

without notice at any time, with respect to any and all persons subject to it. Any determination made under this exercise of authority as set out above can inform but shall not control a decision regarding any subsequent benefit or protection application, unless such exercise of authority has been revoked.

This exercise of authority shall not be construed to prejudice, in any way, the ability of the U.S. government to commence subsequent criminal or civil proceedings in accordance with U.S. law involving any beneficiary of this exercise of authority (or any other person). This exercise of authority creates no substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

In accordance with section 212(d)(3)(B)(ii) of the INA, 8 U.S.C. 1182(d)(3)(B)(ii), a report on the aliens to whom this exercise of authority is applied, on the basis of case-by-case decisions by the U.S. Department of Homeland Security or by the U.S. Department of State, shall be provided to the specified congressional committees not later than 90 days after the end of the fiscal year.

This determination is based on an assessment related to the national security and foreign policy interests of the United States as they apply to the particular persons described herein and shall not have any application with respect to other persons or to other provisions of U.S. law.

Dated: October 18, 2010.

**Janet Napolitano,**

*Secretary of Homeland Security.*

[FR Doc. 2011-425 Filed 1-11-11; 8:45 am]

**BILLING CODE 9110-9M-P**

## DEPARTMENT OF HOMELAND SECURITY

### Office of the Secretary

#### Exercise of Authority Under Section 212(d)(3)(B)(i) of the Immigration and Nationality Act

**AGENCY:** Office of the Secretary, DHS.

**ACTION:** Notice of Determination.

**Authority:** 8 U.S.C. 1182(d)(3)(B)(i).

Following consultations with the Secretary of State and the Attorney General, I hereby conclude, as a matter of discretion in accordance with the authority granted to me by section 212(d)(3)(B)(i) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(d)(3)(B)(i), as amended, as well as

the foreign policy and national security interests deemed relevant in these consultations, that section 212(a)(3)(B) of the INA, 8 U.S.C. 1182(a)(3)(B), excluding subclause (i)(II), shall not apply, with respect to an alien, for any activity or association relating to the All Burma Students' Democratic Front (ABSDF), provided that the alien satisfies the relevant agency authority that the alien:

(a) Is seeking a benefit or protection under the INA and has been determined to be otherwise eligible for the benefit or protection;

(b) Has undergone and passed all relevant background and security checks;

(c) Has fully disclosed, to the best of his or her knowledge, in all relevant applications and interviews with U.S. government representatives and agents, the nature and circumstances of activities or associations falling within the scope of section 212(a)(3)(B) of the INA, 8 U.S.C. 1182(a)(3)(B);

(d) Has not participated in, or knowingly provided material support to, terrorist activities that targeted noncombatant persons or U.S. interests;

(e) Poses no danger to the safety and security of the United States; and

(f) Warrants an exemption from the relevant inadmissibility provision in the totality of the circumstances.

Implementation of this determination will be made by U.S. Citizenship and Immigration Services (USCIS), in consultation with U.S. Immigration and Customs Enforcement (ICE), or by U.S. consular officers, as applicable, who shall ascertain, to their satisfaction, and in their discretion, that the particular applicant meets each of the criteria set forth above.

This exercise of authority may be revoked as a matter of discretion and without notice at any time, with respect to any and all persons subject to it. Any determination made under this exercise of authority as set out above can inform but shall not control a decision regarding any subsequent benefit or protection applications, unless such exercise of authority has been revoked.

This exercise of authority shall not be construed to prejudice, in any way, the ability of the U.S. government to commence subsequent criminal or civil proceedings in accordance with U.S. law involving any beneficiary of this exercise of authority (or any other person). This exercise of authority creates no substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

In accordance with section 212(d)(3)(B)(ii) of the INA, 8 U.S.C. 1182(d)(3)(B)(ii), a report on the aliens to whom this exercise of authority is applied, on the basis of case-by-case decisions by the U.S. Department of Homeland Security or by the U.S. Department of State, shall be provided to the specified congressional committees not later than 90 days after the end of the fiscal year.

This determination is based on an assessment related to the national security and foreign policy interests of the United States as they apply to the particular persons described herein and shall not have any application with respect to other persons or to other provisions of U.S. law.

Dated: December 16, 2010.

**Janet Napolitano,**

*Secretary of Homeland Security.*

[FR Doc. 2011-426 Filed 1-11-11; 8:45 am]

**BILLING CODE 9110-9M-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

[Docket ID FEMA-2010-0032]

#### Federal Radiological Preparedness Coordinating Committee

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice of public meeting.

**SUMMARY:** The Federal Radiological Preparedness Coordinating Committee (FRPCC) is holding a public meeting on January 20, 2011 in Arlington, VA.

**DATES:** The meeting will take place on January 20, 2011. The session open to the public will be from 9 a.m. EST to 10 a.m. EST. Send written statements and requests to make oral statements to the contact person listed under the **FOR FURTHER INFORMATION CONTACT** caption by close of business January 14, 2011.

**ADDRESSES:** The meeting will be held at the Crystal City Marriott at Reagan National Airport located at 1999 Jefferson Davis Highway, Arlington, VA 22202, in Salon E & F.

**FOR FURTHER INFORMATION CONTACT:** Timothy Greten, FRPCC Executive Secretary, DHS/FEMA, 1800 South Bell Street—CC847, Mail Stop 3025, Arlington, VA 20598-3025; telephone (202) 646-3907; fax (703) 305-0837; or e-mail [timothy.greten@dhs.gov](mailto:timothy.greten@dhs.gov).

**SUPPLEMENTARY INFORMATION:** The role and functions of the Federal Radiological Preparedness Coordinating Committee (FRPCC) are described in 44

CFR 351.10(a) and 351.11(a). The FRPCC is holding a public meeting on January 20, 2011, from 9 a.m. EST to 10 a.m. EST, at the Crystal City Marriott at Reagan National Airport located at 1999 Jefferson Davis Highway, Arlington, VA 22202, in Salon E & F. Please note that the meeting may close early. This meeting is open to the public. Public meeting participants must pre-register to be admitted to the meeting. To pre-register, please provide your name and telephone number by close of business on January 14, 2011, to the individual listed under the **FOR FURTHER INFORMATION CONTACT** caption.

The tentative agenda for the FRPCC meeting includes: (1) Introductions, (2) Old Business, and (3) Radiological Emergency Preparedness (REP) Program Manual Implementation Update. The FRPCC Chair shall conduct the meeting in a way that will facilitate the orderly conduct of business. Reasonable provisions will be made, if time permits, for oral statements from the public of not more than five minutes in length. Any member of the public who wishes to make an oral statement at the meeting should send a written request for time by close of business on January 14, 2011, to the individual listed under the **FOR FURTHER INFORMATION CONTACT** caption. Any member of the public who wishes to file a written statement with the FRPCC should provide the statement by close of business on January 14, 2011, to the individual listed under the **FOR FURTHER INFORMATION CONTACT** caption.

#### Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, please write or call the individual listed under the **FOR FURTHER INFORMATION CONTACT** caption as soon as possible.

**Authority:** 44 CFR 351.10(a) and 351.11(a).

#### Timothy W. Manning,

*Deputy Administrator, Protection and National Preparedness, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. 2011-427 Filed 1-11-11; 8:45 am]

**BILLING CODE 9110-21-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R4-R-2010-N258; 40136-1265-0000-S3]

#### Notice of Intent To Prepare Land Protection Plan and Associated NEPA Documents for the Proposed Everglades Headwaters National Wildlife Refuge and the Proposed Everglades Headwaters Conservation Area

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of Intent.

**SUMMARY:** This notice advises the public that the U.S. Fish and Wildlife Service (Service) intends to gather information necessary to prepare a land protection plan (LPP) and associated National Environmental Policy Act (NEPA) documents pursuant to NEPA and its implementing regulations to establish the Everglades Headwaters National Wildlife Refuge (NWR) and the Everglades Headwaters Conservation Area. The Service is furnishing this notice in compliance with the National Wildlife Refuge System Administration Act of 1966, as amended, to achieve the following: advise other agencies, Tribal governments, and the public of our intentions and obtain suggestions and information on the scope of issues to include in the environmental documents. Special mailings, newspaper articles, and other media announcements will inform people of the opportunities for input throughout the planning process.

**DATES:** We are soliciting written comments and will hold public scoping meetings in January and February 2011.

**ADDRESSES:** Address comments, questions, and requests for further information to the following: Cheri M. Ehrhardt, AICP, Fish and Wildlife Service, Natural Resource Planner, P.O. Box 2683, Titusville, FL 32781-2683. You may find additional information concerning the proposed refuge and conservation area at the Service's Internet site: <http://www.fws.gov/southeast/planning/>.

**FOR FURTHER INFORMATION CONTACT:** Cheri M. Ehrhardt; *telephone:* 321/861-2368; *fax:* 321/861-8913; *e-mail:* [EvergladesHeadquartersProposal@fws.gov](mailto:EvergladesHeadquartersProposal@fws.gov).

#### SUPPLEMENTARY INFORMATION:

##### Introduction

With this notice, the Service proposes to establish a new Everglades Headwaters NWR and the Everglades

Headwaters Conservation Area. The proposed refuge would consist of a core area within the upper Kissimmee River Basin, where the Service would work with willing landowners to acquire, protect, and manage up to 50,000 acres through fee title purchases, leases, conservation easements, conservation and mitigation banks, lands set aside through habitat conservation plans, and/or cooperative agreements from willing sellers. The proposed conservation area would be an area adjacent and complementary to the proposed refuge and other conservation lands within this landscape, where the Service and its partners, in cooperation with willing landowners, would protect some 100,000 acres through conservation easements, conservation and mitigation banks, lands set aside through habitat conservation plans, and/or cooperative agreements.

The proposal represents the convergence of conservation efforts of a variety of agencies and organizations and is a partnership effort amongst local, State, Federal, and Tribal governmental entities; area landowners and ranchers; and non-governmental organizations. The proposal is biologically based, targeting the cooperative conservation of an important Florida landscape, supporting various conservation plans and initiatives, and protecting, restoring, and conserving habitat for at least 88 Federal- and State-listed species and species designated by the State of Florida as Species of Greatest Conservation Need. This proposal helps address broad public concerns over the loss of wildlife, habitat, access to natural lands and waters, and working landscapes in Florida's heartland. The proposal would help preserve a part of Florida's heritage and a national treasure.

The National Wildlife Refuge System Improvement Act of 1997 outlines six priority public uses (*e.g.*, hunting, fishing, wildlife observation, wildlife photography, and environmental education and interpretation) that are to be facilitated on national wildlife refuges, where compatible.

Public input into the land protection planning process is essential for the Service to understand the public's concerns within this landscape and about the proposed refuge and conservation area. Following and based on this period of public scoping, the Service will develop a LPP and associated NEPA document to propose the refuge and conservation area, including a no action alternative (*i.e.*, do not propose a refuge and conservation area) and one or more action