

in the proper form or specification as specified in the project plans and design." The same Memorandum defines "satisfactory quality" as "the quality of steel, iron or manufactured good specified in the project plans and designs."

The March 31, 2009 Delegation of Authority Memorandum provided Regional Administrators with the temporary authority to issue exceptions to Section 1605 of the ARRA within the geographic boundaries of their respective regions and with respect to requests by individual grant recipients.

Having established both a proper basis to specify the particular manufactured good required for this project and that this manufactured good was not available from a producer in the United States, the City is hereby granted a waiver from the Buy American requirements of Section 1605(a) of Public Law 111-5. This waiver permits use of ARRA funds for the purchase of a non-domestic manufactured Toshiba LQ500 Density Analyzers documented in City's waiver request submittal dated August 11, 2010. This supplementary information constitutes the detailed written justification required by Section 1605(c) for waivers based on a finding under subsection (b).

**Authority:** Pub. L. 111-5, section 1605.

Dated: January 6, 2011.

**Karl Brooks,**

*Regional Administrator, Region 7.*

[FR Doc. 2011-1018 Filed 1-18-11; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2010-0014; FRL-8857-1]

### Notice of Receipt of Requests To Voluntarily Cancel Certain Pesticide Registrations

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of requests by registrants to voluntarily cancel certain pesticide registrations. EPA intends to grant these requests at the close of the comment period for this announcement unless the Agency receives substantive comments within the comment period that would merit its further review of the requests, or unless the registrants withdraw their requests. If these requests are granted, any sale,

distribution, or use of products listed in this notice will be permitted after the registrations have been canceled only if such sale, distribution, or use is consistent with the terms as described in the final order.

**DATES:** Comments must be received on or before July 14, 2011.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2010-0014, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

- *Mail:* Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

- *Submit written withdrawal request by mail to:* Pesticide Re-evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001. Attention: Maia Tatinclaux.

- *Delivery:* OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

*Instructions:* Direct your comments to docket ID number EPA-HQ-OPP-2010-0014. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <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 docket and made available on the Internet. If you submit

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

*Docket:* All documents in the docket are listed in the docket index available at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

#### FOR FURTHER INFORMATION CONTACT:

Maia Tatinclaux, Pesticide Re-evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 347-0123; e-mail address: [tatinclaux.maia@epa.gov](mailto:tatinclaux.maia@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. If you have any questions regarding the information in this notice, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

###### B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through <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:

i. Identify the document by docket ID number and other identifying

information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

**II. What action is the agency taking?**

This notice announces receipt by the Agency of requests from registrants to cancel 67 pesticide products registered under FIFRA section 3 or 24(c). These registrations are listed in sequence by registration number (or company number and 24(c) number) in Table 1 of this unit.

Unless the Agency determines that there are substantive comments that warrant further review of the requests or the registrants withdraw their requests, EPA intends to issue an order in the **Federal Register** canceling all of the affected registrations.

TABLE 1—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Product name	Active ingredient
000004-00059	Bonide Rose and Flower Dust	Malathion. Carbaryl. Captan. Prometon.
000004-00360	Bonide Prometon 3.75% Liquid Vegetation Killer.	Prometon.
000004-00414	Total Weed Killer	Prometon.
000004-00446	Bonide Total Vegetation Killer Concentrate.	Prometon.
000228-00186	Riverdale 1D + 1DP Low Vol	2,4-D, 2-ethylhexyl ester. 2-Ethylhexyl (R)-2-(2,4-dichlorophenoxy) propionate. Ferrous sulfate monohydrate.
000961-00396	Lebanon Moss Control	Copper naphthenate.
001022-00409	Copper Naphthenate WR Wood Preservative Ready to Use.	Copper naphthenate.
001022-00507	Copper Naphthenate 1%	Copper naphthenate.
001022-00528	Copper Naphthenate Concentration 8%.	Copper naphthenate.
001022-00568	Chapco CU-Nap 800 EC	Copper naphthenate.
001022-00571	Chapco CU-Nap 400	Copper naphthenate.
001022-00579	Curap 20 Pak	Borax. Copper naphthenate.
001448-00149	T-30-1	2-(Thiocyanomethylthio) benzothiazole.
001448-00150	T-30-2	2-(Thiocyanomethylthio) benzothiazole.
001448-00152	T-5-1	2-(Thiocyanomethylthio) benzothiazole.
001448-00153	T-5-2	2-(Thiocyanomethylthio) benzothiazole.
001677-00199	Quantum TB Disinfectant	Caprylic acid.
001719-00044	Zin-Tox Wood Preservative	Zinc naphthenate.
002217-00755	Vegetation Killer 150	Prometon.
002217-00756	Vegetation Killer 250	Prometon.
002217-00757	Vegetation Killer 375	Prometon.
002517-00066	Sergeant's Skip Flea & Tick Spray Shampoo Plus Conditioner for Dogs.	Piperonyl butoxide. Permethrin.
002829-00082	Vinyzene BP-5	10,10'-Oxybisphenoxarsine.
003008-00093	Copper 8-Quinolinate	Copper, bis(8-quinolinolato-N1,O8)-.
004822-00503	8539 Disinfectant Spray Cleaner	1-Octanaminium, N,N-dimethyl-N-octyl-, chloride. 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride. 1-Decanaminium, N,N-dimethyl-N-octyl-, chloride.
004822-00504	Tough Act The Heavy Duty Bathroom Cleaner.	Alkyl*dimethyl benzyl ammonium chloride.
004822-00505	Dow Aerosol Disinfectant Bathroom Cleaner.	Alkyl*dimethyl ethylbenzyl ammonium chloride. Alkyl*dimethyl benzyl ammonium chloride.
004822-00506	Tough Act The Heavy Duty Aerosol Bathroom Cleaner.	Alkyl*dimethyl ethylbenzyl ammonium chloride. Alkyl*dimethyl benzyl ammonium chloride.
004822-00507	Dow Liquid Bathroom Cleaner	Alkyl*dimethyl ethylbenzyl ammonium chloride. Alkyl*dimethyl benzyl ammonium chloride.
007364-00042	Tabex Quick Shot Tablets	Tricloro-s-triazinetrione.

TABLE 1—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration No.	Product name	Active ingredient
007969-00078	Basagran M-60 Herbicide	MCPA, dimethylamine salt; 3-Isopropyl-1H-2, 1,3-benzothiadiazin-4 (3H)-one-2,2-dioxide, sodium salt.
010707-00005	Magnacide 434	1-(Alkyl* amino)-3-aminopropane hydroxyacetate *(as in fatty acids of coconut oil).
010707-00006	Magnacide 461	1-(Alkyl* amino)-3-aminopropane hydroxyacetate *(as in fatty acids of coconut oil).
010707-00033	Magnacide B-615	1-(Alkyl* amino)-3-aminopropane hydroxyacetate *(as in fatty acids of coconut oil).
010707-00054	Microbiocide 56	1-(Alkyl* amino)-3-aminopropane hydroxyacetate *(as in fatty acids of coconut oil).
010707-00055	X-cide 305	1-(Alkyl* amino)-3-aminopropane hydroxyacetate *(as in fatty acids of coconut oil).
019713-00151	Drexel MSMA 8	MSMA.
019713-00267	Drexel MSMA 4 Plus	MSMA.
019713-00278	Drexel MSMA Liquid 6 Plus	MSMA.
019713-00529	Drexel MSMA 600 Herbicide	MSMA.
033955-00454	ACME Vegetation Killer	Prometon.
034704-00816	Liquid Moss Control	Ferric sulfate.
051036-00415	Laddock 5L Herbicide	Atrazine.
051036-000421	Basagran AG	3-Isopropyl-1H-2,1,3-benzothiadiazin-4 (3H)-one-2,2-dioxide, sodium salt.
051036-00363	Prompt 5L Herbicide	Atrazine. 3-Isopropyl-1H-2,1,3-benzothiadiazin-4 (3H)-one-2,2-dioxide, sodium salt.
053883-00064	Martin's Fire Bait 2	Hydramethylnon.
053883-00065	Martin's Fire Ant Bait 1	Hydramethylnon.
053883-00066	Martin's Insect Bait 2	Hydramethylnon.
053883-00067	Martin's Insect Bait 1	Hydramethylnon.
061282-00007	Ramik Meal Rodenticide for Control of Commensal Rats and Mice.	Diphacinone.
062719-00339	MSMA 6.6	MSMA.
062719-00340	MSMA Plus "S"	MSMA.
062719-00343	MSMA 51%	MSMA.
066330-00386	Fluroxypyr Technical	Fluroxypyr 1-methylheptyl ester.
086203-00019	Yard and Patio Fogger	Piperonyl butoxide. Ethofenprox. Tetramethrin.
086203-00020	Flying Insect Killer II	Piperonyl butoxide. Ethofenprox. Tetramethrin.
086203-00021	Crawling Insect Killer I	Piperonyl butoxide. Ethofenprox. Tetramethrin.
086203-00022	Premium Roach Spray	Piperonyl butoxide. Ethofenprox. Tetramethrin. Pyrethrins.
CA-020006	Linex 50 DF	Gas Cartridge (as a device for burrowing animal control); Linuron.
ID-060002	Platinum Insecticide	Thiamethoxam.
OR-050004	Subdue Maxx	D-Alanine, N-(2,6-dimethylphenyl)-N-(methoxyacetyl)-, methyl ester.
OR-060002	LSP Flowable Fungicide	Thiabendazole.
OR-060014	Outlook Herbicide	Dimethenamide-P.
OR-060015	Platinum	Thiamethoxam.
WA-000031	Pear Wrap III	Copper carbonate, basic. Ethoxyquin.
WA-050007	Sencor DF 75% Dry Flowable Herbicide.	Metribuzin.
WA-090006	Nemacur 3 Emulsifiable Insecticide-Nematicide.	Fenamiphos.

Table 2 of this unit includes the names and addresses of record for all registrants of the products in Table 1 of

this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration

numbers of the products listed in this unit.

TABLE 2—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

EPA company No.	Company name and address
4	Bonide Products, Inc., Agent Registrations By Design, Inc., P.O. Box 1019, Salem, VA 24153–3805.
228	Nufarm Americas Inc., 150 Harvester Drive, Suite 200, Burr Ridge, IL 60527.
961	Lebanon Seaboard Corporation, 1600 East Cumberland St., Lebanon, PA 17042.
1022	IBC Manufacturing Co., 416 E. Brooks Rd., Memphis, TN 38109.
1448	Buckman Laboratories Inc., 1256 North McLean Blvd., Memphis, TN 38108.
1677	Ecolab Inc., 370 North Wabasha Street, St. Paul, MN 55102.
1719	Mobile Paint Manufacturing Company Inc., P.O. Box 717, Theodore, AL 36582.
2217	PBI/Gordon Corp., 1217 West 12th Street, P.O. Box 014090, Kansas City, MO 64101–0090.
2517	Sergeant's Pet Care Products, Inc., 2625 South 158th Plaza, Omaha, NE 68130–1703.
2829	Rohm and Haas Company, 100 South Independence Mall West, Suite 1A, Philadelphia, PA 19106–2399.
3008	Osmoste Inc., 980 Ellicott Street, Buffalo, NY 14209.
4822	S.C. Johnson & Son Inc., 1525 Howe Street, Racine, WI 53403.
7364	GLB Pool & Spa, (An Arch Chemicals, Inc. Business), W175 N11163 Stonewood Drive, Suite 234, Germantown, WI 53022–4799.
7969	BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528.
10707	Baker Petrolite Corporation, 12645 West Airport Blvd., Sugar Land, TX 77478.
19713	Drexel Chemical Company, 1700 Channel Ave., P.O. Box 13327, Memphis, TN 38113–0327.
33955	PBI/Gordon Corp., 1217 West 12th Street, P.O. Box 014090, Kansas City, MO 64101–0090.
34704	Loveland Products, Inc., P.O. Box 1286, Greeley, Colorado 80632–1286.
51036	BASF Sparks LLC, P.O. Box 13528, Research Triangle Park, NC 27709–3528.
53883	Control Solutions, Inc., Agent Name: D. O'Shaughnessy Consulting, Inc., 427 Hide Away Circle, Cub Run, KY 42729.
61282	Hacco, Inc., 110 Hopkins Drive, Randolph, WI 53956–1316.
62719	Dow Agrosciences LLC, 9330 Zionsville Rd 308/2E, Indianapolis, IN 46268–1054.
66330	Arysta LifeScience North America, LLC, 15401 Weston Parkway, Suite 150, Cary, NC 27513.
86203	Mitsui Chemicals Agro, Inc., P.O. Box 5126, Vadosta, GA 31603–5126.
OR–060014	BASF Corporation, Agricultural Products, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528.
CA–020006	Pan American Seed Co., PO Box 506, Lompoc, CA 93438.
ID–060002; OR–060015; OR–050004.	Syngenta Crop Protection, Inc., ATTN: Regulatory Affairs, P.O. Box 18300, Greensboro, NC 27419–8300.
OR–060002; WA–050007	Bayer CropScience LP, 2 T.W. Alexander Drive, P.O. Box 12014, Research Triangle Park, NC 27709.
WA–000031	Wrap Pack Inc., Agent: Technology Sciences Group, Inc., 1150 18th St., NW., Suite 100, Washington, DC 20036.
WA–090006	Bayer CropScience LP, 2 T.W. Alexander Drive, P.O. Box 12014, Research Triangle Park, NC 27709.

### III. What is the agency's authority for taking this action?

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**.

Section 6(f)(1)(B) of FIFRA requires that before acting on a request for voluntary cancellation, EPA must provide a 30-day public comment period on the request for voluntary cancellation or use termination. In addition, FIFRA section 6(f)(1)(C) requires that EPA provide a 180-day comment period on a request for voluntary cancellation or termination of any minor agricultural use before granting the request, unless:

1. The registrants request a waiver of the comment period, or
2. The EPA Administrator determines that continued use of the pesticide would pose an unreasonable adverse effect on the environment.

The registrants in Table 2 of Unit II. have not requested that EPA waive the 180-day comment period. Accordingly,

EPA will provide a 180-day comment period on the proposed requests.

### IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for cancellation should submit such withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. If the products have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling.

### V. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products that are currently in the United States and that were packaged, labeled, and released for shipment prior to the effective date of the cancellation action.

#### A. Disposition of Existing Stocks for All Table 1 Products except EPA Reg. No. 61282–7

Because the Agency has identified no significant potential risk concerns associated with these pesticide products, upon cancellation of the

products identified in Table 1 of Unit II., EPA anticipates allowing registrants to sell and distribute existing stocks of these products for 1 year after publication of the Cancellation Order in the **Federal Register**. Thereafter, registrants will be prohibited from selling or distributing the pesticides identified in Table 1 of Unit II., except for export consistent with FIFRA section 17 or for proper disposal. Persons other than registrants will generally be allowed to sell, distribute, or use existing stocks until such stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

#### B. Disposition of Existing Stocks for EPA Reg. No. 61282–7

Following the publication of the Cancellation Order in the **Federal Register**, the EPA will not allow the registrant to sell or distribute any existing stocks of product 61282–7, except when consistent with FIFRA section 17 or for proper disposal. Persons other than registrants will generally be allowed to sell, distribute,

or use existing stocks until such stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled product.

#### List of Subjects

Environmental protection, Pesticides and pests.

Dated: January 11, 2011.

**Richard P. Keigwin, Jr.,**

*Director, Pesticide Re-evaluation Division,  
Office of Pesticide Programs.*

[FR Doc. 2011-936 Filed 1-18-11; 8:45 am]

**BILLING CODE 6560-50-P**

#### FEDERAL ACCOUNTING STANDARDS ADVISORY BOARD

##### Release of Exposure Draft Technical Bulletins; Accounting for Oil and Gas Resources and Federal Natural Resources Other Than Oil and Gas

**AGENCY:** Federal Accounting Standards Advisory Board.

**ACTION:** Notice.

*Board Action:* Pursuant to 31 U.S.C. 3511(d), the Federal Advisory Committee Act (Pub. L. 92-463), as amended, and the FASAB Rules of Procedure, as amended in October, 2010, notice is hereby given that the Federal Accounting Standards Advisory Board (FASAB) has released *Exposure Draft Technical Bulletin 2011-1, Accounting for Federal Natural Resources Other Than Oil and Gas*, and an *Exposure Draft that Proposes to Defer the Effective Date of SFFAS 38, Accounting for Federal Oil and Gas Resources*.

The Exposure Drafts are available on the FASAB home page <http://www.fasab.gov/exposure.html>. Copies can be obtained by contacting FASAB at (202) 512-7350.

Respondents are encouraged to comment on any part of the exposure drafts. Written comments on the Exposure Draft Technical Bulletin 2011-1 are requested by January 31, 2011. Written comments on the Exposure Draft to Defer the Effective Date of SFFAS 38 are requested by February 11, 2011. Comments on the Exposure Drafts should be sent to: Wendy M. Payne, Executive Director, Federal Accounting Standards Advisory Board, 441 G Street, NW., Suite 6814, Mail Stop 6K17V, Washington, DC 20548.

**FOR FURTHER INFORMATION CONTACT:** Wendy Payne, Executive Director, at (202) 512-7350.

**Authority:** Federal Advisory Committee Act, Pub. L. 92-463.

Dated: January 11, 2011.

**Charles Jackson,**

*Federal Register Liaison Officer.*

[FR Doc. 2011-846 Filed 1-18-11; 8:45 am]

**BILLING CODE 1610-02-P**

#### FEDERAL HOUSING FINANCE AGENCY

[No. 2011-N-01]

##### Notice of Annual Adjustment of the Cap on Average Total Assets That Defines Community Financial Institutions

**AGENCY:** Federal Housing Finance Agency.

**ACTION:** Notice.

**SUMMARY:** The Federal Housing Finance Agency (FHFA) has adjusted the cap on average total assets that defines a "Community Financial Institution" based on the annual percentage increase in the Consumer Price Index for all urban consumers (CPI-U) as published by the Department of Labor (DOL). These changes took effect on January 1, 2011.

**FOR FURTHER INFORMATION CONTACT:** Patricia L. Sweeney, Division of Federal Home Loan Bank Regulation, 202-408-2872, [Pat.Sweeney@fhfa.gov](mailto:Pat.Sweeney@fhfa.gov), Federal Housing Finance Agency, 1625 Eye Street NW., Washington, DC 20006-4001; Eric M. Raudenbush, Assistant General Counsel, 202-414-6421, [Eric.Raudenbush@fhfa.gov](mailto:Eric.Raudenbush@fhfa.gov), Federal Housing Finance Agency, Fourth Floor, 1700 G Street, NW., Washington, DC 20552.

#### SUPPLEMENTARY INFORMATION:

##### I. Statutory and Regulatory Background

The Federal Home Loan Bank Act (Bank Act) confers upon insured depository institutions that meet the statutory definition of a "Community Financial Institution" (CFI) certain advantages over non-CFI insured depository institutions in qualifying for Federal Home Loan Bank (Bank) membership, and in the purposes for which they may receive long-term advances and the collateral they may pledge to secure advances. See 12 U.S.C. 1424(a), 1430(a). Section 2(10)(A) of the Bank Act and § 1263.1 of FHFA's regulations define a CFI as any Bank member the deposits of which are insured by the Federal Deposit Insurance Corporation and that has average total assets below a statutory cap. See 12 U.S.C. 1422(10)(A); 12 CFR 1263.1. The Bank Act was amended in

2008 to set the statutory cap at \$1 billion and to require the Director of FHFA to adjust the cap annually to reflect the percentage increase in the CPI-U, as published by the DOL, for the prior year. See 12 U.S.C. 1422(10); 12 CFR 1263.1 (defining the term *CFI asset cap*). For 2010, FHFA set the CFI asset cap at \$1,029,000,000, which reflected a 1.8 percent increase over 2009, based upon the increase in the CPI-U between 2008 and 2009. See 75 FR 9601 (Mar. 3, 2010).

##### II. The CFI Asset Cap for 2011

As of January 1, 2011, FHFA has increased the CFI asset cap from \$1,029,000,000 to \$1,040,000,000, which reflects a 1.1 percent increase in the unadjusted CPI-U from November 2009 to November 2010. The new amount was obtained by rounding to the nearest million, as has been the practice for all prior adjustments. Consistent with the practice of other Federal agencies, FHFA bases the annual adjustment to the CFI asset cap on the percentage increase in the CPI-U from November of the year prior to the preceding calendar year to November of the preceding calendar year, because the November figures represent the most recent available data as of January 1st of the current calendar year.

In calculating the CFI asset cap, FHFA uses CPI-U data that have not been seasonally adjusted (*i.e.*, the data have not been adjusted to remove the estimated effect of price changes that normally occur at the same time and in about the same magnitude every year). The DOL encourages use of unadjusted CPI-U data in applying "escalation" provisions such as that governing the CFI asset cap, because the factors that are used to seasonally adjust the data are amended annually, and seasonally adjusted data that are published earlier are subject to revision for up to five years following their original release. Unadjusted data are not routinely subject to revision, and previously published unadjusted data are only corrected when significant calculation errors are discovered.

Dated: January 11, 2011.

**Edward J. DeMarco,**

*Acting Director, Federal Housing Finance Agency.*

[FR Doc. 2011-991 Filed 1-18-11; 8:45 am]

**BILLING CODE 8070-01-P**