regulation, REG–209274–85 (TD 8033) Tax Exempt Entity Leasing (§ 1.168).

DATES: Written comments should be received on or before September 27, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald Shields, Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Allan Hopkins at Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–6665, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Tax-Exempt Entity Leasing.

OMB Number: 1545–0923.

Regulation Project Number: REG–209274–85.

Abstract: These regulations provide guidance to persons executing lease agreements involving tax-exempt entities under 168(h) of the Internal Revenue Code. The regulations are necessary to implement Congressionally enacted legislation and elections for certain previously tax-exempt organizations and certain tax-exempt controlled entities.

Current Actions: There are no changes to these existing regulations.

Type of Review: Extension of OMB approval.

Affected Public: Not-for-profit institutions and state, local or tribal governments.

Estimated Number of Respondents: 4,000.

Estimated Time per Respondent: 30 minutes.

Estimate Total Annual Burden Hours: 2,000.

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 22, 2010.

Allan Hopkins,

Tax Analyst.

[FR Doc. 2010–18698 Filed 7–28–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8874–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 8874–A, Notice of Qualified Equity Investment for New Markets Credit.

DATES: Written comments should be received on or before September 27, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald Shields, Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins at Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–6665, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Notice of Qualified Equity Investment for New Markets Credit.

OMB Number: 1545–2065.

Form Number: 8874–A.

Abstract: New modernized e-file return for partnerships. Internal Revenue Code Sections 6109 and 6103.w code section 45N. 45N was added by section 405 of the Tax Relief and Health Care Act of 2006. The new form provides a means for the qualified mining company to compute and claim the credit.

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.

Estimated Total Annual Burden Hours: 2,510.

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: July 6, 2010.

Gerald Shields,

Supervisory Tax Analyst.

[FR Doc. 2010–18676 Filed 7–28–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms 943, 943–PR, 943–A, and 943A–PR

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 Forms 943, Employer's Annual Tax Return for Agricultural Employees, 943–PR, Planilla Para La Declarcion Anual De La Contribucion Federal Del Patrono De Empleados Agricolas, 943–A, Agricultural Employer's Record of Federal Tax Liability, and 943A–PR, Registro De La Obligacion Contributiva Del Patrono Agricola.

DATES: Written comments should be received on or before September 27, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald Shields, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to Allan Hopkins at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6665, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Employer's Annual Tax Return for Agricultural Employees (Form 943), Planilla Para La Declarcion Anual De La Contribucion Federal Del Patrono De Empleados Agricolas (Form 943–PR), Agricultural Employer's Record of Federal Tax Liability (Form 943–A), and Registro De La Obligacion Contributiva Del Patrono Agricola (Form 943A–PR).

OMB Number: 1545–0035.

Form Numbers: 943, 943–PR, 943–A, and 943A–PR.

Abstract: Agricultural employers must prepare and file Form 943 and Form 943–PR (Puerto Rico only) to report and pay FICA taxes and income tax voluntarily withheld (Form 943 only). Agricultural employees may attach Forms 943–A and 943A–PR to Forms 943 and 943–PR to show their tax liabilities for semiweekly periods. The information is used to verify that the correct tax has been paid.

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: Business or other for-profit organizations.

Estimated Number of Respondents: 684,444.

Estimated Time per Respondent: 10 hr., 29 min.

Estimated Total Annual Burden Hours: 8,972,974.

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: July 6, 2010.

Gerald Shields,

Supervisory Tax Analyst.

[FR Doc. 2010–18674 Filed 7–28–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 98–32

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 98–32, Electronic Federal Tax Payment System (EFTPS) Programs for Reporting Agents.

DATES: Written comments should be received on or before September 27, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald Shields, Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Allan Hopkins at Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–6665, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Electronic Federal Tax Payment System (EFTPS) Programs for Reporting Agents.

OMB Number: 1545–1601.

Revenue Procedure Number: Revenue Procedure 98–32.

Abstract: This revenue procedure provides information about the Electronic Federal Tax Payment System (EFTPS) programs for Batch Filers and Bulk Filers (Filers). EFTPS is an electronic remittance processing system for making federal tax deposits (FTDs) and federal tax payments (FTPs). The Batch Filer and Bulk Filer programs are used by Filers for electronically submitting enrollments, FTDs, and FTPs on behalf of multiple taxpayers.

Current Actions: There are no changes being made to this 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: 1,500.

Estimated Average Time Per Respondent: 82 hrs, 23 min.

Estimated Total Annual Burden Hours: 123,567.

The following paragraph applies to all 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: July 6, 2010.

Gerald Shields,

Supervisory Tax Analyst.

[FR Doc. 2010–18670 Filed 7–28–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Announcement 2004–43

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 2004–43, Election of Alternative Deficit Reduction Contribution.

DATES: Written comments should be received on or before September 27, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald Shields, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the announcement should be directed to Allan Hopkins at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6665, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Election of Alternative Deficit Reduction Contribution.

OMB Number: 1545–1884.

Announcement Number: Announcement 2004–43.

Abstract: Announcement 2004–43 describes the notice that must be given by an employer to plan participants and beneficiaries and to the Pension Benefit Guaranty Corporation within 30 days of making an election to take advantage of the alternative deficit reduction contribution described in Pub. L. 108–18, and gives a special transition rules for the 1st quarter.

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: 60 hours.

Estimated Total Annual Burden Hours: 12,000.

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: July 2, 2010.

Gerald Shields,

Supervisory Tax Analyst.

[FR Doc. 2010–18687 Filed 7–28–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms 945, 945–A, and 945–V

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 945, Annual Return of Withheld Federal Income Tax; Form 945–A, Annual Record of Federal Tax Liability; and Form 945–V, Form 945 Payment Voucher.

DATES: Written comments should be received on or before September 27, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald Shields, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to Allan Hopkins at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6665, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Annual Return of Withheld Federal Income Tax (Form 945), Annual Record of Federal Tax Liability (Form 945–A), and Form 945 Payment Voucher (Form 945–V).

OMB Number: 1545–1430.

Form Numbers: 945, 945–A, and 945–V.

Abstract: Form 945 is used to report income tax witholding on nonpayroll payments including backup withholding and withholding on pensions, annuities, IRAs, military retirement, and gambling winnings. Form 945–A is used to report nonpayroll tax liabilities. Form 945–V is a payment voucher that is used by those taxpayers who submit a payment with their return.

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: Business or other for-profit organizations, individuals or households, not-for-profit institutions, farms, and Federal, state, local or tribal governments.

Estimated Number of Respondents: 518,968.

Estimated Time per Respondent: 4 hours, 20 minutes.

Estimated Total Annual Burden Hours: 2,244,817.

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 28, 2010.

Gerald Shields,

Supervisory Tax Analyst.

[FR Doc. 2010–18689 Filed 7–28–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1116

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 1116, Foreign Tax Credit.

DATES: Written comments should be received on or before September 27, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald Shields, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins, at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6665, or through the internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Foreign Tax Credit.

OMB Number: 1545–0121.

Form Number: 1116.

Abstract: Form 1116 is used by individuals (including nonresident aliens), estates, or trusts who paid foreign income taxes on U.S. taxable income, to compute the foreign tax credit. This information is used by the IRS to determine if the foreign tax credit is properly computed.

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: Individuals or households.

Estimated Number of Responses: 4,143,255.

Estimated Time per Respondent: 5 hours, 20 minutes.

Estimated Total Annual Burden Hours: 22,093,974.

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 16, 2010.

Gerald Shields,

Supervisory Tax Analyst.

[FR Doc. 2010–18690 Filed 7–28–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 6627

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 6627, Environmental Taxes.

DATES: Written comments should be received on or before September 27, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald Shields, Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins at Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–6665, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Environmental Taxes.

OMB Number: 1545–0245.

Form Number: 6627.

Abstract: Internal Revenue Code sections 4681 and 4682 impose a tax on ozone-depleting chemicals (ODCs) and on imported products containing ODCs. Form 6627 is used to compute the environmental tax on ODCs and on imported products that use ODCs as materials in the manufacture or production of the product. It is also used to compute the floor stocks tax on ODCs.

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.

Estimated Number of Respondents: 3,394.

Estimated Time Per Respondent: 3 hours; 52 minutes.

Estimated Total Annual Burden Hours: 13,084.

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 16, 2010.

Gerald Shields,

Supervisory Tax Analyst.

[FR Doc. 2010–18693 Filed 7–28–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 6524

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 6524, Office of Chief Counsel—Application.

DATES: Written comments should be received on or before September 27, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald Shields, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins, at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6665, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Office of Chief Counsel—Application.

OMB Number: 1545–0796.

Form Number: 6524.

Abstract: Form 6524 is used as a screening device to evaluate an applicant's qualifications for employment as an attorney with the Office of Chief Counsel. It provides data deemed critical for evaluating an applicant's qualifications such as Law School Admission Test (LSAT) score, bar admission status, type of work preference, law school, and class standing.

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: Individuals.

Estimated Number of Respondents: 3,000.

Estimated Time per Respondent: 18 minutes.

Estimated Total Annual Burden Hours: 900.

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 16, 2010.

Gerald Shields,

Supervisory Program Analyst.

[FR Doc. 2010–18694 Filed 7–28–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[INTL–29–91]

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, INTL–29–91 (TD 8556), Computation and Characterization of Income and Earnings and Profits under the Dollar Approximate Separate Transactions Method of Accounting (DASTM) (§ 1.985–3).

DATES: Written comments should be received on or before *September 27, 2010* to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald Shields, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Allan Hopkins, at (202) 622–6665, or at Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet, at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Computation and Characterization of Income and Earnings and Profits under the Dollar Approximate Separate Transactions Method of Accounting (DASTM).

OMB Number: 1545–1051.

Regulation Project Number: INTL–29–91.

Abstract: This regulation provides that taxpayers operating in hyperinflationary currencies must use the United States dollar as their functional currency and compute income using the dollar approximate separate transactions method (DASTM). Small taxpayers may elect an alternate method by which to compute income or loss. For prior taxable years in which income was computed using the profit

and loss method, taxpayers may elect to recompute their income using DASTM.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Responses: 700.

Estimated Time per Respondent: 1 hour, 26 minutes.

Estimated Total Annual Burden Hours: 1,000.

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 22, 2010.

Allan Hopkins,

Tax Analyst.

[FR Doc. 2010–18695 Filed 7–28–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8819

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 8819, Dollar Election Under Section 985.

DATES: Written comments should be received on or before September 27, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald Shields, Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins, at Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–6665, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Dollar Election Under Section 985.

OMB Number: 1545–1189.

Form Number: 8819.

Abstract: Form 8819 is filed by U.S. and foreign businesses to elect the U.S. dollar as their functional currency or as the functional currency of their controlled entities. The IRS uses Form 8819 to determine if the election is properly made.

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.

Estimated Number of Respondents: 500.

Estimated Time per Respondent: 6 hours, 26 minutes.

Estimated Total Annual Burden Hours: 3,220.

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.

Allan Hopkins,

Tax Analyst.

[FR Doc. 2010–18696 Filed 7–28–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

Community Reinvestment Act Sunshine

AGENCY: Office of Thrift Supervision (OTS), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The proposed information collection request (ICR) described below has been submitted to the Office of Management and Budget (OMB) for review and approval, as required by the Paperwork Reduction Act of 1995. OTS is soliciting public comments on the proposal.

DATES: Submit written comments on or before August 30, 2010. A copy of this ICR, with applicable supporting documentation, can be obtained from RegInfo.gov at *http://www.reginfo.gov/public/do/PRAMain.*

ADDRESSES: Send comments, referring to the collection by title of the proposal or by OMB approval number, to OMB and OTS at these addresses: Office of Information and Regulatory Affairs, Attention: Desk Officer for OTS, U.S. Office of Management and Budget, 725 - 17th Street, NW., Room 10235,

Washington, DC 20503, or by fax to (202) 395–6974; and Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, by fax to (202) 906–6518, or by e-mail to *infocollection.comments@ots.treas.gov.* OTS will post comments and the related index on the OTS Internet Site at *http://www.ots.treas.gov.* In addition, interested persons may inspect comments at the Public Reading Room, 1700 G Street, NW., Washington, DC 20552 by appointment. To make an appointment, call (202) 906–5922, send an e-mail to *public.info@ots.treas.gov,* or send a facsimile transmission to (202) 906–7755.

FOR FURTHER INFORMATION CONTACT: For further information or to obtain a copy of the submission to OMB, please contact Ira L. Mills at *ira.mills@ots.treas.gov* (202) 906–6531, or facsimile number (202) 906–6518, Regulations and Legislation Division, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: OTS may not conduct or sponsor an information collection, and respondents are not required to respond to an information collection, unless the information collection displays a currently valid OMB control number. As part of the approval process, we invite comments on the following information collection.

Title of Proposal: Community Reinvestment Act Sunshine.

OMB Number: 1550–0105.

Form Number: N/A.

Regulation requirement: 12 CFR 533.4, 533.6 and 533.7.

Description: These information collections are required under section 711 of the Gramm-Leach-Bliley Act, Public Law 106–102. This section requires certain agreements that are in fulfillment of the Community Reinvestment Act of 1977 to be disclosed to the public and the appropriate Federal banking agencies. This section also institutes an annual reporting requirement to the agencies concerning these agreements. These requirements apply to insured depository institutions and their affiliates, as well as nongovernmental entities or persons that enter into covered agreements with such entities. OTS's regulations implementing these requirements are found at 12 CFR 533.4, 533.6, and 533.7.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 5.

Estimated Burden Hours per Response: 1 to 4 hours.

Estimated Frequency of Response: On occasion.

Estimated Total Burden: 187 hours.

Clearance Officer: Ira L. Mills, (202) 906–6531, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

Date: July 23, 2010.

Ira L. Mills,

Paperwork Clearance Officer, Office of Chief Counsel, Office of Thrift Supervision.

[FR Doc. 2010–18585 Filed 7–28–10; 8:45 am]

BILLING CODE 6720–01–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

Woodlands Bank, Bluffton, SC; Notice of Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Federal Deposit Insurance Corporation as sole Receiver for Woodlands Bank, Bluffton, South Carolina (OTS No. 08464), as of July 16, 2010.

Dated: July 21, 2010.

By the Office of Thrift Supervision.

Sandra E. Evans,

Federal Register Liaison.

[FR Doc. 2010–18299 Filed 7–28–10; 8:45 am]

BILLING CODE 6720–01–M

Federal Register

Thursday,
July 29, 2010

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Proposed Frameworks for Early-Season Migratory Bird Hunting Regulations; Notice of Meetings; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

[Docket No. FWS–R9–MB–2010–0040; 91200–1231–9BPP–L2]

RIN 1018–AX06

Migratory Bird Hunting; Proposed Frameworks for Early-Season Migratory Bird Hunting Regulations; Notice of Meetings

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; supplemental.

SUMMARY: The U.S. Fish and Wildlife Service (hereinafter Service or we) is proposing to establish the 2010–11 early-season hunting regulations for certain migratory game birds. We annually prescribe frameworks, or outer limits, for dates and times when hunting may occur and the maximum number of birds that may be taken and possessed in early seasons. Early seasons may open as early as September 1, and include seasons in Alaska, Hawaii, Puerto Rico, and the U.S. Virgin Islands. These frameworks are necessary to allow State selections of specific final seasons and limits and to allow recreational harvest at levels compatible with population status and habitat conditions. This proposed rule also provides the final regulatory alternatives for the 2010–11 duck hunting seasons.

DATES: You must submit comments on the proposed early-season frameworks by August 9, 2010. The Service Migratory Bird Regulations Committee (SRC) will meet to consider and develop proposed regulations for late-season migratory bird hunting and the 2011 spring/summer migratory bird subsistence seasons in Alaska on July 28 and 29, 2010. All meetings will commence at approximately 8:30 a.m. Following later **Federal Register** documents, you will be given an opportunity to submit comments for proposed late-season frameworks and subsistence migratory bird seasons in Alaska by August 31, 2010.

ADDRESSES: You may submit comments on the proposals by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–R9–MB–2010–0040.
- *U.S. mail or hand-delivery:* Public Comments Processing, Attn: FWS–R9–MB–2010–0040; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

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).

The SRC will meet in room 200 of the U.S. Fish and Wildlife Service's Arlington Square Building, 4401 N. Fairfax Dr., Arlington, VA.

FOR FURTHER INFORMATION CONTACT: Ron W. Kokel, U.S. Fish and Wildlife Service, Department of the Interior, MS MBSP–4107–ARLSQ, 1849 C Street, NW., Washington, DC 20240; (703) 358–1714.

SUPPLEMENTARY INFORMATION:

Regulations Schedule for 2010

On May 13, 2010, we published in the **Federal Register** (75 FR 27144) a proposal to amend 50 CFR part 20. The proposal provided a background and overview of the migratory bird hunting regulations process, and addressed the establishment of seasons, limits, and other regulations for hunting migratory game birds under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K. Major steps in the 2010–11 regulatory cycle relating to open public meetings and **Federal Register** notifications were also identified in the May 13 proposed rule. Further, we explained that all sections of subsequent documents outlining hunting frameworks and guidelines were organized under numbered headings. As an aid to the reader, we reiterate those headings here:

1. Ducks
   A. General Harvest Strategy
   B. Regulatory Alternatives
   C. Zones and Split Seasons
   D. Special Seasons/Species Management
   i. September Teal Seasons
   ii. September Teal/Wood Duck Seasons
   iii. Black Ducks
   iv. Canvasbacks
   v. Pintails
   vi. Scaup
   vii. Mottled Ducks
   viii. Wood Ducks
   ix. Youth Hunt
2. Sea Ducks
3. Mergansers
4. Canada Geese
   A. Special Seasons
   B. Regular Seasons
   C. Special Late Seasons
5. White-Fronted Geese
6. Brant
7. Snow and Ross's (Light) Geese
8. Swans
9. Sandhill Cranes
10. Coots
11. Moorhens and Gallinules
12. Rails
13. Snipe
14. Woodcock
15. Band-Tailed Pigeons
16. Mourning Doves
17. White-Winged and White-Tipped Doves
18. Alaska
19. Hawaii
20. Puerto Rico
21. Virgin Islands
22. Falconry
23. Other

Subsequent documents will refer only to numbered items requiring attention. Therefore, it is important to note that we will omit those items requiring no attention, and remaining numbered items will be discontinuous and appear incomplete.

On June 10, 2010, we published in the **Federal Register** (75 FR 32872) a second document providing supplemental proposals for early- and late-season migratory bird hunting regulations. The June 10 supplement also provided detailed information on the 2010–11 regulatory schedule and announced the SRC and Flyway Council meetings.

This document, the third in a series of proposed, supplemental, and final rulemaking documents for migratory bird hunting regulations, deals specifically with proposed frameworks for early-season regulations and the regulatory alternatives for the 2010–11 duck hunting seasons. It will lead to final frameworks from which States may select season dates, shooting hours, and daily bag and possession limits for the 2010–11 season.

We have considered all pertinent comments received through June 30, 2010, on the May 13 and June 10, 2010, rulemaking documents in developing this document. In addition, new proposals for certain early-season regulations are provided for public comment. Comment periods are specified above under **DATES**. We will publish final regulatory frameworks for early seasons in the **Federal Register** on or about August 16, 2010.

Service Migratory Bird Regulations Committee Meetings

Participants at the June 23–24, 2010, meetings reviewed information on the current status of migratory shore and upland game birds and developed 2010–11 migratory game bird regulations recommendations for these species plus regulations for migratory game birds in Alaska, Puerto Rico, and the U.S. Virgin Islands; special September waterfowl seasons in designated States; special sea duck seasons in the Atlantic Flyway; and extended falconry seasons. In addition, we reviewed and discussed preliminary information on the status of waterfowl.

Participants at the previously announced July 28–29, 2010, meetings

will review information on the current status of waterfowl and develop recommendations for the 2010–11 regulations pertaining to regular waterfowl seasons and other species and seasons not previously discussed at the early-season meetings. In accordance with Department of the Interior policy, these meetings are open to public observation and you may submit comments on the matters discussed.

Population Status and Harvest

The following paragraphs provide preliminary information on the status of waterfowl and information on the status and harvest of migratory shore and upland game birds excerpted from various reports. For more detailed information on methodologies and results, you may obtain complete copies of the various reports at the address indicated under **FOR FURTHER INFORMATION CONTACT** or from our Web site at *http://www.fws.gov/migratorybirds/NewsPublicationsReports.html.*

Waterfowl Breeding and Habitat Survey

Federal, provincial, and State agencies conduct surveys each spring to estimate the size of breeding populations and to evaluate the conditions of the habitats. These surveys are conducted using fixed-wing aircraft, helicopters, and ground crews and encompass principal breeding areas of North America, covering an area over 2.0 million square miles. The traditional survey area comprises Alaska, Canada, and the northcentral United States, and includes approximately 1.3 million square miles. The eastern survey area includes parts of Ontario, Quebec, Labrador, Newfoundland, Nova Scotia, Prince Edward Island, New Brunswick, New York, and Maine, an area of approximately 0.7 million square miles.

Overall, habitat conditions during the 2010 Waterfowl Breeding Population and Habitat Survey were characterized by average to below-average moisture and a mild winter and early spring across the entire traditional (including the northern locations) and eastern survey areas. The total pond estimate (Prairie Canada and U.S. combined) was 6.7 ± 0.2 million. This was similar to the 2009 estimate and 34 percent above the long-term average of 5.0 ± 0.03 million ponds.

Traditional Survey Area (U.S. and Canadian Prairies and Parklands)

Conditions across the Canadian prairies were similar to 2009. Portions of southern Alberta, Saskatchewan, and Manitoba improved, but a large area along the Alberta and Saskatchewan border remained dry, and moisture levels in portions of Manitoba declined from last year. The 2010 estimate of ponds in Prairie Canada was 3.7 ± 0.2 million. This was similar to last year's estimate (3.6 ± 0.1 million) and to the 1955–2009 average (3.4 ± 0.03 million). Residual water remains in the Parklands and these were classified as fair to good. Most of the Prairie-Parkland region of Canada received abundant to historically high levels of precipitation during and after the survey, which, while possibly flooding some nests, will produce excellent brood-rearing habitat for successful nesters and lessen the summer drawdown, leading to beneficial wetland conditions next spring.

Wetland numbers and conditions remained fair to good in the eastern U.S. prairies, but habitat conditions declined through the western Dakotas and Montana. The 2010 pond estimate for the north-central United States was 2.9 ± 0.1 million, which was similar to last year's estimate (2.9 ± 0.1 million) and 87 percent above the long-term average (1.6 ± 0.02 million). Fall and winter precipitation in the eastern Dakotas generally improved good habitat conditions already present. However, wetlands in the western Dakotas and Montana were not recharged, resulting in a deterioration of conditions from 2009 at the time the survey was conducted.

Bush (Alaska, Northern Manitoba, Northern Saskatchewan, Northwest Territories, Yukon Territory, Western Ontario)

In the bush regions of the traditional survey area, spring breakup was early. Unlike in 2009, the majority of habitats were ice-free for arriving waterfowl. Habitat of most of the bush region, with the exception of Alaska and the Northwest Territories, was classified as fair due to below-average moisture, but the early spring should benefit waterfowl across the entire area.

Eastern Survey Area

The boreal forest and Canadian Maritimes of the eastern survey area experienced an early spring as well. Much of southern Quebec and Ontario were classified as poor to fair due to dry conditions, with the exception of an area of adequate moisture in west-central Ontario. More northern boreal forest locations benefited from near-normal precipitation and early ice-free conditions. Although winter precipitation from southwestern Ontario along the St. Lawrence River Valley and into Maine was below average, waterfowl habitat was classified as good to excellent, as in 2009. The James and Hudson Bay Lowlands of Ontario (strata 57–59) were not surveyed in 2010, but reports indicated an early spring in these locations as well.

Status of Teal

The estimate of blue-winged teal from the traditional survey area is 6.3 million. This represents a 14.0 percent decrease from 2009 and is 36 percent above the 1955–2009 average.

Sandhill Cranes

Compared to increases recorded in the 1970s, annual indices to abundance of the Mid-Continent Population (MCP) of sandhill cranes have been relatively stable since the early 1980s. The spring 2010 index for sandhill cranes in the Central Platte River Valley, Nebraska, uncorrected for visibility bias, was 451,024 birds. The photo-corrected, 3-year average for 2007–09 was 498,420, which is above the established population-objective range of 349,000–472,000 cranes.

All Central Flyway States, except Nebraska, allowed crane hunting in portions of their States during 2009–10. An estimated 7,394 hunters participated in these seasons, which was 23 percent lower than the number that participated in the previous season. Hunters harvested 15,282 MCP cranes in the U.S. portion of the Central Flyway during the 2009–10 seasons, which was 34 percent lower than the estimated harvest for the previous year but 6 percent higher than the long-term average. The retrieved harvest of MCP cranes in hunt areas outside of the Central Flyway (Arizona, Pacific Flyway portion of New Mexico, Alaska, Canada, and Mexico combined) was 7,304 during 2009–10. The preliminary estimate for the North American MCP sport harvest, including crippling losses, was 25,731 birds, which was a 39 percent decrease from the previous year's estimate. The long-term (1982–2008) trends for the MCP indicate that harvest has been increasing at a higher rate than population growth.

The fall 2008 pre-migration survey for the Rocky Mountain Population (RMP) resulted in a count of 20,321 cranes. The 3-year average was 21,433 sandhill cranes, which is above the established population objective of 17,000–21,000 for the RMP. Hunting seasons during 2009–10 in portions of Arizona, Idaho, Montana, New Mexico, Utah, and Wyoming resulted in a record-high harvest of 1,392 RMP cranes, a 49 percent increase from the harvest of 936 in 2008–09.

The Lower Colorado River Valley Population (LCRVP) survey results indicate a slight decrease from 2,401

birds in 2008 to 2,264 birds in 2009. The 3-year average of 2,847 LCRVP cranes is based on counts from 2007, 2009, and 2010 (survey was not complete in 2008) and is above the population objective of 2,500.

Woodcock

Singing-ground and Wing-collection Surveys were conducted to assess the population status of the American woodcock (*Scolopax minor*). The Singing-ground Survey is intended to measure long-term changes in woodcock population levels. Singing-ground Survey data for 2010 indicate that the number of singing male woodcock in the Eastern and Central Management Regions were unchanged from 2009. There was no significant 10-year trend in woodcock heard in the Eastern Management Region during 2000–10, which marks the seventh consecutive year that the 10-year trend estimate for the Eastern Region was stable. The 10-year trend in the Central Region indicated a statistically significant decline after being stable last year. There were long-term (1968–2010) declines of 1.0 percent per year in both management regions.

Wing-collection Survey data indicate that the 2009 recruitment index for the U.S. portion of the Eastern Region (1.5 immatures per adult female) was 9 percent lower than the 2008 index, and 12 percent lower than the long-term average. The recruitment index for the U.S. portion of the Central Region (1.2 immatures per adult female) was 20 percent lower than the 2008 index and 26 percent below the long-term average.

Band-Tailed Pigeons

Two subspecies of band-tailed pigeon occur north of Mexico and they are managed as two separate populations in the United States: The Interior Population and the Pacific Population. Information on the abundance and harvest of band-tailed pigeons is collected annually in the western United States and British Columbia. Abundance information comes from the Breeding Bird Survey (BBS) and, for the Pacific Population, the BBS and the Pacific Coast Mineral Site Survey. Annual counts of Interior band-tailed pigeons seen and heard per route declined since implementation of the BBS in 1966. Over the past 10 years indices have declined, but the evidence of a trend for this time period is weak. The 2009 harvest of Interior band-tailed pigeons was estimated to be 5,000 birds. BBS counts of Pacific Coast band-tailed pigeons seen and heard per route have also declined since 1966, as well as over the past 10 years; however, the credible interval for the more recent trend estimate includes zero. According to the Pacific Coast Mineral Site Survey, annual counts of Pacific Coast band-tailed pigeons seen at mineral sites have decreased since the survey became operational in 2004, but credible intervals include zero. The 2009 estimate of harvest for Pacific Coast band-tailed pigeons was 22,600 birds.

Mourning Doves

For the first time, in 2010, Mourning Dove Call-count Survey (CCS) data is being analyzed within a Bayesian hierarchical modeling framework, consistent with analysis methods for other long-term point count surveys such as the American Woodcock Singing-ground Survey and the North American Breeding Bird Survey. According to the analysis of the CCS, counts of mourning doves heard over the most recent 10 years (2001–10) increased in the Eastern Management Unit. There was no trend in mourning doves heard for the Central or Western Management Units. Over the 45-year period, 1966–2010, the number of mourning doves heard per route decreased in all three dove management units. The number of doves seen per route was also collected during the CCS. For the past 10 years, there was no trend in doves seen for the Central and Western Management Units; however, there is evidence of an increasing trend in the Eastern Management Unit. Over 45 years, there was no evidence of a trend in doves seen in the Central Management Unit; however, a positive trend is indicated for the Eastern Management Unit and a declining trend is indicated for the Western Management Unit. The preliminary 2009 harvest estimate for the United States was 17,354,800 mourning doves.

White-Winged Doves

Two States harbor substantial populations of white-winged dove population: Arizona and Texas. California and New Mexico have much smaller populations. The Arizona Game and Fish Department has monitored white-winged dove populations by means of a CCS to provide an annual index to population size. It runs concurrently with the Service's Mourning Dove CCS. The index of mean number of white-winged doves heard per route from this survey peaked at 52.3 in 1968, but then declined until about 2000. The index has stabilized at around 25 doves per route in the last few years; in 2010, the mean number of doves heard per route was 23.6. Arizona Game and Fish also historically monitored white-wing dove harvest. Harvest of white-winged doves in Arizona peaked in the late 1960s at approximately 740,000 birds and has since declined and stabilized at around 100,000 birds; the preliminary 2009 Migratory Bird Harvest Information Program (HIP) estimate of harvest was 124,500 birds.

In Texas, white-winged doves continue to expand their breeding range. Nesting by whitewings has been recorded in most counties, except for the northeastern part of the State. Nesting is essentially confined to urban areas, but appears to be expanding to exurban areas. Concomitant with this range expansion has been a continuing increase in white-wing dove abundance. A new distance-based sampling protocol was implemented for Central and South Texas in 2007, and has been expanded each year. In 2010, approximately 4,000 points were surveyed Statewide. Current year's survey data are being analyzed and abundance estimates will be available later this summer. The estimated harvest of white-wings in Texas in the 2008–09 season was 1,259,300 birds. The Texas Parks and Wildlife Department continues to work to improve the scientific basis for management of white-winged doves.

In California, available BBS data indicate an increasing trend in the population indices between 1968 and 2009. According to HIP surveys, the preliminary harvest estimate for 2009 was 66,100 white-winged doves in California. In New Mexico, available BBS data also indicate an increasing trend over the long term. In 2009, the estimated New Mexico harvest was 64,500 white-winged doves.

White-Tipped Doves

White-tipped doves occur primarily south of the United States-Mexico border; however, the species does occur in Texas. Monitoring information is presently limited. White-tipped doves are believed to be maintaining a relatively stable population in the Lower Rio Grande Valley of Texas. Distance-based sampling procedures implemented in Texas are also providing limited information on white-tipped dove abundance. Texas is working to improve the sampling frame to include the rural Rio Grande corridor in order to improve the utility of population indices. Annual estimates for white-tipped dove harvest in Texas average between 3,000 and 4,000 birds.

Review of Public Comments

The preliminary proposed rulemaking (May 13 **Federal Register**) opened the public comment period for migratory game bird hunting regulations and

announced the proposed regulatory alternatives for the 2010–11 duck hunting season. Comments concerning early-season issues and the proposed alternatives are summarized below and numbered in the order used in the May 13 **Federal Register** document. Only the numbered items pertaining to early-seasons issues and the proposed regulatory alternatives for which we received written comments are included. Consequently, the issues do not follow in consecutive numerical or alphabetical order.

We received recommendations from all four Flyway Councils. Some recommendations supported continuation of last year's frameworks. Due to the comprehensive nature of the annual review of the frameworks performed by the Councils, support for continuation of last year's frameworks is assumed for items for which no recommendations were received. Council recommendations for changes in the frameworks are summarized below. We seek additional information and comments on the recommendations in this supplemental proposed rule. New proposals and modifications to previously described proposals are discussed below. Wherever possible, they are discussed under headings corresponding to the numbered items in the May 13 **Federal Register** document.

1. Ducks

Categories used to discuss issues related to duck harvest management are: (A) General Harvest Strategy; (B) Regulatory Alternatives, including specification of framework dates, season lengths, and bag limits; (C) Zones and Split Seasons; and (D) Special Seasons/Species Management. The categories correspond to previously published issues/discussions, and only those containing substantial recommendations are discussed below.

A. General Harvest Strategy

Council Recommendations: The Mississippi Flyway Council recommended that regulations changes be restricted to one step per year, both when restricting as well as liberalizing hunting regulations.

Written Comments: The Wisconsin Department of Natural Resources supported the continued use of the adaptive harvest management (AHM) process for establishing seasons based on mallard population and habitat data, but requested that we continue to closely monitor the impacts of our recent decision (*see* July 24, 2010, **Federal Register**, 73 FR 432190) regarding the definition of the mid-continent mallard population on future regulatory alternatives.

Service Response: As we stated in the May 13 **Federal Register**, we intend to continue use of AHM to help determine appropriate duck-hunting regulations for the 2010–11 season. AHM is a tool that permits sound resource decisions in the face of uncertain regulatory impacts, as well as providing a mechanism for reducing that uncertainty over time. The current AHM protocol is used to evaluate four alternative regulatory levels based on the population status of mallards (special hunting restrictions are enacted for certain species, such as canvasbacks, scaup, and pintails).

As we previously stated regarding incorporation of a one-step constraint into the AHM process (73 FR 50678, August 27, 2008), this proposal was addressed by the AHM Task Force of the Association of Fish and Wildlife Agencies (AFWA) in its report and recommendations. As there is no consensus on behalf of the Flyway Councils on how to modify the regulatory alternatives, we believe that the new Supplemental Environmental Impact Statement for the migratory bird hunting program (*see* NEPA Consideration section) is an appropriate venue for considering such changes in a more comprehensive manner that involves input from all Flyways.

We will propose a specific regulatory alternative for each of the Flyways during the 2010–11 season after survey information becomes available later this summer. More information on AHM is located at *http://www.fws.gov/migratorybirds/CurrentBirdIssues/Management/AHM/AHM-intro.htm.*

B. Regulatory Alternatives

Council Recommendations: The Mississippi and Central Flyway Councils recommended that regulatory alternatives for duck hunting seasons remain the same as those used in 2009.

Service Response: The regulatory alternatives proposed in the May 13 **Federal Register** will be used for the 2010–11 hunting season (*see* accompanying table at the end of this proposed rule for specifics). In 2005, the AHM regulatory alternatives were modified to consist only of the maximum season lengths, framework dates, and bag limits for total ducks and mallards. Restrictions for certain species within these frameworks that are not covered by existing harvest strategies will be addressed during the late-season regulations process. For those species with specific harvest strategies (canvasbacks, pintails, black ducks, and scaup), those strategies will again be used for the 2010–11 hunting season.

D. Special Seasons/Species Management

i. Special Teal Seasons

Council Recommendations: The Upper-Region Regulations Committee of the Mississippi Flyway Council recommended that the Service explore options for providing production States an opportunity to harvest teal outside the regular duck season frameworks as part of the teal season assessment that is currently being conducted.

Service Response: Last year, we noted that an assessment of the cumulative effects of all teal harvest, including harvest during special September seasons, had never been conducted. As such, we committed to a thorough assessment of the harvest potential for both blue-winged and green-winged teal, as well as an assessment of the impacts of current special September seasons on these two species. We requested that the Atlantic, Mississippi, and Central Flyway Councils designate representatives to assist Service staff with the technical aspects of these assessments. Our goal is to complete this important assessment work within 3 years.

The Mississippi Flyway Council's request to include an assessment of potential teal harvest opportunities for production States in the ongoing teal assessment, and the additional work associated with this request, would likely delay the completion of our original task. As we noted above, the original purpose of this assessment was to assess the harvest potential of the three teal species. The Council's request would entail not only an evaluation of the potential effects of production States' teal harvest on those species, but the possibility of impacts to non-target species as well. However, we understand the production States' concern about teal harvest opportunities. Therefore, we will compile information and analyses from historic reports that address teal seasons and, particularly, issues related to duck harvests from production and non-production States, and provide them to the Flyways for consideration during the upcoming summer flyway meetings. The intent of this review would be to summarize historical analyses and dialogue regarding the issue of early-season teal harvest opportunities in production States and provide a common understanding of the issues that would have to be reconsidered to fully address the Mississippi Flyway Council's recommendation. With this information, the Flyways could more fully assess how they may want to approach teal harvest opportunities for their States in the future, following

completion of the current teal assessment.

Regarding the regulations for this year, utilizing the criteria developed for the teal season harvest strategy, this year's estimate of 6.3 million blue-winged teal from the traditional survey area indicates that a 16-day September teal season in the Atlantic, Central, and Mississippi Flyways is appropriate for 2010.

vi. Pintails

Council Recommendations: The Atlantic Flyway Council recommended adoption of a derived Northern Pintail Harvest Strategy and provided the following pintail harvest objectives for the Atlantic Flyway and for individual Atlantic Flyway States: (1) The harvest objective for northern pintails should be Maximum Sustained Yield (MSY); (2) closed seasons should be constrained to breeding populations (BPOP) below 1.75 million birds; and (3) regulatory alternatives should include a closed season, a liberal season with a 1-bird daily bag limit, and a liberal season with a 2-bird daily bag limit. These objectives were captured in Alternative 39 in the Service's draft Northern Pintail Harvest Strategy (Draft Strategy) (available at *http://www.fws.gov/migratorybirds/NewsPublicationsReports.html*).

The Mississippi Flyway Council recommended use of the Draft Strategy's harvest management Alternatives 39, 29, or 39(b) to develop an optimal harvest policy. The Council remains concerned regarding the following: (1) The Service does not provide performance metrics for harvest management Alternatives 39 and 39(b) with no closed seasons until the pintail BPOP falls to 1.0 million birds; (2) the method for integrating the preferred alternatives from other Flyways into a single harvest policy is not defined and reviewed; (3) additional weighting exercises that address more fundamental harvest objectives, such as simplified regulations, maintaining/expanding hunting opportunity for pintails, and maximizing harvest, have not yet been conducted; and (4) there is uncertainty about the consistency of the harvest strategy for pintails with the fundamental objectives addressed through the North American Waterfowl Management Plan (NAWMP) revision.

The Central Flyway Council recommended continued discussions on the potential structure and use of a derived harvest strategy for pintails. They recommend a one-year implementation of Alternative 39 in the Draft Strategy until a number of issues are resolved.

The Pacific Flyway Council recommended that harvest management for pintails be based on a derived strategy that: (1) Uses MSY as a harvest objective; (2) constrains closed seasons to breeding populations below 1.75 million birds; and (3) eliminates partial seasons (shorter pintail seasons within a longer general duck season). Specifically, the Council recommended Alternative 39 as its preferred strategy for regulations in 2010–11 and further review for the next year. The Council supported a derived strategy that does not have an explicit allocation of harvest among the flyways. The Council also recommended that Alaska's exclusion from the pintail harvest management process be continued.

The Council further recommended the use of historic proportions of harvest to weight the inputs from the Flyways should that input differ in the future. They noted that we proposed to consider inputs from all flyways equally, but the absolute and relative abundance of pintail is highest in the Pacific Flyway, and regulatory alternatives have a different effect there. They continued to support more work on alternative underlying population models because they do not believe that the model set in the strategy includes a model that addresses the effect of harvest regulation changes on pintail survival rates in a manner similar to ultra-structural models. The Council has recommended in the past that we investigate the usefulness of sex-specific regulations for pintails as a way to increase hunting opportunity on male pintails.

Lastly, the Council recognized that all of the analyzed strategies predict the perpetuation of the pintail breeding population between 2.78 and 3.57 million pintails, but that the differences among the strategies center largely on effects on the hunting public. These effects include the frequency of closed and partial seasons, larger daily bag limits, and annual regulation changes. The Council has limited information on hunter preferences about the tradeoffs inherent in the analyzed derived strategies.

Service Response: We greatly appreciate the time and attention that all four Flyway Councils have devoted to review and consideration of the various alternatives for implementing a derived pintail harvest strategy. We noted in the June 10 supplemental rule that all four flyways recommended the same alternative derived strategy be implemented this year. While we recognize that all four Flyway Council's requested additional work and analysis of the various constraints and components of the agreed upon derived strategy alternative, we proposed adoption of Alternative 39 as described and evaluated in the Service's report "Proposal for a Derived and Adaptive Harvest Strategy for Northern Pintails (January 2010)" and incorporated in a "Proposed Northern Pintail Harvest Strategy (May 2010)" (both available at *http://www.fws.gov/migratorybirds/NewsPublicationsReports.html*) for the 2010–11 hunting season. The Service and Flyway Councils evaluated and deliberated on numerous variations of the final proposed harvest strategy, which differed in their expression of management objectives and regulatory alternatives, but which shared a common scientific underpinning.

Based on the considerable amount of time and effort the Flyway Councils have devoted to reaching a consensus on the derived strategy for this year, and the fact that all four Flyway Councils deemed Alternative 39 as the best balance tradeoff among fundamental objectives identified for pintail harvest management, we concur with their recommendations and will adopt Alternative 39 for the 2010–11 regulations year. Alternative 39 stipulates a closed pintail season if the pintail breeding population falls below 1.75 million and limits the daily bag limits to 0, 1, or 2 under the "liberal" AHM regulatory package.

We also understand that a good deal of new information became available to the Flyways relatively late in this year's process. Therefore, we encourage each Flyway to review their choice of alternatives during the coming year and advise all of the other Flyways and the Service if their review suggests that a different alternative harvest strategy would better address the conservation needs of pintails and the desires of the hunting public. Over the coming year, we will review this choice of Alternative 39 based on one year of experience, as well as input received from the Councils, public, and Service technical staff, to determine if a different alternative will better insure the long-term conservation of northern pintails and meet the interests of the hunting public. Changes, if warranted, would be implemented for the 2011–12 regulations cycle.

4. Canada Geese

A. Special Seasons

Council Recommendations: The Mississippi Flyway Council recommended that the closing date for the September Canada goose season in Minnesota be September 22 Statewide.

The Central Flyway Council recommended that we increase the daily bag limit framework from 5 to 8 for the

Central Flyway States of South Dakota, Nebraska, Kansas, and Oklahoma during the Special Early Canada Goose hunting season.

Service Response: We agree with the Mississippi Flyway Council's recommendation to extend Minnesota's framework closing date for their September Canada goose season to September 22. In 2007, Minnesota began a 3-year experiment to assess the proportion of migrant geese harvested during September 16–22 in the Northwest Goose Zone. The remainder of Minnesota already has an operational September goose season that extends from September 1–22. Results from the 3-year experimental season evaluation showed that migrant geese comprised 7 percent of the Canada goose harvest in the Northwest Goose Zone during September 16–22, below the 10 percent threshold level established by the Service for allowing special early Canada goose seasons. This result is consistent with the proportion of migrant geese harvested in other areas of Minnesota (< 5 percent) during September 16–22. Further, goose harvest (an average of 1,369 additional geese) in the Northwest Goose Zone during the experimental season extension (September 16–22) represents 1.5 percent of the total Statewide September season goose harvest. We note that the Minnesota giant Canada goose population remains at high levels throughout the State with spring breeding population estimates averaging 313,425 over the past 5 years. Thus, we concur with the Council that the season extension in the Northwest Goose Zone meets our special September Canada goose season criteria; allows for uniform, Statewide season dates in Minnesota (September 1–22) in order to simplify current hunting regulations; and appears to have negligible impacts on migrant Canada geese.

We also agree with the Central Flyway Council's request to increase the Canada goose daily bag limit in South Dakota, Nebraska, Kansas, and Oklahoma. The Special Early Canada Goose hunting season is generally designed to reduce or control overabundant resident Canada geese populations. Increasing the daily bag limit from 5 to 10 may help these States reduce or control existing high populations of resident Canada geese.

B. Regular Seasons

Council Recommendations: The Mississippi Flyway Council recommended that the framework opening date for all species of geese for the regular goose seasons in Michigan and Wisconsin be September 16, 2010.

Service Response: We concur. Michigan, beginning in 1998, and Wisconsin, beginning in 1989, has opened their regular Canada goose seasons prior to the Flyway-wide framework opening date to address resident goose management concerns in these States. As we have previously stated (73 FR 50678, August 27, 2008), we agree with the objective to increase harvest pressure on resident Canada geese in the Mississippi Flyway and will continue to consider the opening dates in both States as exceptions to the general Flyway opening date, to be reconsidered annually.

9. Sandhill Cranes

Council Recommendations: The Mississippi, Central, and Pacific Flyway Councils recommended a sandhill crane hunting season for mid-continent sandhill cranes in northwest Minnesota in 2010, following guidelines outlined in the 2006 Cooperative Management Plan for the Mid-Continent Population (MCP) of sandhill cranes.

The Central and Pacific Flyway Councils recommend using the 2010 Rocky Mountain Population (RMP) sandhill crane harvest allocation of 1,979 birds as proposed in the allocation formula using the 2007–09 3-year running average.

The Pacific Flyway Council recommended initiating a limited hunt for Lower Colorado River Valley Population (LCRVP) of sandhill cranes in Arizona with a goal of a limited harvest of 9 cranes during the 2010–11 hunting season. Arizona will issue permits to hunters and require mandatory check-in of all harvested cranes. The Service previously approved the hunt in 2007.

Service Response: In 2006, the Management Plan for MCP sandhill cranes was revised and endorsed by the Central, Mississippi, and Pacific Flyway Councils. Guidelines in the Plan recommended that the MCP continue to be managed as a single population and management at a smaller scale (*i.e.,* breeding affiliation or sub-population level) was not warranted at that time. We note that the Plan clearly recognized sandhill cranes breeding and staging in NW Minnesota as part of the mid-continent population. Further, the current population index for MCP cranes was 498,400 in 2009, well within the current population objective range of 349,000–472,000 cranes. As the proposed new hunt in northwest Minnesota would conform to guidelines from the Management Plan and sandhill crane hunting frameworks to be established for MCP cranes in the Mississippi Flyway, we agree with the Councils' recommendations to establish this new season. Based on sandhill crane hunter numbers and harvest in other States in the Central Flyway, the small size of the hunting zone proposed in Minnesota, and the low hunter density in this region of Minnesota, we expect hunter numbers and crane harvest to be relatively low (< 500 of each).

We also agree with the Councils' recommendations on the RMP sandhill crane harvest allocation of 1,939 birds for the 2010–11 season, as outlined in the RMP sandhill crane management plan's harvest allocation formula. The objective for the RMP sandhill crane is to manage for a stable population index of 17,000–21,000 cranes determined by an average of the three most recent, reliable September (fall pre-migration) surveys. While this year's survey counted 20,321 birds, a decrease from the previous year's count of 21,156 birds, the 3-year average for the RMP sandhill crane fall index is 21,433.

Regarding the proposed limited hunt for LCRVP cranes in the Arizona hunt, in 2007, the Pacific Flyway Council recommended, and we approved, the establishment of a limited hunt for the LCRVP sandhill cranes in Arizona (72 FR 49622, August 28, 2007). However, the population inventory on which the LCRVP hunt plan is based was not completed that year. Thus, the Arizona Game and Fish Department chose to not conduct the hunt in 2007 and sought approval from the Service again in 2008 to begin conducting the hunt. We again approved the limited hunt (73 FR 50678, August 27, 2008). However, due to complications encountered with the proposed onset of this new season falling within ongoing efforts to open new hunting seasons on federal National Wildlife Refuges, the experimental limited hunt season was not opened in 2008. As such, last year the State of Arizona requested that 2009–12 be designated as the new experimental season and designated an area under State control where the experimental hunt will be conducted. Given that the LCRVP survey results indicate an increase from 1,900 birds in 1998 to 2,264 birds in 2009, and that the 3-year average of 2,847 LCRVP cranes is above the population objective of 2,500, we continue to support the establishment of the 3-year experimental framework for this hunt, conditional on successful monitoring being conducted as called for in the Flyway hunt plan for this population. Our final environmental assessment (FEA) on this new hunt can be obtained by writing Robert Trost, Pacific Flyway Representative, U.S. Fish and Wildlife

Service, Division of Migratory Bird Management, 911 NE 11th Avenue, Portland, OR 97232–4181, or it may be viewed at *http://www.regulations.gov* or via the Service's home page at *http://www.fws.gov/migratorybirds/CurrentBirdIssues/Management/BirdManagement.html.*

14. Woodcock

Council Recommendations: The Atlantic and Mississippi Flyway Councils recommended adoption of the Interim American Woodcock Harvest Strategy for implementation in the 2011–12 hunting season.

The Central Flyway Council recommended that the interim harvest strategy outlined in the Draft American Woodcock Harvest Strategy be implemented for a period of 5 years (2011–15).

Written Comments: The Wisconsin Department of Natural Resources supported the interim woodcock harvest strategy.

Service Response: In 2008, we completed a review of available woodcock population databases to assess their utility for developing a woodcock harvest strategy. Concurrently, we requested that the Atlantic, Mississippi, and Central Flyway Councils appoint members to a working group to cooperate with us on developing a woodcock harvest strategy. In February 2010, the working group completed a draft interim harvest strategy for consideration by the Flyway Councils at their March 2010 meetings.

The working group's draft interim harvest strategy provides a transparent framework for making regulatory decisions for woodcock season length and bag limit while we work to improve monitoring and assessment protocols for this species. While the strategy's objective is to set woodcock harvest at a level commensurate with population, data limitations preclude accurately assessing harvest potential at this time. Thus, the strategy's thresholds for changing regulations are based on the premise that further population declines would result in decreased harvest, while population increases would allow for additional harvest. The working group recommended that the interim harvest strategy be implemented for the 2011–12 hunting season, that the Service and Flyway Councils evaluate the strategy after 5 years, and that we continue to assess the feasibility of developing a derived harvest strategy.

In the May 13 **Federal Register**, we stated that following review and comment by the Flyway Councils, we would announce our intentions whether to propose the draft strategy. Given the unanimous Flyway Council approval of the working group's draft interim harvest strategy, we concur with the three Flyway Councils and propose adoption of the strategy beginning in the 2011–12 hunting season for a period of 5 years (2011–15). Specifics of the interim harvest strategy can be found at *http://www.fws.gov/migratorybirds/NewsPublicationsReports.html.*

16. Mourning Doves

Council Recommendations: The Atlantic and Mississippi Flyway Councils recommended use of the "moderate" season framework for States within the Eastern Management Unit population of mourning doves resulting in a 70-day season and 15-bird daily bag limit. The daily bag limit could be composed of mourning doves and white-winged doves, singly or in combination.

The Mississippi and Central Flyway Councils recommend the use of the standard (or "moderate") season package of a 15-bird daily bag limit and a 70-day season for the 2010–11 mourning dove season in the States within the Central Management Unit.

The Pacific Flyway Council recommended use of the "moderate" season framework for States in the Western Management Unit (WMU) population of mourning doves, which represents no change from last year's frameworks.

Service Response: In 2008, we accepted and endorsed the interim harvest strategies for the Central, Eastern, and Western Management Units (73 FR 50678, August 27, 2008). As we stated then, the interim mourning dove harvest strategies are a step towards implementing the Mourning Dove National Strategic Harvest Plan (Plan) that was approved by all four Flyway Councils in 2003. The Plan represents a new, more informed means of decision-making for dove harvest management besides relying solely on traditional roadside counts of mourning doves as indicators of population trend. However, recognizing that a more comprehensive, national approach would take time to develop, we requested the development of interim harvest strategies, by management unit, until the elements of the Plan can be fully implemented. In 2004, each management unit submitted its respective strategy, but the strategies used different datasets and different approaches or methods. After initial submittal and review in 2006, we requested that the strategies be revised, using similar, existing datasets among the management units along with similar decision-making criteria. In January 2008, we recommended that, following approval by the respective Flyway Councils in March, they be submitted in 2008 for endorsement by the Service, with implementation for the 2009–10 hunting season. Last year, for the first time, the interim harvest strategies were successfully employed and implemented in all three Management Units (74 FR 36870, July 24, 2009).

This year, based on the interim harvest strategies and current population status, we agree with the recommended selection of the "moderate" season frameworks for doves in the Eastern, Central, and Western Management Units.

Public Comments

The Department of the Interior's policy is, whenever possible, to afford the public an opportunity to participate in the rulemaking process. Accordingly, we invite interested persons to submit written comments, suggestions, or recommendations regarding the proposed regulations. Before promulgating final migratory game bird hunting regulations, we will consider all comments we receive. These comments, and any additional information we receive, may lead to final regulations that differ from these proposals. You may submit your comments and materials concerning this proposed rule by one of the methods listed in the **ADDRESSES** section. We will not accept comments sent by e-mail or fax or to an address not listed in the **ADDRESSES** section. Finally, we will not consider hand-delivered comments that we do not receive, or mailed comments that are not postmarked, by the date specified in the **DATES** section.

We will post all comments in their entirety—including your personal identifying information—on *http://www.regulations.gov.* 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. Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on *http://www.regulations.gov,* or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Division of Migratory Bird

Management, Room 4107, 4501 North Fairfax Drive, Arlington, VA 22203.

For each series of proposed rulemakings, we will establish specific comment periods. We will consider, but possibly may not respond in detail to, each comment. As in the past, we will summarize all comments we receive during the comment period and respond to them after the closing date in the preambles of any final rules.

NEPA Consideration

NEPA considerations are covered by the programmatic document "Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FSES 88–14)," filed with the Environmental Protection Agency on June 9, 1988. We published a notice of availability in the **Federal Register** on June 16, 1988 (53 FR 22582). We published our Record of Decision on August 18, 1988 (53 FR 31341). In addition, an August 1985 environmental assessment entitled "Guidelines for Migratory Bird Hunting Regulations on Federal Indian Reservations and Ceded Lands" is available from the address indicated under the caption **FOR FURTHER INFORMATION CONTACT**.

In a notice published in the September 8, 2005, **Federal Register** (70 FR 53376), we announced our intent to develop a new Supplemental Environmental Impact Statement (SEIS) for the migratory bird hunting program. Public scoping meetings were held in the spring of 2006, as detailed in a March 9, 2006, **Federal Register** (71 FR 12216). We released the draft SEIS on July 9, 2010 (75 FR 39577). The draft SEIS is available by either writing to the address indicated under **FOR FURTHER INFORMATION CONTACT** or by viewing on our Web site at *http://www.fws.gov/migratorybirds.*

Endangered Species Act Consideration

Before issuance of the 2010–11 migratory game bird hunting regulations, we will comply with provisions of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1543; hereinafter the Act), to ensure that hunting is not likely to jeopardize the continued existence of any species designated as endangered or threatened or modify or destroy its critical habitat and is consistent with conservation programs for those species. Consultations under section 7 of the Act may cause us to change proposals in this and future supplemental proposed rulemaking documents.

Executive Order 12866

The Office of Management and Budget has determined that this rule is significant and has reviewed this rule under Executive Order 12866. OMB bases its determination of regulatory significance upon the following four criteria:

(a) Whether the rule will have an annual effect of $100 million or more on the economy or adversely affect an economic sector, productivity, jobs, the environment, or other units of the government.

(b) Whether the rule will create inconsistencies with other Federal agencies' actions.

(c) Whether the rule will materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients.

(d) Whether the rule raises novel legal or policy issues.

An economic analysis was prepared for the 2008–09 season. This analysis was based on data from the 2006 National Hunting and Fishing Survey, the most recent year for which data are available (*see* discussion in **Regulatory Flexibility Act** section below). This analysis estimated consumer surplus for three alternatives for duck hunting (estimates for other species are not quantified due to lack of data). The alternatives are (1) Issue restrictive regulations allowing fewer days than those issued during the 2007–08 season, (2) Issue moderate regulations allowing more days than those in alternative 1, and (3) Issue liberal regulations identical to the regulations in the 2007–08 season. For the 2008–09 season, we chose alternative 3, with an estimated consumer surplus across all flyways of $205–$270 million. At this time, we are proposing no changes to the season frameworks for the 2010–11 season, and as such, we will again consider these three alternatives. However, final frameworks will depend on population status information available later this year. For these reasons, we have not conducted a new economic analysis, but the 2008–09 analysis is part of the record for this rule and is available at *http://www.fws.gov/migratorybirds/NewReportsPublications/SpecialTopics/SpecialTopics.html#HuntingRegs* or at *http://www.regulations.gov.*

Regulatory Flexibility Act

The regulations have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). We analyzed the economic impacts of the annual hunting regulations on small business entities in detail as part of the 1981 cost-benefit analysis. This analysis was revised annually from 1990–95. In 1995, the Service issued a Small Entity Flexibility Analysis (Analysis), which was subsequently updated in 1996, 1998, 2004, and 2008. The primary source of information about hunter expenditures for migratory game bird hunting is the National Hunting and Fishing Survey, which is conducted at 5-year intervals. The 2008 Analysis was based on the 2006 National Hunting and Fishing Survey and the U.S. Department of Commerce's County Business Patterns, from which it was estimated that migratory bird hunters would spend approximately $1.2 billion at small businesses in 2008. Copies of the Analysis are available upon request from the Division of Migratory Bird Management (*see* **FOR FURTHER INFORMATION CONTACT**) or from our Web site at *http://www.fws.gov/migratorybirds/NewReportsPublications/SpecialTopics/SpecialTopics.html#HuntingRegs* or at *http://www.regulations.gov.*

Clarity of the Rule

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(a) Be logically organized;

(b) Use the active voice to address readers directly;

(c) Use clear language rather than jargon;

(d) Be divided into short sections and sentences; and

(e) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in the **ADDRESSES** section. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Small Business Regulatory Enforcement Fairness Act

This rule is a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. For the reasons outlined above, this rule has an annual effect on the economy of $100 million or more. However, because this rule establishes hunting seasons, we do not plan to defer the effective date under the exemption contained in 5 U.S.C. 808(1).

Paperwork Reduction Act

We examined these regulations under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The various recordkeeping and reporting requirements imposed under regulations established in 50 CFR part 20, subpart K, are used in formulating migratory game bird hunting regulations. OMB has approved the information collection requirements of our Migratory Bird Surveys and assigned control number 1018–0023 (expires 2/28/2011). This information is used to provide a sampling frame for voluntary national surveys to improve our harvest estimates for all migratory game birds in order to better manage these populations. OMB has also approved the information collection requirements of the Alaska Subsistence Household Survey, an associated voluntary annual household survey used to determine levels of subsistence take in Alaska, and assigned control number 1018–0124 (expires 4/30/2013). A Federal agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Unfunded Mandates Reform Act

We have determined and certify, in compliance with the requirements of the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.,* that this rulemaking will not impose a cost of $100 million or more in any given year on local or State government or private entities. Therefore, this rule is not a "significant regulatory action" under the Unfunded Mandates Reform Act.

Civil Justice Reform—Executive Order 12988

The Department, in promulgating this proposed rule, has determined that this proposed rule will not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of Executive Order 12988.

Takings Implication Assessment

In accordance with Executive Order 12630, this proposed rule, authorized by the Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*), does not have significant takings implications and does not affect any constitutionally protected property rights. This rule will not result in the physical occupancy of property, the physical invasion of property, or the regulatory taking of any property. In fact, these rules allow hunters to exercise otherwise unavailable privileges and, therefore, reduce restrictions on the use of private and public property.

Energy Effects—Executive Order 13211

Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. While this proposed rule is a significant regulatory action under Executive Order 12866, it is not expected to adversely affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments" (59 FR 22951), Executive Order 13175, and 512 DM 2, we have evaluated possible effects on Federally-recognized Indian tribes and have determined that there are no effects on Indian trust resources. We solicited proposals for special migratory bird hunting regulations for certain Tribes on Federal Indian reservations, off-reservation trust lands, and ceded lands for the 2010–11 migratory bird hunting season in the May 13 **Federal Register**. The resulting proposals will be contained in a separate proposed rule. By virtue of these actions, we have consulted with Tribes affected by this rule.

Federalism Effects

Due to the migratory nature of certain species of birds, the Federal Government has been given responsibility over these species by the Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*). We annually prescribe frameworks from which the States make selections regarding the hunting of migratory birds, and we employ guidelines to establish special regulations on Federal Indian reservations and ceded lands. This process preserves the ability of the States and tribes to determine which seasons meet their individual needs. Any State or Indian tribe may be more restrictive than the Federal frameworks at any time. The frameworks are developed in a cooperative process with the States and the Flyway Councils. This process allows States to participate in the development of frameworks from which they will make selections, thereby having an influence on their own regulations.

These rules do not have a substantial direct effect on fiscal capacity, change the roles or responsibilities of Federal or State governments, or intrude on State policy or administration. Therefore, in accordance with Executive Order 13132, these regulations do not have significant federalism effects and do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

The rules that eventually will be promulgated for the 2010–11 hunting season are authorized under 16 U.S.C. 703–712 and 16 U.S.C. 742 a–j.

Dated: July 19, 2010.

Thomas L. Strickland,

Assistant Secretary for Fish and Wildlife and Parks.

Proposed Regulations Frameworks for 2010–11 Early Hunting Seasons on Certain Migratory Game Birds

Pursuant to the Migratory Bird Treaty Act and delegated authorities, the Department of the Interior approved the following proposed frameworks, which prescribe season lengths, bag limits, shooting hours, and outside dates within which States may select hunting seasons for certain migratory game birds between September 1, 2010, and March 10, 2011. These frameworks are summarized below.

General

Dates: All outside dates noted below are inclusive.

Shooting and Hawking (taking by falconry) Hours: Unless otherwise specified, from one-half hour before sunrise to sunset daily.

Possession Limits: Unless otherwise specified, possession limits are twice the daily bag limit.

Flyways and Management Units

Waterfowl Flyways

Atlantic Flyway—includes Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Mississippi Flyway—includes Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

Central Flyway—includes Colorado (east of the Continental Divide), Kansas, Montana (Counties of Blaine, Carbon, Fergus, Judith Basin, Stillwater, Sweetgrass, Wheatland, and all counties east thereof), Nebraska, New Mexico (east of the Continental Divide except the Jicarilla Apache Indian Reservation),

North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

Pacific Flyway—includes Alaska, Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and those portions of Colorado, Montana, New Mexico, and Wyoming not included in the Central Flyway.

Management Units

Mourning Dove Management Units

Eastern Management Unit—All States east of the Mississippi River, and Louisiana.

Central Management Unit—Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

Western Management Unit—Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

Woodcock Management Regions

Eastern Management Region—Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Central Management Region—Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.

Other geographic descriptions are contained in a later portion of this document.

Definitions

Dark geese: Canada geese, white-fronted geese, brant (except in Alaska, California, Oregon, Washington, and the Atlantic Flyway), and all other goose species, except light geese.

Light geese: snow (including blue) geese and Ross's geese.

Waterfowl Seasons in the Atlantic Flyway

In the Atlantic Flyway States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, North Carolina, Pennsylvania, and Virginia, where Sunday hunting is prohibited Statewide by State law, all Sundays are closed to all take of migratory waterfowl (including mergansers and coots).

Special September Teal Season

Outside Dates: Between September 1 and September 30, an open season on all species of teal may be selected by the following States in areas delineated by State regulations:

Atlantic Flyway—Delaware, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia.

Mississippi Flyway—Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Ohio, and Tennessee.

Central Flyway—Colorado (part), Kansas, Nebraska (part), New Mexico (part), Oklahoma, and Texas.

Hunting Seasons and Daily Bag Limits: Not to exceed 16 consecutive hunting days in the Atlantic, Mississippi, and Central Flyways. The daily bag limit is 4 teal.

Shooting Hours:

Atlantic Flyway—One-half hour before sunrise to sunset, except in Maryland, where the hours are from sunrise to sunset.

Mississippi and Central Flyways—One-half hour before sunrise to sunset, except in the States of Arkansas, Illinois, Indiana, Missouri, and Ohio, where the hours are from sunrise to sunset.

Special September Duck Seasons

Florida, Kentucky and Tennessee: In lieu of a special September teal season, a 5-consecutive-day season may be selected in September. The daily bag limit may not exceed 4 teal and wood ducks in the aggregate, of which no more than 2 may be wood ducks.

Iowa: Iowa may hold up to 5 days of its regular duck hunting season in September. All ducks that are legal during the regular duck season may be taken during the September segment of the season. The September season segment may commence no earlier than the Saturday nearest September 20 (September 18). The daily bag and possession limits will be the same as those in effect last year but are subject to change during the late-season regulations process. The remainder of the regular duck season may not begin before October 10.

Special Youth Waterfowl Hunting Days

Outside Dates: States may select 2 consecutive days (hunting days in Atlantic Flyway States with compensatory days) per duck-hunting zone, designated as "Youth Waterfowl Hunting Days," in addition to their regular duck seasons. The days must be held outside any regular duck season on a weekend, holidays, or other non-school days when youth hunters would have the maximum opportunity to participate. The days may be held up to 14 days before or after any regular duck-season frameworks or within any split of a regular duck season, or within any other open season on migratory birds.

Daily Bag Limits: The daily bag limits may include ducks, geese, mergansers, coots, moorhens, and gallinules and would be the same as those allowed in the regular season. Flyway species and area restrictions would remain in effect.

Shooting Hours: One-half hour before sunrise to sunset.

Participation Restrictions: Youth hunters must be 15 years of age or younger. In addition, an adult at least 18 years of age must accompany the youth hunter into the field. This adult may not duck hunt but may participate in other seasons that are open on the special youth day.

Scoter, Eider, and Long-Tailed Ducks (Atlantic Flyway)

Outside Dates: Between September 15 and January 31.

Hunting Seasons and Daily Bag Limits: Not to exceed 107 days, with a daily bag limit of 7, singly or in the aggregate, of the listed sea-duck species, of which no more than 4 may be scoters.

Daily Bag Limits During the Regular Duck Season: Within the special sea duck areas, during the regular duck season in the Atlantic Flyway, States may choose to allow the above sea duck limits in addition to the limits applying to other ducks during the regular duck season. In all other areas, sea ducks may be taken only during the regular open season for ducks and are part of the regular duck season daily bag (not to exceed 4 scoters) and possession limits.

Areas: In all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, and New York; in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 1 mile of open water from any shore, island, and emergent vegetation in New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in Delaware, Maryland, North Carolina, and Virginia; and provided that any such areas have been described, delineated, and designated as special sea-duck hunting areas under the hunting regulations adopted by the respective States.

Special Early Canada Goose Seasons

Atlantic Flyway

General Seasons

Canada goose seasons of up to 15 days during September 1–15 may be selected

for the Eastern Unit of Maryland and Delaware. Seasons not to exceed 30 days during September 1–30 may be selected for Connecticut, Florida, Georgia, New Jersey, New York (Long Island Zone only), North Carolina, Rhode Island, and South Carolina. Seasons may not exceed 25 days during September 1–25 in the remainder of the Flyway. Areas open to the hunting of Canada geese must be described, delineated, and designated as such in each State's hunting regulations.

Daily Bag Limits: Not to exceed 15 Canada geese.

Experimental Seasons

Canada goose seasons of up to 10 days during September 16–25 may be selected in Delaware. The daily bag limit may not exceed 15 Canada geese. Areas open to the hunting of Canada geese must be described, delineated, and designated as such in each State's hunting regulations.

Shooting Hours: One-half hour before sunrise to sunset, except that during any general season, shooting hours may extend to one-half hour after sunset if all other waterfowl seasons are closed in the specific applicable area.

Mississippi Flyway

General Seasons

Canada goose seasons of up to 15 days during September 1–15 may be selected, except in the Upper Peninsula in Michigan, where the season may not extend beyond September 10, and in Minnesota, where a season of up to 22 days during September 1–22 may be selected. The daily bag limit may not exceed 5 Canada geese. Areas open to the hunting of Canada geese must be described, delineated, and designated as such in each State's hunting regulations.

A Canada goose season of up to 10 consecutive days during September 1–10 may be selected by Michigan for Huron, Saginaw, and Tuscola Counties, except that the Shiawassee National Wildlife Refuge, Shiawassee River State Game Area Refuge, and the Fish Point Wildlife Area Refuge will remain closed. The daily bag limit may not exceed 5 Canada geese.

Shooting Hours: One-half hour before sunrise to sunset, except that during September 1–15 shooting hours may extend to one-half hour after sunset if all other waterfowl seasons are closed in the specific applicable area.

Central Flyway

General Seasons

In Kansas, Nebraska, Oklahoma, South Dakota, and Texas, Canada goose seasons of up to 30 days during September 1–30 may be selected. In Colorado, New Mexico, North Dakota, Montana, and Wyoming, Canada goose seasons of up to 15 days during September 1–15 may be selected. The daily bag limit may not exceed 5 Canada geese, except in Kansas, Nebraska, Oklahoma, and South Dakota, where the bag limit may not exceed 8 Canada geese. Areas open to the hunting of Canada geese must be described, delineated, and designated as such in each State's hunting regulations.

Shooting Hours: One-half hour before sunrise to sunset, except that during September 1–15 shooting hours may extend to one-half hour after sunset if all other waterfowl seasons are closed in the specific applicable area.

Pacific Flyway

General Seasons

California may select a 9-day season in Humboldt County during the period September 1–15. The daily bag limit is 2.

Colorado may select a 9-day season during the period of September 1–15. The daily bag limit is 3.

Oregon may select a special Canada goose season of up to 15 days during the period September 1–15. In addition, in the NW Goose Management Zone in Oregon, a 15-day season may be selected during the period September 1–20. Daily bag limits may not exceed 5 Canada geese.

Idaho may select a 7-day season during the period September 1–15. The daily bag limit is 2 and the possession limit is 4.

Washington may select a special Canada goose season of up to 15 days during the period September 1–15. Daily bag limits may not exceed 5 Canada geese.

Wyoming may select an 8-day season on Canada geese during the period September 1–15. This season is subject to the following conditions:

1. Where applicable, the season must be concurrent with the September portion of the sandhill crane season.

2. A daily bag limit of 2, with season and possession limits of 4, will apply to the special season.

Areas open to hunting of Canada geese in each State must be described, delineated, and designated as such in each State's hunting regulations.

Regular Goose Seasons

Regular goose seasons may open as early as September 16 in Wisconsin and Michigan. Season lengths, bag and possession limits, and other provisions will be established during the late-season regulations process.

Sandhill Cranes

Regular Seasons in the Mississippi Flyway

Outside Dates: Between September 1 and February 28.

Hunting Seasons: A season not to exceed 37 consecutive days may be selected in the designated portion of northwestern Minnesota (Northwest Goose Zone).

Daily Bag Limit: 2 sandhill cranes.

Permits: Each person participating in the regular sandhill crane season must have a valid Federal or State sandhill crane hunting permit.

Regular Seasons in the Central Flyway

Outside Dates: Between September 1 and February 28.

Hunting Seasons: Seasons not to exceed 37 consecutive days may be selected in designated portions of North Dakota (Area 2) and Texas (Area 2). Seasons not to exceed 58 consecutive days may be selected in designated portions of the following States: Colorado, Kansas, Montana, North Dakota, South Dakota, and Wyoming. Seasons not to exceed 93 consecutive days may be selected in designated portions of the following States: New Mexico, Oklahoma, and Texas.

Daily Bag Limits: 3 sandhill cranes, except 2 sandhill cranes in designated portions of North Dakota (Area 2) and Texas (Area 2).

Permits: Each person participating in the regular sandhill crane season must have a valid Federal or State sandhill crane hunting permit.

Special Seasons in the Central and Pacific Flyways

Arizona, Colorado, Idaho, Montana, New Mexico, Utah, and Wyoming may select seasons for hunting sandhill cranes within the range of the Rocky Mountain Population (RMP) subject to the following conditions:

Outside Dates: Between September 1 and January 31.

Hunting Seasons: The season in any State or zone may not exceed 30 days.

Bag limits: Not to exceed 3 daily and 9 per season.

Permits: Participants must have a valid permit, issued by the appropriate State, in their possession while hunting.

Other provisions: Numbers of permits, open areas, season dates, protection plans for other species, and other provisions of seasons must be consistent with the management plan and approved by the Central and Pacific Flyway Councils, with the following exceptions:

1. In Utah, 100 percent of the harvest will be assigned to the RMP quota;

2. In Arizona, monitoring the racial composition of the harvest must be conducted at 3-year intervals;

3. In Idaho, 100 percent of the harvest will be assigned to the RMP quota; and

4. In New Mexico, the season in the Estancia Valley is experimental, with a requirement to monitor the level and racial composition of the harvest; greater sandhill cranes in the harvest will be assigned to the RMP quota.

Special Seasons in the Pacific Flyway:

Arizona may select a season for hunting sandhill cranes within the range of the Lower Colorado River Population (LCR) of sandhill cranes, subject to the following conditions:

Outside Dates: Between December 1 and January 31.

Hunting Seasons: The season may not exceed 3 days.

Bag limits: Not to exceed 1 daily and 1 per season.

Permits: Participants must have a valid permit, issued by the appropriate State, in their possession while hunting.

Other provisions: The season is experimental. Numbers of permits, open areas, season dates, protection plans for other species, and other provisions of seasons must be consistent with the management plan and approved by the Pacific Flyway Council.

Common Moorhens and Purple Gallinules

Outside Dates: Between September 1 and the last Sunday in January (January 30) in the Atlantic, Mississippi, and Central Flyways. States in the Pacific Flyway have been allowed to select their hunting seasons between the outside dates for the season on ducks; therefore, they are late-season frameworks, and no frameworks are provided in this document.

Hunting Seasons and Daily Bag Limits: Seasons may not exceed 70 days in the Atlantic, Mississippi, and Central Flyways. Seasons may be split into 2 segments. The daily bag limit is 15 common moorhens and purple gallinules, singly or in the aggregate of the two species.

Zoning: Seasons may be selected by zones established for duck hunting.

Rails

Outside Dates: States included herein may select seasons between September 1 and the last Sunday in January (January 30) on clapper, king, sora, and Virginia rails.

Hunting Seasons: Seasons may not exceed 70 days, and may be split into 2 segments.

Daily Bag Limits:

Clapper and King Rails—In Rhode Island, Connecticut, New Jersey, Delaware, and Maryland, 10, singly or in the aggregate of the 2 species. In Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, and Virginia, 15, singly or in the aggregate of the two species.

Sora and Virginia Rails—In the Atlantic, Mississippi, and Central Flyways and the Pacific-Flyway portions of Colorado, Montana, New Mexico, and Wyoming, 25 daily and 25 in possession, singly or in the aggregate of the two species. The season is closed in the remainder of the Pacific Flyway.

Common Snipe

Outside Dates: Between September 1 and February 28, except in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia, where the season must end no later than January 31.

Hunting Seasons and Daily Bag Limits: Seasons may not exceed 107 days and may be split into two segments. The daily bag limit is 8 snipe.

Zoning: Seasons may be selected by zones established for duck hunting.

American Woodcock

Outside Dates: States in the Eastern Management Region may select hunting seasons between October 1 and January 31. States in the Central Management Region may select hunting seasons between the Saturday nearest September 22 (September 25) and January 31.

Hunting Seasons and Daily Bag Limits: Seasons may not exceed 30 days in the Eastern Region and 45 days in the Central Region. The daily bag limit is 3. Seasons may be split into two segments.

Zoning: New Jersey may select seasons in each of two zones. The season in each zone may not exceed 24 days.

Band-Tailed Pigeons

Pacific Coast States (California, Oregon, Washington, and Nevada)

Outside Dates: Between September 15 and January 1.

Hunting Seasons and Daily Bag Limits: Not more than 9 consecutive days, with a daily bag limit of 2 band-tailed pigeons.

Zoning: California may select hunting seasons not to exceed 9 consecutive days in each of two zones. The season in the North Zone must close by October 3.

Four-Corners States (Arizona, Colorado, New Mexico, and Utah)

Outside Dates: Between September 1 and November 30.

Hunting Seasons and Daily Bag Limits: Not more than 30 consecutive days, with a daily bag limit of 5 band-tailed pigeons.

Zoning: New Mexico may select hunting seasons not to exceed 20 consecutive days in each of two zones. The season in the South Zone may not open until October 1.

Mourning Doves

Outside Dates: Between September 1 and January 15, except as otherwise provided, States may select hunting seasons and daily bag limits as follows:

Eastern Management Unit

Hunting Seasons and Daily Bag Limits: Not more than 70 days, with a daily bag limit of 15 mourning and white-winged doves in the aggregate.

Zoning and Split Seasons: States may select hunting seasons in each of two zones. The season within each zone may be split into not more than three periods. Regulations for bag and possession limits, season length, and shooting hours must be uniform within specific hunting zones.

Central Management Unit

Hunting Seasons and Daily Bag Limits: Not more than 70 days, with a daily bag limit of 15 mourning and white-winged doves in the aggregate.

Zoning and Split Seasons:

States may select hunting seasons in each of two zones. The season within each zone may be split into not more than three periods.

Texas may select hunting seasons for each of three zones subject to the following conditions:

A. The hunting season may be split into not more than two periods, except in that portion of Texas in which the special white-winged dove season is allowed, where a limited mourning dove season may be held concurrently with that special season (*see* white-winged dove frameworks).

B. A season may be selected for the North and Central Zones between September 1 and January 25; and for the South Zone between the Friday nearest September 20 (September 17), but not earlier than September 17, and January 25.

C. Daily bag limits are aggregate bag limits with mourning, white-winged, and white-tipped doves (*see* white-winged dove frameworks for specific daily bag limit restrictions).

D. Except as noted above, regulations for bag and possession limits, season length, and shooting hours must be uniform within each hunting zone.

Western Management Unit

Hunting Seasons and Daily Bag Limits:

Idaho, Oregon, and Washington—Not more than 30 consecutive days, with a daily bag limit of 10 mourning doves.

Utah—Not more than 30 consecutive days, with a daily bag limit that may not exceed 10 mourning doves and white-winged doves in the aggregate.

Nevada—Not more than 30 consecutive days, with a daily bag limit of 10 mourning doves, except in Clark and Nye Counties, where the daily bag limit may not exceed 10 mourning and white-winged doves in the aggregate.

Arizona and California—Not more than 60 days, which may be split between two periods, September 1–15 and November 1–January 15. In Arizona, during the first segment of the season, the daily bag limit is 10 mourning and white-winged doves in the aggregate, of which no more than 6 may be white-winged doves. During the remainder of the season, the daily bag limit is 10 mourning doves. In California, the daily bag limit is 10 mourning doves, except in Imperial, Riverside, and San Bernardino Counties, where the daily bag limit may not exceed 10 mourning and white-winged doves in the aggregate.

White-Winged and White-Tipped Doves

Hunting Seasons and Daily Bag Limits:

Except as shown below, seasons must be concurrent with mourning dove seasons.

Eastern Management Unit: The daily bag limit may not exceed 15 mourning and white-winged doves in the aggregate.

Central Management Unit:

In Texas, the daily bag limit may not exceed 15 mourning, white-winged, and white-tipped doves in the aggregate, of which no more than 2 may be white-tipped doves. In addition, Texas also may select a hunting season of not more than 4 days for the special white-winged dove area of the South Zone between September 1 and September 19. The daily bag limit may not exceed 15 white-winged, mourning, and white-tipped doves in the aggregate, of which no more than 4 may be mourning doves and 2 may be white-tipped doves.

In the remainder of the Central Management Unit, the daily bag limit may not exceed 15 mourning and white-winged doves in the aggregate.

Western Management Unit:

Arizona may select a hunting season of not more than 30 consecutive days, running concurrently with the first segment of the mourning dove season. The daily bag limit may not exceed 10 mourning and white-winged doves in the aggregate, of which no more than 6 may be white-winged doves.

In Utah, the Nevada Counties of Clark and Nye, and in the California Counties of Imperial, Riverside, and San Bernardino, the daily bag limit may not exceed 10 mourning and white-winged doves in the aggregate.

In the remainder of the Western Management Unit, the season is closed.

Alaska

Outside Dates: Between September 1 and January 26.

Hunting Seasons: Alaska may select 107 consecutive days for waterfowl, sandhill cranes, and common snipe in each of 5 zones. The season may be split without penalty in the Kodiak Zone. The seasons in each zone must be concurrent.

Closures: The hunting season is closed on emperor geese, spectacled eiders, and Steller's eiders.

Daily Bag and Possession Limits:

Ducks—Except as noted, a basic daily bag limit of 7 and a possession limit of 21 ducks. Daily bag and possession limits in the North Zone are 10 and 30, and in the Gulf Coast Zone, they are 8 and 24. The basic limits may include no more than 1 canvasback daily and 3 in possession and may not include sea ducks.

In addition to the basic duck limits, Alaska may select sea duck limits of 10 daily, 20 in possession, singly or in the aggregate, including no more than 6 each of either harlequin or long-tailed ducks. Sea ducks include scoters, common and king eiders, harlequin ducks, long-tailed ducks, and common and red-breasted mergansers.

Light Geese—A basic daily bag limit of 4 and a possession limit of 8.

Dark Geese—A basic daily bag limit of 4 and a possession limit of 8.

Dark-goose seasons are subject to the following exceptions:

1. In Units 5 and 6, the taking of Canada geese is permitted from September 28 through December 16.

2. On Middleton Island in Unit 6, a special, permit-only Canada goose season may be offered. A mandatory goose identification class is required. Hunters must check in and check out. The bag limit is 1 daily and 1 in possession. The season will close if incidental harvest includes 5 dusky Canada geese. A dusky Canada goose is any dark-breasted Canada goose (Munsell 10 YR color value five or less) with a bill length between 40 and 50 millimeters.

3. In Units 6–B, 6–C and on Hinchinbrook and Hawkins Islands in Unit 6–D, a special, permit-only Canada goose season may be offered. Hunters must have all harvested geese checked and classified to subspecies. The daily bag limit is 4 daily and 8 in possession. The Canada goose season will close in all of the permit areas if the total dusky goose (as defined above) harvest reaches 40.

4. In Units 9, 10, 17, and 18, dark goose limits are 6 per day, 12 in possession; however, no more than 2 may be Canada geese in Units 9(E) and 18; and no more than 4 may be Canada geese in Units 9(A–C), 10 (Unimak Island portion), and 17.

Brant—A daily bag limit of 2 and a possession limit of 4.

Common snipe—A daily bag limit of 8.

Sandhill cranes—Bag and possession limits of 2 and 4, respectively, in the Southeast, Gulf Coast, Kodiak, and Aleutian Zones, and Unit 17 in the Northern Zone. In the remainder of the Northern Zone (outside Unit 17), bag and possession limits of 3 and 6, respectively.

Tundra Swans—Open seasons for tundra swans may be selected subject to the following conditions:

1. All seasons are by registration permit only.

2. All season framework dates are September 1–October 31.

3. In Game Management Unit (GMU) 17, no more than 200 permits may be issued during this operational season. No more than 3 tundra swans may be authorized per permit, with no more than 1 permit issued per hunter per season.

4. In Game Management Unit (GMU) 18, no more than 500 permits may be issued during the operational season. Up to 3 tundra swans may be authorized per permit. No more than 1 permit may be issued per hunter per season.

5. In GMU 22, no more than 300 permits may be issued during the operational season. Each permittee may be authorized to take up to 3 tundra swans per permit. No more than 1 permit may be issued per hunter per season.

6. In GMU 23, no more than 300 permits may be issued during the operational season. No more than 3 tundra swans may be authorized per permit, with no more than 1 permit issued per hunter per season.

Hawaii

Outside Dates: Between October 1 and January 31.

Hunting Seasons: Not more than 65 days (75 under the alternative) for mourning doves.

Bag Limits: Not to exceed 15 (12 under the alternative) mourning doves.

Note: Mourning doves may be taken in Hawaii in accordance with shooting hours and other regulations set by the State of Hawaii, and subject to the applicable provisions of 50 CFR part 20.

Puerto Rico

Doves and Pigeons

Outside Dates: Between September 1 and January 15.

Hunting Seasons: Not more than 60 days.

Daily Bag and Possession Limits: Not to exceed 20 Zenaida, mourning, and white-winged doves in the aggregate, of which not more than 10 may be Zenaida doves and 3 may be mourning doves. Not to exceed 5 scaly-naped pigeons.

Closed Seasons: The season is closed on the white-crowned pigeon and the plain pigeon, which are protected by the Commonwealth of Puerto Rico.

Closed Areas: There is no open season on doves or pigeons in the following areas: Municipality of Culebra, Desecheo Island, Mona Island, El Verde Closure Area, and Cidra Municipality and adjacent areas.

Ducks, Coots, Moorhens, Gallinules, and Snipe

Outside Dates: Between October 1 and January 31.

Hunting Seasons: Not more than 55 days may be selected for hunting ducks, common moorhens, and common snipe. The season may be split into two segments.

Daily Bag Limits:

Ducks—Not to exceed 6.

Common moorhens—Not to exceed 6.

Common snipe—Not to exceed 8.

Closed Seasons: The season is closed on the ruddy duck, white-cheeked pintail, West Indian whistling duck, fulvous whistling duck, and masked duck, which are protected by the Commonwealth of Puerto Rico. The season also is closed on the purple gallinule, American coot, and Caribbean coot.

Closed Areas: There is no open season on ducks, common moorhens, and common snipe in the Municipality of Culebra and on Desecheo Island.

Virgin Islands

Doves and Pigeons

Outside Dates: Between September 1 and January 15.

Hunting Seasons: Not more than 60 days for Zenaida doves.

Daily Bag and Possession Limits: Not to exceed 10 Zenaida doves.

Closed Seasons: No open season is prescribed for ground or quail doves, or pigeons in the Virgin Islands.

Closed Areas: There is no open season for migratory game birds on Ruth Cay (just south of St. Croix).

Local Names for Certain Birds: Zenaida dove, also known as mountain dove; bridled quail-dove, also known as Barbary dove or partridge; Common ground-dove, also known as stone dove, tobacco dove, rola, or tortolita; scaly-naped pigeon, also known as red-necked or scaled pigeon.

Ducks

Outside Dates: Between December 1 and January 31.

Hunting Seasons: Not more than 55 consecutive days.

Daily Bag Limits: Not to exceed 6.

Closed Seasons: The season is closed on the ruddy duck, white-cheeked pintail, West Indian whistling duck, fulvous whistling duck, and masked duck.

Special Falconry Regulations

Falconry is a permitted means of taking migratory game birds in any State meeting Federal falconry standards in 50 CFR 21.29. These States may select an extended season for taking migratory game birds in accordance with the following:

Extended Seasons: For all hunting methods combined, the combined length of the extended season, regular season, and any special or experimental seasons must not exceed 107 days for any species or group of species in a geographical area. Each extended season may be divided into a maximum of 3 segments.

Framework Dates: Seasons must fall between September 1 and March 10.

Daily Bag and Possession Limits: Falconry daily bag and possession limits for all permitted migratory game birds must not exceed 3 and 6 birds, respectively, singly or in the aggregate, during extended falconry seasons, any special or experimental seasons, and regular hunting seasons in all States, including those that do not select an extended falconry season.

Regular Seasons: General hunting regulations, including seasons and hunting hours, apply to falconry in each State listed in 50 CFR 21.29. Regular-season bag and possession limits do not apply to falconry. The falconry bag limit is not in addition to gun limits.

Area, Unit, and Zone Descriptions

Mourning and White-Winged Doves

Alabama

South Zone—Baldwin, Barbour, Coffee, Covington, Dale, Escambia, Geneva, Henry, Houston, and Mobile Counties.

North Zone—Remainder of the State.

California

White-winged Dove Open Areas—Imperial, Riverside, and San Bernardino Counties.

Florida

Northwest Zone—The Counties of Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Okaloosa, Santa Rosa, Walton, Washington, Leon (except that portion north of U.S. 27 and east of State Road 155), Jefferson (south of U.S. 27, west of State Road 59 and north of U.S. 98), and Wakulla (except that portion south of U.S. 98 and east of the St. Marks River).

South Zone—Remainder of State.

Louisiana

North Zone—That portion of the State north of a line extending east from the Texas border along State Highway 12 to U.S. Highway 190, east along U.S. 190 to Interstate Highway 12, east along Interstate 12 to Interstate Highway 10, then east along Interstate Highway 10 to the Mississippi border.

South Zone—The remainder of the State.

Mississippi

North Zone—That portion of the State north and west of a line extending west from the Alabama State line along U.S. Highway 84 to its junction with State Highway 35, then south along State Highway 35 to the Louisiana State line.

South Zone—The remainder of Mississippi.

Nevada

White-winged Dove Open Areas—Clark and Nye Counties.

Oklahoma

North Zone—That portion of the State north of a line extending east from the Texas border along U.S. Highway 62 to Interstate 44, east along Oklahoma State Highway 7 to U.S. Highway 81, then south along U.S. Highway 81 to the Texas border at the Red River.

Southwest Zone—The remainder of Oklahoma.

Texas

North Zone—That portion of the State north of a line beginning at the International Bridge south of Fort Hancock; north along FM 1088 to TX 20; west along TX 20 to TX 148; north along TX 148 to I–10 at Fort Hancock; east along I–10 to I–20; northeast along I–20 to I–30 at Fort Worth; northeast along I–30 to the Texas–Arkansas State line.

South Zone—That portion of the State south and west of a line beginning at the

International Bridge south of Del Rio, proceeding east on U.S. 90 to State Loop 1604 west of San Antonio; then south, east, and north along Loop 1604 to Interstate Highway 10 east of San Antonio; then east on I–10 to Orange, Texas.

Special White-winged Dove Area in the South Zone—That portion of the State south and west of a line beginning at the International Bridge south of Del Rio, proceeding east on U.S. 90 to State Loop 1604 west of San Antonio, southeast on State Loop 1604 to Interstate Highway 35, southwest on Interstate Highway 35 to TX 44; east along TX 44 to TX 16 at Freer; south along TX 16 to FM 649 in Randado; south on FM 649 to FM 2686; east on FM 2686 to FM 1017; southeast on FM 1017 to TX 186 at Linn; east along TX 186 to the Mansfield Channel at Port Mansfield; east along the Mansfield Channel to the Gulf of Mexico.

Area with additional restrictions—Cameron, Hidalgo, Starr, and Willacy Counties.

Central Zone—That portion of the State lying between the North and South Zones.

Band-Tailed Pigeons

California

North Zone—Alpine, Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity Counties.

South Zone—The remainder of the State.

New Mexico

North Zone—North of a line following U.S. 60 from the Arizona State line east to I–25 at Socorro and then south along I–25 from Socorro to the Texas State line.

South Zone—Remainder of the State.

Washington

Western Washington—The State of Washington excluding those portions lying east of the Pacific Crest Trail and east of the Big White Salmon River in Klickitat County.

Woodcock

New Jersey

North Zone—That portion of the State north of NJ 70.

South Zone—The remainder of the State.

Special September Canada Goose Seasons

Atlantic Flyway

Connecticut

North Zone—That portion of the State north of I–95.

South Zone—Remainder of the State.

Maryland

Eastern Unit—Calvert, Caroline, Cecil, Dorchester, Harford, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester Counties; and that part of Anne Arundel County east of Interstate 895, Interstate 97 and Route 3; that part of Prince George's County east of Route 3 and Route 301; and that part of Charles County east of Route 301 to the Virginia State line.

Western Unit—Allegany, Baltimore, Carroll, Frederick, Garrett, Howard, Montgomery, and Washington Counties and that part of Anne Arundel County west of Interstate 895, Interstate 97 and Route 3; that part of Prince George's County west of Route 3 and Route 301; and that part of Charles County west of Route 301 to the Virginia State line.

Massachusetts

Western Zone—That portion of the State west of a line extending south from the Vermont border on I–91 to MA 9, west on MA 9 to MA 10, south on MA 10 to U.S. 202, south on U.S. 202 to the Connecticut border.

Central Zone—That portion of the State east of the Berkshire Zone and west of a line extending south from the New Hampshire border on I–95 to U.S. 1, south on U.S. 1 to I–93, south on I–93 to MA 3, south on MA 3 to U.S. 6, west on U.S. 6 to MA 28, west on MA 28 to I–195, west to the Rhode Island border; except the waters, and the lands 150 yards inland from the high-water mark, of the Assonet River upstream to the MA 24 bridge, and the Taunton River upstream to the Center St.–Elm St. bridge will be in the Coastal Zone.

Coastal Zone—That portion of Massachusetts east and south of the Central Zone.

New York

Lake Champlain Zone—The U.S. portion of Lake Champlain and that area east and north of a line extending along NY 9B from the Canadian border to U.S. 9, south along U.S. 9 to NY 22 south of Keesville; south along NY 22 to the west shore of South Bay, along and around the shoreline of South Bay to NY 22 on the east shore of South Bay; southeast along NY 22 to U.S. 4, northeast along U.S. 4 to the Vermont border.

Long Island Zone—That area consisting of Nassau County, Suffolk County, that area of Westchester County southeast of I–95, and their tidal waters.

Western Zone—That area west of a line extending from Lake Ontario east along the north shore of the Salmon River to I–81, and south along I–81 to the Pennsylvania border.

Northeastern Zone—That area north of a line extending from Lake Ontario east along the north shore of the Salmon River to I–81, south along I–81 to NY 49, east along NY 49 to NY 365, east along NY 365 to NY 28, east along NY 28 to NY 29, east along NY 29 to I–87, north along I–87 to U.S. 9 (at Exit 20), north along U.S. 9 to NY 149, east along NY 149 to U.S. 4, north along U.S. 4 to the Vermont border, exclusive of the Lake Champlain Zone.

Southeastern Zone—The remaining portion of New York.

North Carolina

Northeast Hunt Unit—Camden, Chowan, Currituck, Dare, Hyde, Pasquotank, Perquimans, Tyrrell, and Washington Counties; that portion of Bertie County north and east of a line formed by NC 45 at the Washington County line to US 17 in Midway, US 17 in Midway to US 13 in Windsor to the Hertford County line; and that portion of Northampton County that is north of US 158 and east of NC 35.

Pennsylvania

SJBP Zone: The area north of I–80 and west of I–79, including in the city of Erie west of Bay Front Parkway to and including the Lake Erie Duck Zone (Lake Erie, Presque Isle, and the area within 150 yards of the Lake Erie Shoreline).

Vermont

Lake Champlain Zone: The U.S. portion of Lake Champlain and that area north and west of the line extending from the New York border along U.S. 4 to VT 22A at Fair Haven; VT 22A to U.S. 7 at Vergennes; U.S. 7 to the Canadian border.

Interior Zone: That portion of Vermont west of the Lake Champlain Zone and eastward of a line extending from the Massachusetts border at Interstate 91; north along Interstate 91 to US 2; east along US 2 to VT 102; north along VT 102 to VT 253; north along VT 253 to the Canadian border.

Connecticut River Zone: The remaining portion of Vermont east of the Interior Zone.

Mississippi Flyway

Arkansas

Early Canada Goose Area: Baxter, Benton, Boone, Carroll, Clark, Conway, Crawford, Faulkner, Franklin, Garland, Hempstead, Hot Springs, Howard, Johnson, Lafayette, Little River, Logan, Madison, Marion, Miller, Montgomery, Newton, Perry, Pike, Polk, Pope, Pulaski, Saline, Searcy, Sebastian, Sevier, Scott, Van Buren, Washington, and Yell Counties.

Illinois

Northeast Canada Goose Zone—Cook, Du Page, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, and Will Counties.

North Zone: That portion of the State outside the Northeast Canada Goose Zone and north of a line extending west from the Indiana border along Peotone-Beecher Road to Illinois Route 50, south along Illinois Route 50 to Wilmington-Peotone Road, west along Wilmington-Peotone Road to Illinois Route 53, north along Illinois Route 53 to New River Road, northwest along New River Road to Interstate Highway 55, south along I–55 to Pine Bluff-Lorenzo Road, west along Pine Bluff-Lorenzo Road to Illinois Route 47, north along Illinois Route 47 to I–80, west along I–80 to I–39, south along I–39 to Illinois Route 18, west along Illinois Route 18 to Illinois Route 29, south along Illinois Route 29 to Illinois Route 17, west along Illinois Route 17 to the Mississippi River, and due south across the Mississippi River to the Iowa border.

Central Zone: That portion of the State outside the Northeast Canada Goose Zone and south of the North Zone to a line extending west from the Indiana border along Interstate Highway 70 to Illinois Route 4, south along Illinois Route 4 to Illinois Route 161, west along Illinois Route 161 to Illinois Route 158, south and west along Illinois Route 158 to Illinois Route 159, south along Illinois Route 159 to Illinois Route 156, west along Illinois Route 156 to A Road, north and west on A Road to Levee Road, north on Levee Road to the south shore of New Fountain Creek, west along the south shore of New Fountain Creek to the Mississippi River, and due west across the Mississippi River to the Missouri border.

South Zone: The remainder of Illinois.

Iowa

North Zone: That portion of the State north of U.S. Highway 20.

South Zone: The remainder of Iowa.

Cedar Rapids/Iowa City Goose Zone: Includes portions of Linn and Johnson Counties bounded as follows: Beginning at the intersection of the west border of Linn County and Linn County Road E2W; then south and east along County Road E2W to Highway 920; then north along Highway 920 to County Road E16; then east along County Road E16 to County Road W58; then south along County Road W58 to County Road E34; then east along County Road E34 to Highway 13; then south along Highway 13 to Highway 30; then east along Highway 30 to Highway 1; then south along Highway 1 to Morse Road in Johnson County; then east along Morse Road to Wapsi Avenue; then south along Wapsi Avenue to Lower West Branch Road; then west along Lower West Branch Road to Taft Avenue; then south along Taft Avenue to County Road F62; then west along County Road F62 to Kansas Avenue; then north along Kansas Avenue to Black Diamond Road; then west on Black Diamond Road to Jasper Avenue; then north along Jasper Avenue to Rohert Road; then west along Rohert Road to Ivy Avenue; then north along Ivy Avenue to 340th Street; then west along 340th Street to Half Moon Avenue; then north along Half Moon Avenue to Highway 6; then west along Highway 6 to Echo Avenue; then north along Echo Avenue to 250th Street; then east on 250th Street to Green Castle Avenue; then north along Green Castle Avenue to County Road F12; then west along County Road F12 to County Road W30; then north along County Road W30 to Highway 151; then north along the Linn-Benton County line to the point of beginning.

Des Moines Goose Zone: Includes those portions of Polk, Warren, Madison and Dallas Counties bounded as follows: Beginning at the intersection of Northwest 158th Avenue and County Road R38 in Polk County; then south along R38 to Northwest 142nd Avenue; then east along Northwest 142nd Avenue to Northeast 126th Avenue; then east along Northeast 126th Avenue to Northeast 46th Street; then south along Northeast 46th Street to Highway 931; then east along Highway 931 to Northeast 80th Street; then south along Northeast 80th Street to Southeast 6th Avenue; then west along Southeast 6th Avenue to Highway 65; then south and west along Highway 65 to Highway 69 in Warren County; then south along Highway 69 to County Road G24; then west along County Road G24 to Highway 28; then southwest along Highway 28 to 43rd Avenue; then north along 43rd Avenue to Ford Street; then west along Ford Street to Filmore Street; then west along Filmore Street to 10th Avenue; then south along 10th Avenue to 155th Street in Madison County; then west along 155th Street to Cumming Road; then north along Cumming Road to Badger Creek Avenue; then north along Badger Creek Avenue to County Road F90 in Dallas County; then east along County Road F90 to County Road R22; then north along County Road R22 to Highway 44; then east along Highway 44 to County Road R30; then north along County Road R30 to County Road F31; then east along County Road F31 to Highway 17; then north along Highway 17 to Highway 415 in Polk County; then east along Highway 415 to Northwest 158th Avenue; then east along Northwest 158th Avenue to the point of beginning.

Cedar Falls/Waterloo Goose Zone: Includes those portions of Black Hawk County bounded as follows: Beginning at the intersection of County Roads C66 and V49 in Black Hawk County, then south along County Road V49 to County Road D38, then west along County Road D38 to State Highway 21, then south along State Highway 21 to County Road D35, then west along County Road D35 to Grundy Road, then north along Grundy Road to County Road D19, then west along County Road D19 to Butler Road, then north along Butler Road to County Road C57, then north and east along County Road C57 to U.S. Highway 63, then south along U.S. Highway 63 to County Road C66, then east along County Road C66 to the point of beginning.

Minnesota

Twin Cities Metropolitan Canada Goose Zone—

A. All of Hennepin and Ramsey Counties.

B. In Anoka County, all of Columbus Township lying south of County State Aid Highway (CSAH) 18, Anoka County; all of the cities of Ramsey, Andover, Anoka, Coon Rapids, Spring Lake Park, Fridley, Hilltop, Columbia Heights, Blaine, Lexington, Circle Pines, Lino Lakes, and Centerville; and all of the city of Ham Lake except that portion lying north of CSAH 18 and east of U.S. Highway 65.

C. That part of Carver County lying north and east of the following described line: Beginning at the northeast corner of San Francisco Township; then west along the north boundary of San Francisco Township to the east boundary of Dahlgren Township; then north along the east boundary of Dahlgren Township to U.S. Highway 212; then west along U.S. Highway 212 to State Trunk Highway (STH) 284; then north on STH 284 to County State Aid Highway (CSAH) 10; then north and west on CSAH 10 to CSAH 30; then north and west on CSAH 30 to STH 25; then east and north on STH 25 to CSAH 10; then north on CSAH 10 to the Carver County line.

D. In Scott County, all of the cities of Shakopee, Savage, Prior Lake, and Jordan, and all of the Townships of Jackson, Louisville, St. Lawrence, Sand Creek, Spring Lake, and Credit River.

E. In Dakota County, all of the cities of Burnsville, Eagan, Mendota Heights, Mendota, Sunfish Lake, Inver Grove Heights, Apple Valley, Lakeville, Rosemount, Farmington, Hastings,

Lilydale, West St. Paul, and South St. Paul, and all of the Township of Nininger.

F. That portion of Washington County lying south of the following described line: Beginning at County State Aid Highway (CSAH) 2 on the west boundary of the county; then east on CSAH 2 to U.S. Highway 61; then south on U.S. Highway 61 to State Trunk Highway (STH) 97; then east on STH 97 to the intersection of STH 97 and STH 95; then due east to the east boundary of the State.

Northwest Goose Zone—That portion of the State encompassed by a line extending east from the North Dakota border along U.S. Highway 2 to State Trunk Highway (STH) 32, north along STH 32 to STH 92, east along STH 92 to County State Aid Highway (CSAH) 2 in Polk County, north along CSAH 2 to CSAH 27 in Pennington County, north along CSAH 27 to STH 1, east along STH 1 to CSAH 28 in Pennington County, north along CSAH 28 to CSAH 54 in Marshall County, north along CSAH 54 to CSAH 9 in Roseau County, north along CSAH 9 to STH 11, west along STH 11 to STH 310, and north along STH 310 to the Manitoba border.

Southeast Goose Zone—That part of the State within the following described boundaries: Beginning at the intersection of U.S. Highway 52 and the south boundary of the Twin Cities Metro Canada Goose Zone; then along the U.S. Highway 52 to State Trunk Highway (STH) 57; then along STH 57 to the municipal boundary of Kasson; then along the municipal boundary of Kasson County State Aid Highway (CSAH) 13, Dodge County; then along CSAH 13 to STH 30; then along STH 30 to U.S. Highway 63; then along U.S. Highway 63 to the south boundary of the State; then along the south and east boundaries of the State to the south boundary of the Twin Cities Metro Canada Goose Zone; then along said boundary to the point of beginning.

Five Goose Zone—That portion of the State not included in the Twin Cities Metropolitan Canada Goose Zone, the Northwest Goose Zone, or the Southeast Goose Zone.

West Zone—That portion of the State encompassed by a line beginning at the junction of State Trunk Highway (STH) 60 and the Iowa border, then north and east along STH 60 to U.S. Highway 71, north along U.S. 71 to I–94, then north and west along I–94 to the North Dakota border.

Tennessee

Middle Tennessee Zone—Those portions of Houston, Humphreys, Montgomery, Perry, and Wayne Counties east of State Highway 13; and Bedford, Cannon, Cheatham, Coffee, Davidson, Dickson, Franklin, Giles, Hickman, Lawrence, Lewis, Lincoln, Macon, Marshall, Maury, Moore, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, and Wilson Counties.

East Tennessee Zone—Anderson, Bledsoe, Bradley, Blount, Campbell, Carter, Claiborne, Clay, Cocke, Cumberland, DeKalb, Fentress, Grainger, Greene, Grundy, Hamblen, Hamilton, Hancock, Hawkins, Jackson, Jefferson, Johnson, Knox, Loudon, Marion, McMinn, Meigs, Monroe, Morgan, Overton, Pickett, Polk, Putnam, Rhea, Roane, Scott, Sequatchie, Sevier, Sullivan, Unicoi, Union, Van Buren, Warren, Washington, and White Counties.

Wisconsin

Early-Season Subzone A—That portion of the State encompassed by a line beginning at the intersection of U.S. Highway 141 and the Michigan border near Niagara, then south along U.S. 141 to State Highway 22, west and southwest along State 22 to U.S. 45, south along U.S. 45 to State 22, west and south along State 22 to State 110, south along State 110 to U.S. 10, south along U.S. 10 to State 49, south along State 49 to State 23, west along State 23 to State 73, south along State 73 to State 60, west along State 60 to State 23, south along State 23 to State 11, east along State 11 to State 78, then south along State 78 to the Illinois border.

Early-Season Subzone B—The remainder of the State.

Central Flyway

Nebraska

September Canada Goose Unit—That part of Nebraska bounded by a line from the Nebraska–Iowa State line west on U.S. Highway 30 to US Highway 81, then south on US Highway 81 to NE Highway 64, then east on NE Highway 64 to NE Highway 15, then south on NE Highway 15 to NE Highway 41, then east on NE Highway 41 to NE Highway 50, then north on NE Highway 50 to NE Highway 2, then east on NE Highway 2 to the Nebraska–Iowa State line.

North Dakota

Missouri River Canada Goose Zone: The area within and bounded by a line starting where ND Hwy 6 crosses the South Dakota border; then north on ND Hwy 6 to I–94; then west on I–94 to ND Hwy 49; then north on ND Hwy 49 to ND Hwy 200; then north on Mercer County Rd. 21 to the section line between sections 8 and 9 (T146N–R87W); then north on that section line to the southern shoreline to Lake Sakakawea; then east along the southern shoreline (including Mallard Island) of Lake Sakakawea to US Hwy 83; then south on US Hwy 83 to ND Hwy 200; then east on ND Hwy 200 to ND Hwy 41; then south on ND Hwy 41 to US Hwy 83; then south on US Hwy 83 to I–94; then east on I–94 to US Hwy 83; then south on US Hwy 83 to the South Dakota border; then west along the South Dakota border to ND Hwy 6.

Rest of State: Remainder of North Dakota.

South Dakota

Special Early Canada Goose Unit: Entire state of South Dakota *except* the Counties of Bennett, Bon Home, Brule, Buffalo, Charles Mix, Custer east of SD Highway 79 and south of French Creek, Dewey south of 212, Fall River east of SD Highway 71 and US Highway 385, Gregory, Hughes, Hyde south of US Highway 14, Lyman, Perkins, Potter west of US Highway 83, Stanley, and Sully.

Pacific Flyway

Idaho

East Zone—Bonneville, Caribou, Fremont, and Teton Counties.

Oregon

Northwest Zone—Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Polk, Multnomah, Tillamook, Washington, and Yamhill Counties.

Southwest Zone—Coos, Curry, Douglas, Jackson, Josephine, and Klamath Counties.

East Zone—Baker, Gilliam, Malheur, Morrow, Sherman, Umatilla, Union, and Wasco Counties.

Washington

Area 1—Skagit, Island, and Snohomish Counties.

Area 2A (SW Quota Zone)—Clark County, except portions south of the Washougal River; Cowlitz County; and Wahkiakum County.

Area 2B (SW Quota Zone)—Pacific County.

Area 3—All areas west of the Pacific Crest Trail and west of the Big White Salmon River that are not included in Areas 1, 2A, and 2B.

Area 4—Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla Counties.

Area 5—All areas east of the Pacific Crest Trail and east of the Big White Salmon River that are not included in Area 4.

Ducks

Atlantic Flyway

New York

Lake Champlain Zone: The U.S. portion of Lake Champlain and that area east and north of a line extending along NY 9B from the Canadian border to U.S. 9, south along U.S. 9 to NY 22 south of Keesville; south along NY 22 to the west shore of South Bay, along and around the shoreline of South Bay to NY 22 on the east shore of South Bay; southeast along NY 22 to U.S. 4, northeast along U.S. 4 to the Vermont border.

Long Island Zone: That area consisting of Nassau County, Suffolk County, that area of Westchester County southeast of I–95, and their tidal waters.

Western Zone: That area west of a line extending from Lake Ontario east along the north shore of the Salmon River to I–81, and south along I–81 to the Pennsylvania border.

Northeastern Zone: That area north of a line extending from Lake Ontario east along the north shore of the Salmon River to I–81, south along I–81 to NY 49, east along NY 49 to NY 365, east along NY 365 to NY 28, east along NY 28 to NY 29, east along NY 29 to I–87, north along I–87 to U.S. 9 (at Exit 20), north along U.S. 9 to NY 149, east along NY 149 to U.S. 4, north along U.S. 4 to the Vermont border, exclusive of the Lake Champlain Zone.

Southeastern Zone: The remaining portion of New York.

Maryland

Special Teal Season Area: Calvert, Caroline, Dorchester, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester Counties and those parts of Cecil. Harford, and Baltimore Counties east of Interstate 95; that part of Anne Arundel County east of Interstate 895, Interstate 97, and Route 3; that part of Prince Georges County east of Route 3 and route 301; and that part of Charles County east of Route 301 to the Virginia State Line.

Mississippi Flyway

Indiana

North Zone: That portion of the State north of a line extending east from the Illinois border along State Road 18 to U.S. Highway 31, north along U.S. 31 to U.S. 24, east along U.S. 24 to Huntington, then southeast along U.S. 224 to the Ohio border.

Ohio River Zone: That portion of the State south of a line extending east from the Illinois border along Interstate Highway 64 to New Albany, east along State Road 62 to State 56, east along State 56 to Vevay, east and north on State 156 along the Ohio River to North Landing, north along State 56 to U.S. Highway 50, then northeast along U.S. 50 to the Ohio border.

South Zone: That portion of the State between the North and Ohio River Zone boundaries.

Iowa

North Zone: That portion of the State north of a line extending east from the Nebraska border along State Highway 175 to State Highway 37, southeast along State Highway 37 to State Highway 183, northeast along State Highway 183 to State Highway 141, east along State Highway 141 to U.S. Highway 30, then east along U.S. Highway 30 to the Illinois border.

South Zone: The remainder of Iowa.

Central Flyway

Colorado

Special Teal Season Area: Lake and Chaffee Counties and that portion of the State east of Interstate Highway 25.

Kansas

High Plains Zone: That portion of the State west of U.S. 283.

Low Plains Early Zone: That area of Kansas east of U.S. 283, and generally west of a line beginning at the Junction of the Nebraska State line and KS 28; south on KS 28 to U.S. 36; east on U.S. 36 to KS 199; south on KS 199 to Republic Co. Road 563; south on Republic Co. Road 563 to KS 148; east on KS 148 to Republic Co. Road 138; south on Republic Co. Road 138 to Cloud Co. Road 765; south on Cloud Co. Road 765 to KS 9; west on KS 9 to U.S. 24; west on U.S. 24 to U.S. 281; north on U.S. 281 to U.S. 36; west on U.S. 36 to U.S. 183; south on U.S. 183 to U.S. 24; west on U.S. 24 to KS 18; southeast on KS 18 to U.S. 183; south on U.S. 183 to KS 4; east on KS 4 to I–135; south on I–135 to KS 61; southwest on KS 61 to KS 96; northwest on KS 96 to U.S. 56; west on U.S. 56 to U.S. 281; south on U.S. 281 to U.S. 54; west on U.S. 54 to U.S. 183; north on U.S. 183 to U.S. 56; and southwest on U.S. 56 to U.S. 283.

Low Plains Late Zone: The remainder of Kansas.

Nebraska

Special Teal Season Area: That portion of the State south of a line beginning at the Wyoming State line; east along U.S. 26 to Nebraska Highway L62A east to U.S. 385; south to U.S. 26; east to NE 92; east along NE 92 to NE 61; south along NE 61 to U.S. 30; east along U.S. 30 to the Iowa border.

New Mexico (Central Flyway Portion)

North Zone: That portion of the State north of I–40 and U.S. 54.

South Zone: The remainder of New Mexico.

Pacific Flyway

California

Northeastern Zone: In that portion of California lying east and north of a line beginning at the intersection of Interstate 5 with the California-Oregon line; south along Interstate 5 to its junction with Walters Lane south of the town of Yreka; west along Walters Lane to its junction with Easy Street; south along Easy Street to the junction with Old Highway 99; south along Old Highway 99 to the point of intersection with Interstate 5 north of the town of Weed; south along Interstate 5 to its junction with Highway 89; east and south along Highway 89 to Main Street Greenville; north and east to its junction with North Valley Road; south to its junction of Diamond Mountain Road; north and east to its junction with North Arm Road; south and west to the junction of North Valley Road; south to the junction with Arlington Road (A22); west to the junction of Highway 89; south and west to the junction of Highway 70; east on Highway 70 to Highway 395; south and east on Highway 395 to the point of intersection with the California-Nevada State line; north along the California-Nevada State line to the junction of the California-Nevada-Oregon State lines west along the California-Oregon State line to the point of origin.

Colorado River Zone: Those portions of San Bernardino, Riverside, and Imperial Counties east of a line extending from the Nevada border south along U.S. 95 to Vidal Junction; south on a road known as "Aqueduct Road" in San Bernardino County through the town of Rice to the San Bernardino-Riverside County line; south on a road known in Riverside County as the "Desert Center to Rice Road" to the town of Desert Center; east 31 miles on I–10 to the Wiley Well Road; south on this road to Wiley Well; southeast along the Army-Milpitas Road to the Blythe, Brawley, Davis Lake intersections; south on the Blythe-Brawley paved road to the Ogilby and Tumco Mine Road; south on this road to U.S. 80; east 7 miles on U.S. 80 to the Andrade-Algodones Road; south on this paved road to the Mexican border at Algodones, Mexico.

Southern Zone: That portion of southern California (but excluding the Colorado River Zone) south and east of a line extending from the Pacific Ocean east along the Santa Maria River to CA

166 near the City of Santa Maria; east on CA 166 to CA 99; south on CA 99 to the crest of the Tehachapi Mountains at Tejon Pass; east and north along the crest of the Tehachapi Mountains to CA 178 at Walker Pass; east on CA 178 to U.S. 395 at the town of Inyokern; south on U.S. 395 to CA 58; east on CA 58 to I–15; east on I–15 to CA 127; north on CA 127 to the Nevada border.

Southern San Joaquin Valley Temporary Zone: All of Kings and Tulare Counties and that portion of Kern County north of the Southern Zone.

Balance-of-the-State Zone: The remainder of California not included in the Northeastern, Southern, and Colorado River Zones, and the Southern San Joaquin Valley Temporary Zone.

Canada Geese

Michigan

MVP—Upper Peninsula Zone: The MVP—Upper Peninsula Zone consists of the entire Upper Peninsula of Michigan.

MVP—Lower Peninsula Zone: The MVP—Lower Peninsula Zone consists of the area within the Lower Peninsula of Michigan that is north and west of the point beginning at the southwest corner of Branch County, north continuing along the western border of Branch and Calhoun Counties to the northwest corner of Calhoun County, then east to the southwest corner of Eaton County, then north to the southern border of Ionia County, then east to the southwest corner of Clinton County, then north along the western border of Clinton County continuing north along the county border of Gratiot and Montcalm Counties to the southern border of Isabella county, then east to the southwest corner of Midland County, then north along the west Midland County border to Highway M–20, then easterly to U.S. Highway 10, then easterly to U.S. Interstate 75/U.S. Highway 23, then northerly along I–75/U.S. 23 and easterly on U.S. 23 to the centerline of the Au Gres River, then southerly along the centerline of the Au Gres River to Saginaw Bay, then on a line directly east 10 miles into Saginaw Bay, and from that point on a line directly northeast to the Canadian border.

SJBP Zone is the rest of the State, that area south and east of the boundary described above.

Sandhill Cranes

Mississippi Flyway

Minnesota

Northwest Goose Zone—That portion of the State encompassed by a line extending east from the North Dakota border along U.S. Highway 2 to State Trunk Highway (STH) 32, north along STH 32 to STH 92, east along STH 92 to County State Aid Highway (CSAH) 2 in Polk County, north along CSAH 2 to CSAH 27 in Pennington County, north along CSAH 27 to STH 1, east along STH 1 to CSAH 28 in Pennington County, north along CSAH 28 to CSAH 54 in Marshall County, north along CSAH 54 to CSAH 9 in Roseau County, north along CSAH 9 to STH 11, west along STH 11 to STH 310, and north along STH 310 to the Manitoba border.

Central Flyway

Colorado—The Central Flyway portion of the State except the San Luis Valley (Alamosa, Conejos, Costilla, Hinsdale, Mineral, Rio Grande, and Saguache Counties east of the Continental Divide) and North Park (Jackson County).

Kansas—That portion of the State west of a line beginning at the Oklahoma border, north on I–35 to Wichita, north on I–135 to Salina, and north on U.S. 81 to the Nebraska border.

Montana—The Central Flyway portion of the State except for that area south and west of Interstate 90, which is closed to sandhill crane hunting.

New Mexico

Regular-Season Open Area—Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt Counties.

Middle Rio Grande Valley Area—The Central Flyway portion of New Mexico in Socorro and Valencia Counties.

Estancia Valley Area—Those portions of Santa Fe, Torrance and Bernallilo Counties within an area bounded on the west by New Mexico Highway 55 beginning at Mountainair north to NM 337, north to NM 14, north to I–25; on the north by I–25 east to U.S. 285; on the east by U.S. 285 south to U.S. 60; and on the south by U.S. 60 from U.S. 285 west to NM 55 in Mountainair.

Southwest Zone—Sierra, Luna, Dona Ana Counties, and those portions of Grant and Hidalgo Counties south of I–10.

North Dakota

Area 1—That portion of the State west of U.S. 281.

Area 2—That portion of the State east of U.S. 281.

Oklahoma—That portion of the State west of I–35.

South Dakota—That portion of the State west of U.S. 281.

Texas

Zone A—That portion of Texas lying west of a line beginning at the international toll bridge at Laredo, then northeast along U.S. Highway 81 to its junction with Interstate Highway 35 in Laredo, then north along Interstate Highway 35 to its junction with Interstate Highway 10 in San Antonio, then northwest along Interstate Highway 10 to its junction with U.S. Highway 83 at Junction, then north along U.S. Highway 83 to its junction with U.S. Highway 62, 16 miles north of Childress, then east along U.S. Highway 62 to the Texas-Oklahoma State line.

Zone B—That portion of Texas lying within boundaries beginning at the junction of U.S. Highway 81 and the Texas-Oklahoma State line, then southeast along U.S. Highway 81 to its junction with U.S. Highway 287 in Montague County, then southeast along U.S. Highway 287 to its junction with Interstate Highway 35W in Fort Worth, then southwest along Interstate Highway 35 to its junction with Interstate Highway 10 in San Antonio, then northwest along Interstate Highway 10 to its junction with U.S. Highway 83 in the town of Junction, then north along U.S. Highway 83 to its junction with U.S. Highway 62, 16 miles north of Childress, then east along U.S. Highway 62 to the Texas-Oklahoma State line, then south along the Texas-Oklahoma State line to the south bank of the Red River, then eastward along the vegetation line on the south bank of the Red River to U.S. Highway 81.

Zone C—The remainder of the State, except for the closed areas.

Closed areas—(A) That portion of the State lying east and north of a line beginning at the junction of U.S. Highway 81 and the Texas-Oklahoma State line, then southeast along U.S. Highway 81 to its junction with U.S. Highway 287 in Montague County, then southeast along U.S. Highway 287 to its junction with Interstate Highway 35W in Fort Worth, then southwest along Interstate Highway 35 to its junction with U.S. Highway 290 East in Austin, then east along U.S. Highway 290 to its junction with Interstate Loop 610 in Harris County, then south and east along Interstate Loop 610 to its junction with Interstate Highway 45 in Houston, then south on Interstate Highway 45 to State Highway 342, then to the shore of the Gulf of Mexico, and then north and east along the shore of the Gulf of Mexico to the Texas-Louisiana State line.

(B) That portion of the State lying within the boundaries of a line beginning at the Kleberg-Nueces County line and the shore of the Gulf of Mexico, then west along the County line to Park Road 22 in Nueces County, then north and west along Park Road 22 to its

junction with State Highway 358 in Corpus Christi, then west and north along State Highway 358 to its junction with State Highway 286, then north along State Highway 286 to its junction with Interstate Highway 37, then east along Interstate Highway 37 to its junction with U.S. Highway 181, then north and west along U.S. Highway 181 to its junction with U.S. Highway 77 in Sinton, then north and east along U.S. Highway 77 to its junction with U.S. Highway 87 in Victoria, then south and east along U.S. Highway 87 to its junction with State Highway 35 at Port Lavaca, then north and east along State Highway 35 to the south end of the Lavaca Bay Causeway, then south and east along the shore of Lavaca Bay to its junction with the Port Lavaca Ship Channel, then south and east along the Lavaca Bay Ship Channel to the Gulf of Mexico, and then south and west along the shore of the Gulf of Mexico to the Kleberg-Nueces County line.

Wyoming

Regular-Season Open Area—Campbell, Converse, Crook, Goshen, Laramie, Niobrara, Platte, and Weston Counties, and those portions of Johnson County east of Interstates 25 and 90 and Sheridan County east of Interstate 90.

Riverton-Boysen Unit—Portions of Fremont County.

Park and Big Horn County Unit—Portions of Park and Big Horn Counties.

Pacific Flyway

Arizona

Special-Season Area—Game Management Units 30A, 30B, 31, and 32.

Montana

Special-Season Area—*See* State regulations.

Utah

Special-Season Area—Rich, Cache, and Unitah Counties and that portion of Box Elder County beginning on the Utah–Idaho State line at the Box Elder–Cache County line; west on the State line to the Pocatello Valley County Road; south on the Pocatello Valley County Road to I–15; southeast on I–15 to SR–83; south on SR–83 to Lamp Junction; west and south on the Promontory Point County Road to the tip of Promontory Point; south from Promontory Point to the Box Elder–Weber County line; east on the Box Elder–Weber County line to the Box Elder–Cache County line; north on the Box Elder–Cache County line to the Utah–Idaho State line.

Wyoming

Bear River Area—That portion of Lincoln County described in State regulations.

Salt River Area—That portion of Lincoln County described in State regulations.

Farson-Eden Area—Those portions of Sweetwater and Sublette Counties described in State regulations.

Uinta County Area—That portion of Uinta County described in State regulations.

All Migratory Game Birds in Alaska

North Zone—State Game Management Units 11–13 and 17–26.

Gulf Coast Zone—State Game Management Units 5–7, 9, 14–16, and 10 (Unimak Island only).

Southeast Zone—State Game Management Units 1–4.

Pribilof and Aleutian Islands Zone—State Game Management Unit 10 (except Unimak Island).

Kodiak Zone—State Game Management Unit 8.

All Migratory Game Birds in the Virgin Islands

Ruth Cay Closure Area—The island of Ruth Cay, just south of St. Croix.

All Migratory Game Birds in Puerto Rico

Municipality of Culebra Closure Area—All of the municipality of Culebra.

Desecheo Island Closure Area—All of Desecheo Island.

Mona Island Closure Area—All of Mona Island.

El Verde Closure Area—Those areas of the municipalities of Rio Grande and Loiza delineated as follows: (1) All lands between Routes 956 on the west and 186 on the east, from Route 3 on the north to the juncture of Routes 956 and 186 (Km 13.2) in the south; (2) all lands between Routes 186 and 966 from the juncture of 186 and 966 on the north, to the Caribbean National Forest Boundary on the south; (3) all lands lying west of Route 186 for 1 kilometer from the juncture of Routes 186 and 956 south to Km 6 on Route 186; (4) all lands within Km 14 and Km 6 on the west and the Caribbean National Forest Boundary on the east; and (5) all lands within the Caribbean National Forest Boundary whether private or public.

Cidra Municipality and adjacent areas—All of Cidra Municipality and portions of Aguas Buenas, Caguas, Cayey, and Comerio Municipalities as encompassed within the following boundary: Beginning on Highway 172 as it leaves the municipality of Cidra on the west edge, north to Highway 156, east on Highway 156 to Highway 1, south on Highway 1 to Highway 765, south on Highway 765 to Highway 763, south on Highway 763 to the Rio Guavate, west along Rio Guavate to Highway 1, southwest on Highway 1 to Highway 14, west on Highway 14 to Highway 729, north on Highway 729 to Cidra Municipality boundary to the point of the beginning.

BILLING CODE 4310–55–P

FINAL REGULATORY ALTERNATIVES FOR DUCK HUNTING DURING THE 2010-11 SEASON

	ATLANTIC FLYWAY			MISSISSIPPI FLYWAY			CENTRAL FLYWAY (a)			PACIFIC FLYWAY (b)(c)		
	RES	MOD	LIB	RES	MOD	LIB	RES	MOD	LIB	RES	MOD	LIB
Beginning Shooting Time	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise
Ending Shooting Time	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset
Opening Date	Oct. 1	Sat. nearest Sept. 24	Sat. nearest Sept. 24	Sat. nearest Oct. 1	Sat. nearest Sept. 24	Sat. nearest Sept. 24	Sat. nearest Oct. 1	Sat. nearest Sept. 24	Sat. nearest Sept. 24	Sat. nearest Oct. 1	Sat. nearest Sept. 24	Sat. nearest Sept. 24
Closing Date	Jan. 20	Last Sunday in Jan.	Last Sunday in Jan.	Sun. nearest Jan. 20	Last Sunday in Jan.	Last Sunday in Jan.	Sun. nearest Jan. 20	Last Sunday in Jan.	Last Sunday in Jan.	Sun. nearest Jan. 20	Last Sunday in Jan.	Last Sunday in Jan.
Season Length (in days)	30	45	60	30	45	60	39	60	74	60	86	107
Daily Bag/ Possession Limit	3 6	6 12	6 12	3 6	6 12	6 12	3 6	6 12	6 12	4 8	7 14	7 14
Species/Sex Limits within the Overall Daily Bag Limit												
Mallard (Total/Female)	3/1	4/2	4/2	2/1	4/1	4/2	3/1	5/1	5/2	3/1	5/2	7/2

(a) In the High Plains Mallard Management Unit, all regulations would be the same as the remainder of the Central Flyway, with the exception of season length. Additional days would be allowed under the various alternatives as follows: restrictive - 12, moderate and liberal - 23. Under all alternatives, additional days must be on or after the Saturday nearest December 10.

(b) In the Columbia Basin Mallard Management Unit, all regulations would be the same as the remainder of the Pacific Flyway, with the exception of season length. Under all alternatives except the liberal alternative, an additional 7 days would be allowed.

(c) In Alaska, framework dates, bag limits, and season length would be different from the remainder of the Pacific Flyway. The bag limit would be 5-8 under the restrictive alternative, and 7-10 under the moderate and liberal alternatives. Under all alternatives, season length would be 107 days and framework dates would be Sep. 1 - Jan. 26.

[FR Doc. 2010–18256 Filed 7–28–10; 8:45 am]

BILLING CODE 4310–55–C

Federal Register

Thursday,
July 29, 2010

Part III

The President

Proclamation 8542—Anniversary of the Americans With Disabilities Act, 2010

Federal Register
Vol. 75, No. 145
Thursday, July 29, 2010

Presidential Documents

Title 3—

The President

Proclamation 8542 of July 26, 2010

Anniversary of the Americans With Disabilities Act, 2010

By the President of the United States of America

A Proclamation

When the Americans with Disabilities Act (ADA) was signed into law in 1990, a founding truth of our Nation was realized for persons living with disabilities—that all our citizens are entitled to the same privileges, pursuits, and civil rights. As we mark the 20th anniversary of this historic legislation, we renew our commitment to ensuring that everyone with disabilities can live free from the weight of discrimination and pursue the American dream.

Across our country, Americans with disabilities have enriched and strengthened our Nation. Each day, individuals living with disabilities contribute immeasurably to every aspect of our country's national life and economy, from art to law, science to business, education to technology. Through steadfast determination, they have worked to make our communities more accessible, while empowering others to exercise independence and self-determination in all aspects of their lives. They have also brightened futures for countless young people. Today, children and youth with disabilities have a place in our classrooms alongside their peers, and are graduating with the knowledge and skills needed for postsecondary education and beyond.

Yet, despite the progress made in removing barriers and eliminating discrimination based on disability, on this 20th anniversary of the ADA, we must renew our commitment to achieving equal opportunity for, and the full inclusion of, all people with disabilities. My Administration has taken important steps towards achieving this goal. We have expanded funding for the Individuals with Disabilities Education Act so that all of America's children have access to the tools to succeed. Under the health care reforms enacted in the Affordable Care Act, unfair practices like discrimination based on health status or pre-existing conditions will be eliminated. This landmark legislation also creates the Community Living Assistance Services and Supports Program to assist Americans with disabilities to live independently. Additionally, the Affordable Care Act provides States with more tools and financial incentives, such as the Community First Choice Option, which will support individuals with disabilities living in the communities of their choosing. These and other initiatives build on the "Year of Community Living," which I launched in 2009 to support independent living.

The Federal Government is committed to leading by example in hiring people with disabilities, with focused efforts to recruit, retain, and support these public servants. In partnership with the many Federal agencies and departments with ADA responsibilities, my Administration will uphold strong and meaningful enforcement of the ADA to eliminate discrimination in employment, housing, public services, and community accommodations. I urge all Americans to visit Disability.gov for comprehensive disability-related information and resources.

I am also proud that the United States has in the past year joined the international community in signing the United Nations Convention on the Rights of Persons with Disabilities. In so doing, we affirm that these rights are not simply principles to safeguard at home, but also universal rights to be respected and advanced around the world.

In honor of and in solidarity with all Americans with disabilities and their loved ones, we celebrate the 20th anniversary of the ADA, and recommit to build a more just world, free of unnecessary barriers and full of deeper understanding.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States do hereby proclaim Monday, July 26, 2010, the Anniversary of the Americans with Disabilities Act. I encourage Americans across our Nation to celebrate the 20th anniversary of this civil rights law and the many contributions of individuals with disabilities.

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

[FR Doc. 2010–18852
Filed 7–28–10; 11:15 am]
Billing code 3195–W0–P

Reader Aids

Federal Register

Vol. 75, No. 145

Thursday, July 29, 2010

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6064**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**
TTY for the deaf-and-hard-of-hearing	**741–6086**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **http://www.gpoaccess.gov/nara/index.html**

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access are located at: **http://www.archives.gov/federal__register**

E-mail

FEDREGTOC-L (Federal Register Table of Contents LISTSERV) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **http://listserv.access.gpo.gov** and select *Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings);* then follow the instructions.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html** and select *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC-L and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

Reminders. Effective January 1, 2009, the Reminders, including Rules Going Into Effect and Comments Due Next Week, no longer appear in the Reader Aids section of the Federal Register. This information can be found online at **http://www.regulations.gov.**

CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

FEDERAL REGISTER PAGES AND DATE, JULY

37975–38390 1
38391–38692 2
38693–38914 6
38915–39132 7
39133–39442 8
39443–39628 9
39629–39786 12
39787–40718 13
40719–41072 14
41073–41364 15
41365–41690 16
41691–41962 19
41963–42278 20
42279–42570 21
42571–43030 22
43031–43394 23
43395–43798 26
43799–44062 27
44063–44708 28
44709–44880 29

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.

2 CFR

902 39443
3186 39133
Ch. 58 41691

3 CFR

Proclamations:
8539 38905
8540 38911
8541 42279
8542 44879

Executive Orders:
13546 39439
13366 (revoked by 13547) 43023
13547 43023

Administrative Orders:
Memorandums:
Memorandum of June 28, 2010 38387
Memorandum of June 30, 2010 38913
Memorandum of July 13, 2010 41687
Memorandum of July 19, 2010 43029
Memorandum of July 21, 2010 43793
Memorandum of July 21, 2010 43795
Memorandum of July 21, 2010 43797
Memorandum of July 22, 2010 44063
Notices:
Notice of June 19, 2010 42281

5 CFR

1600 43799
1604 44065
1651 44065
2425 42283
2429 42283
4401 42270

Proposed Rules:
532 39460

6 CFR

Proposed Rules:
5 39144

7 CFR

2 43366
63 43031
205 38693
301 41073
457 44709
760 41365
800 41693
916 38696
917 38696
920 43038
924 43039
946 43042
948 38698
983 43045
1410 44067
1413 41963
1430 41365
1455 39135
1720 42571
4280 41695

Proposed Rules:
331 44724
701 41389
1221 41392
1429 41397
1755 38042

8 CFR

274a 42575

9 CFR

102 40719
103 40719
104 40719
108 40719
112 40719
113 40719
114 40719
116 40719
124 40719

Proposed Rules:
121 44724
201 44163

10 CFR

9 41368
72 ..... 41369, 42292
110 44072
430 42579
431 37975
607 39443
1703 39629

Proposed Rules:
30 ..... 43425, 43865
36 43865
37 40756
39 43865
40 ..... 43425, 43865
51 43865
70 ..... 43425, 43865
72 ..... 41404, 42339
73 42000
150 43865
170 43425
171 43425
217 41405
430 ..... 41102, 42611, 42612
431 ..... 41102, 41103
1023 38042

11 CFR

9004 43395

12 CFR

34 44656
208 44656
211 44656
226 44093
365 44656
563 44656
610 44656
741 44656
761 44656

Proposed Rules:

615 39392
1237 39462
1777 39462

14 CFR

13 41968
25 38391
39 ....37990, 37991, 37994, 37997, 38001, 38007, 38009, 38011, 38014, 38017, 38019, 38394, 38397, 38404, 39143, 39787, 39790, 39795, 39798, 39801, 39803, 39804, 39811, 39814, 39818, 42585, 42589, 42592, 43049, 43395, 43397, 43801, 43803, 43807, 43809
47 41968
71 ....38406, 39145, 39146, 39147, 39148, 39149, 40719, 41074, 41075, 41076, 41077, 41983, 41984, 41985, 43813, 43814, 43815, 43816, 43817, 43818
73 ....42598, 43398, 43399, 44719
77 42296
91 ....41968, 41986
97 ....39150, 39152, 42308, 42310
121 39629
217 41580
234 ....41580, 42599
241 41580
248 41580
250 41580
291 41580
298 41580
385 41580

Proposed Rules:

39 ....38052, 38056, 38058, 38061, 38064, 38066, 38941, 38943, 38945, 38947, 38950, 38953, 38956, 39185, 39189, 39192, 39472, 39863, 39869, 40757, 41104, 42340, 43092, 43095, 43097, 43099, 43101, 43103, 43105, 43876, 43878, 43882, 44724
71 ....38753, 41772, 41773, 41774, 42012, 42014, 42630, 42631, 43884, 43885, 43886, 43887, 44725, 44727
91 ....39196, 42015

15 CFR

740 43819
742 ....41078, 43819
774 41078

Proposed Rules:

922 40759

16 CFR

305 41696
1611 42311
1630 42315
1631 42315

Proposed Rules:

1218 42017
1219 43308
1220 43308
1500 43308
1508 43107
1509 43107

17 CFR

200 ....42270, 42599
275 41018

Proposed Rules:

16 41775
38 42633
39 42633
40 42633
240 42984
242 39626
270 42984
274 42984
275 42984

18 CFR

2 43400
3b 43400
4 43400
5 43400
8 43400
9 43400
11 ....43400, 44094
16 43400
24 43400
32 43400
33 43400
34 43400
35 43400
38 43059
39 43400
40 43059
45 43400
46 43400
152 43400
153 43400
156 43400
157 43400
385 43400
388 43400

Proposed Rules:

410 41106

19 CFR

Proposed Rules:

351 44163

20 CFR

404 39154
408 44137
416 39154
418 41084
618 44720

Proposed Rules:

404 42639
416 42639

21 CFR

522 38699
573 41725
814 41986
1310 38915

Proposed Rules:

882 44172
890 44172

23 CFR

669 43405
772 39820

Proposed Rules:

650 42643

24 CFR

5 41087
84 41087
85 41087

Proposed Rules:

3280 39871

26 CFR

1 ....38700, 44138
53 38700
54 ....38700, 41726, 43330
301 38700
602 ....38700, 43330

Proposed Rules:

54 ....41787, 43109
300 43110

27 CFR

9 42601
40 42605
41 42605
44 42605
46 42605
71 42605

Proposed Rules:

9 43446
40 42659
41 42659
44 42659
45 42659
46 42659
646 44173

28 CFR

Proposed Rules:

35 ....43446, 43452, 43460
36 ....43452, 43460, 43467

29 CFR

2201 41370
2550 41600
2590 ....41726, 43330
4022 41091

Proposed Rules:

1910 38646
1915 38646
1917 38646
1918 38646
1926 38646
1928 38646
4003 42662
4903 42662

30 CFR

3020 44138

Proposed Rules:

926 43476

31 CFR

Ch. V 38212

Proposed Rules:

103 41788

33 CFR

100 ....38408, 38710, 39161, 39445, 39448, 41373, 41987
117 ....38411, 38412, 38712
165 ....38019, 38021, 38412, 38415, 38714, 38716, 38718, 38721, 38723, 38923, 38926, 39163, 39166, 39632, 39839, 40726, 41376, 41762, 41764, 41987, 42608, 43821, 43823, 44140, 44141, 44720

Proposed Rules:

100 ....41119, 41789
165 ....38754, 39197, 44728

34 CFR

Proposed Rules:

600 42190
668 ....42190, 43616
682 42190

36 CFR

7 39168

Proposed Rules:

1192 43748

37 CFR

201 43825

Proposed Rules:

386 39891

38 CFR

3 ....39843, 41092

39 CFR

111 41989
3050 38725
3020 44138
3055 38725

Proposed Rules:

20 39475
111 ....39477, 41790
3050 39200
3055 38757

40 CFR

52 ....38023, 38745, 39366, 39633, 39635, 40726, 41312, 43062, 43066, 44141
63 41991
81 ....39635, 41379, 43069, 44142
98 39736
180 ....38417, 39450, 39455, 40729, 40736, 40741, 40745, 40751, 42318, 42324, 43072, 43076
271 ....43409, 44144
300 43082
355 39852
370 39852
721 42330

Proposed Rules:

2 ....39094, 43889
52 ....38757, 40760, 40762, 42018, 42342, 42346, 42672, 43114, 43892, 44179, 44731, 44734
60 42676
63 ....42030, 42676
80 42238
81 ....41421, 42018, 43114, 44734
122 38068
123 38068
141 40926
142 40926
152 38958
180 ....44181, 44184
191 41421
194 41421
257 41121
261 41121

264 41121
265 41121
268 41121
271 ....41121, 43478
300 ....42361, 43115
302 41121
403 38068
501 38068
503 38068
721 44198
745 38959

41 CFR

102-5 41994

Proposed Rules:

60-741 43116
102-38 40763

42 CFR

412 44314
413 44314
422 44314
423 38026
447 38748
457 38748
495 44314

Proposed Rules:

50 42362
73 42363
405 40040
409 ....40040, 43236
410 40040
411 40040
413 40040
414 40040
415 40040
418 43236
424 ....40040, 43236
484 43236
488 39641
489 43236

44 CFR

64 ....38749, 44152
67 ....43418, 44155

Proposed Rules:

67 43479

45 CFR

147 ....41726, 43330
170 44589
301 38612
302 38612
303 38612
305 38612
308 38612
614 40754
1186 39133

Proposed Rules:

94 42362
160 40868
164 40868

47 CFR

1 41932
24 43088
27 43088
64 39859
73 ....41092, 41093, 41932
90 41381
95 43423
101 41932

Proposed Rules:

1 ....38959, 41338
22 38959
24 38959
27 38959
73 ....41123, 43897
76 44198
90 38959
101 38959

48 CFR

Ch. I 38674, 38691, 39414, 39420
2 ....38675, 38683
4 ....38675, 38683, 38684, 39414
7 38683
10 38683
12 39414
13 38683
15 38675
18 38683
19 38687
22 38689
25 38689
26 38683
31 38675
32 38675
42 ....38675, 39414
45 38675
52 ....38675, 38683, 38684, 38689, 39414, 43090
205 40714
210 40714
212 40712
216 40716
232 40712
252 ....40712, 40717
516 41093
552 41093
3002 41097
3007 41097
3009 41097
3016 41097
3034 41097
3035 41097
3052 41097

Proposed Rules:

901 38042
902 38042
903 38042
904 38042
906 38042
907 38042
908 38042
909 38042
911 38042
914 38042
915 38042
916 38042
917 38042
952 38042

49 CFR

39 38878
40 38422
209 43840
213 41282
237 41282
387 38423
1002 44158

Proposed Rules:

105 43898
107 43898
171 ....42364, 43898, 43906
173 42364
177 43906
231 38432
395 40765
611 39492

50 CFR

17 ....42490, 43844, 43853
622 39638
635 41995
648 ....38935, 39170, 41996, 43090
660 ....38030, 39178, 41383, 42610
679 ....38430, 38936, 38937, 38938, 38939, 38940, 39183, 39638, 39639, 39861, 41999, 42336, 42337, 42338, 43090

Proposed Rules:

16 38069
17 ....38441, 42033, 42040, 42054, 42059
20 44856
216 38070
300 38758
600 44209
622 ....44209, 44753
679 ....38452, 38454, 39892, 41123, 41424, 43118
680 39892

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. 4173/P.L. 111–203

Dodd-Frank Wall Street Reform and Consumer Protection Act (July 21, 2010; 124 Stat. 1376)

S. 1508/P.L. 111–204
Improper Payments Elimination and Recovery Act of 2010 (July 22, 2010; 124 Stat. 2224)

H.R. 4213/P.L. 111–205
Unemployment Compensation Extension Act of 2010 (July 22, 2010; 124 Stat. 2236)

Last List July 16, 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.