

selecting rules for review. For example, should the amount of time a regulation is in effect be criteria for review? If so, how much time should that be? Should HHS involve outside experts in setting its review priorities? What metrics should HHS use to evaluate regulations after they have been implemented? For example, should review be limited to rules based on their projected or actual impact?

- **Public Participation**—HHS solicits comments on ways to further engage and increase public comment in its rulemaking. Comments might suggest ways to improve HHS' continuing efforts to use online technologies to facilitate greater participation in the rulemaking process, particularly social media and regulations.gov. Comments might also suggest ways to increase open exchanges of information by interested parties, or ways to allow interested parties the opportunity to react to (and benefit from) the comments, arguments, and information of others during the rulemaking process. HHS also welcomes comments on how it can remain informed on new technologies, events or processes that may render significant rules potentially obsolete, outdated, or require modification.

- **Analysis of Costs and Benefits**—HHS invites public comment on how it ought to develop its analysis of costs and benefits of those rules under consideration for retrospective review. The metrics used to assess costs and benefits at the time a rule is promulgated are likely to be different from those available or necessary to assess costs and benefits of a rule in its present form. Comments might usefully address data sources that will help assess the cost benefit analysis of a regulation after the initial projection has been made or whether there are existing sources of data that HHS should use to evaluate the post-promulgation effects of regulations over time. Additionally, HHS is interested in comments on ways to quantify values that are difficult or impossible to quantify, including equity, human dignity, fairness, and distributive impacts.

- **Coordination with Other Departments**—HHS is interested in public comment on ways that HHS can consider the combined effects of regulations (together with those of other agencies) on particular sectors and industries, particularly small businesses, and State, local and tribal governments; and ways to promote greater coordination across agencies, harmonization of regulatory requirements, and the identification of

regulations that are redundant, inconsistent or overlapping.

- **General Comments on What HHS Should Include in Its Plan**—HHS seeks comment on how best to structure its framework for conducting ongoing retrospective reviews, and other criteria that should be considered in preparation of its preliminary plan.

HHS notes that this RFI is issued solely for information and program-planning purposes. HHS will not respond to individual comments, but will consider them as it formulates its preliminary plan. While responses to this RFI do not bind HHS to any further actions related to the response, all submissions will be made publicly available on <http://www.regulations.gov>.

Dated: April 7, 2011.

**Dawn L. Smalls,**

*Executive Secretary to the Department.*

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**BILLING CODE 4150-03-P**

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 11

[Docket No. APHIS-2011-0006]

#### Horse Protection Act; Petition for Amendments to Regulations

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** We are notifying the public that the Animal and Plant Health Inspection Service has received a petition requesting changes to our horse protection regulations and our current enforcement practices and related policies regarding those regulations. We are making this petition available to the public for review and comment. We are noting, however, that certain requests in the petition lack authority in the Horse Protection Act to implement.

**DATES:** We will consider all comments that we receive on or before June 13, 2011.

**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-2011-0006> to submit or view comments and to view supporting and related materials available electronically.

- **Postal Mail/Commercial Delivery:** Please send one copy of your comment

to Docket No. APHIS-2011-0006, 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-2011-0006.

**Reading Room:** You may read any comments that we receive on the petition 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:** Dr. Rachel Cezar, Horse Protection Program National Coordinator, Animal Care, APHIS, 4700 River Road, Unit 84, Riverdale, MD 20737-1238; (301) 734-5784.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Horse Protection Act (HPA, 15 U.S.C. 1821-1831) authorizes the Secretary of Agriculture to promulgate regulations prohibiting the showing, exhibition, transport, or sale of horses subjected to soring, a practice of accentuating a horse's gait through the infliction of pain. The Secretary of Agriculture has delegated the responsibility for enforcing the HPA to the Administrator of the Animal and Plant Health Inspection Service (APHIS). Exercising its rulemaking authority under the Act, APHIS enforces regulations that are contained in 9 CFR part 11, referred to below as the regulations, that prohibit, among other things, devices and methods that might sore horses.

In a petition sent on August 4, 2010, The Humane Society of the United States, the American Society for the Prevention of Cruelty to Animals, the American Horse Protection Association, Inc., Friends of Sound Horses, Inc., and former Senator Joseph D. Tydings (referred to below as the petitioners) requested that APHIS change its regulations and policies regarding the protection of horses from the practice of soring. The petitioners' requests included permanently disqualifying horses that have been scarred from soring from competitions, permanently disqualifying repeat violators of the HPA, requiring horse industry

organizations to impose minimum penalties for violations, and decertifying noncompliant horse industry organizations.

The HPA does not provide APHIS with the authority to implement certain requests in the petition. Specifically, APHIS does not have the authority under the HPA to permanently disqualify horses that have been scarred from soring from competitions, nor does APHIS have the authority to permanently disqualify repeat violators of the HPA. The disqualification provisions and penalty provisions are clearly enumerated in the HPA.

You may review the petition and submit comments through the Regulations.gov Web site (see **ADDRESSES** above for instructions for accessing Regulations.gov). We welcome all comments on the issues outlined in the petition. We are particularly interested in receiving comments regarding those areas where APHIS has existing authority under the HPA. We encourage the submission of scientific data, studies, or research to support your comments and position, including scientific data or research that supports any industry or professional standards that pertain to horse care. We also invite data on the costs and benefits associated with any recommendations. We will consider all comments and recommendations we receive.

**Authority:** 15 U.S.C. 1823–1825 and 1828; 7 CFR 2.22, 2.80, and 371.7.

Done in Washington, DC, this 7th day of April 2011.

**Gregory L. Parham,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2011–8773 Filed 4–12–11; 8:45 am]

**BILLING CODE 3410–34–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 139

[Docket No. FAA-2010–0247; Notice No. 11–01]

RIN 2120–AJ70

#### Safety Enhancements, Certification of Airports; Reopening of Comment Period

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM); Reopening of comment period.

**SUMMARY:** The FAA published a proposed rule on February 1, 2011, to establish minimum standards for

training of personnel who access the airport non-movement area (ramp and apron) to help prevent accidents and incidents in that area. This proposal would require a certificate holder to conduct pavement surface evaluations to ensure reliability of runway surfaces in wet weather conditions. This proposed action would also require a Surface Movement Guidance Control System (SMGCS) plan if the certificate holder conducts low visibility operations, facilitating the safe movement of aircraft and vehicles in low visibility conditions. Finally, this proposal would clarify the applicability of part 139 and explicitly prohibit fraudulent or intentionally false statements in a certificate application or record required to be maintained. This action reopens the comment period.

**DATES:** The comment period for the NPRM published on February 1, 2011, (76 FR 5510) closed on April 4, 2011, and is reopened until May 13, 2011.

**ADDRESSES:** You may send comments identified by Docket Number FAA–2010–0247 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue, SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Operations at 202–493–2251.

*Privacy:* The FAA will post all comments it receives, without change, to <http://www.regulations.gov>, including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at <http://DocketsInfo.dot.gov>.

*Docket:* Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for

accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Kenneth Langert, AAS–300, Office of Airports, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 493–4529; e-mail [kenneth.langert@faa.gov](mailto:kenneth.langert@faa.gov).

**SUPPLEMENTARY INFORMATION:** See the “Additional Information” section for information on how to comment on this proposal and how the FAA will handle comments received. The “Additional Information” section also contains related information about the docket, privacy, and the handling of proprietary or confidential business information. In addition, there is information on obtaining copies of related rulemaking documents.

#### Background

On February 1, 2011, the FAA issued Notice No. 11–01, entitled “Safety Enhancements Part 139, Certification of Airports” [76 FR 5510]. Comments to that document were to be received on or before April 4, 2011.

Historically, the FAA's Flight Standards Service (AFS) has approved airlines (via Operations Specifications) to depart at visibilities less than runway visual range (RVR) 1200 feet even in cases where the instrument approach procedures are published at landing visibilities above RVR 1200. These departure operations are routinely available where runway centerline lights and RVR equipment are installed.

Recently, the FAA Office of Airports (ARP) learned that a number of airport operators may not be aware that low-visibility approaches and departures have been approved for their airport. Advisory Circular AC 120–57A, Surface Movement Guidance and Control System (SMGCS) Plans, includes recommendations that airports should follow in low-visibility take-off operations or develop their own similar procedures. The proposed rule would require a SMGCS plan, similar to that described in AC–120–57A, for each certificate holder where departures below RVR 1200 are authorized, as well as where approach minima less than RVR 1200 are published.

The FAA would like to ensure all airports and industry associations are fully aware of both AC 120–57A and the proposed rule. For this reason, and in the interest of transparency, the FAA will notify, by letter, airports with