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WHEN: Tuesday, June 14, 2011
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Conference Room, Suite 700
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Washington, DC 20002

RESERVATIONS: (202) 741–6008

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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.

OFFICE OF GOVERNMENT ETHICS

5 CFR Part 2641

RIN 3209–AA14

Post-Employment Conflict of Interest Restrictions; Revision of Departmental Component Designations

AGENCY: Office of Government Ethics (OGE).

ACTION: Final rule, amendments.

SUMMARY: OGE is issuing this rule to designate an additional departmental component for purposes of the one-year post-employment conflict of interest restriction at 18 U.S.C. 207(c).

DATES: The amendments to appendix B to part 2641 (as set forth in amendatory paragraph 2) are effective May 25, 2011.

FOR FURTHER INFORMATION CONTACT: Amy E. Braud, Attorney-Advisor, Office of General Counsel and Legal Policy, Office of Government Ethics, Telephone: 202–482–9300; TTY: 800–877–8339; FAX: 202–482–9237.

SUPPLEMENTARY INFORMATION:

A. Substantive Discussion

Addition of Departmental Component

The Director of OGE (Director) is authorized by 18 U.S.C. 207(h) to designate distinct and separate departmental or agency components in the executive branch for purposes of 18 U.S.C. 207(c). The representational bar of 18 U.S.C. 207(c) usually extends to the whole of any department or agency in which a former senior employee served in any capacity during the year prior to termination from a senior employee position. However, 18 U.S.C. 207(h) provides that whenever the Director of OGE determines that an agency or bureau within a department or agency in the executive branch exercises functions which are distinct and separate from the remaining functions of the department or agency and there exists no potential for use of undue influence or unfair advantage based on past Government service, the Director shall by rule designate such agency or bureau as a separate component of that department or agency. As a result, a former senior employee who served in a "parent" department or agency is not barred by 18 U.S.C. 207(c) from making communications to or appearances before any employees of any designated component of that parent, but is barred as to employees of that parent or of other components that have not been separately designated. Moreover, a former senior employee who served in a designated component of a parent department or agency is barred from communicating to or making an appearance before any employee of that component, but is not barred as to any employee of the parent or of any other component.

Under 18 U.S.C. 207(h)(2), component designations do not apply to persons employed at a rate of pay specified in or fixed according to subchapter II of 5 U.S.C. chapter 53 (the Executive Schedule). Component designations are listed in appendix B to 5 CFR part 2641.

The Director of OGE regularly reviews the component designations and determinations and, in consultation with the department or agency concerned, makes such additions and deletions as are necessary. Specifically, the Director "shall by rule make or revoke a component designation after considering the recommendation of the designated agency ethics official." 5 CFR 2641.201(e)(3)(iii). Before designating an agency component as distinct and separate for purposes of 18 U.S.C. 207(c), the Director must find that there exists no potential for use by former senior employees of undue influence or unfair advantage based on past Government service, and that the component is an agency or bureau within a department or agency that exercises functions which are distinct and separate from the functions of the parent department or agency and from the functions of other components of that parent. 5 CFR 2641.201(e)(6).

Pursuant to the procedures prescribed in 5 CFR 2641.201(e), one department has forwarded a written request to OGE to amend its listing in appendix B. After carefully reviewing the requested change in light of the criteria in 18 U.S.C. 207(h) as implemented in 5 CFR 2641.210(e)(6), the Director of OGE has determined to grant this request and amend appendix B to 5 CFR part 2641 as explained below.

The Department of Labor has requested that OGE designate the Pension Benefit Guaranty Corporation (PBGC) as a distinct and separate component of the Department of Labor for purposes of 18 U.S.C. 207(c). The PBGC is a wholly owned Federal corporation created by the Employee Retirement Income Security Act (ERISA) of 1974, Public Law 93–406, 88 Stat. 829, and established within the Department of Labor. 29 U.S.C. 1302(a). According to the Department of Labor, PBGC performs a Government function that is separate and distinct from every other agency within the Department of Labor. The mission of the PBGC is to protect the retirement income of those workers who have defined benefit plans with their employers.

Accordingly, the Director is granting the request of the Department of Labor and therefore is amending the Department of Labor listing in appendix B to part 2641 to designate the PBGC as a new component.

As indicated in 5 CFR 2641.201(e)(4), a designation "shall be effective as of the effective date of the rule that creates the designation, but shall not be effective as to employees who terminated senior service prior to that date." Initial designations were effective as of January 1, 1991. The effective date of subsequent designations is indicated by means of parenthetical entries in appendix B. The new component designation made by this rulemaking document is effective May 25, 2011.

B. Matters of Regulatory Procedure

Administrative Procedure Act

Pursuant to 5 U.S.C. 553, as the Director of the Office of Government Ethics, I find that good cause exists for waiving the general requirements for notice of proposed rulemaking, opportunity for public comment, and a 30-day delayed effective date. It is important and in the public interest that the designation herein by OGE of the specified separate departmental component be published in the **Federal Register** and take effect as promptly as possible.

Regulatory Flexibility Act

As Director of the Office of Government Ethics, I certify under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this rule will not have a significant economic impact on a substantial number of small entities because it affects only Federal departments and agencies and current and former Federal employees.

Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply to this rule because it does not contain information collection requirements that require the approval of the Office of Management and Budget.

Unfunded Mandates Reform Act

For purposes of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. chapter 25, subchapter II), the final rule will not significantly or uniquely affect small governments and will not result in increased expenditures by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more (as adjusted for inflation) in any one year.

Congressional Review Act

The Office of Government Ethics has determined that this rulemaking involves a non-major rule under the Congressional Review Act (5 U.S.C. chapter 8) and will submit a report thereon to the U.S. Senate, House of Representatives and Government Accountability Office in accordance with that law at the same time this rulemaking document is sent to the Office of the Federal Register for publication in the **Federal Register**.

Executive Order 12866

In promulgating this final rule, the Office of Government Ethics has adhered to the regulatory philosophy and the applicable principles of regulation set forth in section 1 of Executive Order 12866, Regulatory Planning and Review. This rule has not been reviewed by the Office of Management and Budget under that Executive order since it deals with agency organization, management, and personnel matters and is not "significant" under the order.

Executive Order 12988

As Director of the Office of Government Ethics, I have reviewed this rule in light of section 3 of Executive Order 12988, Civil Justice Reform, and certify that it meets the applicable standards provided therein.

List of Subjects in 5 CFR Part 2641

Conflict of interests, Government employees.

Approved: May 18, 2011.

Robert I. Cusick,

Director, Office of Government Ethics.

Accordingly, for the reasons set forth in the preamble, the Office of Government Ethics is amending 5 CFR part 2641 as follows:

PART 2641—POST-EMPLOYMENT CONFLICT OF INTEREST RESTRICTIONS

■ 1. The authority citation for part 2641 continues to read as follows:

Authority: 5 U.S.C. App. (Ethics in Government Act of 1978); 18 U.S.C. 207; E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

■ 2. Effective May 25, 2011, appendix B to part 2641 is amended by revising the listing for the Department of Labor to read as follows:

Appendix B to Part 2641—Agency Components for Purposes of 18 U.S.C. 207(c)

* * * * *

Parent: Department of Labor

Components:

Bureau of Labor Statistics.
Employee Benefits Security Administration (formerly Pension and Welfare Benefits Administration) (effective May 16, 1997).
Employment and Training Administration.
Employment Standards Administration.
Mine Safety and Health Administration.
Occupational Safety and Health Administration.
Office of Disability Employment Policy (effective January 30, 2003).
Pension Benefit Guaranty Corporation (effective May 25, 2011).

* * * * *

[FR Doc. 2011–12798 Filed 5–23–11; 8:45 am]

BILLING CODE 6345–03–P

FARM CREDIT ADMINISTRATION

12 CFR Part 614

RIN 3052–AC62

Loan Policies and Operations; Loan Purchases From FDIC

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: The Farm Credit Administration (FCA or we) issues this final rule to amend its regulations on loan policies and operations. This final rule will permit Farm Credit System (System or FCS) institutions with direct lending authority to purchase from the Federal Deposit Insurance Corporation (FDIC) loans to farmers, ranchers, producers or harvesters of aquatic products and cooperatives that meet eligibility and scope of financing requirements. This will allow the System to provide liquidity and a stable source of funding and credit for borrowers of eligible agricultural loans in rural areas affected by the failure of their lending institution.

DATES: This regulation will be effective 30 days after publication in the **Federal Register** during which either or both Houses of Congress are in session. We will publish a notice of the effective date in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Mark L. Johansen, Senior Policy Analyst, Office of Regulatory Policy, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4498, TTY (703) 883–4434, or

Mary Alice Donner, Senior Counsel, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TTY (703) 883–4020.

SUPPLEMENTARY INFORMATION:

I. Background

Agriculture and rural sectors in the United States are adversely affected by bank failures and the resultant depressed local economies. Many commercial banks are active in agricultural and cooperative lending and, when they fail, farmers, ranchers, producers or harvesters of aquatic products, and cooperatives can be left seeking new lenders to meet their ongoing credit needs. Representatives from the FDIC, the System, and others have asked whether System institutions, directly or in partnership with other market participants, could provide a source of credit and liquidity to borrowers whose operations are financed with agricultural or cooperative loans affected by commercial bank failures.[1]

On May 18, 2010, the FCA published a Notice of Proposed Rulemaking (NPRM) to amend FCA regulations governing purchase and sale of interests in loans (75 FR 27660). The proposed rule would allow System institutions to purchase certain agricultural or cooperative loans of failed commercial

[1] System institutions are federally chartered, cooperatively owned corporations authorized under titles I, II, and III of the Farm Credit Act of 1971, as amended (Act), to make long-term mortgage and short- and intermediate-term production loans to farmers, ranchers, aquatic producers or harvesters, and, in the case of banks for cooperatives, to eligible cooperative associations. *See* 12 U.S.C. 2001 *et seq.*

banks from the FDIC. The FCA initially established a 60-day comment period but, on the request of the public, reopened the comment period for another 30 days (75 FR 56487, Sept. 16, 2010).[2]

After reviewing the comments, the FCA is adopting this final rule with two changes from the proposed rule. First, the FCA originally proposed a due diligence process in which a System institution would conduct a preliminary review of loans for eligibility prior to purchase, conduct a more thorough due diligence review after purchase, and divest ineligible loans. In response to the comments, FCA now modifies the final rule to eliminate the two-tiered due diligence process and to authorize only the purchase of agricultural loans that are eligible for System financing. Second, in response to comments concerning the need for the rule and those raising concerns on the safety and soundness of acquiring failed bank loans and out-of-territory loans, the final rule requires System institutions to provide information on loans made under authority of this section to FCA in the Reports of Condition and Performance.

II. Purpose of the Rule

FCA regulations currently provide that a System institution may not purchase an interest in a loan from a non-System institution except for the purpose of pooling and securitizing loans to sell to the Federal Agricultural Mortgage Corporation unless the interest is a participation interest.[3] As a result, System institutions are not currently authorized to buy loans from the FDIC. However, the Farm Credit Act of 1971, as amended (Act), does not prohibit System institutions from purchasing eligible loans from the FDIC. This rule will allow System institutions, directly or in partnership with other market participants, to purchase loans of failed banks from the FDIC acting as receiver or in any other capacity, when those loans meet eligibility and scope of financing requirements under titles I, II and III of the Act. System institutions will be able to provide a source of credit and liquidity to borrowers whose operations are financed with System eligible agricultural or cooperative loans affected by commercial bank failures.

III. Discussion of Comments

We received approximately 94 comment letters from commercial banks and their trade groups, the Farm Credit Council, a few System institutions and individuals. All non-System entities opposed the proposed rule while the System entities supported it. The Independent Community Bankers of America (ICBA) submitted a comment letter dated October 18, 2010, in which it discusses the results of a survey it conducted of over 2000 agricultural banks to determine their opinions on the proposed rule. We treat the ICBA's summary of the results of its survey and all discussion of it as a comment of the ICBA. We discuss all relevant comments to our proposed rule and our responses below. Those areas of the proposed rule not receiving comment are finalized as proposed unless otherwise discussed in this preamble.

A. Legal Authority for the Rule

Most of the non-System commenters objected that the rule gives System institutions authority beyond that granted by Congress and expands the Farm Credit mission beyond the intent of the Act. These commenters contend that the Act expressly identifies the limited authority of System institutions to buy, sell and participate in non-System loans. They opine that the FDIC is comparable to a non-System lender and that Federal law does not grant authority to System institutions to purchase loans from non-System lenders. They object that ineligible loans that are distressed would remain in the FCS and borrowers could get the benefit of borrower rights. They state that by providing restructuring to ineligible distressed loans and financial services to ineligible borrowers, the FCA contravenes the Act. A few commenters contend that the FCA is suggesting that all powers not denied by Congress are therefore granted by Congress, and that this is disingenuous because obviously Congress cannot foresee all potential lending activities.

Several System institutions commented that the FCA should authorize System institutions to purchase loans from FDIC successor banks, to purchase whole loans from non-System entities whenever it would benefit rural America, or that the FCA should allow the purchase of interests in all eligible loans.

FCA response. We do not agree that the proposed rule contravenes the Act. Section 1.5(5) of the Act gives Farm Credit Banks the authority to acquire, hold, dispose and otherwise exercise all the usual incidents of ownership of real and personal property necessary or convenient to its business,[4] and section 1.5(15) of the Act gives Farm Credit Banks authority to buy and sell obligations of, or insured by the United States or any agency thereof, and to make other investments as may be authorized under regulation issued by the FCA.[5] System institutions have the specific authority to make eligible loans, and to participate in eligible loans with non-System lenders. While these provisions of the Act do not specifically identify the System's authority to buy eligible loans from the FDIC, an eventuality not contemplated by Congress at the time, they do set forth the parameters of the System's authority upon which the FCA relies in this rule.

The Supreme Court has held that the business of banking is not limited to authorized activities specifically identified or enumerated in a statute.[6] System institutions may engage in those banking activities that are necessary to carry out their specific mission.[7] The System's mission is to make credit available to farmers and ranchers and their cooperatives, and to provide for an adequate and flexible flow of money into rural areas, and to meet current and future rural credit needs.[8] The System, as a Government-sponsored enterprise (GSE) for agricultural lending, should have a role in providing credit to farmers and ranchers and cooperatives and liquidity to rural areas, by purchasing eligible loans when the FDIC seeks buyers of agricultural or cooperative loans of a failed bank, consistent with the safe and sound operation of System business.

One non-System commenter contends that the FCA has, in the past, interpreted the Act to prohibit the proposed action, and that the FCA's authority to draft regulations does not authorize the FCA to go beyond the authority that limits the participation, selling and buying of loans with non-System banks.

The FCA has in the past determined that System institutions may not purchase whole loans from commercial banks. As the result of bank failures in rural areas, the FCA has for the first

[2] The reopened comment period for the proposed rule closed on October 18, 2010.

[3] 12 CFR 614.4325(b).

[4] *See* sections 2.2(5) and 2.12(5) of the Act for parallel authority with respect to Farm Credit associations.

[5] *See* sections 2.2(11) and 2.12(17) of the Act for parallel authority with respect to Farm Credit associations, and section 3.1(5) and (13)(A) of the Act for parallel authorities with respect to banks for cooperatives.

[6] *See NationsBank of North Carolina, N.A.* v. *Variable Annuity Life Insurance Co.,* 513 U.S. 251 (1995).

[7] *REW Enterprises, Inc.* v. *Premier Bank, N.A.,* 49 F.3d 163 (5th Cir. 1995).

[8] *See* Preamble, Farm Credit Act of 1971, as amended, 12 U.S.C. 2001 *et seq.*

time considered the question of whether a System institution may purchase an otherwise eligible loan from the FDIC, a non-bank, non-lender, liquidator. It is unlikely that Congress ever considered this particular authority; however, Congress intended the System to provide liquidity to rural areas where necessary, and the FCA believes that allowing System institutions to bid on loans of failed banks—loans that the System could make outright and could participate in if originated by commercial banks—furthers that intent.

The FCA does not agree with the comments of the System institutions that it should broaden the reach of the rule.

B. Eligibility

Non-System commenters object to the provision of the proposed rule that would allow ineligible loans to remain within the System until divested. They object that the proposed rule would allow System institutions to offer financial services to borrowers who are not eligible under the Act and would offer financial remedies that are statutorily exclusive to those who meet eligibility requirements. They conclude that the proposed rule is contrary to statutory intent. Several commenters state that there should be an outright prohibition against purchasing ineligible loans, and that if the FCA cannot assure that loans purchased are within the legal requirements for System institutions, then FCA has no business making such a proposal. Many commenters object that the proposed rule does not set forth a required timeline for divesting illegal loans, and several commenters suggest that System institutions with ineligible loans should be subject to penalties.

One commenter states that the Act and existing regulations plainly identify loan eligibility, carefully keeping with the limited purposes Congress intended. This commenter states that under the proposed rule the ineligible loan, one not related to the mission of the Act and its congressionally defined mission or one in which the borrower does not acquire voting stock, would remain within the System until divested. Several commenters stated that the result of the rule would be that the System institutions would hold all manner of loans not related to farming and agriculture. One commenter states that if a loan is ineligible due to borrower status or loan type then that is the end of the analysis, and the FCS institution is not authorized to provide financial services. The commenter concludes that financing that is ineligible based on loan type or membership cannot be made eligible by being identified as distressed. The commenter further opines that a System institution cannot expeditiously divest of ineligible distressed loans in which it has provided restructuring financing, because the restructuring process takes time. One System institution commented that requiring a second due diligence review after loan purchase and divestiture will result in a substantial discount in the bid amount.

FCA response. We agree with commenters that System institutions do not have authority to purchase ineligible loans. Therefore, we are changing § 614.4325(b)(3)(i) of the final rule to require participating System institutions to determine eligibility of the loans or loan pools up front, before purchase. If a determination of eligibility cannot be made, then the System institution may not purchase the loan or loan pool under the rule. Because eligibility must be determined before purchasing the loan, there is no need to require divestiture of these loans except if the borrower does not elect to acquire voting stock, and § 614.4325(b)(3)(v) is modified accordingly.

This rule requires System institutions to establish a program offering each eligible borrower of a purchased loan the opportunity to acquire voting stock. We expect System institutions to have a fair and equitable program in place to make membership available to all interested borrowers. We anticipate that pursuant to such a program all borrowers will choose to become members. If, however, a borrower chooses not to acquire voting stock, the borrower will not be entitled to borrower rights under this rule, and § 614.4325(b)(3)(iv) is modified accordingly.

C. Need for the Rule

The ICBA comments that when loans are available for bidding, the competition in the bidding process is adequate to aggressive. It comments that there is robust competition among community banks for credit-seeking customers. Several commenters state that the rule allows System institutions to leverage high capital levels to spur new growth at the expense of private sector lenders. Many non-System commenters state that they are not aware of a lack of buyers of loans or loan pools from the FDIC after bank failures. They state that there are plenty of bidders on good quality loans. They comment that System institutions are not needed in the bidding process as there is no lack of commercial and community bank buyers for loans sold by FDIC. One commenter states that System institutions rarely reach out to help with loans that have material weakness. This commenter states that System institutions cherry pick the best loans from the community and that if the System needs loans it should reach out to farmers who need cheap credit but do not qualify for bank loans.

FCA response. The rule does not authorize System institutions to bid on loans or pools of loans that include loans not eligible for direct lending. The FDIC decides how to package loan assets for sale, and if the FDIC decides that the most cost effective and efficient way to sell loans is to create a pool of agricultural loans eligible for System financing, then System institutions will be able to bid on those pools. As mentioned above, if a determination of eligibility cannot be made, then the System institution is not authorized by this rule to purchase the loan or loan pool. This helps assure that the System institutions will only enter the FDIC auction market based on need. If there are enough non-System banks to bid on loans at auction, the FDIC is unlikely to go to the trouble and expense of packaging System eligible loans. The FDIC will have the incentive to limit the pool to loans eligible for purchase by Farm Credit institutions only if there is not an available market to buy agricultural loans.

D. Unfair Competition

Some non-System commenters opine that the rule allows System institutions to shop for high quality loans, including ineligible loans, while ignoring marginal credits. Many non-System commenters assert that the rule allows System institutions to use their GSE status and tax advantages to undercut the bidding of community banks in the FDIC auction process.

Many non-System commenters assert that because community banks have paid premiums to the Deposit Insurance Fund to enable the FDIC to resolve failed FDIC-insured banks, it would be unfair to allow non-paying FCS institutions to compete in bidding on loans of failed banks. They state that the rule allows the System to leverage its GSE status, and the fact that the System does not pay premiums into the Deposit Insurance Fund results in a gross unfairness to community banks.

FCA response. The final rule does not authorize System institutions to purchase loans ineligible for financing. System institutions are exercising their authority to support agriculture by bidding on agricultural loans where there is a need, consistent with their mission. Further, to the extent the System institutions are able to

participate in the bidding process, they are increasing the return to the FDIC on failed bank assets, thereby providing additional support to the insurance fund. The result is a benefit to FDIC-insured banks.

E. Out of Territory Loans and Safety and Soundness

Many non-System commenters question why FCA would propose a rule that would allow a System institution to purchase pools of loans without first obtaining the prior consent of the System institution in whose lending territory the borrower's agricultural operation is wholly or partially located. Many commenters state that this practice is not consistent with cooperative principles or a cooperative system and that out-of-territory loan purchases would pose safety and soundness issues for FCS lenders bidding on loans in territories with which the lenders are unfamiliar.

One commenter states that the rule allows System institutions to hold more than the usual volume of extra territorial loans and that capital that should be reserved to finance farming and agriculture within a territory would be diverted to purchase loans outside of the territory, some of which would be distressed and not related to farming, resulting in a loss of available capital in the district. The commenter stated that System institutions will expend resources to manage loans far outside their districts, resulting in added economic risks associated with the purchase of loans from failed banks. One commenter states that it appears the FCA is willing to allow System institutions to engage in significant risks in the quality of loans purchased just so they can achieve greater growth.

FCA response. The System is not the lender of last resort and therefore not required to fund loans that are not creditworthy or would pose considerable risk to the safety and soundness of the institution. On the other hand, the System, as a GSE, does have a mission responsibility to provide credit to rural areas where needed so long as the institution remains safe and sound. As such, the bidding System institution should consider the overall credit quality of the loan pool recognizing that the loans in the pool will have varying degrees of individual loan quality.

As a practical matter the chartered territory of the System institution located closest to the failed commercial bank would never be exactly in line with the headquarters of the eligible agricultural borrowers of the failed bank. It would be impractical for the FDIC to package loans by FCS territory. The rule requires the purchasing System institution to notify the System institutions in whose lending territory the borrowers' headquarters are wholly or partially located to alert them to the purchase and, as noted in the preamble to the proposal, consider partnering with that institution if the purchasing institution cannot adequately service a purchased loan located outside of its chartered territory. However, System institutions must comply with § 614.4070 if a new loan is subsequently made to the borrower.

To address safety and soundness concerns, we have added to the final rule a provision requiring System institutions to provide information on loans purchased under authority of this section in the Reports of Condition and Performance. This allows the FCA to monitor loans acquired through this program to make adjustments as necessary if safety and soundness issues arise.

F. Comments Requesting FCA Expand FCS Institutions' Authority

Several System commenters stated that the FCA should allow FCS institutions to purchase whole loans from FDIC successor banks and from non-System entities whenever it would benefit rural America. Many non-System commenters objected to an extension of the rule to successor banks.

The rule is intended to provide liquidity to areas in need of credit incident to a bank failure. The FCA does not intend to extend the rule beyond the purchase of loans directly from the FDIC either in its receivership or corporate capacity.

IV. Section-by-Section Analysis

A. Section 614.4070(d)

This section is finalized as proposed.

B. Section 614.4325(b)(3)

This section is finalized as proposed. See discussion on authority above.

C. Section 614.4325(b)(3)(i)

In response to the comments, and for the reasons discussed above, this section authorizes System institutions to purchase loans from the FDIC, but now requires participating System institutions to conduct thorough due diligence prior to purchase.

D. Section 614.4325(b)(3)(ii)

This section is finalized as proposed.

E. Section 614.4325(b)(3)(iii)

This section is finalized as proposed.

F. Section 614.4325(b)(3)(iv)

Commenters object to this section because it could result in allowing borrowers of distressed ineligible loans certain borrower rights. In response to the comments, the FCA has modified the rule to authorize purchase of only eligible loans. Therefore, only borrowers of eligible loans will be afforded borrower rights under this section. This section is finalized as proposed.

G. Section 614.4325(b)(3)(v)

In response to the comments, the FCA has modified the rule to authorize only the purchase of eligible loans. Therefore, a provision addressing divestiture of ineligible loans is unnecessary. This section is modified from the proposed rule accordingly.

H. Section 614.4325(b)(3)(vi)

To ensure adequate oversight and disclosure of loans purchased under this section, we adopt a new paragraph (vi), which provides that each System institution shall include information on loans purchased under authority of this section in the Reports of Condition and Performance required under § 621.12 of this chapter, in the format prescribed by FCA reporting instructions.

FCA makes System "call report" data publicly available through its Web site at *http://www.fca.gov.* Under § 621.13(a) of this chapter, System institutions must prepare Reports of Condition and Performance in accordance with FCA instructions.

V. Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), FCA hereby certifies that the final rule will not have a significant economic impact on a substantial number of small entities. Each of the banks in the Farm Credit System, considered together with its affiliated associations, has assets and annual income in excess of the amounts that would qualify them as small entities. Therefore, Farm Credit System institutions are not "small entities" as defined in the Regulatory Flexibility Act.

List of Subjects in 12 CFR Part 614

Agriculture, Banks, Banking, Foreign trade, Reporting and recordkeeping requirements, Rural areas.

Accordingly, for the reasons stated in the preamble, part 614 of chapter VI, title 12 of the Code of Federal Regulations, is amended as follows:

PART 614—LOAN POLICIES AND OPERATIONS

■ 1. The authority citation for part 614 continues to read as follows:

Authority: 42 U.S.C. 4012a, 4104a, 4104b, 4106, and 4128; secs. 1.3, 1.5, 1.6, 1.7, 1.9, 1.10, 1.11, 2.0, 2.2, 2.3, 2.4, 2.10, 2.12, 2.13, 2.15, 3.0, 3.1, 3.3, 3.7, 3.8, 3.10, 3.20, 3.28, 4.12, 4.12A, 4.13B, 4.14, 4.14A, 4.14C, 4.14D, 4.14E, 4.18, 4.18A, 4.19, 4.25, 4.26, 4.27, 4.28, 4.36, 4.37, 5.9, 5.10, 5.17, 7.0, 7.2, 7.6, 7.8, 7.12, 7.13, 8.0, 8.5 of the Farm Credit Act (12 U.S.C. 2011, 2013, 2014, 2015, 2017, 2018, 2019, 2071, 2073, 2074, 2075, 2091, 2093, 2094, 2097, 2121, 2122, 2124, 2128, 2129, 2131, 2141, 2149, 2183, 2184, 2201, 2202, 2202a, 2202c, 2202d, 2202e, 2206, 2206a, 2207, 2211, 2212, 2213, 2214, 2219a, 2219b, 2243, 2244, 2252, 2279a, 2279a–2, 2279b, 2279c–1, 2279f, 2279f–1, 2279aa, 2279aa–5); sec. 413 of Pub. L. 100–233, 101 Stat. 1568, 1639.

Subpart B—Chartered Territories

■ 2. Amend § 614.4070 by adding a new paragraph (d) to read as follows:

§ 614.4070 Loans and chartered territory—Farm Credit Banks, agricultural credit banks, Federal land bank associations, Federal land credit associations, production credit associations, and agricultural credit associations.

* * * * *

(d) A bank or association chartered under title I or II of the Act may finance eligible borrower operations conducted wholly or partially outside its chartered territory through the purchase of loans from the Federal Deposit Insurance Corporation in compliance with § 614.4325(b)(3), provided:

(1) Notice is given to the Farm Credit System institution(s) chartered to serve the territory where the headquarters of the borrower's operation being financed is located; and

(2) After loan purchase, additional financing of eligible borrower operations complies with paragraphs (a), (b), and (c) of this section.

Subpart H—Loan Purchases and Sales

■ 3. Amend § 614.4325 by revising paragraph (b) to read as follows:

§ 614.4325 Purchase and sale of interests in loans.

* * * * *

(b) *Authority to purchase and sell interests in loans.* Loans and interests in loans may only be sold in accordance with each institution's lending authorities, as set forth in subpart A of this part. No Farm Credit System institution may purchase any interest in a loan from an institution that is not a Farm Credit System institution, except:

(1) For the purpose of pooling and securitizing such loans under title VIII of the Act;

(2) Purchases of a participation interest that qualifies under the institution's lending authority, as set forth in subpart A of this part, and meets the requirements of § 614.4330 of this subpart;

(3) Loans purchased from the Federal Deposit Insurance Corporation, provided that the Farm Credit System institution with direct lending authority under title I, II or III of the Act:

(i) Conducts a thorough due diligence prior to purchase to ensure that the loan, or pool of loans, qualifies under the institution's lending authority as set forth in subpart A of this part, and meets scope of financing and eligibility requirements in subpart A or subpart B of part 613;

(ii) Obtains funding bank approval if a Farm Credit System association purchases loans or pools of loans that exceed 10 percent of total its capital;

(iii) Establishes a program whereby each eligible borrower of the loan purchased is offered an opportunity to acquire the institution's required minimum amount of voting stock;

(iv) Determines whether each loan purchased, except for loans purchased that could be financed only by a bank for cooperatives under title III of the Act, is a distressed loan as defined in § 617.7000, and provides borrowers of purchased loans who acquire voting stock the rights afforded in § 617.7000, subparts A, and D through G if the loan is distressed; and

(v) Divests eligible purchased loans when the borrowers elect not to acquire stock under the program offered in paragraph (b)(3)(iii) of this section in the same manner it would divest loans under its current business practices.

(vi) Includes information on loans purchased under authority of this section in the Reports of Condition and Performance required under § 621.12 of this chapter, in the format prescribed by FCA reporting instructions.

* * * * *

Date: May 19, 2011.

Dale L. Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2011–12785 Filed 5–24–11; 8:45 am]

BILLING CODE 6705–01–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 745

RIN 3133–AD79

Share Insurance and Appendix

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule.

SUMMARY: Section 343 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) [1] provides that, on a temporary basis, NCUA shall fully insure the net amount that any member or depositor at an insured credit union maintains in a noninterest-bearing transaction account. Although this insurance coverage is self-implementing, and therefore already in place, this final rule: Clarifies the definition of the term "noninterest-bearing transaction account;" provides that this new insurance coverage is separate from, and in addition to, other coverage provided in NCUA's share insurance rules; and imposes certain notice and disclosure requirements.

DATES: The rule is effective June 24, 2011.

FOR FURTHER INFORMATION CONTACT: Frank Kressman, Senior Staff Attorney, Office of General Counsel, at the above address or telephone (703) 518–6540.

SUPPLEMENTARY INFORMATION:

A. Background

1. The Dodd-Frank Act

Section 343 of the Dodd-Frank Act amended the Federal Credit Union Act (FCU Act) to include full share insurance coverage, beyond the Standard Maximum Share Insurance Amount (SMSIA),[2] for the net amount held in a noninterest-bearing transaction account by any member or depositor at an insured credit union. The term "noninterest-bearing" should be read as including "nondividend-bearing" to translate the provisions of the Dodd-Frank Act into credit union terminology.[3] Insured credit unions are not required to take any action to receive this additional insurance coverage. The additional coverage mandated by Section 343 of the Dodd-

[1] Public Law 111–203 (July 21, 2010).

[2] The SMSIA is defined as $250,000. 12 CFR 745.1(e).

[3] Federal credit unions cannot offer interest-bearing accounts; they can only pay dividends pursuant to the Federal Credit Union Act. Some state chartered, federally insured credit unions may offer interest-bearing accounts pursuant to their state credit union acts.

Frank Act is temporary through December 31, 2012.

2. The Proposed Rule

In December 2010, the NCUA Board issued a proposed rule to clarify its interpretation of the Dodd-Frank Act provisions regarding noninterest-bearing transaction accounts. 75 FR 80367 (December 22, 2010). The following summarizes the issues discussed in the proposal.

Amendments to Share Insurance Rules

Section 343 of the Dodd-Frank Act amended the share insurance provisions of the FCU Act (12 U.S.C. 1787(k)(1)) to provide separate insurance coverage for noninterest-bearing transaction accounts. Accordingly, as discussed in detail below, NCUA proposed to revise its share insurance regulations in 12 CFR Part 745 to include this new temporary share insurance account category.

Definition of Noninterest-Bearing Transaction Account

The proposed rule incorporated the definition of noninterest-bearing transaction account in section 343 of the Dodd-Frank Act. Section 343 defines a noninterest-bearing transaction account as "an account or deposit maintained at an insured credit union with respect to which interest is neither accrued nor paid; on which the account holder or depositor is permitted to make withdrawals by negotiable or transferable instrument, payment orders of withdrawal, telephone or other electronic media transfers, or other similar items for the purpose of making payments or transfers to third parties or others; and on which the insured credit union does not reserve the right to require advance notice of an intended withdrawal." This definition of noninterest-bearing transaction account encompasses only traditional, noninterest-bearing demand deposit (checking or share draft) accounts that allow for an unlimited number of deposits and withdrawals at any time,[4] whether held by a business, an individual, or other type of member. It does not include negotiable order of withdrawal (NOW) accounts, money-market accounts (MMA), or Interest on Lawyers Trust Accounts (IOLTA).

Under the proposal, whether an account is considered noninterest-bearing or nondividend bearing is determined by the terms of the account agreement and not by the fact that the dividend rate on an account may be zero percent at a particular point in time. For example, an insured credit union might offer an account with a dividend rate of zero percent except when the balance exceeds a prescribed threshold. Similarly, an account that normally bears dividends might have a dividend rate of zero for a particular period if the board of directors of the insured credit union where the account is maintained determines not to, or is prohibited from, declaring a dividend for that period.

Such an account would not qualify as a noninterest-bearing transaction account even when the balance is less than the prescribed threshold or no dividend is declared and the dividend rate is zero percent for a particular period. Under the proposed rule, such an account would be treated as an interest-bearing or dividend-bearing account at all times because the account agreement provides for the payment of dividends under certain circumstances. However, under the proposal, the waiving of fees on an account would not be treated as the earning of dividends. For example, an insured credit union can sometimes waive fees or provide fee-reducing credits for members with share draft accounts. Under the proposed rule, such account features would not prevent an account from qualifying as a noninterest-bearing transaction account, as long as the account otherwise satisfies the definition of a noninterest-bearing transaction account.

The proposed rule's definition of noninterest-bearing transaction account would include official checks issued by insured credit unions, such as negotiable cashier's or certified checks. Ownership of such instruments and the right to full insurance coverage are determined pursuant to § 745.11 of NCUA's share insurance rules regarding accounts evidenced by negotiable instruments.

Under the proposal, funds swept (or transferred) from a share account to either another type of share account or a non-deposit account are treated as being in the account to which the funds were transferred prior to the time of failure. For example, if pursuant to an agreement between an insured credit union and its member, funds are swept daily from a noninterest-bearing transaction account to an account or product that is not a noninterest-bearing transaction account, then the funds in the resulting account or product would not be eligible for full insurance coverage as a noninterest-bearing transaction account. However, the proposed rule includes an exception from this treatment of swept funds in situations where funds are swept from a noninterest-bearing transaction account to a noninterest-bearing savings account, such as an MMA. Often referred to as "reserve sweeps," these products could entail an arrangement in which a single account is divided into two sub-accounts, a transaction account and an MMA. The amount and frequency of sweeps are often determined by an algorithm designed to minimize required reserves. In some situations, members may be unaware that this sweep mechanism is in place. Under the proposed rule, such accounts would be considered noninterest-bearing transaction accounts. Apart from this exception for reserve sweeps, MMAs and noninterest-bearing savings accounts do not qualify as noninterest-bearing transaction accounts.

Insurance Coverage

As noted in the proposal, pursuant to section 343 of the Dodd-Frank Act, all funds held in noninterest-bearing transaction accounts are fully insured, without limit. As specifically provided for in section 343 of the Dodd-Frank Act, this unlimited coverage is separate from, and in addition to, the coverage provided to members with respect to other accounts held at an insured credit union. This means that funds held in noninterest-bearing transaction accounts will not be counted for purposes of determining the amount of share insurance on shares held in other accounts, and in other rights and capacities, at the same insured credit union. For example, if a member has a $225,000 share certificate and a no-dividend share draft account with a balance of $300,000, both held in a single ownership capacity, he or she would be fully insured for $525,000 (plus dividends accrued on the share certificate), assuming the member has no other single-ownership funds at the same credit union. First, coverage of $225,000 (plus accrued dividends) would be provided for the share certificate as a single ownership account (12 CFR 745.3) up to the SMSIA of $250,000. Second, full coverage of the $300,000 share draft account would be provided separately, despite the share draft account also being held as a single ownership account, because the account

[4] The NCUA Board does not believe the general provisions of Article III, Section 5(a) of the Federal Credit Union Bylaws, or other similar provisions, affect the definition of noninterest-bearing transaction account or the share insurance coverage of this kind of account. Article III, Section 5(a) of the bylaws states that with respect to member withdrawals from share accounts, the federal credit union's board of directors has the right, at any time, to require members to give up to 60 days written notice of intention to withdraw the whole or any part of the amounts paid in by members. The NCUA Board considers this a broad, administrative provision that does not alter the nature of an account that otherwise satisfies the definition of a noninterest-bearing transaction account.

qualifies for unlimited separate coverage as a noninterest-bearing transaction account.

Disclosure and Notice Requirements

In the proposal, NCUA imposed notice and disclosure requirements to ensure that credit union members are aware of and understand what types of accounts will be covered by the temporary share insurance coverage for noninterest-bearing transaction accounts. The proposal included two such notice requirements. The first requires insured credit unions to post a prescribed notice in their main offices, each branch and, if applicable, on their Web sites.

The second notice requires insured credit unions to notify members individually of any action they take to affect the share insurance coverage of funds held in noninterest-bearing transaction accounts. Although this second notice requirement continues to be mandatory in the final rule, it is noteworthy that NCUA does not impose specific requirements regarding the form of the notice. Rather, NCUA expects insured credit unions to act in a commercially reasonable manner and to comply with applicable state and federal laws and regulations in informing members of changes to their account agreements.

B. Summary of Comments

NCUA received seven comments to the proposed rule issued in December 2010. Many of the commenters acknowledged that the proposal necessarily adhered to the standards mandated in the Dodd-Frank Act regarding noninterest-bearing transaction accounts. Four commenters specifically noted their support for the rule. The other commenters did not oppose the proposal, but they expressed some concern or made some suggestion for improving the proposal.

One commenter suggested NCUA should update its website regarding the share insurance coverage for noninterest-bearing transaction accounts. NCUA agrees this would be helpful in ensuring credit unions are fully aware of the additional share insurance coverage and the conditions under which it is available. NCUA will update its website in this regard.

Some commenters expressed concern over how the proposal would affect the share insurance deposit, equaling 1% of insured shares, which each insured credit union is required to maintain with the NCUA ("NCUA Share Insurance Capitalization Deposit").

They requested NCUA discuss this in the final rule. The NCUA Share Insurance Capitalization Deposit is based on a credit union's insured shares. NCUA's 5300 Call Report considers shares in noninterest-bearing transaction accounts part of a credit union's total insured shares. Accordingly, a credit union's NCUA Share Insurance Capitalization Deposit will be based, in part, on the amount of insured shares its members have in noninterest-bearing transaction accounts.

Other commenters requested NCUA shorten the prescribed notice required by the proposal. They stated a shorter, more succinct notice would be more effective and less confusing. NCUA believes this is a good recommendation and adopts a shorter version of the prescribed notice in this final rule. All other aspects of the proposed rule are adopted as proposed.

C. Regulatory Procedures

Regulatory Flexibility Act

The Regulatory Flexibility Act requires NCUA to prepare an analysis to describe any significant economic impact a regulation may have on a substantial number of small credit unions (those under $10 million in assets). The amendments enhance share insurance coverage for members with no significant direct cost to small credit unions. Accordingly, the NCUA has determined and certifies that this rule will not have a significant economic impact on a substantial number of small credit unions within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601–612.

Paperwork Reduction Act

In accordance with section 3512 of the Paperwork Reduction Act of 1995 ("PRA"), 44 U.S.C. 3501 *et seq.,* an 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 Office of Management and Budget ("OMB") control number. This final rule contains disclosure requirements, some of which implicate PRA as more fully explained below.

The new disclosure requirements are contained in § 745.14(c)(1) and 745.14(c)(2). More specifically, § 745.14(c)(1) requires that each insured credit union that offers noninterest-bearing transaction accounts post a "Notice of Changes In Temporary NCUA Insurance Coverage For Transaction Accounts" in the lobby of its main office and domestic branches and, if it offers internet deposit services, on its Web site. Section 745.14(c)(2) requires that insured credit unions notify members of any action that affects the share insurance coverage of their funds held in noninterest-bearing transaction accounts.

The disclosure requirement in § 745.14(c)(1) would normally be subject to PRA. However, because NCUA has provided the specific text for the notice and allows for no variance in the language, the disclosure is excluded from coverage under PRA because "the public disclosure of information originally supplied by the Federal government to the recipient for the purpose of disclosure to the public is not included" within the definition of "collection of information." 5 CFR 1320.3(c)(2). Therefore, NCUA is not submitting the § 745.14(c)(1) disclosure to OMB for review.

The disclosure requirement in § 745.14(c)(2) regarding sweep accounts and any action that affects the share insurance coverage of funds held in noninterest-bearing transaction accounts is mandatory for all insured credit unions, although insured credit unions would retain flexibility regarding the form of the notice. Therefore, in conjunction with publication of this rule, NCUA has submitted to OMB a request to review the estimated burden associated with this disclosure requirement, and that approval is pending.

The estimated burden for the proposed new disclosure under § 745.14(c)(2) is as follows:

Title: "Disclosure of Share Account Status."

Affected Public: Insured credit unions.

Estimated Number of Respondents: 150.

Frequency of Response: On occasion (average of once per year per credit union).

Average Time per Response: 8 hours.

Estimated Annual Burden: 1,200 hours.

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, Public Law 104–121, provides generally for congressional review of agency rules. A reporting requirement is triggered in instances where NCUA issues a final rule as defined by Section 551 of the Administrative Procedures Act. 5 U.S.C. 551. The Office of Information and Regulatory Affairs, an office within OMB, has reviewed this rule and determined that, for purposes of SBREFA, this is not a major rule.

Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. In adherence to fundamental federalism principles, NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order. This rule would not have substantial direct effect on the states, on the connection between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. NCUA has determined that this rule does not constitute a policy that has federalism implications for purposes of the executive order.

The Treasury and General Government Appropriations Act, 1999—Assessment of Federal Regulations and Policies on Families

NCUA has determined that this rule would not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999, Public Law 105–277, 112 Stat. 2681 (1998).

List of Subjects in 12 CFR Part 745

Credit unions, Share insurance.

By the National Credit Union Administration Board on May 19, 2011.

Mary F. Rupp,

Secretary of the Board.

For the reasons discussed above, NCUA amends 12 CFR Part 745 as follows:

PART 745—SHARE INSURANCE AND APPENDIX

■ 1. The authority citation for Part 745 continues to read as follows:

Authority: 12 U.S.C. 1752(5), 1757, 1765, 1766, 1781, 1782, 1787, 1789.

■ 2. Amend § 745.1 by adding a new paragraph (f) to read as follows:

§ 745.1 Definitions.

* * * * *

(f) The term *noninterest-bearing transaction account* means an account or deposit maintained at an insured credit union—

(1) With respect to which either interest or dividends are neither accrued nor paid;

(2) On which the account holder or depositor is permitted to make withdrawals by negotiable or transferable instrument, payment orders of withdrawal, telephone or other electronic media transfers, or other similar items for the purpose of making payments or transfers to third parties or others; and

(3) On which the insured credit union does not reserve the right to require advance notice of an intended withdrawal.

■ 3. Add § 745.14 to read as follows:

§ 745.14 Noninterest-bearing transaction accounts.

(a) *Separate insurance coverage.* Through December 31, 2012, a member's funds in a "noninterest-bearing transaction account" (as defined in § 745.1(f) of this part) are fully insured, irrespective of the SMSIA. Such insurance coverage shall be separate from the coverage provided for other accounts maintained at the same insured credit union.

(b) *Certain swept funds.* NCUA will treat funds swept from a noninterest-bearing transaction account to a noninterest-bearing savings deposit account as being in a noninterest-bearing transaction account.

(c) *Disclosure and notice requirements.* (1) Each insured credit union that offers noninterest-bearing transaction accounts must post prominently the following notice in the lobby of its main office, in each branch and, if it offers internet deposit services, on its Web site:

NOTICE OF CHANGES IN TEMPORARY NCUA INSURANCE COVERAGE FOR TRANSACTION ACCOUNTS

All funds in a "noninterest-bearing transaction account" are insured in full by the National Credit Union Administration through December 31, 2012. This temporary unlimited coverage is in addition to, and separate from, the coverage of at least $250,000 available to members under the NCUA's general share insurance rules.

The term "noninterest-bearing transaction account" includes a traditional share draft account (or demand deposit account) on which the insured credit union pays no interest or dividend. It does *not* include any transaction account that may earn interest or dividends, a negotiable order of withdrawal ("NOW") account, money-market deposit account, and Interest on Lawyers Trust Account ("IOLTA"), even if share drafts may be drawn on the account. For more information about temporary NCUA insurance coverage of transaction accounts, visit *www.ncua.gov.*

(2) If an insured credit union uses sweep arrangements, modifies the terms of an account, or takes other actions that result in funds no longer being eligible for full coverage under this section, the insured credit union must notify affected members and clearly advise them, in writing, that such actions will affect their share insurance coverage.

[FR Doc. 2011–12826 Filed 5–24–11; 8:45 am]

BILLING CODE 7535–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–1098; Directorate Identifier 2008–NM–108–AD; Amendment 39–16532; AD 2010–24–13]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747SR, and 747SP Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: The FAA is correcting an airworthiness directive (AD) that published in the **Federal Register**. That AD applies to the products listed above. The reference to a "sub-section number" in paragraph (g) of the regulatory section is incorrect. This document corrects that error. In all other respects, the original document remains the same.

DATES: This final rule is effective May 25, 2011. The effective date for AD 2010–24–13 remains January 20, 2011.

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

FOR FURTHER INFORMATION CONTACT: Tung Tran, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; phone: 425–917–6505; fax: 425–917–6590; e-mail: *tung.tran@faa.gov.*

SUPPLEMENTARY INFORMATION: Airworthiness Directive 2010–24–13, amendment 39–16532 (75 FR 78591,

December 16, 2010), currently requires adding two new indicator lights on a certain panel to inform the captain and first officer of a low pressure condition in the left and right override/jettison pumps of the center wing tanks. That AD also requires replacing the left and right override/jettison switches on the M154 fuel control module on the P4 panel with improved switches and doing the associated wiring changes. That AD also requires, for certain airplanes, installation of a mounting bracket for the new indicator lights. In addition, that AD requires a revision to the maintenance program to incorporate airworthiness limitation No. 28–AWL–22. Additionally, that AD requires a revision to the airplane flight manual to advise the flightcrew what to do in the event that the pump low pressure light on the flight engineer's panel does not illuminate when the pump is selected off. That AD requires those actions for Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747SR, and 747SP series airplanes.

As published, the reference to "sub-section number is '28–60–06' " in paragraph (g) of the regulatory section is incorrect. The correct sub-section number is 20–60–06.

No other part of the preamble or regulatory information has been changed; therefore, only the changed portion of the final rule is being published in the **Federal Register**.

The effective date of this AD remains January 20, 2011.

Correction of Regulatory Text

§ 39.13 [Corrected]

In the **Federal Register** of December 16, 2010, on page 78593, in the second and third columns, paragraph (g) of AD 2010–24–13 is corrected to read as follows:

* * * * *

(g) Within 36 months after the effective date of this AD: For airplanes with a P10 panel installed, add two new indicator lights on the P10 panel to inform the captain and first officer of a low pressure condition in the left and right override/jettison pumps of the center wing tanks, and, for airplanes that do not have the warning panel (P10 panel) installed, add a mounting bracket and two new indicator lights to the Autopilot Flight Director panel; and replace the left and right override/jettison switches on the M154 fuel control module on the P4 panel with improved switches; and do the associated wiring changes. Accomplish these actions by doing all of the applicable actions specified in the Accomplishment Instructions of Boeing Service Bulletin 747–28A2288, Revision 1, dated January 21, 2010, except where that service bulletin states "20–60–00," the correct sub-section number is "20–60–06," and except as described in Table 1 of this AD.

* * * * *

Issued in Renton, Washington, on May 13, 2011.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2011–12591 Filed 5–24–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[TD 9519]

RIN 1545–BF33

Taxpayer Assistance Orders; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains a correction to final regulations (TD 9519) that were published in the **Federal Register** on Friday, April 1, 2011 (76 FR 18059) relating to taxpayer assistance orders.

DATES: This correction is effective May 25, 2011 and applicable April 1, 2011.

FOR FURTHER INFORMATION CONTACT: Janice R. Feldman, (202) 622–8488 (not a toll free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations (TD 9519) that are the subject of this correction are under section 7811 of the Internal Revenue Code.

Need for Correction

As published, the final regulations (TD 9519) contain an error that may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the final regulations (TD 9519), that are the subject of FR Doc. 2011–7770, is corrected as follows:

On page 18060, column 1, under the paragraph heading "Background", line 3 from the top of the paragraph, the language "under sections 7811 of the Internal" is corrected to read "under section 7811 of the Internal".

LaNita VanDyke,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. 2011–12791 Filed 5–24–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Navy (DoN) is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (DAJAG) (Admiralty and Maritime Law) has determined that USS CALIFORNIA (SSN 781) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

DATES: This rule is effective May 25, 2011 and is applicable beginning May 13, 2011.

FOR FURTHER INFORMATION CONTACT: Lieutenant Jaewon Choi, (Admiralty and Maritime Law), Office of the Judge Advocate General, Department of the Navy, 1322 Patterson Ave., SE., Suite 3000, Washington Navy Yard, DC 20374–5066, telephone 202–685–5040.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the DoN amends 32 CFR Part 706.

This amendment provides notice that the DAJAG (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that USS CALIFORNIA (SSN 781) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I, paragraph 2(a)(i), pertaining to the vertical placement of the masthead light; Annex I, paragraph 2(k), pertaining to the vertical separation of the anchor lights and

vertical placement of the forward anchor light above the hull; Annex I, paragraph 3(b), pertaining to the location of the sidelights; and Rule 21(c), pertaining to the location and arc of visibility of the sternlight. The DAJAG (Admiralty and Maritime Law) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

For the reasons set forth in the preamble, the Navy amends part 706 of title 32 of the Code of Federal Regulations as follows:

PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

■ 1. The authority citation for part 706 continues to read as follows:

Authority: 33 U.S.C. 1605.

■ 2. Section 706.2 is amended as follows:

■ A. In Table One by adding, in alpha numerical order, by vessel number, an entry for USS CALIFORNIA (SSN 781); and

■ B. In Table Three by adding, in alpha numerical order, by vessel number, an entry for USS CALIFORNIA (SSN 781).

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

* * * * *

TABLE ONE

Vessel	Number	Distance in meters of forward masthead light below minimum required height. § 2(a)(i), Annex I
*	*	*
USS CALIFORNIA	SSN 781	2.76
*	*	*

* * * * *

TABLE THREE

Vessel	No.	Masthead lights arc of visibility; rule 21(a)	Side lights arc of visibility; rule 21(b)	Stern light arc of visibility; rule 21(c)	Side lights distance inboard of ship's sides in meters 3(b) annex 1	Stern light, distance forward of stern in meters; rule 21(c)	Forward anchor light, height above hull in meters; 2(K) annex 1	Anchor lights relationship of aft light to forward light in meters 2(K) annex 1
*	*		*	*	*		*	*
USS CALIFORNIA.	SSN 781	.....	.....	205.1°	4.37	11.05	2.8	0.30 below.

* * * * *

Approved: May 13, 2011.

M. Robb Hyde,

Commander, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law).

Dated: May 19, 2011.

D.J. Werner,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2011–12962 Filed 5–24–11; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 100 and 165

[Docket No. USCG–2011–0369]

Special Local Regulations and Safety Zones; Recurring Events in Northern New England

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulations.

SUMMARY: The Coast Guard is announcing specific dates and times for Special Local Regulations and Safety Zones occurring in the Northern New England Captain of the Port Zone. This action is necessary to protect marine traffic and spectators from the hazards associated with powerboat races, regattas, boat parades, rowing and paddling boat races, swim events, and fireworks displays. During the enforcement period, no person or vessel may enter the Special Local Regulation area or Safety Zone without permission of the Captain of the Port.

DATES: The regulations for events described in 33 CFR 100.120 and 33 CFR 165.171 will be enforced during the times and dates specified in Table 1 and Table 2, respectively. The earliest event

is May 27, 2011, and the latest event is September 23, 2011.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or e-mail Lieutenant Junior Grade Terence Leahy, Waterways Management Division at Coast Guard Sector Northern New England, telephone 207–767–0398, e-mail *Terence.O.Leahy@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the Special Local Regulations and Safety Zones listed in 33 CFR 100.120 and 33 CFR 165.171. These regulations will be enforced for the duration of each event, on the dates indicated in Tables 1 and 2.

TABLE 1

[For events described in 33 CFR 100.120]

5.0	MAY
5.1 Tall Ships Visiting Portsmouth	• Event Type: Regatta and Boat Parade. • Sponsor: Portsmouth Maritime Commission, Inc. • Date: May 27 to 31, 2011. • Time: 9 a.m. to 8 p.m. each day. • Location: The regulated area includes all waters of Portsmouth Harbor, New Hampshire in the vicinity of Castle Island within the following points (NAD 83): 43°03′11″ N, 070°42′26″ W. 43°03′18″ N, 070°41′51″ W. 43°04′42″ N, 070°42′11″ W. 43°04′28″ N, 070°44′12″ W. 43°05′36″ N, 070°45′56″ W. 43°05′29″ N, 070°46′09″ W. 43°04′19″ N, 070°44′16″ W. 43°04′22″ N, 070°42′33″ W.
6.0	JUNE
6.1 Bar Harbor Blessing of the Fleet	• Event Type: Regatta and Boat Parade. • Sponsor: Town of Bar Harbor, Maine. • Date: June 5, 2011. • Time: 12 p.m. to 1:30 p.m. • Location: The regulated area includes all waters of Bar Harbor, Maine within the following points (NAD 83): 44°23′32″ N, 068°12′19″ W. 44°23′30″ N, 068°12′00″ W. 44°23′37″ N, 068°12′00″ W. 44°23′35″ N, 068°12′19″ W.
6.2 Charlie Begin Memorial Lobster Boat Races	• Event Type: Power Boat Race. • Sponsor: Boothbay Harbor Lobster Boat Race Committee. • Date: June 18, 2011. • Time: 10 a.m. to 3 p.m. • Location: The regulated area includes all waters of Boothbay Harbor, Maine in the vicinity of within John's Island the following points (NAD 83): 43°50′04″ N, 069°38′37″ W. 43°50′54″ N, 069°38′06″ W. 43°50′49″ N, 069°37′50″ W. 43°50′00″ N, 069°38′20″ W.
6.3 Rockland Harbor Lobster Boat Races	• Event Type: Power Boat Race. • Sponsor: Rockland Harbor Lobster Boat Race Committee. • Date: June 19, 2011. • Time: 9 a.m. to 5 p.m. • Location: The regulated area includes all waters of Rockland Harbor, Maine in the vicinity of the Rockland Breakwater Light within the following points (NAD 83): 44°05′59″ N, 069°04′53″ W. 44°06′43″ N, 069°05′25″ W. 44°06′50″ N, 069°05′05″ W. 44°06′05″ N, 069°04′34″ W.
6.4 Windjammer Days Parade of Ships	• Event Type: Tall Ship Parade. • Sponsor: Boothbay Region Chamber of Commerce. • Date: June 22, 2011. • Time: 12 p.m. to 5 p.m. • Location: The regulated area includes all waters of Boothbay Harbor, Maine in the vicinity of Tumbler's Island within the following points (NAD 83): 43°51′02″ N, 069°37′33″ W. 43°50′47″ N, 069°37′31″ W. 43°50′23″ N, 069°37′57″ W.

TABLE 1—Continued

[For events described in 33 CFR 100.120]

	43°50′01″ N, 069°37′45″ W. 43°50′01″ N, 069°38′31″ W. 43°50′25″ N, 069°38′25″ W. 43°50′49″ N, 069°37′45″ W.
7.0	JULY
7.1 Moosabec Lobster Boat Races	• Event Type: Power Boat Race. • Sponsor: Moosabec Boat Race Committee. • Date: July 2, 2011. • Time: 10 a.m. to 12:30 p.m. • Location: The regulated area includes all waters of Jonesport, Maine within the following points (NAD 83): 44°31′21″ N, 067°36′44″ W. 44°31′36″ N, 067°36′47″ W. 44°31′44″ N, 067°35′36″ W. 44°31′29″ N, 067°35′33″ W.
7.2 The Great Race	• Event Type: Rowing and Paddling Boat Race. • Sponsor: Franklin County Chamber of Commerce. • Date: July 3, 2011. • Time: 10 a.m. to 12:30 p.m. • Location: The regulated area includes all waters of Lake Champlain in the vicinity of Saint Albans Bay within the following points (NAD 83): 44°47′18″ N, 073°10′27″ W. 44°47′10″ N, 073°08′51″ W.
7.3 Searsport Lobster Boat Races	• Event Type: Power Boat Race. • Sponsor: Searsport Lobster Boat Race Committee; • Date: July 9, 2011. • Time: 9 a.m. to 4 p.m. • Location: The regulated area includes all waters of Searsport Harbor, Maine within the following points (NAD 83): 44°26′50″ N, 068°55′20″ W. 44°27′04″ N, 068°55′26″ W. 44°27′12″ N, 068°54′35″ W. 44°26′59″ N, 068°54′29″ W.
7.4 Stonington Lobster Boat Races	• Event Type: Power Boat Race. • Sponsor: Stonington Lobster Boat Race Committee. • Date: July 10, 2011. • Time: 8 a.m. to 3:30 p.m. • Location: The regulated area includes all waters of Stonington, Maine within the following points (NAD 83): 44°08′55″ N, 068°40′12″ W. 44°09′00″ N, 068°40′15″ W. 44°09′11″ N, 068°39′42″ W. 44°09′07″ N, 068°39′39″ W.
7.5 Mayor's Cup Regatta	• Event Type: Sailboat Parade. • Sponsor: Plattsburgh Sunrise Rotary. • Date: July 9, 2011. • Time: 10 a.m. to 4 p.m. • Location: The regulated area includes all waters of Cumberland Bay on Lake Champlain in the vicinity of Plattsburgh, New York within the following points (NAD 83): 44°39′26″ N, 073°26′25″ W. 44°41′27″ N, 073°23′12″ W.
7.6 The Challenge Race	• Event Type: Rowing and Paddling Boat Race. • Sponsor: Lake Champlain Maritime Museum. • Date: July 10, 2011. • Time: 11 a.m. to 3 p.m. • Location: The regulated area includes all waters of Lake Champlain in the vicinity of Button Bay State Park within the following points (NAD 83): 44°12′25″ N, 073°22′32″ W. 44°12′00″ N, 073°21′42″ W. 44°12′19″ N, 073°21′25″ W. 44°13′16″ N, 073°21′36″ W.
7.7 Friendship Lobster Boat Races	• Event Type: Power Boat Race.

TABLE 1—Continued

[For events described in 33 CFR 100.120]

	• Sponsor: Friendship Lobster Boat Race Committee. • Date: July 23, 2011. • Time: 9:30 a.m. to 3 p.m. • Location: The regulated area includes all waters of Friendship Harbor, Maine within the following points (NAD 83): 43°57′51″ N, 069°20′46″ W. 43°58′14″ N,069°19′53″ W. 43°58′19″ N, 069°20′01″ W. 43°58′00″ N, 069°20′46″ W.
7.8 Arthur Martin Memorial Regatta	• Event Type: Rowing and Paddling Boat Race. • Sponsor: IROW. • Date: July 16, 2011. • Time: 9 a.m. to 1 p.m. • Location: The regulated area includes all waters of the Piscataqua River, in the vicinity of Kittery Point, Maine within the following points (NAD 83): 43°03′51″ N, 070°41′55″ W. 43°04′35″ N, 070°42′18″ W. 43°04′42″ N, 070°43′15″ W. 43°05′14″ N, 070°43′12″ W. 43°05′14″ N, 070°43′06″ W. 43°04′44″ N, 070°43′11″ W. 43°04′35″ N, 070°42′13″ W. 43°03′53″ N, 070°41′40″ W.
7.9 Harpswell Lobster Boat Races	• Event Type: Power Boat Race. • Sponsor: Harpswell Lobster Boat Race Committee. • Date: July 24, 2011. • Time: 10 a.m. to 3 p.m. • Location: The regulated area includes all waters of Potts Harbor, Maine within the following points (NAD 83): 43°46′50″ N, 070°01′37″ W. 43°46′50″ N, 070°01′18″ W. 43°46′28″ N, 070°01′36″ W. 43°46′28″ N, 070°01′19″ W.
8.0	AUGUST
8.1 Eggemoggin Reach Regatta	• Event Type: Wooden Boat Parade. • Sponsor: Rockport Marine, Inc. and Brookline Boat Yard. • Date: August 6, 2011. • Time: 11 a.m. to 7 p.m. • Location: The regulated area includes all waters of Eggemoggin Reach and Jericho Bay in the vicinity of Naskeag Harbor, Maine within the following points (NAD 83): 44°15′16″ N, 068°36′26″ W. 44°12′41″ N, 068°29′26″ W. 44°07′38″ N, 068°31′30″ W. 44°12′54″ N, 068°33′46″ W.
8.2 Southport Rowgatta Rowing and Paddling Boat Race	• Event Type: Rowing and Paddling Boat Race. • Sponsor: Boothbay Region YMCA. • Date: August 13, 2011. • Time: 8 a.m. to 3 p.m. • Location: The regulated area includes all waters of Sheepscot Bay and Boothbay, on the shore side of Southport Island, Maine within the following points (NAD 83): 43°50′26″ N, 069°39′10″ W. 43°49′10″ N, 069°38′35″ W. 43°46′53″ N, 069°39′06″ W. 43°46′50″ N, 069°39′32″ W. 43°49′07″ N, 069°41′43″ W. 43°50′19″ N, 069°41′14″ W. 43°51′11″ N, 069°40′06″ W.
8.3 Winter Harbor Lobster Boat Races	• Event Type: Power Boat Race. • Sponsor: Winter Harbor Chamber of Commerce. • Date: August 13, 2011. • Time: 9 a.m. to 3 p.m. • Location: The regulated area includes all waters of Winter Harbor, Maine within the following points (NAD 83): 44°22′06″ N, 068°05′13″ W.

TABLE 1—Continued

[For events described in 33 CFR 100.120]

	44°23′06″ N, 068°05′08″ W. 44°23′04″ N, 068°04′37″ W. 44°22′05″ N, 068°04′44″ W.
8.4 Lake Champlain Dragon Boat Festival	• Event Type: Rowing and Paddling Boat Race. • Sponsor: Dragonheart Vermont. • Date: August 7, 2011. • Time: 7 a.m. to 5 p.m. • Location: The regulated area includes all waters of Burlington Bay within the following points (NAD 83): 44°28′51″ N, 073°13′28″ W. 44°28′40″ N, 073°13′40″ W. 44°28′37″ N, 073°13′29″ W. 44°28′40″ N, 073°13′17″ W.
8.5 Merritt Brackett Lobster Boat Races	• Event Type: Power Boat Race. • Sponsor: Town of Bristol, Maine. • Date: August 14, 2011. • Time: 10 a.m. to 3 p.m. • Location: The regulated area includes all waters of Pemaquid Harbor, Maine within the following points (NAD 83): 43°52′16″ N, 069°32′10″ W. 43°52′41″ N, 069°31′43″ W. 43°52′35″ N, 069°31′29″ W. 43°52′09″ N, 069°31′56″ W.
8.6 Multiple Sclerosis Regatta	• Event Type: Regatta and Sailboat Race. • Sponsor: Maine Chapter, Multiple Sclerosis Society. • Date: August 16, 2011. • Time: 10 a.m. to 4 p.m. • Location: The regulated area for the start of the race includes all waters of Casco Bay, Maine in the vicinity of Peaks Island within the following points (NAD 83): 43°40′24″ N, 070°14′20″ W. 43°40′36″ N, 070°13′56″ W. 43°39′58″ N, 070°13′21″ W. 43°39′46″ N, 070°13′51″ W.
8.7 Multiple Sclerosis Harborfest Tugboat Race	• Event Type: Power Boat Race. • Sponsor: Maine Chapter, National Multiple Sclerosis Society. • Date: August 21, 2011. • Time: 10 a.m. to 3 p.m. • Location: The regulated area includes all waters of Portland Harbor, Maine in the vicinity of Maine State Pier within the following points (NAD 83): 43°40′25″ N, 070°14′21″ W. 43°40′36″ N, 070°13′56″ W. 43°39′58″ N, 070°13′21″ W. 43°39′47″ N, 070°13′51″ W.
9.0	SEPTEMBER
9.1 Eastport Pirates Festival Lobster Boat Races	• Event Type: Power Boat Race. • Sponsor: Eastport Pirates Festival. • Date: September 11, 2011. • Time: 11 a.m. to 6 p.m. • Location: The regulated area includes all waters in the vicinity of Eastport Harbor, Maine within the following points (NAD 83): 44°54′14″ N, 066°58′52″ W. 44°54′14″ N, 068°58′56″ W. 44°54′24″ N, 066°58′52″ W. 44°54′24″ N, 066°58′56″ W.

TABLE 2

[For events described in 33 CFR 165.171]

6.0	JUNE
6.1 Windjammer Days Fireworks	• Event Type: Fireworks Display. • Sponsor: Boothbay Harbor Region Chamber of Commerce. • Date: June 22, 2011. • Time: 8 p.m. to 10:30 p.m. • Location: In the vicinity of McFarland Island, Boothbay Harbor, Maine in approximate position: 43°50′38″ N, 069°37′57″ W (NAD 83).
7.0	JULY
7.1 Burlington Independence Day Fireworks	• Event Type: Firework Display. • Sponsor: City of Burlington, Vermont. • Date: July 3, 2011. • Time: 9 p.m. to 11 p.m. • Location: From a barge in the vicinity of Burlington Harbor, Burlington, Vermont in approximate position: 44°28′31″ N, 073°13′31″ W (NAD 83).
7.2 Camden 3rd of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Camden, Rockport, Lincolnville Chamber of Commerce. • Date: July 3, 2011. • Time: 8 p.m. to 10 p.m. • Location: In the vicinity of Camden Harbor, Maine in approximate position: 44°12′32″ N, 069°02′58″ W (NAD 83).
7.3 Bangor 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Bangor 4th of July Fireworks. • Date: July 4, 2011. • Time: 8 p.m. to 10:30 p.m. • Location: In the vicinity of the Bangor Waterfront, Bangor, Maine in approximate position: 44°47′27″ N, 068°46′31″ W (NAD 83).
7.4 Bar Harbor 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Bar Harbor Chamber of Commerce. • Date: July 4, 2011. • Time: 8 p.m. to 10:30 p.m. • Location: In the vicinity of Bar Harbor Town Pier, Bar Harbor, Maine in approximate position: 44°23′31″ N, 068° 12′15″ W (NAD 83).
7.5 Boothbay Harbor 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Town of Boothbay Harbor. • Date: July 4, 2011. • Time: 8 p.m. to 10:30 p.m. • Location: In the vicinity of McFarland Island, Boothbay Harbor, Maine in approximate position: 43°50′38″ N, 069° 37′57″ W (NAD 83).
7.6 Colchester 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Town of Colchester, Recreation Department. • Date: July 4, 2011. • Time: 8 p.m. to 10 p.m. • Location: In the vicinity of Bayside Beach and Mallets Bay in Colchester, Vermont at approximate position: 44°32′44″ N, 073°13′10″ W (NAD 83).
7.7 Eastport 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Eastport 4th of July Committee. • Date: July 4, 2011. • Time: 9 p.m. to 9:30 p.m. • Location: From the Waterfront Public Pier in Eastport, Maine at approximate position: 44°54′25″ N, 066° 58′55″ W (NAD 83).
7.8 Hampton Beach 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Hampton Beach Village District. • Date: July 4, 2011. • Time: 8:30 p.m. to 11 p.m.

TABLE 2—Continued

[For events described in 33 CFR 165.171]

	• Location: In the vicinity of Hampton Beach, New Hampshire in approximate position: 42°54′40″ N, 070° 48′31″ W (NAD 83).
7.9 Jonesport 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Jonesport 4th of July Committee. • Date: July 2, 2011. • Time: 9:30 p.m. to 10 p.m. • Location: In the vicinity of Beals Island, Jonesport, Maine in approximate position: 44°31′18″ N, 067° 36′43″ W (NAD 83).
7.10 Main Street Heritage Days 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Main Street Inc. • Date: July 4, 2011. • Time: 8 p.m. to 10:30 p.m. • Location: In the vicinity of Reed and Reed Boat Yard, Woolwich, Maine in approximate position: 43°54′56″ N, 069°48′16″ W (NAD 83).
7.11 Portland Harbor 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Department of Parks and Recreation, Portland, Maine. • Date: July 4, 2011. • Time: 8:30 p.m. to 10:30 p.m. • Location: In the vicinity of East End Beach, Portland, Maine in approximate position: 43°40′16″ N, 070°14′44″ W (NAD 83).
7.12 St. Albans Bay Day Fireworks	• Event Type: Fireworks Display. • Sponsor: St. Albans Area Chamber of Commerce. • Date: July 4, 2011. • Time: 9 p.m. to 10 p.m. • Location: From the St. Albans Bay dock in St. Albans Bay, Vermont in the approximate position: 44°48′25″ N, 073°08′23″ W (NAD 83).
7.13 Stonington 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Deer Isle—Stonington Chamber of Commerce. • Date: July 4, 2011. • Time: 8 p.m. to 10:30 p.m. • Location: In the vicinity of Two Bush Island, Stonington, Maine in approximate position: 44°08′57″ N, 068°39′54″ W (NAD 83).
7.14 Urban/EPIC Triathlon	• Event Type: Swim Event. • Sponsor: Tri-Maine Productions. • Date: July 9, 2011. • Time: 7 a.m. to 11 a.m. • Location: The regulated area includes all waters of Portland Harbor in the vicinity of East End Beach in Portland, Maine within the following points (NAD 83): 43°40′00″ N, 070°14′20″ W. 43°40′00″ N, 070°14′00″ W. 43°40′15″ N, 070°14′29″ W. 43°40′17″ N, 070°13′22″ W.
7.15 Tri for a Cure Triathlon	• Event Type: Swim Event. • Sponsor: Maine Cancer Foundation. • Date: July 31, 2011. • Time: 8 a.m. to 1 p.m. • Location: The regulated area includes all waters of Portland Harbor, Maine in the vicinity of Spring Point Light within the following points (NAD 83): 43°39′01″ N, 070°13′32″ W. 43°39′07″ N, 070°13′29″ W. 43°39′06″ N, 070°13′41″ W. 43°39′01″ N, 070°13′36″ W.
7.16 Richmond Days Fireworks	• Event Type: Fireworks Display. • Sponsor: Town of Richmond, Maine. • Date: July 30, 2011. • Time: 8 p.m. to 10 p.m. • Location: From a barge in the vicinity of the inner harbor, Tenants Harbor, Maine in approximate position:

TABLE 2—Continued

[For events described in 33 CFR 165.171]

	44°08′42″ N, 068°27′06″ W (NAD83).
7.17 Colchester Triathlon	• Event Type: Swim Event. • Sponsor: Colchester Parks and Recreation Department. • Date: July 31, 2011. • Time: 7 a.m. to 11 a.m. • Location: The regulated area includes all waters of Malletts Bay on Lake Champlain, Vermont within the following points (NAD 83): 44°32′18″ N, 073°12′35″ W. 44°32′28″ N, 073°12′56″ W. 44°32′57″ N, 073°12′38″ W.
7.18 Peaks to Portland Swim	• Event Type: Swim Event. • Sponsor: Cumberland County YMCA. • Date: July 16, 2011. • Time: 7 a.m. to 1 p.m. • Location: The regulated area includes all waters of Portland Harbor between Peaks Island and East End Beach in Portland, Maine within the following points (NAD 83): 43°39′20″ N, 070°11′58″ W. 43°39′45″ N, 070°13′19″ W. 43°40′11″ N, 070°14′13″ W. 43°40′08″ N, 070°14′29″ W. 43°40′00″ N, 070°14′23″ W. 43°39′34″ N, 070°13′31″ W. 43°39′13″ N, 070°11′59″ W.
8.0	AUGUST
8.1 Sprucewold Cabbage Island Swim	• Event Type: Swim Event. • Sponsor: Sprucewold Association. • Date: August 6, 2011. • Time: 1 p.m. to 6 p.m. • Location: The regulated area includes all waters of Linekin Bay between Cabbage Island and Sprucewold Beach in Boothbay Harbor, Maine within the following points (NAD 83): 43°50′37″ N, 069°36′23″ W. 43°50′37″ N, 069°36′59″ W. 43°50′16″ N, 069°36′46″ W. 43°50′22″ N, 069°36′21″ W.
8.2 Westerlund's Landing Party Fireworks	• Event Type: Fireworks Display. • Sponsor: Portside Marina. • Date: August 6, 2011. • Time: 8 p.m. to 10:30 p.m. • Location: In the vicinity of Westerlund's Landing in South Gardiner, Maine in approximate position: 44°10′19″ N, 069°45′24″ W (NAD 83).
8.3 Y–Tri Triathlon	• Event Type: Swim Event. • Sponsor: Plattsburgh YMCA. • Date: August 6, 2011. • Time: 9 a.m. to 10 a.m. • Location: The regulated area includes all waters of Treadwell Bay on Lake Champlain in the vicinity of Point Au Roche State Park, Plattsburgh, New York within the following points (NAD 83): 44°46′30″ N, 073°23′26″ W. 44°46′17″ N, 073°23′26″ W. 44°46′17″ N, 073°23′46″ W. 44°46′29″ N, 073°23′46″ W.
8.4 Greater Burlington YMCA Lake Swim	• Event Type: Swim Event. • Sponsor: Greater Burlington YMCA. • Date: August 13, 2011. • Time: 8 a.m. to 6 p.m. • Location: The regulated area includes all waters in Lake Champlain in the vicinity of North Hero Island within the following points (NAD 83): 44°46′55″ N, 073°22′14″ W. 44°47′08″ N, 073°19′05″ W. 44°46′48″ N, 073°17′13″ W. 44°46′10″ N, 073°16′39″ W. 44°41′08″ N, 073°20′58″ W.

TABLE 2—Continued

[For events described in 33 CFR 165.171]

	44°41′36″ N, 073°23′01″ W.
8.7 Rockland Breakwater Swim	• Event Type: Swim Event. • Sponsor: Pen-Bay Masters. • Date: August 27, 2011. • Time: 7:30 a.m. to 1:30 p.m. • Location: The regulated area includes all waters of Rockland Harbor, Maine in the vicinity of Jameson Point within the following points (NAD 83): 44°06′16″ N, 069°04′39″ W. 44°06′13″ N, 069°04′36″ W. 44°06′12″ N, 069°04′43″ W. 44°06′17″ N, 069°04′44″ W. 44°06′18″ N, 069°04′40″ W.
9.0	SEPTEMBER
9.1 Windjammer Weekend Fireworks	• Event Type: Fireworks Display. • Sponsor: Town of Camden, Maine. • Date: September 2, 2011. • Time: 8 p.m. to 9:30 p.m. • Location: From a barge in the vicinity of Northeast Point, Camden Harbor, Maine in approximate position: 44°12′10″ N, 069°03′11″ W (NAD 83).
9.2 The Lobsterman Triathlon	• Event Type: Swim Event. • Sponsor: Tri-Maine Productions. • Date: September 10, 2011. • Time: 8 a.m. to 11 a.m. • Location: The regulated area includes all waters in the vicinity of Winslow Park in South Freeport, Maine within the following points (NAD 83): 43°47′59″ N, 070°06′56″ W. 43°47′44″ N, 070°06′56″ W. 43°47′44″ N, 070°07′27″ W. 43°47′57″ N, 070°07′27″ W.
9.3 Burlington Triathlon	• Event Type: Swim Event. • Sponsor: Race Vermont. • Date: September 11, 2011. • Time: 7 a.m. to 10 a.m. • Location: The regulated area includes all waters in the vicinity of North Beach, Burlington, Vermont within the following points (NAD 83): 44°29′31″ N, 073°14′22″ W. 44°29′12″ N, 073°14′14″ W. 44°29′17″ N, 073°14′34″ W.
9.4 Eliot Festival Day Fireworks	• Event Type: Fireworks Display. • Sponsor: Eliot Festival Day Committee. • Date: September 23, 2011. • Time: 8 p.m. to 10:30 p.m. • Location: In the vicinity of Eliot Town Boat Launch, Eliot, Maine in approximate position: 43°08′56″ N, 070°49′52″ W (NAD 83).

The Coast Guard may patrol each event area under the direction of a designated Coast Guard Patrol Commander. The Patrol Commander may be contacted on Channel 16 VHF–FM (156.8 MHz) by the call sign "PATCOM." Official patrol vessels may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the Captain of the Port, Sector Northern New England. For information about regulations and restrictions for waterway use during the effective periods of these events, please refer to 33 CFR 100.120 and 33 CFR 165.171.

This notice is issued under authority of 33 CFR 100.120, 33 CFR 165.171, and 5 U.S.C. 552 (a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via the Local Notice to Mariners and marine information broadcasts. If the COTP determines that the regulated area need not be enforced for the full duration stated in this notice, he or she may use a Broadcast Notice to Mariners to grant general permission to enter the regulated area.

Dated: May 9, 2011.

B.S. Gilda,

Commander, U.S. Coast Guard, Acting Captain of the Port Sector Northern New England.

[FR Doc. 2011–12847 Filed 5–24–11; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF STATE

48 CFR Part 601

[Public Notice: 7480]

RIN 1400–AB98

Department of State Acquisition Regulation; Foreign Nationals and Third Country Nationals

AGENCY: State Department.

ACTION: Final rule.

SUMMARY: This final rule makes one administrative change to the Department of State Acquisition Regulation (DOSAR). It revises the DOSAR to allow the appointment of selected non-U.S. citizen locally employed staff, i.e., Foreign Nationals and Third Country Nationals, as contracting officers for acquisitions at $25,000 and below. This change will permit streamlined procurement processes at applicable Department of State overseas posts.

DATES: *Effective Date:* This rule is effective June 24, 2011.

FOR FURTHER INFORMATION CONTACT: Barbara Latvanas, Procurement Analyst, Department of State, Office of the Procurement Executive, 2201 C Street, NW., Suite 900, State Annex Number 27, Washington, DC 20522; telephone number: 703–516–1755; e-mail address: *LatvanasBA@state.gov*

SUPPLEMENTARY INFORMATION: The Department published a proposed rule, Public Notice 5684 at 72 FR 4475, January 31, 2007, with a request for comments to expand contracting authority at applicable overseas posts (Embassies and Consulates) to selected non-U.S. citizen locally employed staff (LES) for acquisitions at $25,000 and below. Because the current DOSAR language indicates that all contracting officers must be U.S. citizens, a change to the regulation is required. By way of background, the Department conducted a pilot program at 15 overseas posts in the following locations: Bridgetown, Barbados; Brussels, Belgium; Ljubljana, Slovenia; Melbourne, Australia; Munich, Germany; Nicosia, Cyprus; Oslo, Norway; Paris, France; Seoul, Korea; Singapore; Tallinn, Estonia; The Hague, Netherlands; Tokyo, Japan; Valletta, Malta; and Vienna, Austria. To ensure adequate rule of law, each of the locations involved in the pilot program had a score of at least 5.0 on the Transparency International Corruption Perceptions Index, available at the following Web site: *http://www.transparency.org/*. This successful pilot program resulted in streamlined procurement processes and increased management flexibility in awarding acquisitions at $25,000 and below. As a result of this successful pilot program, the Department wants to adopt the proposed rule as final. As specified in the proposed rule, appropriate enhanced management controls, including review of LES transactions by a U.S. Citizen contracting officer, will be imposed. For example, these controls will incorporate the following mandatory requirements:

- Available only at posts with a score of least 5.0 on the Transparency International Corruption Perceptions Index;
- Available only to selected LES staff with a minimum of five years of Department of State experience, unquestioned integrity, and one week of specified simplified acquisition training;
- Review of LES transactions on a monthly basis by a U.S. citizen contracting officer; and
- Periodic evaluation of LES delegated procurement by the Office of the Procurement Executive.

This DOSAR change is administrative in nature and is intended to provide management flexibility to Department of State overseas posts. The proposed rule was discussed in detail in Public Notice 5684. No public comments were received. The Department is now promulgating a final rule with no changes from the proposed rule.

Regulatory Findings

Administrative Procedure Act

The Department of State does not consider this rule to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review. In addition, the Department is exempt from Executive Order 12866 except to the extent that it is promulgating regulations in conjunction with a domestic agency that are significant regulatory actions. The Department has nevertheless reviewed the regulation to ensure its consistency with the regulatory philosophy and principles set forth in that Executive Order.

Regulatory Flexibility Act

The Department of State, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign based companies in domestic and import markets.

Executive Order 13563 and Executive Order 12866

The Department of State does not consider this rule to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, as amended by Executive Order 13563. In addition, the Department is exempt from Executive Order 12866 except to the extent that it is promulgating regulations in conjunction with a domestic agency that are significant regulatory actions. The Department has nevertheless reviewed the regulation to ensure its consistency with the regulatory philosophy and principles set forth in that Executive Order.

Executive Order 13132

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement.

Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 601

Government procurement.

Accordingly, for reasons set forth in the preamble, title 48, chapter 6 of the Code of Federal Regulations is amended as follows:

Subchapter A—General

PART 601—DEPARTMENT OF STATE ACQUISITION REGULATION SYSTEM

■ 1. The authority citation for 48 CFR part 601 continues to read as follows:

Authority: 40 U.S.C. 486(c); 22 U.S.C. 2658.

■ 2. Section 601.603–3 is amended by revising paragraph (c) to read as set forth below:

601.603–3 Appointment.

* * * * *

(c) *Non-Federal employees.* Only United States Government employees shall be appointed as contracting officers. For acquisitions at $25,000 and below only, this includes locally employed staff (*i.e.,* Foreign Service Nationals and Third Country nationals). Personal services contractors are not eligible for appointment as DOS contracting officers.

* * * * *

Dated: May 19, 2011.

Corey M. Rindner,

Procurement Executive, Bureau of Administration, Department of State.

[FR Doc. 2011–12993 Filed 5–24–11; 8:45 am]

BILLING CODE 4710–24–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 090225241–1233–03]

RIN 0648–AX70

Fisheries of the Northeastern United States; Monkfish; Amendment 5

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

ACTION: Final rule.

SUMMARY: This final rule implements measures that were approved in Amendment 5 to the Monkfish Fishery Management Plan (FMP). The New England and Mid-Atlantic Fishery Management Councils (Councils) developed Amendment 5 to bring the FMP into compliance with the annual catch limit (ACL) and accountability measure (AM) requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). This rule establishes the mechanisms for specifying ACLs and AMs and sets the annual catch target (ACT) and associated measures for days-at-sea (DAS) and trip limits for the Southern Fishery Management Area (SFMA). NMFS disapproved the proposed ACT, and associated measures, for the Northern Fishery Management Area (NFMA) on the grounds that they are not consistent with the most recent scientific advice. This final rule implements three additional Amendment 5 management measures to promote efficiency and reduce waste, brings the biological and management reference points in the Monkfish FMP into compliance with recently revised National Standard 1 (NS1) Guidelines, and makes one correction to the monkfish weight conversion factors.

DATES: Effective May 25, 2011.

ADDRESSES: An environmental assessment (EA) prepared for Amendment 5 at the time of its submission by the Councils describes the proposed action and other considered alternatives, and provides a thorough analysis of the impacts of the proposed measures and alternatives. NMFS prepared an Addendum to the Amendment 5 EA for the purpose of analyzing the potential impacts of the amendment on Atlantic sturgeon. Copies of Amendment 5, including the EA and the Initial Regulatory Flexibility Analysis (IRFA), are available on request from Paul J. Howard, Executive Director, New England Fishery Management Council (NEFMC), 50 Water Street, Newburyport, MA 01950. Copies of the Addendum to Amendment 5 are available from Patricia A. Kurkul, Regional Administrator, NMFS, 55 Great Republic Drive, Gloucester, MA 01930. These documents are also available online at *http://www.nefmc.org.*

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to the Northeast Regional Office of NMFS at 55 Great Republic Drive, Gloucester, MA 01930, and by e-mail to *OIRA_Submission@omb.eop.gov,* or fax to (202) 395–7285.

FOR FURTHER INFORMATION CONTACT: Allison McHale, Fishery Policy Analyst, (978) 281–9103; fax: (978) 281–9135.

SUPPLEMENTARY INFORMATION:

Background

This final rule implements approved measures in Amendment 5, which was partially approved by NMFS on behalf of the Secretary of Commerce (Secretary) on April 28, 2011. A proposed rule to implement the measures in Amendment 5 published in the **Federal Register** on March 3, 2011 (76 FR 11737), with public comment accepted through April 4, 2011. Details concerning the development of Amendment 5 were contained in the preamble of the proposed rule and are not repeated here.

A recent assessment of the monkfish resource was conducted during the first half of 2010 by the 50th Stock Assessment Review Committee (SARC 50). The full assessment report was released in August 2010 and can be found at *http://www.nefsc.noaa.gov/publications/crd/crd1017/.* The SARC 50 assessment concluded that both stocks are above their respective current biomass thresholds, and above the new biomass thresholds recommended by the assessment, indicating that both stocks are not overfished. Furthermore, the current estimated fishing mortality rate for each stock is below its respective fishing mortality threshold. Thus, overfishing is not occurring on either stock.

The 2010 assessment panel expressed serious concerns regarding the high levels of scientific uncertainty in the assessment results. The Monkfish Assessment Summary Report for 2010 states, "The assessment results continue to be uncertain due to cumulative effects of under-reported landings, unknown discards during the 1980s, uncertainty in survey indices, and incomplete understanding of key biological parameters such as age and growth, longevity, natural mortality and stock structure contributing to retrospective patterns primarily in the northern management area." Unlike the Data Poor Working Group (DPWG) assessment conducted in 2007 (see Monkfish Assessment Summary Report at *http://www.nefsc.noaa.gov/nefsc/publications/crd/crd0713/*), the 2010 assessment utilized projections to evaluate stock trends based on anticipated fishing levels. However, these projections are also considered highly uncertain because they are based on the outputs of the assessment model. Despite this uncertainty, the projections indicated that the NFMA is more vulnerable to overfishing or becoming overfished during 2011–2016 if total catches approach the acceptable biological catch (ABC) value of 17,485 mt in Amendment 5 that was based on the results of the DPWG assessment. Conversely, the SFMA was found to be less vulnerable based upon the ABC value of 13,326 mt in Amendment 5.

Disapproved Measure

NMFS disapproved the proposed Amendment 5 ACT for the NFMA, and the specification of DAS and trip limits to achieve that ACT. The proposed NFMA ACT and specification of DAS and trip limits were included in Amendment 5 based on the recommended interim ABC, and assessments available at the time the amendment document was finalized by the Councils. Specifically, Amendment 5 proposed an ACT for the NFMA of 10,750 mt, an allocation of 40 DAS, and trip limits of 1,250 lb (567 kg) tail wt. per DAS for Category A and C vessels, and 800 lb (363 kg) tail wt. per DAS for Category B and D vessels. For the SFMA, Amendment 5 proposed an ACT of 11,513 mt, and allocation of 28 DAS, and trip limits of 550 lb (249 kg) tail wt. per DAS for Category A and C vessels, and 450 lb (204 kg) tail wt. per DAS for Category B and D vessels.

The results of SARC 50 became available after the Councils took final action on Amendment 5. In response to the new assessment, the New England Council's Scientific and Statistical Committee (SSC) revisited its previous ABC recommendation at a meeting in August 2010. The SSC, after much discussion concerning the uncertainty with the assessment and alternate methods for calculating ABC to account for this uncertainty, agreed to maintain the existing interim ABC approach it previously recommended. Using this interim ABC approach, the SSC recalculated the recommended ABCs to incorporate the results of SARC 50. Thus, based on this recalculation using the ABC control rule approved in Amendment 5, the ABCs are automatically revised to be 7,592 mt for the NFMA, and 12,316 mt for the SFMA. The result is a revised ABC for the NFMA that is 3,158 mt lower than the NFMA ACT of 17,485 mt in Amendment 5 that was calculated based on the 2007 DPWG Assessment, creating an inconsistency with the recalculated ABC. Based on this inconsistency, NMFS disapproved the DAS and trip limit specifications for the NFMA in Amendment 5. Disapproval of the SFMA specifications was not required because the recalculated ABC for the SFMA, even though lower than the Amendment 5 SFMA ABC of 13,326 mt, is still 803 mt higher than the Councils' recommended ACT for that area. Although this reduces the Amendment 5 recommended buffer percentage between the ACT and the ABC/ACL for the SFMA to only 6.5 percent, it still provides a sufficient buffer to account for management uncertainty in order to ensure that catch does not exceed the ABC/ACL for this portion of the fishery. Therefore, NMFS determined that the Amendment 5 SFMA specifications for monkfish are still consistent with Magnuson-Stevens Act requirements.

Because it was too late for the Councils to revise Amendment 5 to reflect the new recommendations, in light of the need to get the amendment in place as quickly as possible in the new fishing year, the NEFMC initiated Framework Adjustment 7 (Framework 7) at its September 28–30, 2010, meeting to revise the disapproved ACT for the NFMA to be consistent with the recalculated ABC for the NFMA, and update the biomass (B) reference points of B_{target} and $B_{threshold}$ in the FMP, that were not proposed for revision in Amendment 5, to be consistent with the results of SARC 50. In Framework 7, which was approved by the Councils in February 2011, the Councils recommend an NFMA ACT of 6,567 mt, an allocation of 40 DAS, and trip limits of 1,250 lb (567 kg) tail weight per DAS for limited access monkfish Category A and C vessels, and 600 lb (272 kg) tail weight per DAS for limited access monkfish Category B and D vessels. In the meantime, disapproval of the NFMA specifications leaves current measures in effect for the NFMA until they are superseded by a revised ACT and specification of DAS and trip limits under Framework 7, which is expected to be implemented during the summer of 2011.

The current NFMA measures, which will remain in place until Framework 7 is implemented, result in a lower TAL than was recommended by the Councils in the framework. Additionally, NFMA landings have been well below the TAL for the past 2 years (29 percent below in 2008, and 33 percent below in 2009). Thus, NMFS does not expect delaying action on the establishment of an ACT for the NFMA would result in landings exceeding the ACTs being considered in Framework 7 during the 2011 fishing year (FY), which began May 1, 2011. Because this final rule is being implemented after the start of FY 2011, any monkfish landings that occurred between May 1, 2011, and the time this final rule is effective will accrue against the 2011 ACT and be used to determine whether AMs are triggered.

Approved Measures

1. Control Rules for Establishing Biological and Management Reference Points

The biological and management reference points currently in the Monkfish FMP are used to determine if overfishing is occurring on either stock ($F_{threshold}$), if either stock is overfished ($B_{threshold}$), or if either stock is rebuilt (B_{target}). However, these reference points alone are not sufficient to comply with the Magnuson-Stevens Act and the recently updated National Standard (NS) 1 guidelines. As a result, Amendment 5 establishes control rules to specify maximum sustainable yield (MSY), optimum yield (OY), overfishing level (OFL), and ABC for each monkfish stock, outlined as follows:

- MSY shall be expressed as the product of the fishing mortality threshold, ($F_{threshold}$), and the biomass target, B_{target};
- OY shall be set equivalent to the ACT, which is described under approved measure 4 below;
- OFL shall be expressed as the product of $F_{threshold}$ and current exploitable biomass ($B_{current}$);
- ABC shall be expressed as the product of the average exploitation rate during the recent period of stable or increasing trend in biomass in both management units (determined to be 1999–2006 NFMA and 2000–2006 for SFMA) and the most recent estimate or index of exploitable biomass.

2. ABC, ACL, and ACT Setting Process

This action establishes a framework for the establishment of ABCs and ACLs for each management area. As described under Approved Measure 1, this action implements a control rule for establishing the ABC that is to be based upon information from the most recent stock assessment, in this case SARC 50. This ABC control rule is based upon the calculation method recommended and approved by the SSC. If new information becomes available through a stock assessment, the ABCs will be recalculated based upon this new information, with subsequent review and approval by the SSC. If the SSC concurs with this recalculation, the ABCs for each management area will be automatically updated, requiring no further action by the Councils. However, if the SSC does not concur with the recalculation and recommends an alternative approach to calculating the ABCs, the Councils would be required to take action through the annual or in-season framework adjustment process in the FMP to update the ABCs based upon the SSC's recommended method.

Given that scientific uncertainty is incorporated into the calculation of the ABCs, as discussed under Approved Measure 3, the ACLs are set equivalent to the respective ABCs for each management area. Thus, like the ABCs, the ACLs are self-adjusting, based upon the best available science. Council

action would only be required if the SSC recommends an alternative method for calculating ABCs and/or ACLs for the monkfish fishery that differs from the control rules established in Amendment 5.

The specification of ACTs for each management area is conducted independently of the ABC/ACL calculation, but considers the size of the buffer between the proposed ACT and calculated ACL in the context of management uncertainty. This action requires that ACTs be established for each management area at some level below the calculated ABC/ACL. Although the Councils recommended establishing ACTs for 3 years in Amendment 5, it does not require that the ACTs be revised every 3 years. The Councils may, at any time, choose to revise the ACTs based on new information through either the annual review process or the framework adjustment process in the FMP, or specify ACTs in a future action for a different time period, that may be more or less than 3 years, as determined to be appropriate based upon the stock assessment schedule for this species and other relevant information.

3. ACLs

Amendment 5 requires ACLs for the two management areas to be set at a level equal to the SSC's recommended ABCs. Amendment 5 does not require a buffer between the ABC and the ACL because scientific uncertainty has been accounted for within the ABCs. The Councils determined in Amendment 5 that there was no technical basis for setting the ACLs for each management area below their respective ABCs. In its March 30, 2009, report, the SSC supported the Councils' ACL recommendation and noted that "the magnitude of recent catch has low risk of exceeding the OFL or the proposed interim ABC" since, in 2006, total catch was only 32 percent of the proposed OFL for the NFMA, and 34 percent of the proposed OFL for the SFMA; and total catch in 2007 was estimated by the Monkfish Plan Development Team (PDT) to be 24 percent of the proposed OFL for the NFMA, and 31 percent of the proposed OFL for the SFMA. The calculated ABCs/ACLs incorporating the results of the 2010 stock assessment are 7,592 mt for the NFMA, and 12,316 mt for the SFMA.

4. Proactive AM

This final rule institutes a proactive AM that establishes ACTs for each management area to account for management uncertainty. In Amendment 5, the Councils recommended an ACT of 10,750 mt for the NFMA and 11,513 mt for the SFMA. This final rule implements the ACT recommended for the SFMA, but disapproves the ACT for the NFMA on the grounds that it is not consistent with the best scientific information available, as described under "Disapproved Measure" in this preamble.

5. Reactive AM

This final rule also establishes a reactive AM that requires the Council to deduct, through an in-season or annual framework adjustment, on a pound-for-pound basis, any overage of the ACL from the ACT in the year following the FY in which the overage was identified. Management measures (i.e., DAS and trip limits) must also be adjusted, if necessary, to ensure the revised ACT is not exceeded. For example, if overage of the 2011 ACL for the NFMA is determined to have occurred upon review of final 2011 landings sometime during FY 2012, the Councils would adjust the ACT and develop revised management measures for implementation during FY 2013.

Under this reactive AM, the Councils are responsible for assessing annual landings in relation to the ACL, and adjusting the ACT and associated management measures as required. However, if the Councils fail to take action, the Regional Administrator has the authority to adjust the ACT, and implement revised DAS and/or trip limits.

6. Specification of DAS and Trip Limits

This final rule specifies a DAS allocation and trip limits only for the SFMA because the ACT for the NFMA was disapproved. As stated previously in this preamble, the FY 2010 DAS allocation and trip limits for the NFMA will remain in effect until an updated ACT and associated DAS and trip limits are established through Framework 7, which is scheduled for implementation during the summer of 2011. The DAS allocation and trip limits for the SFMA recommended by the Councils in Amendment 5 and being implemented in this final rule are 28 DAS, and trip limits of 550 lb (249 kg) tail wt. per DAS for Category A and C vessels, and 450 lb (204 kg) tail wt. per DAS for Category B, D, and H vessels.

7. Automatic DAS Adjustment for Trip Limit Overage

This final rule implements a measure that allows vessels to land up to the equivalent of one additional daily monkfish trip limit than would otherwise be authorized based on the vessel's monkfish DAS usage for that trip, provided the vessel notifies NMFS of the overage via vessel monitoring system (VMS) prior to crossing the VMS demarcation line, or via phone using the Agency's interactive voice response (IVR) system at least 1 hr prior to landing. To account for the trip limit overage, the vessel's monkfish DAS charge shall be increased to the next 24-hr period plus 1 minute. For example, if a limited access monkfish Category C vessel fishing in the SFMA has two monkfish trip limits (i.e., 1,100 lb (499 kg) tail weight) on board, but has only been declared into the monkfish DAS program for 15 hrs, the vessel may land the additional trip limit, if NMFS is properly notified. The vessel's monkfish DAS charge would then be adjusted from 15 hrs to 24 hrs and 1 minute.

In order to effectively implement this provision, NMFS has added a form to the VMS system that a vessel operator would complete and send to NMFS prior to crossing the VMS demarcation line on the vessel's return to port. With respect to recommendation in Amendment 5 that vessels not equipped with a VMS unit call-in a trip limit overage when outside the VMS demarcation line, NMFS recognizes that it may not be feasible for all vessels to provide a call-in notification via cell phone when outside the VMS demarcation line. Accordingly, in this final rule, NMFS, pursuant to its Magnuson-Stevens Act section 305(d) authority revises the Councils' recommendation by requiring vessels without VMS to notify NMFS of the trip limit overage by calling into the IVR system at least 1 hour prior to landing.

8. Authorization To Land Monkfish Heads

This final rule implements a measure that authorizes the landing of monkfish heads separately from the body by listing monkfish heads as an authorized product form under § 648.94(a), and establishing an appropriate head-to-total weight conversion factor to aid enforcement of the daily trip limits. Vessels may land monkfish heads separate from the body, provided the total weight of heads does not exceed the appropriate total weight of tails on board (see "Technical Amendment" below for details on the conversion factors).

9. Allow Changes to Monkfish Research Set-Aside (RSA) Program via Framework Action

This final rule authorizes changes to be made to this RSA program through a framework adjustment in order to make necessary improvements to this program in a timelier manner. The Councils are

still required to conduct the necessary environmental analysis under the National Environmental Policy Act (NEPA), and to comply with other applicable laws when developing a framework adjustment for this purpose.

10. Amendments

This final rule includes, under Magnuson-Stevens Act section 305(d) authority, an amendment that adjusts the conversion factor for whole monkfish to reflect how monkfish are actually landed. Previously, whole monkfish were assumed to be landed in true whole form (i.e., live weight). However, current industry practice is to "gut" the whole fish (i.e., remove the stomach, liver, and other entrails) at sea, and land in this form. The current tail-to-whole-weight conversion factor for monkfish is 3.32. However, a more accurate tail-to-whole-weight (landed) conversion factor is 2.91, which reflects the conversion to a monkfish that still has its head attached, but its guts removed. This technical correction to the conversion factor results in a reduction in the whole-weight equivalent trip limit, but not to the tail-weight trip limit, which is the value recommended by the Councils. Additionally, this changes the monkfish heads conversion factor proposed by the Councils from 2.32 to 1.91 to be consistent with this corrected conversion factor.

In addition to the above amendment, this final rule also removes the letter of authorization (LOA) requirement at § 648.92(b)(1)(iii) for vessels fishing in the NFMA with a VMS unit since this requirement was removed from the general area declaration requirements at § 648.94(f) in the final rule implementing Framework Adjustment 5 to the Monkfish FMP (73 FR 22831; April 28, 2008).

This final rule also clarifies the meeting requirements for framework adjustments with respect to this joint FMP to reflect that one framework meeting must be held by each of the two Councils, versus one framework meeting overall.

Finally, this final rule updates the specification and framework adjustment processes for the Monkfish FMP to include procedures for specifying ACLs and AMs.

Comments and Responses

Four comments were received on the proposed rule and the amendment, from three individuals (one individual commented separately on both the proposed rule and the amendment). Two commenters did not support the amendment, while the third commenter did not express specific support or lack thereof for the amendment, but focused on the need for a broader approach to fishery management.

This section summarizes the principal comments in the individual comment letters that pertained to Amendment 5 and the proposed rule, and NMFS's response to those comments. Any comments received that were not specific to the management measures in the Amendment 5 proposed rule, or in the amendment document, are not addressed in this final rule.

Comment 1: An individual stated that the management measures in Amendment 5 are not sufficiently restrictive enough to protect the resource for future generations.

Response: To the extent that the comment addresses the NMFA, NMFS has concluded that the NMFA measures are not consistent with the most recent stock assessment (SARC 50) and most recent recommendations by the SSC of the ABC/ACL for the NFMA. As more fully explained in the above preamble, NMFS, therefore, has disapproved the specification of an ACT and associated DAS and trip limits for the NMFA. Proposed Framework 7 is intended to implement more restrictive specifications to be consistent with the newest assessment and ABC recommendations. In the meantime, the current measures will roll over until Framework 7 is implemented. These measures result in a TAL that is more restrictive than that recommended by the Councils in Framework 7, and, therefore, is considered to be consistent with new recommendations for the ABCs/ACLs for the northern area of this fishery. The other management measures in Amendment 5 include new provisions and control rules for establishing biological and management reference points, including ACLs and AMs aimed at preventing overfishing from occurring in this fishery, and for the SFMA, the ACT and associated management measures to not exceed the ACL. These other management measures are based on the best scientific advice available, which indicates that both monkfish stocks are not overfished, and overfishing is not occurring. Thus, NMFS considers the management measures in Amendment 5, including the specifications for the SFMA, and the rollover measures for NMFA, to be sufficiently restrictive to prevent overfishing, but retain sufficient flexibility to help the fishery achieve OY, as required by NS 1 of the Magnuson-Stevens Act.

Comment 2: The same individual who expressed opposition to the measures in Amendment 5 also commented on the type of NEPA document prepared for this amendment, stating that an Environmental Impact Statement (EIS) should have been prepared versus an EA, given the negative environmental effect that would result from this action.

Response: NMFS disagrees with the commenter's assertion that an EIS should have been prepared for this action. Although the commenter made only a general reference to the need to prepare an EIS for this action, in light of similar comments received on Framework 45 to the Northeast Multispecies FMP concerning the impacts of that action on Atlantic sturgeon, which is proposed for listing under the Endangered Species Act (ESA), NMFS is proving additional information in its response to this comment explaining why this action will not have a significant impact on Atlantic sturgeon; thus obviating the need for an EIS.

Subsequent to the submission of Amendment 5 by the NEFMC on September 20, 2010, NMFS published two **Federal Register** notices on October 6, 2010 (75 FR 61872 and 75 FR 61904) that proposed listing five distinct population segments (DPS) of Atlantic sturgeon under the ESA along the U.S. East Coast as either threatened or endangered. As such, the Amendment 5 EA, as submitted, did not include information on the proposed listing for this species, relevant information pertaining to the biology of this species and rationale for the proposed listing. Additionally, it did not specifically consider the potential impacts of the management measures in Amendment 5 on Atlantic sturgeon. As a result, NMFS prepared an Addendum to the Amendment 5 EA that incorporates pertinent biological information on Atlantic sturgeon, the proposed listing, and updated bycatch estimates in both otter trawl and sink gillnet fisheries for the purpose of assessing the impacts of this action on Atlantic sturgeon. Although NMFS asserts that the measures in Amendment 5 will not result in a jeopardy determination or any significant adverse impacts for Atlantic sturgeon between the effective date of this action and when a final listing determination is expected to made in October 2011, there is insufficient information to make a determination of no jeopardy or adverse impact for the entire FY 2011, and beyond. As such, in conjunction with the partial approval of Amendment 5, NMFS will initiate a Monitoring and Action Plan that consists of the steps NMFS will take to mitigate the impacts of the monkfish fishery on Atlantic sturgeon from October 2011 through FY

2013 to avoid significant impacts to Atlantic sturgeon from the monkfish fishery. Thus, based upon the analysis contained in the EA prepared for Amendment 5 and the addendum prepared by NMFS, this action will not result in any significant environmental effects, which is the basis for triggering an EIS under NEPA.

Comment 3: One commenter expressed opposition to the amendment on the grounds that it would result in reductions to DAS and trip limits.

Response: This comment seems to be based on a misunderstanding of the management measures in Amendment 5. This action retains the trip limits currently in effect for the SFMA, but increases the DAS allocations for vessels fishing in this area from 23 monkfish DAS to 28 monkfish DAS. Although the ACT and associated DAS and trip limits for the NFMA are disapproved, the current DAS and trip limits remain in effect for that area until modified by a future action such as Framework 7. Thus, this action would not result in reductions in DAS or trip limits for either management area. Additionally, this action contains two measures aimed at increasing efficiency and reducing waste (i.e., discards): 1) The automatic DAS adjustment for a trip limit overage; and 2) the authorization to land monkfish heads.

Comment 4: The third commenter did not comment specifically on Amendment 5 or its associated management measures, but focused on the need for a broader approach to fishery management versus focusing management on a single species like monkfish.

Response: NMFS agrees that a broader approach to fishery management may have benefits, and has been exploring an ecosystem approach to fishery management for several years. However, ecosystem models are still being developed and require data from multiple sources that may not yet exist in a usable or consistent form. Monkfish is considered a data poor species because basic information on life history parameters is minimal or lacking. Thus, incorporating monkfish into larger ecosystem models that are currently under development is unlikely to occur in the near future; however, NMFS remains confident that the management measures implemented in this action are consistent with the best available scientific information on the monkfish resource.

Changes From the Proposed Rule

1. In § 648.92(b), the proposed changes to paragraphs (1)(i), (iv) and (v); and (2)(i) are not included in this final rule due to the disapproval of the NFMA ACT and associated DAS and trip limits. Additionally, paragraph (b)(1)(ii) is modified to reflect that the current coastwide DAS allocation of 31 DAS will remain in effect.

2. In § 648.94(a), the introductory sentence has been revised to clarify that vessels may not possess or land only monkfish heads, but that any monkfish heads possessed or landed must correspond to an appropriate amount of tails.

3. In § 648.94(b)(1)(ii), the monkfish possession limit for Category B and D vessels fishing in the NFMA is changed from 800 lb (363 kg) tail weight per DAS to 470 lb (213 kg) tail weight per DAS to reflect the disapproval of the revised trip limits in Amendment 5 in this final rule.

4. In § 648.96(c), the ABC and ACL setting process has been revised to more clearly reflect the intent of the Councils in Amendment 5 to establish these reference points based upon an automated calculation method, approved by the SSC, that utilizes the best available science.

Classification

The Administrator, Northeast Region, NMFS, determined that Amendment 5 is necessary for the conservation and management of the monkfish fishery and that it is consistent with the Magnuson-Stevens Act and other applicable laws.

This final rule has been determined to be not significant for purposes of Executive Order (E.O.) 12866.

The Councils prepared an EA for Amendment 5. In addition, NMFS prepared an Addendum to Amendment 5 to analyze the potential impacts of the amendment on Atlantic sturgeon. Based on the analysis contained in the EA and the Addendum, the Assistant Administrator (AA) concluded that, based on the monitoring and action plan to mitigate impacts on Atlantic sturgeon, there will be no significant impact on the human environment as a result of this rule. A copy of the EA, as prepared by the Councils, is available from the Councils and a copy of the Addendum is available from Northeast Regional Office of NMFS (see **ADDRESSES**).

Pursuant to 5 U.S.C. 553(d), NMFS finds good cause to waive the delay in effectiveness requirement because such a delay is contrary to the public interest and unnecessary.

The purpose of this rule is to improve the overall management of the monkfish fishery by establishing measures in the form of ACLs and AMs aimed at preventing overfishing. Additionally, this rule establishes measures intended to promote efficiency and reduce waste in the monkfish fishery. Specifically, this rule authorizes the landing of monkfish heads separately from the body, which was previously prohibited; and allows a limited access monkfish vessel to land one additional day's worth of monkfish than would otherwise be authorized based on its DAS usage, and adjust the DAS charged to the vessel to account for the trip limit overage. Delaying this rule's effectiveness may result in economic harm to vessels that must currently land their monkfish in whole form, and process the fish into heads and tails for separate markets upon landing, or discard the monkfish heads at sea, both of which are practices that increase waste and reduce the economic yield from the monkfish resources. Further, delaying the effectiveness of this rule may result in social and economic harm by continuing to require vessels to spend enough time at sea to fully account for their monkfish catch on board. Under this current practice, vessel safety is compromised by staying at sea in potentially unsafe weather conditions solely to ensure that their monkfish DAS charge corresponds to the monkfish catch on board. Thus, delaying the effective date of this final rule would undermine its intent and result in undue harm to vessels by delaying the implementation of measures intended to promote safety and efficiency, and reduce waste in the monkfish fishery. Moreover, even if this rule is effective immediately, the regulated entities need not come into immediate compliance. They can continue their current practices and remain in compliance with the new regulations. Because the 30-day delay in effectiveness of this rule is contrary to the public interest, pursuant to 5 U.S.C. 553(d), the AA finds good cause to waive the 30-day delay in effective date.

NMFS, pursuant to section 604 of the Regulatory Flexibility Act (RFA), has prepared a Final Regulatory Flexibility Analysis (FRFA) in support of Amendment 5. The FRFA incorporates the IRFA, a summary of the significant issues raised by the public comments in response to the IRFA, NMFS's responses to those comments, relevant analyses contained in the Framework and its EA and a summary of the analyses completed to support the action in this rule. A copy of the analyses done in the Framework and EA is available from the Councils (see **ADDRESSES**). A summary of the IRFA was published in the proposed rule for this action and is not repeated here. A description of why this

action was considered, the objectives of, and the legal basis for this rule is contained in the preamble to the proposed rule and this final rule and is not repeated here.

A Summary of the Significant Issues Raised by the Public in Response to the IRFA, a Summary of the Agency's Assessment of Such Issues, and a Statement of Any Changes Made in the Proposed Rule as a Result of Such Comments

Four comments were received on the proposed rule and the amendment. However, none of these comments were specific to the IRFA or of Amendment 5 more generally.

Description and Estimate of Number of Small Entities to Which the Final Rule Will Apply

The Small Business Administration (SBA) considers commercial fishing entities (NAICS code 114111) to be small entities if they have no more than $4 million in annual sales, while the size standard for charter/party operators (part of NAICS cod 487210) is $7 million in sales. Based on 2005–2007 average conditions, median gross sales by commercial fishing vessels were just over $200,000, and no single fishing entity earned more than $2 million. For regulated charter/party operators, the median value of gross receipts from passengers was just over $9,000, and did not exceed $500,000 in any year during 2001 to 2007. The vessels in the Atlantic sea scallop fishery are considered small business entities because all of them grossed less than $3 million according to the dealer's data for FYs 1994 to 2009, consistent with analyses under the RFA for recent scallop actions. Although multiple vessels may be owned by a single owner, available tracking of ownership is not readily available to reliably ascertain affiliated entities. Therefore, for the purposes of this analysis, each permitted vessel is treated as a single small entity and is determined to be a small entity under the RFA. Accordingly, there are no differential impacts between large and small entities under this final rule.

The management measures in Amendment 5 have the potential to affect all federally permitted monkfish vessels that are actively participating in the fishery. As of September 2009, there were 758 limited access monkfish permit holders and 2,156 open access permit holders. Of these, 573 limited access permit holders (76 percent) actively participated in the monkfish fishery during FY 2008, while only 504 open access permit holders (23 percent) actively participated in the fishery during this time period. Thus, this action is expected to impact at least 1,077 currently active monkfish permit holders.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

The only Amendment 5 measure that requires either new or revised reporting and recordkeeping requirements is the provision enabling vessels to land up to the equivalent of one additional daily monkfish trip limit than would otherwise be authorized based on the vessel's monkfish DAS usage for that trip, provided the vessel notifies NMFS of the overage via vessel VMS prior to crossing the VMS demarcation line, or via phone using the Agency's IVR call-in system at least 1-hr prior to landing. Although this action introduces a new reporting requirement under OMB Control Number 0648–0202, this new requirement will not affect the overall reporting burden associated with the existing VMS and IVR call-in notification requirements authorized under this OMB Control number. As such, formal Paperwork Reduction Act (PRA) clearance through OMB is not required. There are no other compliance requirements associated with this final rule implementing Amendment 5.

This final rule does not duplicate, overlap, or conflict with other Federal rules.

Description of the Steps the Agency Has Taken To Minimize the Significant Economic Impact on Small Entities Consistent With the Stated Objectives of Applicable Statutes

All of the approved management measures in Amendment 5 being implemented through this final rule either provide for increased fishing opportunities, increase flexibility and promote efficiency within the fishery, or reduce waste associated with regulatory discards. In terms of increased fishing opportunities, this action increases the annual DAS allocation to vessels operating in the SFMA from 23 DAS to 28 DAS. With regard to increased flexibility and efficiency, this action implements a measure that will allow limited access monkfish vessels to land one additional monkfish trip limit beyond what their DAS usage for that trip would normally allow, and have their DAS adjusted to account for the additional trip limit. Not only does this measure increase flexibility and efficiency by allowing vessels to return to port sooner than they would otherwise be authorized, reducing operating costs and time at sea, it helps to reduce regulatory discards by enabling vessels to land up to another day's worth of monkfish to account for any additional fish caught in their nets. Finally, this action will authorize vessels to land monkfish heads separately from the body, which was previously prohibited under the FMP. Previously, vessels that intended to sell their monkfish heads to a separate market than the tails were required to land their monkfish whole, and separate the heads from the body after landing. This action amends the Monkfish FMP to allow the landing of monkfish heads separately from the body, and implements an appropriate conversion factor to ensure compliance with the landing limits. Therefore, by implementing management measures that increase fishing opportunities, increase flexibility and efficiency, and reduce waste, NMFS has taken the steps necessary to minimize the impacts of this action on small entities consistent with the stated objectives of applicable statutes. Further, by disapproving the specification of the NMA ACT and associated DAS and trip limits, NMFS is preventing overfishing since the NFMA ACT recommended by the Councils is 42 percent higher than the recalculated ABC that is based upon the most recent scientific advice. Thus, although disapproving the NFMA leaves more restrictive management measures in effect than those proposed in Amendment 5, it prevents long-term economic losses resulting from the need to implement even more restrictive management measures in the future if overfishing were to occur as a result of implementing the Council's proposed action, which is inconsistent with the best scientific information available.

Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as "small entity compliance guides." The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, a letter to permit holders that also serves as small entity compliance guide (the guide) was prepared. Copies of this final rule are available from the NMFS Northeast Regional Office, and the guide, i.e., permit holder letter, will be sent to all holders of permits for the monkfish fishery. The guide and this final rule will be available upon request, and posted on the Northeast Regional

Office's Web site at *http://www.nero.noaa.gov.*

This final rule contains a collection-of-information requirement subject to the PRA and which has been approved by OMB under control number 0648–0202. Public reporting burden for monkfish trip limit overage notification requirement is estimated to average 30 seconds per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. These 30 seconds are included within the total 2-minute estimated response time for the DAS call-in notification requirement, but will be additional for vessels using the VMS procedure. Furthermore, this action is expected to reduce the total number of monkfish trips for vessels that take advantage of this new measure since they will be using their monkfish DAS at a higher rate in exchange for being able to land more monkfish on a given trip. As such, although this action adds a new reporting requirement, it will not change the overall reporting burden associated with the existing VMS and call-in notification requirements authorized under OMB Control Number 0648–0202. Send comments regarding these burden estimates or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (see **ADDRESSES**) and by e-mail to *OIRA_Submission@omb.eop.gov,* or fax to 202–395–7285.

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

An informal consultation under the ESA was concluded for the measures proposed in Amendment 5 on March 4, 2011. The measures in Amendment 5 are not expected to modify the fishery in a manner that would cause impacts to species listed under the ESA that were not otherwise considered in the last biological opinion conducted for this fishery on October 29, 2010. As a result of the informal consultation, NMFS has determined that fishing activities conducted under this rule do not meet the need to reinitiate formal consultation. The measures in Amendment 5 fall within the scope of consultations on previous Monkfish FMP actions. None of these measures are expected to result in the addition of adverse impacts to current ESA-listed cetaceans, sea turtles, and fish species which would change the basis for the conclusion of the 2010 Biological Opinion for the Monkfish FMP. Additionally, a supplemental analysis was conducted to assess the impacts of Amendment 5 on Atlantic sturgeon, as presented in the Addendum to Amendment 5. Based upon bycatch estimates for 2006–2010, between 8 and 32 percent of the total annual observations of Atlantic sturgeon in the monkfish fishery occurred during the May to October timeframe. Given that interactions will most likely occur, NMFS will work to determine the magnitude of the effects to the species and whether any measures to mitigate impacts are needed, utilizing the conferencing procedures of the ESA.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: May 20, 2011.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.4, paragraphs (a)(9)(i)(M) and (N) are removed and paragraph (a)(9)(ii) is added to read as follows:

§ 648.4 Vessel permits.

* * * * *

(a) * * *

(9) * * *

(ii) *Monkfish incidental catch vessels (Category E).* A vessel of the United States that is subject to these regulations and that has not been issued a limited access monkfish permit under paragraph (a)(9)(i)(A) of this section is eligible for and may be issued a monkfish incidental catch (Category E) permit to fish for, possess, or land monkfish subject to the restrictions in § 648.94(c).

* * * * *

■ 3. In § 648.92, paragraphs (b)(1)(ii) and (iii) are revised and paragraph (b)(10) is added to read as follows:

§ 648.92 Effort-control program for monkfish limited access vessels.

* * * * *

(b) * * *

(1) * * *

(ii) *DAS restrictions for vessels fishing in the SFMA.* Limited access monkfish vessels may only use 28 of their 31 monkfish DAS allocation in the SFMA. All limited access monkfish vessels fishing in the SFMA must declare that they are fishing in this area through the vessel call-in system or VMS prior to the start of every trip. In addition, if a vessel does not possess a valid letter of authorization from the Regional Administrator to fish in the NFMA as described in § 648.94(f), NMFS shall presume that any monkfish DAS used were fished in the SFMA.

(iii) *DAS declaration provision for vessels fishing in the NFMA with a VMS unit.* Any limited access NE multispecies vessel fishing under a NE multispecies Category A DAS in the NFMA may change its DAS declaration to a monkfish DAS through the vessel's VMS unit during the course of the trip, but prior to crossing the VMS demarcation line upon its return to port or leaving the NFMA, if the vessel exceeds the incidental catch limit specified under § 648.94(c).

(A) Vessels that change their DAS declaration from a NE multispecies Category A DAS to a monkfish DAS during the course of a trip remain subject to the NE multispecies DAS usage requirements (i.e., use a NE multispecies Category A DAS in conjunction with the monkfish DAS) described in paragraph (b)(2)(i) of this section.

(B) Gillnet vessels that change their DAS declaration in accordance with this paragraph (b)(1)(iii) are not subject to the gillnet minimum mesh size restrictions found at § 648.91(c)(1)(iii), but are subject to the smaller NE multispecies minimum mesh requirements for gillnet vessels found under § 648.80 based upon the NE Multispecies Regulated Mesh Area in which the vessel is fishing.

* * * * *

(10) *DAS Adjustment for Trip Limit Overage.* Any limited access monkfish vessel, required to or voluntarily using a VMS, fishing on a monkfish DAS may land up to the equivalent of one additional day's worth of its trip limit (i.e., amount of monkfish authorized per DAS) than would otherwise be authorized, provided the vessel, vessel owner, or vessel operator notifies the Regional Administrator of the overage via VMS prior to crossing the VMS demarcation line. If the vessel is not required to be, or is not equipped with an operable VMS, the vessel, vessel operator, or owner must notify the Regional Administrator via the call-in system at least 1-hr prior to landing. The

monkfish DAS charged to the vessel will then be increased to equal a full 24-hr period plus 1 minute to account for the trip limit overage. For example, if a vessel has the equivalent of two monkfish DAS trip limits (based on its permit category) on board, but has only been declared into the monkfish DAS program for 15 hr, the vessel, vessel owner, or vessel operator may land fish equal to the two DAS trip limits only if the Regional Administrator of the overage is notified via VMS or the call-in system as described above. In this case, the monkfish DAS charged to the vessel would be adjusted from 15 hr to 24 hr and 1 minute.

* * * * *

■ 3. In § 648.94, paragraphs (a), (b)(1), (b)(2)(i) and (ii), (b)(3)(ii)(A), (b)(4), (c)(1)–(c)(8), and (d)(2) are revised to read as follows:

§ 648.94 Monkfish possession and landing restrictions.

(a) *General.* Monkfish may be possessed or landed either as tails only, tails with associated heads possessed separately, or in whole form (head on and gutted), or any combination of the three provided the weight of monkfish heads on board does not exceed 1.91 times the weight of monkfish tails on board. When any combination of tails, and whole fish are possessed or landed, the possession or landing limit shall be based on tail weight where all whole monkfish (head on and gutted) are converted to tail weight using the conversion factor of 2.91. For example, whole weight is converted to tail weight by dividing the whole weight by 2.91. Conversely, tail weight is converted to whole weight by multiplying the tail weight by 2.91. If heads only are possessed in combination with tails, the possession or landing limit for monkfish heads may not exceed 1.91 times the tail weight of fish on board, excluding any whole monkfish. The allowed amount of head weight is determined by multiplying the tail weight by 1.91. For example a vessel possessing 100 lb (45 kg) of tail weight may possess an additional 191 lb (87 kg) of monkfish heads ($100 \times 1.91 = 191$). A vessel may not possess heads only without possessing the equivalent weight of tails allowed by using the conversion factor.

(b) * * *

(1) *Vessels fishing under the monkfish DAS program in the NFMA*—(i) *Category A and C vessels.* Limited access monkfish Category A and C vessels that fish under a monkfish DAS exclusively in the NFMA may land up to 1,250 lb (567 kg) tail weight or 3,638 lb (1,650 kg) whole weight of monkfish per DAS (or any prorated combination of tail weight and whole weight based on the conversion factor for tail weight to whole weight of 2.91). For every 1 lb (0.45 kg) of tail only weight landed, the vessel may land up to 1.91 lb (0.87 kg) of monkfish heads only, as described in paragraph (a) of this section.

(ii) *Category B and D vessels.* Limited access monkfish Category B and D vessels that fish under a monkfish DAS exclusively in the NFMA may land up to 470 lb (213 kg) tail weight or 1,368 lb (621 kg) whole weight of monkfish per DAS (or any prorated combination of tail weight and whole weight based on the conversion factor for tail weight to whole weight of 2.91). For every 1 lb (0.45 kg) of tail only weight landed, the vessel may land up to 1.91 lb (0.87 kg) of monkfish heads only, as described in paragraph (a) of this section.

(2) *Vessels fishing under the monkfish DAS program in the SFMA*—(i) *Category A, C, and G vessels.* Limited access monkfish Category A, C, and G vessels that fish under a monkfish DAS in the SFMA may land up to 550 lb (249 kg) tail weight or 1,601 lb (726 kg) whole weight of monkfish per DAS (or any prorated combination of tail weight and whole weight based on the conversion factor for tail weight to whole weight of 2.91). For every 1 lb (0.45 kg) of tail only weight landed, the vessel may land up to 1.91 lb (0.87 kg) of monkfish heads only, as described in paragraph (a) of this section.

(ii) *Category B, D, and H vessels.* Limited access monkfish Category B, D, and H vessels that fish under a monkfish DAS in the SFMA may land up to 450 lb (204 kg) tail weight or 1,310 lb (594 kg) whole weight of monkfish per DAS (or any prorated combination of tail weight and whole weight based on the conversion factor for tail weight to whole weight of 2.91). For every 1 lb (0.45 kg)) of tail only weight landed, the vessel may land up to 1.91 lb (0.87) of monkfish heads only, as described in paragraph (a) of this section.

* * * * *

(3) * * *

(ii) * * *

(A) *Category C, D, and F vessels.* Limited access monkfish Category C, D, or F vessels that fish any portion of a trip under a NE multispecies DAS in the SFMA, and not a monkfish DAS, may land up to 300 lb (136 kg) tail weight or 873 lb (396 kg) whole weight of monkfish per DAS if trawl gear is used exclusively during the trip, or 50 lb (23 kg) tail weight or 146 lb (66 kg) whole weight per DAS if gear other than trawl gear is used at any time during the trip. Category C, D, and F vessels participating in the NE Multispecies Regular B DAS program, as specified under § 648.85(b)(6), are also subject to the incidental catch limit specified in paragraph (c)(1)(ii) of this section. For the purpose of converting whole weight to tail weight, the amount of whole weight possessed or landed is divided by 2.91. For every 1 lb (0.45 kg) of tail only weight landed, the vessel may land up to 1.91 lb (0.87 kg) of monkfish heads only, as described in paragraph (a) of this section.

* * * * *

(4) *Category C, D, F, G, or H vessels fishing under the scallop DAS program.* A Category C, D, F, G, or H vessel fishing under a scallop DAS may land up to 300 lb (136 kg) tail weight or 873 lb (396 kg) whole weight of monkfish per DAS (or any prorated combination of tail weight and whole weight based on the conversion factor for tail weight to whole weight of 2.91). For every 1 lb (0.45 kg) of tail only weight landed, the vessel may land up to 1.91 lb (0.87 kg) of monkfish heads only, as described in paragraph (a) of this section.

* * * * *

(c) * * *

(1) *Vessels fishing under a NE multispecies DAS*—(i) *NFMA.* Vessels issued a valid monkfish incidental catch (Category E) permit or a valid limited access Category C, D, F, G, or H permit, fishing under a NE multispecies DAS exclusively in the NFMA may land up to 300 lb (136 kg) tail weight or 873 lb (396 kg) whole weight of monkfish per DAS, or 25 percent (where the weight of all monkfish is converted to tail weight) of the total weight of fish on board, whichever is less. For the purpose of converting whole weight to tail weight, the amount of whole weight possessed or landed is divided by 2.91. For every 1 lb (0.45 kg) of tail only weight landed, the vessel may land up to 1.91 lb (0.87 kg) of monkfish heads only, as described in paragraph (a) of this section.

(ii) *SFMA.* If any portion of the trip by a vessel issued a monkfish incidental catch (Category E) permit, or issued a valid limited access Category G or H permit, is fished under a NE multispecies DAS in the SFMA, the vessel may land up to 50 lb (23 kg) tail weight or 146 lb (66 kg) whole weight of monkfish per DAS (or any prorated combination of tail weight and whole weight based on the conversion factor for tail weight to whole weight of 2.91). For every 1 lb (0.45 kg) of tail only weight landed, the vessel may land up to 1.91 lb (0.87 kg) of monkfish heads only, as described in paragraph (a) of this section.

(2) *Scallop vessels fishing under a scallop DAS.* A scallop vessel issued a

monkfish incidental catch (Category E) permit fishing under a scallop DAS may land up to 300 lb (136 kg) tail weight or 873 lb (396 kg) whole weight of monkfish per DAS (or any prorated combination of tail weight and whole weight based on the conversion factor for tail weight to whole weight of 2.91). For every 1 lb (0.45 kg) of tail only weight landed, the vessel may land up to 1.91 lb (0.87 kg) of monkfish heads only, as described in paragraph (a) of this section.

(3) *Vessels fishing with large mesh and not fishing under a DAS* —(i) A vessel issued a valid monkfish incidental catch limit (Category E) permit or a limited access monkfish permit (Category A, B, C, D, F, G, or H) fishing in the GOM or GB RMAs with mesh no smaller than specified at §§ 648.80(a)(3)(i) and (a)(4)(i), respectively, while not on a monkfish, NE multispecies, or scallop DAS, may possess, retain, and land monkfish (whole or tails) only up to 5 percent (where the weight of all monkfish is converted to tail weight) of the total weight of fish on board. For the purpose of converting whole weight to tail weight, the amount of whole weight possessed or landed is divided by 2.91. For every 1 lb (0.45 kg) of tail only weight landed, the vessel may land up to 1.91 lb (0.87 kg) of monkfish heads only, as described in paragraph (a) of this section.

(ii) A vessel issued a valid monkfish incidental catch (Category E) permit or a limited access monkfish permit (Category A, B, C, D, F, G, or H) fishing in the SNE RMA east of the MA Exemption Area boundary with mesh no smaller than specified at § 648.80(b)(2)(i), while not on a monkfish, NE multispecies, or scallop DAS, may possess, retain, and land monkfish (whole or tails) only up to 5 percent (where the weight of all monkfish is converted to tail weight) of the total weight of fish on board, not to exceed 50 lb (23 kg) tail weight or 146 lb (66 kg) whole weight of monkfish per day or partial day, up to a maximum of 150 lb (68 kg) tail weight or 437 lb (198 kg) whole weight per trip. For the purpose of converting whole weight to tail weight, the amount of whole weight possessed or landed is divided by 2.91. For every 1 lb (0.45 kg) of tail only weight landed, the vessel may land up to 1.91 lb (0.87 kg) of monkfish heads only, as described in paragraph (a) of this section.

(iii) A vessel issued a valid monkfish incidental catch (Category E) permit or a limited access monkfish permit (Category A, B, C, D, F, G, or H) fishing in the SNE RMA under a Skate Bait Letter of Authorization, as authorized under § 648.322(c), while not on a monkfish, NE multispecies, or scallop DAS, may possess, retain, and land monkfish (whole or tails) only up to 5 percent (where the weight of all monkfish is converted to tail weight) of the total weight of fish on board, not to exceed 50 lb (23 kg) tail weight or 146 lb (66 kg) whole weight of monkfish per day or partial day, up to a maximum of 150 lb (68 kg) tail weight or 437 lb (198 kg) whole weight per trip. For the purpose of converting whole weight to tail weight, the amount of whole weight possessed or landed is divided by 2.91. For every 1 lb (0.45 kg) of tail only weight landed, the vessel may land up to 1.91 lb (0.87 kg) of monkfish heads only, as described in paragraph (a) of this section.

(iv) A vessel issued a valid monkfish incidental catch (Category E) permit or a limited access monkfish permit (Category A, B, C, D, F, G, or H) fishing in the SNE or MA RMAs west of the MA Exemption Area boundary with mesh no smaller than specified at § 648.104(a)(1) while not on a monkfish, NE multispecies, or scallop DAS, may possess, retain, and land monkfish (whole or tails) only up to 5 percent (where the weight of all monkfish is converted to tail weight) of the total weight of fish on board, up to a maximum of 450 lb (204 kg) tail weight or 1,310 lb (594 kg) whole weight of monkfish per trip, unless that vessel is fishing under a Skate Bait Letter of Authorization in the SNE RMA. Such a vessel is subject to the incidental catch limit specified under paragraph (c)(3)(iii) of this section. For the purpose of converting whole weight to tail weight, the amount of whole weight possessed or landed is divided by 2.91. For every 1 lb (0.45 kg) of tail only weight landed, the vessel may land up to 1.91 lb (0.87 kg) of monkfish heads only, as described in paragraph (a) of this section.

(4) *Vessels fishing with small mesh and not fishing under a DAS.* A vessel issued a valid monkfish incidental catch (Category E) permit or a limited access monkfish permit (Category A, B, C, D, F, G, or H) fishing with mesh smaller than the mesh size specified by area in paragraph (c)(3) of this section, while not on a monkfish, NE multispecies, or scallop DAS, may possess, retain, and land only up to 50 lb (23 kg) tail weight or 146 lb (66 kg) whole weight of monkfish per day or partial day, up to a maximum of 150 lb (68 kg) tail weight or 437 lb (198 kg) whole weight per trip. For the purpose of converting whole weight to tail weight, the amount of whole weight possessed or landed is divided by 2.91. For every 1 lb (0.45 kg) of tail weight landed, the vessel may land up to 1.91 lb (0.87 kg) of monkfish heads only, as described in paragraph (a) of this section.

(5) *Small vessels.* A vessel issued a limited access NE multispecies small vessel category permit and a valid monkfish incidental catch (Category E) permit that is less than 30 ft (9.1 m) in length and that elects not to fish under the NE multispecies DAS program, may possess, retain, and land up to 50 lb (23 kg) tail weight or 146 lb (66 kg) whole weight of monkfish per day or partial day, up to a maximum of 150 lb (68 kg) tail weight or 437 lb (198 kg) whole weight per trip. For the purpose of converting whole weight to tail only weight, the amount of whole weight possessed or landed is divided by 2.91. For every 1 lb (0.45 kg) of tail weight landed, the vessel may land up to 1.91 lb of monkfish heads only, as described in paragraph (a) of this section.

(6) *Vessels fishing with handgear.* A vessel issued a valid monkfish incidental catch (Category E) permit or a limited access monkfish permit (Category A, B, C, D, F, G, or H) and fishing exclusively with rod and reel or handlines with no other fishing gear on board, while not on a monkfish, NE multispecies, or scallop DAS, may possess, retain, and land up to 50 lb (23 kg) tail weight or 146 lb (66 kg) whole weight of monkfish per day or partial day, up to a maximum of 150 lb (68 kg) tail weight or 437 lb (198 kg) whole weight per trip. For the purpose of converting whole weight to tail weight, the amount of whole weight possessed or landed is divided by 2.91. For every 1 lb (0.45 kg) of tail only weight landed, the vessel may land up to 1.91 lb (0.87 kg) of monkfish heads only, as described in paragraph (a) of this section.

(7) *Vessels fishing with surfclam or ocean quahog dredge gear.* A vessel issued a valid monkfish incidental catch (Category E) permit and a valid surfclam or ocean quahog permit, while fishing exclusively with a hydraulic clam dredge or mahogany quahog dredge, may possess, retain, and land up to 50 lb (23 kg) tail weight or 146 lb (66 kg) whole weight of monkfish per day or partial day, not to exceed 150 lb (68 kg) tail weight or 437 lb (198 kg) whole weight per trip. For the purpose of converting whole weight to tail weight, the amount of whole weight possessed or landed is divided by 2.91. For every 1 lb (0.45 kg) of tail only weight landed, the vessel may land up to 1.91 lb (0.87 kg) of monkfish heads only, as described in paragraph (a) of this section.

(8) *Scallop vessels not fishing under a scallop DAS with dredge gear*—(i)

General provisions. A vessel issued a valid monkfish incidental catch (Category E) permit or a valid limited access Category C, D, F, G, or H permit, and also possessing a valid General Category sea scallop permit or a limited access sea scallop vessel not fishing under a scallop DAS, while fishing exclusively with scallop dredge gear as specified in § 648.51(b), may possess, retain, and land up to 50 lb (23 kg) tail weight or 146 lb (66 kg) whole weight of monkfish per day or partial day, up to a maximum of 150 lb (68 kg) tail weight or 437 lb (198 kg) whole weight per trip, unless otherwise specified in paragraph (c)(8)(ii) of this section. For the purpose of converting whole weight to tail weight, the amount of whole weight possessed or landed is divided by 2.91. For every 1 lb (0.45 kg) of tail only weight landed, the vessel may land up to 1.91 lb (0.87 kg) of monkfish heads only, as described in paragraph (a) of this section.

(ii) *Limited access scallop vessels fishing in Sea Scallop Access Areas.* A vessel issued a valid monkfish incidental catch (Category E) permit or a valid limited access Category C, D, F, G, or H permit, and also possessing a limited access sea scallop permit while fishing exclusively with scallop dredge gear as specified in § 648.51(b), and fishing in one of the established Sea Scallop Access Areas specified under § 648.59, may possess, retain, and land up to 300 lb (136 kg) tail weight or 873 lb (396 kg) whole weight of monkfish per day or partial day fished within the boundaries of the Sea Scallop Access Area. Time within the applicable access area, for purposes of determining the incidental catch limit, will be determined through the vessel's VMS unit. For the purpose of converting whole weight to tail weight, the amount of whole weight possessed or landed is divided by 2.91. For every 1 lb (0.45 kg) of tail only weight landed, the vessel may land up to 1.91 lb (0.87 kg) of monkfish heads only, as described in paragraph (a) of this section.

(d) * * *

(2) If a vessel possesses or lands both monkfish tails and whole monkfish, the vessel may land monkfish livers up to 10 percent of the whole weight of monkfish per trip using the following weight ratio: (0.10) × [(tail weight × 2.91) + (whole fish × 1)].

* * * * *

■ 4. Section 648.96 is revised to read as follows:

§ 648.96 FMP review, specification, and framework adjustment process.

(a) *Annual review and adjustment process.* The NEFMC and MAFMC, the Monkfish Plan Development Team (PDT), and the Monkfish Advisory Panel shall monitor the status of the monkfish fishery and resource.

(1) *Monkfish annual SAFE Report.* The PDT shall prepare an annual Stock Assessment and Fishery Evaluation (SAFE) Report for the monkfish fishery. The SAFE Report shall be the primary vehicle for the presentation of updated biological and socio-economic information regarding the monkfish fishery. The SAFE report shall provide source data for any adjustments to the management measures that may be needed for the Councils to meet the goals and objectives of the FMP.

(2) *Annual review.* The PDT shall meet at least annually to conduct a review of the monkfish fishery in relation to the goals and objectives specified in the Monkfish FMP, including a review of catch relative to the annual catch targets (ACTs) for each management area. They shall review available data pertaining to discards and landings; DAS and other measures of fishing effort; stock status and fishing mortality rate information, if available; enforcement of and compliance with management measures; and any other relevant information. Based on this review, the PDT shall provide guidance to the NEFMC and MAFMC regarding the need to adjust management measures to better achieve the FMP's goals and objectives. After considering the PDT's guidance, the Council may submit to NMFS its recommendations for changes to management measures, as appropriate, through the annual framework adjustment process specified in paragraph (a)(3) of this section, the in-season framework adjustment process specified in paragraph (b) of this section, or through an amendment to the FMP.

(3) *Annual framework adjustment procedures.* (i) If necessary based on the annual review, the Councils may develop adjustments to management measures to achieve the annual catch target (ACT) for the upcoming fishing year, and may develop other management options to better achieve the goals and objectives of the Monkfish FMP, which may include a preferred option. The Councils must demonstrate through analysis and documentation that any options they develop are expected to meet the goals and objectives of the Monkfish FMP. Additionally, if necessary based on the recommendation of the NEFMC's Scientific and Statistical Committee (SSC), the Councils may recommend measures to revise the ABCs and ACLs for the upcoming fishing year(s) as described in paragraph (c) of this section.

(ii) The range of options developed by the Councils may include any of the management measures in the Monkfish FMP, including, but not limited to: ACTs; closed seasons or closed areas; minimum size limits; mesh size limits; net limits; liver-to-monkfish landings ratios; annual monkfish DAS allocations and monitoring; trip or possession limits; blocks of time out of the fishery; gear restrictions; transferability of permits and permit rights or administration of vessel upgrades, vessel replacement, or permit assignment; measures to minimize the impact of the monkfish fishery on protected species; gear requirements or restrictions that minimize bycatch or bycatch mortality; transferable DAS programs; changes to the Northeast Region SBRM (including the CV-based performance standard, fishery stratification, and/or reports) and/or industry-funded observers or observer set-aside programs; changes to the Monkfish Research Set-Aside Program; and other frameworkable measures included in §§ 648.55 and 648.90.

(iii) The Councils shall review the options analyzed by the PDT and other relevant information, consider public comment, and submit a recommendation to the Regional Administrator that meets the Monkfish FMP's objectives, consistent with other applicable law. The Councils' recommendation to the Regional Administrator shall include supporting documents, as appropriate, concerning the environmental and economic impacts of the proposed action and the other options considered by the Councils. Management adjustments made to the Monkfish FMP require majority approval of each Council for submission to the Secretary.

(A) The Councils may delegate authority to the Joint Monkfish Oversight Committee to conduct an initial review of the options analyzed by the PDT and any other relevant information, consider public comment, and make a recommendation to the Councils.

(B) If the Councils submit a recommendation that is consistent with other applicable law but does not meet the Monkfish FMP's goals and objectives, the Regional Administrator may adopt any option developed by the Councils and analyzed by the PDT that has not been rejected by either Council, provided such option meets the Monkfish FMP's goals and objectives, and is consistent with other applicable law. If either the NEFMC or MAFMC has rejected all options, then the

Regional Administrator may select any measure that has not been rejected by both Councils and that meets the Monkfish FMP's goals and objectives.

(iv) If the Councils submit, on or before December 1, a recommendation to the Regional Administrator after one meeting with each Council, and the Regional Administrator concurs with the recommendation, the recommendation shall be published in the **Federal Register** as a proposed rule, or as otherwise authorized under the Administrative Procedure Act. The Councils may instead submit their recommendation on or before February 1, if they choose to follow the framework process outlined in paragraph (b) of this section and request that the Regional Administrator publish the recommendation as a final rule. If the Regional Administrator concurs with the Councils' recommendation the recommended management measures may be published as a proposed rule or a final rule, in accordance with the Administrative Procedure Act. If the effective date of a final rule to implement the recommended measures falls after the start of the fishing year, fishing may continue under the existing regulations, but any DAS used by a vessel on or after the start of a fishing year shall be counted against any DAS allocation the vessel ultimately receives for that fishing year.

(v) Following publication of a proposed rule and after receiving public comment, if the Regional Administrator concurs in the Councils' recommendation, a final rule, if possible, shall be published in the **Federal Register** prior to the start of the next fishing year. If the Councils fail to submit a recommendation to the Regional Administrator by February 1 that meets the goals and objectives of the Monkfish FMP, the Regional Administrator may implement through rulemaking in accordance with the Administrative Procedure Act one of the options reviewed and not rejected by either Council, provided the option meets the goals and objectives of the Monkfish FMP, and is consistent with other applicable law.

(b) *Within-season management action.* At any time, the Councils or the Joint Monkfish Oversight Committee (subject to the approval of the Councils' Chairmen) may initiate action to add or adjust management measures if it is determined that action is necessary to meet or be consistent with the goals and objectives of the Monkfish FMP.

(1) *In-season Framework adjustment procedures.* (i) Framework adjustments shall require at least one initial meeting of the Joint Monkfish Oversight Committee or one of the Councils (the agenda must include notification of the framework adjustment proposal) and at least two final Council meetings, one at each Council. The Councils shall provide the public with advance notice of the availability of both the proposals and the analysis, and opportunity to comment on them prior to the first of the two final Council meetings. Framework adjustments and amendments to the Monkfish FMP require majority approval of each Council for submission to the Secretary.

(ii) Recommended adjustments to management measures must come from the categories specified under paragraph (a)(3)(i) of this section, including specification of ABC and ACLs, if necessary.

(2) *Councils' recommendation.* After developing management actions and receiving public testimony, the Councils shall make a recommendation to the Regional Administrator. The Councils' recommendation must include supporting rationale and, if management measures are recommended, an analysis of impacts and a recommendation to the Regional Administrator on whether to issue the management measures as a final rule. If the Councils recommend that the management measures should be issued as a final rule, the Councils must consider at least the following four factors and provide support and analysis for each factor considered:

(i) Whether the availability of data on which the recommended management measures are based allows for adequate time to publish a proposed rule, and whether regulations have to be in place for an entire harvest/fishing season;

(ii) Whether there has been adequate notice and opportunity for participation by the public and members of the affected industry in the development of the Councils' recommended management measures;

(iii) Whether there is an immediate need to protect the resource or to impose management measures to resolve gear conflicts; and

(iv) Whether there will be a continuing evaluation of management measures adopted following their implementation as a final rule.

(3) *Adjustments for gear conflicts.* The Councils may develop a recommendation on measures to address gear conflict as defined under § 600.10 of this chapter, in accordance with the procedure specified in § 648.55(g) and (h).

(4) *Action by NMFS.* (i) If the Regional Administrator approves the Councils' recommended management measures and determines that the recommended management measures should be issued as a final rule based on the factors specified in paragraph (c)(3)(i) of this section, the Secretary may, for good cause found under the standard of the Administrative Procedure Act, waive the requirement for a proposed rule and opportunity for public comment in the **Federal Register**. The Secretary, in so doing, shall publish only the final rule. Submission of the recommendations does not preclude the Secretary from deciding to provide additional opportunity for prior notice and comment in the **Federal Register**.

(ii) If the Regional Administrator concurs with the Councils' recommendation and determines that the recommended management measures should be published first as a proposed rule, then the measures shall be published as a proposed rule in the **Federal Register**. After additional public comment, if NMFS concurs with the Councils' recommendation, then the measures shall be issued as a final rule in the **Federal Register**.

(iii) If the Regional Administrator does not concur, then the Councils shall be notified in writing of the reasons for the non-concurrence.

(c) *Process for setting ABCs and ACLs.* (1) The Councils or the PDT may develop options for setting ABC, ACL, and OFL for each monkfish stock, as necessary, as part of the annual review and adjustment process specified in paragraph (a) of this section, or as otherwise deemed necessary following the in-season adjustment process specified in paragraph (b) of this section. These options shall be submitted to the SSC for consideration. The Councils or the PDT may recommend to the SSC that ABC, ACL, and OFL are specified for each monkfish stock for multiple years as determined necessary to best align management with the stock assessment process for this fishery.

(i) *ABC recommendation.* The Councils or the PDT shall calculate ABC values for each monkfish stock based on the ABC control rule established in the FMP. These calculations shall be reviewed by the SSC, guided by terms of reference developed by the Councils. The SSC shall either concur with these ABC calculations, or provide alternative recommendations for each stock and describe the elements of scientific uncertainty used to develop its recommendations. If the SSC concurs with the ABC calculations, the revised ABC values are automatically updated and no action by the Councils is necessary. If the SSC provides an alternative recommendation for calculating the ABC than that currently specified in the FMP, the Councils

would need to need to take action through the annual or in-season framework adjustment process specified in paragraphs (a) and (b) of this section, respectively, to implement the SSC's recommendation. The SSC may also consider other related issues specified in the terms of reference developed by the Councils, including, but not limited to, OFLs, ACLs, and management uncertainty.

(ii) *ACL recommendations.* The Councils shall establish ACLs for each management area that are equivalent to the ABCs calculated using the control rule established in the FMP, and reviewed and recommended by the SSC.

(iii) *Timing.* If determined necessary under the annual review process, the Councils shall develop and approve any recommendations for ABCs and ACLs prior to December 31, to the extent possible. Once the Councils have approved the recommended ABCs and ACLs, only if they require adjustments to the ACTs described in paragraph (d) shall they be submitted to NMFS as part of an annual framework adjustment or in-season framework adjustment, as described in paragraphs (a) and (b) of this section, along with any necessary analysis required by applicable law. After receipt of the Councils' recommendation for ACLs, NMFS shall review the Councils' decision and, if consistent with applicable law, implement the ACLs in accordance with the Administrative Procedure Act.

(d) *Accountability Measures (AMs).* (1) *Specification of ACTs.* Through the annual review process described in paragraph (a) of this section, or as otherwise determined necessary, the Councils shall specify ACTs for each management area that are set sufficiently below the ACL to account for management uncertainty and prevent the ACL from being exceeded. The ACTs established for each management area shall be the basis for setting management measures (DAS and trip limits), after accounting for incidental catch in non-directed fisheries and discards in all fisheries.

(2) *ACL overages and adjustments*—(i) *Council action.* The Councils shall revise the ACT for a monkfish stock if it is determined that the ACL was exceeded in any given year, based upon, but not limited to, available landings and discard information. The amount of an ACL overage shall be deducted from the ACT for the corresponding monkfish stock on a pound-for-pound basis. The revised ACT and corresponding management measures (DAS and trip limits) shall be implemented through either the annual or in-season framework adjustment process, specified in paragraphs (a) and (b) of this section, in the second fishing year following the fishing year in which the ACL overage occurred.

(ii) *NMFS action.* If the Councils fail to take appropriate action to correct an ACL overage consistent with paragraph (d)(1)(i) of this section, the Regional Administrator shall implement the required adjustment, as described in paragraph (d)(2)(i) of this section, including the specification of DAS and trip limits using a formulaic approach developed by the PDT, in accordance with the Administrative Procedure Act and other applicable law. Notification of the proposed ACL revision and DAS and/or trip limit adjustments shall be published in the **Federal Register** no later than January 1, if possible, for implementation on May 1 of the second fishing year following the fishing year in which the ACL overage occurred.

(e) *Emergency action.* Nothing in this section is meant to derogate from the authority of the Secretary to take emergency action under section 305(c) of the Magnuson-Stevens Act.

[FR Doc. 2011–12979 Filed 5–24–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 110111018–1279–03]

RIN 0648–XA109

Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement the annual harvest guideline (HG) and seasonal allocations for Pacific sardine in the U.S. exclusive economic zone (EEZ) off the Pacific coast for the fishing season of January 1, 2011, through December 31, 2011. These specifications have been determined according to the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP). The 2011 maximum HG for Pacific sardine is 50,526 metric tons (mt), of which 4,200 mt is initially set aside for potential use under Exempted Fishing Permits (EFPs). The remaining 46,326 mt, constituting the initial commercial fishing HG, has been divided across the seasonal allocation periods in the following way: January 1–June 30—15,214 mt is allocated for directed harvest with an incidental set-aside of 1,000 mt; July 1–September 14—17,530 mt is allocated for directed harvest with an incidental set-aside of 1,000 mt; September 15–December 31—8,582 mt is allocated for directed harvest with an incidental set-aside of 1,000 mt, plus an additional 2,000 mt set aside to buffer against reaching the total HG. This rule is intended to conserve and manage Pacific sardine off the West Coast.

DATES: Effective June 24, 2011 through December 31, 2011.

ADDRESSES: Copies of the report "Assessment of Pacific Sardine Stock for U.S. Management in 2011" may be obtained from the Southwest Regional Office (see **ADDRESSES**).

FOR FURTHER INFORMATION CONTACT: Joshua Lindsay, Southwest Region, NMFS, (562) 980–4034.

SUPPLEMENTARY INFORMATION: The CPS FMP, which was implemented by publication of a final rule in the **Federal Register** on December 15, 1999 (64 FR 69888), divides management unit species into two categories: actively managed, and monitored. Harvest guidelines for actively managed species (Pacific sardine and Pacific mackerel) are based on formulas applied to current biomass estimates. Conversely, annual biomass estimates are not currently calculated for species that are classified as monitored stocks (jack mackerel, northern anchovy, and market squid).

During public meetings each year, the estimated biomass for each actively managed species within the CPS FMP is presented to the Pacific Fishery Management Council's (Council) CPS Management Team (Team), the Council's CPS Advisory Sub panel (Subpanel) and the Council's Scientific and Statistical Committee (SSC), and the biomass and the status of the fisheries are reviewed and discussed. The biomass estimate is then presented to the Council along with HG recommendations and comments from the Team, Subpanel and SSC. Following review by the Council and after hearing public comment, the Council adopts a biomass estimate and makes its HG recommendation to NMFS.

This rule implements the 2011 HG for Pacific sardine in the U.S. EEZ off the Pacific coast, that is between 3 and 200 nautical miles seaward of the low water line along the coast. The CPS FMP and its implementing regulations require NMFS to set an annual HG for the Pacific sardine fishery based on the annual specification framework in the FMP. This framework includes a harvest

control rule that determines what the maximum HG for the current fishing season will be, based, in large part, on the estimate of stock biomass. The harvest control rule in the CPS FMP is HG = [(Biomass-Cutoff) * Fraction * Distribution] with the parameters described as follows:

1. *Biomass.* The estimated stock biomass of Pacific sardine age one and above for the 2011 management season is 537,173 mt.

2. *Cutoff.* This is the biomass level below which no commercial fishery is allowed. The FMP established this level at 150,000 mt.

3. *Distribution.* The portion of the Pacific sardine biomass estimated in the EEZ off the Pacific coast is 87 percent and is based on the average historical larval distribution obtained from scientific cruises and the distribution of the resource according to the logbooks of aerial fish-spotters.

4. *Fraction.* The harvest fraction is the percentage of the biomass above 150,000 mt that may be harvested.

At the November 2010 Council meeting, the Council adopted the 2010 Assessment of the Pacific Sardine Resource in 2010 for U.S. management in 2011, and a Pacific sardine biomass estimate of 537,173 mt. When this biomass estimate is applied to the harvest control rule for Pacific sardine in the CPS FMP, the resulting maximum HG is 50,526 mt. For the 2011 Pacific sardine fishing year, the Council recommended, and NMFS has approved, a maximum HG of 50,526 mt. Similar to the action taken in 2009 and 2010, the Council also recommended, and NMFS approved, that 4,200 mt of the available 2011 HG be initially reserved for fishing/research activities that would be undertaken under potential EFPs.

NMFS will likely make a decision on whether to issue EFPs for Pacific sardine some time prior to the start of the second seasonal period (July 1, 2011). Any of the 4,200 mt that is not issued or designated to be issued to EFPs will be rolled into the third allocation period's directed fishery. Any set-aside attributed to EFPs designed to be conducted during the closed fishing time in the second allocation period (prior to September 15), but not utilized, will roll into the third allocation period's directed fishery. Any set-aside attributed to EFPs designed to be conducted during closed fishing times in the third allocation, but not utilized, will not be re-allocated.

The Council also recommended, and NMFS approved, that the remaining 46,326 mt (HG of 50,526 mt minus proposed 4,200 mt EFP set-aside) be used as the initial overall commercial fishing HG for Pacific sardine, and that this amount be allocated across the seasonal periods established by Amendment 11 (71 FR 36999, June 29, 2006). The Council recommended incidental catch set-asides of 1,000 mt per allocation period, and an additional management uncertainty buffer of 2,000 mt in the third period. The purpose of the incidental set-aside allotments and allowance of an incidental catch-only fishery is to allow for the restricted incidental landings of Pacific sardine in other fisheries, particularly other CPS fisheries, when a seasonal directed fishery is closed. The additional management buffer in the third period is due to the predictive difficulties associated with closing the fishery, and to help ensure that the fishery does not exceed the maximum HG.

Therefore, for the 2011 Pacific sardine fishing season, the maximum HG is 50,526 mt, and the directed harvest levels and incidental set-asides are initially allocated across the three seasonal allocation periods in the following way: from January 1–June 30, 15,214 mt is allocated for directed harvest with an incidental set aside of 1,000 mt; from July 1–September 14, 17,530 mt is allocated for directed harvest with an incidental set aside of 1,000 mt; and from September 15–December 31, 8,582 mt is allocated for directed harvest with an incidental set aside of 1,000 mt. If during any of the seasonal allocation periods the applicable adjusted directed harvest allocation is projected to be taken, fishing will be closed for the remainder of the allocation period to directed harvest and only incidental harvest is allowed. For the remainder of the period, any incidental Pacific sardine landings are counted against that period's incidental set-aside and the catch of Pacific sardine is constrained to a 30 percent by weight incidental catch rate when Pacific sardine are landed with other CPS so as to minimize the targeting of Pacific sardine. In the event that an incidental set-aside is projected to be attained, the incidental fishery will be closed for the remainder of the period. If the set-aside is not fully attained or is exceeded in a given seasonal period, the directed harvest allocation in the following seasonal period will be automatically adjusted (upward or downward) to account for the discrepancy. Additionally, if during any seasonal period the directed harvest allocation is not fully attained or is exceeded, then the following period's directed harvest total will be adjusted accordingly to account for this discrepancy as well.

If the total HG or these apportionment levels for Pacific sardine are reached or are expected to be reached, the Pacific sardine fishery will be closed until it re-opens either per the allocation scheme or the beginning of the next fishing season. The NMFS Southwest Regional Administrator will publish a notice in the **Federal Register** announcing the date of any such closure.

Although it is not being implemented through this action, for the 2011 Pacific sardine fishing season the Council also recommended an overfishing limit (OFL) of 92,767 mt and an Acceptable Biological Catch (ABC) and Annual Catch Limit (ACL) of 84,681 mt. The HG for the 2011 fishing season is operationally similar to an Annual Catch Target (ACT) (as defined at § 600.310(f)(2)). These reference points are in accordance with the proposed Amendment 13 to the CPS FMP, on which the Council took final action on in June 2010, and that will undergo review by NMFS. The intent of Amendment 13 is to revise relevant sections of the CPS FMP to ensure consistency with the revised National Standard 1 (NS1) guidelines.

On January 27, 2011 NMFS published a proposed rule for this action soliciting public comments (76 FR 4854). NMFS received two comments regarding the Pacific sardine annual specifications.

Comment 1: One comment voiced concern regarding the parameters used in the HG control rule and urged further examination of the parameters for potential improvements in the future with particular reference to Pacific sardine being a forage species.

Response: The proposed rule was not intended to solicit comments on the existing HG control rule. That said, NMFS agrees that Pacific sardine is an important prey component of the California Current ecosystem and as such the current harvest control rule formula used to determine the harvest guideline takes into account Pacific sardine's ecological role as forage. The current harvest control was chosen from a wide range of FMP harvest policies based on analysis of a variety of measures of performance. Of these performance measures, six were chosen as priority considerations for determining which harvest policy to chose; three related specifically to sardine's role as forage in the California Current ecosystem, and three stemmed from an interest in maintaining a predicable and constant flow of catch and revenues over the long term. The current harvest policy was chosen because it is the most precautionary as

related to conserving sardine as forage, while still providing long-term consistent fishing yields.

Comment 2: The second commenter also recommended that a more conservative HG be adopted for the 2011 fishing season, in part based on alternative model runs in the stock assessment. Although not related to the current action, the commenter also stated that it should be determined that Pacific sardine is overfished and that Pacific sardine is experiencing overfishing, both on an international scale (combined United States, Canada and Mexico catches) and in the United States.

Response: The action being taken by this final rule is the implementation of the 2011 Pacific sardine HG and management measures. For the 2011 Pacific sardine management cycle, an updated assessment for Pacific sardine was conducted by a stock assessment team and reviewed by a stock assessment review panel consisting of members of the CPS subcommittee of the SSC, the CPSMT, and a representative of the CPSAS in October 2010 in La Jolla, CA. This assessment found an estimated Pacific sardine biomass of 537,173 metric tons (mt). This assessment was subsequently reviewed by the full SSC at the November 2010 Council meeting, where they recommended it for adoption by the Council as the best available science for the management of Pacific sardine in 2011. Other model runs that may have been completed by the stock assessment team (STAT) that resulted in different estimates of biomass were done solely for the purposes of sensitivity and uncertainty analysis, and were determined by the STAT and SSC not to be the best available science. Therefore, NFMS has determined that the biomass estimate used in the 2011 HG calculation is the appropriate biomass number for use in management.

NMFS recognizes that the 2011 Pacific sardine assessment indicates a continued decline in sardine biomass. This decline has also led NMFS and the Council to recommend the lowest harvest level since the onset of Federal sardine management in 2000, a direct result of the precautionary nature of the harvest control rule. The conservative and precautionary nature of the harvest control rule can be seen when comparing the biomass estimates and HGs from 2010 and 2011. In 2010 the biomass estimate was 702,204 mt and the resulting HG was 72,039 mt, only 10 percent of the biomass. Because of the precautionary nature of the harvest control rule, the approximately 23 percent decline in biomass in 2011 to 537,173 mt, resulted in a 30 percent decrease in the HG. The 2011 HG is 50,526 mt, or only 9 percent of the biomass. This reduction in allowable harvest from 2010 to 2011 is a direct result of the precautionary nature of the harvest control rule that reduces allowable harvest levels as biomass declines.

The commenter also requested that Pacific sardine be considered overfished. According to standards of the FMP, Pacific sardine is overfished when its biomass declines below 50,000 mt. The 2011 biomass estimate for Pacific sardine is 537,173 mt, therefore Pacific sardine is not overfished. Additionally, the harvest guideline control rule explicitly protects the stock from approaching an overfished condition through the use of a cutoff parameter that is three times that of the overfished level, or 150,000 mt. Due to this cutoff parameter, the harvest guideline will equal zero, and therefore fishing will not be allowed, when biomass declines to 150,000 mt, well above the overfished level of 50,000 mt. Of all CPS, sardine productivity is most strongly affected by environmental variation. Favorable and unfavorable periods for sardine tend to occur in cycles, meaning that periods of low abundance for sardine are probably inevitable, even in the absence of fishery. For this reason, B_{msy} is not used as a maximum sustainable yield (MSY) reference point for sardine and B_{msy} is not established in the FMP, contrary to statements made by the commenter.

Additionally, the commenter requested that NMFS determine overfishing of Pacific sardine is occurring. Overfishing occurs whenever a stock is subjected to a level of fishing mortality or annual total catch that jeopardizes the capacity of a stock to produce MSY on a continuing basis. The 2010 Pacific sardine HG was 72,039 mt, of which approximately 67,000 mt of sardine were landed, therefore not exceeding the HG. In 2009 the U.S. HG, or optimum yield (OY), of 66,932 mt was exceeded by approximately 150 mt or 0.2 percent. It was determined that overfishing did not occur that year because the CPS FMP recognizes that catch levels resulting from the HG control rule are more conservative than MSY levels and therefore overfishing occurs only when the HG is exceeded by a significant amount. In the context of a highly productive stock such as sardine, exceeding the HG by 0.2 percent was not enough to jeopardize its capacity to produce MSY and therefore overfishing did not occur. To ensure the HG was not exceeded in 2010, new management measures were put in place by the Council and NMFS for the 2010 fishing season that allowed NMFS to close the fishery in a timely manner and the HG was not exceeded.

Finally, with regard to a concern that fishing might exceed a combined U.S., Mexico and Canada overfishing limit, Pacific sardine is not managed under an international agreement, and therefore there is not a total overfishing level. NFMS recognizes, however, that management of transboundary stocks, such as Pacific sardine, is one of the more difficult problems in managing CPS. In the absence of a cooperative management agreement, the current approach in the CPS FMP sets harvest levels for U.S. fisheries by prorating the total target harvest level according to the portion of the stock estimated to by in U.S. waters on average. The primary advantage of prorating the total target harvest level is that U.S. fisheries can be managed unilaterally in a responsible manner that is consistent with the MSA. Mexican and Canadian landings are not considered explicitly when harvest levels for U.S. waters is determined, so U.S. fishermen are not penalized directly for Mexican and Canadian harvests. However, the allowable harvest level in U.S. waters depends on current biomass estimates, so U.S. harvest will be reduced if the stock is depleted by fishing in either Mexico or Canada.

Classification

The Administrator, Southwest Region, NMFS, determined that this action is necessary for the conservation and management of the Pacific sardine fishery and that it is consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws.

This final rule is exempt from Office of Management and Budget review under Executive Order 12866.

No issues were raised by public comments in response to the Initial Regulatory Flexibility Analysis (IRFA) prepared pursuant to the Regulatory Flexibility Act for this action or on the economic impacts of the rule generally. Therefore, the Final Regulatory Flexibility Analysis (FRFA) contains no changes from the IRFA. A description of the action, why it is being considered, and the legal basis for this action are contained at the beginning of this section in the preamble and in the **SUMMARY** section of the preamble. The results of the FRFA are stated below. For copies of the FRFA please see the **ADDRESSES** section above.

The purpose of this action is to implement the 2011 HG for Pacific sardine in the U.S. EEZ off the Pacific

coast. The CPS FMP and its implementing regulations require NMFS to set an annual HG for the Pacific sardine fishery based on the harvest control rule in the FMP. The harvest control rule is applied to the current stock biomass estimate to derive the annual HG. The HG is determined using an environmentally-based formula accounting for the effect of ocean conditions on stock productivity.

The HG is apportioned based on the following allocation scheme: 35 percent of the HG is allocated coastwide on January 1; 40 percent of the HG, plus any portion not harvested from the initial allocation is then reallocated coastwide on July 1; and on September 15 the remaining 25 percent, plus any portion not harvested from earlier allocations will be released. If the total HG or these apportionment levels for Pacific sardine are reached at any time, the Pacific sardine fishery is closed until either it re-opens per the allocation scheme or the beginning of the next fishing season. There is no limit on the amount of catch that any single vessel can take during an allocation period or the year; the HG and seasonal allocations are available until fully utilized by the entire CPS fleet.

The small entities that would be affected by the proposed action are the vessels that compose the West Coast CPS finfish fleet. Approximately 108 vessels are permitted to operate in the sardine fishery component of the CPS fishery off the U.S. West Coast; 64 permits in the Federal CPS limited entry fishery off California (south of 39 N. lat.), and a combined 44 permits in Oregon and Washington's state-permitted Pacific sardine fisheries. The U.S. Small Business Administration defines small businesses engaged in fishing as those vessels with annual revenues of or below $4 million. The average annual per vessel revenue in 2010 for the West Coast CPS finfish fleet was well below $4 million, and all of these vessels therefore are considered small businesses under the RFA. Because each affected vessel is a small business, this proposed rule has an equal effect on all of these small entities, and therefore will impact a substantial number of these small entities in the same manner. Accordingly, there would be no economic impacts resulting from disproportionality between small and large business entities under the proposed action.

The profitability of these vessels as a result of this rule is based on the average Pacific sardine ex-vessel price per mt. NMFS used average Pacific sardine ex-vessel price per mt to conduct a profitability analysis because cost data for the harvesting operations of CPS finfish vessels was unavailable.

For the 2010 fishing year, the maximum HG was set at 72,039 mt. Approximately 66,000 mt of the HG was harvested during the 2010 fishing season, with an estimated total coastwide ex-vessel value of $12.2 million. Using these figures, the 2010 ex-vessel price per mt of Pacific sardines was $185.

The HG for the 2011 Pacific sardine fishing season (January 1, 2011 through December 31, 2011) is 50,526 mt. This HG is approximately 25% less than the directed fishing HG for 2010 of 68,039 mt. This decrease in HG is due to a decrease in the coastwide Pacific sardine biomass from which the HG is directly derived.

If the fleet were to take the entire 2011 HG, and using the 2010 ex-vessel average price of $185 per mt of Pacific sardine, the total potential revenue for the entire fleet would be approximately $9.3 million. This decrease would be slightly less than the average coastwide total ex-vessel value achieved from 2001–2010 of approximately $11.5 million. There will also likely be a drop in profitability based on this rule compared to last season due the lower HG this fishing season. Whether this will occur depends greatly on market forces within the fishery, and on the regional availability of the resource to the fleets and the fleets' ability to find pure schools of Pacific sardine. A change in the market rate and/or the potential lack of availability of the resource to the fleets could cause a reduction in the amount of Pacific sardine that is harvested which, in turn, would reduce the total revenue to the fleet from Pacific sardine.

However, the revenue derived from harvesting Pacific sardine is only one factor determining the overall revenue of a majority of the CPS fleet, and therefore the economic impact to the fleet from the proposed action, can not be viewed in isolation. CPS finfish vessels typically harvest a number of other species, including anchovy, mackerel, squid, and tuna, making Pacific sardine only one component of a multi-species CPS fishery. A reliance on multiple species is a necessity because each CPS stock is highly associated to present ocean and environmental conditions. Because each species responds to such conditions in its own way, not all CPS stocks are likely to be abundant at the same time; therefore as abundance levels and markets fluctuate, the CPS fishery as a whole has endured by depending on a group of species.

No significant alternatives to this rule were considered or exist that would accomplish the stated objectives of the applicable statutes, and which would minimize any significant economic impact of this rule on the affected small entities. The CPS FMP and its implementing regulations require NMFS to set an annual HG for the Pacific sardine fishery based on the harvest control rule in the FMP. The harvest control rule is applied to the current stock biomass estimate to determine what the HG for that fishing season will be; as biomass increases so will the HG, conversely as biomass decreases so does the HG. The determination of the annual HG merely implements the established procedures of the FMP with the goal of continuing to provide expected net benefits to the nation, regardless of the specific annual allowable harvest levels for the Pacific sardine fishery.

There are no reporting, record-keeping, or other compliance requirements required by this rule. Additionally, no other Federal rules duplicate, overlap or conflict with this rule.

This action does not contain a collection-of-information requirement for purposes of the Paper Reduction Act.

Small Business Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as "small entity compliance guides." The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, a notice to fishermen that also serves as a small entity compliance guide (guide) was prepared and will be distributed to fishermen and processors. The guide is also available on the Internet at *http://swr.nmfs.noaa.gov.* Copies of this final rule and guide, i.e. notice to fishermen, will be available upon request from the Southwest Regional Office (see **ADDRESSES**).

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

Dated: May 20, 2011.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2011–12981 Filed 5–24–11; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 76, No. 101
Wednesday, May 25, 2011

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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 73

[NRC–2011–0014; NRC–2011–0015; NRC–2011–0017; NRC–2011–0018]

RIN 3150—AI49

Public Meeting To Discuss the Proposed Rule on Enhanced Weapons, Firearms Background Checks, and Security Event Notifications

AGENCY: Nuclear Regulatory Commission.

ACTION: Public meeting.

SUMMARY: The Nuclear Regulatory Commission (NRC) is holding a public meeting on June 1, 2011, to provide an opportunity for the NRC and the public to discuss the proposed enhanced weapons rule, the two draft regulatory guides, and the draft weapons safety assessment documents.

DATES: Wednesday, June 1, 2011, 8:30 a.m. to 5 p.m. (Eastern Daylight Time).

ADDRESSES: Public Meeting: U.S. Nuclear Regulatory Commission, Two White Flint North Building, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Robert H. Beall, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–000; Telephone: 301–415–3874; E-mail: Robert.Beall@nrc.gov.

SUPPLEMENTARY INFORMATION: The main purpose of this meeting is to facilitate external stakeholder understanding of the proposed rule and the supporting documents to enable submission of well-informed comments. Representatives from the NRC, FBI, and ATF will discuss and answer questions on the content of the proposed rule and guidance documents during the meeting.

This meeting is not a forum to negotiate the content of the draft proposed rule or guidance documents. No formal comments on the proposed enhanced weapons rule or the draft guidance documents will be collected, and no requests for an extension of the public comment period will be entertained at this meeting. Comments on the proposed rule and/or guidance documents and requests for extensions of the comment periods should be submitted to the NRC according to the instructions in each of the draft rulemaking and/or guidance documents.

Availability of Documents

The following table indicates the proposed rule and related documents that are available to the public and how they may be obtained.

Document	PDR	Web	NRC Library (ADAMS)
Proposed Rule (76 FR 6200; February 3, 2011) [NRC–2011–0018]	X	X	ML082740160
Draft Regulatory Guide DG–5019 (72 FR 37058, July 6, 2007) [NRC 2011–0014]	X	X	ML100830413
Draft Regulatory Guide DG 5020 (76 FR 6086, February 3, 2011) [NRC 2011–0015]	X	X	ML100321956
Draft Weapons Safety Assessment (76 FR 6087, February 3, 2011) [NRC 2011–0017]	X	X	ML103190273
Agenda for June 1, 2011 Meeting	X	X	ML111300017

You can access publicly available information related to these documents using the following methods:

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- *Federal Rulemaking Web Site:* Public comments and supporting materials related to this proposed rulemaking can be found at *http://www.regulations.gov* by searching on Docket ID: NRC–2011–0018.

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Dated at Rockville, Maryland, this 20th day of May 2011.

For the Nuclear Regulatory Commission.

Shana R. Helton,

Chief, Rulemaking Branch, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

[FR Doc. 2011–12959 Filed 5–24–11; 8:45 am]

BILLING CODE 7590–01–P

FARM CREDIT ADMINISTRATION

12 CFR Part 618

RIN 3052–AC66

General Provisions; Operating and Strategic Business Planning

AGENCY: Farm Credit Administration.

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration (FCA, we or us) proposes to amend its regulation requiring the board of directors of each Farm Credit System (FCS or System) institution to adopt an operational and strategic business plan (business plan) to include, among other things, an emphasis on diversity and inclusion. The proposed amendment would require each plan to contain a human capital plan that includes strategies and actions to achieve diversity and inclusion within the institution's workforce, management and governance structure, and an assessment of the progress the institution has made in accomplishing these strategies and actions; assesses the strengths and weaknesses of the institution's workforce, management and governance structure; and describes the institution's workforce and management succession programs. In addition, each plan would be required to include a marketing plan to, among other things, further the objective that the FCS be responsive to the credit needs of all eligible and creditworthy agricultural producers and other eligible persons with specific attention to diversity and inclusion.

DATES: You may send comments on or before July 25, 2011.

ADDRESSES: We offer a variety of methods for you to submit your comments. For accuracy and efficiency reasons, commenters are encouraged to submit comments by e-mail or through the FCA's Web site. As facsimiles (fax) are difficult for us to process and achieve compliance with section 508 of the Rehabilitation Act, we are no longer accepting comments submitted by fax. Regardless of the method you use, please do not submit your comment multiple times via different methods. You may submit comments by any of the following methods:

- *E-mail:* Send us an e-mail at *reg-comm@fca.gov.*
- *FCA Web site: http://www.fca.gov.* Select "Public Commenters," then "Public Comments" and follow the directions for "Submitting a Comment."
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Gary K. Van Meter, Acting Director, Office of Regulatory Policy, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102–5090.

You may review copies of comments we receive at our office in McLean, Virginia, or from our Web site at *http://www.fca.gov.* Once you are in the Web site, select "Public Commenters," then "Public Comments" and follow the directions for "Reading Submitted Public Comments." We will show your comments as submitted but, for technical reasons, we may omit items such as logos and special characters. Identifying information that you provide, such as phone numbers and addresses, will be publicly available. However, we will attempt to remove e-mail addresses to help reduce Internet spam.

FOR FURTHER INFORMATION CONTACT:

Jacqueline R. Melvin, Policy Analyst, Office of Regulatory Policy, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4498, TTY (703) 883–4434, or

Jennifer A. Cohn, Senior Counsel, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TTY (703) 883–4020.

SUPPLEMENTARY INFORMATION:

I. Objectives

The objectives of this proposed amendment are to:

- Ensure that each System institution understands that promoting diversity and inclusion is critical to the institution's long-term success;
- Internalize diversity and inclusion into the corporate culture of each System institution;
- Ensure that each System institution develops strategies and actions to achieve diversity and inclusion within its workforce, management and governance structure, and assesses progress towards accomplishing these strategies and actions; assesses the strengths and weaknesses of its current workforce, management and governance structure; and considers succession planning; and
- Ensure that each System institution considers how it will further the objective of being responsive to the credit needs of all eligible and creditworthy agricultural producers and other eligible persons with specific attention to diversity and inclusion.

II. Importance of Human Capital and Marketing Plans

Planning is critical to the success of any organization, including FCS institutions.[1] As stated in EM–515 of FCA's Examination Manual (EM), "In its simplest terms, planning is the process of determining: (1) [W]here the institution is; (2) where it would like to be; and (3) how it plans to get there."[2] The EM recognizes several benefits of effective planning, including that it provides a better approach to decision-making because it minimizes the element of surprise and maximizes the ability to manage change effectively and provides a basis for monitoring and measuring performance. The proposed amendment would require each institution to include a human capital plan and marketing plan as a part of its operational and strategic business plan required under § 618.8440.

We recognize that many institutions are developing human capital and marketing plans, either as part of formulating their business plans or separately, but some institutions may not have a formalized process for developing human capital (including succession) or marketing plans. Formally incorporating the human capital and marketing plan requirements into an institution's business plan recognizes the importance of planning for the future of the institution.

III. Embracing Diversity and Inclusion Is Vital to the Future of the FCS

One of the key elements we are proposing—for both the human capital and the marketing plan—is the element of diversity and inclusion. Institutions would have to consider diversity and inclusion within their workforce, management and leadership as well as in their outreach to all eligible and creditworthy persons within their territories.

The United States—including its farming communities and rural areas—is becoming increasingly diverse. The pool of eligible and creditworthy borrowers includes men and women from a variety of racial and ethnic backgrounds. It includes young farmers, as well as older ones. It consists of producers with small, part-time operations, as well as producers with thousands of acres and millions of dollars in gross income. It also consists of producers who operate within local food systems, which typically involve small farmers producing heterogeneous organic or specialty crops, and short supply chains in which farmers also perform marketing functions, including storage, packaging, transportation, distribution and advertising. According to the 2007 U.S. Census of Agriculture, most farms that sell directly to consumers are small farms with less than $50,000 in total farm sales and are

[1] The application of the amendment to § 618.8440 does not apply to Farmer Mac. FCA has a provision in § 652.60 that applies to Farmer Mac's business planning requirements.

[2] Our EM is currently in the revision process. Accordingly, any citations to or quotes from the EM are subject to change. However, we do not expect that we will retract any of the ideas we express on planning.

located in or near metropolitan counties.[3]

The 2007 Census of Agriculture found that of the 2.2 million farms in the United States, 370,000 had a principal operator—the person who is in charge of day-to-day decisions—that was not a white male. Between 2002 and 2007, farm operators who were women, American Indian, Asian, Black and Hispanic/Latino increased.[4] Clearly, agriculture in America is becoming more diverse.

If the FCS is to continue as a strong and vibrant supporter of agriculture in America, it must develop specific marketing plans to reach all potential borrowers, including those in market segments that may currently be underserved. In addition, in order to effectively reach and serve these potential borrowers, each institution will have to ensure that its staff and boards of directors reflect the diversity of its chartered territory. Unless System institutions commit to embracing diversity and inclusion in lending, employment and governance, they risk losing market share and relevance in the marketplace.

In addition to this "business case" for diversity and inclusion, section 1.1(b) of the Farm Credit Act of 1971, as amended (Act), requires the System to be inclusionary in its lending. Section 1.1(b) provides that the System was established as a "permanent system of credit for agriculture which will be responsive to the credit needs of all types of agricultural producers having a basis for credit. * * *" As a Government-sponsored enterprise (GSE), the System has a statutory obligation to serve all types of eligible and creditworthy persons.[5]

IV. Current Efforts of the FCS To Advance Diversity and Inclusion

Many System institutions have already taken steps in the area of diversity and inclusion. Some of these steps are explicitly designed to increase diversity and inclusion, while others may have enhanced diversity and inclusion as a consequence. These measures are a good foundation for the planning that this proposed amendment would require.

A. Young, Beginning, and Small (YBS) Farmer Activities

In 1980, Congress added section 4.19 to the Act. This provision requires each System association to prepare a program for furnishing sound and constructive credit and related services to YBS farmers and ranchers.[6] Because YBS farmers and ranchers can include women and/or members of minority, socially disadvantaged, and other traditionally underserved groups, System YBS programs may often include service to these groups as part of the overall YBS population. Although the programs may not have the explicit objective of advancing customer diversity and inclusion, many of the program activities institutions engage in for YBS education, marketing and outreach could also be catalysts for diversity and inclusion.

B. Section 4.38 of the Act

Section 4.38 of the Act requires all System institutions with more than 20 employees to "establish and maintain an affirmative action program that applies the affirmative action standards otherwise applied to contractors of the Federal government." As stated in EM–530:

> In general, an acceptable [affirmative action program (AAP)] plan must include an analysis of areas where the institution is deficient in the utilization of minority groups and women. The [AAP] plan also should set goals and timetables to which the institution's good faith efforts must be directed to correct deficiencies in utilizing minorities and women at all levels and in all segments of its work force.

This AAP plan requirement yields information about each institution's utilization of women and minorities in its workforce. It does not, address the larger issues of diversity and inclusion, but it does provide a sound basis and foundation for a comprehensive human capital plan.

C. FCS Diversity Workgroup

The System established a Diversity Workgroup (Workgroup) in 2006 to increase diversity awareness, promote understanding of inclusiveness, and serve as a diversity resource within the System. The Workgroup recognizes the business case for diversity and inclusion; the Workgroup's belief is that fulfillment of its mission will assist the System in being more responsive to marketplace needs, strengthen its public position and contribute to enhanced workplace engagement. Since its founding, the Workgroup has sponsored a diversity conference, several training workshops, speakers, outreach and communications; furthermore, it is in the process of developing a longer-term work plan. The Workgroup has publicized the successful bottom line business results that institutions that embrace diversity and inclusion have achieved. We encourage all System institutions to support and work closely with the Workgroup to achieve a more inclusive workforce and borrower base.

D. Current Diversity and Inclusion Activities of Institutions

Some System institutions are already taking significant actions to assure their future success by reaching out to increase the diversity of their employees and customers. They recognize that a cultural and workforce transformation is required to grow their lending. Institutions have taken steps such as the following:

- Adding minority staffing to reflect the demographics of their territories, recognizing that new customers want to do business with lenders that understand their language and culture;
- Producing sales materials and providing financial and business training in various languages spoken in their chartered territories;
- Marketing through ethnic business and community organizations;
- Marketing to Hispanic/Latino communities via Web sites that have information translated into Spanish;
- Conducting diversity and inclusion education and training sessions for their directors, managers and employees;
- Establishing diversity and inclusion councils;
- Recruiting new employees through female and minority organizations;
- Establishing mentoring relationships with new employees, particularly women and minorities from different ethnic groups and backgrounds;
- Creating career tracks to ensure that all employees have the opportunity to ascend into positions of management and leadership;
- Partnering with minority youth development organizations; and
- Closely analyzing the demographics of their marketplace to understand that outreach to minority and other underserved producers can lead to tremendous growth.

[3] The information in this paragraph concerning local food systems can be found at *http://www.ers.usda.gov/Publications/ERR97/ERR97_ReportSummary.pdf.*

[4] The information in this paragraph can be found at *http://www.agcensus.usda.gov.*

[5] Congress has expressly imposed diversity and inclusion requirements on the housing GSEs. The Housing and Economic Recovery Act of 2008 requires the Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac) and the Federal Home Loan Banks to promote diversity and the inclusion of women and minorities in all activities including, but not limited to, their management, employment and contracting. Public Law 110–289, 122 Stat. 2643, section 1116. The Federal Housing Finance Agency recently adopted a regulation implementing this requirement. 75 FR 81395 (Dec. 28, 2010).

[6] FCA's implementing regulation is at 12 CFR 614.4165. We provide guidance in FCA Bookletter BL–040.

According to institutions that have taken actions such as these, material increases in loan volume, net earnings, return on equity and assets, operating efficiency, cost efficiency and staff retention have resulted.

With this proposed amendment, we believe that all System institutions should take actions such as those listed above. The United States is becoming more diverse, and any lending institution that fails to include all potential customers in its outreach runs a serious risk, in the long run, of not being a vital source of financing in America.

V. What is diversity and inclusion?

Diversity should not be viewed as a list of demographic criteria. Rather, diversity is best thought of as the inclusion of *all* individuals of varying race, ethnicity, sexual orientation, age, disability, social class, religious and ideological beliefs. Where a particular institution needs to focus its attention depends on the nature of its territory and what groups have traditionally been underrepresented or underserved.

Diversity and inclusion in employment focus on using the talents of people of different backgrounds, experiences, and perspectives to improve the workforce environment and productivity. These differences have a strong influence on how individuals approach challenges and solve problems, make decisions and identify opportunities.

Diversity and inclusion in lending focus on looking beyond the traditional customer base to ensure that all eligible and creditworthy persons have access to credit and related financial services. Examples of non-traditional customers may include women and minorities who operate traditional farm businesses as well as those who operate within local food systems.

Diverse employees and/or effective outreach and marketing programs could aid the System in reaching new customers. For example, diverse employees may more effectively reach diverse borrowers, thereby widening the pool of potential customers. Moreover, diverse employees bring different perspectives to an organization and may develop more creative and innovative products and services, which can also increase the customer base.

VI. Overcoming Barriers to Advancing Diversity and Inclusion

Many different kinds of barriers to achieving diversity and inclusion may exist. Some may not fully appreciate the business opportunity that diversity and inclusion can provide. Others may recognize the opportunity but may not know what steps to take to further diversity and inclusion.

In Section IV. above, we discuss specific steps institutions have taken in furtherance of diversity and inclusion. In Section VII. below, we discuss the requirements of the proposed amendment that we believe will advance diversity and inclusion. In this section, we provide more conceptual suggestions for bringing about the institutional cultural change that is necessary to achieve diversity and inclusion.

A. Include Diversity and Inclusion in the Mission Statement

Including diversity and inclusion in an institution's mission statement is a key element in informing stakeholders about the institution's business philosophy and how it will operate.

As stated by a leading diversity Web site, although corporate mission statements may seem simple on the surface, they are an important clue as to how a company operates and what its core values are. "Given the increasing diversity of the American [workforce] and the multicultural consumer base, companies that express a commitment to [workforce], marketplace and supplier diversity and inclusion will attract the most talented employees and gain loyal investors and customers." [7]

A company should use its mission statement to develop trust among its varied constituencies of employees, customers, shareholders and other stakeholders—suppliers, members of the community and anyone else who has an interest in or is affected by the company's operations and policies. References in a mission statement to "inclusive," "diverse," "nondiscrimination," "integrity" and "trust" may communicate that the company is committed to respecting people and adhering to its own values.

Diversity and inclusion in the mission statement are essential to communicating an institution's commitment to these principles; however, it will not, on its own, be sufficient in creating a diverse and inclusive environment in the institution's culture. The suggestions that follow provide ideas for how institutions can instill diversity and inclusion into their culture.

B. Promote Inclusiveness, Not Just Diversity

Increasing diversity—recruiting from underrepresented groups—is only part of what is necessary to create an organization in which all individuals have a sense of value. An employer's efforts must also be focused on inclusiveness, which involves intentional, ongoing engagement of diversity and inclusion within organizations, removal of hidden barriers and recognition of unconscious bias. Inclusiveness is not just about numbers; it is also about creating an inclusive organizational culture.

Members of majority groups may feel excluded from diversity and inclusion initiatives because they feel like those initiatives have nothing to do with them. Or they may even feel threatened by a change in the status quo. If this is the case, diversity and inclusion will not occur.

Members of the majority group, particularly those in influential or leadership positions, must be part of making the workforce reflect the demographics of their market segment (or segmentation). If the majority group decides that change must happen, it will happen quickly. Moreover, this group's hands-on involvement will send a powerful message to the rest of the organization about the importance of diversity and inclusion.[8]

C. Make Diversity and Inclusion Part of the Corporate Culture

The boards of directors, chief executive officers, and senior management have the authority to create a corporate culture that is reflective of the demography of the constituents working and doing business in the institution's territory. Establishing diversity and inclusion at the highest level of the organization is only the beginning of a successful program. By continuously reinforcing diversity and inclusion initiatives and holding management accountable, the institution can create an environment of inclusion and acceptance.

VII. The Proposed Amendments

The proposed amendments to our regulations would require each institution to adopt a human capital plan—a plan that would strategically address diversity and inclusion as well as other specified matters—as part of its business plan. The regulation would

[7] Diversity, Inc.'s fifth edition of *The Business Case for Diversity* dated April 2, 2006. Retrieved online at *http://diversityinc.com/content/1757/article/208/*.

[8] *See, Practical Steps for Engaging White Men in Diversity and Inclusiveness Efforts.* Retrieved online at *http://www.centerforlegalinclusiveness.org/clientuploads/NALP%20September%202010_Nalty.pdf.*

also require each institution to adopt a marketing plan that assesses how the institution will further the Act's objective that the System be responsive to the credit needs of all types of agricultural producers having a basis for credit. Both of these plans would have to be included in the operational and strategic business plan required under § 618.8440 of our regulations.

Before we discuss the specific requirements of the proposed amendments, we want to reiterate our views of diversity and inclusion. Diversity is best thought of as the inclusion of *all* individuals of varying race, ethnicity, sexual orientation, age, disability, social class, religious and ideological beliefs, rather than simply as a list of demographic criteria. Where a particular institution needs to focus its attention depends on the nature of its territory and what groups have traditionally been underrepresented or underserved.

A. Section 618.8440(b)(7)—Human Capital Plan

Proposed § 618.8440(b)(7) would require institutions to include a human capital plan in their operational and strategic business plan.

Proposed § 618.8440(b)(7)(i) would require the human capital plan to include strategies and actions to achieve diversity and inclusion within the institution's workforce, management and governance structure and an assessment of the progress the institution has made towards accomplishing these strategies and actions.

Proposed § 618.8440(b)(7)(ii) would require the human capital plan to describe the institution's current workforce, management and governance structure and to assess their strengths and weaknesses. We believe such an assessment is a prudent human resources management practice that every employer should engage in to ensure long-term success. We expect that institutions are already undertaking such assessments.

Proposed § 618.8440(b)(7)(iii) would require the human capital plan to describe the institution's workforce and management succession programs. We believe that prudent succession planning is necessary to ensure the long-term success of an institution.

These requirements would complement the guidance that has long been provided in FCA's EM–530, which states that a sound human resources management plan must address the areas in which an institution will grow, decline or change as a result of alterations to the institution's mission and function and how such alterations will affect staffing needs. Management succession plans should address levels ranging from middle management to the chief executive officer. The succession plan should be in writing and should include strategies for preparing candidates for succession.

This proposed regulation would not specify the content of succession plans, but it would require that the succession planning be described in writing as part of an institution's human capital plan. We would continue to use our examination function to ensure that the succession plan is adequate.

We discussed above many of the strategies an institution could employ to achieve diversity and inclusion in its workforce, including its management. There are many resources that institutions can use to learn more about how to advance diversity and inclusion in their workplaces. We encourage all institutions to take advantage of these resources.

We also want to draw attention to FCA Bookletter BL–009,[9] which addresses the authority of Farm Credit banks and associations to appoint directors. In BL–009, we stated that bank and association boards of directors may appoint directors—both outside directors and "other appointed directors" (stockholders who are appointed)—for specific public policy purposes, such as facilitating diversity. We encourage all institutions to consider appointing directors for this purpose when feasible.[10]

B. Section 618.8440(b)(8)—Marketing Plan

Proposed § 618.8440(b)(8) would require each institution to include a marketing plan in its operational and strategic business plan. The marketing plan would have to include specific steps the institution will take to further the objective of the Act, set forth in section 1.1(b), that the System be responsive to the credit needs of *all* types of agricultural producers having a basis for credit. The marketing plan would have to include, at a minimum, the following:

- A description of the institution's chartered territory by geographic region, types of agriculture practiced, and market segment; and
- Strategies and actions to provide the institution's products and services to all creditworthy and eligible persons with specific attention towards diversity and inclusion within each market segment, and an assessment of the progress the institution is making towards accomplishing these strategies and actions.

In order to be able to describe its chartered territory, and to understand whom it should be striving to reach, an institution must know the characteristics and market segmentation of its territory. Market segmentation is the identification of portions of the market that are different from one another and can include, but is not limited to, geographic or demographic segmentation or types of agriculture practiced. Market segmentation allows a business to better satisfy the needs of its potential customers.[11]

A vast amount of demographic information, down to the county level, is available on the Web sites of the Census of Agriculture,[12] the U.S. Census Bureau,[13] and the United States Department of Agriculture's Economic Research Service.[14] In addition to information about women and minorities, institutions should also consider non-traditional local food systems. Producers in all of these groups may be underserved.

Once an institution knows its marketplace, it must then formulate strategies and actions to provide the institution's products and services to all creditworthy and eligible persons. As discussed above, one strategy should be to ensure the institution's workforce and boards of directors generally reflect the demographics and other characteristics of its territory. Institutions should be especially mindful of employee characteristics—such as not speaking languages other than English—that can pose high barriers to doing business with potential borrowers.

Marketing plans should include grassroots outreach activities and education efforts that market to underserved populations regarding business and financial planning and leadership and loan programs for persons who are creditworthy and eligible to borrow.

[9] Dated December 15, 2006.

[10] We also note that § 611.325(d)(1) of FCA regulations directs institution nominating committees, which submit slates of eligible borrowers wishing to run for stockholder-elected director positions, to "endeavor to ensure representation from all areas of [an institution's territory] and as nearly as possible, all types of agriculture practiced within the territory." This regulation implements a specific requirement of section 4.15 of the Act. As an institution's borrower base becomes more diverse, nominating committees should consider seeking out qualified and representative borrowers of diverse backgrounds.

[11] The NetMBA Business Knowledge Center's Web site provides a discussion of market segmentation. Retrieved at *http://www.netmba.com/marketing/market/segmentation/*.

[12] *http://www.agcensus.usda.gov.*

[13] *http://www.census.gov.*

[14] *http://www.ersusda.gov/data/ruralatlas.*

System institutions should also continue to demonstrate their commitment to diversity and inclusion through ongoing training and workshops that reinforce leadership's and management's commitment to new markets. These activities can be viewed as opportunities for leadership and management to educate the workforce on the negative consequences of unconscious bias that may stifle or reverse diversity and inclusion initiatives.

The marketing plan must also assess the progress the institution has made in accomplishing its strategies and actions to serve all creditworthy and eligible persons within each market segment.

It may be difficult for institutions to measure the success of their outreach in some respects, because the Equal Credit Opportunity Act (ECOA) currently precludes creditors from asking most applicants for information such as race, ethnicity or gender (even if that information is collected by an independent third party after the loan decision has been made).[15] In the recent Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), however, Congress amended the ECOA to require financial institutions (including FCS institutions) to ask all business applicants applying for credit whether they are women-owned, minority-owned or small businesses.[16] Although the requirement will technically be effective on the "designated transfer date" of the Dodd-Frank Act, which has been established by the Secretary of the Treasury as July 21, 2011, implementing regulations to be adopted by the Consumer Financial Protection Bureau will specify when compliance should begin.

Moreover, a significant amount of information about borrowers is available even today. Institutions should certainly know if they are serving borrowers in languages other than English—if they have the capability to serve those borrowers. They should have demographic information about borrowers receiving Farm Service Agency-guaranteed socially disadvantaged farmer and rancher loans, which are available to members of groups whose members have been subject to racial, ethnic, or gender prejudice because of their group membership, including American Indians or Alaskan Natives, Asians, Blacks or African Americans, Native Hawaiians or other Pacific Islanders, Hispanics/Latinos and women. And they should know if they are serving non-traditional customers who operate within local food systems producing organic or specialty crops. Reaching members of all of these groups will enhance an institution's marketplace diversity.

VIII. Conclusion

The FCA Board acknowledges that the System, under the guidance of the Diversity Workgroup, is engaging in many initiatives to address diversity and inclusion within its workforce and reach out to the diverse base of persons eligible to borrow from the System. Diversity and inclusion is a never-ending process that needs the support and direction of each institution's leaders and management. With that support and direction, diversity and inclusion can become a normal business practice that is intrinsically rewarding for all individuals doing and seeking business with the institution. Institution leaders and managers must be creators and innovators to make diversity and inclusion a part of the routine dialogue with the workforce and customers. Ultimately, each institution must review its past practices, assess its current practices, and make the right adjustments going forward to ensure that it remains relevant and fulfills its GSE mission in the current and future financial markets.

IX. Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the FCA hereby certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities. Each of the banks in the System, considered together with its affiliated associations, has assets and annual income in excess of the amounts that would qualify them as small entities. Therefore, System institutions are not "small entities" as defined in the Regulatory Flexibility Act.

List of Subjects in 12 CFR Part 618

Agriculture, Archives and records, Banks, banking, Insurance, Reporting and recordkeeping requirements, Rural areas, Technical assistance.

For the reasons stated in the preamble, part 618 of chapter VI, title 12 of the Code of Federal Regulations is proposed to be amended as follows:

PART 618—GENERAL PROVISIONS

1. The authority citation for part 618 continues to read as follows:

Authority: Secs. 1.5, 1.11, 1.12, 2.2, 2.4, 2.5, 2.12, 3.1, 3.7, 4.12, 4.13A, 4.25, 4.29, 5.9, 5.10, 5.17 of the Farm Credit Act (12 U.S.C. 2013, 2019, 2020, 2073, 2075, 2076, 2093, 2122, 2128, 2183, 2200, 2211, 2218, 2243, 2244, and 2252).

Subpart J—Internal Controls

2. Amend § 618.8440(b) by adding new paragraphs (b)(7) and (b)(8) as follows:

§ 618.8440 Planning.

* * * * *

(b) * * *

(7) A human capital plan that includes, at a minimum, the following:

(i) Strategies and actions to achieve diversity and inclusion within the institution's workforce, management and governance structure and an assessment of the progress the institution has made in accomplishing these strategies and actions;

(ii) A description of the institution's current workforce, management and governance structure and an assessment of their strengths and weaknesses; and

(iii) A description of the institution's workforce and management succession programs.

(8) A marketing plan that strategically addresses how the institution will further the objective of the Act, set forth in section 1.1(b) of the Act, that the System be responsive to the credit needs of *all* types of agricultural producers having a basis for credit. The marketing plan must include, at a minimum, the following:

(i) A description of the institution's chartered territory by geographic region, types of agriculture practiced and market segment; and

(ii) Strategies and actions to provide the institution's products and services to all creditworthy and eligible persons with specific attention towards diversity and inclusion within each market segment, and an assessment of the progress the institution has made in accomplishing these strategies and actions.

Dated: May 19, 2011.

Dale L. Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2011–12786 Filed 5–24–11; 8:45 am]

BILLING CODE 6705–01–P

[15] Regulation B (12 CFR Part 202), at § 202.5(b). Regulation B implements the ECOA. Regulation B, § 202.13, provides an exception to this prohibition. This provision requires creditors to ask about an applicant's race, ethnicity, sex, marital status, and age from all applicants for credit primarily for the purchase or refinancing of a dwelling occupied or to be occupied by the applicant as a principal residence, where the extension of credit will be secured by the dwelling.

[16] Public Law 111–203, section 1071(a).

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 705

RIN 3133–AD91

Community Development Revolving Loan Fund

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule.

SUMMARY: NCUA proposes to change its rule governing the process by which the agency solicits, receives, evaluates, and acts on credit union applications seeking loans and technical assistance grants from the Community Development Revolving Loan Fund (CDRLF or Fund). The proposed changes update the current rule to improve transparency and are intended to improve its organization, structure, and ease of use by credit unions. The revisions do not reflect a change to the fundamental mission of the CDRLF, but instead remove unnecessary detail and outdated processes in the current rule while adding clarification and flexibility. The proposal also clarifies the application process and adds requirements addressing reporting and monitoring.

DATES: Comments must be received on or before July 25, 2011.

ADDRESSES: You may submit comments by any of the following methods (Please send comments by one method only):

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *NCUA Web Site: http://www.ncua.gov/RegulationsOpinionsLaws/proposed_regs/proposed_regs.html.* Follow the instructions for submitting comments.
- *E-mail:* Address to *regcomments@ncua.gov.* Include "[Your name] Comments on Proposed Rule 705, CDRLF Amendments" in the e-mail subject line.
- *Fax:* (703) 518–6319. Use the subject line described above for e-mail.
- *Mail:* Address to Mary Rupp, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.
- *Hand Delivery/Courier:* Same as mail address.

FOR FURTHER INFORMATION CONTACT: Pamela Williams, Credit Union Program Analyst, Office of Small Credit Union Initiatives, or Justin Anderson, Staff Attorney, Office of General Counsel, at the above address or telephone (703) 518–6643 (Ms. Williams) or (703) 518–6540 (Mr. Anderson).

SUPPLEMENTARY INFORMATION:

A. Background

The CDRLF was created by Congress in 1979 with an initial appropriation of $6 million and has been administered exclusively by NCUA since 1986. Through subsequent appropriations and earnings on Fund assets, the Fund has grown to over $19.7 million as of the end of the first quarter of 2011. The Fund serves as a source of financial support, in the form of both loans and technical assistance grants, for credit unions serving predominantly low-income members. It also serves as a source of funding to help low-income credit unions respond to emergencies arising in their communities. The NCUA Board (the Board) has delegated to the Office of Small Credit Union Initiatives authority to make the determination of how to allocate the finite resources of the Fund among qualifying credit unions. Awards provided through the CDRLF Program have strengthened credit unions by enabling them to increase their capacity to support the communities in which they operate. This increased capacity has allowed credit unions to provide basic financial services to low-income residents of these communities, resulting in more opportunities for residents of the credit unions' communities to improve their financial circumstances.

The technical assistance grant portion of the CDRLF provides funds to low-income credit unions so that they may extend services to their members and improve their operations. The source of awards includes appropriated funds, current year earnings, and a portion of prior years' retained earnings.

Through the loan portion of the CDRLF, low-income credit unions may receive funds to support a variety of financial and related services designed to meet the particular needs of members and the low-income communities served. In years where Congress has not appropriated funds for loans, funding has come from scheduled loan repayments of prior loans.

Part 705 has been largely unchanged, in substantive terms, since 1993. In the years following, significant enhancements, including changes in technology, have altered the way in which NCUA retrieves and uses data from credit unions. The proposed changes in this rule, which comprehensively revise part 705, reflect these changes and are designed to reduce the burden on credit unions. The proposed changes remove some of the detail in the current rule dealing with administrative aspects of the program to provide the agency with greater flexibility to make changes and variations to suit specific circumstances. Other changes add detail to the rule, for example, regarding how NCUA evaluates applications, to provide greater transparency and better knowledge and information to prospective applicants. The changes also add a new section addressing reporting to and monitoring by NCUA, which is designed to help the agency assure that an award from the Fund is used in the manner and for the purposes represented by the credit unions receiving loans or grants. On balance, the rule is streamlined and the burden imposed on credit unions seeking an award from the Fund is reduced.

B. Changes in Low-income Designation Criteria

In November 2008, the Board amended its low-income rule to change the criteria by which credit unions serving primarily low-income members are designated. 73 FR 71909 (November 26, 2008). NCUA further clarified this change in August 2010. 75 FR 47171 (August 5, 2010). As more fully discussed in the preambles to those rulemakings, NCUA changed the standard for measuring member income from median household income to median family income. 12 CFR 701.34. By cross reference, which is retained in this proposal, Part 705 uses the low-income standard promulgated in the 2008 rule making and clarified in 2010.

C. Section by Section Analysis

§ 705.1. Authority, Purpose and Scope. This section combines and summarizes the essential elements in the first three sections of the current rule. The only substantive change is driven by the Board's recognition of the burden associated with determining whether one of the specific purposes of the program, as described in current § 705.2(a)(2), is being met. The Board recognizes that the requirement for credit unions to measure "income, ownership, and employment opportunities for low-income residents in communities they serve" is difficult because of the lack of available data. The Board believes it would be beneficial to replace the quoted language currently in this section of the rule with the following more precise and measurable standard: "NCUA anticipates the financial awards provided will better enable them to support the communities in which they operate; providing basic financial services to low-income residents of these communities, resulting in more

opportunities for the residents to improve their financial circumstances." 12 CFR 705.1(d) (proposed). The Board believes this proposed language provides a better description of the actual impact awards from the Fund can have on credit unions, their membership, and their communities. This section would also contain a general statement that any loans or technical assistance grants from the Fund are subject to NCUA's discretion and funds availability. 12 CFR 705.1(b) (proposed). The Board believes it is beneficial to include this general statement in this section rather than repeating it throughout the proposal to ensure a concise, streamlined rule.

§ 705.2. Definitions. The current rule has only two definitions: "low-income members" and "participating credit unions." 12 CFR 705.3 (current rule). The 2008 amendment, discussed above, by which the criteria for determining whether a credit union qualifies for low-income designation, affected the definition of low-income members. This proposal retains the definition of "low-income members," as amended. With respect to the definition of "participating credit unions," this proposal modifies that definition and also defines "qualifying credit unions,'" which is a new term. These definitions retain much of the language in the current definition of "participating credit unions," but do contain new language, which the Board believes will protect the Fund and better reflect agency practice. Under this proposal a "qualifying credit union" is one that may be or has agreed to be examined by NCUA and holds a current low-income designation. The proposal clarifies that low-income designations are pursuant to § 701.34 for Federal credit unions and § 741.204 for Federally insured state-chartered credit unions. Section 701.34 states that low-income designations for Federal credit unions will be made by the appropriate NCUA Regional Director, and, § 741.204 states that low-income designations for Federally insured state-chartered credit unions must be made by the appropriate state regulator in accordance with the requirements in § 701.34(a) and have the concurrence of the appropriate NCUA Regional Director. 12 CFR 701.34 and 741.204. In addition, this proposal states that low-income designations for non-federally insured state-chartered credit unions must be made by the appropriate state regulator under applicable state standards with the concurrence of NCUA. As mentioned above, the definition of "qualifying credit union," under this proposal, would apply to only those credit unions that NCUA may examine or agree to be examined by NCUA. The Board believes this requirement will allow NCUA to obtain all relevant information about a credit union's financial condition, so that it can make the most prudent and responsible choices among credit union applicants seeking awards from the Fund without excluding credit unions interested in awards from the Fund. The Board notes that there has traditionally been very limited interest by nonfederally insured state-chartered credit unions, which are not subject to examination by NCUA, in awards from the CDRLF. If a non-federally insured credit union is interested in participation, it would have to agree to examination by NCUA. The proposed revised definition of a "participating credit union" is a qualifying credit union that has submitted an application that has been approved by NCUA. Other newly defined terms in the proposal, including Notice of Funding Opportunity, Application, Loan and Technical Assistance Grant, are self-explanatory and designed to supplement the substantive sections of the proposal dealing with those respective issues.

§ 705.3. Eligibility. This section, which encompasses material from several sections in the current rule, is designed to establish the criteria by which credit unions will be considered eligible to apply for and receive financial assistance from the Fund. Subsection (a) states that, to be eligible to receive an award, a credit union must complete an application and meet the underwriting criteria established by NCUA.

§ 705.4. Permissible Uses of Loan Funds. The Board has included, in this section, examples of permissible uses of loan funds received from the CDRLF. The Board believes it will be helpful for the rule to provide examples of the types of programs and uses that can be supported through loans from the Fund. In addition to listing basic examples, the proposal notes that NCUA will announce in the Notice of Funding Opportunity other funding priorities and permissible uses of loan funds. Permissible uses of technical assistance grants are discussed in § 705.10 of this proposal.

§ 705.5. Terms and Conditions. This section simplifies the current rule by eliminating much of the information presently set out in §§ 705.5 and 705.7. The intent of this proposed section is to confirm that, with respect to loans, NCUA will establish the terms and conditions governing the loan in separate loan documents. The proposed rule does, however, provide some detail on the maximum loan amount, the interest rate, repayment, acceleration, and matching requirements. With respect to the maximum loan amount, the Board acknowledges in this proposal that generally the maximum loan amount is $300,000, but NCUA may make loans that exceed this amount in certain circumstances. A list of factors NCUA would consider in deciding to make a loan in excess of $300,000 will be included in the Notice of Funding Opportunity rather than in this proposal to preserve maximum flexibility for the agency to address changing circumstances that would necessitate the need for higher amount loans. The Board has also included a portion of current § 705.7(a), which states that at NCUA's discretion, a loan from the Fund must be recorded as a note payable or nonmember deposit.

Also in this proposal, the Board has eliminated the range of interest rates that may be charged on a loan from the Fund, which is currently set in the rule at 1% to 3%. Instead, the Board proposes to reference the CDRLF's Interest Rate Policy, which has been in effect since January 2008 and is located on NCUA's Web site. NCUA will include the specific interest rate for a funding in the Notice of Funding Opportunity. This again will ensure maximum flexibility for NCUA to set interest rates that are appropriate for the particular economic climate at the time of a funding and the needs of credit unions.

This portion of the proposal also incorporates language from current §§ 705.7(b),(c), and (e) addressing repayment, maturity, matching, and acceleration. These sections are unchanged from the current rule except that the matching requirement in the current section is now at NCUA's option rather than expressly required. The current rule states that "generally," monies obtained from the Fund "must be matched" by the participating credit union. This proposal makes the matching requirement expressly optional at NCUA's discretion based on the financial condition of the credit union. This proposed change will enable the agency to more readily employ its judgment and experience in determining whether matching will be beneficial and necessary in any given case. This proposal does, however, retain §§ 705.7(b)(1), (2), and (3) from the current rule that address the requirements for a credit union that must provide matching funds. These requirements have been largely unchanged, but do provide more flexibility for NCUA to determine how

to address matching funds on a case-by-case basis. For example, the statement that all member share deposits will be credited as a two-for-one match has been deleted. This section also clarifies that all matching funds must be from non-governmental sources. 12 CFR 705.5(g) (proposed). The Board notes that this requirement is consistent with other community development lending programs and believes it is necessary to ensure that credit unions do not become too reliant or completely dependent on governmental sources of funding. Additional requirements for matching funds will be included in the loan documents with a credit union required to provide matching funds. 12 CFR 705.5(g) (proposed).

This section concludes with a general statement that other terms and conditions of loans from the Fund will be included in the Notice of Funding Opportunity and applicable loan documents. 12 CFR 705.5(h) (proposed rule). The Board believes it is prudent to preserve its flexibility by addressing other specific details concerning the loan in the Notice of Funding Opportunity and loan documents, which can be more readily adapted to change and adjusted as circumstances and experience warrant.

§ 705.6. Application and Award Processes. As discussed below, this section would combine portions of §§ 705.5 and 705.9 of the current rule as well as add expanded explanation and direction about the application and award processes. The Board believes this section of the proposed rule provides transparency and clarity about the way in which a credit union applies for funds and NCUA renders a decision on that application. Each subsection of this section is discussed in detail below.

(a) *Notice of Funding Opportunity.* This section corresponds to current § 705.9 but would provide more detail about how and where NCUA will publicly announce loan and technical assistance grant program initiatives. In addition to publishing Notices of Funds Opportunity in the **Federal Register**, NCUA will follow Federal government protocol and post its current program initiatives on the government's basic Internet portal for financial award programs (currently at *http://www.grants.gov*), and will also post information on its own Web site. This process conforms to current agency practice, as does the discussion in this section about how NCUA also provides direct notice of program opportunities through Letters to Credit Unions and its electronic mail service, *NCUA Express.* Also, to increase flexibility, the Board proposes to delete the requirement that NCUA publish this notice annually.

(b) *Application Requirements.* This section would incorporate provisions from §§ 705.5(a), (b)(1), and (b)(5) of the current regulation, which address the information an applicant credit union must provide when applying for financial awards from the CDRLF. In this respect, the proposal notes that NCUA would require a credit union to provide a narrative about how the credit union intends to use the money from the Fund to enhance the products and services it provides to its members and how those enhanced products or services will support the economic development of the community served by the credit union. This proposed aspect replaces the current requirement that a credit union develop a Community Needs Plan. (See current § 705.6). The Board believes that replacing the Community Needs Plan will provide a better instruction for credit unions developing this portion of the application and reduce the burden on applicant credit unions to provide an additional plan. This subsection also addresses the additional information that is required from nonfederally insured credit unions. This information was carried over from § 705.5 of the current rule, and, for the reasons discussed, above adds the requirement that nonfederally insured state-chartered credit unions agree to be examined by NCUA.

(c) *Evaluation and Selection of Participating Credit Unions.* This new subsection is consistent with the Board's goal of enhancing transparency in how the agency makes decisions. Specifically, this proposed subsection describes the criteria that NCUA will generally evaluate in deciding among competing applications seeking limited funds, including financial and performance considerations, whether the proposed uses of funds are compatible with program goals, and whether the credit union is likely to be successful in accomplishing its stated objectives. NCUA, however, will not be confined to only considering these criteria and could consider any other criteria identified in the Notice of Funding Opportunity it deems relevant depending upon the funding initiative, economic environment, or other factors. Given that requests for funding routinely exceed available funds, the Board believes this subsection will provide useful information that will help credit unions in developing and refining their applications and understanding how the agency makes its determinations. In addition, this proposed subsection states that, with regard to Qualifying Federal Credit Unions, NCUA will consult and consider information from the examination staff that conducted the applicant credit union's most recent examination and will seek the concurrence of the applicant credit union's supervising Regional Director before an award is made. Consultation with examination staff and Regional Director has been a matter of practice and the Board believes including it in this section will improve transparency. Information relating to the examination of a Qualifying State-chartered Credit Union is addressed in § 705.8, which is discussed below.

(d) *Requests for Additional Information.* This new proposed subsection articulates that NCUA may require additional information from applicants before rendering its decision, and will do so using its discretion to choose the applicants that are likely to be the most successful in carrying out the purpose of the Program. This subsection also states that failure to provide the requested information may result in NCUA rejecting the application.

(e) *Timing.* This new subsection states that NCUA will include a timeframe to submit all requested information in the Notice of Funding Opportunity and that failure to submit all of the requested information by the stated deadline may result in NCUA rejecting the application without further consideration.

(f) *Notice of Award and Appeals.* This new subsection, which contains some substantive information in the current § 705.5(c), articulates that NCUA will notify applicant credit unions as to whether or not they have qualified for a loan or technical assistance grant. This subsection would also follow the approach taken in the current rule with respect to appeals, which is to acknowledge that any credit union submitting an application for either a loan or a technical assistance grant that is considered nonqualified may appeal that decision to the NCUA Board. The proposal makes clear that the scope of review by the Board is limited to the threshold question of qualification and not the issue of whether, among qualified applicants, a particular loan or technical assistance grant is funded. Awards from the Fund are discretionary and that determination is not subject to administrative appeal to the Board. Information on appealing denials of technical assistance grant reimbursements is discussed below in § 705.10.

(g) *Disbursement.* This new subsection states that before NCUA will disburse a loan, the Participating Credit

Union must sign all applicable loan documents and the promissory note. This section also states that NCUA may, in its discretion, choose not to disburse the entire loan at once.

§ 705.7. Urgency. This new section specifically acknowledges that, on an emergency basis, NCUA may consider a funding request from a qualifying credit union experiencing an unplanned or unexpected expense that the credit union is unable to meet with its own resources. The credit union will be required to demonstrate a compelling need for immediate action or attention without which its continued operations would be threatened or severely disrupted. NCUA will evaluate these applications to determine if emergency funding is warranted. Urgent needs for funding are not part of any specific initiative, but rather an ongoing process that will not be included in specific Notices of Funds Opportunity. The Board notes in this proposal, however, that technical assistance grants and loans provided under this section should not be a regular source of funding for credit unions and credit unions must still exhibit a purpose consistent with the goals of the Fund.

§ 705.8. Qualifying State-chartered Credit Unions. This section incorporates language from § 705.8 of the current regulation, which articulates requirements that are specific to state-chartered credit unions. These requirements include obtaining written concurrence from the credit union's state regulatory authority, making state examination reports available to NCUA and agreeing to examination by NCUA for the purpose of compliance with this part. The requirement in this section relating to an examination is in addition to a general requirement that to be eligible, a credit union must be able to be or agree to be examined by NCUA. The Board notes that to qualify for awards from the Fund, NCUA must be able to examine the entire financial condition of the credit union, whereas an examination under this proposed subsection allows NCUA to examine the credit union only to verify compliance with this Part.

§ 705.9. Reporting and Monitoring. This new section is designed to provide the framework for the way in which the agency assures that recipients of awards from the Fund actually use the money they receive for its intended purposes. In this respect, the Board intends this proposal will clarify NCUA's practices of monitoring the use of CDRLF funding to ensure and document that credit unions use the funds for the intended purposes. The proposed rule first establishes that NCUA's policy in this respect is to do such monitoring. The proposal goes on to describe two methods the agency will employ in this regard: first, reporting by participating credit unions, at such times and in such formats as NCUA shall direct, of the uses to which funds have been made and the results that have been obtained; and second, NCUA may elect to review information to which it already has access, including information obtained from the examination process and call reports, for verification and monitoring purposes.

§ 705.10. Technical Assistance Grants. This section of the proposal incorporates much of the text in current § 705.10 and makes a general reference to the funding of technical assistance grants and preserves maximum flexibility in the establishment of amounts and other terms and conditions. The proposal does acknowledge that, as a general rule, technical assistance grants are provided on a reimbursement basis to cover expenditures approved in advance and supported by receipts. This section also includes a new subsection that discusses the appeal rights for technical assistance grant reimbursement denials in accordance with NCUA Interpretative Ruling and Policy Statement (IRPS) 11–1. 76 FR 3674 (January 20, 2011). IRPS 11–1 provides that technical assistance grant reimbursement denials may only be appealed to NCUA's Supervisory Review Committee. Credit unions must make appeals under this IRPS within 30 days from the date of the denial. *Id.* Also, with respect to appeals, this section states that the determination of NCUA's Supervisory Review Committee is final and its decisions are not appealable to the Board.

Regulatory Procedures

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires NCUA to prepare an analysis to describe any significant economic impact any proposed regulation may have on a substantial number of small entities. NCUA considers credit unions having less than ten million dollars in assets to be small for purposes of RFA. Interpretive Ruling and Policy Statement (IRPS) 87–2 as amended by IRPS 03–2. The proposed revisions to part 705 are designed to update and streamline the rule, thereby reducing the burden for credit unions that are seeking financial awards, whether in the form of a technical assistance grant or a loan, from NCUA. Moreover, the rule implements a program that is entirely voluntary on the part of credit unions. It has no impact on credit unions that elect not to pursue this funding opportunity. NCUA has determined and certifies that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small credit unions. Accordingly, the NCUA has determined that an RFA analysis is not required.

Paperwork Reduction Act

There are aspects of the CDRLF Program that involve information collection within the meaning of the Paperwork Reduction Act of 1995 (PRA). 44 U.S.C. 3507(d).

Previously, NCUA sought and obtained Office of Management and Budget (OMB) approval for its use of certain documents, including the application and the report forms used to monitor and follow up on the uses credit unions have made of funds provided under the technical assistance grant and loan programs. These documents have been assigned OMB Control No. 3133–0137, which remained valid through December 2010.

The proposed rule eliminates much of the detail from current §§ 705.5 and 705.7 and provides that terms and conditions pertaining to loans from the Fund will be governed in separate loan documents. These documents, which will be required to obtain loan funds from the CDRLF, constitute information collections within the meaning of the PRA. Accordingly, NCUA intends to secure OMB approval, through an application for reinstatement of OMB Control No. 3133–0137, to include a promissory note and a loan agreement under that number. As required by the PRA, NCUA is submitting a copy of this proposed regulation as part of its request for OMB approval of reinstatement of this previously approved information collection. Since the prior number has expired, NCUA believes it is prudent and appropriate to seek approval for reinstatement of the previously approved control number.

The proposed rule contemplates that credit unions that are approved for loans from the Fund will be required to execute a promissory note and a loan agreement. NCUA estimates approximately fifteen credit unions will be approved for loans per year. NCUA also estimates it will take a credit union approximately two hours to review, evaluate and execute the loan documents, noting in particular that the credit union must attach, as an exhibit to the loan agreement, a duly executed board resolution confirming the decision to borrow the funds has been approved by the board and that the individual executing the note on behalf

of the credit union has been duly authorized to do so.

The loan agreement also calls for a report describing the use of loan proceeds, the impact of any new programs supported or funded by loan proceeds, and any obstacles encountered affecting the credit union's ability to accomplish the objectives identified in its loan application. This report must be provided to NCUA annually. NCUA estimates the burden associated with this reporting to be another two hours per year. On average, there are about 50 loans outstanding at any given time for which reporting may be necessary.

The loan agreement also contemplates that other information about a credit union's business, operations and financial condition may be requested by NCUA from time to time, if necessary to permit the Fund to maintain or perfect its security interest in collateral or to otherwise fully effectuate the purposes of the loan agreement. NCUA estimates it will request this additional information only with respect to ten percent of outstanding loans and that the burden associated with compliance with this request will be four hours.

This yields an estimated annual burden of 150 hours for this information collection, as broken out and itemized below:

a. Promissory Note and Loan Agreement

Average number of new loans annually: 15
Annual hour burden: 2
2 hours × 15 = 30

b. Regular Annual Reports

Number of respondents: 50
Frequency of response: annually
Annual hour burden: 2
2 hours × 50 = 100

c. Irregular Reports as requested by NCUA

Number of respondents: 5
Frequency of response: annually
Annual hour burden: 4
4 hours x 5 = 20

Total hours: 30 + 100 + 20 = 150

Organizations and individuals that wish to submit comments on this information collection requirement should direct them to the Office of Information and Regulatory Affairs, OMB, Room 10226, New Executive Office Building, Washington, DC 20503, with a copy to Mary Rupp, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.

The NCUA considers comments by the public on this proposed collection of information in:

- Evaluating whether the proposed collection of information is necessary for the proper performance of the functions of the NCUA, including whether the information will have a practical use;
- Evaluating the accuracy of the NCUA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhancing the quality, usefulness, and clarity of the information to be collected; and
- Minimizing the burden of 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.

The Paperwork Reduction Act requires OMB to make a decision concerning the collection of information contained in the proposed regulation between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment to the NCUA on the proposed regulation.

Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. In adherence to fundamental federalism principles, NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order. The financial award programs administered through the CDRLF are available to FCUs as well as to state chartered credit unions. By law, state chartered institutions with Federal share insurance are already subject to numerous provisions of NCUA's rules, based on the agency's role as the insurer of member share accounts and the significant interest NCUA has in the safety and soundness of their operations. In any event, the proposed rule will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. NCUA has determined that this proposal does not constitute a policy that has federalism implications for purposes of the executive order.

The Treasury and General Government Appropriations Act, 1999—Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this proposed rule will not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999, Public Law 105–277, 112 Stat. 2681 (1998).

Agency Regulatory Goal

NCUA's goal is to promulgate clear and understandable regulations that impose minimal regulatory burden. We request comments on whether the proposed rule is understandable and minimally intrusive if implemented as proposed.

List of Subjects in 12 CFR Part 705

Credit unions, Loans, Grants, Revolving fund, Community programs, Low income.

By the National Credit Union Administration Board on May 19, 2011.

Mary F. Rupp,

Secretary of the Board.

Accordingly, NCUA proposes to amend 12 CFR part 705 as follows:

PART 705—COMMUNITY DEVELOPMENT REVOLVING LOAN FUND FOR CREDIT UNIONS

1. The authority citation for part 705 continues to read as follows:

Authority: 12 U.S.C. 1756, 1757(5)(D), and (7)(I), 1766, 1782, 1784, 1785 and 1786.

2. Revise part 705 as follows:

Community Development Revolving Loan Fund for Credit Unions

Sec.
705.1 Authority, purpose and scope.
705.2 Definitions.
705.3 Eligibility requirements.
705.4 Permissible uses of loan funds.
705.5 Terms and conditions.
705.6 Application and awards processes.
705.7 Urgency.
705.8 Qualifying state-chartered credit unions.
705.9 Reporting and monitoring.
705.10 Technical assistance grants.

§ 705.1 Authority, purpose and scope.

(a) Part 705 is issued by the National Credit Union Administration (NCUA) under § 130 of the Federal Credit Union Act, 12 U.S.C. 1772c–1, which implements the Community Development Credit Union Revolving Loan Fund Transfer Act (Pub. L. 99–609, 100 Stat. 3475 (November 6, 1986)).

(b) This Part describes how NCUA makes money available to credit unions from its Community Development

Revolving Loan Fund (Fund). NCUA administers the Fund and makes both loans and technical assistance grants to credit unions in accordance with the eligibility criteria and other qualifications, and subject to the terms and conditions set out in this Part. All loans and technical assistance grants made under this Part are subject to funds availability and NCUA's discretion.

(c) The Fund is intended to support the efforts of credit unions through loans and technical assistance grants needed for:

(1) Providing basic financial and related services to residents in their communities;

(2) Enhancing their capacity to better serve their members and the communities in which they operate; and

(3) Responding to emergencies.

(d) The policy of NCUA is to revolve funds to credit unions as often as practical in order to gain maximum economic impact on as many credit unions as possible. NCUA anticipates the financial awards provided to credit unions through the Fund will better enable them to support the communities in which they operate; providing basic financial services to low-income residents of these communities, resulting in more opportunities for the residents to improve their financial circumstances.

(e) This Part generally establishes the following:

(1) Definitions;

(2) The application process and requirements for qualifying for a loan from the Fund;

(3) The evaluation process;

(4) How loan funds are to be made available and their repayment; and

(5) Technical assistance grants to be provided to credit unions.

§ 705.2 Definitions.

(a) For purposes of this Part, the following terms shall have the meanings assigned to them in this section.

(1) *Administrator* means the office within NCUA to which the Board has delegated authority to administer the Fund, including the authority to establish priorities for funding initiatives, receiving and evaluating applications and making determinations among competing applications about which applications should be funded.

(2) *Application* means a form supplied by the NCUA by which a Qualifying Credit Union may apply for a loan or a technical assistance grant from the Fund.

(3) *Board* refers to the National Credit Union Administration Board.

(4) *Credit Union* means a credit union chartered under the Federal Credit Union Act or under the laws of any state of the United States.

(5) *Fund* means the Community Development Revolving Loan Fund.

(6) *Loan* is an extension of credit from the Fund to a Participating Credit Union that must be repaid, with interest.

(7) *Low-income Members* are those members defined in § 701.34 of this chapter.

(8) *Notice of Funding Opportunity,* as more fully described in § 705.6 of this Part, means the notice NCUA publishes describing one or more loan or technical assistance grant programs or initiatives currently being supported by the Fund and inviting interested Qualifying Credit Unions to submit applications to participate in the program(s) or initiative(s).

(9) *Participating Credit Union* refers to a Qualifying Credit Union that has submitted an application for a loan or a technical assistance grant from the Fund that has been approved by NCUA. A Participating Credit Union shall not be deemed to be an agency, department or instrumentality of the United States because of its receipt of a financial award from the Fund.

(10) *Program* means the Community Development Revolving Loan Fund Program under which NCUA makes loans and technical assistance grants available to credit unions.

(11) *Qualifying Credit Union* means a credit union that may be or has agreed to be examined by NCUA, with a current low-income designation pursuant to § 701.34(a)(1) or § 741.204 of this chapter or, in the case of a state-chartered nonfederally insured credit union, a low-income designation from a state regulator, made under appropriate state standards with the concurrence of NCUA. Services to low-income members must include, at a minimum, share account and loan services.

(12) *Technical Assistance Grant* means an award of money from the Fund to a Participating Credit Union that does not have to be repaid.

§ 705.3 Eligibility requirements.

(a) To be eligible to receive an award, in the form of either a loan or a technical assistance grant from the Fund, a Qualifying Credit Union must, within the time frames specified in any Notice of Funding Opportunity, also:

(1) Complete and submit an application; and

(2) Meet the underwriting standards established by NCUA, including any pertaining to financial viability, as set forth in the application and any related materials developed by NCUA.

§ 705.4 Permissible uses of loan funds.

(a) NCUA may make loans from the Fund to Participating Credit Unions for various uses. The following is a non-exhaustive list of examples of permissible uses or projects:

(1) Development of new products or services for members, including new or expanded electronic banking facilities, share draft programs, credit card programs, security and disaster recovery programs, or other operational programs;

(2) Partnership arrangements with community based service organizations or government agencies;

(3) Loan programs, including, but not limited to, micro business loans, payday loan alternatives, education loans, and real estate loans; and

(4) Acquisition, expansion or improvement of office space or equipment, including branch facilities and ATMs.

(b) In addition to the examples listed in subsection (a) of this section, NCUA may identify other funding priorities and uses in the Notice of Funding Opportunity, which is discussed in § 705.6 of this Part.

§ 705.5 Terms and Conditions.

(a) NCUA may make loans, in such amounts and subject to such terms and conditions as it may determine, from the Fund to Participating Credit Unions for any of the examples identified in § 705.4 of this Part or as identified in a particular Notice of Funding Opportunity.

(b) *Funding Limits.* Loans may be granted in amounts up to $300,000 in the aggregate, depending on the creditworthiness of the Qualifying Credit Union, financial need, and a demonstrated capability of the Qualifying Credit Union to provide financial and related services to its members. NCUA may, however, make loans that exceed $300,000 in certain circumstances. NCUA will include in the Notice of Funding Opportunity the particular criteria used to evaluate an application for a loan that exceeds $300,000.

(c) *Recording of a loan.* At the discretion of NCUA, a loan will be recorded by a Participating Credit Union as either a note payable or a nonmember deposit.

(d) *Interest rate.* The rate of interest on loans is governed by the CDRLF Loan Interest Rate Policy, which can be found on NCUA's Web site of by contacting NCUA's Office of Small Credit Union Initiatives. The specific interest rate for a particular funding will be announced in the Notice of Funding Opportunity. The Board will announce changes, if

any, to the CDRLF Loan Interest Rate Policy and those changes will apply to loans made under future Notices of Funding Opportunity.

(e) *Repayment and maturity.* (1) Awards made available through loans, whether recorded as a note payable or nonmember deposit are in the form of a loan and must be repaid to NCUA. All loans will be scheduled for repayment within the shortest time compatible with sound business practices and the objectives of the Program, but in no case will the term exceed five years.

(2) Semiannual interest payments (beginning six months after the initial distribution of a loan) and semiannual principal payments (beginning one year after the initial distribution of a loan) will be required.

(f) *Acceleration.* The terms of each loan agreement will provide for the immediate acceleration of the unpaid balance for breach or default in the performance by the Participating Credit Union of the terms or conditions of the loan. Default and breach will include misrepresentation; failure to make interest or principal payments; failure to report; insolvency; and failure, if required by NCUA, to maintain adequate matching funds for the duration of the loan period. Other specific causes of default and breach will be identified in the loan documents between the Participating Credit Union and NCUA. The unpaid balance will also be accelerated and immediately due if any part of the loan funds are improperly used or if uninvested loan proceeds remain unused for an unreasonable or unjustified period of time.

(g) *Matching requirements.* NCUA may require a Participating Credit Union to develop and implement a plan to match all or a portion of the funds represented by loan proceeds. Such requirement will be based on the financial condition of the Participating Credit Union, which will be evaluated under criteria contained in the Notice of Funding Opportunity. Matching funds must be from non-governmental member or nonmember share deposits. Participating Credit Unions required to provide matching funds are subject to the following general provisions and any other conditions in the Notice of Funding Opportunity and agreements between the Participating Credit Union and the Administrator:

(1) Generally loan monies made available must be matched by the Participating Credit Union in an amount equal to the loan amount. Any loan monies matched by nonmember share deposits are not subject to the 20% limitation on nonmember deposits under § 701.32 of this Chapter. Participating Credit Unions must maintain the increase in the total amount of share deposits for the duration of the loan. Once the loan is repaid, nonmember share deposits accepted to meet the matching requirement are subject to § 701.32 of this Chapter.

(2) Upon approval of its loan application, and before it meets its matching requirement, a Participating Credit Union may receive the entire loan commitment in a single payment. If any funds are withheld, the remainder of the funds committed will be available to the Participating Credit Union only after it has documented that it has met the match requirement.

(3) Failure of a Participating Credit Union to generate the required match within the time specified in the loan documents may result in the reduction of the loan proportionate to the amount of match actually generated. Payment of any additional funds initially approved may be limited as appropriate to reflect the revised amount of the loan approved. Any funds already advanced to the Participating Credit Union in excess of the revised amount of loan approval must be repaid immediately to NCUA. Failure to repay such funds to NCUA upon demand may result in the default of the entire loan.

(h) Other terms and conditions pertaining to loans, including but not necessarily limited to duration, repayment obligations, and covenants, will be specified in the Notice of Funding Opportunity and applicable loan documents to be signed by the Participating Credit Union.

§ 705.6 Application and award processes.

(a) *Notice of Funding Opportunity.* NCUA will publish a Notice of Funding Opportunity in the **Federal Register**, on all applicable government Web sites, and its own Web site, describing the loan and technical assistance grant programs for the period in which funds are available. The Notice of Funding Opportunity will announce special initiatives, the amount of funds available, funding priorities, permissible uses of funds, funding limits, deadlines, and other pertinent details. The Notice of Funding Opportunity will also advise potential applicants on how to obtain an application and any related materials.

(1) NCUA may supplement the information contained in the Notice of Funding Opportunity through such other media as it determines appropriate, including Letters to Credit Unions, direct notices to Qualifying Credit Unions, and announcements on its Web site.

(b) *Application requirements.* An application for a loan must provide information demonstrating the Qualifying Credit Union's sound financial position and ability to manage its day-to-day business affairs, including the Qualifying Credit Union's financial projections and planned use of proceeds consistent with the purpose of the Program, requirements of this Part, and the Notice of Funding Opportunity.

(1) Applications to participate and qualify for a loan or technical assistance grant under the Program may be obtained from the National Credit Union Administration, Community Development Revolving Loan Program for Credit Unions as outlined in the Notice of Funds Opportunity.

(2) With respect to loans, NCUA will also require a Qualifying Credit Union to develop and submit a narrative describing how the Qualifying Credit Union intends to use the money obtained from the Fund to enhance the products or services it provides to its membership and how those enhanced products or services support the membership and community served by the Qualifying Credit Union. The Notice of Funding Opportunity may include additional details and requirements.

(3) In addition to those items required in this section, a Qualifying Nonfederally Insured Credit Union must also include the following:

(i) A copy of its most recent external audit report;

(ii) Proof of deposit and surety bond insurance which states the maximum insurance levels permitted by the policies;

(iii) A balance sheet, an income and expense statement, and a schedule of delinquent loans, for each of the four most recent quarter-ends;

(iv) A description of any other involvement in existing community development programs of state and Federal agencies; and

(v) An agreement to be subject to examination by NCUA.

(c) *Evaluation and Selection of Qualifying Credit Unions.* NCUA will generally evaluate applications submitted by Qualifying Credit Unions in accordance with the criteria described in this section. Nothing in this section, however, precludes NCUA from considering other criteria included in the Notice of Funding Opportunity that NCUA determines to be necessary based on the type of funding initiative, economic environment, or other factors or conditions that warrant the evaluation of additional or alternative criteria. Generally, complete applications will be evaluated by NCUA

to determine if the Qualifying Credit Union satisfies the following:

(1) *Financial and Performance.* The Qualifying Credit Union must exhibit a safe and sound financial condition, including a demonstrated ability to perform the requirements associated with the type of award being sought and compliance with NCUA's underwriting standards. In this respect, NCUA will consider the Qualifying Credit Union's long term financial viability, including absence of indicators suggesting the Qualifying Credit Union is a candidate for merger, a purchase and assumption transaction, or conservatorship. NCUA will also consider the Qualifying Credit Union's compliance with the provisions of any previous loan or technical assistance grant received. NCUA may also consider information concerning the Qualifying Credit Union, to which it already has access, including information obtained through the examination process and data contained in Call Reports.

(2) *Compatibility.* NCUA will evaluate whether the stated objectives to be accomplished through the use of the loan or technical assistance grant proceeds conform to the broad purposes and rationale underlying the Fund. Specifically, NCUA will consider whether the award will enable the Qualifying Credit Union to provide basic financial products and related services to its members or enhance its capacity to better serve its members and the community in which it operates. NCUA will also consider whether the use of the financial award will conform to any applicable funding priority, special initiative, or special instruction announced in the Notice of Funding Opportunity.

(3) *Feasibility.* NCUA will consider the likelihood of the Qualifying Credit Union being successful in accomplishing its stated objectives, based on its application and the factors NCUA determines are relevant.

(4) *Examination Information and Concurrence from Regional Director for Qualifying Federal Credit Unions.* NCUA will consider information and statements provided by NCUA staff or State Supervisory Authority staff that performed the Qualifying Credit Union's most recent examination in evaluating the Qualifying Credit Union. NCUA will only provide a loan or a technical assistance grant to a Qualifying Federally-insured Credit Union with the concurrence of the Credit Union's supervising Regional Director. Examination information for Qualifying State-chartered Credit Unions is discussed in § 705.8 of this Part.

(d) *Requests for additional information.* NCUA will make its funding determinations among the several qualified applications using its discretion and considering which best meet the priorities and initiatives established and announced by NCUA. During its evaluation process, however, NCUA may request a Qualifying Credit Union provide additional clarifying or technical information to support its application. NCUA may determine not to provide further consideration of any application failing to provide additional required information.

(e) *Timing.* NCUA will announce, in the Notice of Funding Opportunity, the deadline for Qualifying Credit Unions to submit all require documentation including the application. Failure to submit all of the requested information or to submit the information within the timeframe specified in the Notice of Funding Opportunity may result in NCUA rejecting the application without further consideration.

(f) *Notice of Award and Appeals.* The Administrator will make an initial determination as to whether an application meets NCUA's standards established by this Part and the Notice of Funding Opportunity. The Administrator will provide written notice to a Qualifying Credit Union as to whether or not it has qualified for a loan or technical assistance grant under this Part. A Qualifying Credit Union whose application has been denied for failure of a qualification may appeal that decision to the NCUA Board in accordance with the following:

(1) Within thirty days of its receipt of a notice of non-qualification, a credit union may appeal the Administrator's decision to the NCUA Board. The scope of the NCUA Board's review is limited to the threshold question of qualification and not the issue of whether, among qualified applicants, a particular loan or technical assistance grant is funded.

(2) The foregoing procedure shall apply only with respect to applications received by NCUA during an open period in which funds are available and NCUA has called for applications. Any application submitted by an applicant during a period in which NCUA has not called for applications will be rejected, except for those applications submitted under § 705.7 if this section, and such rejection shall not be subject to appeal or review by the NCUA Board.

(g) *Disbursement.* Before NCUA will disburse a loan, the Participating Credit Union must sign the loan agreement, promissory note, and any other loan related documents. NCUA may, in its discretion, choose not to disburse the entire amount of the loan at once.

§ 705.7 Urgency.

(a) On an emergency basis, subject to funds availability, NCUA may consider a funding request from a Qualifying Credit Union experiencing an unplanned or unexpected expense that the Qualifying Credit Union is unable to meet with its own resources. The Qualifying Credit Union must demonstrate a compelling need for immediate action or attention without which its continued operations would be threatened or severely disrupted. NCUA, in its discretion, will determine whether the situation constitutes an emergency and if the Qualifying Credit Union is required to submit any additional information to show why the funds are needed on an emergency basis. The Administrator will determine and substantiate any reason to expedite funding in such case. Requests for loans or technical assistance grants under this section will be addressed on an ongoing basis and are outside the scope of the Notice of Funding Opportunity. Technical assistance grants and loans provided on this basis must still exhibit a purpose consistent with the goals of the Fund. Loans and technical assistance grants made under this section are not anticipated to be a regular source of funding for any one or more Qualifying Credit Unions.

§ 705.8 Qualifying state-chartered credit unions.

(a) A Qualifying State-chartered Credit Union that has submitted an application to NCUA for participation must obtain written concurrence from its respective state regulatory authority before NCUA will approve its application. A Qualifying State-chartered Credit Union must also make copies of its state examination reports available to NCUA and must agree to examination by NCUA for the limited purpose of compliance with this Part. An agreement to examination under this section is in addition to the requirement in § 705.6(b)(3)(v) of this Part, which requires non-federally insured, state-chartered credit unions to agree to be examined by NCUA as a condition of qualification under the Program.

§ 705.9 Reporting and monitoring.

(a) *General.* NCUA's policy is to monitor Participating Credit Unions to assure that loan and technical assistance grant funds awarded under this Part have been used in accordance with their intended purposes and to determine whether anticipated outcomes have been achieved. Particular emphasis will

be placed on reviewing loan funds earmarked for programs or initiatives proposed by the Participating Credit Union to determine if the funds have been used as represented and whether the program or initiative has had the impact anticipated by the Participating Credit Union.

(b) *Reporting.* A Participating Credit Union must complete and submit all required reports, at such times and in such formats as NCUA will direct. Such reports must describe how the Participating Credit Union has used the loan or technical assistance grant proceeds and the results it has obtained, in relation to the programs, policies or initiatives identified by the Participating Credit Union in its application. In addition, the Participating Credit Union's board of directors must report on the progress of providing needed community services to the Participating Credit Union's members once a year, either at the annual meeting or in a written report sent to all members. The Participating Credit Union must also submit the written report or a summary of the report given at the annual meeting to NCUA. NCUA may request additional information as it determines appropriate.

(c) *Monitoring.* At its discretion, for verification purposes, NCUA may elect to review information concerning Participating Credit Unions, to which it already has access, including information obtained through the examination process and data contained in Call Reports, as part of its evaluation of the effectiveness of the loan and technical assistance grant programs.

§ 705.10 Technical assistance grants.

(a) Technical assistance grants may be funded in such amounts, and in accordance with such terms and conditions, as NCUA may establish. In general, technical assistance grants are provided on a reimbursement basis, to cover expenditures approved in advance by NCUA and supported by receipts evidencing payment by the Participating Credit Union.

(1) *Permissible uses of technical assistance grant funds.* Sections 705.4(a) and (b) of this part also apply to technical assistance grants made under this section and provide examples and other information with respect to the permissible use of funds from the CDRLF. In addition, technical assistance grants generally should enhance and support the Participating Credit Union's internal capacity to serve its members and better enable it to provide financial services to the community in which the Participating Credit Union is located.

(2) *Appeals of technical assistance grant reimbursement denials.* Notwithstanding § 705.6(e), pursuant to NCUA Interpretative Ruling and Policy Statement 11–1, any Participating Credit Union may appeal a determination of the Administrator to deny a technical assistance grant reimbursement to NCUA's Supervisory Review Committee. All appeals of technical assistance grant reimbursements must be submitted to the Supervisory Review Committee within 30 days from the date of the denial. The decisions of the Supervisory Review Committee are final and are not appealable to the NCUA Board.

[FR Doc. 2011–12828 Filed 5–24–11; 8:45 am]

BILLING CODE 7535–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM457; Notice No. 25–11–14–SC]

Special Conditions: Gulfstream Aerospace LP (GALP) Model G250 Airplane Pilot Compartment View—Hydrophobic Coatings in Lieu of Windshield Wipers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for the Gulfstream Aerospace LP (GALP) Model G250 airplane. This airplane will have a novel or unusual design feature associated with the pilot-compartment view through a hydrophobic windshield coating, in lieu of windshield wipers. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: We must receive your comments by July 11, 2011.

ADDRESSES: You must mail two copies of your comments to: Federal Aviation Administration, Transport Airplane Directorate, Attn: Rules Docket (ANM–113), Docket No. NM457, 1601 Lind Avenue, SW., Renton, Washington 98057–3356. You may deliver two copies to the Transport Airplane Directorate at the above address. You must mark your comments: Docket No. NM457. You can inspect comments in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Loran Haworth, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1133; facsimile (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data. We ask that you send us two copies of written comments.

We will file in the docket all comments we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning these special conditions. You can inspect the docket before and after the comment closing date. If you wish to review the docket in person, go to the address in the **ADDRESSES** section of this preamble between 7:30 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

We will consider all comments we receive on or before the closing date for comments. We may change these special conditions based on the comments we receive.

If you want us to acknowledge receipt of your comments on this proposal, include with your comments a self-addressed, stamped postcard on which you have written the docket number. We will stamp the date on the postcard and mail it back to you.

Background

On March 30, 2006, GALP applied for a type certificate for their new Model G250 airplane. The G250 is an 8–10 passenger (19 maximum), twin-engine airplane with a maximum operating altitude of 45,000 feet and a range of approximately 3,400 nautical miles. Airplane dimensions are 61.69-foot wing span, 66.6-foot overall length, and 20.8-foot tail height. Maximum takeoff weight is 39,600 pounds and maximum landing weight 32,700 pounds. Maximum cruise speed is mach 0.85, dive speed is mach 0.92. The avionics suite will be the Rockwell Collins Pro Line Fusion.

The Model G250 airplane incorporates novel or unusual design

features involving hydrophobic window coatings in lieu of windshield wipers.

Type Certification Basis

Under the provisions of 14 CFR 21.17, GALP must show that the Model G250 airplane meets the applicable provisions of part 25 as amended by Amendments 25–1 through 25–117.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model G250 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, the special conditions would also apply to the other model.

In addition to the applicable airworthiness regulations and special conditions, the Model G250 airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34 and the noise-certification requirements of 14 CFR part 36; and the FAA must issue a finding of regulatory adequacy under § 611 of Public Law 92–574, the "Noise Control Act of 1972."

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type-certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The Model G250 will incorporate the following novel or unusual design features:

The GALP Model G250 airplane flight-deck design incorporates a hydrophobic coating to provide adequate pilot-compartment view in the presence of precipitation. Sole reliance on such a coating, without windshield wipers, constitutes a novel or unusual design feature for which the applicable airworthiness regulations do not contain adequate or appropriate safety standards. Therefore, special conditions are required that provide the level of safety equivalent to that established by the regulations.

Discussion

14 CFR 25.773(b)(1) requires a means to maintain a clear portion of the windshield for both pilots to have a sufficiently extensive view along the flight path during precipitation conditions. The regulations require this means to maintain such an area during precipitation in heavy rain at speeds up to 1.5 V_{SR1}. Hydrophobic windshield coatings may depend to some degree on airflow to maintain a clear-vision area. The heavy rain and high speed conditions specified in the current rule do not necessarily represent the limiting condition for this new technology. For example, airflow over the windshield, which may be necessary to remove moisture from the windshield, may not be adequate to maintain a sufficiently clear area of the windshield in low-speed flight or during surface operations. Alternatively, airflow over the windshield may be disturbed during such critical times as the approach to land, where the airplane is at a higher-than-normal pitch attitude. In these cases, areas of airflow disturbance or separation on the windshield could cause failure to maintain a clear-vision area on the windshield.

Applicability

As discussed above, these special conditions are applicable to the GALP Model G250 airplane. Should GALP apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on the GALP Model G250 airplane. It is not a rule of general applicability and it affects only the applicant who applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for the GALP Model G250 airplane.

The airplane must have a means to maintain a clear portion of the windshield, during precipitation conditions, enough for both pilots to have a sufficiently extensive view along the ground or flight path in normal taxi and flight attitudes of the airplane. This means must be designed to function, without continuous attention on the part of the crew, in conditions from light misting precipitation to heavy rain, at speeds from fully stopped in still air to 1.5 V_{SR1} with lift and drag devices retracted.

Issued in Renton, Washington, on May 19, 2011.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2011–12943 Filed 5–24–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2011–0530; Directorate Identifier 2011–CE–012–AD]

RIN 2120–AA64

Airworthiness Directives; SOCATA Model TBM 700 Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

A TBM 700 operator reported a case of elevator trim tab actuator jamming once the trim tab arrived to stop.

The investigations conducted by the trim tab actuator manufacturer have shown that there was a discrepancy with PRECILEC manufacturing process of elevator trim tab actuator which caused this event. It has been determined as well that this discrepancy is limited to a batch of Serial Numbers (S/N).

If not detected and corrected, a jammed trim tab could lead to unusual control forces, resulting in lower controllability, particularly if combined with adverse flight conditions at landing.

The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

DATES: We must receive comments on this proposed AD by July 11, 2011.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor,

Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

• *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact SOCATA—Direction des Services—65921 Tarbes Cedex 9—France; telephone +33 (0) 62 41 7300, fax +33 (0) 62 41 76 54, or for North America: SOCATA NORTH AMERICA, 7501 South Airport Road, North Perry Airport (HWO), Pembroke Pines, Florida 33023; telephone: (954) 893–1400; fax: (954) 964–4141; e-mail: *mysocata@socata.daher.com;* Internet: *http://mysocata.com.* You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Albert Mercado, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4119; fax: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA–2011–0530; Directorate Identifier 2011–CE–012–AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD No.: 2011–0060, dated March 29, 2011 (Correction: March 30, 2011) (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

> A TBM 700 operator reported a case of elevator trim tab actuator jamming once the trim tab arrived to stop.
>
> The investigations conducted by the trim tab actuator manufacturer have shown that there was a discrepancy with PRECILEC manufacturing process of elevator trim tab actuator which caused this event. It has been determined as well that this discrepancy is limited to a batch of Serial Numbers (S/N).
>
> If not detected and corrected, a jammed trim tab could lead to unusual control forces, resulting in lower controllability, particularly if combined with adverse flight conditions at landing.
>
> For the reasons described above, this AD requires the inspection of the elevators trim tab actuator P/N 6071017251 for identification of S/N and, in case of findings, the replacement of the affected ones with serviceable units.

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

Relevant Service Information

DAHER-SOCATA has issued Mandatory Service Bulletin SB 70–190–27, dated January 2011. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Differences Between This Proposed AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in a NOTE within the proposed AD.

Costs of Compliance

We estimate that this proposed AD will affect 377 products of U.S. registry. We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $0 per product.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $32,045, or $85 per product.

In addition, we estimate that any necessary follow-on actions would take about 7 work-hours and require parts costing $0, for a cost of $595 per product. We have no way of determining the number of products that may need these actions.

According to the manufacturer, some of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;

2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

SOCATA: Docket No. FAA–2011–0530; Directorate Identifier 2011–CE–012–AD.

Comments Due Date

(a) We must receive comments by July 11, 2011.

Affected ADs

(b) None.

Applicability

(c) This AD applies to SOCATA Model TBM 700 airplanes, serial numbers 1 through 530, certificated in any category.

Subject

(d) Air Transport Association of America (ATA) Code 27: Flight Controls.

Reason

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

A TBM 700 operator reported a case of elevator trim tab actuator jamming once the trim tab arrived to stop.

The investigations conducted by the trim tab actuator manufacturer have shown that there was a discrepancy with PRECILEC manufacturing process of elevator trim tab actuator which caused this event. It has been determined as well that this discrepancy is limited to a batch of Serial Numbers (S/N).

If not detected and corrected, a jammed trim tab could lead to unusual control forces, resulting in lower controllability, particularly if combined with adverse flight conditions at landing.

For the reasons described above, this AD requires the inspection of the elevators trim tab actuator P/N 6071017251 for identification of S/N and, in case of findings, the replacement of the affected ones with serviceable units.

Actions and Compliance

(f) Unless already done, do the following actions:

(1) Within 12 months after the effective date of this AD, identify the serial number (S/N) of Left Hand and Right Hand PRECILEC elevator trim tab actuators following DAHER-SOCATA Mandatory Service Bulletin SB 70–190–27, dated January 2011.

(2) If, as a result of the inspection required by paragraph (f)(1) of this AD you find any affected elevator trim tab actuator as listed in DAHER-SOCATA Mandatory Service Bulletin SB 70–190–27, dated January 2011, installed on an airplane, before further flight, replace it with a serviceable part following DAHER-SOCATA Mandatory Service Bulletin SB 70–190–27, dated January 2011.

(3) After the effective date of this AD, do not install on an airplane any PRECILEC elevator trim tab actuator part number 6071017251 with an S/N listed in DAHER-SOCATA Mandatory Service Bulletin SB 70–190–27, dated January 2011, unless it has been repaired in accordance with DAHER-SOCATA Mandatory Service Bulletin SB 70–190–27, dated January 2011.

Note 1: Trim tab actuators repaired by a service center are identified with screw green colored locking varnish as shown in figure 2 of DAHER-SOCATA Mandatory Service Bulletin SB 70–190–27, dated January 2011.

FAA AD Differences

Note 2: This AD differs from the MCAI and/or service information as follows: No differences.

Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Albert Mercado, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4119; fax: (816) 329–4090. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, a Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

Related Information

(h) Refer to MCAI European Aviation Safety Agency (EASA) AD No.: 2011–0060, dated March 29, 2011 (Correction: March 30, 2011); and DAHER-SOCATA Mandatory Service Bulletin SB 70–190–27, dated January 2011, for related information. For service information related to this AD, contact SOCATA—Direction des Services—65921 Tarbes Cedex 9—France; telephone +33 (0) 62 41 7300, fax +33 (0) 62 41 76 54, or for North America: SOCATA NORTH AMERICA, 7501 South Airport Road, North Perry Airport (HWO), Pembroke Pines, Florida 33023; telephone: (954) 893–1400; fax: (954) 964–4141; e-mail: *mysocata@socata.daher.com;* Internet: *http://mysocata.com.* You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued in Kansas City, Missouri, on May 18, 2011.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2011–12967 Filed 5–24–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2011–0070; Airspace Docket No. 10–ASO–43]

Proposed Amendment of Class E Airspace; Cocoa, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E Airspace at Cocoa, FL, as the Merritt Island Non-Directional Beacon (NDB) has been decommissioned and new Standard Instrument Approach Procedures have been developed at Merritt Island Airport. This action would enhance the safety and airspace management of Instrument Flight Rules (IFR) operations at the airport.

DATES: Comments must be received on or before July 11, 2011. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA, Order 7400.9 and publication of conforming amendments.

ADDRESSES: Send comments on this rule to: U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001; Telephone: 1–800–647–5527; Fax: 202–493–2251. You must identify the Docket Number FAA–2011–0070; Airspace Docket No. 10–ASO–43, at the beginning of your comments. You may also submit and review received comments through the Internet at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on this rule 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–2011–0070; Airspace Docket No. 10–ASO–43) 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*.

Annotators 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 Docket No. FAA–2011–0070; Airspace Docket No. 10–ASO–43." The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. 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 from and comments submitted through *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 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 office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Avenue, College Park, Georgia 30337.

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

The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to amend Class E airspace extending upward from 700 feet above the surface to support new standard instrument approach procedures developed at Merritt Island Airport, Cocoa, FL. Airspace reconfiguration is necessary due to the decommissioning of the Merritt Island NDB and cancellation of the NDB approach, and for continued safety and management of IFR operations at the airport.

Class E airspace designations are published in Paragraph 6005 of FAA order 7400.9U, dated August 18, 2010, and effective September 15, 2010, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (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 that 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 United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This proposed 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 airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This proposed regulation is within the scope of that authority as it would amend Class E airspace at Merritt Island Airport, Cocoa, FL.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, 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 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 Federal Aviation Administration Order 7400.9U, Airspace Designations and Reporting Points, dated August 18, 2010, effective September 15, 2010, is amended as follows:

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

* * * * *

ASO FL E5 Cocoa, FL [Amended]

Merritt Island Airport, FL
(Lat. 28°20′30″ N., long. 80°41′08″ W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of the Merritt Island Airport and within 2.5 miles each side of the 303° bearing from the Merritt Island Airport, extending from the 6.3-mile radius to 7 miles northwest of the airport; excluding that airspace within the Titusville, FL, and Melbourne, FL, Class E airspace areas.

Issued in College Park, Georgia, on May 13, 2011.

Barry A. Knight,

Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2011–12848 Filed 5–24–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2011–0393; Airspace Docket No. 11–AWP–2]

Proposed Establishment of Class E Airspace; Kayenta, AZ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E Airspace at Kayenta Airport, Kayenta, AZ. Controlled airspace is necessary to accommodate aircraft using a new Area Navigation (RNAV) Global Positioning System (GPS) standard instrument approach procedures at Kayenta 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 July 11, 2011.

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–2011–0393; Airspace Docket No. 11–AWP–2, 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 2011–0393 and Airspace Docket No. 11–AWP–2) 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–2011–0393 and Airspace Docket No. 11–AWP–2". 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 at Kayenta, AZ, to accommodate aircraft using new RNAV GPS standard instrument approach procedures at Kayenta Airport. This action would enhance the safety and management of instrument flight rules operations at the airport.

Class E Airspace designations are published in paragraph 6005, of FAA Order 7400.9U, dated August 18, 2010, and effective September 15, 2010, which is incorporated by reference in 14 CFR Part 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 Kayenta Airport, Kayenta, 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 Part 71.1 of the Federal Aviation Administration Order 7400.9U, Airspace Designations and Reporting Points, dated August 18, 2010, and effective September 15, 2010 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 Kayenta, AZ [New]

Kayenta Airport, AZ

(Lat. 36°42′59″ N., long. 110°13′42″ W.)

That airspace extending upward from 700 feet above the surface within a 7.7-mile radius of the Kayenta Airport, and within 4 miles either side of the 066° bearing of the airport extending from the 7.7-mile radius to 14.5 miles northeast of Kayenta Airport; that airspace extending upward from 1,200 feet above the surface within an area bounded by lat. 36°54′00″ N., long. 110°03′00″ W.; to lat. 36°48′00″ N., long. 109°44′00″ W.; to lat. 36°26′00″ N., long. 109°14′00″ W.; to lat. 36°11′00″ N., long. 109°26′00″ W.; to lat. 36°03′00″ N., long. 110°12′00″ W.; to lat. 36°22′00″ N., long. 110°44′00″ W.; to lat. 36°42′00″ N., long. 110°31′00″ W.; to lat. 36°50′00″ N., long. 110°25′00″ W., thence to the point of beginning.

Issued in Seattle, Washington, on May 17, 2011.

Christine Mellon,

Acting Manager, Operations Support Group, Western Service Center.

[FR Doc. 2011–12989 Filed 5–24–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2011–0362; Airspace Docket No. 11–ANM–7]

Proposed Modification of Class E Airspace; Glasgow, MT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify Class E Airspace at Wokal Field/Glasgow International Airport, Glasgow, MT. Controlled airspace is necessary to accommodate aircraft using Area Navigation (RNAV) Global Positioning System (GPS) standard instrument approach procedures at the airport. The FAA is proposing this action to enhance the safety and management of aircraft operations. This action would also update the airport name.

DATES: Comments must be received on or before July 11, 2011.

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–2011–0362; Airspace Docket No. 11–ANM–7, 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 2011–0362 and Airspace Docket No. 11–ANM–7) 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–2011–0362 and Airspace Docket No. 11–ANM–7". 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 modifying Class E surface airspace and Class E Airspace extending upward from 700 feet above the surface at Wokal Field/Glasgow International Airport, Glasgow, MT. Controlled airspace is necessary to accommodate aircraft using RNAV (GPS) standard instrument approach procedures at the airport, and would enhance the safety and management of aircraft operations. This action would also update the airport name from Glasgow International Airport to Wokal Field/Glasgow International Airport.

Class E Airspace designations are published in paragraph 6002 and 6005, respectively, of FAA Order 7400.9U, dated August 18, 2010, and effective September 15, 2010, 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 modifies controlled airspace at Wokal Field/Glasgow International Airport, Glasgow, MT.

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 Part 71.1 of the Federal Aviation Administration Order 7400.9U, Airspace Designations and Reporting Points, dated August 18, 2010, and effective September 15, 2010 is amended as follows:

Paragraph 6002 Class E airspace designated as surface areas.

* * * * *

ANM MT E2 Glasgow, MT [Amended]

Wokal Field/Glasgow International Airport, MT
(Lat. 48°12′45″ N., long. 106°36′53″ W.)
Glasgow VOR/DME
(Lat. 48°12′55″ N., long. 106°37′32″ W.)
Milk River NDB
(Lat. 48°12′28″ N., long. 106°37′34″ W.)

Within a 4.2-mile radius of the Wokal Field/Glasgow International Airport, and within 2.7 miles each side of the Glasgow VOR/DME 327° radial extending from the 4.2-mile radius to 7.4 miles northwest of the VOR/DME, and within 2.7 miles each side of the Glasgow VOR/DME 127° radial extending from the 4.2-mile radius to 7.4 miles southeast of the VOR/DME, and within 2.7 miles each side of the Milk River NDB 106° bearing extending from the 4.2-mile radius to 7.4 miles east of the NDB.

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

* * * * *

ANM MT E5 Glasgow, MT [Modified]

Wokal Field/Glasgow International Airport, MT
(Lat. 48°12′45″ N., long. 106°36′53″ W.)

That airspace extending upward from 700 feet above the surface within a 9.6-mile radius of the Wokal Field/Glasgow International Airport; that airspace extending upward from 1,200 feet above the surface starting at Lat. 48°40′00″ N., long. 106°00′02″ W.; to Lat. 48°32′00″ N., long. 105°50′02″ W.; to Lat. 48°03′00″ N., long. 105°50′02″ W.; to Lat. 48°03′00″ N., long. 106°00′02″ W.; to Lat. 47°49′00″ N., long. 106°22′32″ W.; to Lat. 48°15′00″ N., long. 107°07′02″ W.; to Lat. 48°40′00″ N., long. 107°07′02″ W., thence to point of beginning.

Issued in Seattle, Washington, on May 17, 2011.

Christine Mellon,

Acting Manager, Operations Support Group, Western Service Center.

[FR Doc. 2011–12995 Filed 5–24–11; 8:45 am]

BILLING CODE 4910–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1812

RIN 2700–AD64

Commercial Acquisition; Anchor Tenancy

AGENCY: National Aeronautics and Space Administration.

ACTION: Proposed rule with request for comments.

SUMMARY: NASA proposes to revise the NASA FAR Supplement (NFS) to include guidance consistent with NASA's authority under Section 401 of the Commercial Space Competitiveness Act (CSCA) of 1992. NASA may enter into multi-year anchor tenancy contracts for commercial space goods or services. Anchor Tenancy means "an arrangement in which the United States Government agrees to procure sufficient quantities of a commercial space product or service needed to meet Government mission requirements so that a commercial venture is made viable."

DATES: Interested parties should submit comments to NASA at the address below on or before July 25, 2011 to be

considered in formulation of the final rule.

ADDRESSES: You may submit comments, identified by RIN 2007–AD64, using either of the following methods: (1) Regulations.gov: *http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by inputting RIN 2007–AD64 under the heading "Enter keyword or ID" and selecting "Search." Select the link "Submit a Comment" that corresponds with "RIN 2007–AD64." Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "RIN 2700–AD64" on your attached document. (2) E-mail: *leigh.pomponio@nasa.gov.* Include RIN 2007–AD64 in the subject line of the message.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided. To confirm receipt of your comment(s), please check *http://www.regulations.gov* approximately two to three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Leigh Pomponio, NASA, Office of Procurement, Contract Management Division (Suite 5G84); (202) 358–0592; facsimile 202–358–3083; e-mail: *leigh.pomponio@nasa.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

NASA's FAR Supplement currently includes an incorrect statement that anchor tenancy contracts are not permitted. This proposed rule removes that statement, consistent with NASA's authority under Section 401 of the Commercial Space Competitiveness Act (CSCA) of 1992 (15 U.S.C. 5806) which provides authorization for NASA to enter into multi-year anchor tenancy contracts for commercial space goods or services.

B. Executive Orders 12866 and 13563

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. In accordance with Executive Order 13563, Improving Regulation and Regulatory Review, dated January 18, 2011, NASA determined that this rule is not excessively burdensome to the public, and is consistent with the administrative nature of rule. This is not a major rule under 5 U.S.C. 804.

C. Regulatory Flexibility Act

This proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* because it does not impose any new requirements on small entities.

D. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 104–13) is not applicable because the NFS changes do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 1812

Government procurement.

William P. McNally,

Assistant Administrator for Procurement.

Accordingly, 48 CFR part 1812 is proposed to be amended as follows:

1. The authority citation for 48 CFR parts 1812.

Authority: 42 U.S.C. 2455(a), 2473(c)(1).

PART 1812—ACQUISITION OF COMMERCIAL ITEMS

2. Section 1812.7000 is revised to read as follows.

1812.7000 Anchor tenancy contracts.

(a) Section 401 of the Commercial Space Competitiveness Act, 15 U.S.C. 5806, allows NASA, subject to appropriations, to enter into multi-year anchor tenancy contracts for the purchase of a good or service if the Administrator determines that—

(1) The good or service meets the mission requirements of the National Aeronautics and Space Administration;

(2) The commercially procured good or service is cost effective;

(3) The good or service is procured through a competitive process;

(4) Existing or potential customers for the good or service other than the United States Government have been specifically identified;

(5) The long-term viability of the venture is not dependent upon a continued Government market or other nonreimbursable Government support; and

(6) Private capital is at risk in the venture.

(b) Section 401 of the Commercial Space Competitiveness Act, 15 U.S.C. 5806, allows for contracts entered into under paragraph (a) of this section to provide for the payment of termination liability in the event that the Government terminates such contracts for is convenience.

(1) Contracts that provide for this payment of termination liability shall include a fixed schedule of such termination liability payments. Liability under such contracts shall not exceed the total payments which the Government would have made after the date of termination to purchase the good or service if the contract were not terminated.

(2) Subject to appropriations, funds available for such termination liability payments may be used for purchase of the good or service upon successful delivery of the good or service pursuant to the contract. In such case, sufficient funds shall remain available to cover any remaining termination liability.

(c) Limitations—

(1) Contracts entered into under this section shall not exceed 10 years in duration.

(2) Such contracts shall provide for delivery of the good or service on a firm, fixed price basis.

(3) To the extent practicable, reasonable performance specifications shall be used to define technical requirements in such contracts.

(4) In any such contract, the Administrator shall reserve the right to completely or partially terminate the contract without payment of such termination liability because of the contractor's actual or anticipated failure to perform its contractual obligations.

[FR Doc. 2011–10917 Filed 5–24–11; 8:45 am]

BILLING CODE 7510–01–P

Notices

Federal Register
Vol. 76, No. 101
Wednesday, May 25, 2011

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

Submission for OMB Review; Comment Request

May 20, 2010.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (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 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, Washington, DC; *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of publication of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

National Agricultural Statistics Service

Title: Generic Clearance of Survey Improvement Projects.

OMB Control Number: 0535–0248.

Summary of Collection: The primary objectives of the National Agricultural Statistics Service (NASS) are to prepare and issue State and national estimates of crop and livestock production, economic and environmental statistics related to agriculture and to conduct the Census of Agriculture under the general authority of Title 7 U.S.C. Sec. 2204. The purpose of this generic clearance is to allow NASS to continue to develop, test, evaluate, adopt, and use state-of-the-art techniques to cover a broad range of topics designed to improve NASS' data collection on agriculture.

Need and Use of the Information: NASS will use a number of survey improvement techniques, as appropriate to the individual project under investigation. These include focus groups, cognitive and usability laboratory and field techniques, exploratory interviews, behavior coding, respondent debriefing, pilot surveys and split-panel tests. The information gathered will be used mainly for questionnaire development and other research and evaluation. Additionally, NASS anticipates the benefit of increased response rates through improved survey design; a goal tied directly to addressing OMB requirements for higher response rates and measurement of non-response bias.

Description of Respondents: Farms.

Number of Respondents: 3,300.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 4,950.

National Agricultural Statistics Service

Title: Organic Production Survey (OPS)

OMB Control Number: 0535–0249.

Summary of Collection: National Agricultural Statistics Services (NASS) is authorized under the authority of 7 U.S.C. 2204(a) to collect these data. The 2008 Farm Bill appropriated $1 million to NASS for assimilating and disseminating information. The 2011 Organic Production Survey (OPS) will be a follow-up survey to the 2008 OPS which was done as a follow-on survey to the 2007 Census of Agriculture Survey. The Risk Management Agency (RMA) has made a formal agreement to conduct this as an annual survey. The pilot survey year would be 2012 for the reference period 2011.

Need and Use of the Information: The information is vital to RMA in determining insurance payments to certified organic farmers. More commodity specific questions will be incorporated that would be directed at different commodities each year. This survey will provide organic information on acreage in production, commodity, expenses, marketing practices (handling, distribution, retail, and consumer purchasing patterns), and prices received by organic producers. The survey will be conducted in all States. As part of the Organic Farming Initiatives, the data will be used to provide solid production and market data about the supply of key organic commodities.

Description of Respondents: Farmers, ranchers and farm managers self identified as organic producers.

Number of Respondents: 15,000.

Frequency of Responses: Reporting: One time.

Total Burden Hours: 5,719.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2011–12945 Filed 5–24–11; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

Forest Service

Tongass National Forest; Alaska; Bell Island Geothermal Leases Supplemental Environmental Impact Statement

AGENCY: Forest Service, U.S. Department of Agriculture.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The U.S. Department of Agriculture, Forest Service, Tongass National Forest will prepare a supplemental environmental impact statement (SEIS) to a 2008 programmatic environmental impact statement (PEIS) titled *Geothermal Leasing in the Western United States.* This analysis is needed for consent determination to

allow the Bureau of Land Management (BLM) to issue three pending leases to a private geothermal developer. These leases encompass much of Bell Island and a portion of the Cleveland Peninsula on the adjacent mainland in the Alexander Archipelago of Southeast Alaska.

The agency invites comments and suggestions on the scope of the analysis to be included in the draft SEIS. In addition, the agency gives notice of this environmental analysis and decision making process so that interested and affected people know how they may participate and contribute to the final decision.

DATES: Comments concerning the scope of the analysis must be received by June 24, 2011. The draft SEIS is projected to be filed with the Environmental Protection Agency (EPA) in the fall 2011 and will begin a 45 day comment period. The Final Environmental Impact Statement and the Record of Decision are expected to be published in the spring of 2012.

ADDRESSES: You may comment on the project in the following ways: Send written comments to Ketchikan-Misty Fiord Ranger District, Tongass National Forest, Attn: Bell Island Geothermal Lease, 3031 Tongass Ave., Ketchikan AK 99901. Comments may also be sent via e-mail to *comments-alaska-tongass-ketchikan-mistyfiord@fs.fed.us,* with Bell Island on the subject line; or via facsimile to 907–225–8738. Include your name, address and organization name if you are commenting as a representative of an organization.

FOR FURTHER INFORMATION CONTACT: Sarah Samuelson, Tongass Minerals Group, 8510 Mendenhall Loop Road, Juneau, AK 99801. 1–907–789–6274. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

The purpose of this initiative is to update the PEIS that was prepared by the BLM to address compliance actions and key resource concerns not previously analyzed in Volume II, Chapter 11 of the PEIS. Chapter 11 examines whether or not three pending lease applications on Bell Island and Cleveland Peninsula are available for geothermal leasing by the BLM. The PEIS did not recognize that the lease applications are in the North Cleveland Inventoried Roadless Area (IRA) 529, nor was adequate public scoping or tribal consultation performed. Thus, the analysis provided in the PEIS does not address actual current conditions. The Tongass National Forest must update the PEIS to analyze effects to the roadless area before making a decision whether or not to consent to leasing the land.

The action is needed to fulfill the Forest Service obligations under Section 225 of the Energy Policy Act of 2005 and the Memorandum of Understanding between the United States Department of the Interior (USDOI) and the United States Department of Agriculture (USDA) regarding geothermal leasing and permitting. Section 225 of the Energy Policy Act of 2005 requires that the USDOI and the U.S. Forest Service reduce the backlog of geothermal lease applications by 90 percent by August 8, 2010. Section 222(d) dictates that it is a priority for the BLM and the Forest Service to ensure timely completion of actions such as amendments to land use plans, as necessary to process the pending lease applications. This action responds to the goals and objectives outlined in the 2008 Tongass Land and Resource Management Plan (Forest Plan) and helps move the Tongass National Forest towards desired conditions described in this plan.

Proposed Action

The action proposed to meet the purpose and need is for the Forest Service to provide a consent determination to the BLM to issue the three leases in the Tongass National Forest to the geothermal lease applicant, based upon the Reasonably Foreseeable Development Scenario (RFD) provided by the PEIS Volume II, Chapter 11. The RFD describes in general terms the best professional estimate of the potential development that may occur. The decision on this SEIS would only be for an approving or disapproving consent determination for the BLM to issue the leases. Any future site-specific development of the leases would require further analysis under NEPA.

The project area is 7,680 acres encompassing most of Bell Island as well as a portion of the Cleveland Peninsula, on the adjacent mainland. Bell Island is located near the southeastern end of the Alaskan Panhandle; approximately 43 miles north of Ketchikan. Lease boundaries could be adjusted in the decision to avoid unacceptable impacts on sensitive resources. The three leases are described as follows:

—Lease AK 084543 includes approximately 2,560 acres, comprised of four contiguous sections, as follows: T68S R89E S36; T68S R90E S29, S30, S31

—Lease AK 084544 includes approximately 2,560 acres, comprised of the following four contiguous sections: T68S R90E S15, S21, S22, and S28

—Lease AK 084545 includes approximately 2,560 acres, comprised of the following four contiguous sections: T68S R90E S12, S13, S14; T68S R91E S7

Two alternatives were considered in Volume II, Chapter 11 of the PEIS analysis. In Alternative A, the No-Action Alternative, the Forest Service would not issue a consent determination for any of the lease applications. For Alternative B, Leasing with Stipulations, the Forest Service would issue a consent determination for the lease applications, and the BLM would issue the leases with the stipulations identified in Volume I, Chapter 2 of the PEIS and any additional stipulations that the Forest Service attaches to the record of decision (ROD).

Responsible Official

The Forest Supervisor, Tongass National Forest, Federal Building, Ketchikan, Alaksa, 99901 is the Responsible Official for making the decision.

Nature of Decision To Be Made

Given the purpose and need, the deciding official reviews the proposed action, the other alternatives, and the environmental consequences in order to make the following decisions:

—Will the Tongass National Forest consent to three pending lease applications on National Forest Systems lands?

—If so, what mitigation measures in the form of lease stipulations will the Forest Service apply to the lease application?

—Does the project require a Forest Plan amendment?

If authorized, the decision would give consent to BLM to issue three pending leases with the stipulations identified in Chapter 2 of the PEIS and any additional stipulations that the Forest Service attaches to the ROD.

Preliminary Issues

The Tongass National Forest portions of the lease sites are within the North Cleveland IRA 529, comprised of 109,639 acres. A non-discretionary restriction (roadless area stipulation) was developed in the PEIS for roadless areas on any leases with National Forest Service (NFS) inventoried roadless

areas. Due to a Tongass 2004 exemption to the roadless rule, the roadless designation was not acknowledged in Volume II, Chapter 11of the PEIS for Bell Island; therefore, this restriction was not identified. Before consent to the lease application can be determined, stipulations associated with this activity will need to be identified.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the environmental impact statement. In addition to this notice, a scoping document will be posted on the Tongass National Forest public website at *http://www.fs.fed.us/r10/tongass/projects/projects.shtml.* Scoping letters inviting comments will be sent to interested parties on the Tongass National Forest. Any person who would like to receive a scoping letter should contact Linda Pulliam at the Ketchikan Misty Fiord Ranger District or by e-mail: *comments-alaska-tongass-ketchikan-mistyfiord@fs.fed.us,* please put "Bell Island" in the subject line of the e-mail. A public meeting will be held at Ketchikan-Misty Fiord Ranger District 3031 Tongass Ave., Ketchikan, Alaska, 99901 on Thursday, June 2, 2011 from 3–7 p.m.

It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the environmental impact statement. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions.

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered, however anonymous comments will not provide the respondent with standing to participate in subsequent administrative review or judicial review.

Dated: May 16, 2011.

Forrest Cole,

Forest Supervisor.

[FR Doc. 2011–12915 Filed 5–24–11; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Advisory Committee Meeting

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice of advisory committee meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, this constitutes notice of the upcoming meeting of the Grain Inspection, Packers and Stockyards Administration (GIPSA) Grain Inspection Advisory Committee (Advisory Committee). The Advisory Committee meets twice annually to advise the GIPSA Administrator on the programs and services that GIPSA delivers under the U.S. Grain Standards Act. Recommendations by the Advisory Committee help GIPSA better meet the needs of its customers who operate in a dynamic and changing marketplace.

DATES: June 21, 2011, 8 a.m. to 4:30 p.m.; and June 22, 2010, 8 a.m. to Noon.

ADDRESSES: The Advisory Committee meeting will take place at GIPSA's Technical Service Division, 10383 N. Ambassador Drive, Kansas City, Missouri 64153.

Requests to orally address the Advisory Committee during the meeting or written comments may be *sent to:* Administrator, GIPSA, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Stop 3601, Washington, DC 20250–3601. Requests and comments may also be faxed to (202) 690–2173.

FOR FURTHER INFORMATION CONTACT: Terri L. Henry by phone at (202) 205–8281 or by e-mail at *Terri.L.Henry@usda.gov.*

SUPPLEMENTARY INFORMATION: The purpose of the Advisory Committee is to provide advice to the GIPSA Administrator with respect to the implementation of the U.S. Grain Standards Act (7 U.S.C. 71–87k). Information about the Advisory Committee is available on the GIPSA Web site at *http://www.gipsa.usda.gov.* Under the section, "I Want To * * *," select "Learn about the Grain Inspection Advisory Committee."

The agenda will include an overview of Federal Grain Inspection Service 2011 operations, international programs, contract review program findings, exceptions program, sorghum odor, new rice sheller implementation, moisture measurement—rice and soybean study results, wheat gluten tests, rapid test kit evaluation program status, and the quality management program.

For a copy of the agenda please contact Terri L. Henry by phone at (202) 205–8281 or by e-mail at *Terri.L.Henry@usda.gov.*

Public participation will be limited to written statements unless permission is received from the Committee Chairperson to orally address the Advisory Committee. The meeting will be open to the public.

Persons with disabilities who require alternative means of communication of program information or related accommodations should contact Terri L. Henry at the telephone number listed above.

Alan Christian,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2011–12824 Filed 5–24–11; 8:45 am]

BILLING CODE 3410–KD–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the North Dakota State Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a planning and orientation meeting of the North Dakota Advisory Committee to the Commission will convene via teleconference at 3 p.m. (MDT) and adjourn at approximately 5 p.m. (MDT) on Monday, June 27, 2011. The purpose of the planning meeting is to provide ethics training and orientation to the new committee. The Committee will also be briefed on activities by the Commission, as well as other SACs in the region.

This meeting is available to the public through the following toll-free call-in number: (800) 516–9896, followed by Conference ID #: 8334. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. For persons with hearing impairments, dial 711 for relay services and enter 1–800–516–9896 followed by the Conference ID #: 8334.

Members of the public are entitled to submit written comments; the comments must be received in the regional office by July 27, 2011. Comments may be mailed to the Rocky Mountain Regional Office, U.S.

Commission on Civil Rights, 999 18th Street, Suite 1380S, Denver, CO 80202, or faxed to (303) 866–1050, or e-mailed to *ebohor@usccr.gov*. Persons who desire additional information may contact the Rocky Mountain Regional Office by e-mail at *ebohor@usccr.gov* or by phone at (303) 866–1040.

Records generated from this meeting may be inspected and reproduced at the Rocky Mountain Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Rocky Mountain Regional Office at the above e-mail or street address.

The meeting will be conducted pursuant to the rules and regulations of the Commission and FACA.

Dated in Washington, DC, May 19, 2011.

Peter Minarik,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 2011–12921 Filed 5–24–11; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Montana State Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a planning and orientation meeting of the Montana Advisory Committee to the Commission will convene via teleconference at 2 p.m. (MDT) and adjourn at approximately 4 p.m. (MDT) on Wednesday, June 29, 2011. The purpose of the planning meeting is to provide ethics training and orientation to the new committee. The Committee will also be briefed on activities by the Commission, as well as other SACs in the region.

This meeting is available to the public through the following toll-free call-in number: (800) 516–9896, followed by Conference ID#: 8334. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. For persons with hearing impairments, dial 711 for relay services and enter 1–800–516–9896 followed by the Conference ID#: 8334.

Members of the public are entitled to submit written comments; the comments must be received in the regional office by July 27, 2011. Comments may be mailed to the Rocky Mountain Regional Office, U.S. Commission on Civil Rights, 999–18th Street, Suite 1380S, Denver, CO 80202, or faxed to (303) 866–1050, or e-mailed to *ebohor@usccr.gov*. Persons who desire additional information may contact the Rocky Mountain Regional Office by e-mail at *ebohor@usccr.gov* or by phone at (303) 866–1040.

Records generated from this meeting may be inspected and reproduced at the Rocky Mountain Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Rocky Mountain Regional Office at the above e-mail or street address.

The meeting will be conducted pursuant to the rules and regulations of the Commission and FACA.

Dated in Washington, DC, May 19, 2011.

Peter Minarik,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 2011–12923 Filed 5–24–11; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA454

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Scientific and Statistical Committee on June 14–15, 2011 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Tuesday, June 14 at 10 a.m. and Wednesday, June 15, 2011 at 8:30 a.m.

ADDRESSES: The meeting will be held at the Eastland Park Hotel, 157 High Street, Portland, ME 04101; telephone: (207) 775–5411; fax: (207) 775–1066.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Tuesday, June 14, 2011—Wednesday, June 15, 2011

The Scientific and Statistical Committee (SSC) will receive an update from the Groundfish Plan Development Team (PDT) on the process for setting Acceptable Biological Catch (ABC) for all groundfish stocks for the period 2012–14. The PDT will provide the SSC with preliminary information comparing past survey trends to stock size. In addition, the PDT will describe other analyses that are planned to examine the reliability of stock projections. The SSC may provide guidance about any further work on these issues.

Additionally, the SSC will review analyses provided by the Skate PDT for the purpose of recommending an ABC for the skate fishery for fishing years 2012–2013. The SSC's recommendation will be discussed at the June 21–23 Council meeting in Portland, ME.

On Wednesday, June 15, 2011, the SSC will continue its review of the analyses provided by the Skate PDT and recommend an ABC for the skate fishery.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice 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 final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: May 20, 2011.

Tracey L. Thompson,

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

[FR Doc. 2011–12925 Filed 5–24–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA455

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meetings.

SUMMARY: The Pacific Council and its advisory entities will hold public meetings.

DATES: The Pacific Council and its advisory entities will meet June 6–13, 2011. The Pacific Council meeting will begin on Wednesday, June 8, 2011 at 9 a.m., reconvening each day through Monday, June 13, 2011. All meetings are open to the public, except a closed session will be held from 9 a.m. until 10 a.m. on Wednesday, June 8 to address litigation and personnel matters. The Pacific Council will meet as late as necessary each day to complete its scheduled business.

ADDRESSES: Meetings of the Pacific Council and its advisory entities will be held at the Doubletree Hotel Spokane City Center, 322 North Spokane Falls Court, Spokane, WA 99201; telephone: (509) 455–9600.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220.

FOR FURTHER INFORMATION CONTACT: Dr. Donald O. McIsaac, Executive Director; telephone: (503) 820–2280 or (866) 806–7204 toll free; or access the Pacific Council Web site, *http://www.pcouncil.org* for the current meeting location, proposed agenda, and meeting briefing materials.

SUPPLEMENTARY INFORMATION: The following items are on the Pacific Council agenda, but not necessarily in this order:

A. Call to Order
  1. Opening Remarks
  2. Roll Call
  3. Executive Director's Report
  4. Approve Agenda
B. Open Comment Period
  1. Comments on Non-Agenda Items
C. Salmon Management
  1. Fishery Management Plan Amendment 16, Annual Catch Limits and Accountability Measures
D. Highly Migratory Species Management
  1. North Pacific Albacore Tuna Fisheries Economic Analysis
  2. Recommendations to International Fisheries Organizations
E. Groundfish Management
  1. National Marine Fisheries Service Report
  2. Stock Assessments for 2013–2014 Groundfish Fisheries
  3. Groundfish Amendment 16–5 and 2012 Harvest Specifications and Management Measures
  4. Final Schedule for Completing the 2013–14 Specifications and Management Measures and Considerations for Solving Biennial Cycle Process Issues
  5. Consideration of Inseason Adjustments—Part 1
  6. Trawl Rationalization and Associated General Groundfish Fishery Issues Slated for Final Action, Including Those in the Program Improvements and Enhancement (PIE) Rule
  7. Priority Trailing Actions Under Trawl Rationalization Slated for Preliminary Action
  8. Consideration of Inseason Adjustments—Part 2
F. Administrative Matters
  1. Legislative Matters
  2. Approval of Council Meeting Minutes
  3. Fiscal Matters
  4. Membership Appointments and Council Operating Procedures
  5. Future Council Meeting Agenda and Workload Planning
G. Coastal Pelagic Species Management
  1. National Marine Fisheries Service Report
  2. Pacific Mackerel Management for 2011–2012
H. Ecosystem Based Management
  1. Ecosystem Fishery Management Plan
I. Habitat
  1. Current Habitat Issues

Schedule of Ancillary Meetings

Day 1—Monday, June 6, 2011
  Scientific and Statistical Committee Groundfish Subcommittee and Stock Assessment Review Panel 8 a.m.
Day 2—Tuesday, June 7, 2011
  Groundfish Management Team 8 a.m.
  Salmon Advisory Subpanel 8 a.m.
  Salmon Technical Team 8 a.m.
  Scientific and Statistical Committee 8 a.m.
  Highly Migratory Species Advisory Subpanel 1 p.m.
  Highly Migratory Species Management Team 1 p.m.
  Legislative Committee 2 p.m.
  Budget Committee 3:30 p.m.
Day 3—Wednesday, June 8, 2011
  California State Delegation 7 a.m.
  Oregon State Delegation 7 a.m.
  Washington State Delegation 7 a.m.
  Groundfish Advisory Subpanel 8 a.m.
  Groundfish Management Team 8 a.m.
  Highly Migratory Species Advisory Subpanel 8 a.m.
  Highly Migratory Species Management Team 8 a.m.
  Salmon Technical Team 8 a.m.
  Scientific and Statistical Committee 8 a.m.
  Enforcement Consultants 4:30 p.m.
Day 4—Thursday, June 9, 2011
  California State Delegation 7 a.m.
  Oregon State Delegation 7 a.m.
  Washington State Delegation 7 a.m.
  Coastal Pelagic Species Advisory Subpanel 8 a.m.
  Coastal Pelagic Species Management Team 8 a.m.
  Groundfish Advisory Subpanel 8 a.m.
  Groundfish Management Team 8 a.m.
  Scientific and Statistical Committee 8 a.m.
  Ecosystem Plan Development Team 1 p.m.
  Enforcement Consultants As Needed
Day 5—Friday, June 10, 2011
  California State Delegation 7 a.m.
  Oregon State Delegation 7 a.m.
  Washington State Delegation 7 a.m.
  Coastal Pelagic Species Advisory Subpanel 8 a.m.
  Coastal Pelagic Species Management Team 8 a.m.
  Ecosystem Plan Development Team 8 a.m.
  Groundfish Advisory Subpanel 8 a.m.
  Groundfish Management Team 8 a.m.
  Habitat Committee 8:30 a.m.
  Enforcement Consultants As Needed
Day 6—Saturday, June 11, 2011
  California State Delegation 7 a.m.
  Oregon State Delegation 7 a.m.
  Washington State Delegation 7 a.m.
  Groundfish Advisory Subpanel 8 a.m.
  Groundfish Management Team 8 a.m.
  Enforcement Consultants As Needed
Day 7—Sunday, June 12, 2011
  California State Delegation 7 a.m.
  Oregon State Delegation 7 a.m.
  Washington State Delegation 7 a.m.
  Enforcement Consultants As Needed
Day 8—Monday, June 13, 2011
  California State Delegation 7 a.m.
  Oregon State Delegation 7 a.m.
  Washington State Delegation 7 a.m.
  Enforcement Consultants As Needed

Although non-emergency issues not contained in this agenda may come

before this Council for discussion, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency. Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Carolyn Porter at (503) 820–2280 at least 5 days prior to the meeting date.

Dated: May 20, 2011.

Tracey L. Thompson,

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

[FR Doc. 2011–12926 Filed 5–24–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–BA74

National Standard 10 Guidelines; Public Meetings

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

ACTION: Notice.

SUMMARY: On April 21, 2011, NMFS published an Advance Notice of Proposed Rulemaking (ANPR) to request public comment on potential revisions to the National Standard 10 (NS10) Guidelines and announced a public meeting to be held on May 19, 2011 in Silver Spring, Maryland. In this notice, NMFS announces several additional meetings where presentations will be given on the National Standard 10 ANPR. The public will be allowed to comment at the meetings.

DATES: Meetings are scheduled in June and July. Dates and locations of meetings are listed under **ADDRESSES**.

ADDRESSES: Presentations on National Standard 10 will be given at the following additional locations:

1. Joint Session of the South Atlantic Fishery Management Council and Gulf of Mexico Fishery Management Council, June 10, 2011, 1–1:45 p.m, at the Marriott Beachside Hotel, 3841 North Roosevelt Boulevard, Key West, Florida 33040.

2. Mid-Atlantic Fishery Management Council Meeting, June 16, 2011, 9–10 a.m., Danfords Hotel & Marina, 25 East Broadway, Port Jefferson, New York 11777.

3. New England Fishery Management Council Meeting, June 21, 2011, afternoon session, Holiday Inn by the Bay, 88 Spring Street, Portland, Maine 04101.

4. Swedish Cultural Center, 1920 Dexter Ave. N, Seattle, Washington 98109, July 19, 2011, 10 a.m.–noon.

The established times for the National Standard 10 presentations during the various Regional Fishery Management Council meetings may be adjusted as necessary to accommodate the timely completion of discussion relevant to other items on the Councils' agenda.

FOR FURTHER INFORMATION CONTACT: Debra Lambert, National Marine Fisheries Service, 301–713–2341.

SUPPLEMENTARY INFORMATION:

Background

National Standard 10 states: "Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea." NMFS published final guidelines for NS10 in 1998 (63 FR 24212; May 1, 1998). NMFS published an ANPR to request public comment on potential revisions to the NS10 guidelines on April 21, 2011 (76 FR 22342). More background on this action is contained in the ANPR published on April 21, 2011 (76 FR 22342) and is not repeated here.

Special Accommodations

The public meetings listed in this notice will be accessible to people with physical disabilities. Request for sign language interpretation or other auxiliary aids should be directed to Debra Lambert (301–713–2341), at least 5 days before the scheduled session.

Dated: May 19, 2011.

Margo Schulze-Haugen,

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

[FR Doc. 2011–12980 Filed 5–24–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA456

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Stock Assessment Review Panel (STAR Panel) for the Pacific ocean perch and petrale sole stock assessments will hold a work session that is open to the public.

DATES: The STAR Panel for Pacific ocean perch and petrale sole stock assessments will be held beginning at 9 a.m., Monday, June 20, 2011 and end at 5:30 p.m. or as necessary to complete business for the day. The STAR panel will reconvene on Tuesday, June 21 and will continue through Friday, June 24, 2011 beginning at 8 a.m. and ending at 5:30 p.m. each day, or as necessary to complete business.

ADDRESSES: The Stock Assessment Review Panel for Pacific ocean perch and petrale sole stock assessments will be held at the Hotel Deca, 4507 Brooklyn Avenue, NE., Seattle, WA 98105; telephone: (1–800) 899–0251.

Council address: Pacific Fishery Management Council (Pacific Council), 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Ms. Stacey Miller, NMFS Northwest Fisheries Science Center; telephone: (541) 961–8475; or Mr. John DeVore, Pacific Fishery Management Council; telephone: (503) 820–2280.

SUPPLEMENTARY INFORMATION: The purpose of the STAR Panel for Pacific ocean perch and petrale sole is to review draft 2011 stock assessment documents and any other pertinent information for Pacific ocean perch and petrale sole, work with the Stock Assessment Teams to make necessary revisions, and produce a STAR Panel report for use by the Pacific Council family and other interested persons for developing management recommendations for 2013–14 fisheries. No management actions will be decided by the STAR Panel. The STAR Panel's role will be development of recommendations and reports for consideration by the Pacific Council at its September meeting in San Mateo, CA.

Although non-emergency issues not contained in the meeting agenda may

come before the STAR Panel participants for discussion, those issues may not be the subject of formal STAR Panel action during this meeting. STAR Panel action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the STAR Panel participants' intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at (503) 820–2280 at least 5 days prior to the meeting date.

Dated: May 20, 2011.

Tracey L. Thompson,

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

[FR Doc. 2011–12927 Filed 5–24–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA292

Marine Mammals; File No. 16087

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

ACTION: Notice; issuance of permit.

SUMMARY: Notice is hereby given that a permit has been issued to NMFS National Marine Mammal Laboratory, Seattle, WA, to conduct research on marine mammals.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following offices:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 713–2289; fax (301) 713–0376;

Northwest Region, NMFS, 7600 Sand Point Way, NE., BIN C15700, Bldg. 1, Seattle, WA 98115–0700; phone (206) 526–6150; fax (206) 526–6426; and

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213; phone (562) 980–4001; fax (562) 980–4018.

FOR FURTHER INFORMATION CONTACT: Tammy Adams or Amy Sloan, (301) 713–2289.

SUPPLEMENTARY INFORMATION: On March 14, 2011, notice was published in the **Federal Register** (76 FR 13603) that a request for a permit to conduct research on marine mammals had been submitted by the above-named applicant. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The permit authorizes taking marine mammals in California, Oregon, and Washington to investigate population status, health, demographic parameters, life history and foraging ecology of California sea lions (*Zalophus californianus*), Pacific harbor seals (*Phoca vitulina*), and northern elephant seals (*Mirounga angustrirostris*), with incidental harassment of northern fur seals (*Callorhinus ursinus*). The permit is valid for field studies from July 1, 2011 through June 30, 2016.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Dated: May 19, 2011.

P. Michael Payne,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2011–13001 Filed 5–24–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA341

Marine Mammals; File No. 15324

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

ACTION: Notice; issuance of permit.

SUMMARY: Notice is hereby given that a permit has been issued to the Alaska Department of Fish and Game, Division of Wildlife Conservation, Juneau, AK, to conduct research on marine mammals.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following offices:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 713–2289; fax (301) 713–0376; and

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668; phone (907) 586–7221; fax (907) 586–7249.

FOR FURTHER INFORMATION CONTACT: Tammy Adams or Laura Morse, (301) 713–2289.

SUPPLEMENTARY INFORMATION: On April 4, 2011, notice was published in the **Federal Register** (76 FR 18533) that a request for a permit to conduct research on marine mammals had been submitted by the above-named applicant. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The permit authorizes taking spotted (*Phoca largha*), ringed (*Phoca hispida*), bearded (*Erignathus barbatus*), and ribbon seals (*Histriophoca fasciata*) in the Bering, Chukchi, and Beaufort Seas of Alaska to monitor the status and health of all four species by analyzing samples from the subsistence harvest and by documenting movements and habitat use by tracking animals with satellite transmitters. The permit is valid for field studies from January 2012 through December 2016.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Dated: May 20, 2011.

Tammy C. Adams,

Acting Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2011–12977 Filed 5–24–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA444

Marine Mammals and Endangered Species; File Nos. 14245, 1596–03, and 14726–01

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; issuance of permit and permit modifications.

SUMMARY: Notice is hereby given that NMFS has issued a permit and two permit modifications to conduct research on marine mammals or sea turtles.

ADDRESSES: The permit, permit modifications, and related documents are available for review upon written request or by appointment in the following offices: See **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Amy Hapeman (for all permits) or one of the following analysts: Carrie Hubard (For File No. 14245), Colette Cairns (for File No. 1596–03) or Kristy Beard (for File No. 14726–01) at (301)713–2289.

SUPPLEMENTARY INFORMATION: On April 27, 2010 and December 29, 2010, notices were published in the **Federal Register** (75 FR 26715 and 81970, respectively) that a request for a permit to conduct research on 33 species of cetaceans and harass eight species of pinnipeds had been submitted by the NMFS National Marine Mammal Laboratory (NMML; File No. 14245). The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*). The NMML (Dr. John Bengtson, Responsible Party), Alaska Fisheries Science Center, 7600 Sand Point Way, NE, Seattle, WA 98115–6349 has been issued a 5-year permit to conduct research in the Pacific, Atlantic, and Arctic Oceans on marine mammals including endangered blue (*Balaenoptera musculus*), sei (*B. borealis*), fin (*B. physalus*), sperm (*Physeter macrocephalus*), North Pacific right (*Eubalaena japonica*), bowhead (*Balaena mysticetus*), humpback (*Megaptera novaeangliae*), Southern Resident killer (*Orcinus orca*), and Cook Inlet beluga (*Delphinapterus leucas*) whales to monitor cetaceans for scientific and management purposes. Research activities include aerial and vessel surveys, biopsy sampling, tagging, and/or captures and a suite of sampling procedures associated with captures. During vessel surveys researchers may opportunistically collect sloughed skin, fecal samples, and carcass remains. Research activities in the Southern Ocean were withdrawn by NMML after the close of the public comment period. In addition, NMFS did not authorize requested capture activities for Cook Inlet beluga whales. The permit is valid through May 1, 2016.

On May 12, 2010, notice was published in the **Federal Register** (75 FR 26715) that a modification of Permit No. 1596–02 had been requested by the NMFS Southwest Fisheries Science Center (SWFSC; File No. 1596–03) for research on sea turtles. The SWFSC (Dr. Lisa Ballance, Responsible Party), 3333 N. Torrey Pines Ct., La Jolla, CA 92037 was issued a modification to Permit No. 1596–02, issued May 3, 2009 (74 FR 38585). Permit No. 1596–02 authorizes the SWFSC to conduct research on leatherback (*Dermochelys coriacea*) sea turtles captured off the western coast of the continental United States to continue long-term monitoring of the status of the species. Researchers may capture, measure, weigh, blood and tissue sample, photograph, flipper and passive integrated transponder (PIT) tag, fat biopsy, ultrasound, satellite tag, and attach a VHF/TDR/sonic tag/video system, VHR/TDR/sonic tag/GPS unit, or VHR/TDR/sonic tag/GPS/video camera system to leatherback sea turtles. Animals with the video camera system may be re-approached to collect the unit and then sampled, tagged, and have another video camera unit attached. This permit modification, No. 1596–03, authorizes the SWFSC to directly attach a tag to the animal's medial ridge in place of the previously authorized harness attachment. Researchers may also attach a VHF/TDR/Sonic tag/GPS/Video camera system by suction cup to the free-swimming turtle prior to capture. These tags would provide valuable information on leatherback movements and behavior in the Pacific Ocean between their foraging areas and nesting beaches. The modification is valid until the permit expires February 1, 2012.

On February 3, 2011, notice was published in the **Federal Register** (76 FR 6118) that a modification to Permit No. 14726 had been requested by Dr. Blair Witherington (File No. 14726–01) for research on sea turtles. Dr. Witherington, Florida Fish and Wildlife Conservation Commission, 9700 South A1A, Melbourne Beach, FL, 32951 was issued a modification to Permit No. 14726, issued September 3, 2010 (75 FR 61133). Permit No. 14726 authorizes him to locate and describe areas of the Atlantic Ocean and Gulf of Mexico near Florida that serve as developmental habitat for pelagic stage juvenile and neonate loggerhead (*Caretta caretta*), green (*Chelonia mydas*), Kemp's ridley (*Lepidochelys kempii*), hawksbill *(Eretmochelys imbricata),* and leatherback sea turtles, to quantify threats to pelagic sea turtles, and to gather information on their life-history, genetics, movements, behavior, and diet. Researchers are authorized to capture by dip net, flipper and PIT tag, measure, weigh, and oral swab sea turtles. A subset of animals may be skin biopsied, lavaged or have a satellite tag attached. The permit modification authorizes Dr. Witherington to: (1) Increase the number and life stages of sea turtles that may be taken annually; (2) authorize fecal sampling for all animals and satellite tagging for a subset of green sea turtles; and (3) expand the authorized study area to include the entire Gulf of Mexico. This work will: (1) Identify threats to pelagic sea turtles, and (2) document the density, condition, diet, and potential Mississippi Canyon 252 oil exposure of pelagic sea turtles associated with floating *Sargassum* as part of the post-spill Natural Resources Damage Assessment of the BP Deepwater Horizon event. The modified permit is valid through December 31, 2011.

The requested permit modifications have been granted under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

An environmental assessment (EA) or supplemental EA was prepared for each permit request analyzing the effects of the permitted activities on the human environment in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Based on these analyses, NMFS determined that issuance of the permit and permit modifications would not significantly impact the quality of the human environment and that preparation of an environmental impact statement was not required. That determination is documented in a Finding of No Significant Impact (FONSI), signed on the following dates for each permit: File No. 14245: April 22, 2011, File No. 1596–03: April 15, 2011, and File No. 14726–01: April 7, 2011.

As required by the ESA, issuance of the permits and permit modifications was based on a finding that such permits: (1) Were applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) are consistent with the

purposes and policies set forth in section 2 of the ESA.

Documents may be reviewed at: all of the following locations for File No. 14245, the Southwest Region for File No. 1596–03, and the Southeast Region for File No. 14726–01:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)713–0376;

Northwest Region, NMFS, 7600 Sand Point Way NE, BIN C15700, Bldg. 1, Seattle, WA 98115–0700; phone (206)526–6150; fax (206)526–6426;

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668; phone (907)586–7221; fax (907)586–7249;

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213; phone (562)980–4001; fax (562)980–4018;

Pacific Islands Region, NMFS, 1601 Kapiolani Blvd., Rm 1110, Honolulu, HI 96814–4700; phone (808)944–2200; fax (808)973–2941;

Northeast Region, NMFS, 55 Great Republic Drive, Gloucester, MA 01930; phone (978)281–9328; fax (978) 281–9394; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, Florida 33701; phone (727)824–5312; fax (727)824–5309.

Dated: May 19, 2011.

P. Michael Payne,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2011–12999 Filed 5–24–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA201

Takes of Marine Mammals Incidental to Specified Activities; Seabird and Pinniped Research Activities in Central California, 2011–2012

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

ACTION: Notice; proposed incidental harassment authorization; request for comments.

SUMMARY: NMFS has received an application from PRBO Conservation Science (PRBO), for an Incidental Harassment Authorization (IHA) to take marine mammals, by harassment, incidental to conducting proposed seabird and pinniped research activities on Southeast Farallon Island, Año Nuevo Island, and Point Reyes National Seashore in central California. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an IHA to PRBO to incidentally harass, by Level B harassment only, four species of marine mammals during the specified activity from July, 2011 through June, 2012.

DATES: Comments and information must be received no later than June 24, 2011.

ADDRESSES: Comments on the application should be addressed 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. The mailbox address for providing e-mail comments is *ITP.Cody@noaa.gov.* NMFS is not responsible for e-mail comments send to addresses other than the one provided here. Comments sent via e-mail, including all attachments, must not exceed a 10-megabyte file size.

All comments received are a part of the public record and will generally be posted to *http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications* 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.

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*. 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.

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 the 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 (where relevant). 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 requirements pertaining to the mitigation, 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 January 10, 2011, from PRBO requesting the taking by harassment, of small numbers of marine mammals, incidental to conducting seabird and pinniped research activities on Southeast Farallon Island, Año Nuevo Island, and Point Reyes National Seashore in central California (CA). PRBO, along with partners Oikonos Ecosystem Knowledge

and Point Reyes National Seashore, plan to conduct the proposed activities for one year. NMFS reviewed PRBO's application and identified a number of issues requiring further clarification. After addressing comments from NMFS, PRBO modified its application and submitted a revised application on February 23, 2011. NMFS determined that application complete and adequate on April 18, 2011.

PRBO's proposed research activities involve monitoring and censusing seabird colonies; observing seabird nesting habitat; restoring nesting burrows; observing breeding elephant seals, and resupplying a field station. The proposed activities would occur in the vicinity of pinniped haul out sites located on Southeast Farallon Island (37°41′54.32″ N, 123°0′8.33″ W), Año Nuevo Island (37°6′29.25″ N, 122°20′12.20″ W), or within Point Reyes National Seashore (37°59′38.61″ N, 122°58′24.90″ W) in Central CA.

Acoustic and visual stimuli generated by: (1) Noise generated by motorboat approaches and departures; (2) noise generated during restoration activities and loading operations while resupplying the field station; and (3) human presence during seabird and pinniped research activities, may have the potential to cause California sea lions (*Zalophus californianus*), Pacific harbor seals (*Phoca vitulina*), northern elephant seals (*Mirounga angustirostris*), and Steller sea lions (*Eumetopias jubatus*) hauled out on Southeast Farallon Island, Año Nuevo Island, or Point Reyes National Seashore to flush into the surrounding water or to cause a short-term behavioral disturbance for marine mammals in the proposed areas. These types of disturbances are the principal means of marine mammal taking associated with these activities and PRBO has requested an authorization to take 5,104 California sea lions, 526 harbor seals, 190 northern elephant seals, and 20 Steller sea lions (*Eumetopias jubatus*) by Level B harassment only.

To date, NMFS has issued three 1-year IHAs to PRBO for the conduct of the same activities from 2007 to 2010. This is PRBO's fourth request for an IHA and the monitoring results from the 2008–2009 IHA appear in the Proposed Monitoring section of this notice.

Description of the Specified Geographic Region

The proposed action area consists of the following three locations in the northeast Pacific Ocean:

South Farallon Islands

The South Farallon Islands (SFI) consist of Southeast Farallon Island (SEFI) located at 37°41′54.32″ N, 123°0′8.33″ W and West End Island (WEI). These two islands are directly adjacent to each other and separated by only a 30-foot (ft) (9.1 meter (m)) channel. The SFI have a land area of approximately 120 acres (0.49 square kilometers (km)) and are part of the Farallon National Wildlife Refuge. The islands are located near the edge of the continental shelf 28 miles (mi) (45.1 km) west of San Francisco, CA, and lie within the waters of the Gulf of the Farallones National Marine Sanctuary (NMS).

Año Nuevo Island

Año Nuevo Island (ANI) located at 37°6′29.25″ N, 122°20′12.20″ W is one-quarter mile (402 m) offshore of Año Nuevo Point in San Mateo County, CA. This small 25-acre (0.1 square km) island is part of the Año Nuevo State Reserve, all of which is owned and operated by California State Parks. ANI lies within the Monterey Bay NMS and the newly established Año Nuevo State Marine Conservation Area.

Point Reyes National Seashore

Point Reyes National Seashore (PRNS) located is approximately 40 miles (64.3 km) north of San Francisco Bay and also lies within the Gulf of the Farallones NMS. The proposed research areas (Life Boat Station, Drakes Beach, and Point Bonita) are within the headland coastal areas of the national park.

Description of the Specified Activity

Seabird Research on SEFI

PRBO proposes to conduct: (1) Daily observations of seabird colonies at a maximum frequency of three 15-minute (min) visits per day; and (2) conduct daily observations of breeding common murres (*Uria aalge*) at a maximum frequency of one 5-hour visit per day between July, 2011 and June, 2012. These activities usually involve one or two observers conducting daily censuses of seabirds or conducting mark/recapture studies of breeding seabirds on SEFI. The researchers plan to access the island's two landing areas, the North Landing and the East Landing, by 14 to 18 ft (4.3 to 5.5 m) open motorboats which are hoisted onto the island using a derrick system and then travel by foot to coastal areas of the island to view breeding seabirds from behind an observation blind.

The potential for incidental take related to the mark/recapture studies is very low as these activities are conducted within the interior of the island away from the intertidal areas where the pinnipeds haul out. Most potential for incidental take would occur when the researchers approach or depart the intertidal area by motorboat or when the researchers walk within 50 ft (15.2 m) of the haulout areas to enter the observation blinds to observe shorebirds.

Field Station Resupply on SEFI

PRBO proposes to resupply the field station once every two weeks at a maximum frequency of 26 visits. Resupply activities involve personnel approaching either the North Landing or East Landing by motorboat. At East Landing—the primary landing site—all personnel assisting with the landing would stay on the loading platform approximately 30 ft (9.1 m) above the water. At North Landing, loading operations would occur at the water level in the intertidal areas. Most potential for incidental take would occur when the researchers approach the area by motorboat or when the researchers load or unload supplies onshore.

Seabird Research on Año Nuevo Island (ANI)

PRBO, in collaboration with Oikonos—Ecosystem Knowledge, proposes to monitor seabird burrow nesting habitat quality and to conduct habitat restoration at a maximum frequency of 20 visits per year. This activity involves two to three researchers accessing the north side of the island by a 12 ft (3.7 m) Zodiac boat. Once onshore, the researchers will check subterranean nest boxes and restore any nesting habitat for approximately 15 min.

Most potential for incidental take would occur at the landing beach on the north side of the island when the researchers arrive and depart to check the boxes. Non-breeding pinnipeds may occasionally be present, including California sea lions that may be hauled out near a small group of subterranean seabird nest boxes on the island terrace. In both locations researchers are located more than 50 ft (15.2 m) away from any pinnipeds which may be hauled out.

Seabird Research on Point Reyes National Seashore (PRNS)

The National Park Service in collaboration with PRBO monitors seabird breeding and roosting colonies; conducts habitat restoration; removes non-native plants; monitors intertidal areas; maintains coastal dune habitat. Seabird monitoring usually involves one or two observers conducting the survey

by small boats (12 to 22 ft; 3.6 to 6.7 m) along the PRNS shoreline. Researchers would visit the site at a maximum frequency of 20 times per year, with an emphasis on increasing monitoring during the nesting season. Researchers would conduct occasional, intermittent visits during the rest of the year.

A majority of the research occurs in areas where marine mammals are not present. However, the potential for incidental harassment will occur at the landing beaches along Point Reyes Headland, boat ramps, or parking lots where northern elephant seals, harbor seals, or California sea lions may be hauled out in the vicinity.

Pinniped Research on West End Island (WEI)

Pinniped research activities involve surveying breeding northern elephant seals on WEI between early December and late February. At least three researchers would visit the site at a maximum frequency of five times per year. To conduct the census, the researchers would travel by foot approximately 1,500 ft (457.2 m) above the site to conduct the census. Historically, a few juvenile Steller sea lions may haul out on a spit of rocks called Shell Beach Rocks below the transit path to the northern elephant seal haul out. Thus, the potential for incidental harassment of Steller sea lions may occur when the researchers transit above Shell Beach Rocks.

NMFS expects that acoustic and visual stimuli resulting from the proposed motorboat operations and human presence has the potential to harass marine mammals, incidental to the conduct of the proposed activities. NMFS expects these disturbances to be temporary and 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.

Description of the Marine Mammals in the Area of the Proposed Specified Activity

The marine mammals most likely to be harassed incidental to conducting seabird and pinniped research at the proposed research areas on SEFI, ANI, and PRNS are primarily California sea lions, northern elephant seals, Pacific harbor seals, and to a lesser extent the eastern distinct population of the Steller sea lion which is listed as endangered under the U.S. Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*)

General information of these species can be found in Caretta *et al.,* (2010) and Allen and Angliss (2010) and is available at the following URLs: *http://www.nmfs.noaa.gov/pr/pdfs/sars/po2010_draft.pdf* and *http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2010_draft.pdf* respectively. Refer to these documents for information on these species. Additional information on these species is presented below this section.

Northern Elephant Seal

Northern elephant seals are not listed as threatened or endangered under the ESA, nor are they categorized as depleted under the MMPA. The northern elephant breeding population is distributed from central Baja California, Mexico, to the Point Reyes Peninsula in northern California. Along this coastline there are 13 major breeding colonies.

Populations of northern elephant seals in the U.S. and Mexico were all originally derived from a few tens or a few hundreds of individuals surviving in Mexico after being nearly hunted to extinction (Stewart *et al.,* 1994). Given the very recent derivation of most rookeries, no genetic differentiation would be expected. Although movement and genetic exchange continues between rookeries, most elephant seals return to their natal rookeries when they start breeding (Huber *et al.,* 1991). The California breeding population is now demographically isolated from the Baja California population. No international agreements exist for the joint management of this species by the U.S. and Mexico. The California breeding population is considered to be a separate stock (Caretta *et al.,* 2010).

A complete population count of elephant seals is not possible because all age classes are not ashore at the same time. Elephant seal population size is typically estimated by counting the number of pups produced and multiplying by the inverse of the expected ratio of pups to total animals (McCann, 1985). Stewart *et al.,* (1994) used McCann's multiplier of 4.5 to extrapolate from 28,164 pups to a population estimate of 127,000 elephant seals in the U.S. and Mexico in 1991. The multiplier of 4.5 was based on a non-growing population. Boveng (1988) and Barlow *et al.* (1993) suggest that a multiplier of 3.5 is more appropriate for a rapidly growing population such as the California stock of elephant seals. Based on the estimated 35,549 pups born in California in 2005 and this 3.5 multiplier, the California stock was approximately 124,000 in 2005.

At Point Reyes, the population grew at 32.8 percent per year between 1988 and 1997 (Sydeman and Allen, 1999) and around 10 percent per year since 2000 (S. Allen, unpubl. data), and in 2006 around 700 pups were born at three primary breeding areas. The population on the Farallon Islands has declined by 3.4 percent per year since 1983, and in recent years numbers have fluctuated between 100 and 200 pups (W. Sydeman, D. Lee, unpubl. data). Observers first sighted elephant seals on Año Nuevo Island in 1955 and today the population ranges from 900 to 1,000 adults (M. Lowry, unpubl. data).

Elephant seals congregate in central California to breed from late November to March. Females typically give birth to a single pup and attend the pup for up to six weeks. Breeding occurs after the pup is weaned by attending males. After breeding, seals migrate to the Gulf of Alaska or deeper waters in the eastern Pacific. Adult females and juveniles return to terrestrial colonies to molt in April and May, and males return in June and July to molt, remaining onshore for around three weeks.

California Sea Lion

California sea lions are not listed as threatened or endangered under the ESA, nor are they categorized as depleted under the MMPA. The California sea lion includes three subspecies: *Z. c. wollebaeki* (on the Galapagos Islands), *Z. c. japonicus* (in Japan, but now thought to be extinct), and *Z. c. californianus* (found from southern Mexico to southwestern Canada; herein referred to as the California sea lion). The subspecies is comprised of three stocks: (1) The U.S. stock, beginning at the U.S./Mexico border extending northward into Canada; (2) the western Baja California stock, extending from the U.S./Mexico border to the southern tip of the Baja California peninsula; and (3) the Gulf of California stock, which includes the Gulf of California from the southern tip of the Baja California peninsula and across to the mainland and extends to southern Mexico (Lowry *et al.,* 1992).

In 2009, the estimated population of the U.S. stock of California sea lion ranged from 141,842 to 238,000 animals and the maximum population growth rate was 6.52 percent when pup counts from El Niño years (1983, 1984, 1992, 1993, 1998, and 2003) were removed (Carretta *et al.,* 2010).

Major rookeries for the California sea lion exist on the Channel Islands off southern California and on the islands situated along the east and west coasts of Baja California. Males are polygamous, establishing breeding territories that may include up to fourteen females. They defend their territories with aggressive physical displays and vocalization. Sea lions reach sexual maturity at four to five

years old and the breeding season lasts from May to August. Most pups are born from May through July and weaned at 10 months old.

The U.S. stock of California sea lion is the only stock present in the proposed research area and in recent years, California sea lions have begun to breed annually in small numbers at Southeast Farallon and Año Nuevo Islands.

On the Farallon Islands, California sea lions haul out in many intertidal areas year round, fluctuating from several hundred to several thousand animals. California sea lions at PRNS haul out at only a few locations, but will occur on human structures such as boat ramps. The annual population averages around 300 to 500 during the fall through spring months, although on occasion, several thousand sea lions can arrive depending upon local prey resources (S. Allen, unpublished data). On Año Nuevo Island, California sea lions may haul out at one of eight beach areas on the perimeter of the island (see Figure 2 in the Application). The island's average population ranges from 4,000 to 9,500 animals (M. Lowry, unpublished data).

Pacific Harbor Seal

Pacific harbor seals are not listed as threatened or endangered under the ESA, nor are they categorized as depleted under the MMPA. The animals inhabit near-shore coastal and estuarine areas from Baja California, Mexico, to the Pribilof Islands in Alaska. Pacific harbor seals are divided into two subspecies: *P. v. stejnegeri* in the western North Pacific, near Japan, and *P. v. richardsi* in the northeast Pacific Ocean. The latter subspecies, recognized as three separate stocks, inhabits the west coast of the continental United States, including: The outer coastal waters of Oregon and Washington states; Washington state inland waters; and Alaska coastal and inland waters. Two of these stocks, the California stock and Oregon/Washington coast stock, of Pacific harbor seals are identified off the coast of Oregon and California for management purposes under the MMPA. However, the stock boundary is difficult to distinguish because of the continuous distribution of harbor seals along the west coast and any rigid boundary line is (to a greater or lesser extent) arbitrary, from a biological perspective (Carretta *et al.*, 2010).

In 2009, the estimated population of the California of Pacific harbor seals ranged from 31,600 to 34,233 animals and the maximum population growth rate was 3.5 percent. The estimated population of the Oregon/Washington coast stocks was 24,732 animals (Carretta *et al.*, 2010).

In California, over 500 harbor seal haulout sites are widely distributed along the mainland and offshore islands, and include rocky shores, beaches and intertidal sandbars (Lowry *et al.*, 2005). On the Farallon Islands, approximately 40 to 120 Pacific harbor seals haul out in the intertidal areas (PRBO unpublished data). Harbor seals at PRNS haul out at nine locations with an annual population of up to 4,000 animals (M. Lowry, unpublished data). On Año Nuevo Island, harbor seals may haul out at one of eight beach areas on the perimeter of the island (see Figure 2 in PRBO's Application) and the island's average population ranges from 100 to 150 animals (M. Lowry, unpublished data).

Harbor seals mate at sea and females give birth during the spring and summer, although, the pupping season varies with latitude. Pups are nursed for an average of 24 days and are ready to swim minutes after being born. Harbor seal pupping takes place at many locations and rookery size varies from a few pups to many hundreds of pups.

Steller Sea Lion

The Steller sea lion eastern stock is listed as threatened under the ESA and is categorized as depleted under the MMPA. Steller sea lions range along the North Pacific Rim from northern Japan to California (Loughlin *et al.*, 1984), with centers of abundance and distribution in the Gulf of Alaska and Aleutian Islands, respectively. Two separate stocks of Steller sea lions were recognized within U.S. waters: An eastern U.S. stock, which includes animals east of Cape Suckling, Alaska (144° W), and a western U.S. stock, which includes animals at and west of Cape Suckling (Loughlin, 1997). The species is not known to migrate, but individuals disperse widely outside of the breeding season (late May through early July), thus potentially intermixing with animals from other areas.

In 2008, the estimated population of the eastern U.S. stock ranged from 44,404 to 55,832 animals and the maximum population growth rate was 3.1 percent (Angliss and Allen, 2010).

The eastern U.S. stock of Steller sea lions breeds on rookeries located in southeast Alaska, British Columbia, Oregon, and California; there are no rookeries located in Washington state. Counts of pups on rookeries conducted near the end of the birthing season are nearly complete counts of pup production.

Despite the wide-ranging movements of juveniles and adult males in particular, exchange between rookeries by breeding adult females and males (other than between adjoining rookeries) appears low, although males have a higher tendency to disperse than females (NMFS 1995, Trujillo *et al.*, 2004, Hoffman *et al.*, 2006). A northward shift in the overall breeding distribution has occurred, with a contraction of the range in southern California and new rookeries established in southeastern Alaska (Pitcher *et al.*, 2007).

The current population of eastern Steller sea lions in the proposed research area is estimated to number between 50 and 750 animals. The PRBO estimates that between 50 and 150 Steller sea lions live on the Farallon Islands, and the NMFS Southwest Fisheries Science Center (SWFSC) estimates between 400 and 600 live on ANI (PRBO unpublished data, 2008; SWFSC unpublished data, 2008).

On SEFI, the abundance of females declined an average of 3.6 percent per year from 1974 to 1997 (Sydeman and Allen, 1999). Pup counts at ANI declined 5 percent annually through the 1990s (NOAA Stock Assessment, 2003), and have apparently stabilized between 2001 and 2005 (M. Lowry, SWFSC unpublished data).

In 2000, the combined pup estimate for both islands was 349. In 2005, the pup estimate was 204 on ANI. Pup counts on the Farallon Islands have generally varied from five to 15 (Hastings and Sydeman, 2002; PRBO unpublished data). Pups have not been born at Point Reyes Headland since the 1970s and Steller sea lions are seen in very low numbers there currently (S. Allen, unpubl. data).

Steller sea lions give birth in May through July and breeding commences a couple of weeks after birth. Pups are weaned during the winter and spring of the following year.

Other Marine Mammals in the Proposed Action Area

California (southern) sea otters (*Enhydra lutris nereis*), listed as threatened under the ESA and categorized as depleted under the MMPA, usually range in coastal waters within two km of shore. PRBO has not encountered California sea otters on Southeast Farallon Island, Año Nuevo Island, or Point Reyes National Seashore during the course of seabird or pinniped research activities over the past three years. This species is managed by the U.S. Fish and Wildlife Service and is not considered further in this proposed IHA notice.

Potential Effects on Marine Mammals

Acoustic and visual stimuli generated by: (1) Motorboat operations; and (2) the

appearance of researchers may have the potential to cause Level B harassment of any pinnipeds hauled out on Southeast Farallon Island, Año Nuevo Island, or Point Reyes National Seashore. The effects of sounds from motorboat operations and the appearance of researchers might include hearing impairment or behavioral disturbance (Southall, *et al.*, 2007).

Hearing Impairment

Marine mammals produce sounds in various important contexts—social interactions, foraging, navigating, and to responding to predators. The best available science suggests that pinnipeds have a functional aerial hearing sensitivity between 75 hertz (Hz) and 75 kilohertz (kHz) and can produce a diversity of sounds, though generally from 100 Hz to several tens of kHz (Southall, *et al.*, 2007).

Exposure to high intensity sound for a sufficient duration may result in auditory effects such as a noise-induced threshold shift—an increase in the auditory threshold after exposure to noise (Finneran, Carder, Schlundt, and Ridgway, 2005). Factors that influence the amount of threshold shift include the amplitude, duration, frequency content, temporal pattern, and energy distribution of noise exposure. The magnitude of hearing threshold shift normally decreases over time following cessation of the noise exposure. The amount of threshold shift just after exposure is called the initial threshold shift. If the threshold shift eventually returns to zero (i.e., the threshold returns to the pre-exposure value), it is called temporary threshold shift (TTS) (Southall *et al.*, 2007).

Pinnipeds have the potential to be disturbed by airborne and underwater noise generated by the small boats equipped with outboard engines (Richardson, Greene, Malme, and Thomson, 1995). However, there is a dearth of information on acoustic effects of motorboats on pinniped hearing and communication and to NMFS' knowledge; there has been no specific documentation of hearing impairment in free-ranging pinnipeds exposed to small motorboats during realistic field conditions.

Behavioral Disturbance

Disturbances resulting from human activity can impact short- and long-term pinniped haul out behavior (Renouf *et al.*, 1981; Schneider and Payne, 1983; Terhune and Almon, 1983; Allen *et al.*, 1984; Stewart, 1984; Suryan and Harvey, 1999; Mortenson *et al.*, 2000; and Kucey and Trites, 2006). Disturbance includes a variety of effects, including subtle to conspicuous changes in behavior, movement, and displacement. Reactions to sound, if any, depend on species, state of maturity, experience, current activity, reproductive state, time of day, and many other factors (Richardson *et al.*, 1995; Wartzok *et al.*, 2004; Southall *et al.*, 2007; Weilgart, 2007). However, if a sound source displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on individuals and populations could be significant (*e.g.*, Lusseau and Bejder, 2007; Weilgart, 2007).

Numerous studies have shown that human activity can flush harbor seals off haul out sites (Allen *et al.*, 1984; Calambokidis *et al.*, 1991; Suryan and Harvey, 1999; and Mortenson *et al.*, 2000). The Hawaiian monk seal (*Monachus schauinslandi*) has been shown to avoid beaches that have been disturbed often by humans (Kenyon, 1972). And in one case, human disturbance appeared to cause Steller sea lions to desert a breeding area at Northeast Point on St. Paul Island, Alaska (Kenyon, 1962).

In 1997, Henry and Hammil (2001) conducted a study to measure the impacts of small boats *(i.e.*, kayaks, canoes, motorboats and sailboats) on harbor seal haulout behavior in Métis Bay, Quebec, Canada. During that study, the authors noted that the most frequent disturbances (n=73) were caused by lower speed, lingering kayaks and canoes (33.3 percent) as opposed to motorboats (27.8 percent) conducting high speed passes. The seal's flight reactions could be linked to a surprise factor by kayaks-canoes which approach slowly, quietly and low on water making them look like predators. However, the authors note that once the animals were disturbed, there did not appear to be any significant lingering effect on the recovery of numbers to their pre-disturbance levels. In conclusion, the study showed that boat traffic at current levels has only a temporary effect on the haulout behavior of harbor seals in the Métis Bay area.

In 2004, Johnson and Acevedo-Gutierrez (2007) evaluated the efficacy of buffer zones for watercraft around harbor seal haulout sites on Yellow Island, Washington state. The authors estimated the minimum distance between the vessels and the haul-out sites; categorized the vessel types; and evaluated seal responses to the disturbances. During the course of the seven-weekend study, the authors recorded 14 human-related disturbances which were associated with stopped powerboats and kayaks. During these events, hauled out seals became noticeably active and moved into the water. The flushing occurred when stopped kayaks and powerboats were at distances as far as 453 and 1,217 ft (138 and 371 m) respectively. The authors note that the seals were unaffected by passing powerboats, even those approaching as close as 128 ft (39 m), possibly indicating that the animals had become tolerant of the brief presence of the vessels and ignored them. The authors reported that on average, the seals quickly recovered from the disturbances and returned to the haulout site in less than or equal to 60 min. Seal numbers did not return to pre-disturbance levels within 180 min. of the disturbance less than one quarter of the time observed. The study concluded that the return of seal numbers to pre-disturbance levels and the relatively regular seasonal cycle in abundance throughout the area counter the idea that disturbances from powerboats may result in site abandonment (Johnson and Acevedo-Gutierrez, 2007).

As a general statement from the available information, pinnipeds exposed to intense (approximately 110 to 120 decibels re: 20 μPa) non-pulse sounds often leave haulout areas and seek refuge temporarily (minutes to a few hours) in the water (Southall *et al.*, 2007). Based on the available data, previous monitoring reports from PRBO, and studies described here, any pinnipeds found in the vicinity of the proposed project are only anticipated to have short-term behavioral reactions to the noise attributed to PRBO's motorboat operations and human presence related to the seabird and pinniped research. NMFS would expect the pinnipeds to return to a haulout site within 60 min. of the disturbance (Allen *et al.*, 1985). The effects to pinnipeds appear at the most, to displace the animals temporarily from their haul out sites and NMFS does not expect that the pinnipeds would permanently abandon a haul-out site during the conduct of the proposed research. The maximum disturbance to Steller sea lions would result in the animals flushing into the water in response to presence of the researchers.

Finally, no research activities would occur on pinniped rookeries and breeding animals are concentrated in areas where researchers would not visit. Therefore, NMFS does not expect mother and pup separation or crushing of pups to occur.

The potential effects to marine mammals described in this section of the document do not take into consideration the proposed monitoring and mitigation measures described later

in this document (see the "Proposed Mitigation" and "Proposed Monitoring and Reporting" sections) which, as noted, are designed to effect the least practicable adverse impact on affected marine mammal species and stocks.

Anticipated Effects on Habitat

NMFS does not anticipate that the proposed operations would result in any temporary or permanent effects on the habitats used by the marine mammals in the proposed area, including the food sources they use (*i.e.*. fish and invertebrates). NMFS does not anticipate that there would be any physical damage to any habitat. While NMFS anticipates that the specified activity may result in marine mammals avoiding certain areas due to temporary ensonification and human presence, this impact to habitat is temporary and reversible which NMFS considered in further detail earlier in this document, as behavioral modification.

Proposed 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.

PRBO has based the mitigation measures described herein, to be implemented for the proposed seabird and pinniped research activities, on the following: (1) Protocols used during previous PRBO seabird and pinniped research activities as approved by NMFS; (2) recommended best practices in Richardson *et al.* (1995); (3) the Terms and Conditions of Scientific Research Permit 373–1868–00; and (4) the Terms and Conditions listed in the Incidental Take Statement for NMFS' 2008 Biological Opinion for these activities.

To reduce the potential for disturbance from acoustic and visual stimuli associated with the activities PRBO and/or its designees has proposed to implement the following mitigation measures for marine mammals:

(1) Abide by all of the Terms and Conditions listed in the Incidental Take Statement for NMFS' 2008 Biological Opinion, including: Monitoring for offshore predators and reporting on observed behaviors of Steller sea lions in relation to the disturbance.

(2) Abide by the Terms and Conditions of Scientific Research Permit 373–1868–00.

(3) Postpone beach landings on Año Nuevo Island until pinnipeds that may be present on the beach have slowly entered the water.

(4) Select a pathway of approach to research sites that minimizes the number of marine mammals harassed, with the first priority being avoiding the disturbance of Steller sea lions at haul-outs.

(5) Avoid visits to sites used by pinnipeds for pupping.

(6) Monitor for offshore predators and not approach hauled out Steller sea lions or other pinnipeds if great white sharks (*Carcharodon carcharias*) or killer whales (*Orcinas orca*) are seen in the area. If predators are seen, eastern U.S. stock Steller sea lions or any other pinniped must not be disturbed until the area is free of predators.

(7) Keep voices hushed and bodies low to the ground in the visual presence of pinnipeds.

(8) Conduct seabird observations at North Landing on Southeast Farallon Island in an observation blind, shielded from the view of hauled out pinnipeds.

(9) Crawl slowly to access seabird nest boxes on Año Nuevo Island if pinnipeds are within view.

(10) Coordinate research visits to intertidal areas of Southeast Farallon Island (to reduce potential take) and to coordinate research goals for Año Nuevo Island to minimize the number of trips to the island.

(11) Coordinate monitoring schedules on Año Nuevo Island, so that areas near any pinnipeds would be accessed only once per visit.

(12) Have the lead biologist serve as an observer to evaluate incidental take.

NMFS has carefully evaluated the applicant's proposed 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: (i) The manner in which, and the degree to which, the successful implementation of the measure is expected to minimize adverse impacts to marine mammals; (ii) the proven or likely efficacy of the specific measure to minimize adverse impacts as planned; and (iii) the practicability of the measure for applicant implementation.

Based on our evaluation of the applicant's proposed measures, as well as other measures considered by NMFS or recommended by the public, NMFS has preliminarily determined that the proposed 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.

Proposed Monitoring

Summary of Previous Monitoring

PRBO has complied with the mitigation and monitoring required under the previous authorization for the 2008–2009 seasons. In compliance with the 2008–2009 IHA, PRBO submitted a final report on their activities covering the period of December 12, 2008 through December 11, 2009. During the effective dates of the 2008–2009 IHA, PRBO conducted seabird and pinniped research activities on Southeast Farallon Island, Año Nuevo Island, and Point Reyes National Seashore. PRBO recorded the following behaviors (*i.e.*, alert, moved greater than one meter, or flushed to the water) of marine mammals during the course of the IHA. The total number of potentially harassed California sea lions (991); northern elephant seals (102); harbor seals (93); and Steller sea lions (10) during the conduct of the research activities were, respectively, 67, 78, 62, and 52 percent lower than what NMFS authorized in the IHA. These results support NMFS' original findings that the mitigation measures set forth in the 2008–2009 IHA effected the least practicable adverse impact on the species or stock.

PRBO will submit an annual monitoring report for the 2010–2011 IHA (effective dates, February 19, 2010 through February 18, 2011) by May 19, 2011. Upon receipt, NMFS will post this annual report on the same Internet address.

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.

As part of its 2011 application for an IHA, PRBO provided a proposed monitoring plan for assessing impacts to seals and sea lions from the research

activities. The PRBO researchers will monitor the area for pinnipeds during all research activities. Monitoring activities will consist of conducting and recording observations on pinnipeds within the vicinity of the proposed research areas. The monitoring notes would provide dates, location, species, the researcher's activity, behavioral state, numbers of animals that were alert or moved greater than one meter, and numbers of pinnipeds that flushed into the water.

Proposed Reporting

The PRBO will submit a final monitoring report to the NMFS Director of the Office of Protected Resources no later than 90 days after the expiration of the Incidental Harassment Authorization (IHA), if it is issued. The final report will describe the operations that were conducted and sightings of marine mammals near the proposed project. The report will provide full documentation of methods, results, and interpretation pertaining to all monitoring. The final report will provide:

(i) A summary and table of the dates, times, and weather during all seabird and pinniped research activities.

(ii) Species, number, location, and behavior of any marine mammals, observed throughout all monitoring activities.

(iii) An estimate of the number (by species) of marine mammals that are known to have been exposed to acoustic or visual stimuli associated with the seabird and pinniped research activities.

(iv) A description of the implementation and effectiveness of the monitoring and mitigation measures of the IHA and full documentation of methods, results, and interpretation pertaining to all monitoring.

PRBO will report all injured and 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.

In the unanticipated event that PRBO's activities cause any taking of a marine mammal in a manner prohibited by the IHA, if issued, such as an injury (Level A harassment), serious injury or mortality, PRBO shall postpone the authorized activities and immediately report the incident to the Chief of the Permits, Conservation, and Education Division, Office of Protected Resources and shall submit an incident report to NMFS. The report must include the following information: Time, date, and location (latitude/longitude) of the incident; the name and type of vessel involved; the vessel's speed during the incident; description of the incident; water depth; environmental conditions (*e.g.* wind speed and direction, sea state, cloud cover, and visibility); species identification or description of the animal; the fate of the animal; and photographs or video footage of the animal (if equipment is available). Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS shall work with PRBO to determine whether modifications in the activities are appropriate and necessary. PRBO may not resume their activities until notified by NMFS in writing via a letter or an email or via the telephone.

Estimated Take 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 proposed seabird and pinniped research activities on Southeast Farallon Island, Año Nuevo Island, and Point Reyes National Seashore.

Based on PRBO's previous research experiences, with the same activities conducted in the proposed research area, and on marine mammal research activities in these areas, NMFS estimates that approximately 5,104 California sea lions, 526 harbor seals, 190 northern elephant seals, and 20 Steller sea lions could be potentially affected by Level B behavioral harassment over the course of the proposed IHA. NMFS calculated the take estimates by multiplying three components: (1) The maximum number of animals that could be present; (2) the maximum number of disturbances; and (3) the estimated number of days that an animal could be present in the proposed area. NMFS derived these estimates from the results of the 2008–2009 monitoring report and anecdotal information from PRBO scientists.

TABLE 1—ESTIMATES OF THE POSSIBLE NUMBERS OF MARINE MAMMALS EXPOSED TO ACOUSTIC AND VISUAL STIMULI DURING PRBO'S PROPOSED SEABIRD AND PINNIPED RESEARCH DURING JULY 2011–JUNE2012

Activity	Maximum estimated number present	Maximum estimated number of disturbances	Estimated number of days with animal presence	Requested number of incidental takes
California sea lions: Requested take = 5,104				
SEFI Daily Observations	27	3	E. Landing—15 N. Landing—22 Other Areas—4	E. Landing—1,215 N. Landing—1,782 Other Areas—324
SEFI Murre Research	26	1	Other Areas—17	Other Areas—442
SEFI Field Station Resupply	31	1	E. Landing—13	E. Landing—403
ANI Seabird Monitoring	68	1	Other Areas—12	Other Areas—816
ANI Intermittent Activities	110	1	Other Areas—1	Other Areas—110
PRNS Seabird Monitoring	3	1	Other Areas—4	Other Areas—12
Harbor seals: Requested take = 526				
SEFI Daily Observations	5	3	E. Landing—4 N. Landing—7 Other Areas—18	E. Landing—60 N. Landing—105 Other Areas—270
SEFI Murre Research	2	1	N. Landing—9	N. Landing—18

TABLE 1—ESTIMATES OF THE POSSIBLE NUMBERS OF MARINE MAMMALS EXPOSED TO ACOUSTIC AND VISUAL STIMULI DURING PRBO'S PROPOSED SEABIRD AND PINNIPED RESEARCH DURING JULY 2011–JUNE2012—Continued

Activity	Maximum estimated number present	Maximum estimated number of disturbances	Estimated number of days with animal presence	Requested number of incidental takes
SEFI Field Station Resupply	12	1	E. Landing—2 N. Landing—2	E. Landing—24 N. Landing—24
ANI Seabird Monitoring	2	1	Other Areas—5	Other Areas—10
PRNS Seabird Monitoring	15	1	Other Areas—1	Other Areas—15
Northern elephant seals: Requested take = 190				
SEFI Daily Observations	2	3	E. Landing—4 N. Landing—7	E. Landing—24 N. Landing—42
SEFI Murre Research	4	1	N. Landing—5	N. Landing—20
SEFI Field Station Resupply	2	1	E. Landing—1	E. Landing—2
ANI Seabird Monitoring	10	1	Other Areas—10	Other Areas—100
PRNS Seabird Monitoring	2	1	Other Areas—1	Other Areas—2
Steller sea lions: Requested take = 20				
SEFI Daily Observations	2	3	Other Areas—1	Other Areas—6
SEFI Murre Research	9	1	Other Areas—1	Other Areas—9
SEFI Field Station Resupply	1	1	E. Landing—1	E. Landing—1
ANI Seabird Monitoring	1	1	Other Areas—2	Other Areas—2
ANI Intermittent Activities	1	1	Other Areas—1	Other Areas—1
PRNS Seabird Monitoring	1	1	Other Areas—1	Other Areas—1

Other Areas: Elephant Seal Colony (SEFI), Sea Lion Cove (SEFI), Landing Cove (ANI), and Drakes Beach (PRNS).

Estimates of the numbers of marine mammals that might be affected are based on consideration of the maximum number of marine mammals that could be disturbed by approximately 1,908 visits to SEFI, ANI, and PRNS during the course of the proposed activity. These incidental harassment numbers represent approximately two percent of the U.S. stock of California sea lion, 1.5 percent of the California stock of Pacific harbor seal, 0.15 percent of the California breeding stock of northern elephant seal, and 0.04 percent of the eastern U.S. stock of Steller sea lion. For each species, these numbers are small relative to the population size.

NMFS expects all of the potential takes to be Level B behavioral harassment only. Because of the required mitigation measures and the likelihood that some pinnipeds will avoid the area, no injury or mortality to pinnipeds is expected or requested.

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 four 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 or equal to two percent) relative to the population size.

NMFS does not anticipate takes by Level A harassment, serious injury, or mortality to occur as a result of PRBO's proposed activities, and none are authorized. These species may exhibit behavioral modifications, including temporarily vacating the area during the proposed seabird and pinniped research activities to avoid the resultant acoustic and visual disturbances. However, NMFS anticipates only short-term behavioral disturbance to occur due to the short and sporadic duration of the research activities, the availability of alternate areas for marine mammals to avoid the resultant acoustic and visual disturbances; and limited access of PRBO researchers to Southeast Farallon Island, Año Nuevo Island, and Point Reyes National Seashore during the pupping season. Due to the nature, degree, and context of the behavioral harassment anticipated, the proposed activities are not expected to impact rates of recruitment or survival.

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 preliminarily finds that the impact of conducting proposed seabird and pinniped research activities on Southeast Farallon Island, Año Nuevo Island, and Point Reyes National Seashore in central California, July, 2011 through June, 2012, would result in the incidental take of small numbers of marine mammals, by Level B behavioral harassment only, and that the total taking from PRBO's proposed activities would have a negligible impact on the affected species or stocks; and that impacts to affected species or stocks of marine mammals would be mitigated to the lowest level practicable.

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

The Steller sea lion, eastern U.S. stock is listed as threatened under the ESA and occurs in the research area. NMFS Headquarters' Office of Protected Resources, Permits, Conservation, and

Education Division conducted a formal section 7 consultation under the ESA. On November 18, 2008, NMFS issued a Biological Opinion (2008 BiOp) and concluded that the issuance of an IHA is likely to affect, but not likely to jeopardize the continued existence of Steller sea lions. NMFS has also issued an incidental take statement (ITS) for Steller sea lions pursuant to section 7 of the ESA. The ITS contains reasonable and prudent measures for implementing terms and conditions to minimize the effects of this take. NMFS has reviewed the 2008 BiOp and determined that there is no new information regarding effects to Steller sea lions; the action has not been modified in a manner which would cause adverse effects not previously evaluated; there has been no new listing of species or no new designation of critical habitat that could be affected by the action; and the action will not exceed the extent or amount of incidental take authorized in the 2008 BiOp. Therefore, the proposed IHA does not require the reinitiation of Section 7 consultation under the ESA.

National Environmental Policy Act (NEPA)

To meet NMFS' NEPA requirements for the issuance of an IHA to PRBO, NMFS prepared an Environmental Assessment (EA) in 2007 that was specific to seabird research activities on SEFI, WEI, ANI, and PRNS and evaluated the impacts on the human environment of NMFS' authorization of incidental Level B harassment resulting from seabird research in Central California. At that time, NMFS determined that conducting the seabird research would not have a significant impact on the quality of the human environment and issued a Finding of No Significant Impact (FONSI) and, therefore, it was not necessary to prepare an environmental impact statement for the issuance of an IHA to PRBO for this activity. In 2008, NMFS prepared a supplemental EA (SEA) titled "Supplemental Environmental Assessment for the Issuance of an Incidental Harassment Authorization to Take Marine Mammals by Harassment Incidental to Conducting Seabird and Pinniped Research in Central California and Environmental Assessment for the Continuation of Scientific Research on Pinnipeds in California Under Scientific Research Permit 373–1868–00," to address new available information regarding the effects of PRBO's seabird and pinniped research activities that may have cumulative impacts to the physical and biological environment. At that time, NMFS concluded that issuance of an IHA for the December 2008 through 2009 season would not significantly affect the quality of the human environment and issued a FONSI for the 2008 SEA regarding PRBO's activities. In conjunction with this year's application, NMFS has again reviewed the 2007 EA and the 2008 SEA and determined that there are no new direct, indirect or cumulative impacts to the human and natural environment associated with the IHA requiring evaluation in a supplemental EA and NMFS, therefore, reaffirms the 2008 FONSI. A copy of the EA, SEA, and the NMFS FONSI for this activity is available upon request (see **ADDRESSES**).

Dated: May 20, 2011.

James H. Lecky,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2011–12978 Filed 5–24–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Army

Real Property Master Plan Programmatic Environmental Impact Statement, at Yuma Proving Ground, Arizona

AGENCY: Department of the Army, DoD.

ACTION: Notice of Intent.

SUMMARY: The Department of the Army intends to prepare a Programmatic Environmental Impact Statement (PEIS) to analyze the environmental impacts resulting from adoption and implementation of a Real Property Master Plan (RPMP), including test areas and training activities at Yuma Proving Ground.

ADDRESSES: For questions concerning the RPMP PEIS, please contact Mr. Sergio Obregon, U.S. Army Garrison Yuma Proving Ground, National Environmental Policy Act Coordinator, IMWE–YMA–PWE, 301 C Street, Yuma, AZ 85365–9498. Written comments may be mailed to that address or e-mailed to *ypgnepa@conus.army.mil.*

FOR FURTHER INFORMATION CONTACT: Mr. Chuck Wullenjohn, Yuma Proving Ground Public Affairs Office, at (928) 328–6189 Monday through Thursday from 6:30 a.m. to 5 p.m., Mountain Standard Time.

SUPPLEMENTARY INFORMATION: Yuma Proving Ground consists of approximately 840,000 acres of DoD-managed land in the Sonoran Desert in southwestern Arizona and occupies portions of Yuma and La Paz counties. The mission at Yuma Proving Ground is ensuring the readiness of U. S. forces and materiel to perform in hot arid conditions around the world. This requires rigorous testing of ground and aerial vehicles, weapons, munitions, sensors, and guidance systems and realistic training. The U.S. has been engaged in hostile conflicts in environments similar to those found at Yuma Proving Ground, resulting in a need for increased testing of existing and developing military equipment, vehicles, and munitions under these environmental conditions. To meet these needs, the U.S. Army intends to prepare a RPMP PEIS at Yuma Proving Ground to analyze potential impacts from new construction, changes in testing and training, and activities conducted under private industry partnerships. Renewable energy initiatives will also be discussed in the PEIS, but project-specific NEPA analysis will be required prior to implementing specific renewable energy initiatives.

Alternatives will consist of alternative siting locations for certain activities within Yuma Proving Ground and different magnitudes of implementation with regard to spatial extent of potential impacts and frequency and duration of specific events. The EIS will also analyze the No Action Alternative, under which no new construction would occur and there would be no changes in testing and training activities conducted at Yuma Proving Ground.

No changes are proposed to activities conducted at off-post areas in Arizona and California that are used for specific testing activities under conditions not found at Yuma Proving Ground. Therefore, these areas would not be considered in the development of alternatives for the RPMP PEIS.

All activities under consideration would be conducted within the boundaries of the installation. Resource areas that may be impacted include air quality, airspace, traffic, noise, water resources, biological resources, cultural resources, socioeconomics, utilities, land use, and solid and hazardous materials/waste. Impacts to these resources may occur as a result of converting existing land use to support military testing and training or from increasing the scope or magnitude of testing and training activities. The analysis will also consider the potential for cumulative environmental effects.

The public will be invited to participate in the scoping process to provide input on the proposed action and alternatives, which will be evaluated in the PEIS. After publication of the Notice of Intent to prepare the PEIS, the Army will schedule at least two public meetings to provide information about the proposed action

and alternatives and to solicit input and feedback from the public on issues to be addressed in the PEIS. Meetings will be announced in local media. The public will also be invited to review and comment on the Draft PEIS when it is released. Comments from the public will be considered before any decision is made regarding implementing the proposed action.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2011–12914 Filed 5–24–11; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Public Scoping Meeting and Preparation of Environmental Impact Statement for Luce Bayou Interbasin Transfer Project in Liberty County and Harris County, TX

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers, Galveston District, has received a permit application for a Department of the Army Permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344) from the Coastal Water Authority (SWG–2009–00188) for the proposed Coastal Water Authority's Luce Bayou Interbasin Transfer Project located in eastern Liberty County with the 26.5-mile corridor extending southwestward from the Trinity River to a discharge point near the confluence of Luce Bayou with Lake Houston. The primary Federal involvement associated with the proposed action is the discharge or dredged or fill material into waters of the United States, including jurisdictional wetlands, and the construction of structures that may affect navigable waters. Federal authorizations for the proposed project would constitute a "major federal action." Based on the potential impacts, both individually and cumulatively, the Corps intends to prepare an Environmental Statement (EIS) in compliance with the National Environmental Policy Act to render a final decision on the permit applications.

The Corps' decision will be to either issue, issue with modification or deny Department of the Army permits for the proposed action. The EIS will assess the potential social, economic and environmental impacts of the construction and operation of the interbasin conveyance, associated facilities, and appurtenances and is intended to be sufficient in scope to address Federal, State and local requirements, environmental issues concerning the proposed action, and permit reviews.

DATES: The scoping period will commence with the publication of this notice. The formal scoping period will end 60 days after the publication of this notice. Comments regarding issues relative to the proposed project should be received.

ADDRESSES: You may submit comments by any of the following methods: *Mail:* Jayson M. Hudson, U.S. Army Corps of Engineers, Regulatory Branch, P.O. Box 1229, Galveston, TX 77553–1229; *Fax:* (409) 766–3931 or *E-mail: Jayson.m.hudson@usace.army.mil.* Emailed comments, including attachments, should be provided in .doc, .docx, .pdf or .txt formats. Documents pertinent to the proposed project may be examined at *http://www.swg.usace.army.mil/reg/eis.asp.*

FOR FURTHER INFORMATION CONTACT: Mr. Jayson Hudson, (409) 766–3108.

SUPPLEMENTARY INFORMATION: The Galveston District intends to prepare a DEIS on the proposed Luce Bayou Interbasin Transfer Project which is the proposed transfer of water from the Trinity River in Liberty County to Lake Houston in Harris County, TX. The Coastal Water Authority proposed this project and is the applicant for the Department of the Army permit (DA) SWG–2009–00188.

1. *Project Background:* The Coastal Water Authority is proposing to convey up to 400 million gallons of water per day (MGD) under gravity in accordance with the City of Houston's existing water rights permit from the Trinity River to Lake Houston, a distance of approximately 26.5 miles. The Trinity River water would be conveyed from the proposed pump station through large diameter pipelines to a sediment storage and settling basin and then through an earthen canal to outfall at the Lake Houston discharge point. The canal would have side berms and there would be an access road, drainage ditches, and perimeter fencing surrounding the water conveyance canal. The proposed project consists of the following:

a. A new water pumping station will be constructed on the Trinity River at Capers Ridge approximately 10 miles north of Dayton, TX.

b. Dual, 108-inch diameter force mains will be constructed extending from the Capers Ridge pump station approximately 3.5 miles to the west and southwest to outfall to the sedimentation settling basin.

c. An approximate 20-acre sedimentation settling and storage basin.

d. An approximate 23.5 mile clay-lined earthen canal with 4:1 side slopes within a 300-foot easement that would include access roads, berms, chain link perimeter fencing, flow control structures, and metering stations.

e. Box culverts at canal and roadway crossings and multiple bawl-ground siphons constructed to facilitate wildlife movement and maintain existing hydrology along the canal conveyance system.

f. An approximate 10-acre maintenance facility located approximately 6 miles north of Dayton, TX.

g. Discharge structure along the southeastern shoreline of Lake Houston.

2. *Scoping and Public Involvement Process:* A Public Notice was published on April 19, 2010 to initiate the public scoping process for the proposed project. At that time, based on information provided by the Applicant, a preliminary review indicated that an Environmental Impact Statement (EIS) was not required. However, based on continuing permit assessment and information brought forth during the initial coordination process, areas of potential significant impact on the human environment have been identified. Therefore, the EIS process is being implemented so that the permit application can be fully evaluated and a permit decision can be made. All comments received to date, including those provided for review during the initial scoping process, will be considered by the Galveston District during EIS preparation. The purpose of the EIS scoping meeting is to gather information on the subjects to be studied in detail by the EIS.

3. *Purpose and Need.* The basic purpose of the proposed action is to provide drinking water for the City of Houston and surrounding area. The overall purpose is to provide drinking water utilizing water rights currently held by the City of Houston in the Trinity River. The Corps recognizes that there is a public and private need for drinking water.

4. *Alternatives.* An evaluation of alternatives to the Applicant's preferred alternative initially being considered includes a No Action alternative, alternatives that would avoid, minimize and compensate for impacts to the aquatic environment within the project right-of-way, alternatives that would avoid, minimize and compensate for

impacts to the aquatic environment outside of the right-of-way, alternatives utilizing alternative practices, and other reasonable alternatives that will be developed through the project scoping process which may also meet the identified purpose and need.

5. *Public Involvement.* The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis and EIS alternatives. General concerns in the following categories have been identified to date: potential direct effects to waters of the United States including wetlands; water quality; aquatic species; air quality; environmental justice; socioeconomic environment; archaeological and cultural resources; recreation and recreational resources; energy supply and natural resources; hazardous waste and materials; aesthetics; public health and safety; navigation; erosion and accretion; invasive species; cumulative impacts; public benefit and needs of the people along with potential effects on the human environment. All parties who express interest will be given an opportunity to participate in the process.

6. *Coordination.* The proposed action is being coordinated with a number of Federal, State, regional and local agencies including but not limited to the Environmental Protection Agency, the United States (U.S.) Fish and Wildlife Service, U.S. National Marine Fisheries Service, the Texas Commission on Environmental Quality, the Texas General Land Office, and the Texas Parks and Wildlife Department. Other agencies, including the Trinity River National Wildlife Refuge, Texas Water Development Board, and the Texas Department of Transportation, may also comment during the scoping process.

7. *Availability of the Draft EIS.* The Corps currently expects the Draft EIS to be made available to the public by December 2011. A public scoping meeting will be held at the Dayton Community Center in Dayton, Texas. The Corps will announce the public scoping meeting through local news media and the Corps' webpage at *http://www.swg.usace.army.mil/reg* at least 15 days prior to the first meeting.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2011–12912 Filed 5–24–11; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Withdrawal of Notice of Intent To Prepare a Programmatic Environmental Impact Statement for the Chesapeake Bay Oyster Recovery Project, Virginia & Maryland

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent; withdrawal.

SUMMARY: The U.S. Army Corps of Engineers (Corps), Baltimore and Norfolk Districts published a notice of intent (NOI) (74 FR 47927) for the Chesapeake Bay Oyster Recovery, MD and VA study on September 18, 2009. That NOI announced that the Corps Baltimore and Norfolk Districts would prepare a single, integrated Native Oyster Restoration Master Plan (master plan) and programmatic environmental impact statement (PEIS) for native oyster recovery in the entire Chesapeake Bay (inclusive of both Maryland and Virginia) and that the document would be tiered to the *Programmatic EIS for Oyster Restoration in Chesapeake Bay Including the Use of a Native and/or Nonnative Oyster.* In August 2009, the record of decision for *Oyster Restoration in Chesapeake Bay including the Use of a Native and/or Non-Native Species* was signed. The preferred alternative identified in the 2009 PEIS recommends "using a combination of alternatives that involves only the native Eastern oyster (*Crassostrea virginica*)." Consistent with the preferred alternative, the Corps will expand upon and further develop plans and recommendations for Chesapeake Bay native oyster restoration in the master plan. However since the master plan will not be identifying site-specific construction areas for restoration and the larger issue of oyster restoration Bay-wide, has been reviewed, a PEIS for the master plan is no longer warranted. Therefore, the Corps is withdrawing its NOI to prepare a PEIS.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Conner, Norfolk District U.S. Army Corps of Engineers, *Attn:* CENAO–PM–PA, 803 Front Street, Norfolk, VA 23510. *E-mail address: Susan.L.Conner@usace.army.mil* and phone number: 757–201–7390 or Ms. Anna Compton, Baltimore District, U.S. Army Corps of Engineers, Attn: CENAB–PL–P, P.O, Box 1715, Baltimore, MD 21203. *E-mail address: Anna.M.Compton@usace.army.mil* and phone number 410–962–4633.

SUPPLEMENTARY INFORMATION:

1. The Baltimore District previously published a NOI (69 FR 68887) for the Chesapeake Bay Oyster Recovery, MD and VA study on November 26, 2004. That NOI indicated that the Baltimore District would prepare a draft EIS for native oyster (*Crassostrea virginica*) recovery activities within Maryland waters of the Chesapeake Bay. A second NOI (71 FR 14857) was published for the Chesapeake Bay Oyster Recovery, MD and VA study on March 24, 2006. That NOI announced that the Corps Baltimore and Norfolk Districts would prepare a single, integrated master plan and PEIS for native oyster recovery in the entire Chesapeake Bay.

2. A third NOI was published on September 18, 2009 (74 FR 47927) to announce that the timing of the master plan/PEIS was delayed so that the document could be tiered to the *Programmatic EIS for Oyster Restoration in Chesapeake Bay Including the Use of a Native and/or Nonnative Oyster.* In August 2009 the record of decision for *Oyster Restoration in Chesapeake Bay including the Use of a Native and/or Non-Native Species* was signed. The preferred alternative identified in the PEIS recommends "using a combination of alternatives that involves only the native Eastern oyster (*Crassostrea virginica*)." Consistent with the preferred alternative, the Corps will expand upon and further develop plans and recommendations for Chesapeake Bay native oyster restoration in the master plan. The master plan will not identify individual, site specific, construction projects. The master plan, instead, will develop a comprehensive approach to oyster restoration and will lay out a road map for a long-term, large-scale restoration of native oysters in the entire Chesapeake Bay. For each area identified for restoration and when Corps appropriations are received, necessary National Environmental Policy Act (NEPA) documents will be prepared to specifically describe the scope, scale, and details of construction of site specific oyster projects. Therefore the *Programmatic EIS for Oyster Restoration in Chesapeake Bay Including the Use of a Native and/or Nonnative Oyster* prepared in August 2009 is sufficient and appropriate to support the plans laid out in the master plan precluding the need for another PEIS. The master plan will incorporate science, policy, and experience from a number of sources to develop a comprehensive approach to oyster restoration in Maryland and Virginia. All suitable locations and techniques available for native oyster restoration will be identified and explored, and, if

feasible, will be included in the Master Plan.

3. The master plan will be written in cooperation with the local sponsors, the Maryland Department of Natural Resources and Virginia Marine Resources Commission.

4. The Corps will conduct public meetings during the public review process for the draft master plan, which is scheduled for the fall of 2011, and will include interested parties throughout the development of the master plan through informational meetings, Web site postings, and other means.

Amy M. Guise,

Chief, Civil Project Development Branch.

[FR Doc. 2011–12916 Filed 5–24–11; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Government-Owned Inventions; Available for Licensing

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The inventions listed below are assigned to the United States Government as represented by the Secretary of the Navy. U.S. Patent Number 6,664,915 entitled "Identification Friend or Foe System Including Short Range UV Shield" issued on December 16, 2003; U.S. Patent Number 7,661,271 entitled "Integrated Electric Gas Turbine" issued on February 16, 2010; U.S. Patent Number 6,600,694 entitled "Digital Signal Processor Based Torpedo Counter-measure" issued on July 29, 2003; U.S. Patent Number 6,717,525 entitled "Tactical Vectoring Equipment (TVE)" issued on April 6, 2004; U.S. Patent Number 6,624,780 entitled "False Target Radar Image Generator for Countering Wideband and Imaging Radars" issued on September 11, 2003; U.S. Patent Number 7,725,595 entitled "Embedded Communications System and Method" issued on May 25, 2010; U.S. Patent Number 7,074,697 entitled "Doping-assisted Defect Control in Compound Semiconductors" issued on July 11, 2006; U.S. Patent Number 7,675,198 entitled "Inductive Pulse Forming Network for High-current, High-power applications" issued on March 9, 2010; U.S. Patent Number 7,627,003 entitled "Automatic Clock Synchronization and Distribution Circuit for Counter Clock Flow Pipelined Systems" issued on December 1, 2009; U.S. Patent Number 7,811,918 entitled "Electric Current Induced Liquid Metal Flow and Metallic Conformal Coating of Conductive Templates" issued on October 12, 2010; U.S. Patent Application Number 12/987,873 filed on January 20, 2011, Case Number 20090009 entitled "Data Compression Methods"; U.S. Provisional Patent Application Number 61/446,770 filed on February 25, 2011, Case Number 20110005 entitled "Near Lossless Data Compression Method Using Nonuniform Sampling".

ADDRESSES: Requests for copies of the inventions should be directed to Danielle Kuska, Director, Research and Sponsored Programs Office, NPS Code 41, 699 Dyer Road, Bldg. HA, Room 222, Monterey, CA 93943, telephone 831–656–2099 or e-mail *dkuska@nps.edu.*

FOR FURTHER INFORMATION CONTACT: Danielle Kuska, Director, Research and Sponsored Programs Office, NPS Code 41, 699 Dyer Road, Bldg. HA, Room 222, Monterey, CA 93943, telephone 831–656–2099. Due to U.S. Postal delays, please fax 831–656–2038, e-mail: *dkuska@nps.edu* or use courier delivery to expedite response.

Authority: 35 U.S.C. 207, 37 CFR part 404.

Dated: May 18, 2011.

D.J. Werner,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2011–12924 Filed 5–24–11; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Meeting of the Chief of Naval Operations Executive Panel

AGENCY: Department of the Navy, DoD.

ACTION: Notice of open meeting.

SUMMARY: The Chief of Naval Operations (CNO) Executive Panel will deliberate on the findings and proposed recommendations of the Navy Expeditionary Organizations and Capabilities Subcommittee study. The meeting will consist of discussions regarding the current and future capabilities and employment of Navy's expeditionary forces and role in future expeditionary operations.

DATES: The meeting will be held on June 9, 2011, from 9 a.m. to 11 a.m.

ADDRESSES: The meeting will be held in the Boardroom at CNA, 4825 Mark Center Drive, Alexandria, VA 22311–1846.

FOR FURTHER INFORMATION CONTACT: LCDR Don Rauch, CNO Executive Panel, 4825 Mark Center Drive, Alexandria, VA 22311–1846, 703–681–4941.

SUPPLEMENTARY INFORMATION: Individuals or interested groups may submit written statements for consideration by the CNO Executive Panel at any time or in response to the agenda of a scheduled meeting. All requests must be submitted to the Designated Federal Officer at the address detailed below.

If the written statement is in response to the agenda mentioned in this meeting notice then the statement, if it is to be considered by the Panel for this meeting, must be received at least five days prior to the meeting in question.

The Designated Federal Officer will review all timely submissions with the CNO Executive Panel Chairperson, and ensure they are provided to members of the CNO Executive Panel before the meeting that is the subject of this notice.

To contact the Designated Federal Officer, write to Executive Director, CNO Executive Panel (N00K), 4825 Mark Center Drive, 2nd Floor, Alexandria, VA 22311–1846.

Dated: May 18, 2011.

D. J. Werner,

Lieutenant Commander,Office of the Judge Advocate General,U.S. Navy,Federal Register Liaison Officer.

[FR Doc. 2011–12932 Filed 5–24–11; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Notice of Submission for OMB Review

AGENCY: Department of Education.

ACTION: Comment request.

SUMMARY: The Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management, invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13).

DATES: Interested persons are invited to submit comments on or before June 24, 2011.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503, be faxed to (202) 395–5806 or e-mailed to *oira_submission@omb.eop.gov* with a cc: to *ICDocketMgr@ed.gov.* Please note that written comments received in

response to this notice will be considered public records.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. 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.

Dated: May 20, 2011.

Darrin A. King,

Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

Federal Student Aid

Type of Review: Revision.

Title of Collection: Federal Direct Stafford/Ford Loan and Federal Direct Unsubsidized Stafford/Ford Loan Master Promissory Note.

OMB Control Number: 1845–0007.

Agency Form Number(s): N/A.

Frequency of Responses: On Occasion.

Affected Public: Individuals or household.

Total Estimated Number of Annual Responses: 5,239,078.

Total Estimated Annual Burden Hours: 2,619,539.

Abstract: The Federal Direct Stafford/Ford Loan (Direct Subsidized Loan) and Federal Direct Unsubsidized Stafford/Ford Loan (Direct Unsubsidized Loan) Master Promissory Note (MPN) serves as the means by which an individual agrees to repay a Direct Subsidized Loan and/or Direct Unsubsidized Loan. An MPN is a promissory note under which a borrower may receive loans for a single academic year or multiple academic years.

Copies of the information collection submission for OMB review may be accessed from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAMain* or from the Department's Web site at *http://edicsweb.ed.gov,* by selecting the "Browse Pending Collections" link and by clicking on link number 4533. When you access the information collection, click on "Download Attachments " to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to the Internet address *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection and OMB Control Number when making your request.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 2011–12955 Filed 5–24–11; 8:45 am]

BILLING CODE 4000–01–P

DEARTMENT OF EDUCATION

President's Board of Advisors on Historically Black Colleges and Universities

AGENCY: U.S. Department of Education, President's Board of Advisors on Historically Black Colleges and Universities (Board).

ACTION: Notice of an open meeting.

SUMMARY: This notice sets forth the schedule and agenda of the meeting of the President's Board of Advisors on Historically Black Colleges and Universities. The notice also describes the functions of the Board. Notice of the meeting is required by section 10(a)(2) of the Federal Advisory Committee Act and intended to notify the public of its opportunity to attend.

DATES: Tuesday, June 7, 2011.

Time: 9 a.m.–2 p.m.

ADDRESSES: The Board will meet in the Student Center on the campus of Hampton University in Hampton, Virginia. Student Center Ballroom, The Student Center, 135 Marshall Avenue, Hampton, VA 23688, 757–757–5231.

FOR FURTHER INFORMATION CONTACT: John Silvanus Wilson, Jr., Executive Director, White House Initiative on Historically Black Colleges and Universities, 400 Maryland Avenue, SW., Washington, DC 20204; *telephone:* (202) 453–5634, *fax:* (202) 453–5632.

SUPPLEMENTARY INFORMATION:

The President's Board of Advisors on Historically Black Colleges and Universities (the Board) is established by Executive Order 13532 (February 26, 2010). The Board is governed by the provisions of the Federal Advisory Committee Act (FACA), (Pub. L. 92–463; as amended, 5 U.S.C.A., Appendix 2) which sets forth standards for the formation and use of advisory committees. The purpose of the Board is to advise the President and the Secretary of Education (Secretary) on all matters pertaining to strengthening the educational capacity of Historically Black Colleges and Universities (HBCUs).

The Board shall advise the President and the Secretary in the following areas: (i) Improving the identity, visibility, and distinctive capabilities and overall competitiveness of HBCUs; (ii) engaging the philanthropic, business, government, military, homeland-security, and education communities in a national dialogue regarding new HBCU programs and initiatives; (iii) improving the ability of HBCUs to remain fiscally secure institutions that can assist the nation in reaching its goal of having the highest proportion of college graduates by 2020; (iv) elevating the public awareness of HBCUs; and encouraging public-private investments in HBCUs; and (v) encouraging public-private investments in HBCUs.

Agenda

The Board will receive updates from the Chairman of the President's Board of Advisors on HBCUs and the Executive Director of the White House Initiative on HBCUs on their respective activities since the Board's last meeting, which was held on March 1, 2011. In addition, the Board will discuss federal support of HBCUs in Fiscal Years 2010 and 2011, the budget outlook for federal support in Fiscal Year 2012, STEM (science, technology, engineering, and mathematics) policies affecting HBCUs and possible strategies to enable the Board to meet its duties under its charter.

Individuals who will need accommodations for a disability in order to attend the meeting (*e.g.,* interpreting services, assistive listening devices, or material in alternative format) should notify John P. Brown, associate director, White House Initiative on HBCUs, at (202) 453–5645, no later than Thursday, May 26, 2011. We will attempt to meet requests for such accommodations after this date, but cannot guarantee their availability. The meeting site is accessible to individuals with disabilities.

An opportunity for public comment is available on Tuesday, June 7, 2011, from 1:30 p.m.–2 p.m. Individuals who wish to provide comments will be allowed

three to five minutes to speak. Those members of the public interested in submitting written comments may do so by submitting them to the attention of John S. Wilson, White House Initiative on Historically Black Colleges and Universities, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202, by Thursday, May 26, 2011.

Records are kept of all Board proceedings and are available for public inspection at the office of the White House Initiative on Historically Black Colleges and Universities, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202, Monday through Friday (excluding federal holidays) during the hours of 9 a.m. to 5 p.m.

Electronic Access to the Document: You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/fedregister/index.html.* To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free at 1–866–512–1830; or in the Washington, DC area at 202–512–0000.

Dated: May 19, 2011.

Martha J. Kanter,

Under Secretary, U.S. Department of Education.

[FR Doc. 2011–12835 Filed 5–24–11; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Regional Advisory Committees: Open Meetings

AGENCY: Office of Elementary and Secondary Education, U.S. Department of Education.

ACTION: Notice of open meetings.

SUMMARY: This notice establishes the dates for the upcoming meetings for the Department of Education's 10 Regional Advisory Committees (RACs). Notice of RAC meetings is required under Section 10(a)(2) of the Federal Advisory Committee Act and is intended to notify the public of its opportunity to participate.

FOR FURTHER INFORMATION CONTACT: Fran Walter, 202–205–9198 or at *fran.walter@ed.gov.*

Location: All meetings will be convened on-line via webinar conference. Preregistration is required. Registration for each meeting will be open two weeks prior to the scheduled date and time of the meeting. The public may register for any of the webinar meetings through the Regional Advisory Committee Web site at *http://www.seiservices.com/rac/.* The number of public registrations is limited to 300, and registration requests will be accommodated on a first-come first-served basis. Individuals who will need special accommodations to view meeting proceedings online (*i.e.* interpreting services, assistive listening devices, materials in an alternative format) should make that request during the registration process at least seven days prior to the webinar meeting. We will attempt to meet requests after this date, but cannot guarantee availability of the requested accommodation. Due to time constraints, there will not be an opportunity for public comment during the webinars; however, members of the public are encouraged to submit written comments at *http://www.seiservices.com/rac/.*

Dates/Times: Meeting times are noted in Eastern Standard Time (EST); except for the Pacific Region.

Appalachia Regional Advisory Committee (Kentucky, Tennessee, Virginia, and West Virginia):

Tuesday, June 14, 2011: 3:00 p.m.–5:00 p.m.

Tuesday, June 21, 2011: 3:00 p.m.–5:00 p.m.

Mid-Atlantic Regional Advisory Committee (Delaware, Maryland, New Jersey, Pennsylvania, and Washington, DC):

Thursday, June 9, 2011: 1:00 p.m.–3:00 p.m.

Thursday, June 16, 2011: 1:00 p.m.–3:00 p.m.

Central Regional Advisory Committee (Colorado, Kansas, Missouri, Nebraska, North Dakota, and Wyoming):

Monday, June 13, 2011: 3:00 p.m.–5:00 p.m.

Monday, June 20, 2011: 3:00 p.m.–5:00 p.m.

Midwest Regional Advisory Committee (Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, and Wisconsin):

Tuesday, June 14, 2011: 1:00 p.m.–3:00 p.m.

Tuesday, June 21, 2011: 1:00 p.m.–3:00 p.m.

Northeast and Islands Regional Advisory Committee (Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, Puerto Rico, and the Virgin Islands):

Thursday, June 16, 2011: 10:00 a.m.–12:00 p.m.

Thursday, June 23, 2011: 10:00 a.m.–12:00 p.m.

Northwest Regional Advisory Committee (Alaska, Idaho, Montana, Oregon, and Washington):

Tuesday, June 14, 2011: 12:30 p.m.–2:30 p.m.

Tuesday, June 21, 2011: 12:30 p.m.–2:30 p.m.

Southeast Regional Advisory Committee (Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina):

Monday, June 13, 2011: 11:00 a.m.–1:00 p.m.

Monday, June 20, 2011: 11:00 a.m.–1:00 p.m.

Southwest Regional Advisory Committee (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas):

Thursday, June 16, 2011: 10:00 a.m.–12:00 p.m.

Thursday, June 23, 2011: 10:00 a.m.–12:00 p.m.

West Regional Advisory Committee (Arizona, California, Nevada, and Utah):

Tuesday, June 14, 2011: 12:30 p.m.–2:30 p.m.

Tuesday, June 21, 2011: 12:30 p.m.–2:30 p.m.

Pacific Regional Advisory Committee (Hawaii, American Samoa, Commonwealth of Northern Mariana Islands, Federal States of Micronesia, Guam, the Republic of Palau, and the Republic of Marshall Islands):

Wednesday, June 8, 2011: 1:00 p.m.–3:00 p.m. Hawaii Time/12:00 p.m.–2 p.m. Samoa Standard Time; and

Thursday, June 9, 2011: 11:00 a.m.–1 p.m. Marshall Islands Time/9:00 a.m.–11 a.m. Guam/FSM/CNMI Time; and 8:00 a.m.–10 a.m. Palau Time)

Wednesday, June 15, 2011: 1:00 p.m–3:00 p.m. Hawaii Time/12:00 p.m.–2:00 p.m. Samoa Standard Time; and

Thursday, June 16, 2011: 11:00 a.m.–1 p.m. Marshall Islands Time/9:00 a.m.–11 a.m. Guam/FSM/CNMI Time; and 8:00 a.m.–10:00 a.m. Palau Time)

SUPPLEMENTARY INFORMATION: The Regional Advisory Committees are established under section 206 of the Education Technical Assistance Act of 2002, (20 U.S.C. 9605). The RACs are to advise the Secretary by (1) conducting an educational needs assessment of each region identified in section 174(b) of the Education Sciences Reform Act of 2002; and (2) submitting reports for each region based on the regional assessments no later than four months after the committees are first convened.

Meeting Purpose: The purpose of these meetings is for each RAC to conduct a minimum of two 2-hour meetings to deliberate on the findings and to prepare their region's educational needs assessment report.

Meeting 1: The RACs will (1) review input received from stakeholders and, based on the information received, deliberate and make recommendations about the critical education needs of the region. The RACs will also (2) recommend how those educational needs could best be addressed.

Meeting 2: RAC members will meet to deliberate on and finalize the education needs assessment report for their region.

The public may listen to the proceedings of the meetings via real-time webinar conferencing. Registration for each meeting will be open two weeks prior to the scheduled date of the meeting and close two hours before the meeting convenes. The public may register for the webinar meetings at *http://www.seiservices.com/rac/.* Preregistration is required. The number of public registrations is limited to 300, and requests will be accommodated on a first-come first-served basis. Individuals who will need special accommodations to view meeting proceedings online (*i.e.* interpreting services, assistive listening devices, materials in an alternative format) should indicate what accommodation is needed at the time of registration, at least seven days prior to the webinar meeting. We will attempt to meet requests after this date, but cannot guarantee availability of the requested accommodation. Due to time constraints, there will not be an opportunity for public comment. However, members of the public are encouraged to submit written comments at *http://www.seiservices.com/rac/.*

A summary of each meeting will be available online at *http://www.seiservices.com/rac/*within fourteen days of the final meeting for public inspection. Feedback from this and other outreach will be used to inform the Comprehensive Centers Program competition in fiscal year (FY) 2012.

Thelma Meléndez de Santa Ana,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2011–12958 Filed 5–24–11; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[OE Docket No. EA–381]

Application to Export Electric Energy; E–T Global Energy, LLC

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of application.

SUMMARY: E–T Global Energy, LLC (E–T Global) has applied for authority to transmit electric energy from the United States to Mexico pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before June 9, 2011.

ADDRESSES: Comments, protests, or motions to intervene should be addressed to: Christopher Lawrence, Office of Electricity Delivery and Energy Reliability, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0350. Because of delays in handling conventional mail, it is recommended that documents be transmitted by overnight mail, by electronic mail to *Christopher.Lawrence@hq.doe.gov,* or by facsimile to 202–586–8008.

FOR FURTHER INFORMATION CONTACT: Christopher Lawrence (Program Office) 202–586–5260.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated by the Department of Energy (DOE) pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b), 7172(f)) and require authorization under section 202(e) of the FPA (16 U.S.C. 824a(e)).

On May 10, 2011, DOE received an application from E–T Global for authority to transmit electric energy from the United States to Mexico for five years as a power marketer using existing international transmission facilities. E–T Global does not own any electric transmission facilities nor does it hold a franchised service area.

The electric energy that E–T Global proposes to export to Mexico would be surplus energy purchased from electric utilities and other entities within the United States. The existing international transmission facilities to be utilized by E–T Global have previously been authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties.

In its application, E–T Global requested that DOE expedite the processing of this application in order for E–T Global to begin exports in compliance with the terms of its Master Sale and Purchase Agreement with the Commission Federal de Electricidad (CFE). Accordingly, DOE has shortened the public comment period to 15 days.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the application at the address provided above. Protests should be filed in accordance with Rule 211 of the Federal Energy Regulatory Commission's (FERC) Rules of Practice and Procedures (18 CFR 385.211). Any person desiring to become a party to these proceedings should file a motion to intervene at the above address in accordance with FERC Rule 214 (18 CFR 385.211, 385.214). Fifteen copies of each comment, protest, or motion to intervene should be filed with DOE on or before the date listed above.

Comments, protests, or motions to intervene on the E–T Global application to export electric energy to Mexico should be clearly marked with Docket No. EA–381. An additional copy of each document is to be filed directly with Eduardo Padilla, Compliance Manager, E–T Global Energy, LLC, 505 North Big Spring, Suite 101, Midland, TX 79701. A final decision will be made on this application after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR Part 1021) and a determination is made by DOE that the proposed action will not have an adverse impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program Web site at *http://www.oe.energy.gov/permits_pending.htm,* or by e-mailing Odessa Hopkins at *Odessa.hopkins@hq.doe.gov.*

Issued in Washington, DC, on May 19, 2011.

Anthony J. Como,

Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2011–12922 Filed 5–24–11; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Proposed Subsequent Arrangement

AGENCY: Office of Nonproliferation and International Security, National Nuclear Security Administration, Department of Energy.

ACTION: Proposed subsequent arrangement.

SUMMARY: This notice is being issued under the authority of section 131a. of the Atomic Energy Act of 1954, as amended. The Department is providing notice of a proposed subsequent arrangement under the Agreement for

Cooperation Concerning Civil Uses of Nuclear Energy Between the Government of the United States of America and the Government of Canada and the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy Between the United States of America and the European Atomic Energy Community.

DATES: This subsequent arrangement will take effect no sooner than June 9, 2011.

FOR FURTHER INFORMATION CONTACT: Mr. Sean Oehlbert, Office of Nonproliferation and International Security, National Nuclear Security Administration, Department of Energy. Telephone: 202–586–3806 or e-mail: *Sean.Oehlbert@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION: This subsequent arrangement concerns the retransfer of 930 g of U.S.-origin low-enriched uranium contained in uranium molybdenum powder (183.4 g U–235) with an enrichment of 19.72%, from Atomic Energy of Canada, Limited (AECL) in Chalk River, Ontario, Canada, to SCK–CEN, Belgian Nuclear Research Center in Boeretang, Belgium. The material, which currently is located at AECL, will be transferred to SCK–CEN to be used for scientific research. The material originally was obtained by AECL.

In accordance with section 131a. of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement concerning the retransfer of nuclear material of United States origin will not be inimical to the common defense and security.

Dated: May 10, 2011.

For the Department of Energy.

Anne M. Harrington,

Deputy Administrator, Defense Nuclear Nonproliferation.

[FR Doc. 2011–12918 Filed 5–24–11; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Proposed Subsequent Arrangement

AGENCY: Office of Nonproliferation and International Security, National Nuclear Security Administration, Department of Energy.

ACTION: Proposed subsequent arrangement.

SUMMARY: This notice is being issued under the authority of section 131a. of the Atomic Energy Act of 1954, as amended. The Department is providing notice of a proposed subsequent arrangement under paragraph 2 of Article 5 of the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Peaceful Uses of Nuclear Energy.

DATES: This subsequent arrangement will take effect no sooner than June 9, 2011.

FOR FURTHER INFORMATION CONTACT: Mr. Sean Oehlbert, Office of Nonproliferation and International Security, National Nuclear Security Administration, Department of Energy. Telephone: 202–586–3806 or e-mail: *Sean.Oehlbert@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION: This subsequent arrangement concerns the alteration in form or content of 28.276 kg (24.541 ekg) of U.S.-origin highly enriched uranium (HEU) (26.342 kg U–235) and 0.0048 g of plutonium contained in three HEU driver fuels that have been irradiated in the YAYOI nuclear research reactor at the University of Tokyo in Tokai-mura, Japan. The University of Tokyo will off-load three HEU driver fuels from the core of YAYOI to be cut and de-cladded in the reactor room into approximately 140 pieces, each cut piece weighing approximately 200 g. The HEU will be converted to uranium oxide and downblended to approximately 18% at the Japan Atomic Energy Agency (JAEA) Plutonium Fuel Fabrication Facility, and then will be temporarily stored at the JAEA Tokai Plutonium Fuel Production Facility. The downblended HEU is planned for use as fuel for the JAEA experimental fast reactor JOYO. The alteration in form of the HEU will start in Japanese fiscal year 2012 and will continue for approximately one year.

In accordance with section 131a. of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement concerning the storage or disposition of irradiated fuel elements will not be inimical to the common defense and security.

Dated: May 11, 2011.

For the Department of Energy.

Anne M. Harrington,

Deputy Administrator, Defense Nuclear Nonproliferation.

[FR Doc. 2011–12919 Filed 5–24–11; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP11–478–000]

Gulf South Pipeline Company, LP; Notice of Application

Take notice that on May 10, 2011, Gulf South Pipeline Company, LP (Gulf South), 9 Greenway Plaza, Suite 2800, Houston, Texas 77046, filed an application in Docket No. CP11–478–000 pursuant to section 7(b) of the Natural Gas Act (NGA), and Part 157 of the Commission's regulations requesting authorization to abandon by sale or inter-corporate transfer to its affiliate, Boardwalk Field Services, LLC, certain gathering and transmission pipelines, including appurtenant and auxiliary facilities, and two compressor stations, located in south Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Any questions regarding this application should be directed to J. Kyle Stephens, Vice President, Regulatory Affairs, Gulf South Pipeline Company, LP, 9 Greenway Plaza, Suite 2800, Houston, Texas 77046, or by calling (713) 479–8033 (telephone), or (713) 479–1846 (fax), *Kyle.Stephens@bwpmlp.com.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify Federal and State agencies of the timing for the completion of all necessary reviews, and

the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is 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.

Comment Date: June 8, 2011.

Dated: May 18, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–12867 Filed 5–24–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14123–000]

Reliable Storage 1 LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On March 25, 2011, Reliable Storage 1 LLC filed an application, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of hydropower near the towns of Luttrell and Blaine, in Union and Grainger Counties, Tennessee. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed pumped storage project would consist of the following: (1) A 200-foot-high, 2,932-foot-long earth embankment dam; (2) an upper reservoir with a surface area of 27.5 acres and an 2,262 acre-foot storage capacity; (3) a 120-foot-high, 2,475-foot-long earth embankment dam creating; (4) a lower reservoir with a surface area of 73.5 acres and an 3,903 acre-foot storage capacity; (5) one 24-foot-diameter, 5,950-foot-long penstock; (6) a bifurcation to three penstocks each 16-foot-diameter, and 50-foot-long; (7) a powerhouse/pumping station containing three pump/generating units with a total generating capacity of 260 megawatts; (8) a substation; (9) a 1.83-mile-long, 115 kV transmission line to an existing distribution line; and (10) a new 1,300-foot-long access road. The proposed project would have an average annual generation of 270,000,000 megawatt-hours (MWh), which would be sold to a local utility.

Applicant Contact: Mr. Daniel R. Irvin, Free Flow Power Corporation, 239 Causeway Street Suite 300, Boston, MA 01244; phone (978) 252–7631.

FERC Contact: Michael Spencer, (202) 502–6093.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov;* call toll-free at (866) 208–3676; or, for TTY, contact (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. *To paper-file, mail an original and seven copies to:* Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14123–000) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: May 18, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–12871 Filed 5–24–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. DI11–6–000]

Shakopee Mdewakanton Sioux Community; Notice of Declaration of Intention and Soliciting Comments, Protests, and/or Motions To Intervene

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Declaration of Intention.

b. *Docket No:* DI11–6–000.

c. *Date Filed:* May 5, 2011.

d. *Applicant:* Shakopee Mdewakanton Sioux Community.

e. *Name of Project:* Shakopee Mdewakanton Sioux Community (SMSC) Hydroelectric Project.

f. *Location:* The SMSC Hydroelectric Project will be located on a water delivery system pipe, replacing Pressure Reducing Valves, in the town of Prior Lake, on Tribal Lands, in Scott County, Minnesota.

g. *Filed Pursuant to:* section 23(b)(1) of the Federal Power Act, 16 U.S.C. 817(b).

h. *Applicant Contact:* Blue Earth, Bradley Florentin, 200 South College Avenue, Suite 100, P.O. Box 973, Fort Collins, CO 80522; *Telephone:* (970) 231–5498; *e-mail: http://www.brad@flywater.com.*

i. FERC Contact: Any questions on this notice should be addressed to Henry Ecton, (202) 502–8768, or *E-mail address: henry.ecton@ferc.gov.*

j. *Deadline for filing comments, protests, and motions:* June 20, 2011.

All documents should be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov/docs-filing/efiling.asp.* If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and seven copies should be filed with: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* Please include the docket number (DI11–6–000) on any comments, protests, and/or motions filed.

k. *Description of Project:* The SMSC Hydroelectric Project would consist of a municipal water delivery system in which three Pressure Reducing Valves, used to control pressure in pipes, would be retrofitted with hydro turbines, to generate between 5.3 and 9.2-kW. The system uses ground water from existing community wells. A transmission line will connect the project to the interstate grid.

When a Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the interests of interstate or foreign commerce would be affected by the proposed project. The Commission also determines whether or not the project: (1) Would be located on a navigable waterway; (2) would occupy or affect public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) if applicable, has involved or would involve any construction subsequent to 1935 that may have increased or would increase the project's head or generating capacity, or have otherwise significantly modified the project's pre-1935 design or operation.

l. *Locations of the Application:* Copies of this filing are on file with the Commission and are available for public inspection. This filing may be viewed on the web at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, and/or Motions to Intervene*—Anyone may submit comments, a protest, and a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, and/or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "PROTESTS", AND/OR "MOTIONS TO INTERVENE", as applicable, and the Docket Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: May 18, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–12868 Filed 5–24–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2146–129]

Alabama Power Company; Notice of Application For Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-project use of project lands and waters.

b. *Project No:* 2146–126.

c. *Date Filed:* November 12, 2010 and supplemented April 14, 2011.

d. *Applicant:* Alabama Power Company.

e. *Name of Project:* Coosa River Project.

f. *Location:* Logan Martin Development in Elmore and Talladega Counties, Alabama.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a—825r.

h. *Applicant Contact:* Keith E. Bryant, Alabama Power Company, 600 18th

Street North, Birmingham, AL 35203, (205) 257–1403.

i. *FERC Contact:* Rebecca Martin, (202) 502–6012, *Rebecca.martin@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* June 20, 2011.

All documents may be filed electronically via the Internet. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov/docs-filing/efiling.asp.* If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and seven copies should be mailed to: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. Please include the project number (P–2146–129) on any comments or motions filed.

k. *Description of Application:* Alabama Power Company requests Commission approval to grant Mr. Roy McCaig (permittee) a permit to use project lands for the construction of sixteen camper lots at Bay Point Campground on Logan Martin Lake. The campground would occupy 4.6 acres of project lands along 1,156 feet of shoreline, would consist of sixteen concrete camper pads with 24-feet wide by 35-feet long camper decks alongside each pad and each lot would have a 10-feet by 10-feet concrete pad for storage. Fifteen docks and piers would also be constructed to service the campground.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field (P–2146) to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or e-mail FERCOnlineSupport@ferc.gov, for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) Bear in all capital letters the title "Comments", "Protest", or "Motion to Intervene" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the amendment application. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: May 19, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–12891 Filed 5–24–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC11–47–000.

Applicants: Liberty Energy Utilities (New Hampshire), Granite State Electric Co.

Description: Second Supplemental Information and Request for Expedited Procedures of Liberty Energy Utilities (New Hampshire) Corp.

Filed Date: 05/17/2011.

Accession Number: 20110517–5154.

Comment Date: 5 p.m. Eastern Time on Tuesday, May 31, 2011.

Docket Numbers: EC11–78–000.

Applicants: Constellation Energy Resources, LLC, MXenergy Electric Inc.

Description: Application for the Authorization for Disposition of Jurisdictional Facilities and Request for Expedited Action.

Filed Date: 05/17/2011.

Accession Number: 20110517–5151.

Comment Date: 5 p.m. Eastern Time on Tuesday, June 07, 2011.

Docket Numbers: EC11–79–000.

Applicants: Emera Incorporated, Algonquin Power & Utilities Corp.

Description: Section 203 Application of Emera Inc. and Algonquin Power & Utilities Corp.

Filed Date: 05/17/2011.

Accession Number: 20110517–5152.

Comment Date: 5 p.m. Eastern Time on Tuesday, June 07, 2011.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2476–001.

Applicants: BG Energy Merchants, LLC.

Description: BG Energy Merchants, LLC submits tariff filing per 35: Request for Category 1 Seller Determination to be effective 7/18/2011.

Filed Date: 05/17/2011.

Accession Number: 20110517–5056.

Comment Date: 5 p.m. Eastern Time on Tuesday, June 07, 2011.

Docket Numbers: ER11–3336–001.

Applicants: Command Power Corp.

Description: Command Power Corp. submits tariff filing per 35.17(b): MBR Application Amendment to be effective 6/11/2011.

Filed Date: 05/17/2011.

Accession Number: 20110517–5028.

Comment Date: 5 p.m. Eastern Time on Tuesday, June 07, 2011.

Docket Numbers: ER11–3579–000.

Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection, L.L.C. submits tariff filing per 35.13(a)(2)(iii: Queue No. W2–016; Original Service Agreement No. 2924 to be effective 4/20/2011.

Filed Date: 05/17/2011.

Accession Number: 20110517–5038.

Comment Date: 5 p.m. Eastern Time on Tuesday, June 07, 2011.

Docket Numbers: ER11–3580–000.

Applicants: Domtar Corporation.

Description: Domtar Corporation submits tariff filing per 35.15: Domtar Corporation Notice of Cancellation of MBR Tariff to be effective 7/18/2011.

Filed Date: 05/17/2011.

Accession Number: 20110517–5050.

Comment Date: 5 p.m. Eastern Time on Tuesday, June 07, 2011.

Docket Numbers: ER11–3581–000.

Applicants: PJM Interconnection, L.L.C., Monongahela Power Company, American Electric Power Service Corporation.

Description: PJM Interconnection, L.L.C. submits tariff filing per 35.13(a)(2)(iii: Monongahela Power, et al., submits the Third Revised Service Agreement No. 1395, to be effective 5/17/2011.

Filed Date: 05/17/2011.

Accession Number: 20110517–5073.

Comment Date: 5 p.m. Eastern Time on Tuesday, June 07, 2011.

Docket Numbers: ER11–3582–000.

Applicants: People's Power & Gas, LLC.

Description: People's Power & Gas, LLC submits tariff filing per 35.12: Market-Based Rate Tariff, to be effective 5/17/2011.

Filed Date: 05/17/2011.

Accession Number: 20110517–5087.

Comment Date: 5 p.m. Eastern Time on Tuesday, June 07, 2011.

Docket Numbers: ER11–3583–000.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: Attachment X Clean-Up-RECB to be effective 7/28/2010.

Filed Date: 05/17/2011.

Accession Number: 20110517–5110

Comment Date: 5 p.m. Eastern Time on Tuesday, June 07, 2011.

Docket Numbers: ER11–3584–000.

Applicants: Florida Power Corp. d/b/a Progress Energy Florida, Inc.

Description: Florida Power Corp. d/b/a Progress Energy Florida, Inc.'s Filing Concerning 2010 Impact of Retail Cost of Removal on the OATT Formula Transmission Rate.

Filed Date: 05/16/2011.

Accession Number: 20110516–5152.

Comment Date: 5 p.m. Eastern Time on Monday, June 06, 2011.

Docket Numbers: ER11–3586–000.

Applicants: PJM Interconnection, L.L.C., American Electric Power Service Corporation.

Description: PJM Interconnection, L.L.C. submits tariff filing per 35: AEPSC submits Compliance Filing revising Attachment H–20B per Order in ER10–355 to be effective 4/21/2011.

Filed Date: 05/18/2011.

Accession Number: 20110518–5038.

Comment Date: 5 p.m. Eastern Time on Wednesday, June 08, 2011.

Docket Numbers: ER11–3587–000.

Applicants: PacifiCorp.

Description: PacifiCorp submits tariff filing per 35.15: Termination of Morgantown POD Construction Agreement to be effective 7/4/2011.

Filed Date: 05/18/2011.

Accession Number: 20110518–5039.

Comment Date: 5 p.m. Eastern Time on Wednesday, June 08, 2011.

Docket Numbers: ER11–3588–000.

Applicants: Conectiv Energy Supply, Inc.

Description: Conectiv Energy Supply, Inc. submits tariff filing per 35.15: Notice of MBR Cancellation to be effective 6/30/2011.

Filed Date: 05/18/2011.

Accession Number: 20110518–5045.

Comment Date: 5 p.m. Eastern Time on Wednesday, June 08, 2011.

Docket Numbers: ER11–3589–000.

Applicants: Long Island Solar Farm, LLC.

Description: Long Island Solar Farm, LLC submits tariff filing per 35.12: LISF MBR Filing to be effective 9/12/2011.

Filed Date: 05/18/2011.

Accession Number: 20110518–5048.

Comment Date: 5 p.m. Eastern Time on Wednesday, June 08, 2011.

Docket Numbers: ER11–3590–000.

Applicants: Southern California Edison Company.

Description: Southern California Edison Company submits tariff filing per 35.13(a)(2)(iii: Amend SGIA WDT Serv AG SCE–GBU SPVP #1 Project to be effective 5/19/2011.

Filed Date: 05/18/2011.

Accession Number: 20110518–5052.

Comment Date: 5 p.m. Eastern Time on Wednesday, June 08, 2011.

Docket Numbers: ER11–3591–000.

Applicants: Southern California Edison Company.

Description: Southern California Edison Company submits tariff filing per 35.13(a)(2)(iii: Amend SGIA WDT Serv AG SCE–GBU SPVP #2 Project to be effective 5/19/2011.

Filed Date: 05/18/2011.

Accession Number: 20110518–5053.

Comment Date: 5 p.m. Eastern Time on Wednesday, June 08, 2011.

Docket Numbers: ER11–3592–000.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corporation submits tariff filing per 35.13(a)(2)(iii: 2011–05–18 Service Agreement 458 UDCOA between CAISO and Banning to be effective 7/28/2010.

Filed Date: 05/18/2011.

Accession Number: 20110518–5084.

Comment Date: 5 p.m. Eastern Time on Wednesday, June 08, 2011.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RR10–12–001.

Applicants: North American Electric Reliability Corporation.

Description: Supplemental Information to the North American Electric Reliability Corporation's December 1, 2010 Compliance Filing in Response to the September 3, 2010 Order Approving Petition and Directing Compliance Filing.

Filed Date: 05/17/2011.

Accession Number: 20110517–5158.

Comment Date: 5 p.m. Eastern Time on Tuesday, May 31, 2011.

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.

Dated: May 18, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–12880 Filed 5–24–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 1

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP11–2102–000.
Applicants: Big Sandy Pipeline, LLC.
Description: Big Sandy Pipeline, LLC submits tariff filing per 154.204: Big Sandy Negotiated Rate Agreement Filing to be effective 6/1/2011.
Filed Date: 05/11/2011.
Accession Number: 20110511–5167.
Comment Date: 5 p.m. Eastern Time on Monday, May 23, 2011.

Docket Numbers: RP11–2103–000.
Applicants: Questar Southern Trails Pipeline Company.
Description: Questar Southern Trails Pipeline Company's Annual Fuel Gas Reimbursement Report.
Filed Date: 05/11/2011.
Accession Number: 20110511–5198.
Comment Date: 5 p.m. Eastern Time on Monday, May 23, 2011.

Docket Numbers: RP11–2104–000.
Applicants: White River Hub, LLC.
Description: White River Hub, LLC's Annual Fuel Gas Reimbursement Report.
Filed Date: 05/11/2011.
Accession Number: 20110511–5200.
Comment Date: 5 p.m. Eastern Time on Monday, May 23, 2011.

Docket Numbers: RP11–2105–000.
Applicants: Natural Gas Pipeline Company of America.
Description: Natural Gas Pipeline Company of America LLC submits tariff filing per 154.204: Filing to Remove Expired Agreements to be effective 6/12/2011.
Filed Date: 05/12/2011.
Accession Number: 20110512–5077.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 24, 2011.

Docket Numbers: RP11–2106–000.
Applicants: Transwestern Pipeline Company, LLC.
Description: Transwestern Pipeline Company, LLC submits tariff filing per 154.204: TW Discount-Type Adjustment Tariff Filing to be effective 6/11/2011.
Filed Date: 05/12/2011.
Accession Number: 20110512–5092.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 24, 2011.

Docket Numbers: RP11–2107–000.
Applicants: Colorado Interstate Gas Company.
Description: Colorado Interstate Gas Company submits tariff filing per 154.203: Pre-Filing Rate Case Settlement associated with Docket No. RP06–397 to be effective 12/31/9998.
Filed Date: 05/12/2011.
Accession Number: 20110512–5094.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 24, 2011.

Docket Numbers: RP11–2108–000.
Applicants: Equitrans, L.P.
Description: Equitrans, L.P. submits tariff filing per 154.203: Compliance Filing for Order No. 587–U to be effective 6/1/2011.
Filed Date: 05/12/2011.
Accession Number: 20110512–5116.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 24, 2011.

Docket Numbers: RP11–2109–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Revise Section 6.10 ROFR to be effective 6/13/2011.
Filed Date: 05/13/2011.
Accession Number: 20110513–5033.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 25, 2011.

Docket Numbers: RP11–2110–000.
Applicants: Trunkline Gas Company, LLC.
Description: Trunkline Gas Company, LLC submits tariff filing per 154.203: Compliance with CP11–19–000 to be effective 7/16/2011.
Filed Date: 05/13/2011.
Accession Number: 20110513–5051.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 25, 2011.

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.

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.

Dated: May 16, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–12882 Filed 5–24–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 1

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP11–2094–000.
Applicants: Sabine Pipe Line LLC.
Description: Sabine Pipe Line LLC submits tariff filing per 154.204: Sabine Pipe Line LLC System Map to be effective 6/15/2011.
Filed Date: 05/05/2011.
Accession Number: 20110505–5127.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 17, 2011.

Docket Numbers: RP11–2095–000.
Applicants: Equitrans, L.P.
Description: Equitrans, L.P. submits tariff filing per 154.602: Cancellation of Big Sandy Pipeline, LLC Baseline Tariff Filing to be effective 6/1/2011.
Filed Date: 05/05/2011.
Accession Number: 20110505–5146.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 17, 2011.

Docket Numbers: RP11–2096–000.
Applicants: Rockies Express Pipeline LLC.
Description: Rockies Express Pipeline LLC submits tariff filing per 154.204: Backhaul Service to be effective 6/6/2011.
Filed Date: 05/06/2011.
Accession Number: 20110506–5135.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 18, 2011.

Docket Numbers: RP11–2097–000.
Applicants: Puget Sound Energy.
Description: Puget Sound Energy submits tariff filing per 154.204: Amendment No. 12 to be effective 11/1/2010.
Filed Date: 05/06/2011.
Accession Number: 20110506–5137.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 18, 2011.

Docket Numbers: RP11–2098–000.
Applicants: Young Gas Storage Company, Ltd.
Description: Young Gas Storage Company, Ltd. submits tariff filing per 154.204: Revised Reservoir Integrity Limit Curve to be effective 6/15/2011.
Filed Date: 05/09/2011.
Accession Number: 20110509–5118.
Comment Date: 5 p.m. Eastern Time on Monday, May 23, 2011.

Docket Numbers: RP11–2099–000.
Applicants: Freebird Gas Storage, L.L.C.
Description: Freebird Gas Storage, L.L.C. submits tariff filing per 154.204: Freebird Gas Storage Correction Filing to be effective 5/9/2011.
Filed Date: 05/10/2011.
Accession Number: 20110510–5000.
Comment Date: 5 p.m. Eastern Time on Monday, May 23, 2011.

Docket Numbers: RP11–2100–000.
Applicants: Gulf Crossing Pipeline Company LLC.
Description: Gulf Crossing Pipeline Company LLC submits tariff filing per 154.204: Revise Refund Parameter for Cashout to be effective 6/10/2011.
Filed Date: 05/11/2011.
Accession Number: 20110511–5027.
Comment Date: 5 p.m. Eastern Time on Monday, May 23, 2011.

Docket Numbers: RP11–2101–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Revise Refund Parameter for Cashout to be effective 6/10/2011.
Filed Date: 05/11/2011.
Accession Number: 20110511–5028.
Comment Date: 5 p.m. Eastern Time on Monday, May 23, 2011.

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.

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.

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Dated: May 11, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–12884 Filed 5–24–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 2

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP11–2000–001.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits tariff filing per 154.205(b): Amendment to RP11–2000 to be effective 4/12/2011.
Filed Date: 05/11/2011.
Accession Number: 20110511–5094.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 24, 2011.

Docket Numbers: RP11–2096–001.
Applicants: Rockies Express Pipeline LLC
Description: Rockies Express Pipeline LLC submits tariff filing per 154.205(b): Amendment to BHS Filing RP11–2096 to be effective 6/6/2011.
Filed Date: 05/18/2011.
Accession Number: 20110518–5054.

Comment Date: 5 p.m. Eastern Time on Tuesday, May 24, 2011.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing 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. Such protests must be filed on or before 5 p.m. Eastern time on the specified comment date. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is 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.

Dated: May 19, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–12888 Filed 5–24–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP11–2051–000.
Applicants: Black Marlin Pipeline Company.
Description: Report of Black Marlin Pipeline Company.
Filed Date: 04/28/2011.
Accession Number: 20110428–5219.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 10, 2011.

Docket Numbers: RP11–2052–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Sequent 38585–1, 38586–1 Amendments to Negotiated Rate Agreements to be effective 5/1/2011.
Filed Date: 04/28/2011.
Accession Number: 20110428–5276
Comment Date: 5 p.m. Eastern Time on Tuesday, May 10, 2011.

Docket Numbers: RP11–2053–000.
Applicants: Midcontinent Express Pipeline LLC.
Description: Midcontinent Express Pipeline LLC submits tariff filing per 154.403(d)(2): Fuel Tracking Filing to be effective 6/1/2011.
Filed Date: 04/28/2011.
Accession Number: 20110428–5341.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 10, 2011.

Docket Numbers: RP11–2054–000.
Applicants: Fayetteville Express Pipeline LLC.
Description: Fayetteville Express Pipeline LLC submits tariff filing per 154.403(d)(2): FEP 2011_04_28 Out of Cycle Fuel Filing to be effective 6/1/2011.
Filed Date: 04/28/2011.
Accession Number: 20110428–5343.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 10, 2011.

Docket Numbers: RP11–2055–000.
Applicants: ETC Tiger Pipeline, LLC.
Description: ETC Tiger Pipeline, LLC submits tariff filing per 154.403(d)(2): ETC Tiger 2011_04_28 Out of Cycle Fuel Filing to be effective 6/1/2011.
Filed Date: 04/28/2011.
Accession Number: 20110428–5345.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 10, 2011.

Docket Numbers: RP11–2056–000.
Applicants: Rockies Express Pipeline LLC.
Description: Rockies Express Pipeline LLC submits tariff filing per 154.204: Discounts on Negotiated Rates to be effective 6/1/2011.
Filed Date: 04/29/2011.
Accession Number: 20110429–5000.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 11, 2011.

Docket Numbers: RP11–2057–000.
Applicants: ANR Pipeline Company.
Description: ANR Pipeline Company submits tariff filing per 154.403: Cash out Surcharge 2011 to be effective 6/1/2011.
Filed Date: 04/29/2011.
Accession Number: 20110429–5058.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 11, 2011.

Docket Numbers: RP11–2058–000.
Applicants: National Fuel Gas Supply Corporation.
Description: National Fuel Gas Supply Corporation submits tariff filing per 154.204: IG Rate May 2011 to be effective 4/29/2011.
Filed Date: 04/29/2011.
Accession Number: 20110429–5064.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 11, 2011.

Docket Numbers: RP11–2059–000.
Applicants: Kinder Morgan Interstate Gas Transmission LLC.
Description: Kinder Morgan Interstate Gas Transmission LLC submits tariff filing per 154.204: Service Agreements Cleanup Filing to be effective 5/16/2011.
Filed Date: 04/29/2011.
Accession Number: 20110429–5122.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 11, 2011.

Docket Numbers: RP11–2060–000.
Applicants: Texas Gas Transmission, LLC.
Description: Texas Gas Transmission, LLC submits tariff filing per 154.204: Cross Timbers Negotiated Rate Letter Agreements 31115, 31116 to be effective 5/1/2011.
Filed Date: 04/29/2011.
Accession Number: 20110429–5123.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 11, 2011.

Docket Numbers: RP11–2061–000.
Applicants: Northern Natural Gas Company.
Description: Northern Natural Gas Company submits tariff filing per 154.403: 20110429 Winter Market Fuel to be effective 11/1/2011.
Filed Date: 04/29/2011.
Accession Number: 20110429–5125.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 11, 2011.

Docket Numbers: RP11–2062–000.
Applicants: Williston Basin Interstate Pipeline Company.
Description: Williston Basin Interstate Pipeline Company submits tariff filing per 154.204: System Maps to be effective 4/29/2011.
Filed Date: 04/29/2011.
Accession Number: 20110429–5131.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 11, 2011.

Docket Numbers: RP11–2063–000.
Applicants: Southeast Supply Header, LLC.
Description: Southeast Supply Header, LLC submits tariff filing per 154.204: 2011 Map Filing to be effective 6/1/2011.
Filed Date: 04/29/2011.
Accession Number: 20110429–5134.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 11, 2011.

Docket Numbers: RP11–2064–000.
Applicants: Steckman Ridge, LP.
Description: Steckman Ridge, LP submits tariff filing per 154.204: 2011 Map Filing to be effective 6/1/2011.

Filed Date: 04/29/2011.
Accession Number: 20110429–5139.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 11, 2011.

Docket Numbers: RP11–2065–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: Algonquin Gas Transmission, LLC submits tariff filing per 154.204: J–2 Lateral Revised Recourse and Negotiated Rates to be effective 5/17/2010.
Filed Date: 04/29/2011.
Accession Number: 20110429–5154.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 11, 2011.

Docket Numbers: RP11–2066–000.
Applicants: Tennessee Gas Pipeline Company.
Description: Tennessee Gas Pipeline Company submits tariff filing per 154.403(d)(2): Fuel Tracker to be effective 6/1/2011.
Filed Date: 04/29/2011.
Accession Number: 20110429–5159.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 11, 2011.

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.

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.

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Dated: April 29, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–12887 Filed 5–24–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP11–2067–000.
Applicants: Northern Natural Gas Company.
Description: Northern Natural Gas Company submits tariff filing per 154.204: 20110401 Section 58 Other Provisions to be effective 6/1/2011.
Filed Date: 04/29/2011.
Accession Number: 20110429–5161.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 11, 2011.

Docket Numbers: RP11–2068–000.
Applicants: Panhandle Eastern Pipe Line Company, LP.
Description: Panhandle Eastern Pipe Line Company, LP submits tariff filing per 154.204: Update Tariff Maps to be effective 6/1/2011.
Filed Date: 04/29/2011.
Accession Number: 20110429–5183.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 11, 2011.

Docket Numbers: RP11–2069–000.
Applicants: Trunkline Gas Company, LLC.
Description: Trunkline Gas Company, LLC submits tariff filing per 154.204: Update Maps 4–29–11 to be effective 6/1/2011.
Filed Date: 04/29/2011.
Accession Number: 20110429–5208.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 11, 2011.

Docket Numbers: RP11–2070–000.
Applicants: Trunkline Gas Company, LLC.
Description: Trunkline Gas Company, LLC submits tariff filing per 154.204: Negotiated Rates Filing—8 to be effective 5/1/2011.
Filed Date: 04/29/2011.
Accession Number: 20110429–5215.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 11, 2011.

Docket Numbers: RP11–2071–000.
Applicants: Florida Gas Transmission Company, LLC.
Description: Florida Gas Transmission Company, LLC submits tariff filing per 154.204: Update Map 4–29–11 to be effective 6/1/2011.
Filed Date: 04/29/2011.
Accession Number: 20110429–5221.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 11, 2011.

Docket Numbers: RP11–2072–000.
Applicants: Elba Express Company, L.L.C.
Description: Elba Express Company, L.L.C. submits tariff filing per 154.403(d)(2): Fuel Tracker Filing to be effective 6/1/2011.
Filed Date: 04/29/2011.
Accession Number: 20110429–5225.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 11, 2011.

Docket Numbers: RP11–2073–000.
Applicants: CenterPoint Energy—Mississippi River Transmission, LLC.
Description: CenterPoint Energy—Mississippi River Transmission, LLC submits tariff filing per 154.204: Negotiated Rates Filing 5/1/2011 for CES#3641 & LER#3621 to be effective 5/1/2011.
Filed Date: 04/29/2011.
Accession Number: 20110429–5302.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 11, 2011.

Docket Numbers: RP11–2074–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: Transcontinental Gas Pipe Line Company, LLC submits tariff filing per 154.403: Maiden Delivery Lateral Surcharge Update Filing to be effective 6/1/2011.
Filed Date: 04/29/2011.
Accession Number: 20110429–5337.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 11, 2011.

Docket Numbers: RP11–2074–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: Transcontinental Gas Pipe Line Company, LLC submits tariff filing per: Maiden Lateral Surcharge Update Supplemental Filing to be effective N/A under RP11–2074 Filing Type: 620.
Filed Date: 04/29/2011.
Accession Number: 20110429–5536.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 11, 2011.

Docket Numbers: RP11–2075–000.
Applicants: OkTex Pipeline Company, L.L.C.
Description: OkTex Pipeline Company, L.L.C. submits tariff filing per 154.204: Housekeeping (1st Quarter 2011) to be effective 6/1/2011 under RP11–2075 Filing Type: 570.
Filed Date: 04/29/2011.
Accession Number: 20110429–5351.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 11, 2011.

Docket Numbers: RP11–2076–000.
Applicants: Carolina Gas Transmission Corporation.
Description: Petition for Approval of Stipulation and Agreement of Carolina Gas Transmission Corporation under RP11–2076.
Filed Date: 04/29/2011.
Accession Number: 20110429–5401.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 11, 2011.

Docket Numbers: RP11–2077–000.
Applicants: Wyoming Interstate Company, L.L.C.
Description: Wyoming Interstate Company, L.L.C. submits tariff filing per 154.403(d)(2): Quarterly Fuel and L&U Filing to be effective 6/1/2011.
Filed Date: 04/29/2011.
Accession Number: 20110429–5409.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 11, 2011.

Docket Numbers: RP11–2078–000.
Applicants: Gulfstream Natural Gas System, L.L.C.
Description: Gulfstream Natural Gas System, L.L.C. submits tariff filing per 154.403(d)(2): 2011 Gulfstream TUP/SBA Filing to be effective 6/1/2011.
Filed Date: 04/29/2011.
Accession Number: 20110429–5421.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 11, 2011.

Docket Numbers: RP11–2079–000.
Applicants: Southern Natural Gas Company.
Description: Southern Natural Gas Company submits tariff filing per 154.204: Map Update to be effective 6/1/2011 under RP11–2079 Filing Type: 570.
Filed Date: 04/29/2011.
Accession Number: 20110429–5427.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 11, 2011.

Docket Numbers: RP11–2080–000.
Applicants: Southeast Supply Header, LLC.
Description: Southeast Supply Header, LLC submits tariff filing per 154.403(d)(2): 2011 SESH TUP/SBA Filing to be effective 6/1/2011 under RP11–2080 Filing Type: 650.
Filed Date: 04/29/2011.
Accession Number: 20110429–5435.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 11, 2011.

Docket Numbers: RP11–2081–000.
Applicants: ANR Pipeline Company.
Description: ANR Pipeline Company submits tariff filing per 154.203: Operational Purchases and Sales Report 2010 to be effective N/A under RP11–2081 Filing Type: 580.
Filed Date: 04/29/2011.
Accession Number: 20110429–5455.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 11, 2011.

Docket Numbers: RP11–2082–000.
Applicants: Texas Eastern Transmission, LP.
Description: Texas Eastern Transmission, LP submits tariff filing per 154.204: Duke Energy Vermillion to be effective 5/1/2011 under RP11–2082 Filing Type: 570.
Filed Date: 04/29/2011.
Accession Number: 20110429–5466.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 11, 2011.

Docket Numbers: RP11–2083–000.
Applicants: El Paso Natural Gas Company.
Description: El Paso Natural Gas Company submits tariff filing per 154.204: TGS and UNS Agreement Update to be effective 6/1/2011 under RP11–2083 Filing Type: 570.
Filed Date: 04/29/2011.
Accession Number: 20110429–5476.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 11, 2011.

Docket Numbers: RP11–2084–000.
Applicants: Hardy Storage Company, LLC.
Description: Hardy Storage Company, LLC submits tariff filing per 154.204: RAM 2011 Periodic to be effective 6/1/2011 under RP11–2084 Filing Type: 570.
Filed Date: 04/29/2011.
Accession Number: 20110429–5539.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 11, 2011.

Docket Numbers: RP11–2085–000.
Applicants: Cheyenne Plains Gas Pipeline Company, L.L.C.
Description: Cheyenne Plains Gas Pipeline Company, L.L.C. submits tariff filing per 154.403(d)(2): Annual Fuel and L&U Filing to be effective 6/1/2011.
Filed Date: 04/29/2011.
Accession Number: 20110429–5544.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 11, 2011.

Docket Numbers: RP11–2086–000.
Applicants: CenterPoint Energy Gas Transmission Company, LLC.
Description: CenterPoint Energy Gas Transmission Company, LLC submits tariff filing per 154.204: CEGT LLC—Negotiated Rate—May 2011 to be effective 5/1/2011.
Filed Date: 04/29/2011.
Accession Number: 20110429–5547.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 11, 2011.

Docket Numbers: RP11–2087–000.
Applicants: Gulf Crossing Pipeline Company LLC.
Description: Gulf Crossing Pipeline Company LLC submits tariff filing per 154.204: BP Energy 37–4 Amendment to Negotiated Rate Agreement Filing to be effective 5/1/2011.
Filed Date: 05/02/2011.
Accession Number: 20110502–5163.
Comment Date: 5 p.m. Eastern Time on Monday, May 16, 2011.

Docket Numbers: RP11–2088–000.
Applicants: ANR Pipeline Company.
Description: ANR Pipeline Company submits tariff filing per 154.601: ITS Negotiated Rate Agreements to be effective 5/1/2011.
Filed Date: 05/02/2011.
Accession Number: 20110502–5400.
Comment Date: 5 p.m. Eastern Time on Monday, May 16, 2011.

Docket Numbers: RP11–2089–000.
Applicants: Big Sandy Pipeline, LLC.
Description: Big Sandy Pipeline, LLC submits tariff filing per 154.202: Big Sandy Pipeline, LLC Baseline Filing to be effective 6/1/2011.
Filed Date: 05/02/2011.
Accession Number: 20110502–5405.
Comment Date: 5 p.m. Eastern Time on Monday, May 16, 2011.

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.

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.

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Dated: May 3, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–12886 Filed 5–24–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP11–1972–000.

Applicants: Tuscarora Gas Transmission Company.

Description: Tuscarora Gas Transmission Company submits tariff filing per 154.203: Compliance to RP10–559–001, to be effective 4/1/2011.

Filed Date: 04/04/2011.

Accession Number: 20110404–5138.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 11, 2011.

Docket Numbers: RP11–2091–000.

Applicants: Dauphin Island Gathering Partners.

Description: Dauphin Island Gathering Partners submits tariff filing per 154.204: Negotiated Rates 2011–05–04 to be effective 5/5/2011.

Filed Date: 05/04/2011.

Accession Number: 20110504–5159.

Comment Date: 5 p.m. Eastern Time on Monday, May 16, 2011.

Docket Numbers: RP11–2092–000.

Applicants: Big Sandy Pipeline, LLC.

Description: Big Sandy Pipeline, LLC submits tariff filing per 154.202: Baseline Filing to be effective 6/1/2011.

Filed Date: 05/05/2011.

Accession Number: 20110505–5089.

Comment Date: 5 p.m. Eastern Time on Tuesday, May 17, 2011.

Docket Numbers: RP11–2093–000.

Applicants: Big Sandy Pipeline, LLC.

Description: Big Sandy Pipeline, LLC submits tariff filing per 154.204: Negotiated Rate Agreement Filing to be effective 6/1/2011.

Filed Date: 05/05/2011.

Accession Number: 20110505–5126.

Comment Date: 5 p.m. Eastern Time on Tuesday, May 17, 2011.

Docket Numbers: RP11–2094–000.

Applicants: Sabine Pipe Line LLC.

Description: Sabine Pipe Line LLC submits tariff filing per 154.204: Sabine Pipe Line LLC System Map to be effective 6/15/2011.

Filed Date: 05/05/2011.

Accession Number: 20110505–5127.

Comment Date: 5 p.m. Eastern Time on Tuesday, May 17, 2011.

Docket Numbers: RP11–2095–000.

Applicants: Equitrans, L.P.

Description: Equitrans, L.P. submits tariff filing per 154.602: Cancellation of Big Sandy Pipeline, LLC Baseline Tariff Filing to be effective 6/1/2011.

Filed Date: 05/05/2011.

Accession Number: 20110505–5146.

Comment Date: 5 p.m. Eastern Time on Tuesday, May 17, 2011.

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.

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.

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Dated: May 6, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–12885 Filed 5–24–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 2

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP11–1913–001.

Applicants: Texas Gas Transmission, LLC.

Description: Texas Gas Transmission, LLC submits tariff filing per 154.203: Compliance Filing to be effective 4/28/2011.

Filed Date: 05/04/2011.

Accession Number: 20110504–5029.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 18, 2011.

Docket Numbers: RP11–2079–001.

Applicants: Southern Natural Gas Company.

Description: Southern Natural Gas Company submits tariff filing per 154.205(b): Map Update Amendment to be effective 6/1/2011.

Filed Date: 05/09/2011.

Accession Number: 20110509–5106.

Comment Date: 5 p.m. Eastern Time on Monday, May 23, 2011.

Docket Numbers: RP11–1975–001.

Applicants: Texas Gas Transmission, LLC.

Description: Texas Gas Transmission, LLC submits tariff filing per 154.203: Compliance Filing to be effective 5/5/2011.

Filed Date: 05/11/2011.

Accession Number: 20110511–5012.
Comment Date: 5 p.m. Eastern Time on Monday, May 23, 2011.

Docket Numbers: RP11–1946–002.
Applicants: Enbridge Offshore Pipelines (UTOS) LLC.
Description: Enbridge Offshore Pipelines (UTOS) LLC submits tariff filing per 154.203: Negotiated Rate/Non-conforming Agreements Resubmittal to be effective 1/1/2011.
Filed Date: 05/11/2011.
Accession Number: 20110511–5039.
Comment Date: 5 p.m. Eastern Time on Monday, May 23, 2011.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing 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. Such protests must be filed on or before 5 p.m. Eastern time on the specified comment date. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is 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.

Dated: May 11, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–12883 Filed 5–24–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 2

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP10–1410–001.
Applicants: Kern River Gas Transmission Company.
Description: Kern River Gas Transmission Company submits tariff filing per 154.203: 2011 Reservation Charge Credits Compliance Filing, to be effective 12/1/2011.
Filed Date: 05/12/2011.
Accession Number: 20110512–5001.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 24, 2011.

Docket Numbers: RP10–1375–001.
Applicants: Total Peaking Services, L.L.C.
Description: Total Peaking Services, L.L.C. submits tariff filing per 154.203: Total Peaking Services, L.L.C.—Baseline eTariff Filing (Errata/Compliance) to be effective 9/30/2010.
Filed Date: 05/13/2011.
Accession Number: 20110513–5067.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 25, 2011.

Docket Numbers: RP11–1964–001.
Applicants: Questar Pipeline Company
Description: Questar Pipeline Company submits tariff filing per 154.203: RP11–1964 Compliance Filing to be effective 5/1/2011.
Filed Date: 05/13/2011.
Accession Number: 20110513–5000.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 25, 2011.

Docket Numbers: RP11–2094–001.
Applicants: Sabine Pipe Line LLC.
Description: Sabine Pipe Line LLC submits tariff filing per 154.205(b): Amendment to effective date for Sabine System Map to be effective 6/1/2011.
Filed Date: 05/13/2011.
Accession Number: 20110513–5048.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 25, 2011.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing 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. Such protests must be filed on or before 5 p.m. Eastern time on the specified comment date. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is 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.

Dated: May 16, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary

[FR Doc. 2011–12881 Filed 5–24–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 1

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP11–2111–000.
Applicants: EQT Energy, LLC, EQT Corporation, Big Sandy Pipeline, LLC.
Description: Joint Petition of Big Sandy Pipeline, *et al.* for Waiver of Capacity Release Regulations.
Filed Date: 05/13/2011.
Accession Number: 20110513–5154.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 25, 2011.

Docket Numbers: RP11–2112–000.
Applicants: Texas Eastern Transmission, LP.
Description: Texas Eastern Transmission, LP submits tariff filing per 154.203: Hot Spring Lateral Recourse Rates—CP10–471 Compliance, to be effective 6/1/2011.
Filed Date: 05/17/2011.
Accession Number: 20110517–5074.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 31, 2011.

Docket Numbers: RP11–2113–000.
Applicants: Texas Eastern Transmission, LP.
Description: Texas Eastern Transmission, LP submits tariff filing per 154.203: Hot Spring Lateral Agreements—CP10–471 Compliance to be effective 6/1/2011.
Filed Date: 05/17/2011.
Accession Number: 20110517–5075.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 31, 2011.

Docket Numbers: RP11–2114–000.
Applicants: Ozark Gas Transmission, L.L.C.

Description: Ozark Gas Transmission, L.L.C. submits tariff filing per 154.204: KGen Hot Spring Agreements to be effective 6/1/2011.

Filed Date: 05/17/2011.

Accession Number: 20110517–5076.

Comment Date: 5 p.m. Eastern Time on Tuesday, May 31, 2011.

Docket Numbers: RP11–2115–000.

Applicants: Honeoye Storage Corporation.

Description: Honeoye Storage Corporation submits tariff filing per 154.204: PAL Services to be effective 7/1/2011.

Filed Date: 05/18/2011.

Accession Number: 20110518–5051.

Comment Date: 5 p.m. Eastern Time on Tuesday, May 31, 2011.

Docket Numbers: RP11–2116–000.

Applicants: Transcontinental Gas Pipe Line Company, LLC.

Description: Transcontinental Gas Pipe Line Company, LLC submits tariff filing per 154.204: Staten Island Heater Facility—Negotiated Rate Amendments to be effective 5/20/2011.

Filed Date: 05/19/2011.

Accession Number: 20110519–5034.

Comment Date: 5 p.m. Eastern Time on Tuesday, May 31, 2011.

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.

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.

Dated: May 19, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–12879 Filed 5–24–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR11–110–000]

Hill-Lake Gas Storage, LLC; Notice of Filing

Take notice that on May 13, 2011, Hill-Lake Gas Storage, LLC filed to update its address and to clarify definitions for Maximum Daily Withdrawal Quantity and Maximum Daily Injection Quantity in its Statement of Operating Conditions, as more fully described in the filing.

Any person desiring to participate in this rate filing 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). 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. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 7 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is 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.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 25, 2011.

Dated: May 18, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–12864 Filed 5–24–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR11–75–002]

American Midstream Onshore Pipelines, LLC; Notice of Filing

Take notice that on May 17, 2011, American Midstream Onshore Pipelines, LLC (AMOP) filed to comply with an April 19, 2011 Director Letter which directed AMOP to file a revised Statement of Terms and Conditions for Transportation Services, as more fully described in the petition.

Any person desiring to participate in this rate filing 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). 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. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene

or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 7 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is 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.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 25, 2011.

Dated: May 18, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–12866 Filed 5–24–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL11–41–000]

California Independent System Operator Corporation; Notice of Institution of Section 206 Proceeding and Refund Effective Date

On May 19, 2011, the Commission issued an order that instituted an investigation in Docket No. EL11–41–000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e, to evaluate the justness and reasonableness of section 10.3.6.3 of the California Independent System Operator Corporation's tariff. *Cal. Indep. Operator Corp., 135 FERC* ¶ 61,159 (2011).

The refund effective date in Docket No. EL11–41–000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Dated: May 19, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–12890 Filed 5–24–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP11–128–000]

National Fuel Gas Supply Corporation; Notice of Public Scoping Meeting for the Proposed Northern Access Project

On June 6, 2011, the Office of Energy Projects staff will hold a public scoping meeting to obtain input related to the environmental analysis of National Fuel Gas Supply Corporation's (National Fuel) Northern Access Project. We scheduled this meeting to provide landowners an opportunity to voice comments on the proposed project, and in response to the requests received during the April 11, 2011 environmental site review of the proposed East Aurora Compressor Station site and subsequent requests filed with the Commission. The environmental site review was noticed in our March 29, 2011, *Notice of Intent to Prepare an Environmental Assessment for the Proposed Northern Access Project and Station 230C Project, Request for Comments on Environmental Issues, and Notice of Public Environmental Site Review (NOI).*

The public scoping meeting is scheduled as follows:

Northern Access Project Scoping Meeting

June 6, 2011, at 7 p.m., Parkdale Elementary School, 141 Girard Avenue, East Aurora, NY 14052.

This notice is being sent to the Commission's current environmental mailing list for this project. The NOI and additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site at *http://www.ferc.gov* using the "eLibrary" link. Click on the eLibrary link, click on "General Search" and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* CP11–128). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Dated: May 19, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–12892 Filed 5–24–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14120–000]

Reliable Storage 1 LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On March 25, 2011, Reliable Storage 1 LLC filed an application, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of hydropower near the town of Sneedville, on Keaton Creek, in Hancock County, Tennessee. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed pumped storage project would consist of the following: (1) A 160-foot-high, 4,386-foot-long earth embankment dam; (2) an upper reservoir with a surface area of 57.4 acres and an 4,563 acre-foot storage capacity; (3) a 180-foot-high, 323-foot-long earth embankment dam creating; (4) a lower reservoir with a surface area of 32.1 acres and an 2,553 acre-foot storage capacity; (5) one 24-foot-diameter, 3,400-foot-long penstock; (6) a bifurcation to three penstocks each 16-foot-diameter, and 50-foot-long; (7) a powerhouse/pumping station containing three pump/generating units with a total generating capacity of 309 megawatts; (8) a substation; (9) a 5.62-mile-long, 500 kV transmission line to an existing distribution line; and (10) a new 3,420-foot-long access road. The proposed project would have an average annual generation of 322,000,000 megawatt hours (MWh), which would be sold to a local utility.

Applicant Contact: Mr. Daniel R. Irvin, Free Flow Power Corporation, 239 Causeway Street, Suite 300, Boston MA 01244; phone (978) 252–7631.

FERC Contact: Michael Spencer, (202) 502–6093.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed

electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov;* call toll-free at (866) 208–3676; or, for TTY, contact (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14120–000) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: May 18, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–12870 Filed 5–24–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14151–000]

Reliable Storage 1 LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On March 25, 2011, Reliable Storage 1 LLC filed an application, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of hydropower near the town of Ravenscroft, on Doe Creek, in White and Putnam Counties, Tennessee. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed pumped storage project would consist of the following: (1) A 70-foot-high, 7,500-foot-long earth embankment dam; (2) an upper reservoir with a surface area of 100 acres and an 7,100 acre-foot storage capacity; (3) a 150-foot-high, 1,300-foot-long earth embankment dam creating; (4) a lower reservoir with a surface area of 150 acres and an 10,500 acre-foot storage capacity; (5) one 30-foot-diameter, 5,800-foot-long penstock; (6) a bifurcation to three penstocks each 16-foot-diameter, and 100-foot-long; (7) an underground powerhouse/pumping station containing three pump/generating units with a total generating capacity of 600 megawatts; (8) a 30-foot-diameter, 850-foot-long tailrace tunnel; (9) a 24-foot-diameter, 1,500-foot-long access tunnel; (10) a substation; and (11) a 12.8-mile-long, 500 kV transmission line to an existing distribution line. The proposed project would have an average annual generation of 1,500,000 megawatt-hours (MWh), which would be sold to a local utility.

Applicant Contact: Mr. Daniel R. Irvin, Free Flow Power Corporation, 239 Causeway Street Suite 300, Boston MA 01244; phone (978) 252–7631.

FERC Contact: Michael Spencer, (202) 502–6093.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov;* call toll-free at (866) 208–3676; or, for TTY, contact (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14151–000) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: May 18, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–12873 Filed 5–24–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14150–000]

Reliable Storage 1 LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On March 25, 2011, Reliable Storage 1 LLC filed an application, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of hydropower near the town of Sparta, on Wildcat Creek, in White County, Tennessee. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed pumped storage project would consist of the following: (1) A 70-foot-high, 7,500-foot-long earth embankment dam; (2) an upper reservoir with a surface area of 100 acres and an 7,100 acre-foot storage capacity; (3) a 120-foot-high, 7,430-foot-long earth embankment dam creating; (4) a lower reservoir with a surface area of 101 acres and an 7,594 acre-foot storage capacity; (5) one 30-foot-diameter, 6,800-foot-long penstock; (6) a bifurcation to three penstocks each 16-foot-diameter, and 100-foot-long; (7) an underground powerhouse/pumping station containing three pump/generating units with a total generating capacity of 700 megawatts; (8) a 30-foot-diameter, 1,200-foot-long tailrace tunnel; (9) a 24-foot-diameter, 1,000-foot-long access tunnel; (10) a substation; and (11) a 16-mile-long, 500 kV transmission line to an existing distribution line. The proposed project would have an average annual generation of 1,600,000 megawatt-hours

(MWh), which would be sold to a local utility.

Applicant Contact: Mr. Daniel R. Irvin, Free Flow Power Corporation, 239 Causeway Street Suite 300, Boston MA 01244; phone (978) 252–7631.

FERC Contact: Michael Spencer, (202) 502–6093.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online *Support at FERCOnlineSupport@ferc.gov;* call toll-free at (866) 208–3676; or, for TTY, contact (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. *To paper-file, mail an original and seven copies* to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14150–000) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: May 18, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–12872 Filed 5–24–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13015–003]

Town of Edgartown; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On March 3, 2011, the Town of Edgartown, Massachusetts (Edgartown), filed an application for a successive preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Muskeget Channel Tidal Energy Project to be located in Muskeget Channel, between the islands of Martha's Vineyard and Nantucket, Dukes County and Nantucket County, Massachusetts. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) 13 Commercially operated OCGen™ horizontal hydrokinetic cross flow turbine generation units, each with an installed capacity of 0.38 megawatts (MW) for a total installed capacity of 4.94 MW, and one experimental turbine unit that would be used to test various open-bladed and helical tidal energy technologies; (2) a mooring and anchoring system attached to each unit consisting of four mooring lines, an anchor, and a clump weight; (3) two alternative submarine cable routes consisting of a either a 3.5-mile-long, or a 5-mile-long submarine cable with two 13.8-kilovolt (kv) lines and a 4.0-kv transmission line connecting the turbine generation units to an onshore substation located either in the Chappaquiddick or Katama sections of Edgartown; (4) two alternative onshore transmission line routes consisting of a 34.5 kv transmission line connecting either the Chappaquiddick or Katama onshore station to an existing distribution line in Edargatown; and (5) appurtenant facilities. The project would have an average annual generation of 10.95 gigawatt-hours

Applicant Contact: Ms. Pamela Dolby, Town Administrator, Town of Edgartown, 70 Main Street, Edgartown, MA 02539; *phone:* (508) 627–6180.

FERC Contact: Michael Watts; *phone:* (202) 502–6123.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp.* Commentors can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. *To paper-file, mail an original and seven copies to:* Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–13015–003) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: May 18, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–12869 Filed 5–24–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

[Project No. 14152–000]

Reliable Storage 1 LLC;

Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions to Intervene, and Competing Applications

On March 25, 2011, Reliable Storage 1 LLC filed an application, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of hydropower near the town of Bean Station, in Hawkins County, Tennessee. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license

application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed pumped storage project would consist of the following: (1) A 70-foot-high, 7,500-foot-long earth embankment dam; (2) an upper reservoir with a surface area of 100 acres and an 7,100 acre-foot storage capacity; (3) a 120-foot-high, 920-foot-long earth embankment dam creating; (4) a lower reservoir with a surface area of 220 acres and an 7,300 acre-foot storage capacity; (5) one 30-foot-diameter, 3,200-foot-long penstock; (6) a bifurcation to three penstocks each 16-foot-diameter, and 100-foot-long; (7) an underground powerhouse/pumping station containing three pump/generating units with a total generating capacity of 600 megawatts; (8) a 30-foot-diameter, 700-foot-long tailrace tunnel; (9) a 24-foot-diameter, 2,000-foot-long access tunnel; (10) a substation; (11) a 1.4-mile-long, 500 kV transmission line to an existing distribution line; and (12) a 6,300-foot-long access road. The proposed project would have an average annual generation of 1,500,000 megawatt-hours (MWh), which would be sold to a local utility.

Applicant Contact: Mr. Daniel R. Irvin, Free Flow Power Corporation, 239 Causeway Street Suite 300, Boston MA 01244; phone (978) 252–7631.

FERC Contact: Michael Spencer, (202) 502–6093.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov;* call toll-free at (866) 208–3676; or, for TTY, contact (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14152–000) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: May 18, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–12865 Filed 5–24–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TS11–3–000]

Gulf South Pipeline Company, LP; Notice of Request for Waiver

Take notice that on April 29, 2011, pursuant to section 358.1(d) of the Commission's regulations, 18 CFR 358.1(d) (2010), Gulf South Pipeline Company, LP (Gulf South) requests a waiver of part 358 of the Commission's Regulations, Standards of Conduct for Transmission Providers (Standards of Conduct) adopted by the Commission in Order No. 717.[1]

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.

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.

Intervention and Protest Date: 5 p.m. Eastern Time on Thursday, June 2, 2011.

Dated: May 19, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–12889 Filed 5–24–11; 8:45 am]

BILLING CODE 6717–01–P

[1] *Standards of Conduct for Transmission Providers, FERC Stats. & Regs. ¶ 31,280 (2008) (Order No 717), order on reh'g, FERC Stats. & Regs.* ¶ 31,297 (2009) (*Order No. 717–A, order on reh'g, 129 FERC* ¶61,123 (2009) (Order No. 717B), *order on reh'g, 131 FERC ¶61,045 (Order No. 717–C (Order No. 717–D), order on reh'g,* 135 FERC ¶ 61,017 (2011).

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9311–3]

Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of the State of Ohio's request to revise certain of its EPA-authorized programs to allow electronic reporting.

DATES: EPA's approval is effective May 25, 2011.

FOR FURTHER INFORMATION CONTACT: Evi Huffer, U.S. Environmental Protection Agency, Office of Environmental

Information, Mail Stop 2823T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, (202) 566–1697, *huffer.evi@epa.gov,* U.S. Environmental Protection Agency, Office of Environmental Information, Mail Stop 2823T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, or Karen Seeh, U.S. Environmental Protection Agency, Office of Environmental Information, Mail Stop 2823T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, (202) 566–1175, *seeh.karen@epa.gov.*

SUPPLEMENTARY INFORMATION:

On October 13, 2005, the final Cross-Media Electronic Reporting Rule (CROMERR) was published in the **Federal Register** (70 FR 59848) and codified as Part 3 of title 40 of the CFR. CROMERR establishes electronic reporting as an acceptable regulatory alternative to paper reporting and establishes requirements to assure that electronic documents are as legally dependable as their paper counterparts. Under Subpart D of CROMERR, state, tribe or local government agencies that receive, or wish to begin receiving, electronic reports under their EPA-authorized programs must apply to EPA for a revision or modification of those programs and obtain EPA approval. Subpart D also provides standards for such approvals based on consideration of the electronic document receiving systems that the state, tribe, or local government will use to implement the electronic reporting. Additionally, in § 3.1000(b) through (e) of 40 CFR Part 3, Subpart D provides special procedures for program revisions and modifications to allow electronic reporting, to be used at the option of the state, tribe or local government in place of procedures available under existing program-specific authorization regulations. An application submitted under the Subpart D procedures must show that the state, tribe or local government has sufficient legal authority to implement the electronic reporting components of the programs covered by the application and will use electronic document receiving systems that meet the applicable Subpart D requirements.

On December 9, 2010, the Ohio Environmental Protection Agency (EPA) submitted a consolidated application for its eBusiness Center electronic document receiving system for revision/modification of its EPA-authorized programs under title 40 CFR. EPA reviewed Ohio EPA's request to revise its EPA-authorized programs and, based on this review, EPA determined that the application met the standards for approval of authorized program revisions/modifications set out in 40 CFR part 3, subpart D. In accordance with 40 CFR 3.1000(d), this notice of EPA's decision to approve Ohio's request for revision to its Part 403–General Pretreatment Regulations for Existing and New Sources of Pollution EPA-authorized programs for electronic reporting of Industrial and Publicly Owned Treatment Works reports under 40 CFR part 403 is being published in the **Federal Register.**

Ohio EPA was notified of EPA's determination to approve its application with respect to the authorized program listed above.

Dated: May 20, 2011.

Arnold E. Layne,

Acting Director, Office of Information Collection.

[FR Doc. 2011–12948 Filed 5–24–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2011–0001; FRL–8874–4]

SFIREG Full Working Committee; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Association of American Pesticide Control Officials (AAPCO)/State FIFRA Issues Research and Evaluation Group (SFIREG) Full Committee will hold a 2-day meeting, beginning on June 20, 2011 and ending June 21, 2011. This notice announces the location and times for the meeting and sets forth the tentative agenda topics.

DATES: The meeting will be held on Monday, June 20, 2011 from 8:30 a.m. to 5 p.m. and 8:30 a.m. to noon on Tuesday, June 21, 2011.

To request accommodation of a disability, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

ADDRESSES: The meeting will be held at EPA. One Potomac Yard (South Bldg.) 2777 Crystal Dr., Arlington, VA, 1st Floor South Conference Room.

FOR FURTHER INFORMATION CONTACT: Ron Kendall, Field External Affairs Division, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–5561; e-mail address: *kendall.ron@epa.gov* or Grier Stayton, SFIREG Executive Secretary, P.O. Box 466, Milford, DE 19963; telephone number (302) 422–8152; fax (302) 422–2435; e-mail address: Grier Stayton at *aapco-sfireg@comcast.net.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are interested in pesticide regulation issues affecting States and any discussion between EPA and SFIREG on FIFRA field implementation issues related to human health, environmental exposure to pesticides, and insight into EPA's decisionmaking process. You are invited and encouraged to attend the meetings and participate as appropriate. Potentially affected entities may include, but are not limited to:

Those persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug, and Cosmetic Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and those who sell, distribute or use pesticides, as well as any Non Government Organization.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How can I get copies of this document and other related information?

EPA has established a docket for this action under docket ID number EPA–HQ–OPP–2011–0001. 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 Office of Pesticide Programs (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.

II. Tentative Agenda Topics

1. Progress on Issue Papers:

For Use by Statements, Expiration Dates; Supplemental Labeling.

Revision of PR Notice 87–1 (Chemigation).

2. Issues from Previous Meetings Updates and Discussion.

3. Fumigation Label review process.

4. Regional Report Summary, State Issues/New Issue Paper Introduction.

Endangered Species Act (ESA) Consultation.

Bed Bug Control Product Risk/Efficacy/Cleanup.

Drift Label Language Impacts.

Office of Civil Rights/Revision of Inspection Procedures.

5. SFIREG/USEPA Discussion.

Incorporating SLA Program Priorities and Resources into EPA.

Program priority setting.

6. Working Committee Reports.

Environmental Quality Issues (EQI) Working Committee Report.

Pesticide Operations and Management (POM) Working Committee Report.

7. Revision of State and Tribal Assistance Grants (STAG) Funding.

8. Revised State Label Issues Tracking System (SLITS) process.

9. Association of Structural Pest Control Regulatory Officials Update.

10. Association of American Pesticide Safety Educators (AAPSE) Report.

11. Tribal Pesticide Program Council (TPPC) Report.

12. EPA/Office of Water—update on pesticide general permit.

III. How can I request to participate in this meeting?

This meeting is open for the public to attend. You may attend the meeting without further notification.

List of Subjects

Environmental protection.

Dated: May 5, 2011.

Robert C. McNally,

Acting Director, Field External Affairs Division, Office of Pesticide Programs.

[FR Doc. 2011–12949 Filed 5–24–11; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL HOUSING FINANCE AGENCY

[No. 2011–N–05]

Proposed Collection; Comment Request

AGENCY: Federal Housing Finance Agency.

ACTION: 60-day notice of submission of information collection for approval from the Office of Management and Budget.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, the Federal Housing Finance Agency (FHFA) is seeking public comments concerning the information collection known as "Federal Home Loan Bank Directors," which has been assigned control number 2590–0006 by the Office of Management and Budget (OMB). FHFA intends to submit the information collection to OMB for review and approval of a three-year extension of the control number, which is due to expire on July 31, 2011.

DATES: Interested persons may submit comments on or before July 25, 2011.

ADDRESSES: Submit comments to FHFA using any one of the following methods:

- *E-mail: RegComments@fhfa.gov.* Please include Proposed Collection; Comment Request: "Federal Home Loan Bank Directors, (No. 2011–N–05)" in the subject line of the message.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. If you submit your comment to the *Federal eRulemaking Portal,* please also send it by *e-mail* to FHFA at *RegComments@fhfa.gov* to ensure timely receipt by the agency.
- *Mail/Hand Delivery:* Federal Housing Finance Agency, Fourth Floor, 1700 G Street NW., Washington, DC 20552, *Attention:* Public Comments/Proposed Collection; Comment Request: "Federal Home Loan Bank Directors, (No. 2011–N–05)."

We will post all public comments we receive without change, including any personal information you provide, such as your name and address, on the FHFA website at *http://www.fhfa.gov.* In addition, copies of all comments received will be available for examination by the public on business days between the hours of 10 a.m. and 3 p.m., at the Federal Housing Finance Agency, Fourth Floor, 1700 G Street, NW., Washington, DC 20552. To make an appointment to inspect comments, please call the Office of General Counsel at (202) 414–6924.

FOR FURTHER INFORMATION CONTACT: Patricia L. Sweeney, Management Analyst, Division of Bank Regulation, *patricia.sweeney@fhfa.gov,* (202) 408–2872, Federal Housing Finance Agency, 1625 Eye Street, NW., Washington, DC 20006, or Eric M. Raudenbush, Assistant General Counsel, *eric.raudenbush@fhfa.gov,* (202) 414–6421, Federal Housing Finance Agency, Fourth Floor, 1700 G Street, NW., Washington, DC 20552 (these are not toll-free numbers). The telephone number for the Telecommunications Device for the Hearing Impaired is (800) 877–8339.

SUPPLEMENTARY INFORMATION:

A. Need For and Use of the Information Collection

Section 7 of the Federal Home Loan Bank Act (Bank Act) vests the management of each Federal Home Loan Bank (Bank) in its board of directors. *See* 12 U.S.C. 1427(a)(1). As required by section 7, each Bank's board comprises two types of directors: (1) Member directors, who are drawn from the officers and directors of member institutions located in the Bank's district and who are elected every four years to represent members in a particular state; and (2) independent directors, who are unaffiliated with any Bank member and who are elected every four years on an at-large basis in each Bank district. *See* 12 U.S.C. 1427(b) and (d). Section 7 and FHFA's implementing regulation, codified at 12 CFR part 1261, establish the eligibility requirements for both types of Bank directors and the qualifications for independent directors, and set forth the procedures for their election.

Under part 1261, the Banks determine the eligibility of nominees for member and independent directorships and administer the annual director election process. As part of this process, candidates for both types of directorship, including incumbents, are required to complete and return to the Bank a form that solicits information about the candidate's statutory eligibility to serve and, in the case of independent director candidates, about his or her qualifications for the directorship being sought. *See* 12 CFR 1261.7(c) and (f); 12 CFR 1261.14(b). Specifically, member director candidates are required to complete the *Federal Home Loan Bank Member Director Eligibility Certification Form (Member Director Eligibility Certification Form),* while independent director candidates must complete the *Federal Home Loan Bank Independent Director Application Form.* Part 1261 also requires that all directors certify annually that they continue to meet all eligibility requirements. *See* 12 CFR 1261.12. Member Directors do this by completing the *Member Director Eligibility Certification Form* again every year, while Independent Directors complete the abbreviated *Federal Home Loan Bank Independent Director Annual Certification Form* to certify their ongoing eligibility.

Affected Public: Private Sector.

Costs: FHFA estimates that there will be no annualized capital/start-up costs for the respondents to collect and submit the information.

Type of Respondents: Individuals who are prospective and incumbent Bank Directors.

B. Burden Estimate

FHFA estimates the total number of respondents is 295, which includes 160 prospective directors (100 member and 60 independent) and 135 incumbent directors (80 member and 55 independent). As explained below, FHFA estimates that the total annual hour burden for all respondents is 278 hours.

1. Prospective and Incumbent Member Directors

FHFA estimates the total annual average hour burden for all the prospective and incumbent member directors is 70 hours. This includes a total annual average of 100 prospective member directors, with 1 response per individual taking an average of 30 minutes (.5 hours) (100 individuals x .5 hours = 50 hours). It also includes a total annual average of 80 incumbent member directors, with 1 response per individual taking an average of 15 minutes (.25 hours) (80 individuals x .25 hours = 20 hours).

2. Prospective and Incumbent and Independent Directors

FHFA estimates the total annual average hour burden for all the prospective and incumbent independent directors is 208. This includes a total annual average of 60 prospective independent directors, with 1 response per individual taking an average of 3 hours (60 individuals x 3 hours = 180 hours). It also includes a total annual average of 55 incumbent independent directors, with 1 response per individual taking an average of 30 minutes (.5 hours) (55 individuals x .5 hours = 28 hours).

C. Comment Request

FHFA requests written comments on the following: (1) Whether the collection of information is necessary for the proper performance of FHFA functions, including whether the information has practical utility; (2) the accuracy of FHFA's estimates of the burdens of the collection of information; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) 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.

Dated: May 18, 2011.

Edward J. DeMarco,

Acting Director, Federal Housing Finance Agency.

BILLING CODE 8070–01–P

FEDERAL HOME LOAN BANK MEMBER DIRECTOR ELIGIBILITY CERTIFICATION FORM

1. Print or type your full name:

_____

2. Are you a citizen of the United States? **Yes** ☐ **No** ☐

3. Provide the address of your principal residence:

Street	City	State	Zip code

4. Provide the following information about the institution you serve as an officer or director that is a member of your Federal Home Loan Bank:

Name of member	**Your title or position**

Telephone number	**Fax number**	**E-mail address**

Street	**City**	**State**	**Zip code**

Mailing address (if different)	**City**	**State**	**Zip code**

5. Provide the name and location of any other institution you serve as an officer or a director that is a member of any Federal Home Loan Bank:

Name of member	**City**	**State**	**Your title or position**
Name of member	**City**	**State**	**Your title or position**

Expires 7/31/2011
OMB No. 2590-0006

FEDERAL HOME LOAN BANK MEMBER DIRECTOR ELIGIBILITY CERTIFICATION FORM

6. Does each member listed in LINE 4 and LINE 5 comply with all of its applicable minimum capital requirements established by its appropriate federal or state regulator?

Yes ☐ **No** ☐

I HEREBY CERTIFY that the information provided on this Federal Home Loan Bank Member Director Eligibility Certification Form is true, correct, and complete to the best of my knowledge.

_____ _____
Signature Date

State of _____)
County of _____)

Signed and sworn to before me this ____ day of _____ of 20___.

_____
Signature of Notary Public

(Notarial Seal)

My commission expires: _____

DIRECTIONS

If you need assistance in completing this Form or have any questions, please contact:

Name:
Federal Home Loan Bank of
Address:
Telephone:
Fax:
E-Mail:

Who Must File and When

The Federal Home Loan Bank (Bank) uses the information you provide on this Form to determine whether you meet the statutory and regulatory eligibility requirements to serve as a member director. You can find these requirements in section 1427 of Title 12 of the United States Code (12 U.S.C. § 1427) and in part 1261 of Title 12 of the Code of Federal Regulations (12 C.F.R. part 1261). A copy of the statutory and regulatory eligibility requirements is enclosed for your reference. Only individuals who satisfy these requirements may run for a member directorship or serve as a member director.

Nominees for a Member Bank Directorship

If you wish to accept a nomination to serve as a member director, you must complete this Form and return it to the Bank on or before _____ . If you do not submit this Form to the Bank by the deadline, you will be deemed to have declined the nomination.

Incumbent Member Bank Directors

Every year, each incumbent member director must complete this Form and return it to the Bank on or before March 1st. The Bank will use the information to confirm your continued eligibility to serve as a member director. If you do not submit this form by the March 1st deadline, the Bank may declare that you are no longer eligible to serve as a member director, and may declare vacant the member directorship that you hold. If March 1st falls on a Saturday, Sunday, or federal holiday, you have until the next business day to submit the completed Form.

Individuals Selected to Fill a Vacancy

If the Bank selected you to fill a vacancy on the board of directors, you must complete this Form and return it to the Bank on or before _____ . You cannot become a member director unless you complete and return the Form to the Bank.

Line-by-Line Instructions

LINE 1. Print or type your full name.

LINE 2. You must be a United States citizen in order to serve as a member director. Check the appropriate answer.

LINE 3. Provide the address of your principal residence.

LINE 4. You must be an officer or a director of an institution that is a member of the Bank in order to be a member director of that Bank. In addition, the member must be located in the state within the Bank district that is to be represented by the directorship you wish to hold. In most cases, a member will be deemed to be located where it maintains its home office or its principal place of business. Provide the requested information for the member you serve as an officer or director, as well as your title or position at that institution.

LINE 5. If you are an officer or director of any other institution that is a member of this or any other Bank, provide the name and location of the institution(s), as well as the position that you hold at the institution(s).

LINE 6. In order for you to be eligible to serve as a member director, every Bank member you serve as an officer or director must be in compliance with all of its applicable minimum capital requirements established by its appropriate federal or state regulator. The term "appropriate federal regulator" has the same meaning as the term "appropriate Federal banking agency" in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. § 1813(q)), and, for federally insured credit unions, means the National Credit Union Administration. The term "appropriate state regulator" means any state officer, agency, supervisor, or other entity that has regulatory authority over, or is empowered to institute enforcement action against, a member.

Each institution you listed in LINE 4 and LINE 5 must be in compliance with all of the applicable minimum capital requirements established by its appropriate federal or state regulator. Please check the appropriate answer to this question.

FEDERAL HOME LOAN BANK INDEPENDENT DIRECTOR APPLICATION FORM

PERSONAL INFORMATION

Full name: _____

Address:

Current employment:

_____ _____
Name of organization **Your title or position**

_____ _____ _____
Telephone number **Fax number** **E-mail address**

_____ _____ _____ _____
Street **City** **State** **Zip code**

_____ _____ _____ _____
Mailing address (if different) **City** **State** **Zip code**

Expires 7/31/2011
OMB No. 2590-0006

STATUTORY ELIGIBLITY REQUIREMENTS

An individual must satisfy certain statutory requirements in order to be eligible for election as an independent director of a Federal Home Loan Bank (Bank). The requirements relate to citizenship, residency, and, for prospective public interest directors, experience in that field. The statute also prohibits an independent director from serving as an officer, employee, or director of an institution that is a member of, or that receives advances from, the Bank on whose board the director serves. The questions below address these statutory requirements.

1. ***Citizenship.*** Are you a citizen of the United States? **Yes** ☐ **No** ☐

2. ***Residency.*** In order to be an independent director you must be a bona fide resident of a state that is in the geographic district of the Bank on whose board you wish to serve. You will satisfy this requirement if your principal residence is located in that geographic district (A), or if you own or lease a second residence in the district *and* are employed in the district (B). Please indicate the basis you are using to demonstrate bona fide residence.

A. Is your principal residence located in the Bank's geographic district? **Yes** ☐ **No** ☐

B. If you answered **No**, do you own or lease a second residence in the Bank's district *and* are you employed in the district? **Yes** ☐ **No** ☐

If so, provide the address of your second home, the name of, and identifying information on, your employer, and your title or position, if different from that on page 1 of this Form.

Second home address:

Employer information:

Name of organization	**Your title or position**

Telephone number	**Fax number**	**E-mail address**

Street	**City**	**State**	**Zip code**
Mailing address (if different)	**City**	**State**	**Zip code**

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3. ***Public Interest Directors.*** If you are seeking election as a public interest director, you must be able to demonstrate that you have more than four years experience representing consumer or community interests on banking services, credit needs, housing, or consumer financial protections.

If you meet this requirement, provide information on how you have represented such consumer or community interests for more than four years.

4. ***Conflicts of interest.*** Independent directors and their spouses may not serve as an officer of any Bank or as an officer, employee, or director of any member of, or any recipient of advances from, the Bank on whose board the independent director serves. You and your spouse will have to give up any conflicting position before you can become a Bank director.

For purposes of this conflict of interest provision, the terms:

"Member" and "Recipient of advances" include the institution itself and any subsidiary of the institution. If the institution is owned by a holding company, the terms include the holding company if 35 percent or more of the holding company's assets, on a consolidated basis, are attributable to institutions that are members of, or recipients of advances from, the Bank on whose board the independent director serves. Thus, you may not serve as a director, employee, or officer of a holding company if one or more members of, or one or more recipients of advances from, your Bank constitute 35 percent or more of the holding company's assets.

A. Please specify each position you and your spouse have in any member of, or recipient of advances from, the Bank on whose board you would serve.

B. Do you agree to give up positions that are deemed to be conflicting interests before becoming an independent director of that Bank? **Yes** ☐ **No** ☐

Expires 7/31/2011
OMB No. 2590-0006

SELECTION CRITERIA

The Banks are multi-billion dollar financial institutions, the principal business of which is to borrow funds in the capital markets and then provide secured loans to their members. Each Bank is required to have independent directors who possess knowledge or expertise in financial management, derivatives, auditing and accounting, risk management practices, project development, organizational management, or the law.

1. ***Leadership Experience.*** Bank directors should have experience in senior management or policy-making in one or more fields of business, government, education, or community/civic affairs, and should have a record of achievement in their chosen profession or field of business. This experience should provide directors with the ability to understand the business of the Bank, to act independently, and to ask Bank management appropriate questions about how they are conducting Bank business.

A. If you have ever served as the CEO, CFO, COO, or in a similar capacity for a business enterprise, or as a dean or senior faculty member at a prominent college or university, or as a senior official for a federal or state government or prominent nonprofit organization, please provide the details for those positions, including the dates of service and the positions held.

B. If you have other experience dealing with issues such as developing or implementing business strategies, overseeing regulatory compliance, corporate governance, or board operations, or have previously served on the board of a large business enterprise, please describe those experiences.

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C. If you have other significant business or professional achievements that demonstrate your ability to lead an organization please describe them.

2. ***Business Knowledge.*** Bank directors must be financially literate, meaning they must be familiar with how financial statements and various financial ratios are used in managing a business enterprise, how basic accounting conventions apply to the Bank, and how internal controls are used to manage risk. They also must have some knowledge about one or more of the areas of the Bank's business, such as mortgage finance, capital markets transactions, accounting/modeling practices, affordable housing, community and economic development, and legal and regulatory compliance.

A. Do you know how to read and understand a financial statement, and do you understand how financial ratios and other indices are used for evaluating the performance of a business enterprise? **Yes** ☐ **No** ☐

If you answered **Yes**, please describe the setting in which you gained that knowledge.

B. Do you have a working familiarity with basic finance and accounting practices, including internal controls and risk management? **Yes** ☐ **No** ☐

If you answered **Yes**, please describe the setting in which you acquired that knowledge.

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C. Do you have experience with financial accounting and auditing, particularly with a publicly traded company? **Yes** ☐ **No** ☐

If you answered **Yes**, please describe that experience.

D. Do you have experience in project development or organizational management?
Yes ☐ **No** ☐

If you answered **Yes**, please describe that experience.

E. Do you have experience in an organization providing financing for residential mortgages, housing for low or moderate income individuals and families, or real estate development?
Yes ☐ **No** ☐

If you answered **Yes**, please describe that experience.

F. Have you served in any position that required an understanding of the legal and other fiduciary obligations associated with being an independent director? **Yes** ☐ **No** ☐

If you answered **Yes**, please describe that experience.

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G. The mission of the Banks is to support the housing finance activities of their members, which includes residential mortgage finance and community and economic development lending activities. Please describe any prior experience that is related to the mission of the Banks.

3. ***Commitment to Service.*** In order to serve effectively on the board of a Bank, a director must be able to attend the meetings of the board of directors and subcommittees on which the director serves, and to devote the time necessary to prepare for those meetings.

A. Do you have any other business or professional commitments that would hinder your ability to prepare for and attend board of director and committee meetings? **Yes** ☐ **No** ☐

If so, please describe the constraints on your ability to serve.

B. If you serve on any other corporate boards, please provide the name and location of the organization, your role (*e.g.*, chair and committee assignments), and the term of service.

Name of organization	**Your role**	**Term**
Name of organization	**Your role**	**Term**
Name of organization	**Your role**	**Term**

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4. ***Personal Integrity.*** Character is an important consideration in evaluating any prospective Bank director. All directors must have high ethical standards and integrity in both their personal and professional dealings. Please indicate whether you ever have been convicted of a felony, been found to have violated any federal or state civil laws relating to the securities, banking, housing or real estate industries, or have had a professional license suspended or revoked. **Yes** ☐ **No** ☐

If you answered **Yes**, please explain.

5. ***Independence.*** It is essential that an independent director be able to act independently of management in overseeing the policy and operations of a Bank, and not have any relationships that may create actual or apparent conflicts of interest. Please disclose whether you have any familial or business relationships with any members of Bank management or the board of directors of the Bank, and any other relationship(s) that might lead a reasonable person to question your independence. **Yes** ☐ **No** ☐

If you answered **Yes**, please explain.

6. ***Other Experience and Education.*** Please provide a copy of your resume if it describes other business, professional, or educational achievements that are not described in the responses to the questions above. Resume attached. **Yes** ☐ **No** ☐

BY EXECUTING AND SUBMITTING THIS APPLICATION FORM, YOU ARE CERTIFYING THAT THE INFORMATION YOU PROVIDED IS TRUE, CORRECT, AND COMPLETE TO THE BEST OF YOUR KNOWLEDGE AND THAT YOU AGREE TO SERVE AS A DIRECTOR IF ELECTED.

_____ _____

Signature Date

Expires 7/31/2011
OMB No. 2590-0006

FEDERAL HOME LOAN BANK INDEPENDENT DIRECTOR ANNUAL CERTIFICATION FORM

Full name: _____

Federal Home Loan Bank of: _____

Every year, each incumbent independent Federal Home Loan Bank (Bank) director must certify that he or she continues to meet all of the following requirements:

- United States citizen
- Bona fide resident of a state in the geographic district of the Bank on whose board you serve
  - your principal residence is located in that geographic district OR
  - you own or lease a second residence in the district *and* are employed in the district
- During your term of office, you and your spouse may not:
  - serve as an officer of any Federal Home Loan Bank
  - serve as an officer, employee, or director of any member or subsidiary of a member of the Bank you serve, or any holding company that controls one or more members of the Bank you serve if the assets of all such members constitute 35 percent or more of the assets of the holding company, on a consolidated basis
  - serve as an officer, employee, or director of any recipient of advances from the Bank you serve, or any holding company that controls one or more recipients of advances from the Bank you serve if the assets of all such recipients constitute 35 percent or more of the assets of the holding company, on a consolidated basis
- To be designated a public interest director, you must have more than four years experience representing consumer or community interests on banking services, credit needs, housing, or consumer financial protections
- If you are not designated as a public interest director, you must have knowledge or experience in one of the following: auditing and accounting, derivatives, financial management, organizational management, project development, risk management practices, or the law.

By executing this form, you are certifying that you continue to meet these requirements and that the director application form you submitted previously, or any amended certification form you submitted previously, is true, correct, and complete to the best of your knowledge.

Expires 7/31/2011
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Please check one box:

☐ **No changes have occurred.**

☐ **Changes have occurred to my responses in these sections of my Form:**

Personal information:

Eligibility information, including conflicts of interest:

Commitment to serve:

Personal integrity:

Independence:

Other changes:

Dated: _____

Signature: _____

Expires 7/31/2011
OMB No. 2590-0006

[FR Doc. 2011–12686 Filed 5–24–11; 8:45 am]

BILLING CODE 8070–01–C

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within ten days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's Web site (*http://www.fmc.gov*) or by contacting the Office of Agreements at (202)–523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 011707–007.

Title: Gulf/South America Discussion Agreement.

Parties: BBC Chartering & Logistic GMBH & Co. KG; Industrial Maritime Carriers (U.S.A.) Inc.; and West Coast Industrial Express, LLC.

Filing Party: Wade S. Hooker, Esq.; 211 Central Park W; New York, NY 10024.

Synopsis: The amendment deletes Associated Transport Line as a party to the agreement.

Agreement No.: 201103–010.

Title: Memorandum Agreement of the Pacific Maritime Association of December 14, 1983 Concerning Assessments to Pay ILWU–PMA Employee Benefit Costs, As Amended, Through May 12, 2011.

Parties: Pacific Maritime Association and International Longshore and Warehouse Union.

Filing Party: David F. Smith, Esq.; Cozen O'Connor; 1627 I Street, NW. Suite 1100; Washington, DC 20006.

Synopsis: The amendment revises how the man-hour base assessment will be calculated.

Agreement Nos.: 201122–001.

Title: Pacific Maritime Services Cooperative Working Agreement.

Parties: COSCO Terminals America, Inc.; SSA Containers, Inc., and SSA Ventures, Inc.

Filing Party: David F. Smith, Esq.; Cozen O'Connor; 1627 I Street, NW. Suite 1100; Washington, DC 20006.

Synopsis: The amendment extends the agreement indefinitely and updates the name of SSA Containers, Inc.

By Order of the Federal Maritime Commission.

Dated: May 20, 2011.

Karen V. Gregory,

Secretary.

[FR Doc. 2011–12970 Filed 5–24–11; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for a license as a Non-Vessel-Operating Common Carrier (NVO) and/or Ocean Freight Forwarder (OFF)—Ocean Transportation Intermediary (OTI) pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. chapter 409 and 46 CFR part 515). Notice is also hereby given of the filing of applications to amend an existing OTI license or the Qualifying Individual (QI) for a license.

Interested persons may contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573, by telephone at (202) 523–5843 or by e-mail at *OTI@fmc.gov.*

Argents Air Express Ltd. dba Argents International dba Argents Express Group (NVO & OFF), 206 Waters Edge, Hilton Head Island, SC 29928. Officers: Bradley W. Pinkham, Vice President (Qualifying Individual), Cynthia Chiapetta, Vice President/Secretary. Application Type: Trade Name Change.

B&O Logistics, Inc. (NVO), 19310 Pacific Gateway Drive, Torrance, CA 90502. Officers: Seung T. Hwang, President (Qualifying Individual), Tae K. Lee, Secretary/Treasurer. Application Type: New NVO License.

Charity Cargo L.L.C. (NVO & OFF), 1423 Kaleilani Street, Pearl City, HI 96782. Officer: Jessie A. Luga, Member (Qualifying Individual). Application Type: New NVO & OFF License.

Chaucer Freight LLC (NVO & OFF), 755 N. Rte. 83, Suite 222, Bensenville, IL 60106. Officers: Kathy Orzechowski, Operation Director (Qualifying Individual), Mandy J. Dunn, Member/Manager. Application Type: Add OFF Service.

ENC New York Inc. (NVO & OFF), 182–16 147th Avenue, Jamaica, NY 11413. Officer: Kwang Y. Choi, President/Secretary/Director (Qualifying Individual). Application Type: New NVO & OFF License.

Global Trade & Customs Inc. (NVO & OFF), 250 W. Ocean Blvd., #1714, Long Beach, CA 90802. Officer: Marc Sullivan, President/VP/Secretary/Treasurer (Qualifying Individual). Application Type: New NVO & OFF License.

GreenLine Trade, LLC dba GreenLine Logistics (OFF), 14205 SE 36th, Suite 100, Bellevue, WA 98006. Officers: Irina A. Shneyder, COO (Qualifying Individual), Pille Mandla, Managing Director. Application Type: QI Change.

GSD Logistics, LLC (NVO), 5602 Armour Drive, Houston, TX 77020. Officers: Marc S. Theobald, President (Qualifying Individual), Robert A. Frederick, Member. Application Type: New NVO License.

Guywillship LLC (NVO & OFF), 131–24 228th Street, Laurelton, NY 11413. Officers: Donald Bristol, President (Qualifying Individual), Ingrid Bristol, Vice President. Application Type: New NVO & OFF License.

Major Consolidation Inc. (NVO), 175–41 148th Road, Suite, 1 Jamaica, NY 11434. Officer: Wei-Dong Lu, President/VP/Secretary/Treasurer (Qualifying Individual). Application Type: License Transfer.

Morgan USA Logistics Inc. (NVO), 145–40 157th Street, Suite F1, Jamaica, NY 11434. Officers: James Kwok, Secretary (Qualifying Individual), Kit Hui, President/Vice President/Treasurer. Application Type: New NVO License.

Murphy Shipping & Commercial Services, Inc. dba Murphy Shipping (NVO & OFF), 1812 Peachleaf Street, Houston, TX 77039. Officers: June Adams, Vice President (Qualifying Individual), Ron Johns, President. Application Type: Add NVO Service.

Quality Express, Inc. (NVO), 1861 Western Way, Torrance, CA 90501. Officer: Joseph C. Lam, President/CFO/Secretary/Director (Qualifying Individual). Application Type: QI Change.

Summit Freight International Inc. (NVO), 4885 Rockford Ridge Drive, Marietta, GA 30066. Officers: Tina Chio, CEO/Secretary (Qualifying Individual), Wei Shu, President. Application Type: New NVO License.

Taymegs Impex Inc. (OFF), 2429 S. Collins Street, Arlington, TX 76014. Officers: Michael O. Famuyide, President (Qualifying Individual), Gbade Olaiwole, Vice President. Application Type: New OFF License.

Toll Global Forwarding (Americas) Inc. (NVO & OFF), 800 Federal Blvd., Carteret, NJ 07008. Officers: Myles O'Brien, CEO (Qualifying Individual), Hugh Cushing, Director. Application Type: Name Change.

Transmodal Int'l Freight Consultants Inc. (NVO), 6415 Northwest Drive, #15, Mississauga, ON, Canada.

Officers: Sanjeev Bhalla, President (Qualifying Individual), Sushil R. Sarang, Secretary. Application Type: New NVO License.

Universal Logistics Solutions International, Inc. (OFF), 25 West Higgins Road, Hoffmann Estates, IL 60195. Officer: Virginia M. Kidawa, Vice President (Qualifying Individual), David P. Kratt, President. Application Type: Name Change.

WWI International Corp. (OFF), 2223 Clifton Place, Hoffman Estates, IL 60169. Officer: Syed O. Ahmed, President/Corporate Secretary (Qualifying Individual). Application Type: New OFF License.

Dated: May 20, 2011.

Karen V. Gregory,

Secretary.

[FR Doc. 2011–12969 Filed 5–24–11; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License; Reissuance

Notice is hereby given that the following Ocean Transportation Intermediary licenses have been reissued by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. chapter 409) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, 46 CFR part 515.

License No.	Name/address	Date reissued
001580F	Marco Forwarding Co., 8835 SW. 107th Avenue, Suite 367, Miami, FL 33176	February 27, 2011.
010873N	Ameripack Services, Inc., 4696 NW. 74th Avenue, Miami, FL 33166	April 27, 2011.

Sandra L. Kusumoto,

Director, Bureau of Certification and Licensing.

[FR Doc. 2011–12974 Filed 5–24–11; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License; Rescission of Order of Revocation

Notice is hereby given that the Order revoking the following license is being rescinded by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. Chapter 409) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, 46 CFR part 515.

License Number: 022370NF.

Name: JP Shipping and Son, Inc.

Address: 12600 NW. 25th Street, Suite 107, Miami, FL 33182.

Order Published: FR: 5/12/11 (Volume 76, No. 92, Pg. 27644)

Sandra L. Kusumoto,

Director, Bureau of Certification and Licensing.

[FR Doc. 2011–12972 Filed 5–24–11; 8:45 am]

BILLING CODE P

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 application 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.

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 June 20, 2011.

A. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *MTA Bancshares, Inc.,* Seagoville, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of HomeBank, Seagoville, Texas.

Board of Governors of the Federal Reserve System, May 20, 2011.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2011–12906 Filed 5–24–11; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in Permissible Nonbanking Activities or To Acquire Companies That Are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 9, 2011.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President), 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Adbanc, Inc.,* Ogallala, Nebraska; to engage *de novo* in lending activities, pursuant to section 225.28(b)(1) of Regulation Y.

Board of Governors of the Federal Reserve System, May 20, 2011.

Robert deV. Frierson,

Deputy Secretary of the Board.

BILLING CODE 6210–01–P

[FR Doc. 2011–12905 Filed 5–24–11; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0113; Docket 2011–0079; Sequence 5]

Federal Acquisition Regulation; Submission for OMB Review; Acquisition of Helium

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), the Regulatory Secretariat (MVCB) will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning acquisition of helium.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before June 24, 2011.

ADDRESSES: Submit comments identified by Information Collection 9000–0113, Acquisition of Helium, by any of the following methods:

- Regulations.gov: *http://www.regulations.gov.*

Submit comments via the Federal eRulemaking portal by inputting "Information Collection 9000–0113, Acquisition of Helium", under the heading "Enter Keyword or ID" and selecting "Search". Select the link "Submit a Comment" that corresponds with "Information Collection 9000–0113, Acquisition of Helium". Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "Information Collection 9000–0113, Acquisition of Helium", on your attached document.

- Fax: 202–501–4067.
- Mail: General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street, NE., Washington, DC 20417. ATTN: Hada Flowers/IC 9000–0113, Acquisition of Helium.

Instructions: Please submit comments only and cite Information Collection 9000–0113, Acquisition of Helium, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah Lague, Procurement Analyst, Office of Governmentwide Acquisition Policy, GSA (202) 694–8149 or *deborah.lague@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

The Helium Act (Pub. L. 86–777) (50 U.S.C. 167a, *et seq.*) and the Department of the Interior's implementing regulations (30 CFR parts 601 and 602) require Federal agencies to procure all major helium requirements from the Bureau of Land Management, Department of the Interior.

The FAR requires that the Contractor provide to the Contracting Officer the following data within 10 days after the Contractor or subcontractor receives a delivery of helium from a Federal helium supplier; (i) The name of the supplier; (ii) The amount of helium purchased; (iii) The delivery date(s); and (iv) The location where the helium was used. Such information will facilitate enforcement of the requirements of the Helium Act and the contractual provisions requiring the use of Government helium by agency contractors.

The information is used in administration of certain Federal contracts to ensure contractor compliance with contract clauses. Without the information, the required use of Government helium cannot be monitored and enforced effectively.

One comment was received in regards to this collection. The commenter indicated that the FAR was misquoted. The team concurs. The FAR requires that the contractor provide helium purchase information 10 days after delivery from a federal helium supplier, not for the contractor to forecast what they are going to purchase. No changes to the FAR are necessary.

B. Annual Reporting Burden

Respondents: 26.
Responses per Respondent: 1.
Total Responses: 26.
Hours per Response: 1.
Total Burden Hours: 26.
Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street, NE., Washington, DC 20417, telephone (202) 501–4755. Please cite OMB Control No. 9000–0113, Acquisition of Helium, in all correspondence.

Dated: May 19, 2011.

Millisa Gary,

Acting Director, Office of Governmentwide Acquisition Policy.

[FR Doc. 2011–12931 Filed 5–24–11; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS-0990-New; 30-day notice]

Agency Information Collection Request. 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

To obtain copies of the supporting statement and any related forms for the

proposed paperwork collections referenced above, e-mail your request, including your address, phone number, OMB number, and OS document identifier, to Sherette.funncoleman@hhs.gov, or call the Reports Clearance Office on (202) 690–5683. Send written comments and recommendations for the proposed information collections within 30 days of this notice directly to the OS OMB Desk Officer; faxed to OMB at 202–395–5806.

Proposed Project: Safe Harbor for Federally Qualified Health Centers Arrangements-Reinstatement with change—OMB No. 09900322—Office of Inspector General.

Abstract: The Office of the Inspector General (OIG), Office of the Secretary (OS), Department of Health and Human Services (HHS) is requesting a reinstatement without change for the data collection under the anti-kickback statute, as described below. In order for an arrangement between a health center and a donor individual or entity to enjoy safe harbor protection, the arrangement (1) Must be set out in writing (§ 1001.952(w)(1)(i)(A)); (2) the written agreement must be signed by the parties (§ 1001.952(w)(1)(i)(B)); (3) the written agreement must cover, and specify the amount of, all goods, items, services, donations, or loans provided by the individual or entity to the health center (§ 1001.952(w)(1)(i)(C)); (4) the health center must document its basis for its reasonable expectation that the arrangement will benefit a medically underserved population (§ 1001.952(w)(3)); and (5) the health center, at reasonable intervals, must reevaluate the arrangement to ensure that it is expected to continue to benefit a medically underserved population, and must document the re-evaluation contemporaneously (§ 1001.952(w)(4)).

OIG may request to see documentation kept pursuant to the safe harbor in order to determine compliance with the terms of the safe harbor and the fraud and abuse laws. Compliance with the safe harbor is voluntary, and no party is ever required to comply with the safe harbor.

The safe harbor does not entail a routine and continuous affirmative collection of data form the regulated community. However, health centers that choose to avail themselves of the safe harbor must have initial documentation and a re-evaluation of the arrangement at least annually. The respondents are businesses and/or other private sector for-profit and not-for-profit institutions.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondent	Number of respondents	Number of responses per respondent	Average burden (in hours) per response	Total burden hours
Health Center	1873	1	1	1,873

Mary Forbes,

Office of the Secretary, Paperwork Reduction Act Clearance Officer.

[FR Doc. 2011–12899 Filed 5–24–11; 8:45 am]

BILLING CODE 4150–26–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0990–New; 30-day notice]

Agency Information Collection Request. 30-Day Public Comment Request

May 20, 2010.

AGENCY: Office of the Secretary, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, e-mail your request, including your address, phone number, OMB number, and OS document identifier, to *Sherette.funncoleman@hhs.gov*, or call the Reports Clearance Office on (202) 690–5683. Send written comments and recommendations for the proposed information collections within 30 days of this notice directly to the OS OMB Desk Officer; faxed to OMB at 202–395–5806.

Proposed Project: Multi-Component Evaluation of the *BodyWorks* Program—OMB No. 0990–NEW—Office on Women's Health (OWH)

Abstract: Office on Women's Health (OWH) is requesting clearance for forms for a multi-component 3.5 year evaluation of the *BodyWorks* Program. These forms will support three evaluation tasks: (1) Conducting a onetime follow-up study of trainers and parents previously involved in BodyWorks; (2) Conducting a onetime pilot test of a post-only survey tool to be added to the BodyWorks toolkit/resources; and, (3) conducting a full evaluation of the revised BodyWorks program, including pre, post and follow-up components as well as similar tests of the Spanish BodyWorks program.

ESTIMATED ANNUALIZED BURDEN TABLES

Type of respondent	Data collection name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
BodyWorks program participants	Parent/Caregiver Follow-Up Study Questionnaire.	450	1	10/60	75
	Parent/Caregiver Follow-Up Study Focus Group.	18	1	60/60	18
	English & Spanish Participant Exit Survey—Post Only Pilot Study.	100	1	10/60	17
	English and Spanish Participant Pretests—Full Evaluation.	408	1	20/60	136
	English and Spanish Participant Posttests—Full Evaluation.	300	1	20/60	100
	English and Spanish Participant Follow-ups—Full Evaluation.	256	1	20/60	85
	English and Spanish Participant Session Feedback Forms—Full Evaluation.	300	8	5/60	200
English and Spanish BodyWorks program comparison group participant.	English and Spanish Participant Pretests—Full Evaluation.	408	1	20/60	136
	English and Spanish Participant Posttests—Full Evaluation.	300	1	20/60	100
	English and Spanish Participant Follow-ups—Full Evaluation.	256	1	20/60	85
Trainers of the BodyWorks program	Trainer Follow-Up Study Questionnaire.	1,250	1	20/60	417
	Trainer Follow-Up Study Interview ...	15	1	60/60	15
	Trainer Exit Survey Satisfaction Interview—Post only pilot study.	10	1	30/60	5
	Trainer Feedback Forms—Full Evaluation.	30	8	5/60	20
Total Project Burden Hours	.....	.....	.....	.....	1,409

Mary Forbes,

Office of the Secretary, Paperwork Reduction Act Clearance Officer.

[FR Doc. 2011–12900 Filed 5–24–11; 8:45 am]

BILLING CODE 4150–33–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: "Comparative Effectiveness Research-Continuing Education." In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3521, AHRQ invites the public to comment on this proposed information collection.

This proposed information collection was previously published in the **Federal Register** on February 28th, 2011 and allowed 60 days for public comment. No comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments on this notice must be received by June 24, 2011.

ADDRESSES: *Written comments should be submitted to:* AHRQ's OMB Desk Officer by fax at (202) 395–6974 (*attention:* AHRQ's desk officer) or by e-mail at *OIRA_submission@omb.eop.gov* (*attention:* AHRQ's desk officer).

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by e-mail at *doris.letkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

Comparative Effectiveness Research-Continuing Education

Previous dissemination efforts in health care research and evidence through comparative effectiveness funded by the Federal Government have largely been focused in academic settings, rather than among physicians and clinicians in health care delivery settings. This project implements and evaluates methods that extend beyond the academic setting to engage the target audiences in the health care environment where decisions are typically made.

Most clinicians are required to complete continuing medical education (CME) accepted by accrediting organizations recognized by State medical boards. Over sixty boards require anywhere from 12 CME credits to 50 CME credits per year for a clinician to retain their State licensure. (State Medical Licensure Requirements and Statistics, 2010, *http://www.ama-assn.org/amal/pub/upload/mm/40/table16.pdf.*) AHRQ currently provides CME credits on some of its comparative effectiveness research reviews; however, these CME credits are applicable to physicians only and AHRQ is not conducting any follow-up surveys with physicians on these CME activities to ascertain the impact on physician

behavior. AHRQ is expanding its continuing education to include nurses, nurse practitioners, physician assistants, medical assistants, pharmacists, respiratory therapists, and other allied health professionals, as well as physicians. In addition, AHRQ wants to assess the impact continuing education has on clinician behavior, its perceived value, and whether or not education on comparative effectiveness research made a difference in a clinician's confidence in applying comparative effectiveness research in practice, understanding the application of such research, and improved ability to counsel patients on treatment and management alternatives.

Dissemination of clinical and research findings to clinicians varies in approach, methods and by target audience. Highly technical and scientific publications are peer reviewed and serve to validate the methods, calculations, analysis and conclusions of studies and research. However, it is nearly impossible to discern whether the manuscript was read, its effect on the reader, and the likelihood that the reader will utilize the information.

Accredited education is widely accepted as a method for dissemination of research findings and is provided in various ways, including online, on site, and through audio and video presentations. To earn credit for participation, clinicians must provide contact information, allowing the possibility of follow-up data collections regarding behaviors, attitudes and performance information about the participant. AHRQ has also provided accredited education as a method to disseminate CER findings, and with this project, has reaffirmed the value of CME in dissemination of CER findings and expanded the commitment to provide accredited education for multiple health care disciplines.

The goal of this project is to enhance awareness of comparative effectiveness research among clinicians and measure the value and impact of these efforts.

This study is being conducted by AHRQ through its contractor, PRIME Education, Inc., pursuant to AHRQ's statutory authority to conduct and support research on healthcare and on systems for the delivery of such care, including activities with respect to: the quality, effectiveness, efficiency, appropriateness and value of healthcare services; quality measurement and improvement; and clinical practice. 42 U.S.C. 299a(a)(1),(2) and (4).

Method of Collection

To achieve this project's goal, the following activities and data collections will be implemented:

1. Provide continuing medical education (CME) or continuing education units (CE/CEU) through the appropriate accrediting organizations by providing 15 multimedia online continuing education modules per year for 3 years, on specific comparative effectiveness research reports and provide quantitative and qualitative metrics about usage of these programs by physicians, pharmacists, nurses, nurse practitioners, physician assistants, medical assistants, allied health professionals, and other clinicians. This activity is designed to raise awareness of and utility of comparative effectiveness research by providing free and easy access to clinician guides and consumer guides for clinicians and their patients/families to assist in making informed decisions about health care.

The following monthly utilization rates for the online CME/CE/CEU activities will be collected: The number of CME/CE/CEU certificates issued, monthly participation statistics, and the number of clinician and consumer guides ordered. Because all of the CME/CE/CEU activities are online, the utilization rates are automatically collected by the contractor's computer when the health care professional registers for the activity, participates in the online education, requests continuing education credit for the activity, and orders clinician and consumer guides. Therefore, this activity does not require OMB clearance.

2. CME/CE/CEU registration data is provided by the health care professional when he or she logs on and registers for a course. The health care professional would key in their name, e-mail address, address (selecting either their home or business address), telephone number, type of discipline, and their practice setting. This data is collected to ensure that the health care professional receives CME/CE/CEU credit for the courses that he or she takes and will be used to implement the AHRQ Online Continuing Education Participant Evaluation described below.

3. AHRQ Online Continuing Education Participant Evaluation to evaluate the effectiveness and impact of the CME/CE/CEU modules at 60 days, 6 months and 1 year after completion of the module. The purpose of this evaluation is to assess the clinicians' confidence level in applying comparative effectiveness research, their understanding of the research, how valuable the research is to the clinician and their intent to change their practice based on this research. Evaluation questions have been developed based upon established conceptual frameworks and principles of adult learning.

Data collected will be used to assess the utility and effectiveness of the educational module in increasing awareness and utility of information provided in comparative effectiveness research. Data will provide useful quantitative and qualitative metrics which AHRQ can use to measure the outcomes of the project. Moreover, these metrics will enable AHRQ to identify new potential barriers that may thwart the outcome-lending important information regarding future educational needs.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondents' time to participate in this research. The AHRQ Online Continuing Education Participant Evaluation will be completed at 3 different points in time after completion of the CME/CE/CEU education module. The CME/CE/CEU registration data is collected for an estimated 1,500 health care professionals and takes approximately 5 minutes. The same estimated 1,500 health care professionals will complete the evaluation 3 times each year, which takes about 3 minutes to complete. The total annual burden is estimated to be 350 hours.

Exhibit 2 shows the estimated annual cost burden to respondents, based on their time to participate in surveys for each CME/CE/CEU module. The annual cost burden is estimated to be $16,290.]

Exhibit 1. Estimated annualized burden hours per module

Form name	Number of respondents	Number of responses per respondent	Hours per response survey	Total burden hours
AHRQ Online Continuing Education CME/CE/CEU Registration Data	1500	1	5/60	125
AHRQ Online Continuing Education Participant Evaluation	1500	3	3/60	225

Form name	Number of respondents	Number of responses per respondent	Hours per response survey	Total burden hours
Total	3,000	na	na	350

Exhibit 2. Estimated annualized cost burden per module

Form name	Number of respondents	Total burden hours	Average hourly wage rate*	Total cost burden
AHRQ Online Continuing Education CME/CE/CEU Registration Data	1500	125	$46.54	$5818
AHRQ Online Continuing Education Participant Evaluation	1500	225	46.54	10,472
Total	3,000	350	na	16,290

*Based upon the mean of the average hourly wages for Physicians (292–1069; $83.59), Pharmacists (29–1051; $51.27), Physician Assistants and Nurse Practitioners (29–1071; $40.78), Registered Nurses (29–1111; $31.99) and Healthcare Practitioners (29–9099; $25.05), National Compensation Survey: Occupational wages in the United States May 2009, "U.S. Department of Labor, Bureau of Labor Statistics."

Estimated Annual Costs to the Federal Government

Exhibit 3 shows the total and annualized cost for the 45 CME/CE/CEU modules (15 per year for 3 years). The total cost is estimated to be $3,963,150.

Exhibit 3. Estimated Total and Annualized Cost

Cost component	Total cost	Annualized cost
Development of CME/CE/CEU Module	$2,256,300	$752,100
Module Accreditation	900,000	300,000
Module Dissemination	450,000	150,000
Evaluation instrument development and dissemination, data collection, processing and analysis	356,850	118,950
Total	3,963,150	1,321,050

Request for Comments

In accordance with the Paperwork Reduction Act, 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: May 12, 2011.

Carolyn M. Clancy,

Director.

[FR Doc. 2011–12668 Filed 5–24–11; 8:45 am]

BILLING CODE M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket Number NIOSH–238]

Draft Alert Entitled "Preventing Occupational Respiratory Disease From Dampness in Office Buildings, Schools, and Other Nonindustrial Buildings;" Correction

A notice of draft document for public comment was published in the **Federal Register**, May 18, 2011, (76 FR 28789). This notice is corrected as follows:

On page 28789, second column: Under the heading "Summary" the Web site has been changed to *http://www.cdc.gov/niosh/docket/review/docket238/.*

Dated: May 19, 2011.

John Howard,

Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2011–12935 Filed 5–24–11; 8:45 am]

BILLING CODE 4163–18–D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Public Health Prevention Fund: Streamlined Surveillance for Venilator-Associated Pneumonia: Reducing Burden and Demonstrating Preventability, Funding Opportunity Announcement (FOA) CK11–0010101PPHF11, Initial Review

Correction: The notice was published in the **Federal Register** on April 18, 2011, Volume 76, Number 74, Page 21749. The time and date should read as follows:

Time and Date: 11 a.m.–2 p.m., May 26, 2011 (Closed).

Contact Person for More Information: Gregory Anderson, M.S., M.P.H., Scientific Review Officer, CDC, 1600 Clifton Road, NE., Mailstop E60, Atlanta, Georgia 30333, Telephone: (404) 498–2293.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: May 19, 2011.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2011–12973 Filed 5–24–11; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Measurement Development: Quality of Caregiver-Child Interactions for Infants and Toddlers (Q–CCIIT).

OMB No.: New Collection.

Description: The Office of Planning, Research and Evaluation (OPRE), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is proposing to develop a new observation measure to assess the quality of child care settings, specifically the quality of caregiver-child interaction for infants and toddlers in nonparental care. The measure will be appropriate for use across child care settings, center-based and family child care settings as well as single- and mixed-age classrooms.

The two-year data collection activity will include two phases: (1) A pilot test and (2) a psychometric field test. We will request information about the child care setting, its classrooms and families for recruitment into the study. Information will be collected through observations, focus groups, and questionnaires.

In the pilot and field tests, the new Q–CCIIT observation measure will include observing a small group activity structured with a common task and asking follow-up observation questions. Caregivers observed will also complete a background questionnaire. Focus groups to obtain stakeholder input on caregiver-child interactions will be conducted separately with parents, caregivers, and training and technical assistance providers. Focus group participants will also complete a demographic questionnaire. Parents of children served by caregivers will complete a questionnaire on their child's competencies related to cognitive, language/communication, and social-emotional development. Parents will complete this questionnaire, which will also include family and child characteristics, once in the pilot test and twice in the field test, at the start of the field test and 6 months later to assess growth.

The purpose of this data collection is to support the 2007 reauthorization of the Head Start program (Pub. L. 110–134), which calls for periodic assessments of Head Start's quality and effectiveness.

Respondents: Child care setting representatives (directors or owners), caregivers (center-based and family child care settings), parents of children in those child care settings, and training and technical assistance providers.

Annual Burden Estimates

Instrument	Annual number of respondents	Number of responses per respondent	Average burden hour per response	Estimated annual burden hours
1. Child care setting recruitment form	190	1	0.5	95
2. Q–CCIIT measure-small group activity and follow-up	290	1	0.25	73
3. Caregiver background questionnaire	520	1	0.25	130
4. Focus group interview guide	20	1	1.90	38
5. Parent focus group demographic questionnaire	10	1	0.10	1
6. Caregiver focus group demographic questionnaire	5	1	0.10	1
7. Training and technical assistance provider focus group demographic questionnaire	5	1	0.10	1
8. Parent-report child competence questionnaire	880	2	0.75	1,320
Estimated total annual burden hours:				1,659

Additional Information

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade, SW., Washington, DC 20447, *Attn:* OPRE Reports Clearance Officer. All requests should be identified by the title of the information collection. *E-mail address: OPREinfocollection@acf.hhs.gov.*

OMB Comment

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. *Written comments and recommendations for the proposed information collection should be sent directly to the following:*

Office of Management and Budget Paperwork Reduction Project *Fax:* 202–395–6974.

Attn: Desk Officer for the Administration for Children and Families.

Dated: May 17, 2011.

Steven Hanmer,

OPRE Reports Clearance Officer.

[FR Doc. 2011–12669 Filed 5–24–11; 8:45 am]

BILLING CODE 4184–22–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: National Survey of Child and Adolescent Well-Being,—Second Cohort (NSCAW II).

OMB No.: 0970–0202.

Description: The Department of Health and Human Services (HHS) intends to collect follow-up data on a sample of children and families for the National Survey of Child and Adolescent Well-Being (NSCAW). The NSCAW was authorized under Section 427 of the Personal Responsibility and Work Opportunities Reconciliation Act of 1996. The NSCAW is the only source of nationally representative, firsthand information about the functioning and well-being, service needs, and service utilization of children and families who come to the attention of the child welfare system.

Information is collected about children's cognitive, social, emotional, behavioral, and adaptive functioning, as well as family and community factors that are likely to influence their functioning. Family service needs and service utilization also are addressed in the data collection.

Selection of the current NSCAW sample and baseline data collection began in 2007 with a final sample size of 5,873 children. The proposed data collection will allow for follow-up of this sample 36 months post-baseline, will follow the same format as that used in the baseline round and the 18-month follow-up, and will employ, with only modest revisions, the same instruments that were used in the previous rounds. Data from NSCAW are made available to the research community through licensing arrangements from the National Data Archive on Child Abuse and Neglect at Cornell University.

Respondents: Children and their associated permanent or foster caregivers, caseworkers, and teachers.

Annual Burden Estimates

Instrument respondent	Number of respondents	Number of responses per	Average burden house per response	Total burden hours
Child Interview	5,873	.5	1.17	3,436
Caregiver Interview	5,873	.5	1.6	4,698
Caseworker Interview	1,140	2.5	1	2,850
Teacher	2,071	.5	.50	518

Estimated Total Annual Burden Hours: 11,502.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade, SW., Washington, DC 20447, *Attn:* OPRE Reports Clearance Officer. All requests should be identified by the title of the information collection. *E-mail address: OPREinfocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. *Written comments and recommendations for the proposed information collection should be sent directly to the following:* Office of Management and Budget, Paperwork Reduction Project, *Fax:* 202–395–6974, *Attn:* Desk Officer for the Administration for Children and Families.

Dated: May 17, 2011.

Steven M. Hanmer,

OPRE Reports Clearance Officer.

[FR Doc. 2011–12670 Filed 5–24–11; 8:45 am]

BILLING CODE 4184–34–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Announcement of the Publication of Funding Opportunity Announcements under the Runaway and Homeless Youth Act

AGENCY: Family and Youth Services Bureau (FYSB), Administration on Children, Youth and Families (ACYF), ACF, HHS.

ACTION: Funding Opportunity Announcements for the Basic Center Program (BCP) and Street Outreach Program (SOP) are now available for application.

CFDA Number: 93.623, 93.557.

Statutory Authority: Runaway and Homeless Youth Act (Pub. L. 110–378), 42 U.S.C. sections 5701–5752.

SUMMARY: As required under 45 CFR 1351.17, the Administration for Children and Families (ACF), Administration on Children, Youth and Families (ACYF), Family and Youth Services Bureau (FYSB) announces the publication of the following Funding Opportunity Announcements (FOAs) to the ACF Funding Opportunities Web site (*http://www.acf.hhs.gov/grants/index.html*) on 4/25/2011:

Funding opportunity title	Funding opportunity number (FON)	Access to FOA	Application due date
Basic Center Program	HHS-2011-ACF-ACYF-CY-0166	*http://www.acf.hhs.gov/grants/open/foa/view/HHS–2011–ACF–ACYF–CY–0166.*	6/24/2011
Street Outreach Program	HHS-2011-ACF-ACYF-YO-0168	*http://www.acf.hhs.gov/grants/open/foa/view/HHS–2011–ACF–ACYF–YO–0168.*	6/24/2011

Additional information and electronic submission of applications are available at: *http://www.Grants.gov*—Find and Apply.

FOR FURTHER INFORMATION CONTACT: Curtis O. Porter, Director, Division of Youth Services, Family and Youth Services Bureau, 1250 Maryland Ave., SW., Suite 800, Washington, DC 20024. *Telephone:* 202–205–8102; *e-mail: NCFY@acf.hhs.gov.*

Dated: May 13, 2011.

Bryan Samuels,

Commissioner, Administration on Children, Youth and Families.

[FR Doc. 2011–12893 Filed 5–24–11; 8:45 am]

BILLING CODE 4182–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration For Children and Families

Announcement of the Award of a Replacement Grant

AGENCY: Office of Community Services (OCS), ACF, DHHS.

ACTION: Announcement of the award of a replacement grant from the Office of Community Services to Humboldt State University Sponsored Programs Foundation, Arcata, CA, under the Strengthening Communities Fund program.

CFDA Number: 93.711.

Statutory Authority: Section 1110 of the Social Security Act governing Social Services Research and Demonstration activities; Title VIII of the American Recovery and Reinvestment Act (ARRA) of 2009, Public Law 111–5. (*http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h1enr.pdf*)

SUMMARY: The Administration of Children and Family (ACF), Office of Community Services (OCS), announces the award of a replacement grant under the Strengthening Communities Fund (SCF) for the State, Local, and Tribal Government Capacity Building Program grant to Humboldt State University Sponsored Programs Foundation, Arcata, CA. Humboldt State is an eligible designate of the Governor's Office on Economic Development in California.

California Volunteers, Inc., Sacramento CA was originally awarded an FY 2009 grant as the result of a competition under the SCF program. In October 2010, California Volunteers submitted a letter relinquishing their grant.

Humboldt State University Sponsored Programs Foundation submitted their letter along with their grant application requesting approval as the replacement grantee. OCS reviewed the application from Humboldt State University Sponsored Programs Foundation and found that the proposed project is significantly similar to the one initially chosen for the award. ACF, OCS now announces that Humboldt State University Sponsored Programs Foundation has been awarded the grant in the amount of $233,866 as the permanent successor grantee for the remainder of the project period, which will end on September 29, 2011.

Under the award, Humboldt State University Sponsored Programs Foundation will continue to provide coordinated, timely capacity-building outreach, training and technical assistance to faith-based and community organizations in California.

FOR FURTHER INFORMATION CONTACT: Thom Campbell, Program Manager, Office of Community Services, 901 D Street, SW., Washington, DC 20047. *Telephone:* (202) 401–5483; *E-mail: Thom.Campbell@acf.hhs.gov.* Additional information about this program and its purpose can be located on the following Web site: *http://www.acf.hhs.gov/programs/ocs/scf/index.html.*

Dated: May 17, 2011.

Yolanda J. Butler,

Acting Director, Office of Community Services.

[FR Doc. 2011–12894 Filed 5–24–11; 8:45 am]

BILLING CODE 4184–27–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0622]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Color Additive Certification Requests and Recordkeeping

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled "Color Additive Certification Requests and Recordkeeping" has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Denver Presley, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, 301–796–3793.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 24, 2011 (76 FR 10371), the Agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. An 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. OMB has now approved the information collection and has assigned OMB control number 0910–0216. The approval expires on April 30, 2014. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain.*

Dated: May 19, 2011.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2011–12845 Filed 5–24–11; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–N–0532]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Experimental Study of Nutrition Facts Label Formats

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled "Experimental Study of Nutrition Facts Label Formats" has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Denver Presley, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, 301–796–3793.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 17, 2010 (75 FR 70266), the Agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. An 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. OMB has now approved the information collection and has assigned OMB control number 0910–0682. The approval expires on April 30, 2013. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain.*

Dated: May 19, 2011.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2011–12844 Filed 5–24–11; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Meeting

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 the following meeting.

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 Institute of General Medical Sciences Initial Review Group; Biomedical Research and Research Training Review Subcommittee A.

Date: June 28, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington DC-Silver Spring, 8727 Colesville Road, Silver Spring, MD 20910.

Contact Person: Carole H. Latker, PhD, Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 3AN 18F, Bethesda, MD 20892, 301–594–2848, *latkerc@nigms.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: May 19, 2011.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–12965 Filed 5–24–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental and Craniofacial Research; Meeting

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 the following meeting.

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 Institute of Dental and Craniofacial Research Special Emphasis Panel; NIDCR Teleconference Review of Clinical (U01) and Pre Clinical (R34) Applications.

Date: June 28, 2011.

Time: 9 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Victor Henriquez, PhD, Scientific Review Officer, DEA/SRB/NIDCR, 6701 Democracy Blvd., Room 668, Bethesda, MD 20892–4878, 301–451–2405, *henriquv@nidcr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: May 19, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–12956 Filed 5–24–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Meetings

Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK KUH–Fellowship Review.

Date: June 29, 2011.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Xiaodu Guo, MD, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 761, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–4719, *guox@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; RFA–DK–10–012 Type 1 Diabetes Impact Award (DP3).

Date: July 11, 2011.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Ann A. Jerkins, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 759, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, 301–594–2242, *jerkinsa@niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Obesity and Pregnancy Coordinating Center.

Date: July 11, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: D.G. Patel, PhD, Scientific Review Officer, Review Branch, DEA,

NIDDK, National Institutes of Health, Room 756, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7682, *pateldg@niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Obesity and Pregnancy.

Date: July 14–15, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: D.G. Patel, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 756, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7682, *pateldg@niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK Major Ancillary Studies.

Date: July 14, 2011.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Michael W. Edwards, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 750, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8886, *edwardsm@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: May 18, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–12953 Filed 5–24–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Meetings

Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA Panel: Drug Discovery for the Nervous System.

Date: June 16–17, 2011.

Time: 8 a.m. to 10 a.m.

Agenda: To review and evaluate grant applications.

Place: The Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.

Contact Person: Mary Custer, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4148, MSC 7850, Bethesda, MD 20892, (301) 435–1164, *custerm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cell Biology.

Date: June 16–17, 2011.

Time: 8 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Wallace Ip, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5128, MSC 7840, Bethesda, MD 20892, 301–435–1191 *ipws@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA Panel: Drug Discovery for the Nervous System.

Date: June 17, 2011.

Time: 10 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.

Contact Person: Mary Custer, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4148, MSC 7850, Bethesda, MD 20892, (301) 435–1164, *custerm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Neuroimmunology and Spinal Cord Injury.

Date: June 21–22, 2011.

Time: 12 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Alexander Yakovlev, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5206, MSC 7846, Bethesda, MD 20892, 301–435–1254, *yakovleva@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: May 19, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–12952 Filed 5–24–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Meetings

Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; HIV Related Host Defense Program Project Grant Application.

Date: June 15, 2011.

Time: 11 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Shelley S. Sehnert, PhD, Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7206, Bethesda, MD 20892–7924, 301–435–0303, *ssehnert@nhlbi.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; NHLBI—Mentored Patient-Oriented Research Career Development Award.

Date: June 20–21, 2011.

Time: 8 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Stephanie J. Webb, PhD, Scientific Review Officer, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7196, Bethesda, MD 20892, 301–435–0291, *stephanie.webb@nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; NHLBI Conference Grant Review.

Date: June 22–23, 2011.

Time: 8 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Shelley S. Sehnert, PhD., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7206, Bethesda, MD 20892–7924, 301–435–0303, *ssehnert@nhlbi.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Atherosclerosis Program Project Grant Application.

Date: June 24, 2011.

Time: 8 a.m. to 11:30 a.m.

Agenda: To review and evaluate grant applications.

Place: The Westin Baltimore Washington Airport-BWI, 1110 Old Elkridge Landing Road, Linthicum, MD 21090.

Contact Person: Shelley S. Sehnert, PhD., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7206, Bethesda, MD 20892–7924, 301–435–0303, *ssehnert@nhlbi.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: May 19, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–12951 Filed 5–24–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Meeting

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 the following meeting.

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: Heart, Lung, and Blood Initial Review Group; Clinical Trials Review Committee.

Date: June 27–28, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Keary A. Cope, PhD, Scientific Review Officer, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7190, Bethesda, MD 20892–7924, 301–435–2222, *copeka@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: May 19, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–12946 Filed 5–24–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Meetings

Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Speech and Cognition.

Date: June 9–10, 2011.

Time: 11 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Maribeth Champoux, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3170, MSC 7848, Bethesda, MD 20892, 301–594–3163, *champoum@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Parental Influences on Youth Behavior in At-Risk Families.

Date: June 15, 2011.

Time: 12 p.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Michael Micklin, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3136, MSC 7759, Bethesda, MD 20892, (301) 435–1258, *micklinm@csr.nih.gov.*

Name of Committee: Vascular and Hematology Integrated Review Group; Atherosclerosis and Inflammation of the Cardiovascular System Study Section.

Date: June 16–17, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Four Points by Sheraton Washington DC Downtown, 1201 K Street, NW., Washington, DC 20005.

Contact Person: Larry Pinkus, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4132, MSC 7802, Bethesda, MD 20892, (301) 435–1214, *pinkusl@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Emotion, Stress and Health.

Date: June 20, 2011.

Time: 3 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Jing Du, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3181, Bethesda, MD 20892, 301–435–1742, *duj@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Asthma, Immunology, and Lung Host Defense.

Date: June 21, 2011.

Time: 3 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Everett E Sinnett, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2178, MSC 7818, Bethesda, MD 20892, 301–435–1016, *sinnett@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–11–100: Alzheimer's Disease Pilot Clinical Trials.

Date: June 23, 2011.

Time: 1 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call)
Contact Person: Mark Lindner, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, MSC 7770, Bethesda, MD 20892, 301–435–0913, *mark.lindner@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Drug Discovery and Development.
Date: June 23–24, 2011.
Time: 7 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Beacon Hotel and Corporate Quarters, 1615 Rhode Island Avenue, NW., Washington, DC 20036.
Contact Person: Dennis Hlasta, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6185, MSC, Bethesda, MD 20892, 301–435–1047, *dennis.hlasta@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA Panel: Translational Research in Pediatric and Obstetric Pharmacology.
Date: June 28, 2011.
Time: 1 p.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: David Weinberg, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6170, MSC 7892, Bethesda, MD 20892, 301–435–1044, *David.Weinberg@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: May 18, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–12940 Filed 5–24–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Meeting

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 the following meeting.

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 Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Investigator Initiated Program Project Applications (P01).
Date: June 15, 2011.
Time: 12 p.m. to 3:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6700B Rockledge Drive, Bethesda, MD 20817, (Telephone Conference Call).
Contact Person: Yong Gao, PhD, Scientific Review Officer, Scientific Review Program, DHHS/NIH/NIAID, 6700B Rockledge Drive, Room 3127, Bethesda, MD 20892, 301–443–8115, *gaol2@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: May 18, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–12938 Filed 5–24–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Meeting

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 the following meeting.

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 Institute of Dental and Craniofacial Research Special Emphasis Panel; Review of NIDCR R03 Applications.
Date: June 8, 2011.
Time: 1 p.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Marilyn Moore-Hoon, PhD, Scientific Review Officer, Scientific Review Branch, National Institute of Dental and Craniofacial Research, 6701 Democracy Blvd., Rm. 676, Bethesda, MD 20892–4878, 301–594–4861, *mooremar@nidcr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: May 18, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–12937 Filed 5–24–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Meeting

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 the following meeting.

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 Institute of General Medical Sciences Initial Review Group; Minority Programs Review Subcommittee A.
Date: June 28, 2011.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Courtyard by Marriott, Chevy Chase, 5520 Wisconsin Avenue, Bethesda, MD 20815.
Contact Person: Mona R. Trempe, PhD, Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN12, Bethesda, MD

20892, 301–594–3998, *trempemo@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: May 19, 2011.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–12968 Filed 5–24–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Meetings

Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Member Conflict Sep.

Date: June 2, 2011.

Time: 1 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Guest Suites, Santa Monica, 1707 Fourth Street, Santa Monica, CA 90401.

Contact Person: Ramesh Vemuri, PhD, Chief, Scientific Review Branch, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Suite 2C–212, Bethesda, MD 20892, 301–402–7700, *rv23r@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Aging Special Emphasis Panel; AD Cell Repository.

Date: June 3, 2011.

Time: 8 a.m. to 9 a.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Guest Suites Santa Monica, 1707 Fourth Street, Santa Monica, CA 90401.

Contact Person: William Cruce, PhD, Scientific Review Officer, National Institute on Aging, Scientific Review Branch, Gateway Building 2C–212, 7201 Wisconsin Ave., Bethesda, MD 20814, 301–402–7704, *crucew@nia.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: May 19, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–12966 Filed 5–24–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2011–0357]

Cruise Vessel Safety and Security Act of 2010, Available Technology

AGENCY: Coast Guard, DHS.

ACTION: Notice of request for comments.

SUMMARY: The United States Coast Guard is soliciting public comment on the availability of technology to meet certain provisions of the Cruise Vessel Security and Safety Act of 2010(CVSSA), specifically related to video recording and overboard detection technologies. Public comment is necessary in order to assist the Coast Guard with assessing which requirements should be addressed in guidance and regulations implementing the CVSSA.

DATES: Comments and related material must either be submitted to our online docket via *http://www.regulations.gov* on or before July 25, 2011 or reach the Docket Management Facility by that date.

ADDRESSES: You may submit comments identified by Coast Guard docket number USCG–2011–0357 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

(1) *Web Site: http://dms.dot.gov.*

(2) *Mail:* Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001.

(3) *Fax:* 202–493–2251.

(4) *Delivery:* Room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or e-mail Lieutenant Commander Latasha Pennant, Office of Design and Engineering Standards (CG–5211), U.S. Coast Guard Headquarters, by telephone at 202–372–1358, or by e-mail at *Latasha.E.Pennant@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:

Request for Comments

We encourage you to participate by submitting comments. All comments received will be posted, without change, to *http://dms.dot.gov* and will include any personal information you have provided. We have an agreement with the Department of Transportation (DOT) to use the Docket Management Facility. Please see DOT's "Privacy Act" paragraph below.

Submitting comments: If you submit a comment, please include your name and address, identify the docket number for this notice (USCG–2011–0357) and give the reason for each Comment. You may submit your comments by electronic means, mail, fax, or delivery to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments by only or delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them 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 received during the comment period.

Viewing comments and documents: To view comments, go to *http://dms.dot.gov* at any time, click on "Simple Search," enter the last five digits of the docket number for this notice, and click on "Search." You may also visit the Docket Management Facility in room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: Anyone can search the electronic form of all 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 the Department of Transportation's Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or you may visit *http://dms.dot.gov.*

Basis and Purpose

On July 27, 2010, Congress enacted the Cruise Vessel Safety and Security Act of 2010 (CVSSA) (Pub. L. 111–207). The CVSSA amended Title 46 U.S.C. Chapter 35 by adding sections 3507 (Passenger vessel security and safety requirements) and 3508 (Crime scene preservation training for passenger vessel crewmembers). The CVSSA prescribes security and safety requirements for passenger vessels with overnight accommodations for more than 250 passengers, not engaged in a coastwise voyage and that embarks and disembarks passengers in the United States. 46 U.S.C. 3507(k). Some of the safety and security concerns addressed in the Act include: Updated ship design; providing public access to information regarding crime aboard cruise ships; improved precautions, response, medical care and support for victims of sexual assault; and preservation of evidence necessary to prosecute criminals.

The Coast Guard intends to promulgate regulations and/or policy when appropriate to comply with, or clarify as needed, the requirements set forth in the CVSSA. This Notice is soliciting comments from the public on two mandates of the CVSSA: Overboard detection technology and video surveillance. Specifically, 46 U.S.C. 3507(a)(1)(D) mandates the cruise vessel shall integrate technology that can be used for capturing images of passengers or detecting passengers who have fallen overboard, to the extent that such technology is available. Under 46 U.S.C. 3507(b) the cruise vessel owner shall maintain a video surveillance system to assist in documenting crimes that occur on the vessel, and provide law enforcement officials in the course and scope of an investigation a copy of the video records if needed.

Questions: The Coast Guard is asking for public comment on the following questions. It would be helpful if commenters answer the questions as specifically as possible, and then provide explanations, if any, for the responses.

(1) If applicable, what is your position in the maritime community? (Please be as specific as possible, *e.g.,* captain of a cruise of vessels, vessel security officer, owner/operator of cruise vessel, past/future passenger, advocacy group, professional organization, etc.)

(2) If you work in the maritime community, do you:

a. Use equipment to detect persons falling overboard? If yes, what is the equipment, and how reliable is the equipment?

b. What alternative source(s) for detecting persons falling overboard would you recommend? How would you rate the alternative source(s) in terms of: (A) User cost and (B) reliability and usefulness of the information?

(3) Do industry best practices for placement and retention of video recording devices exist? If yes, please specify what they are and how effective they have been in helping law enforcement officials prosecute offenders.

Comments regarding these provisions and any other pertinent matters brought to our attention during the comment period will be taken into account in our future actions regarding the issues raised by these questions. We encourage you to provide your comments as we move forward with implementing the provisions of the CVSSA.

Authority: This notice is issued under authority of 5 U.S.C. 552(a).

Dated: May 20, 2011.

John Nadeau,

Chief, Office of Design and Engineering Standards (CG–521).

[FR Doc. 2011–12988 Filed 5–24–11; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3322–EM; Docket ID FEMA–2011–0001]

Louisiana; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of the emergency declaration for the State of Louisiana (FEMA–3322–EM), dated May 6, 2011, and related determinations.

DATES: *Effective Date:* May 13, 2011.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: The notice of an emergency declaration for the State of Louisiana is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared an emergency by the President in his declaration of May 6, 2011.

The parishes of Ascension, Assumption, Avoyelles, Catahoula, Concordia, East Baton Rouge, East Carroll, Iberia, Iberville, La Salle, Madison, Pointe Coupee, St. Charles, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, Tensas, Terrebonne, West Baton Rouge, and West Feliciana for emergency protective measures [Category B], including direct Federal assistance, under the Public Assistance program (already designated for emergency protective measures [Category B], limited to direct Federal assistance, under the Public Assistance 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. 2011–12907 Filed 5–24–11; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3320–EM; Docket ID FEMA–2011–0001]

Mississippi; Amendment No. 3 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of Mississippi (FEMA–3320–EM), dated May 4, 2011, and related determinations.

DATES: *Effective Date:* May 13, 2011.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: The notice of an emergency declaration for the State of Mississippi is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared an emergency by the President in his declaration of May 4, 2011.

The counties of Adams, Bolivar, Claiborne, Coahoma, DeSoto, Humphreys, Issaquena, Jefferson, Sharkey, Tunica, Warren, Washington, Wilkinson, and Yazoo for emergency protective measures [Category B], including direct Federal assistance, under the Public Assistance program (already designated for emergency protective measures [Category B], limited to direct Federal assistance, under the Public Assistance 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. 2011–12908 Filed 5–24–11; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–1971–DR; Docket ID FEMA–2011–0001]

Alabama; Amendment No. 12 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 Alabama (FEMA–1971–DR), dated April 28, 2011, and related determinations.

DATES: *Effective Date:* May 13, 2011.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, 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 Alabama 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 28, 2011.

Cherokee, Choctaw, Colbert, Etowah, Fayette, Hale, Jefferson, Lauderdale, Lawrence, Marengo, Morgan, St. Clair, Sumter, Talladega, and Tallapoosa Counties for Public Assistance [Categories C–G], (already designated for Individual Assistance and assistance for debris removal and emergency protective measures [Categories A and B], including direct Federal assistance, under the Public Assistance 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. 2011–12909 Filed 5–24–11; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–1960–DR; Docket ID FEMA–2011–0001]

Illinois; 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 Illinois (FEMA–1960–DR), dated March 17, 2011, and related determinations.

DATES: *Effective Date:* May 16, 2011.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, 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 Illinois is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of March 17, 2011.

Grundy, Livingston, McLean, Sangamon, and Stephenson Counties for Public Assistance, 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. 2011–12911 Filed 5–24–11; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5415–N–36]

Announcement of Funding Awards for the Section 4 Capacity Building for Community Development and Affordable Housing Program Fiscal Year 2010

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department in a competition for funding under the 2010 Notice of Funding Availability (NOFA) for the Section 4 Capacity Building for Community Development and Affordable Housing grants program. This announcement contains the names of the awardees and the amounts of the awards made available by HUD.

FOR FURTHER INFORMATION CONTACT: Karen E. Daly, Director, Office of Policy Development and Coordination, Office of Community Planning and Development, 451 Seventh Street, SW., Room 7240, Washington, DC 20410–7000; telephone (202) 402–5552 (this is not a toll-free number). Hearing- and speech-impaired persons may access this number via TTY by calling the Federal Relay Service toll-free at (800) 877–8339. For general information on this and other HUD programs, call Community Connections at (800) 998–9999 or visit the HUD Web site at *http://www.hud.gov.*

SUPPLEMENTARY INFORMATION: HUD's Capacity Building for Community Development and Affordable Housing program is authorized by Section 4 of the HUD Demonstration Act of 1993 (Pub. L. 103–120, 107 Stat. 1148, 42 U.S.C. 9816 note), as amended, and the Consolidated Appropriations Act, 2010 (Pub. L. 111–117). The Section 4 Capacity Building program provides grants to national community development intermediaries to enhance the capacity and ability of community development corporations and community housing development organizations to carry out community development and affordable housing activities that benefit low-income families and persons. Capacity Building funds support activities such as training, education, support, loans, grants, and development assistance.

The Fiscal Year 2010 competition was announced on *http://www.hud.gov* on November 29, 2010. The NOFA provided $49.5 million for Section 4 Capacity Building grants For the Fiscal Year 2010 competition, HUD awarded three competitive Section 4 Capacity Building grants totaling $49,500,000.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545), the Department is publishing the grantees and the amounts of the awards in Appendix A to this document.

Dated: May 10, 2011.

Mercedes Márquez,

Assistant Secretary for Community Planning and Development.

Appendix A

FISCAL YEAR 2010 FUNDING AWARDS FOR THE SECTION 4 CAPACITY BUILDING FOR COMMUNITY DEVELOPMENT AND AFFORDABLE HOUSING PROGRAM

Recipient	State	Amount
Enterprise Community Partners, Inc.	MD	$25,289,043
Local Initiatives Support Corporation	NY	19,260,894
Habitat for Humanity International	GA	4,950,063
Total:		49,500,000

[FR Doc. 2011–12941 Filed 5–24–11; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2011–N076; 80221–1113–0000–C4]

Endangered and Threatened Wildlife and Plants; 5-Year Reviews of Species in California, Nevada, and the Klamath Basin of Oregon

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: We, the U.S. Fish and Wildlife Service, are initiating 5-year reviews for 53 species under the Endangered Species Act of 1973, as amended (Act). We conduct these reviews to ensure that our classification of each species on the Lists of Endangered and Threatened Wildlife and Plants as threatened or endangered is accurate. A 5-year review assesses the best scientific and commercial data available at the time of the review. We are requesting any information that has become available since our original listing of each of these species. Based on review results, we will determine whether we should change the listing status of any of these species. In this notice, we also announce 5-year reviews that were completed for 32 species in California and Nevada between April 1, 2010, and March 16, 2011.

DATES: To ensure consideration, please send your written information by July 25, 2011.

ADDRESSES: For how and where to send comments or information, see "VIII., Contacts."

FOR FURTHER INFORMATION CONTACT: For species-specific information, contact the appropriate person listed under VIII., Contacts." For contact information about completed 5-year reviews, see " IX., Completed 5-Year Reviews." Individuals who are hearing-impaired or speech-impaired may call the Federal Relay Service at (800) 877–8337 for TTY assistance.

SUPPLEMENTARY INFORMATION:

I. Why do we conduct 5-year reviews?

Under the Act (16 U.S.C. 1531 *et seq.*), we maintain Lists of Endangered and Threatened Wildlife and Plants (which we collectively refer to as the List) in the Code of Federal Regulations (CFR) at 50 CFR 17.11 (for animals) and 17.12 (for plants). Section 4(c)(2)(A) of the Act requires us to review each listed species' status at least once every 5 years. Then, under section 4(c)(2)(B), we determine whether to remove any species from the List (delist), to reclassify it from endangered to threatened, or to reclassify it from threatened to endangered. Any change in Federal classification requires a separate rulemaking process.

In classifying, we use the following definitions, from 50 CFR 424.02:

(A) *Species* includes any species or subspecies of fish, wildlife, or plant, and any distinct population segment of any species of vertebrate, that interbreeds when mature;

(B) *Endangered species* means any species that is in danger of extinction throughout all or a significant portion of its range; and

(C) *Threatened species* means any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

We must support delisting by the best scientific and commercial data available, and only consider delisting if data substantiate that the species is neither endangered nor threatened for one or more of the following reasons (50 CFR 424.11(d)):

(A) The species is considered extinct;

(B) The species is considered to be recovered; or

(C) The original data available when the species was listed, or the interpretation of data, were in error.

Our regulations at 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing the species we are reviewing.

II. What species are under review?

This notice announces our active 5-year status reviews of the species in Table 1.

TABLE 1—SUMMARY OF LISTING INFORMATION, 22 ANIMAL SPECIES AND 31 PLANT SPECIES IN CALIFORNIA AND NEVADA

Common name	Scientific name	Status	Where listed	Final listing rule
ANIMALS				
Behren's silverspot butterfly	Speyeria zerene behrensii.	Endangered	U.S.A. (CA)	62 FR 64306; 12/05/1997
California freshwater shrimp	Syncaris pacifica	Endangered	U.S.A (CA)	53 FR 43884; 10/31/1988
California red-legged frog	Rana draytonii	Threatened	U.S.A (CA)	61 FR 25813; 05/23/1996
California tiger salamander (Central)	Ambystoma californiense.	Threatened	U.S.A (CA)	69 FR 47212; 08/04/2004
Conservancy fairy shrimp	Branchinecta conservatio.	Endangered	U.S.A (CA)	59 FR 48136; 09/19/1994
Delhi sands flower-loving fly	Rhaphiomidas terminatus abdominalis.	Endangered	U.S.A. (CA)	58 FR 49887; 09/23/1993
El Segundo blue butterfly	Euphilotes battoides allyni.	Endangered	U.S.A. (CA)	41 FR 22041; 06/01/1976
Giant garter snake	Thamnophis gigas	Threatened	U.S.A (CA)	58 FR 54053; 10/20/1993
Kern primrose sphinx moth	Euproserpinus euterpe	Threatened	U.S.A (CA)	45 FR 24088; 04/08/1980
Laguna Mountains skipper	Pyrgus ruralis lagunae	Endangered	U.S.A. (CA)	62 FR 2313; 01/16/1997
Lange's metalmark butterfly	Apodemia mormo langei.	Endangered	U.S.A (CA)	41 FR 22041; 06/01/1976
Longhorn fairy shrimp	Branchinecta longiantenna.	Endangered	U.S.A (CA)	59 FR 48136; 09/19/1994
Lost River sucker	Deltistes luxatus	Endangered	U.S.A. (OR, CA)	53 FR 27130; 07/18/1988
Lotis blue butterfly	Lycaeides argyrognomon lotis.	Endangered	U.S.A. (CA)	41 FR 22041; 06/01/1976
Morro shoulderband snail	Helminthoglypta walkeriana.	Endangered	U.S.A. (CA)	59 FR 64613; 12/15/1994
Palos Verdes blue butterfly	Glaucopsyche lygdamus palosverdesensis.	Endangered	U.S.A. (CA)	45 FR 44939; 07/02/1980
San Francisco garter snake	Thamnophis sirtalis tetrataenia.	Endangered	U.S.A (CA)	32 FR 4001; 03/11/1967
Shortnose sucker	Chasmistes brevirostris.	Endangered	U.S.A. (OR, CA)	53 FR 27130; 07/18/1988
Smith's blue butterfly	Euphilotes enoptes smithi.	Endangered	U.S.A. (CA)	41 FR 22041; 06/01/1976
Vernal pool fairy shrimp	Branchinecta lynchi	Threatened	U.S.A (CA, OR)	59 FR 48136; 09/19/1994
Vernal pool tadpole shrimp	Lepidurus packardi	Endangered	U.S.A (CA)	59 FR 48136; 09/19/1994
Western snowy plover	Charadrius alexandrines nivosus.	Threatened	U.S.A. (CA, OR, WA); Mexico (Baja).	58 FR 12864; 03/05/1993
PLANTS				
Amargosa niterwort	Nitrophila mohavensis	Endangered	U.S.A. (CA, NV)	50 FR 20777; 05/20/1985
Ash-grey paintbrush	Castilleja cinerea	Threatened	U.S.A.	63 FR 49006; 09/14/1998
Ash Meadows gumplant	Grindelia fraxino-pratensis.	Threatened	U.S.A. (CA, NV)	50 FR 20777; 05/20/1985
Antioch Dunes evening primrose	Oenothera deltoides howellii.	Endangered	U.S.A (CA)	43 FR 17910; 04/26/1978
Bear Valley sandwort	Arenaria ursina	Threatened	U.S.A. (CA)	63 FR 49006; 09/14/1998
Ben Lomond spineflower	Chorizanthe pungens var. hartwegiana.	Endangered	U.S.A. (CA)	59 FR 5499; 02/04/1994
California taraxacum	Taraxacum californicum.	Endangered	U.S.A. (CA)	63 FR 49006; 09/14/1998

TABLE 1—SUMMARY OF LISTING INFORMATION, 22 ANIMAL SPECIES AND 31 PLANT SPECIES IN CALIFORNIA AND NEVADA—Continued

Common name	Scientific name	Status	Where listed	Final listing rule
Catalina Island mountain mahogany	Cercocarpus traskiae	Endangered	U.S.A. (CA)	62 FR 42692; 08/08/1997
Chinese Camp brodiaea	Brodiaea pallida	Threatened	U.S.A (CA)	63 FR 49022; 09/14/1998
Chorro Creek bog thistle	Cirsium fontinale var. obispoense.	Endangered	U.S.A. (CA)	59 FR 64613; 12/15/1994
Contra Costa wallflower	Erysimum capitatum angustatum.	Endangered	U.S.A (CA)	43 FR 17910; 04/26/1978
Gowen cypress	Cupressus goveniana ssp. goveniana.	Threatened	U.S.A. (CA)	63 FR 43100; 08/12/1998
Hartweg's golden sunburst	Pseudobahia bahiifolia	Endangered	U.S.A (CA)	62 FR 5542; 02/06/1997
Hoffmann's rock-cress	Arabis hoffmannii	Endangered	U.S.A. (CA)	62 FR 40954; 01/31/1997
Howell's spineflower	Chorizanthe howellii	Endangered	U.S.A. (CA)	57 FR 27848; 06/22/1992
Keck's checkermallow	Sidalcea keckii	Endangered	U.S.A (CA)	65 FR 7757; 02/16/2000
Kneeland prairie pennycress	Thlaspi californicum (Noccaea fendleri).	Endangered	U.S.A. (CA)	65 FR 6332; 02/09/2000
Mariposa pussypaws	Calyptridium pulchellum.	Threatened	U.S.A (CA)	63 FR 49022; 09/14/1998
Monterey gilia	Gilia tenuiflora ssp. arenaria.	Endangered	U.S.A. (CA)	57 FR 27848; 06/22/1992
Morro manzanita	Arctostaphylos morroensis.	Threatened	U.S.A. (CA)	59 FR 64613; 12/15/1994
Orcutt's spineflower	Chorizanthe orcuttiana	Endangered	U.S.A. (CA)	61 FR 52370; 10/07/1996
Red Hills vervain	Verbena californica	Threatened	U.S.A (CA)	63 FR 49006; 09/14/1998
San Jacinto Valley crownscale	Atriplex coronata var. notatior.	Endangered	U.S.A. (CA)	63 FR 54975; 10/13/1998
San Joaquin adobe sunburst	Pseudobahia peirsonii	Threatened	U.S.A (CA)	62 FR 5542; 02/06/1997
Santa Barbara Island liveforever	Dudleya traskiae	Endangered	U.S.A. (CA)	43 FR 17916; 04/26/1978
Santa Cruz Island bush-mallow	Malacothamnus fasciculatus var. nesioticus.	Endangered	U.S.A. (CA)	62 FR 40954; 07/31/1997
Santa Rosa Island manzanita	Arctostaphylos confertiflora.	Endangered	U.S.A. (CA)	62 FR 40957; 07/31/1997
Showy indian clover	Trifolium amoenum	Endangered	U.S.A (CA)	62 FR 54791; 10/22/1997
Soft-leaved paintbrush	Castilleja mollis	Endangered	U.S.A. (CA)	62 FR 40957; 07/31/1997
Southern Mountain wild buckwheat	Eriogonum kennedyi var. austromontanum.	Threatened	U.S.A. (CA)	63 FR 49006; 09/14/1998
Yreka phlox	Phlox hirsuta	Endangered	U.S.A.(CA)	65 FR 5268; 02/03/2000

III. What information do we consider in our review?

We consider all new information available at the time we conduct a 5-year status review. We consider the best scientific and commercial data that has become available since our current listing determination or most recent status review, such as:

(A) Species biology, including but not limited to population trends, distribution, abundance, demographics, and genetics;

(B) Habitat conditions, including but not limited to amount, distribution, and suitability;

(C) Conservation measures that have been implemented that benefit the species;

(D) Threat status and trends (see five factors under heading "IV., How Do We Determine Whether a Species Is Endangered or Threatened?"); and

(E) Other new information, data, or corrections, including but not limited to taxonomic or nomenclatural changes, identification of erroneous information contained in the List, and improved analytical methods.

We specifically request information regarding data from any systematic surveys, as well as any studies or analysis of data that may show population size or trends; information pertaining to the biology or ecology of these species; information regarding the effects of current land management on population distribution and abundance; information on the current condition of habitat; and recent information regarding conservation measures that have been implemented to benefit the species. Additionally, we specifically request information regarding the current distribution of populations and

evaluation of threats faced by the species in relation to the five listing factors (as defined in section 4(a)(1) of the Act) and the species' listed status as judged against the definition of threatened or endangered. Finally, we request recommendations pertaining to the development of, or potential updates to, recovery plans and additional actions or studies that would benefit these species in the future.

IV. How do we determine whether a species is endangered or threatened?

Section 4(a)(1) of the Act requires that we determine whether a species is endangered or threatened based on one or more of the five following factors:

(A) The present or threatened destruction, modification, or curtailment of its habitat or range;

(B) Overutilization for commercial, recreational, scientific, or educational purposes;

(C) Disease or predation;

(D) The inadequacy of existing regulatory mechanisms; or

(E) Other natural or manmade factors affecting its continued existence.

Under section 4(b)(1) of the Act, we must base our assessment of these factors solely on the best scientific and commercial data available.

V. What could happen as a result of our review?

For each species under review, if we find new information that indicates a change in classification may be warranted, we may propose a new rule that could do one of the following:

(A) Reclassify the species from threatened to endangered (uplist);

(B) Reclassify the species from endangered to threatened (downlist); or

(C) Remove the species from the List (delist).

If we determine that a change in classification is not warranted, then the species remains on the List under its current status.

VI. Request for New Information

To ensure that a 5-year review is complete and based on the best available scientific and commercial information, we request new information from all sources. See "III., What Information Do We Consider in Our Review?" for specific criteria. If you submit information, support it with documentation such as maps, bibliographic references, methods used to gather and analyze the data, and/or copies of any pertinent publications, reports, or letters by knowledgeable sources.

Submit your comments and materials to the appropriate Fish and Wildlife Office listed under "VIII., Contacts."

VII. Public Availability of Comments

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 received will be available for public inspection, by appointment, during normal business hours at the offices where the comments are submitted.

VIII. Contacts

Send your comments and information on the following species, as well as requests for information, to the corresponding contacts/addresses. You may view information we receive in response to this notice, as well as other documentation in our files, at the following locations by appointment, during normal business hours.

For the Behren's silverspot butterfly, Howell's spineflower, Kneeland prairie pennycress, lotis blue butterfly, and western snowy plover, send information to Field Supervisor, *Attention:* 5-Year Review, U.S. Fish and Wildlife Service, Arcata Fish and Wildlife Office, 1655 Heindon Road, Arcata, CA 95521. Information may also be submitted electronically at *arcata@fws.gov.* To obtain further information, contact Kathleen Brubaker at (707) 822–7201.

For the ash-grey paintbrush, Bear Valley sandwort, California taraxacum, Catalina Island mountain mahogany, Delhi Sands flower-loving fly, El Segundo blue butterfly, Laguna Mountains skipper, Orcutt's spineflower, Palos Verdes blue butterfly, San Jacinto Valley crownscale, and Southern Mountain wild buckwheat, send information to Field Supervisor, *Attention:* 5–Year Review, U.S. Fish and Wildlife Service, Carlsbad Fish and Wildlife Office, 6010 Hidden Valley Road, Suite 101, Carlsbad, CA 92011. Information may also be submitted electronically at *fw8cfwocomments@fws.gov.* To obtain further information, contact Bradd Baskerville-Bridges at the Carlsbad Fish and Wildlife Office at (760) 431–9440.

For the Lost River sucker and shortnose sucker, send information to Field Supervisor, *Attention:* 5-Year Review, U.S. Fish and Wildlife Service, Klamath Falls Fish and Wildlife Office, 1936 California Avenue, Klamath Falls, OR 97601. Information may also be submitted electronically at *FW8KFFWOESComments@fws.gov.* To obtain further information, contact Josh Rasmussen at the Klamath Falls Fish and Wildlife Office at (541) 885–8481.

For the Amargosa niterwort and Ash Meadows gumplant, send information to State Supervisor, *Attention:* 5-Year Review, U.S. Fish and Wildlife Service, Nevada Fish and Wildlife Office, 1340 Financial Blvd., Suite 234, Reno, Nevada 89502–7147. Information may also be submitted electronically at *fw1nfwo_5yr@fws.gov.* To obtain further information, contact Jill Ralston at the Nevada Fish and Wildlife Office at (775) 861–6300.

For the Antioch Dunes evening primrose, California freshwater shrimp, California red-legged frog, California tiger salamander (Central), Chinese Camp brodiaea, Conservancy fairy shrimp, Contra Costa wallflower, Giant garter snake, Hartweg's golden sunburst, Keck's checkermallow, Kern primrose sphinx moth, Lange's metalmark butterfly, longhorn fairy shrimp, Mariposa pussypaws, Red Hills vervain, San Francisco garter snake, San Joaquin adobe sunburst, showy indian clover, vernal pool fairy shrimp, and vernal pool tadpole shrimp, send information to Field Supervisor, *Attention:* 5-Year Review, U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, Room W–2605, Sacramento, CA 95825. Information may also be submitted electronically at *fw1sfo5year@fws.gov.* To obtain further information, contact Josh Hull at the Sacramento Fish and Wildlife Office at (916) 414–6600.

For the Ben Lomond spineflower, Chorro Creek bog thistle, Gowen cypress, Hoffmann's rock-cress, Monterey gilia, Morro manzanita, Morro shoulderband snail, Santa Barbara Island liveforever, Santa Cruz Island bush-mallow, Santa Rosa Island manzanita, Smith's blue butterfly, and soft-leaved paintbrush, send information to Field Supervisor, *Attention:* 5-Year Review, U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, CA 93003. Information may also be submitted electronically at *fw1vfwo5year@fws.gov.* To obtain further information on the animal species, contact Mike McCrary at the Ventura Fish and Wildlife Office at (805) 644–1766. To obtain further information on the plant species, contact Connie Rutherford at the Ventura Fish and Wildlife Office at (805) 644–1766.

For the Yreka phlox, send information to Field Supervisor, *Attention:* 5-Year Review, U.S. Fish and Wildlife Service, Yreka Fish and Wildlife Office, 1829

South Oregon Street Yreka, CA 96097. To obtain further information, contact Nadine Kanim at the Yreka Fish and Wildlife Office at (530) 842–5763.

All electronic information must be submitted in Text format or Rich Text format. Include the following identifier in the subject line of the e-mail: Information on 5-year review for [NAME OF SPECIES], and include your name and return address in the body of your message.

IX. Completed 5-Year Reviews

We also take this opportunity to inform the public of 5-year reviews that we completed between April 1, 2010, and March 16, 2011, for 31 species in California and Nevada (Table 2). In addition, we include in Table 2 the desert pupfish for which a review was completed in which we concurred. Reviews for these 32 species can be found at *http://www.fws.gov/endangered/species/index.html.* Any recommended change in listing status resulting from these completed reviews will require a separate rulemaking process.

TABLE 2—SUMMARY OF 32 SPECIES IN CALIFORNIA AND NEVADA FOR WHICH 5-YEAR REVIEWS WERE COMPLETED BETWEEN APRIL 1, 2010 AND MARCH 16, 2011

Common name	Scientific name	Recommendation	Lead Fish and Wildlife Office	Contact
ANIMALS				
Coachella Valley fringe-toed lizard	Uma inornata	No status change	Carlsbad	Bradd Baskerville-Bridges (760) 431–9440.
Coastal California gnatcatcher	Polioptila californica california	No status change	Carlsbad	Bradd Baskerville-Bridges (760) 431–9440.
Delta smelt	Hypomesus transpacificus	Uplist	San Francisco Bay Delta.	Jennifer Norris (916) 930–5614.
Desert pupfish	Cyprinodon macularius	No status change	Tucson, Arizona sub-office.	Doug Duncan (520) 670–6150.
Desert tortoise (Mojave population)	Gopherus agassizii	No status change	Nevada	Jill Ralston (775) 861–6300.
Pacific pocket mouse	Perognathus longimembris pacificus.	No status change	Carlsbad	Bradd Baskerville-Bridges (760) 431–9440.
Santa Ana sucker	Catostomus santaanae	No status change	Carlsbad	Bradd Baskerville-Bridges (760) 431–9440.
PLANTS				
Big-leaved crownbeard	Verbesina dissita	No status change	Carlsbad	Bradd Baskerville-Bridges (760) 431–9440.
California Orcutt grass	Orcuttia californica	No status change	Carlsbad	Bradd Baskerville-Bridges (760) 431–9440.
Del Mar manzanita	Arctostaphylos glandulosa subsp. crassifolia.	No status change	Carlsbad	Bradd Baskerville-Bridges (760) 431–9440.
Fountain thistle	Cirsium fontinale var. fontinale.	No status change	Sacramento	Josh Hull (916) 414–6600.
Ione buckwheat	Eriogonum apricum (inclusive of vars. apricum and prostratum).	No status change	Sacramento	Josh Hull (916) 414–6600.
Ione manzanita	Arctostaphylos myrtifolia	Uplist	Sacramento	Josh Hull (916) 414–6600.
Island malacothrix	Malacothrix squalida	No status change	Ventura	Connie Rutherford (805) 644–1766.
Island rush-rose	Helianthemum greenei	No status change	Ventura	Connie Rutherford (805) 644–1766.
La Graciosa thistle	Cirsium loncholepis	No status change	Ventura	Connie Rutherford (805) 644–1766.
Laguna Beach liveforever	Dudleya stolonifera	No status change	Carlsbad	Bradd Baskerville-Bridges (760) 431–9440.
Lompoc yerba santa	Eriodictyon capitatum	No status change	Ventura	Connie Rutherford (805) 644–1766.
Otay mesa mint	Pogogyne nudiuscula	No status change	Carlsbad	Bradd Baskerville-Bridges (760) 431–9440.
Presidio clarkia	Clarkia franciscana	No status change	Sacramento	Josh Hull (916) 414–6600.
San Diego ambrosia	Ambrosia pumila	No status change	Carlsbad	Bradd Baskerville-Bridges (760) 431–9440.

TABLE 2—SUMMARY OF 32 SPECIES IN CALIFORNIA AND NEVADA FOR WHICH 5-YEAR REVIEWS WERE COMPLETED BETWEEN APRIL 1, 2010 AND MARCH 16, 2011—Continued

Common name	Scientific name	Recommendation	Lead Fish and Wildlife Office	Contact
San Diego button celery	Eryngium aristulatum var. parishii.	No status change	Carlsbad	Bradd Baskerville-Bridges (760) 431–9440.
San Diego mesa mint	Pogogyne abramsii	No status change	Carlsbad	Bradd Baskerville-Bridges (760) 431–9440.
San Joaquin woolly-threads	Monolopia (=Lembertia) congdonii.	No status change	Sacramento	Josh Hull (916) 414–6600.
San Mateo thornmint	Acanthomintha obovata ssp. duttonii.	No status change	Sacramento	Josh Hull (916) 414–6600.
Santa Cruz Island malacothrix	Malacothrix indecora	No status change	Ventura	Connie Rutherford (805) 644–1766.
Slender-horned spineflower	Dodecahema leptoceras	No status change	Carlsbad	Bradd Baskerville-Bridges (760) 431–9440.
Slender-petaled mustard (thelypodium)	Thelypodium stenopetalum	No status change	Carlsbad	Bradd Baskerville-Bridges (760) 431–9440.
Sonoma spineflower	Chorizanthe valida	No status change	Sacramento	Josh Hull (916) 414–6600.
Tiburon jewelflower	Streptanthus niger	No status change	Sacramento	Josh Hull (916) 414–6600.
Ventura marsh milk-vetch	Astragalus pycnostachyus var. lanosi.	No status change	Ventura	Connie Rutherford (805) 644–1766.
White-rayed pentachaeta	Pentachaeta bellidiflora	No status change	Sacramento	Josh Hull (916) 414–6600.

X. Authority

We publish this notice under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: May 18, 2011.

Alexandra Pitts,

Acting Regional Director, Pacific Southwest Region, U.S. Fish and Wildlife Service.

[FR Doc. 2011–12861 Filed 5–24–11; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R1–R–2010–N125; 1265–0000–10137–S3]

Willamette Valley National Wildlife Refuge Complex, Benton, Linn, Marion, and Polk Counties, OR

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability: draft comprehensive conservation plan and environmental assessment; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a draft comprehensive conservation plan (DCCP) and environmental assessment (EA) for the Willamette Valley National Wildlife Refuge Complex (refuge complex) for public review and comment. The refuge complex is made up of Ankeny, Baskett Slough, and William L. Finley National Wildlife Refuges (refuges), located in Benton, Linn, Marion, and Polk Counties, Oregon. In the DCCP and EA, we describe and evaluate alternatives, including our preferred alternative, for managing the refuge complex for the 15 years following approval of the final CCP.

DATES: To ensure consideration, we must receive your written comments by June 24, 2011.

ADDRESSES: You may submit comments, requests for more information, or requests for copies of the DCCP/EA, by any of the following methods:

E-mail: FW1PlanningComments@fws.gov. Include "Willamette Valley NWRC DCCP/EA" in the subject line.

Fax: Attn: Doug Spencer, Project Leader, (541) 757–4450.

U.S. Mail: Doug Spencer, Project Leader, Willamette Valley National Wildlife Refuge Complex, 26208 Finley Refuge Road, Corvallis, OR 97333–9533.

Web site: http://www.fws.gov/WillametteValley/complex/.

FOR FURTHER INFORMATION CONTACT: Doug Spencer, Project Leader, (541) 757–7236.

SUPPLEMENTARY INFORMATION:

Introduction

The complex includes three refuges: William L. Finley, Baskett Slough, and Ankeny. Together, the three refuges encompass approximately 11,110 acres in western Oregon. Habitats on the refuges include seasonal, semipermanent, and permanent wetlands; wet prairies, upland prairie/oak savannas, oak woodlands, mixed deciduous-coniferous forests, riparian, and riverine and stream habitats. Agricultural lands, the majority managed as grass fields, are also present on the refuges. The refuges were established under the Migratory Bird Conservation Act "for use as an inviolate sanctuary or for any other management purpose, for migratory birds . . . to conserve and protect migratory birds . . . and to restore or develop adequate wildlife habitat" with emphasis on protecting dusky Canada geese. In the last four decades, these refuges have provided not only an important wintering grounds for the dusky and thousands of other wintering geese and ducks—but have been recognized more recently as increasingly important areas for conservation of the remaining fragments of the native Valley habitats and biota. The refuges support key populations of federally listed species, including Oregon chub, Fender's blue butterfly, Bradshaw's desert-parsley, Kincaid's lupine, Nelson's checker-

mallow, and Willamette daisy, and provide migration habitat for listed Chinook salmon and steelhead. Several other rare species are also found on the refuges.

Background

The CCP Process

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee) (Refuge Administration Act), as amended by the National Wildlife Refuge System Improvement Act of 1997, requires us to develop a CCP for each national wildlife refuge. The purpose for 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, and environmental education and interpretation. We will review and update the CCP at least every 15 years in accordance with the Refuge Administration Act.

Public Outreach

We began public outreach by publishing a Notice of Intent in the **Federal Register** (73 FR 11137; February 29, 2008), announcing our intent to complete a CCP and EA and inviting public comments. In January 2008, we distributed Planning Update 1 to our mailing list and public outlets. On February 7 and 13, 2008, we held public scoping meetings in Salem and Corvallis, Oregon, respectively, to meet the public and identify issues for evaluation. The meetings were announced through local media outlets, on the refuges' Web site, and in Planning Update 1. In September 2008, we distributed Planning Update 2, which included a summary of the comments we received, a planning schedule, and a description of the CCP's scope. In September 2009, we distributed Planning Update 3; in it we summarized our preliminary draft alternatives, and invited public comments.

DCCP/EA Alternatives We Are Considering

We identified and evaluated three alternatives for managing the refuges, including a No Action Alternative (Alternative 1). Brief descriptions of the alternatives follow:

Alternative 1 (No Action)

Under Alternative 1, the refuges would continue to maintain cultivated grass fields under a cooperative farming program to provide forage for wintering Canada geese. Other goose management activities, such as managing wetland habitats and providing sanctuary, would continue. The refuges would also continue to manage and enhance native habitats but no further habitat restoration work would occur. Endangered species management would continue. Existing public uses would continue with the current facilities and programs in place. No new public use facilities would be developed. The current areas closed to public access would remain in effect to provide sanctuary during the wintering waterfowl season. The refuges would not pursue any additional land protection measures under the no change alternative.

Alternative 2 (Preferred Alternative)

Under Alternative 2, an emphasis on providing habitat for wintering geese would remain. Forage would continue to be provided primarily via cooperative farming. The refuges would pursue measures to help retain the services of cooperative farmers, such as providing enhanced irrigation capabilities; providing additional lure crops such as corn or other grains; the refuges taking over farming on certain high goose use fields; the Service offsetting a portion of the costs to cooperative farmers, *etc.* Wetland habitat management and restoration would also be intensified to improve habitat for geese and other wildlife.

Management and enhancement would continue in remnant native habitats and recently restored areas. In addition, approximately 479 additional acres on the three refuges would be restored to wetland, wet prairie, riparian, or upland prairie/oak savannah habitats over the next 15 years.

Threatened and endangered species management would continue to be a priority, guided by recovery plans where applicable. Existing populations of several threatened and endangered species would be strengthened, and several new populations would be established on the refuges.

Wildlife observation and interpretation would continue to be emphasized as the cornerstone of the public use program. Several new trails and observation facilities would be added. Additional interpretive signs and materials, including on-line materials, would be developed. Major special events would occur at a frequency of about 3–4 per year, and monthly weekend interpretive programs would be developed.

Environmental education efforts would be expanded with an objective of reaching more students and schools, particularly at William L. Finley Refuge. Outdoor class shelters would be added. Funding would be sought to construct an Environmental Education Center, including indoor classroom facilities and a small exhibit area.

A new option to hunt antlerless deer would be added. In addition, new upland locations would be available for hunting during a portion of the shotgun season; this will require closure of two hiking trails for a week in November. The shotgun season would be shortened and shifted to later in the State season. A youth waterfowl hunt and a September goose hunt would be provided at Baskett Slough Refuge. Fishing would be promoted at the Willamette River by providing a canoe launch at Snag Boat Bend. The current area closed to public access would remain in effect to provide sanctuary during the wintering waterfowl season.

Together with Oregon Department of Fish and Wildlife, the refuges would develop an elk management plan after completion of the CCP. The refuges would continue to expand conservation partnerships, volunteer programs, and outreach to local communities. Proactive cultural resource management would occur by repairing/maintaining the historic structures on William L. Finley Refuge and by adding associated interpretive facilities.

This alternative also proposes protection, conservation, and management of additional lands within the Willamette Valley that could contribute to the refuges' purposes and goals by providing wintering habitat and forage for Canada geese; providing protection, enhancement, and restoration of native habitats and rare Willamette Valley species; and providing opportunity for additional wildlife-dependent public use. The refuges would undertake a subsequent land protection planning process to identify specific tracts of lands for these purposes.

Alternative 3

This alternative involves a major shift in management for wintering Canada geese. Forage would be provided either through contract farming (paying farmers to grow crops on the refuges) and/or force account farming (refuge staff doing the farming). The refuges would only farm fields that have been

receiving moderate to high goose use. Refuge farming program costs would increase and goose use would likely decrease.

This alternative would create the opportunity to restore approximately 1,436 acres of cropland to native habitat since the amount of farmland would be reduced. However, the fields to be restored would likely lie fallow and could become weedy while awaiting staff time and funding for restoration.

Wildlife observation and interpretation would continue to be emphasized as the cornerstone of the public use program, but this alternative does little to expand these programs further. Interpretive signs would be developed or updated for existing facilities where needed, but major new developments and new interpretive methods would generally not occur. One or two special events would be held each year. The current area closed to public access on all three refuges would remain in effect to provide sanctuary during the wintering waterfowl season.

Deer hunting, threatened and endangered species management, environmental education, fishing, elk management, cultural resources, subsequent land protection planning, and conservation partnership activity would occur as under Alternative 2.

Public Availability of Documents

In addition to the information in **ADDRESSES**, you can view or obtain documents in the following ways: by calling the refuge complex at (541) 757–7236 or visiting our Web site at *http://www.fws.gov/WillametteValley/finley/refuge_planning.html.* Printed copies will be available for review at the following libraries:

- Corvallis-Benton County Public Library, 645 NW. Monroe Avenue, Corvallis, OR 97330, 541–766–6926.
- Albany Public Library, 2450 14th Avenue SE., Albany, OR 97231, 541–917–7580.
- Dallas Public Library, 950 Main Street, Dallas, OR 97338, 503–623–2633.
- Jefferson Public Library, 128 South Main Street, Jefferson, OR 97352, 541–327–3826.

Next Steps

After this comment period ends, we will analyze the comments and address them in the final CCP and decision document.

Public Availability of Comments

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 become publicly available at any time. While you can ask us in your comment to withhold your identifying information from the public, we cannot guarantee that we will be able to do so.

Dated: April 28, 2011.

Robyn Thorson,

Regional Director, Region 1, Portland, Oregon.

[FR Doc. 2011–12964 Filed 5–24–11; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R3–ES–2011–N096; 30120–1112–000–F2]

Notice of Intent To Prepare a Draft Environmental Impact Statement for a Proposed Habitat Conservation Plan and Incidental Take Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), advise the public that we intend to prepare a draft environmental impact statement (EIS) to evaluate the impacts of several alternatives relating to the proposed issuance of an Endangered Species Act Permit to Fowler Ridge Wind Farm LLC, Fowler Ridge Wind Farm II LLC, Fowler Ridge Wind Farm III LLC, and Fowler Ridge Wind Farm IV LLC (Applicant) for incidental take of the Indiana bat (*Myotis sodalis*), a Federal endangered species, from activities associated with the operation of Fowler Ridge Wind Farm in Benton County, Indiana. We also announce a public comment period.

DATES: The public scoping period begins with publication of this notice in the **Federal Register** and will continue through June 23, 2011. The Service will consider all comments defining the scope of the EIS that are received or postmarked by this date. Comments received or postmarked after this date will be considered to the extent practicable. The Service will conduct a public scoping meeting in Fowler, IN, on June 7, 2011. The scoping meeting will provide the public with an opportunity to present comments, ask questions, and discuss issues with Service staff regarding the EIS.

ADDRESSES: You may submit comments by U.S. mail or hand-delivery to Mr. Scott Pruitt, U.S. Fish and Wildlife Service, 621 South Walker St., Bloomington, Indiana, 47403; *electronic mail: FowlerRidgeHCP@fws.gov;* or *fax:* (812) 334–4273 (*Attention:* Scott Pruitt).

FOR FURTHER INFORMATION CONTACT: Mr. Scott Pruitt at (812) 334–4261. Individuals who are hearing-impaired or speech-impaired may call the Federal Relay Service at (800) 877–8337 for TTY assistance.

SUPPLEMENTARY INFORMATION: We publish this notice in compliance with the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), and its implementing regulations (40 CFR 1501.7, 1506.6, and 1508.22), and Section 10(c) of the Endangered Species Act of 1973 (the Act), as amended (16 U.S.C. 1539(c)). We intend to gather the information necessary to determine impacts and alternatives to support a decision regarding the potential issuance of an incidental take permit to the Applicant, and the implementation of the supporting draft habitat conservation plan (HCP). We intend to prepare an EIS to evaluate the impacts of several alternatives relating to the proposed issuance of an incidental take permit (ITP) under the Act. The applicant proposes to apply for an incidental take permit through development and implementation of an HCP. The proposed HCP will cover take of the Indiana bat that is incidental to activities associated with the operation of Fowler Ridge Wind Farm, and will include measures necessary to minimize and mitigate impacts to the Indiana bat and its habitat to the maximum extent practicable.

Request for Information

The Service requests data, comments, new information, or suggestions from the public, other concerned governmental agencies, the scientific community, Tribes, industry, or any other interested party on this notice. These comments will be considered in the development of a draft EIS, in the development of a draft HCP by the applicant, and in the determination of whether to issue an ITP. We particularly seek comments concerning:

(1) Biological information concerning the Indiana bat;

(2) Relevant data concerning wind power and bat interactions;

(3) Additional information concerning the range, distribution, population size, and population trends of the Indiana bat;

(4) Current or planned activities in the subject area and their possible impacts on the Indiana bat;

(5) Any information identified in the aforementioned as it relates to other bat

species, in particular, tree bat species such as red bat (*Lasiurus borealis*), hoary bat (*Lasiurus cinereus*), and silver-haired bat (*Lasionycteris noctivagans*) that occur in the project area;

(6) The presence of archeological sites, buildings and structures, historic events, sacred and traditional areas, and other historic preservation concerns, which are required to be considered in project planning by the National Historic Preservation Act (16 U.S.C. 470 *et seq.*); and

(7) Identification of any other environmental issues that should be considered with regard to the proposed development and permit action.

Public Comments

You may submit your comments and materials considering this notice by one of the methods listed in the **ADDRESSES** section.

Comments and materials we receive, as well as supporting documentation we use in preparing the NEPA document will be available for public inspection by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Bloomington Indiana Field Office (see **FOR FURTHER INFORMATION CONTACT** section). You may obtain copies of this notice on the Internet at: *http://www.fws.gov/midwest/Endangered/permits/hcp/r3hcps.html,* or by mail from the Bloomington Indiana Field Office (see **FOR FURTHER INFORMATION CONTACT** section).

Background

Section 9 of the Act prohibits "take" of fish and wildlife species listed as endangered under section 4 (16 U.S.C. 1538, 1533, respectively). The Act's implementing regulations extend, under certain circumstances, the prohibition of take to threatened species (50 CFR 17.31). Under section 3 of the Act, the term "take" means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct" (16 CFR part 1521). The term "harm" is defined by regulation as "an act which actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering" (50 CFR 17.3). The term "harass" is defined in the regulations as "an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering" (50 CFR 17.3).

Section 10(a)(2)(A) of the Act requires an applicant for an incidental take permit to prepare an HCP that describes:

(1) The impact that will likely result from such taking;

(2) the steps the applicant will take to minimize and mitigate such impacts, and the funding that will be available to implement such steps;

(3) the alternative actions to such taking that the applicant considered and the reasons why such alternatives are not being utilized; and

(4) the other measures that the Secretary may require as being necessary or appropriate for the purposes of the plan (16 U.S.C. 1539(a)(2)(A)).

Section 10(a)(2)(B) of the Act requires the Secretary to issue an incidental take permit to an applicant when it determines that:

(1) The taking will be incidental;

(2) the applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking;

(3) the applicant has ensured that adequate funding for the plan will be provided;

(4) the taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and

(5) the measures, if any, the Secretary may require as necessary or appropriate for the purposes of the plan will be met (16 U.S.C. 1539(a)(2)(B)).

Regulations governing permits for endangered and threatened species are at 50 CFR 17.22 and 17.32.

The Indiana bat was added to the list of Endangered and Threatened Wildlife and Plants on March 11, 1967 (32 FR 4001). It is currently listed as an endangered species under the Act. The population decline of this species is attributed to habitat loss and degradation of both winter hibernation habitat and summer habitat, human disturbance during hibernation, and possibly pesticides. An additional and emerging threat to Indiana bats is White-Nose Syndrome (WNS). WNS is associated with a recently discovered fungus (*Geomyces destructans*) that affects the skin and wing membranes of bats. Over 1 million bats of 6 species, including the federally endangered Indiana bat, have died in eastern North America from WNS since 2006. The range of the Indiana bat includes much of the eastern United States, and Indiana is located within the core of the species' range; approximately half of the known population of Indiana bats hibernates in Indiana.

Winter habitat for the Indiana bat includes caves and mines that support high humidity and cool but stable temperatures. In the summer, Indiana bats often roost under loose bark of dead or dying trees. During summer, males roost alone or in small groups while females and their offspring roost in larger groups of up to 100 or more. Indiana bats forage for insects in and along the edges of forested areas and wooded stream corridors. Maternity colonies of Indiana bats occur throughout Indiana. FRWF is located approximately 100 miles from the nearest known hibernaculum, and it is unlikely that Benton or surrounding counties contain Indiana bat hibernacula.

Proposed Action—Modified Operations Alternative

The proposed action is issuance of an incidental take permit (ITP) for the Indiana bat during operation of Phases I, II, III, and IV of the Applicant's FRWF. The proposed HCP, which must meet the requirements in section 10(a)(2)(A) of the Act, would be developed and implemented by the applicant, and will include measures necessary to minimize and mitigate impacts to the Indiana bat and its habitat to the maximum extent practicable. The HCP will present the Applicant's plan to modify operations to avoid, minimize, and mitigate impacts to endangered species that are present or migrating through the action area.

The Applicant for the ITP is developing and operating a wind power project in Benton County, Indiana. The area under lease for the FRWF is approximately 54,880 acres (ac) (22,209 hectares (ha)) within portions of Richland, Parish Grove, Center, Pine, Hickory Grove, Grant and Oak Grove Townships. The wind power project includes the operation of 355 existing wind turbine generators during the first three phases of the project, and construction and operation of up to 93 additional turbines at Phase IV of the project, for a total of up to 448 wind turbines. The project would also include all associated collector lines, access roads, utility lines, substations, operation and maintenance facility buildings, and temporary staging areas and concrete batch plants, if applicable. Up to five different models of wind turbines may be in use at various times during the four phases of FRWF. The wind turbine hub height at Phases I, II, and III is 263 feet (ft) (80 meters (m)), with the rotor diameter varying from 253 ft (77 m) to 315 ft (96 m), depending on the type of turbine. Approximate total height at the rotor apex at Phases I, II, and III varies from 389 ft (118.5 m)

to 446 ft (136.5 m), depending on the type of turbine. The proposed wind turbine hub height for Phase IV would range 263–328 ft (80–100 m), depending on the type of turbine selected. Rotor diameters at Phase IV may vary from 253 to 371 ft (77 to 113 m), depending on the type of turbine selected. Approximate total height at the rotor apex would vary from 389 to 514 ft (118.5 to 156.5 m). Installation of each individual turbine will temporarily impact an area of approximately 2.9 ac (1.2 ha), while the final footprint of each turbine will be approximately 0.2 ac (0.08 ha). Access roads to the turbines will have a temporary width of up to 55 ft (17 m) during construction and a permanent width of 16 to 20 ft (4.8 to 6.1 m).

The project is located in a rural setting, with the landscape primarily composed of agricultural properties. Of the roughly 72,953 ac (29,523 ha) within 0.5 mi (0.8 km) of turbine locations, row crops comprise about 93 percent of the land use for the study area. After tilled agriculture, the next most common land uses within the FRWF are developed areas (e.g., houses and buildings), which comprise 5.0 percent of the total, and pastures/hayfields, which comprise 1.4 percent of the total. There are 22.8 ac (9.2 ha) of grasslands, which compose less than 0.1 percent of the study area. Grasslands in the study area are limited primarily to strips along drainages, railroad rights-of-way (ROW), and ROWs along county and State roads. Trees in the study area occur at homesteads, along some of the drainages and fencerows, and within some small, isolated woodlots. Forested areas are rare within the study area, based on 2001 data, and the 249.3 ac (100.8 ha) of forest comprise 0.5 percent of the total area. Small amounts of barren ground, open water, and woody wetlands are also present.

Despite the relatively small acreage of land to be affected by the project, impacts to wildlife, particularly birds and bats, are anticipated. Minimization for potential impacts to Indiana bats will include a turbine operational management adjustment program developed based on the results of post-construction studies conducted at Phases I, II, and III of the project.

Any turbine operational management adjustment program is likely to contain various measures to avoid and minimize impacts to Indiana bats, including the impact of lethal take. Various methods that may be considered include, but are not limited to: Protection of roost trees and surrounding habitat, set-back distances from known roost trees, mapping and avoidance of foraging areas, protection and enhancement of Indiana bat habitat outside the project area, various operational adjustments for turbines during prime activity or migration periods, and post-construction monitoring for fatalities.

Alternatives to the Proposed Action

In addition to the proposed action, there is one additional action alternative that is currently under consideration related to the proposed issuance of an ITP to the Applicant for activities associated with operation of the Fowler Ridge Wind Farm. These alternatives, and possibly additional alternatives, will be considered in the draft EIS, along with the potential impacts associated with each alternative. Each action alternative analyzed in the draft EIS will be compared to the No Action alternative. The No Action alternative represents estimated future conditions to which the proposed action can be compared.

No Action Alternative

Under the No Action Alternative, an ITP pursuant to Section 10(a)(1)(B) of the Act would not be issued for the existing phases or the future Phase IV of the Fowler Ridge Wind Farm. The existing phases of the project would continue to fully operate, and Phase IV would fully operate once construction is complete. Under the No Action Alternative, the applicant would not have coverage for an incidental take of the Indiana bat and would be at risk of violation of Section 9 of the Act. In addition, no HCP would be produced; therefore, the Indiana bat would not have the protections afforded to it through development and implementation of an HCP. The proposed project purpose would not be met under the No Action Alternative.

Maximally Restricted Operations Alternative

Under the Maximally Restricted Operations Alternative, an ITP would be issued; Phases I, II and III would continue to operate; and Phase IV would be constructed as described under Proposed Action—i.e., full build-out of up to 448 turbines. Minimization for potential impacts to Indiana bats would include shutting down turbines at night during the period from April 1 through October 31, the active period for Indiana bats. This minimization would occur during all four phases of the project, every year the FRWF is in operation.

Environmental Review

The Service will conduct an environmental review to analyze various alternatives for implementing the proposed action and the associated impacts of each. The draft EIS will be the basis for the impact evaluation for Indiana bats and the range of alternatives to be addressed. The draft EIS is expected to provide biological descriptions of the affected species and habitats, as well as the effects of the alternatives on other resources such as vegetation, wetlands, wildlife, geology and soils, air quality, water resources, water quality, cultural resources, land use, recreation, water use, local economy, and environmental justice. Following completion of the environmental review, the Service will publish a notice of availability and a request for comments on the draft EIS and the Applicant's permit application, which will include the draft HCP. The draft EIS and draft HCP are expected to be completed and available to the public in late 2011.

Authority

This notice is being furnished as provided for by NEPA, the NEPA regulations, and the Act. The intent of the notice is to obtain suggestions and additional information from other agencies and the public on the scope of issues to be considered. Comments and participation in this scoping process are solicited.

Dated: May 9, 2011.

Lynn Lewis,

Assistant Regional Director, Ecological Services, Region 3, Fort Snelling, MN.

[FR Doc. 2011–12860 Filed 5–24–11; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R9–IA–2011–N110; 96300–1671–0000–P5]

Endangered Species; Marine Mammals; Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species, marine mammals, or both. With some exceptions, the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) prohibits activities with listed species unless a Federal permit is issued that allows such activities. Both laws

require that we invite public comment before issuing these permits.

DATES: We must receive comments or requests for documents on or before June 24, 2011. We must receive requests for marine mammal permit public hearings, in writing, at the address shown in the **ADDRESSES** section by June 24, 2011.

ADDRESSES: Brenda Tapia, Division of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 212, Arlington, VA 22203; fax (703) 358–2280; or e-mail *DMAFR@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, (703) 358–2104 (telephone); (703) 358–2280 (fax); *DMAFR@fws.gov* (e-mail).

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How Do I Request Copies of Applications or Comment on Submitted Applications?

Send your request for copies of applications or comments and materials concerning any of the applications to the contact listed under **ADDRESSES**. Please include the **Federal Register** notice publication date, the PRT-number, and the name of the applicant in your request or submission. We will not consider requests or comments sent to an e-mail or address not listed under **ADDRESSES**. If you provide an e-mail address in your request for copies of applications, we will attempt to respond to your request electronically.

Please make your requests or comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

B. May I Review Comments Submitted by Others?

Comments, including names and street addresses of respondents, will be available for public review at the address listed under **ADDRESSES**. The public may review documents and other information applicants have sent in support of the application unless our allowing viewing would violate the Privacy Act or Freedom of Information Act. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

II. Background

To help us carry out our conservation responsibilities for affected species, the Endangered Species Act of 1973, section 10(a)(1)(A), as amended (16 U.S.C. 1531 *et seq.*), and our regulations in the Code of Federal Regulations (CFR) at 50 CFR 17, the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and our regulations in the Code of Federal Regulations (CFR)] at 50 CFR 18 require that we invite public comment before final action on these permit applications. Under the MMPA, you may request a hearing on any MMPA application received. If you request a hearing, give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Service Director.

III. Permit Applications

A. Endangered Species

Applicant: University of Texas at Austin, Austin, TX; PRT–124346

The applicant requests renewal of the permit to import biological samples from wild Verreaux's sifaka (*Propithecus verreauxi*), for the purpose of enhancement of the survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Mary Hunt, Edmore, MI; PRT–42976A

The applicant requests a permit to import a sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

B. Endangered Marine Mammals and Marine Mammals

Applicant: U.S. Geological Survey—Sirenia Project, Gainesville, FL; PRT–791721

The applicant requests renewal of the permit to take and import West Indian manatees (*Trichechus manatus*) and other Sirenian species for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Concurrent with publishing this notice in the **Federal Register**, we are forwarding copies of the above applications to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Dated: May 20, 2011.

Brenda Tapia,

Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2011–13002 Filed 5–24–11; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWY–957400–11–L14200000–BJ0000–LXSS054K0000]

Filing of Plat of Survey, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) is scheduled to file the plat of survey of the lands described below thirty (30) calendar days from the date of this publication in the BLM Wyoming State Office, Cheyenne, Wyoming.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 5353 Yellowstone Road, P.O. Box 1828, Cheyenne, Wyoming 82003.

SUPPLEMENTARY INFORMATION: This survey was executed at the request of the Bureau of Land Management and is necessary for the management of these lands. The lands surveyed are:

The plat and field notes representing the dependent resurvey of a portion of Lot No. 72, a portion of the subdivisional lines, and the survey of the subdivision of section 15, Township 52 North, Range 93 West, Sixth Principal Meridian, Wyoming, Group No. 834, was accepted May 19, 2011.

Copies of the preceding described plat and field notes are available to the public at a cost of $1.10 per page.

Dated: May 19, 2011.

John P. Lee,

Chief Cadastral Surveyor, Division of Support Services.

[FR Doc. 2011–12971 Filed 5–24–11; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLIDT000000.L11200000.DD0000.241A.00]

Notice of Public Meetings, Twin Falls District Resource Advisory Council, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meetings.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA), the Federal Advisory Committee Act of 1972 (FACA), and the Federal Lands Recreation Enhancement Act of 2004 (FLREA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Twin Falls District Resource Advisory Council (RAC) will meet as indicated below.

DATES: June 21–22, 2011. On June 21, 2011, the Twin Falls District RAC members will meet at the Idaho Commerce and Labor Building located at 420 Falls Avenue, Twin Falls, Idaho. The meeting will begin at 8:15 a.m. and end no later than 10:30 a.m. The public comment period for the RAC meeting will take place 8:30 a.m. to 9 a.m. Following this meeting, the RAC will tour the area for the proposed China Mountain Wind Project. On June 22, 2011, RAC members will meet at the BLM Guard Station at 2295 E. 1500 N., Rogerson, Idaho at 10:30 a.m. to discuss their recommendations for the proposed China Mountain Wind Project. This meeting will end no later than 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Heather Tiel-Nelson, Twin Falls District, Idaho, 2536 Kimberly Road, Twin Falls, Idaho 83301, (208) 736–2352.

SUPPLEMENTARY INFORMATION: The 15-member RAC advises the Secretary of the Interior, through the Bureau of Land Management, on a variety of planning and management issues associated with public land management in Idaho. During the June 21st and 22nd meeting and tour, there will be information shared about the proposed Ketchum Land Exchange as well as the China Mountain Wind Project Draft Environmental Impact Statement.

More information is available at *http://www.blm.gov/id/st/en/res/resource_advisory.3.html.* RAC meetings are open to the public. For further information about the meeting and tour, please contact Heather Tiel-Nelson, Public Affairs Specialist for the Twin Falls District, BLM at (208) 736–2352.

Dated: May 17, 2011.

Jenifer L. Arnold,

Associate District Manager.

[FR Doc. 2011–12975 Filed 5–24–11; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–NEW]

Agency Information Collection Activities: New collection Semi-Annual Progress Report for Grantees From the Services, Training, Education and Policies To Reduce Domestic Violence, Dating Violence, Sexual Assault and Stalking in Secondary Schools Grant Program

ACTION: 60-Day Notice of Information Collection Under Review.

The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. Comments are encouraged and will be accepted for "sixty days" until July 25, 2011. This process is conducted in accordance with 5 CFR 1320.10.

Written comments concerning this information collection should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: DOJ Desk Officer. The best way to ensure your comments are received is to e-mail them to *oira_submission@omb.eop.gov* or fax them to 202–395–7285. All comments should reference the 8 digit OMB number for the collection or the title of the collection. If you have questions concerning the collection, please contact Cathy Poston, Office on Violence Against Women, at 202–514–5430 or the DOJ Desk Officer at 202–395–3176.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(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.

Overview of This Information Collection

(1) *Type of Information Collection:* New collection.

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for Grantees from the Services, Training, Education and Policies to Reduce Domestic Violence, Dating Violence, Sexual Assault and Stalking in Secondary Schools Grant Program (STEP).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form Number:* 1122–XXXX. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately 10 grantees of the STEP Program. The STEP Program, created by the *Violence Against Women Act of 2005* (VAWA 2005), will support middle and high schools to develop and implement effective training, services, prevention strategies, policies, and coordinated community responses for student victims of domestic violence, dating violence, sexual assault, or stalking.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 10 respondents (grantees from the STEP Program) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. A STEP Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 20 hours, that is 10 grantees completing

a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Lynn Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street, NE., Room 2E–808, Washington, DC 20530.

Dated: May 19, 2011.

Lynn Murray,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 2011–12897 Filed 5–24–11; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–NEW]

Agency Information Collection Activities: New collection Semi-Annual Progress Report for Grantees from the Children and Youth Exposed to Violence Program

ACTION: 60-Day Notice of Information Collection Under Review.

The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. Comments are encouraged and will be accepted for "sixty days" until July 25, 2011. This process is conducted in accordance with 5 CFR 1320.10.

Written comments concerning this information collection should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, *Attn:* DOJ Desk Officer. The best way to ensure your comments are received is to e-mail them to *oira_submission@omb.eop.gov* or fax them to 202–395–7285. All comments should reference the 8 digit OMB number for the collection or the title of the collection. If you have questions concerning the collection, please contact Cathy Poston, Office on Violence Against Women, at 202–514–5430 or the DOJ Desk Officer at 202–395–3176.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(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.

Overview of This Information Collection

(1) *Type of Information Collection:* New collection

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for Grantees from the Children and Youth Exposed to Violence Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form Number:* 1122–XXXX. U.S. Department of Justice, Office on Violence Against Women

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately grantees of the Children and Youth Exposed to Violence Program, created by the *Violence Against Women Act of 2005* (VAWA 2005), creates a unique opportunity for communities to increase the resources, services, and advocacy available to children, youth and their nonabusing parent or caretaker, when a child has been exposed to incidences of sexual assault, domestic violence, dating violence, or stalking.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 25 respondents (grantees from the Children and Youth Exposed to Violence Program) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. A Children and Youth Exposed to Violence Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 50 hours, that is 25 grantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Lynn Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street, NE., Room 2E–808, Washington, DC 20530.

Dated: May 19, 2011.

Lynn Murray,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 2011–12896 Filed 5–24–11; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1103–NEW]

Agency Information Collection Activities: Proposed Collection; Comments Requested; Generic Information Collection Review of Customer Outreach and Information

ACTION: 60-Day Notice of Information Collection Under Review.

The Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The emergency proposed information collection is published to obtain comments from the public and affected agencies.

The purpose of this notice is to allow for 60 days for public comment until July 25, 2011. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Ashley Hoornstra, Department of Justice Office of Community Oriented Policing Services, 145 N Street, NE., Washington, DC 20530.

Written comments concerning this information collection should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, *Attn:* DOJ Desk Officer. The best way to ensure your comments are received is to e-mail them to *oira_submission@omb.eop.gov* or fax them to 202–395–7285. All comments

should reference the 8 digit OMB number for the collection or the title of the collection. If you have questions concerning the collection, please call Ashley Hoornstra at 202–616–1314 or the DOJ Desk Officer at 202–395–3176.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—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;

—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 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.

Overview of This Information Collection

(1) *Type of Information Collection:* Proposed collection; comments requested

(2) *Title of the Form/Collection:* Generic Information Collection Review of Customer Outreach and Information

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* None. U.S. Department of Justice Office of Community Oriented Policing Services

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Law enforcement and public safety agencies, institutions of higher learning and non-profit organizations.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that approximately 2000 respondents will participate in the survey annually in an average of 28 minutes.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 933 total burden hours.

If additional information is required contact: Lynn Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street, NE., 2E–808, Washington, DC 20530.

Dated: May 19, 2011.

Lynn Murray,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2011–12895 Filed 5–24–11; 8:45 am]

BILLING CODE 4410–AT–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Settlement Agreement Under the Comprehensive Environmental Response, Compensation, and Liability Act; Resource Conservation and Recovery Act; Clean Water Act; Oil Pollution Act; and Chapter 11 of the United States Bankruptcy Code

Notice is hereby given that on May 20, 2011, a proposed Settlement Agreement ("Agreement") in *In re Caribbean Petroleum Corp., et al.,* No. 10–12553(KG), was lodged with the United States Bankruptcy Court for the District of Delaware. The Agreement was entered into by the United States, on behalf of the United States Environmental Protection Agency ("EPA") and the United States Coast Guard ("USCG"), and the three debtors in the above-referenced bankruptcy proceeding: Caribbean Petroleum Corporation, Caribbean Petroleum Refining L.P., and Gulf Petroleum Refining (Puerto Rico) Corporation (the "Debtors"). The Agreement relates to liabilities of the Debtors under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601 *et seq.* ("CERCLA"), the Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.* ("RCRA"), the Clean Water Act ("CWA"), 33 U.S.C. 1251 *et seq.,* and the Oil Pollution Act ("OPA"), 33 U.S.C. 2701 *et seq.*

The Agreement provides as follows with respect to claims for costs for response actions that were taken, and claims for penalties for civil violations of law that occurred, prior to August 12, 2010 (the "Petition Date"): With respect to USCG's claims under Section 1002(a)(b)(1) of OPA, 33 U.S.C. 2702(a)(b)(1), related to costs for cleanup actions that were taken prior to the Petition Date at the Debtors' former petroleum distribution terminal located in Bayamón, Puerto Rico (the "Facility"), the United States, on behalf of USCG, will have an allowed general unsecured claim in the amount of $5,776,301; with respect to EPA's claims under Section 107(a) of CERCLA, 42 U.S.C. 9707(a), related to costs for cleanup actions that were taken prior to the Petition Date at the Facility, the United States, on behalf of EPA, will have an allowed general unsecured claim of $1,013,794; with respect to EPA's claims under Section 311(b)(7)(A) of the CWA, 33 U.S.C. 1321(b)(7)(A), for civil penalties for violations that occurred prior to the Petition Date related to oil discharges resulting from the October 23, 2009 explosion at the Facility and its aftermath, the United States, on behalf of EPA, will have an allowed general unsecured claim of $8,000,000; with respect to EPA's claims under Section 311(b)(7)(B) of the CWA, 33 U.S.C. 1321(b)(7)(B), for civil penalties for violations of law occurring prior to the Petition Date related to the failure of certain Debtors to comply with an Order issued by EPA under the CWA on February 19, 2010 ("CWA Order"), the United States, on behalf of EPA, will have an allowed general unsecured claim of $3,557,385; and with respect to EPA's claim under Section 9006(d)(2) of RCRA, 42 U.S.C. 6991e(d)(2), for civil penalties for violations of Underground Storage Tank Regulations occurring prior to the Petition Date at certain of the gasoline service stations owned or operated by the Debtors, the United States, on behalf of EPA, will have an allowed general unsecured claim of $377,650.

The Agreement provides as follows with respect to costs for removal or response actions that were taken, and claims for penalties for violations of law that occurred, during the period of time after the Petition Date: with respect to USCG's demand under Section 1002(a)(b)(1) of OPA, 33 U.S.C. 2702(a)(b)(1), related to removal costs at the Facility after the Petition Date, the United States, on behalf of USCG, will have an allowed administrative expense claim of $4,074,164; with respect to EPA's demand under Section 107(a) of CERCLA, 42 U.S.C. 9707(a), related to response costs at the Facility after the Petition Date, the United States, on behalf of EPA, will have an allowed administrative expense claim of $2,625,836; with respect to EPA's demand under Section 311(b)(7)(B) of the CWA, 33 U.S.C. 1321(b)(7)(B), for civil penalties for the failure of certain Debtors to comply with the CWA Order during the period of time after the Petition Date, the United States, on behalf of EPA, will have an allowed administrative expense claim of $1,404,241; and with respect to EPA's demand under Section 9006(d)(2) of RCRA, 42 U.S.C. 6991e(d)(2), for civil

penalties for violations of Underground Storage Tank Regulations occurring after the Petition Date, the United States, on behalf of EPA, will have an allowed administrative expense claim of $95,759.

Under the Agreement, USCG covenants not to file a civil action or to take any administrative or other civil action against the Debtors to recover its cleanup costs with respect to the Facility pursuant to Section 1002(a) of OPA, 33 U.S.C. 2702(a). EPA covenants not to file a civil action or to take any administrative or other civil action against the Debtors: (i) To recover response costs or obtain injunctive relief with respect to the Facility pursuant to Sections 106 or 107(a) of CERCLA, 42 U.S.C. 9606 or 9607(a), or Section 7003 of RCRA, 42 U.S.C. 6973; (ii) to obtain civil penalties pursuant to Section 311(b)(7)(A) of the CWA, 33 U.S.C. 1321(b)(7)(A), with respect to the oil discharge violations related to the Facility specifically alleged in the proofs of claim filed by EPA and USCG on February 7, 2011 ("EPA/USCG POCs"), (iii) to obtain civil penalties pursuant to Section 311(b)(7)(B) of the CWA, 33 U.S.C. 1321(b)(7)(B), with respect to the CWA Order violations specifically alleged in the EPA/USCG POCs; or (iv) to obtain civil penalties pursuant to Section 9006(d)(2) of RCRA, 42 U.S.C. 6991e(d)(2), with respect to the Underground Storage Tank violations specifically alleged in the EPA/USCG POCs. The Agreement further provides for resolution of outstanding obligations of the Debtors to perform work or pay penalties under the CWA Order and an October 12, 1995, RCRA Administrative Order on Consent.

For a period of seven days from the date of this publication, the Department of Justice will receive and consider comments relating to the Agreement. All comments must be received by the Department of Justice within this seven day period. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044, and should refer to *In re Caribbean Petroleum Corp., et al.,* No. 10–12553(KG) (Bankr. D. Del.) and D.J. Ref. No. 90–11–3–10100. A copy of any comment should be sent to Donald G. Frankel, Senior Counsel, Department of Justice, Environmental Enforcement Section, One Gateway Center, Suite 616, Newton, MA 02458, or e-mailed to *donald.frankel@usdoj.gov.* Commenters may request an opportunity for a public meeting, in accordance with Section 7003(d) of RCRA, 42 U.S.C. 6973(d).

The Agreement may be examined at the Office of the United States Attorney, District of Delaware, 1201 Market Street, Suite 1100, Wilmington, Delaware (contact Ellen Slights at 302–573–6277). During the public comment period, the Agreement may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Agreement may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy of the Agreement from the Consent Decree Library, please enclose a check in the amount of $3.50 (25 cents per page reproduction cost) payable to the U.S. Treasury (if the request is by fax or e-mail, forward a check to the Consent Decree library at the address stated above).

Ronald G. Gluck,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2011–13051 Filed 5–24–11; 8:45 am]

BILLING CODE 4410–15–P

FOREIGN CLAIMS SETTLEMENT COMMISSION

[F.C.S.C. Meeting Notice No. 3–11]

Sunshine Act Meeting

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR part 503) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of meetings for the transaction of Commission business and other matters specified, as follows:

Date and Time: Friday, June 3, 2011, at 10 a.m.

Subject Matter: Issuance of Proposed Decisions in claims against Albania and Libya.

Status: Open.

All meetings are held at the Foreign Claims Settlement Commission, 600 E Street, NW., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Executive Officer, Foreign Claims Settlement Commission, 600 E Street, NW., Room 6002, Washington, DC 20579. Telephone: (202) 616–6975.

Judith H. Lock,

Executive Officer.

[FR Doc. 2011–13062 Filed 5–23–11; 4:15 pm]

BILLING CODE 4410–BA–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; High Growth and Community-Based Job Training Grants

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the revised Employment and Training Administration (ETA) sponsored information collection request (ICR) titled, "High Growth and Community-Based Job Training Grants," to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35).

DATES: Submit comments on or before June 24, 2011.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site, *http://www.reginfo.gov/public/do/PRAMain,* on the day following publication of this notice or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or sending an e-mail to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor, Employment and Training Administration (ETA), Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202–395–6929/Fax: 202–395–6881 (these are not toll-free numbers), e-mail: *OIRA_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by e-mail at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This information collection request implements reporting requirements for High Growth Job Training Initiative (HGJTI) and Community-Based Job

Training Grants (CBJTG). The ETA will require grantees to submit standardized quarterly reports summarizing the number and types of participants served by grantees, the number of exiters, the number of participants engaged in training activities, and some participant outcomes. To calculate the common measures for each grantee and for the program as a whole, the ETA will also require grantees to submit quarterly participant records about exiters that contain the minimum number of elements needed to obtain the information to calculate the common measures. The ETA plans to use these records to obtain wage record information from the Wage Record Interchange System, which in turn the ETA will use to compute common measures. These reports and records will help the ETA gauge the effects of the HGJTI and CBJTG grants, identify grantees that could serve as useful models, and target technical assistance appropriately. The ETA's statutory and regulatory authority to administer these programs includes provisions for the requirement of performance reporting from grantees. The legislative authority for these programs comes from the Workforce Investment Act (29 U.S.C. 2801 *et seq.*) and the American Competitiveness in the Twenty-first Century Act of 2000 as amended, both of which authorize and/or require that ETA collect information from grantees regarding program performance and participant outcomes.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information if the collection of information does not display a valid OMB control number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under OMB Control Number 1205–0465. The current OMB approval is scheduled to expire on May 31, 2011; however, it should be noted that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. Respondents would not be required to comply with any additional requirements during this review period. For additional information, see the related notice published in the **Federal Register** on January 5, 2011 (76 FR 587).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should reference OMB Control Number 1205–0465. The OMB is particularly interested in comments that:

- 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;
- 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 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: Employment and Training Administration (ETA).

Title of Collection: High Growth and Community-Based Job Training Grants.

OMB Control Number: 1205–0465.

Affected Public: Private Sector—Not-for-profit institutions.

Total Estimated Number of Respondents: 190.

Total Estimated Number of Responses: 67,760.

Total Estimated Annual Burden Hours: 27,980.

Total Estimated Annual Other Costs Burden: $0.

Dated: May 19, 2011.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2011–12944 Filed 5–24–11; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–75,162]

Pisgah Yarn and Dyeing Company Including On-Site Leased Workers From Manpower, Inc. Old Fort, NC; Notice of Affirmative Determination Regarding Application for Reconsideration

By application dated May 12, 2011, workers requested administrative reconsideration of the negative determination regarding workers' eligibility to apply for Trade Adjustment Assistance (TAA) applicable to workers and former workers of Pisgah Yarn & Dyeing Company, Old Fort, North Carolina (subject firm). The worker group includes on-site leased workers from Manpower, Inc. The determination was issued on April 28, 2011. The Department's Notice of Determination will soon be published in the **Federal Register**. The workers are engaged in employment related to the production of cotton yarn used for craft trade.

The negative determination was based on the findings that there was no shift to/acquisition from a foreign country by the subject firm in production of yarn; that the quantity of sales and production at the subject firm increased in 2010 from 2009 levels; that the subject firm is neither a Supplier nor a Downstream Producer to a firm that employed a worker group eligible to apply for Trade Adjustment Assistance; and that the subject firm was not named in an affirmative finding of injury by the U.S. International Trade Commission.

In the request for reconsideration, the petitioners alleged that the company was sold to a Canadian firm.

The Department has carefully reviewed the request for reconsideration and the existing record, and has determined that the Department will conduct further investigation to determine if the petitioning workers meet the eligibility requirements of the Trade Act of 1974, as amended. Specifically, the Department will conduct further investigation to determine whether the purchasing firm was a successor-in-interest.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the U.S. Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 16th day of May 2011.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2011–12774 Filed 5–24–11; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–74,995]

Bush Industries, Inc., Including On-Site Leased Workers From Express Employment Professionals and Labor Ready, Erie, PA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended ("Act"), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on February 10, 2011, applicable to workers of Bush Industries, Inc., including on-site leased workers from Express Employment Professionals and Labor Ready, Erie, Pennsylvania. The workers are engaged in the production of ready-to-assemble wood furniture. The determination was issued on February 10, 2011. The Department's Notice will soon be published in the **Federal Register**.

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. The review shows that a certification of eligibility to apply for worker adjustment assistance was issued for all workers of Bush Industries, Inc., including on-site leased workers from Express Employment Professionals and Labor Ready, Erie, Pennsylvania, separated from employment on or after January 26, 2009 through February 3, 2011 (TA–W–64,750). The Department's Notice was published in the **Federal Register** on March 3, 2009 (74 FR 9282).

In order to avoid an overlap in worker group coverage, the Department is amending the December 10, 2009 impact date established for TA–W–74,995 to read February 4, 2011.

The amended notice applicable to TA–W–74,995 is hereby issued as follows:

All workers of Bush Industries, Inc., including on-site leased workers from Express Employment Professionals and Labor Ready, Erie, Pennsylvania, who became totally or partially separated from employment on or after February 4, 2011, through February 10, 2013, and all workers in the group threatened with total or partial separation from employment on date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed in Washington, DC, this 9th day of March 2011.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2011–12776 Filed 5–24–11; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–74,530; TA–W–74,530A; TA–W–74,530B; et al.]

Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

TA–W–74,530
Hewlett Packard Company Human Resources Division Including Workers Whose Unemployment Insurance (UI) Wages Are Paid Through Electronic Data Systems (EDS) Five Cities In California: Auburn, Cupertino, Palm Springs, Palo Alto, Roseville (Two Locations) and San Diego, California Teleworkers Across California

TA–W–74,530A
Hewlett Packard Company Human Resources Division Including Workers Whose Unemployment Insurance (UI) Wages Are Paid Through Electronic Data Systems (EDS) Boise, Idaho

TA–W–74,530B
Hewlett Packard Company Human Resources Division Including Workers Whose Unemployment Insurance (UI) Wages Are Paid Through Electronic Data Systems (EDS) Ellicott City, Maryland

TA–W–74,530C
Hewlett Packard Company Human Resources Division Including Workers Whose Unemployment Insurance (UI) Wages Are Paid Through Electronic Data Systems (EDS) Canton, Michigan

TA–W–74,530D
Hewlett Packard Company Human Resources Division Including Workers Whose Unemployment Insurance (UI) Wages Are Paid Through Electronic Data Systems (EDS) Wake Forest, North Carolina

TA–W–74,530E
Hewlett Packard Company Human Resources Division Including Workers Whose Unemployment Insurance (UI) Wages Are Paid Through Electronic Data Systems (EDS) Corvallis, Oregon

TA–W–74,530F
Hewlett Packard Company Human Resources Division Including Workers Whose Unemployment Insurance (UI) Wages Are Paid Through Electronic Data Systems (EDS) Blue Bell, Pennsylvania

TA–W–74,530G
Hewlett Packard Company Human Resources Division Including Workers Whose Unemployment Insurance (UI) Wages Are Paid Through Electronic Data Systems (EDS) Three Locations in Texas Houston and Plano (Two Locations), Texas Teleworkers In Denton, Texas

TA–W–74,530H
Hewlett Packard Company Human Resources Division Including Workers Whose Unemployment Insurance (UI) Wages Are Paid Through Electronic Data Systems (EDS) Herndon, Virginia

TA–W–74,530I
Hewlett Packard Company Human Resources Division Including Workers Whose Unemployment Insurance (UI) Wages Are Paid Through Electronic Data Systems (EDS) Vancouver, Washington

TA–W–74,530J
Hewlett Packard Company Human Resources Division Including Workers Whose Unemployment Insurance (UI) Wages Are Paid Through Electronic Data Systems (EDS) Two Locations In Massachusetts Marlboro and Andover (Two Locations), Massachusetts Teleworkers Across Massachusetts

TA–W–74,530K
Hewlett Packard Company Human Resources Division Including Workers Whose Unemployment Insurance (UI) Wages Are Paid Through Electronic Data Systems (EDS) Colorado Springs, Colorado Teleworkers Across Colorado

TA–W–74,530L
Hewlett Packard Company Human Resources Division Including Workers Whose Unemployment Insurance (UI) Wages Are Paid Through Electronic Data Systems (EDS) Frankfort, Kentucky Teleworkers Across Kentucky

TA–W–74,530M
Hewlett Packard Company Human Resources Division Including Workers Whose Unemployment Insurance (UI) Wages Are Paid Through Electronic Data Systems (EDS) Las Vegas, Nevada Teleworkers Across Nevada

TA–W–74,530N
Hewlett Packard Company Human Resources Division Including Workers Whose Unemployment Insurance (UI) Wages Are Paid Through Electronic Data Systems (EDS) Miami, Florida Teleworkers Across Florida

TA–W–74,530O
Hewlett Packard Company Human Resources Division Including Workers Whose Unemployment Insurance (UI) Wages Are Paid Through Electronic Data Systems (EDS) Edison, New Jersey Teleworkers Across New Jersey

TA–W–74,530P
Hewlett Packard Company Human Resources Division Including Workers Whose Unemployment Insurance (UI) Wages Are Paid Through Electronic Data Systems (EDS) Oklahoma City, Oklahoma Teleworkers Across Oklahoma

TA–W–74,530Q
Hewlett Packard Company Human Resources Division Including Workers Whose Unemployment Insurance (UI) Wages Are Paid Through Electronic Data

Systems (EDS) Blue Ash, Ohio
Teleworkers Across Ohio
TA–W–74,530R
Hewlett Packard Company Human Resources Division Including Workers Whose Unemployment Insurance (UI) Wages Are Paid Through Electronic Data Systems (EDS) Naperville, Illinois
Teleworkers Across Illinois

In accordance with Section 223 of the Trade Act of 1974, as amended ("Act"), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on September 3, 2010, applicable to workers of Hewlett Packard Company, Human Resources Division, Five Cities in California: Auburn, Cupertino, Palm Springs, Palo Alto and Roseville (Two Locations), California (TA–W–74,530), Boise, Idaho, (TA–W–74,530A), Ellicott City, Maryland (TA–W–74,530B), Canton, Michigan (TA–W–74,530C), Wake Forest, North Carolina (TA–W–74,530D), Corvallis, Oregon (TA–W–74,530E), Blue Bell, Pennsylvania (TA–W–74,530F), Three Locations in Texas: Houston and Plano (Two Locations), Texas, Teleworkers in Denton, Texas (TA–W–74,530G), Herndon, Virginia (TA–W–74,530H), and Vancouver, Washington (TA–W–74,530I). The notice was published in the **Federal Register** on September 21, 2010 (75 FR 57516).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers provide human resource services.

New findings show that worker separations also occurred during the relevant time period at the following locations across ten states of Hewlett Packard Company, Human Resources Division: Marlboro and Andover, Massachusetts, Colorado Springs, Colorado, Frankfort, Kentucky, Las Vegas, Nevada, Miami, Florida, Edison, New Jersey, Oklahoma City, Oklahoma, Blue Ash, Ohio, Naperville, Illinois, and San Diego, California. Each location operates in conjunction with each other; all were part of the overall servicing operation and were impacted by the shift in human resource services to Panama.

Accordingly, the Department is amending this certification to include workers at the above mentioned locations of Hewlett Packard Company, Human Resources Division.

The intent of the Department's certification is to include all workers of the subject firm who were adversely affected by a shift in human resource services to Panama.

The amended notice applicable to TA–W–74,530 is hereby issued as follows:

All workers at the following locations across ten states of Hewlett Packard Company, Human Resources Division, including workers whose unemployment insurance (UI) wages are paid through Electronic Data Systems (EDS): Auburn, Cupertino, Palm Springs, Palo Alto, Roseville (two locations), and San Diego, California and teleworkers across California (TA–W–74,530); Boise, Idaho (TA–W–74,530A); Ellicott City, Maryland (TA–W–74,530B); Canton, Michigan (TA–W–74,530C); Wake Forest, North Carolina (TA–W–74,530D); Corvallis, Oregon (TA–W–74,530E); Blue Bell, Pennsylvania (TA–W–74,530F); Houston and Plano (two locations), Texas, and teleworkers in Denton, Texas (TA–W–74,530G); Herndon, Virginia (TA–W–74,530H); and Vancouver, Washington (TA–W–74,530I); Marlboro and Andover, (two locations), Massachusetts and teleworkers across Massachusetts (TA–W–74,530J; Colorado Springs, Colorado and teleworkers across Colorado (TA–W–74,530K); Frankfort, Kentucky and teleworkers across Kentucky (TA–W–74,530L); Las Vegas, Nevada and teleworkers across Nevada (TA–W–74,530M); Miami, Florida and teleworkers across Florida (TA–W–74,530N); Edison, New Jersey and teleworkers across New Jersey (TA–W–74,530O); Oklahoma City, Oklahoma and teleworkers across Oklahoma (TA–W–74,530P); Blue Ash, Ohio and teleworkers across Ohio (TA–W–74,539Q); Naperville, Illinois and teleworkers across Illinois (TA–W–74,530R), who became totally or partially separated from employment on or after August 4, 2009, through September 3, 2012, and all workers in the group threatened with total or partial separation from employment on date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed at Washington, DC, this 17th day of May 2011.

Elliott S. Kushner

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 2011–12775 Filed 5–24–11; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–74,839]

St. John Knits, Inc. Irvine, CA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended ("Act"), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on January 31, 2011, applicable to workers of St. John Knits, Inc., Irvine, California. The workers are engaged in the production of women's apparel. The notice was published in the **Federal Register** on February 24, 2011 (76 FR 10397).

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. The review shows that on August 18, 2008, a certification of eligibility to apply for adjustment assistance was issued for all workers of St. John Knits, Sample Manufacturing Department, Irvine, California, separated from employment on or after June 11, 2007 through August 18, 2010. The notice was published in the **Federal Register** on September 3, 2008 (73 FR 51529).

In order to avoid an overlap in worker group coverage, the Department is amending the November 3, 2009 impact date established for TA–W–74,839, to read August 19, 2010.

The amended notice applicable to TA–W–75,839 is hereby issued as follows:

All workers of St. John Knits, Inc., Irvine, California, who became totally or partially separated from employment on or after August 19, 2010, through January 31, 2013, and all workers in the group threatened with total or partial separation from employment on date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed in Washington, DC, this 8th day of March 2011.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2011–12777 Filed 5–24–11; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

TA–W–72,251
SUPERVALU, Inc. IT and Finance Departments Including Workers Whose Unemployment Insurance (UI) Wages are Paid Through New Albertsons, Inc., and American Drug Stores LLC Including on-site Leased Workers from Volt Services Group Boise, Idaho
TA–W–72,251A
SUPERVALU, Inc. Formerly Known as New Albertsons IT and Finance Departments Including Workers Whose Unemployment Insurance (UI) Wages are Paid Through New Albertsons, Inc., and

American Drug Stores LLC Salt Lake, Utah

TA–W–72,251B
SUPERVALU, Inc. IT and Finance Departments Including Workers Whose Unemployment Insurance (UI) Wages are Paid Through New Albertsons, Inc., and American Drug Stores LLC Franklin Park, Illinois

TA–W–72,251C
SUPERVALU, Inc. IT and Finance Departments Including Workers Whose Unemployment Insurance (UI) Wages are Paid Through New Albertsons, Inc., and American Drug Stores LLC Milford, Ohio

TA–W–72,251D
SUPERVALU, Inc. IT and Finance Departments Including Workers Whose Unemployment Insurance (UI) Wages are Paid Through New Albertsons, Inc., and American Drug Stores LLC Dublin, California

TA–W–72,251E
SUPERVALU, Inc. Formerly Known as New Albertsons IT and Finance Departments Including Workers Whose Unemployment Insurance (UI) Wages are Paid Through New Albertsons, Inc., and American Drug Stores LLC Virginia Beach, Virginia

TA–W–72,251F
SUPERVALU, Inc. IT and Finance Departments Including Workers Whose Unemployment Insurance (UI) Wages are Paid Through New Albertsons, Inc., and American Drug Stores LLC Including on-site Leased Workers From Global Resources and Professional Employment Services Phoenix, Arizona

TA–W–72,251G
SUPERVALU, Inc. IT and Finance Departments Including Workers Whose Unemployment Insurance (UI) Wages are Paid Through New Albertsons, Inc., and American Drug Stores LLC Malvern, Pennsylvania

TA–W–72,251H
SUPERVALU, Inc. IT and Finance Departments Including Workers Whose Unemployment Insurance (UI) Wages are Paid Through New Albertsons, Inc., and American Drug Stores LLC Portland, Oregon

TA–W–72,251I
SUPERVALU, Inc. IT and Finance Departments Including Workers Whose Unemployment Insurance (UI) Wages are Paid Through New Albertsons, Inc., and American Drug Stores LLC Aurora, Colorado

TA–W–72,251J
SUPERVALU, Inc. IT and Finance Departments Including Workers Whose Unemployment Insurance (UI) Wages are Paid Through New Albertsons, Inc., and American Drug Stores LLC Lanham, Maryland

TA–W–72,251K
SUPERVALU, Inc. IT and Finance Departments Including Workers Whose Unemployment Insurance (UI) Wages are Paid Through New Albertsons, Inc., and American Drug Stores LLC Las Vegas, Nevada

TA–W–72,251L
SUPERVALU, Inc. IT and Finance Departments Including Workers Whose Unemployment Insurance (UI) Wages are Paid Through New Albertsons, Inc., and American Drug Stores LLC Spokane, Washington

TA–W–72,251M
SUPERVALU, Inc. IT and Finance Departments Including Workers Whose Unemployment Insurance (UI) Wages are Paid Through New Albertsons, Inc., and American Drug Stores LLC Fort Wayne, Indiana

TA–W–72,251N
SUPERVALU, Inc. IT and Finance Departments Including Workers Whose Unemployment Insurance (UI) Wages are Paid Through New Albertsons, Inc., and American Drug Stores, LLC West Bridgewater, Massachusetts

In accordance with Section 223 of the Trade Act of 1974, as amended ("Act"), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on January 15, 2010, applicable to workers of SUPERVALU, Inc., IT and Finance Departments, including leased workers from Volt Services Group, Boise, Idaho (TA–W–72,251); SUPERVALU, Inc., IT and Finance Departments, Salt Lake, Utah (TA–W–72,251A); SUPERVALU, Inc., IT and Finance Departments, Franklin Park, Illinois (TA–W–72,251B); SUPERVALU, Inc., IT and Finance Departments, Milford, Ohio (TA–W–72,251C); SUPERVALU, Inc., IT and Finance Departments, Dublin, California (TA–W–72,251D); SUPERVALU, Inc., IT and Finance Departments, Virginia Beach, Virginia (TA–W–72,251E); SUPERVALU, Inc., IT and Finance Departments, including leased workers from Global Resources and Professional Employment Services, Phoenix, Arizona (TA–W–72,251F); SUPERVALU, Inc., IT and Finance Departments, Malvern, Pennsylvania (TA–W–72,251G); SUPERVALU, Inc., IT and Finance Departments, Portland, Oregon (TA–W–72,251H); SUPERVALU, Inc., IT and Finance Departments, Aurora, Colorado (TA–W–72,251I); SUPERVALU, Inc., IT and Finance Departments, Lanham, Maryland (TA–W–72,251J); SUPERVALU, Inc., IT and Finance Departments, Las Vegas, Nevada (TA–W–72,251K); SUPERVALU, Inc., IT and Finance Departments, Spokane, Washington (TA–W–72,251L); SUPERVALU, Inc., IT and Finance Departments, Fort Wayne, Indiana (TA–W–72,251M); SUPERVALU, Inc., IT and Finance Departments, West Bridgewater, Massachusetts (TA–W–72,251N). The notice was published in the **Federal Register** on February 16, 2010 (75 FR 7037). The notice was amended on September 7, 2010 to include workers whose unemployment insurance (UI) wages are paid through New Albertsons, Inc. The notice was published in the **Federal Register** on September 21, 2010 (75 FR 57504–57505).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in employment related to the supply of information technology and finance services.

New information shows that American Drug Stores LLC is a wholly owned subsidiary of New Albertsons, Inc. Some workers separated from employment at the subject firms have their wages reported under separate unemployment insurance (UI) tax accounts under the names New Albertsons, Inc., and American Drug Stores LLC.

Accordingly, the Department is amending this certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of the subject firm who were adversely affected by acquisition in services related to the supply of information technology and finance.

The amended notice applicable to TA–W–72,251 is hereby issued as follows:

All workers of SUPERVALU, Inc., IT and Finance Departments, including workers whose unemployment insurance (UI) wages are paid through New Albertsons, Inc., and American Drug Stores LLC, including leased workers from Volt Services Group, Boise, Idaho (TA–W–72,251); SUPERVALU, Inc., IT and Finance Departments, including workers whose unemployment insurance (UI) wages are paid through New Albertsons, Inc., and American Drug Stores LLC, Salt Lake, Utah (TA–W–72,251A); SUPERVALU, Inc., IT and Finance Departments, including workers whose unemployment insurance (UI) wages are paid through New Albertsons, Inc., and American Drug Stores LLC, Franklin Park, Illinois (TA–W–72,251B); SUPERVALU, Inc., IT and Finance Departments, including workers whose unemployment insurance (UI) wages are paid through New Albertsons, Inc., and American Drug Stores LLC, Milford, Ohio (TA–W–72,251C); SUPERVALU Inc., IT and Finance Departments, including workers whose unemployment insurance (UI) wages are paid through New Albertsons, Inc., and American Drug Stores LLC, Dublin, California (TA–W–72,251D); SUPERVALU, Inc., IT and Finance Departments, including workers whose unemployment insurance (UI) wages are paid through New Albertsons, Inc., and American Drug Stores LLC, Virginia Beach, Virginia (TA–W–72,251E); SUPERVALU, Inc., IT and Finance Departments, including workers whose unemployment insurance (UI) wages are paid through New Albertsons, Inc., and American Drug Stores LLC, including leased workers from Global Resources and Professional Employment Services, Phoenix, Arizona (TA–W–72,251F); SUPERVALU, Inc., IT and

Finance Departments, including workers whose unemployment insurance (UI) wages are paid through New Albertsons, Inc., and American Drug Stores LLC, Malvern, Pennsylvania (TA–W–72,251G); SUPERVALU, Inc., IT and Finance Departments, including workers whose unemployment insurance (UI) wages are paid through New Albertsons, Inc., and American Drug Stores LLC, Portland, Oregon (TA–W–72,251H); SUPERVALU, Inc., IT and Finance Departments, including workers whose unemployment insurance (UI) wages are paid through New Albertsons, Inc., and American Drug Stores LLC, Aurora, Colorado (TA–W–72,251I); SUPERVALU, Inc., IT and Finance Departments, including workers whose unemployment insurance (UI) wages are paid through New Albertsons, Inc., and American Drug Stores LLC, Lanham, Maryland (TA–W–72,251J); SUPERVALU, Inc., IT and Finance Departments, including workers whose unemployment insurance (UI) wages are through New Albertsons, Inc., and American Drug Stores LLC, Las Vegas, Nevada (TA–W–72,251K); SUPERVALU, Inc., IT and Finance Departments, including workers whose unemployment insurance (UI) wages are paid through New Albertsons, Inc., and American Drug Stores LLC, Spokane, Washington (TA–W–72,251L); SUPERVALU, Inc., IT and Finance Departments, including workers whose unemployment insurance (UI) wages are paid through New Albertsons, Inc., and American Drug Stores LLC, Fort Wayne, Indiana (TA–W–72,251M); SUPERVALU, Inc., IT and Finance Departments, including workers whose unemployment insurance (UI) wages are paid through New Albertsons, Inc., and American Drug Stores LLC, West Bridgewater, Massachusetts (TA–W–72,251N), who became totally or partially separated from employment on or after September 2, 2008 through January 15, 2012, and all workers in the group threatened with total or partial separation from employment on the date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed at Washington, DC, this 10th day of March 2011.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 2011–12780 Filed 5–24–11; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–73,696]

Deloitte Financial Advisory Services LLP, Real Estate Consulting, Houston, TX; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended ("Act"), 19 U.S.C. 2273, the Department of Labor ("Department") issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on November 19, 2010, applicable to workers of Deloitte Financial Advisory Services LLP, Real Estate Consulting, Houston, Texas (subject firm). The Department's Notice was published in the **Federal Register** on December 6, 2010 (75 FR 75700). The subject worker group supplies real estate valuation services for the subject firm.

The Department, on its own motion, reviewed the administrative record. The record revealed that an earlier petition (dated May 27, 2009) submitted on behalf of the same worker group was not properly instituted until March 11, 2010.

The intent of the Department's certification is to include all workers employed at Deloitte Financial Advisory Services LLP, Real Estate Consulting, Houston, Texas who were adversely affected by a shift in services to India that were separated on or after May 27, 2008 through November 19, 2012.

The amended notice applicable to TA–W–73,696 is hereby issued as follows:

All workers of Deloitte Financial Advisory Services LLP, Real Estate Consulting, Houston, Texas, who became totally or partially separated from employment on or after May 27, 2008, through November 19, 2012, and all workers in the group threatened with total or partial separation from employment on date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed in Washington, DC, this 8th day of March 2011.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2011–12778 Filed 5–24–11; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–72,888]

Tektronix, Inc., Including Workers Whose UI Wages Were Reported Under Tektronix Component Solutions, Formerly Known as Maxtek, and Tektronix Service Solutions, a Subsidiary of Tektronix, Inc. and Including On-Site Leased Workers From Adecco Employment Services Beaverton, OR; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended ("Act"), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to apply for Worker Adjustment Assistance on March 2, 2010, applicable to workers of Tektronix, Inc., Beaverton, Oregon. The workers produce general purpose electronic test equipment. The notice was published in the **Federal Register** on April 23, 2010 (75 FR 21361) An amended certification was issued on April 19, 2010 to include workers whose wages were reported under a separate unemployment insurance (UI) tax account for Maxtek, a wholly owned subsidiary of Tektronix, Inc. The notice was published in the **Federal Register** on April 29, 2010 (75 FR 22629)

At the request of a company official, the Department reviewed the certification for workers of the subject firm. The workers are engaged in activities related to production of general purpose electronic test equipment.

New information shows that Maxtek has been renamed to Tektronix Component Solutions. In addition, some workers of Tektronix, Inc., Beaverton, Oregon may now have their wages reported under Tektronix Service Solutions, a new subsidiary of Tektronix, Inc. Accordingly, the Department is amending this certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of the subject firm who were adversely affected by the shift in production of general purpose electronic test equipment to a foreign country.

The amended notice applicable to TA–W–72,888 is hereby issued as follows:

All workers Tektronix, Inc., including workers of Tektronix Component Solutions, formerly known as Maxtek, and Tektronix Service Solutions, a subsidiary of Tektronix, Inc., and including on-site leased workers

from Adecco Employment Services, Beaverton, Oregon, who became totally or partially separated from employment on or after November 17, 2008, through March 2, 2012, and all workers in the group threatened with total or partial separation from employment on the date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed in Washington, DC, this 4th day of March 2011.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2011–12781 Filed 5–24–11; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–71,859, TA–W–71,859A]

Faribault Woolen Mill Company, Faribault, MN; Faribo Woolens, Inc., a Related Company of Faribault Woolen Mill Company, Faribault, MN; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended ("Act"), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on December 9, 2009, applicable to workers of Faribault Woolen Mill Company, Faribault, Minnesota. The notice was published in the **Federal Register** on January 25, 2010 (75 FR 3930).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of wool and wool blend blankets.

New findings show that worker separations occurred during the relevant time period at Faribo Woolens, Inc., a Related Company of Faribault Woolen Mill Company, a retail outlet store for the subject firm, Faribault Woolen Mill Company.

Accordingly, the Department is amending the certification to include workers of the Faribo Woolens, Inc., A Related Company of Faribault Woolen Mill Company, Faribault, Minnesota.

The intent of the Department's certification is to include all workers of the subject firm who were adversely affected by increased imports of wool and wool blend blankets.

The amended notice applicable to TA–W–71,859 is hereby issued as follows:

All workers of Faribault Woolen Mill Company, Faribault, Minnesota (TA–W–71,859) and Faribo Woolens, Inc., A Related Company of Farbault Woolen Mills Company, Faribault, Minnesota (TA–W–71,859A), who became totally or partially separated from employment on or after July 29, 2008, through December 9, 2011, and all workers in the group threatened with total or partial separation from employment on date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed in Washington, DC, this 3rd day of March, 2011.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2011–12779 Filed 5–24–11; 8:45 am]

BILLING CODE 4510–FN–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978 (Pub. L. 95–541)

AGENCY: National Science Foundation.

ACTION: Notice of Permit Modification Received under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of requests to modify permits issued to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of a requested permit modification.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by June 24, 2011. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Room 755, Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Nadene G. Kennedy at the above address or (703) 292–7405.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Description of Permit Modification Requested: The Foundation issued a permit (2009–013) to Dr. Robert Pitman on October 10, 2008. The issued permit allows the applicant access to satellite tag or attach suction cup tags and take skin biopsies from Killer whales, Minke whales and Humpback whales to study their movement patterns, diet preferences, and genetics.

The applicant requests a modification to his permit to add two additional whale species: 200 Blue whales and 200 Fin whales. In addition, the applicant wishes to revise his current takes to 400 Killer whales, 300 Humpback whales, and 50 Minke whales.

Location: Ross Sea and McMurdo Sound area and the Antarctic Peninsula regions.

Dates: October 1, 2011 to January 1, 2014.

Nadene G. Kennedy,

Permit Officer, Office of Polar Programs.

[FR Doc. 2011–12913 Filed 5–24–11; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–0009; NRC–2010–0188]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for the License Amendment for the Fort St. Vrain Independent Spent Fuel Storage Installation

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

FOR FURTHER INFORMATION CONTACT: Jean Trefethen, Project Manager, Environmental Review Branch A, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: 301–415–5137; Fax: 301–415–5369; e-mail: *Jean.Trefethen@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering an application dated November 10, 2009, from the U.S. Department of Energy

(DOE) for the renewal of the Special Nuclear Materials (SNM) License SNM–2504 for the Fort St. Vrain (FSV) Independent Spent Fuel Storage Installation (ISFSI) located in Platteville, Colorado. If granted, the renewed license will authorize DOE to continue to possess and store spent fuel and associated radioactive wastes at the FSV ISFSI. License SNM–2504 expires on November 30, 2011. This renewal, if granted, will extend the term of license SNM–2504 to November 30, 2031.

The NRC has prepared an Environmental Assessment (EA) as part of its review of this proposed license renewal in accordance with the requirements of 10 CFR part 51. Based on the EA, the NRC has determined that a Finding of No Significant Impact (FONSI) is appropriate. The NRC is also conducting a safety evaluation of this action, pursuant to 10 CFR part 72. The results of the safety evaluation will be documented in a separate Safety Evaluation Report. If DOE's request is approved, the NRC will issue a renewed license following the publication of this EA and FONSI.

II. EA Summary

The proposed licensing action is to renew license SNM–2504 for an additional 20 years to authorize the continued operation of the FSV ISFSI in Platteville, Colorado. If approved, DOE will be allowed to possess and store spent fuel and associated radioactive wastes at the FSV ISFSI until November 30, 2031.

The FSV ISFSI uses a Modular Vault Dry Storage (MVDS), which is a contained shield system designed for 40 years of interim storage of the FSV High Temperature Gas Cooled Reactor (HTGR) fuel. The FSV reactor was built and operated during the 1970s and 1980s. It was permanently shut down in 1989 and decommissioned. Some of the spent fuel is in dry storage at DOE's Idaho National Engineering Laboratory (INEL) facility. Facilities were not made available at INEL to store all the spent fuel and associated radioactive waste from the FSV reactor. Renewal of materials license SNM–2504 is needed for further safe storage of spent fuel at the FSV ISFSI.

The NRC has prepared an EA as part of its review of the proposed license renewal. The NRC staff considered the following environmental resource areas in its evaluation: Air quality; noise; land use; water use and quality; socioeconomics; historic, archaeological, and cultural resources; threatened and endangered species; scenic and visual; waste management; transportation; and public and occupational health and safety.

The environmental impacts of these resource areas were determined to be the small. The proposed license renewal request does not require altering the site footprint nor does it change the operating processes of the existing facility. The proposed action will not adversely affect Federal- or state-listed threatened or endangered species. Public and occupational radiological dose exposures have been and are expected to be below 10 CFR part 20 regulatory limits. Cumulative impacts over the 20-year renewal period were also evaluated and determined to be small. Therefore, the NRC staff concludes that the proposed action will not result in a significant effect on the quality of the human environment.

NRC staff consulted with other agencies regarding the proposed action, including regional Native American Tribes, the Colorado Department of Public Health and Environment, the Colorado Historical Society, and the U.S. Fish and Wildlife Service. The consultations ensured that the requirements of Section 7 of the Endangered Species Act and Section 106 of the National Historic Preservation Act were met and provided the designated State liaison agency the opportunity to comment on the proposed action.

III. Finding of No Significant Impact

On the basis of the EA, the NRC staff concludes that renewal of license SNM–2504 for the FSV ISFSI will not significantly affect the quality of the human environment. Therefore, pursuant to 10 CFR 51.31 and 51.32, an environmental impact statement is not warranted for the proposed action, and a FONSI is appropriate.

IV. Further Information

Documents related to this action, including the application for renewal of SNM–2504 and supporting documentation, 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 Document 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:

Document	ADAMS accession No.
DOE License Renewal Application	ML093230788
NRC letter to DOE—Request for Additional Information (RAI)	ML103260338
DOE letter to NRC—Response to RAI	ML110380111
Annual Radiological Environmental Monitoring Reports (2007, 2008, 2009)	ML070650337 (2007), ML080590359 (2008), ML090560534 (2009)
NRC letter to U.S. Fish and Wildlife Service	ML102880322
Letters from U.S. Fish and Wildlife Service to DOE and NRC	ML110380119(DOE), ML103340416(NRC)
NRC letter to Colorado Historical Society	ML102880361
Letters from Colorado Historical Society to DOE and NRC	ML110380132(DOE), ML110590901(NRC)
NRC letters to Colorado Department of Public Health and Environment	ML102880196, ML110420186
Letters from Colorado Department of Public Health and Environment to NRC	ML103260293, ML111110258
Letter to Colorado State Historic Preservation Officer from NRC.	
Letter from Colorado State Historic Preservation Officer to DOE and NRC	ML110380132(DOE), ML110590901(NRC)
NRC Tribal Consultation Letters To:	
Northern Cheyenne	ML103140530
Southern UTE Indian	ML103140298
Three Affiliated Tribes	ML103140358
Standing Rock Sioux	ML103140316

Document	ADAMS accession No.
Northern Arapaho	ML103140496
Rosebud Sioux	ML103140281
San Ildefonso Pueblo	ML103140114
Santa Clara Pueblo	ML103140261
Apache Tribe of Oklahoma	ML103140072
Crow Creek Sioux	ML103140181
Crow Nation	ML103140202
Kiowa Tribe of Oklahoma	ML103140282
Pawnee Nation of Oklahoma	ML103140470
Shoshone	ML103140227
Fort Sill Apache	ML103140247
Jicarilla Apache Tribal Council	ML103140269
Ute Mountain Ute	ML103140378
Pueblo of Santa Ana	ML103140174
Comanche Tribal Business Committee	ML103140149
Zuni Pueblo	ML103140574
Pueblo de Cochiti	ML103140531
Ohkay Owingeh	ML103140570
Oglala Sioux	ML103140548
Cheyenne & Arapaho Tribes of Oklahoma	ML103130533
Mescalero Apache	ML103140458
Letter from Pawnee Nation of Oklahoma to NRC	ML110550709
1972 AEC Environmental Statement Related to Operation of the FSV NGS	ML110590923
1991 NRC Final Environmental Assessment Related to Construction of FSV ISFSI	ML062710252
2011 NRC Final Environmental Assessment for the License Renewal for FSV ISFSI	ML111110339

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 (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by e-mail 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), O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, Maryland, this 16th day of May, 2011.

For the Nuclear Regulatory Commission.

Andrew Persinko,

Deputy Director, Environmental Protection and Performance Assessment Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.

[FR Doc. 2011–12960 Filed 5–24–11; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–269, 50–270, and 50–287; NRC–2011–0113]

Duke Energy Carolinas, LLC, Oconee Nuclear Station, Units 1, 2, and 3, Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing and Order Imposing Procedures for Document Access to Sensitive Unclassified Non-Safeguards Information

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of license amendment request, opportunity to comment, opportunity to request a hearing, and Commission order.

DATES: Submit comments by June 24, 2011. A request for a hearing must be filed by July 25, 2011. Any potential party as defined in 10 CFR 2.4 who believes access to Sensitive Unclassified Non-Safeguards Information (SUNSI) is necessary to respond to this notice must request document access by June 6, 2011.

ADDRESSES: You may submit comments by any one of the following methods. Please include Docket ID NRC–2011–0113 in the subject line of your comments. Comments submitted in writing or in electronic form will be posted on the NRC Web site and on the Federal rulemaking Web site *http://www.regulations.gov*. 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.

The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in their comments that they do not want publicly disclosed. You may submit comments by any one of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for documents filed under Docket ID NRC–2011–0113. Address questions about NRC dockets to Carol Gallagher 301–492–3668; e-mail *Carol.Gallagher@nrc.gov.*
- *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements and Directives Branch (RADB), Office of Administration, Mail Stop: TWB–05–B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001,
- *Fax comments to:* RADB at 301–492–3446. You can access publicly available documents related to this notice using the following methods:

NRC's Public Document Room (PDR): The public may examine, and have copied for a fee, publicly available documents at the NRC's PDR, Room O1 F21, One White Flint North, 11555

Rockville Pike, Rockville, Maryland 20852. These documents may also be viewed electronically on the public computers located at the NRC's PDR at 11555 Rockville Pike, Rockville, Maryland 20852.

NRC's Agencywide Documents Access and Management System (ADAMS): Publicly available documents created or received at the NRC are available online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* From this page, the public can gain entry into ADAMS, which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr.resource@nrc.gov.* The application for amendment, dated June 29, 2009, contains proprietary information and accordingly, those portions are being withheld from public disclosure. A redacted version of the application for amendment is available electronically under ADAMS Accession Number ML091871223. The supplements to the application dated June 24, 2010 (ADAMS Accession Number ML101830011), and February 15, 2011 (ADAMS Accession Number ML091871223), do not contain any proprietary information.

Federal Rulemaking Web site: Public comments and supporting materials related to this notice can be found at *http://www.regulations.gov* by searching on Docket ID: NRC–2011–0113.

FOR FURTHER INFORMATION CONTACT: Mr. John Stang, Project Manager, Plant Licensing Branch 2–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: 301–415–1345; fax number: 301–415–1222; e-mail: *John.Stang@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is considering issuance of an amendment to Renewed Facility Operating Licenses Nos. DPR–38, DPR–47, and DPR–55 issued to Duke Energy Carolinas, LLC (the licensee), for operation of the Oconee Nuclear Station, Units 1, 2, and 3 located in Oconee County, South Carolina.

The proposed amendment would approve changes to the Updated Final Safety Analysis Report to allow the use of fiber reinforced polymer on masonry walls for uniform pressure loads resulting from a tornado event.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Does the propose change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: Physical protection from a tornado event is a design basis criterion rather than a requirement of a previously analyzed [Updated Final Safety Analysis Report] UFSAR accident analysis. The current licensing basis (CLB) for Oconee states that systems, structures, and components (SSC's) required to shut down and maintain the units in a shutdown condition will not fail as a result of damage caused by natural phenomena.

The in-fill masonry walls to be strengthened using an FRP system are passive, non-structural elements. The use of an [fiber reinforced polymer] FRP system on existing Auxiliary Building masonry walls will allow them to resist uniform pressure loads resulting from a tornado and will not adversely affect the structure's ability to withstand other design basis events such as earthquakes or fires.

Therefore, the proposed use of FRP on existing masonry walls will not significantly increase the probability or consequences of an accident previously evaluated.

(2) Does the propose change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: The final state of the FRP system is passive in nature and will not initiate or cause an accident. More generally, this understanding supports the conclusion that the potential for new or different kinds of accidents is not created.

(3) Does the propose change involve a significant reduction in a margin of safety?

Response: The application of an FRP system to existing Auxiliary Building masonry walls will act to enhance the margin of safety, e.g., the West Penetration Room walls, by increasing the walls' ability to resist tornado-induced differential pressure.

Consequently, this change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received by June 24, 2011 will be considered in making any final determination. You may submit comments using any of the methods discussed under the **ADDRESSES** caption.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

II. Opportunity To Request a Hearing

Requirements for hearing requests and petitions for leave to intervene are found in 10 CFR 2.309, "Hearing requests, petitions to intervene, requirements for standing, and contentions." Interested persons should consult 10 CFR part 2, Section 2.309, which is available at the NRC's Public

Document Room (PDR), Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852 (or call the PDR at 1–800–397–4209 or 301–415–4737). NRC regulations are also accessible online from the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.*

III. Petitions for Leave To Intervene

Any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the requestor/petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition must provide the name, address, and telephone number of the requestor or petitioner and specifically explain the reasons why the intervention should be permitted with particular reference to the following factors: (1) The nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

A petition for leave to intervene must also include a specification of the contentions that the petitioner seeks to have litigated in the hearing. For each contention, the requestor/petitioner must provide a specific statement of the issue of law or fact to be raised or controverted, as well as a brief explanation of the basis for the contention. Additionally, the requestor/petitioner must demonstrate that the issue raised by each contention is within the scope of the proceeding and is material to the findings the NRC must make to support the granting of a license amendment in response to the application. The petition must include a concise statement of the alleged facts or expert opinions which support the position of the requestor/petitioner and on which the requestor/petitioner intends to rely at hearing, together with references to the specific sources and documents on which the requestor/petitioner intends to rely. Finally, the petition must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact, including references to specific portions of the application for amendment that the requestor/petitioner disputes and the supporting reasons for each dispute, or, if the requestor/petitioner believes that the application for amendment fails to contain information on a relevant matter as required by law, the identification of each failure and the supporting reasons for the requestor's/petitioner's belief. Each contention must be one which, if proven, would entitle the requestor/petitioner to relief.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions, including the opportunity to present evidence and to submit a cross-examination plan for cross-examination of witnesses, consistent with NRC regulations, policies, and procedures. The Atomic Safety and Licensing Board (the Licensing Board) will set the time and place for any prehearing conferences and evidentiary hearings, and the appropriate notices will be provided.

Non-timely petitions for leave to intervene and contentions, amended petitions, and supplemental petitions will not be entertained absent a determination by the Commission, the Licensing Board or a presiding officer that the petition should be granted and/or the contentions should be admitted based upon a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(viii).

A State, county, municipality, Federally-recognized Indian Tribe, or agencies thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(d)(2). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by July 25, 2011. The petition must be filed in accordance with the filing instructions in Section IV of this document, and should meet the requirements for petitions for leave to intervene set forth in this section, except that State and Federally-recognized Indian Tribes do not need to address the standing requirements in 10 CFR 2.309(d)(1) if the facility is located within its boundaries. The entities listed above could also seek to participate in a hearing as a nonparty pursuant to 10 CFR 2.315(c).

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of position on the issues, but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to such limits and conditions as may be imposed by the Licensing Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by July 25, 2011.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment.

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139, August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the Internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten (10) days prior to the filing deadline, the participant should contact the Office of the Secretary by e-mail at *hearing.docket@nrc.gov*, or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E–Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be

submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's "Guidance for Electronic Submission," which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The E-Filing system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the "Contact Us" link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by e-mail at *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First-class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/EHD/*, unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as Social Security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from May 25, 2011. Non-timely filings will not be entertained absent a determination by the presiding officer that the petition or request should be granted or the contentions should be admitted, based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(viii).

Attorney for licensee: Lara S. Nichols, Associate General Counsel, Duke Energy Corporation, 526 South Church Street—EC07H, Charlotte, NC 28202.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing Sensitive Unclassified Non-Safeguards Information (SUNSI)

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI is necessary to respond to this notice may request such access. A "potential party" is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requestor shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Associate General Counsel for Hearings, Enforcement and Administration, Office of the General Counsel, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The e-mail address for the Office of the Secretary and the

Office of the General Counsel are *Hearing.Docket@nrc.gov* and *OGCmailcenter@nrc.gov,* respectively.[1] The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1); and

(3) The identity of the individual or entity requesting access to SUNSI and the requestor's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly-available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention;

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order[2] setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after the requestor is granted access to that information. However, if more than 25 days remain between the date the petitioner is granted access to the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff either after a determination on standing and need for access, or after a determination on trustworthiness and reliability, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requestor may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) the presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an administrative law judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

H. Review of Grants of Access. A party other than the requestor may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed with the Chief Administrative Judge within 5 days of the notification by the NRC staff of its grant of access.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[3]

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. Attachment 1 to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

It is so ordered.

Dated at Rockville, Maryland, this 18th day of May 2011.

For the Nuclear Regulatory Commission.

Andrew L. Bates,

Acting Secretary of the Commission.

ATTACHMENT 1—General Target Schedule for Processing and Resolving Requests for Access to Sensitive Unclassified Non-Safeguards Information in This Proceeding

Day	Event/activity
0	Publication of **Federal Register** notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: Supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 requestor/petitioner reply).
20	Nuclear Regulatory Commission (NRC) staff informs the requestor of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's "E-Filing Rule," the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

[2] Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

[3] Requestors should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

Day	Event/activity
25	If NRC staff finds no "need" or no likelihood of standing, the deadline for requestor/petitioner to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
A	If access granted: Issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
> A + 60	Decision on contention admission.

[FR Doc. 2011–12957 Filed 5–24–11; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee On Reactor Safeguards; Meeting

Notice of Meeting

In accordance with the purposes of sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold a meeting on June 8–10, 2011, 11545 Rockville Pike, Rockville, Maryland. The date of this meeting was previously published in the **Federal Register** on Thursday, October 21, 2010 (74 FR 65038–65039).

Wednesday, June 8, 2011, Conference Room T2–B1, 11545 Rockville Pike, Rockville, Maryland

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–10:30 a.m.: Draft Regulatory Guides DG–1261, "Conducting Periodic Testing for Breakaway Oxidation Behavior," DG–1262, "Testing for Postquench Ductility," and DG–1263, "Establishing Analytical Limits for Zirconium-Based Alloy Cladding" (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and Electric Power Research Institute regarding draft Regulatory Guides DG–1261, "Conducting Periodic Testing for Breakaway Oxidation Behavior," DG–1262, "Testing for Postquench Ductility," and DG–1263, "Establishing Analytical Limits for Zirconium-Based Alloy Cladding."

10:45 a.m.–11:45 a.m.: Revised Safety Evaluation Report Associated with the License Renewal Application for the Hope Creek Generating Station (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and PSEG Nuclear, LLC regarding revisions to the safety evaluation report associated with the license renewal application for the Hope Creek Generating Station.

12:45 p.m.–2:45 p.m.: Commission Paper on Level 3 Probabilistic Risk Assessment Activities (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the Commission Paper on Level 3 Probabilistic Risk Assessment Activities.

3 p.m.–5 p.m.: NRC Bulletin 2011–01, "Mitigating Strategies" (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding NRC Bulletin 2011–01, "Mitigating Strategies."

5:00 p.m.–7:00 p.m.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports on matters discussed during this meeting.

Thursday, June 9, 2011, Conference Room T–2b1, 11545 Rockville Pike, Rockville, MD

8 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–10 a.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee (Open/Closed)—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS Meetings, and matters related to the conduct of ACRS business, including anticipated workload and member assignments. [**Note:** A portion of this meeting may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

10 a.m.–10:15 a.m.: Reconciliation of ACRS Comments and Recommendations (Open)—The Committee will discuss the responses from the NRC Executive Director for Operations to comments and recommendations included in recent ACRS reports and letters.

10:30 a.m.–7:00 p.m.: Preparation of ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports.

Friday, June 10, 2011 Conference Room T2–B1, 11545 Rockville Pike, Rockville, Maryland

8:30 a.m.–1 p.m.: Preparation of ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports.

1 p.m.–1:30 p.m.: Miscellaneous (Open)—The Committee will continue its discussion related to the conduct of Committee activities and specific issues that were not completed during previous meetings.

Procedures for the conduct of and participation in ACRS meetings were

published in the **Federal Register** on October 21, 2010 (75 FR 65038–65039). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Mr. Kent Howard, Cognizant ACRS Staff (Telephone: 301–415–2989, E-mail: *Kent.Howard@nrc.gov*), five days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. 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 the Cognizant ACRS staff if such rescheduling would result in major inconvenience.

Thirty-five hard copies of each presentation or handout should be provided 30 minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the Cognizant ACRS Staff one day before meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the Cognizant ACRS Staff with a CD containing each presentation at least 30 minutes before the meeting.

In accordance with Subsection 10(d) Public Law 92–463, and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agenda, meeting transcripts, and letter reports are available through the NRC Public Document Room at *pdr.resource@nrc.gov*, or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System (PARS) component of NRC's document system (ADAMS) which is accessible from the NRC Web site at *http://www.nrc.gov/reading-rm/adams.html* or *http://www.nrc.gov/reading-rm/doc-collections/ACRS/*.

Video teleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service for observing ACRS meetings should contact Mr. Theron Brown, ACRS Audio Visual Technician (301–415–8066), between 7:30 a.m. and 3:45 p.m. (ET), at least 10 days before the meeting to ensure the availability of this service.

Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the video teleconferencing link. The availability of video teleconferencing services is not guaranteed.

Dated: May 19, 2011.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 2011–12954 Filed 5–24–11; 8:45 am]

BILLING CODE 7590–01–P

PEACE CORPS

Information Collection Request Under OMB Review

AGENCY: Peace Corps.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Peace Corps will be submitting the following information collection request to the Office of Management and Budget (OMB) for reinstatement, without change, of a previously approved collection for which approval has expired. In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the Peace Corps invites the general public to comment on this request for reinstatement, without change, of previously approved collection for which approval has expired, the National Agency Check (NAC) Questionnaire for Peace Corps Volunteer Background Investigation (OMB Control Number 0420–0001).

DATES: Submit comments on or before July 25, 2011.

ADDRESSES: Comments should be addressed to Denora Miller, Freedom of Information Act Officer. Denora Miller can be contacted by telephone at 202–692–1236 or e-mail at *pcfr@peacecorps.gov*. E-mail comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT: Denora Miller at Peace Corps address above.

SUPPLEMENTARY INFORMATION: The NAC Questionnaire for Peace Corps Volunteer Background Investigation Form is used to conduct a formal background check. The data gathered is used to conduct a National Agency Check through the Office of Personnel Management who has pertinent records pertaining to applicants' legal activities and suitability.

OMB Control Number: 0420–0001.

Title: National Agency Check (NAC) Questionnaire for Peace Corps Volunteer Background Investigation.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Affected Public: Potential and current volunteers.

Respondents' Obligation to Reply: Voluntary.

Burden to the Public:

a. Number of Average Applicants: 13,500.

b. Number of Applicants who submit NAC form: 13,500.

c. Frequency of response: One time.

d. Completion time: 15 minutes.

e. Annual burden hours: 3,375.

General Description of Collection: The NAC Questionnaire for Peace Corps Volunteer Background Investigation form is used to screen Peace Corps applicants for legal and/or criminal history. The information obtained on the form is provided to the Office of Personnel Management to obtain the necessary information as to an applicant's legal suitability for service. All applicants who complete the initial Peace Corps Application Form are then sent a "legal kit" to complete, which includes this form among others related to the applicants' suitability and a postage-paid return envelope.

Request for Comment: Peace Corps invites comments on whether the proposed collection of information is necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the information to be collected; and, ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

This notice issued in Washington, DC, on May 20, 2011.

Earl W. Yates,

Associate Director, Management.

[FR Doc. 2011–12939 Filed 5–24–11; 8:45 am]

BILLING CODE 6051–01–P

POSTAL REGULATORY COMMISSION

[Docket No. A2011–17; Order No. 734]

Appeal of Post Office Closing

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: This document informs the public that an appeal of the closing of the Nooksack, Washington post office has been filed. It identifies preliminary steps and provides a procedural schedule. Publication of this document will allow the Postal Service, petitioner, and others to take appropriate action.

DATES: *Administrative record due (from Postal Service):* May 31, 2011; *deadline for notices to intervene:* June 13, 2011. *See* the Procedural Schedule in the **SUPPLEMENTARY INFORMATION** section for other dates of interest.

ADDRESSES: Submit comments electronically by accessing the "Filing Online" link in the banner at the top of the Commission's Web site (*http://www.prc.gov*) or by directly accessing the Commission's Filing Online system at *https://www.prc.gov/prc-pages/filing-online/login.aspx.* Commenters who cannot submit their views electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section as the source for case-related information for advice on alternatives to electronic filing.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, at 202–789–6820 (case-related information) or *DocketAdmins@prc.gov* (electronic filing assistance).

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to 39 U.S.C. 404(d), on May 16, 2011, the Commission received a petition for review of the closing of the Nooksack Post Office in Nooksack, Washington.[1] The petition, which was filed by the City of Nooksack (Petitioner), is postmarked May 13, 2011, and was posted on the Commission's Web site May 17, 2011. The Commission hereby institutes a proceeding under 39 U.S.C. 404(d)(5) and designates the case as Docket No. A2011–17 to consider Petitioner's appeal. If Petitioner would like to further explain its position with supplemental information or facts, Petitioner may either file a Participant Statement on PRC Form 61 or file a brief with the Commission no later than June 20, 2011.

Categories of issues apparently raised. Petitioner raises two issues: (1) The failure of the Postal Service to follow the procedural requirements of 39 U.S.C. 404(d) and 39 CFR 241.3 for closing a post office; and (2) whether the closing is consistent with the policy of the Government that the Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self sustaining (*see* 39 U.S.C. 404(d)(2)(A)(ii)).

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above, or that the Postal Service's determination disposes of one or more of those issues. The deadline for the Postal Service to file the administrative record with the Commission is May 31, 2011. *See* 39 CFR 3001.113. In addition, the due date for any responsive pleading by the Postal Service to this Notice is May 31, 2011.

Application for Suspension of Determination. In addition to its Petition, the Petitioner filed an application for suspension of the Postal Service's determination (*see* 39 CFR 3001.114). Petitioner contends that suspending the effectiveness of the determination is necessary to prevent the Nooksack post office from being put on an irreversible course of closure before the appeals process is concluded. Petitioner argues that the city will suffer irreparable injury if the Nooksack post office is allowed to close while its appeal is before the Commission. As indicated by the Petitioner, the Nooksack post office is scheduled to close May 27, 2011. Commission rules allow for the Postal Service to file an answer to such application within 10 days after the application is filed. In light of what appears to be the proposed close date, the Postal Service's answer to the application is due no later than May 24, 2011. The Postal Service is encouraged to maintain the standard of service currently offered at the Nooksack post office pending the Commission's response to the Postal Service's answer.

Availability; Web site posting. The Commission has posted the appeal and supporting material on its Web site at *http://www.prc.gov.* Additional filings in this case and participant's submissions will also be posted on the Commission's Web site, if provided in electronic format or amenable to conversion, and not subject to a valid protective order. Information on how to use the Commission's Web site is available online or by contacting the Commission's webmaster via telephone at 202–789–6873 or via electronic mail at *prc-webmaster@prc.gov.*

The appeal and all related documents are also available for public inspection in the Commission's docket section. Docket section hours are 8 a.m. to 4:30 p.m., Monday through Friday, except on Federal government holidays. Docket section personnel may be contacted via electronic mail at *prc-dockets@prc.gov* or via telephone at 202–789–6846.

Filing of documents. All filings of documents in this case shall be made using the Internet (Filing Online) pursuant to Commission rules 9(a) and 10(a) at the Commission's Web site, *http://www.prc.gov,* unless a waiver is obtained. *See* 39 CFR 3001.9(a) and 3001.10(a). Instructions for obtaining an account to file documents online may be found on the Commission's Web site or by contacting the Commission's docket section at *prc-dockets@prc.gov* or via telephone at 202–789–6846.

The Commission reserves the right to redact personal information which may infringe on an individual's privacy rights from documents filed in this proceeding.

Intervention. Those, other than the Petitioner and respondent, wishing to be heard in this matter are directed to file a notice of intervention. *See* 39 CFR 3001.111(b). Notices of intervention in this case must be filed on or before June 13, 2011. A notice of intervention shall be filed using the Internet (Filing Online) at the Commission's Web site unless a waiver is obtained for hardcopy filing. *See* 39 CFR 3001.9(a) and 3001.10(a).

Further procedures. By statute, the Commission is required to issue its decision within 120 days from the date it receives the appeal. *See* 39 U.S.C. 404(d)(5). A procedural schedule has been developed to accommodate this statutory deadline. In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service or other participants to submit information or memoranda of law on any appropriate issue. As required by Commission rules, if any motions are filed, responses are due 7 days after any such motion is filed. *See* 39 CFR 3001.21.

It is ordered:

1. The Postal Service shall file an answer to the application for suspension of the Postal Service's determination no later than May 24, 2011.

2. The Postal Service shall file the administrative record regarding this appeal no later than May 31, 2011.

[1] Appeal of Closure of Nooksack Post Office, Nooksack, Washington 98276, May 16, 2011 (Petition). The Petition includes 7 exhibits: Exhibit A—a copy of a Dear Postal Customer Letter; Exhibit B—a copy of a letter to the Postal Service regarding an opportunity to discuss the possible changes in service in Nooksack; Exhibit C—a copy of Landlord's Notice of Termination from the Postal Service; Exhibit D—a copy of the Final Determination to Consolidate the Nooksack, WA Post Office and Establish a Classified Station, 1991; Exhibit E—Commission Opinion Affirming Decision under 39 U.S.C. 404(b), Docket No. A92–7; Exhibit F—an e-mail from Anne Blair to Virginia Radder; and Exhibit G—Affidavit of Virginia Radder. In addition to the Petition, the Petitioner filed an Application for Suspension of the Postal Service's Determination.

3. Any responsive pleading by the Postal Service to this Notice is due no later than May 31, 2011.

4. The procedural schedule listed below is hereby adopted.

5. Pursuant to 39 U.S.C. 505, Richard A. Oliver is designated officer of the Commission (Public Representative) to represent the interests of the general public.

6. The Secretary shall arrange for publication of this notice and order in the **Federal Register.**

PROCEDURAL SCHEDULE

May 16, 2011	Filing of Appeal.
May 24, 2011	Deadline for the Postal Service to file answer responding to application for suspension.
May 31, 2011	Deadline for the Postal Service to file the administrative record in this appeal.
May 31, 2011	Deadline for the Postal Service to file any responsive pleading.
June 13, 2011	Deadline for notices to intervene (*see* 39 CFR 3001.111(b)).
June 20, 2011	Deadline for Petitioner's Form 61 or initial brief in support of petition (*see* 39 CFR 3001.115(a) and (b)).
July 11, 2011	Deadline for answering brief in support of the Postal Service (*see* 39 CFR 3001.115(c)).
July 26, 2011	Deadline for reply briefs in response to answering briefs (*see* 39 CFR 3001.115(d)).
August 2, 2011	Deadline for motions by any party requesting oral argument; the Commission will schedule oral argument only when it is a necessary addition to the written filings (*see* 39 CFR 3001.116).
September 12, 2011	Expiration of the Commission's 120-day decisional schedule (*see* 39 U.S.C. 404(d)(5)).

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2011–12910 Filed 5–24–11; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket No. A2011–16; Order No. 733]

Post Office Closing

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: This document informs the public that an appeal of the closing of the Akron–East Station has been filed. It identifies preliminary steps and provides a procedural schedule. Publication of this document will allow the Postal Service, petitioner, and others to take appropriate action.

DATES: *Administrative record due (from Postal Service):* May 31, 2011; *deadline for notices to intervene:* June 13, 2011. *See* the Procedural Schedule in the **SUPPLEMENTARY INFORMATION** section for other dates of interest.

ADDRESSES: Submit comments electronically by accessing the "Filing Online" link in the banner at the top of the Commission's Web site (*http://www.prc.gov*) or by directly accessing the Commission's Filing Online system at *https://www.prc.gov/prc-pages/filing-online/login.aspx.* Commenters who cannot submit their views electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section as the source for case-related information for advice on alternatives to electronic filing.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, at 202–789–6820 (case-related information) or *DocketAdmins@prc.gov* (electronic filing assistance).

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to 39 U.S.C. 404(d), on May 16, 2011, the Commission received two petitions for review of the closing of the Akron–East Station in Akron, Ohio. The petitions, which were filed by Paul J. Connor and Shirley Strader (Petitioners), are both postmarked May 11, 2011, and were posted on the Commission's Web site May 17, 2011. The Commission hereby institutes a proceeding under 39 U.S.C. 404(d)(5) and designates the case as Docket No. A2011–16 to consider Petitioners' appeals. If Petitioners would like to further explain their positions with supplemental information or facts, Petitioners may either file Participant Statements on PRC Form 61 or file briefs with the Commission no later than June 20, 2011.

Categories of issues apparently raised. Petitioners raise two issues: (1) That the Postal Service's decision to close the Akron–East Station was arbitrary, capricious, and an abuse of discretion (*see* 39 U.S.C. 404(d)(5)(A)); and (2) that the decision was unsupported by substantial evidence in the record (*see* 39 U.S.C. 404(d)(5)(C)).

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above, or that the Postal Service's determination disposes of one or more of those issues. The deadline for the Postal Service to file the administrative record with the Commission is May 31, 2011. *See* 39 CFR 3001.113. In addition, the due date for any responsive pleading by the Postal Service to this Notice is May 31, 2011.

Application for Suspension of Determination. In addition, Paul J. Connor filed an application for suspension of the Postal Service's determination to close the Akron-East Station (*see* 39 CFR 3001.114). He argues that irreparable harm will occur in the event that the Akron-East Station is closed prior to the conclusion of the appeals proceeding. Commission rules allow for the Postal Service to file an answer to such application within 10 days after the application is filed. The Postal Service shall file an answer to the application no later than May 26, 2011.

Availability; Web site posting. The Commission has posted the appeal and supporting material on its Web site at *http://www.prc.gov.* Additional filings in this case and participant's submissions will also be posted on the Commission's Web site, if provided in electronic format or amenable to conversion, and not subject to a valid protective order. Information on how to use the Commission's Web site is available online or by contacting the Commission's webmaster via telephone at 202–789–6873 or via electronic mail at *prc-webmaster@prc.gov.*

The appeal and all related documents are also available for public inspection in the Commission's docket section. Docket section hours are 8 a.m. to 4:30 p.m., Monday through Friday, except on Federal government holidays. Docket section personnel may be contacted via

electronic mail at *prc-dockets@prc.gov* or via telephone at 202–789–6846.

Filing of documents. All filings of documents in this case shall be made using the Internet (Filing Online) pursuant to Commission rules 9(a) and 10(a) at the Commission's Web site, *http://www.prc.gov,* unless a waiver is obtained. *See* 39 CFR 3001.9(a) and 3001.10(a). Instructions for obtaining an account to file documents online may be found on the Commission's Web site or by contacting the Commission's docket section at *prc-dockets@prc.gov* or via telephone at 202–789–6846.

The Commission reserves the right to redact personal information which may infringe on an individual's privacy rights from documents filed in this proceeding.

Intervention. Those, other than the Petitioners and respondent, wishing to be heard in this matter are directed to file a notice of intervention. *See* 39 CFR 3001.111(b). Notices of intervention in this case must be filed on or before June 13, 2011. A notice of intervention shall be filed using the Internet (Filing Online) at the Commission's Web site unless a waiver is obtained for hardcopy filing. *See* 39 CFR 3001.9(a) and 3001.10(a).

Further procedures. By statute, the Commission is required to issue its decision within 120 days from the date it receives the appeal. *See* 39 U.S.C. 404(d)(5). A procedural schedule has been developed to accommodate this statutory deadline. In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service or other participants to submit information or memoranda of law on any appropriate issue. As required by the Commission rules, if any motions are filed, responses are due 7 days after any such motion is filed. *See* 39 CFR 3001.21.

It is ordered:

1. The Postal Service shall file an answer to the application for suspension of the Postal Service's determination no later than May 26, 2011.

2. The Postal Service shall file the administrative record regarding this appeal no later than May 31, 2011.

3. Any responsive pleading by the Postal Service to this Notice is due no later than May 31, 2011.

4. The procedural schedule listed below is hereby adopted.

5. Pursuant to 39 U.S.C. 505, Richard A. Oliver is designated officer of the Commission (Public Representative) to represent the interests of the general public.

6. The Secretary shall arrange for publication of this notice and order in the **Federal Register**.

PROCEDURAL SCHEDULE

May 16, 2011	Filing of appeal.
May 26, 2011	Deadline for the Postal Service to file answer responding to application for suspension.
May 31, 2011	Deadline for the Postal Service to file the administrative record in this appeal.
May 31, 2011	Deadline for the Postal Service to file any responsive pleading.
June 13, 2011	Deadline for notices to intervene (*see* 39 CFR 3001.111(b)).
June 20, 2011	Deadline for Petitioners' Form 61 or initial brief in support of petition (*see* 39 CFR 3001.115(a) and (b)).
July 11, 2011	Deadline for answering brief in support of Postal Service (*see* 39 CFR 3001.115(c)).
July 26, 2011	Deadline for reply briefs in response to answering briefs (*see* 39 CFR 3001.115(d)).
August 2, 2011	Deadline for motions by any party requesting oral argument; the Commission will schedule oral argument only when it is a necessary addition to the written filings (*see* 39 CFR 3001.116).
September 8, 2011	Expiration of the Commission's 120-day decisional schedule (*see* 39 U.S.C. 404(d)(5)).

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2011–12821 Filed 5–24–11; 8:45 am]

BILLING CODE 7710–FW–P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review, Request for Comments

Summary: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) is forwarding an Information Collection Request (ICR) to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB). Our ICR describes the information we seek to collect from the public. Review and approval by OIRA ensures that we impose appropriate paperwork burdens.

The RRB uses a Personal Identification Number (PIN)/Password system that allows RRB customers to conduct business with the agency electronically. As part of the system, the RRB collects information needed to establish a unique PIN/Password that allows customer access to RRB Internet-based services. The information collected is matched against records of the railroad employee that are maintained by the RRB. If the information is verified, the request is approved and the RRB mails a Password Request Code (PRC) to the requestor. If the information provided cannot be verified, the requestor is advised to contact the nearest field office of the RRB to resolve the discrepancy. Once a PRC is obtained from the RRB, the requestor can apply for a PIN/Password online. Once the PIN/Password has been established, the requestor has access to RRB Internet-based services. The RRB estimates that approximately 9,613 requests for PRCs and 9,613 PIN/Passwords are received annually and that it takes 5 minutes per response to secure a PRC and 1.5 minutes to establish a PIN/Password. Two responses are requested of each respondent and completion is voluntary. However, the RRB will be unable to provide a PRC or allow a requestor to establish a PIN/Password (thereby denying system access), if the requests are not completed.

The RRB invites comments on the proposed collection of information to determine (1) The practical utility of the collection; (2) the accuracy of the estimated burden of the collection; (3) ways to enhance the quality, utility, and clarity of the information that is the subject of collection; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology. Comments to the RRB or OIRA must contain the OMB control number of the ICR. For proper consideration of your comments, it is best if the RRB and OIRA receive them within 30 days of the publication date.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (76 FR 15351) required by 44 U.S.C. 3506(c)(2) on March 21, 2011. That request elicited no comments.

Information Collection Request (ICR)

Title: Request for Internet Services.

OMB Control Number: 3220–0198.

Form(s) submitted: N/A.

Type of request: Extension of a currently approved collection.

Affected public: Individuals or Households.

Abstract: The Railroad Retirement Board collects information needed to provide customers with the ability to request a Password Request Code and subsequently, to establish an individual PIN/Password, the initial steps in providing the option of conducting transactions with the RRB on a routine basis through the Internet.

Changes proposed: The RRB proposes no changes to the PRC and PIN/Password screens.

The burden estimate for the ICR is as follows:

Estimated annual number of respondents: 9,613.

Total annual responses: 19,226.

Total annual reporting hours: 1,041.

Additional Information or Comments: Copies of the forms and supporting documents can be obtained from Charles Mierzwa, the agency clearance officer at (312) 751–3363 or *Charles.Mierzwa@RRB.GOV.*

Comments regarding the information collection should be addressed to Patricia Henaghan, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 or *Patricia.Henaghan@RRB.GOV* and to the OMB Desk Officer for the RRB, *Fax:* 202–395–6974, *E-mail address: OIRA_Submission@omb.eop.gov.*

Charles Mierzwa,

Clearance Officer.

[FR Doc. 2011–12904 Filed 5–24–11; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–64518; File No. SR–NYSEArca–2011–28]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Permit the Listing of Additional Expiration Months if Such Expiration Months Are Listed on Another Exchange

May 19, 2011.

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 May 17, 2011, NYSE Arca, Inc. ("NYSE Arca" or "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 Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt Commentary .12 to NYSE Arca Rule 6.4 to permit the listing of additional expiration months if such expiration months are listed on another exchange. The text of the proposed rule change is available at the Exchange's principal office, at *http://www.nyse.com,* at the Commission's Public Reference Room, and at the Commission's Web site at *http://www.sec.gov.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, 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 those 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 parts 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 permit the Exchange to list additional expiration months if such expiration months are listed on another exchange. This filing is based on a filing previously submitted by the International Securities Exchange LLC.[3]

Under current Rule 6.4(a), NYSE Arca usually will open four (4) expiration months for each type of option of a class of options open for trading on the Exchange: The first two (2) being the two nearest months, regardless of the quarterly cycle on which that class trades; the third and fourth month being the next two months of the quarterly cycle previously designated by the Exchange for the specific class. For example, if the Exchange listed in late September a new stock option on a January–April–July–October quarterly cycle, the Exchange would list the two nearest term months (October and November) and the next two expiration months of the cycle (January and April). Further, when the October series expire, the Exchange would add the December series as the next nearest month. And when the November series expire, the Exchange would add the July series as the next month of the cycle.

In 2010, the Exchange established a pilot program to add up to two additional expiration months for each class of options opened for trading on the Exchange (the "Additional Expiration Months Pilot").[4] Under the Additional Expiration Months Pilot, NYSE Arca lists expiration months that are considered "mid-month". For example, for options classes that have expiration months of October, November, February, and May, the Exchange lists the December and January series. The listing of additional expiration months has been well received by OTP Holders, and has had very limited impact on system resources.

ISE recently submitted a filing in response to a filing by NASDAQ OMX PHLX, Inc. ("PHLX").[5] PHLX amended its rules so that it can open "at least one expiration month" for each class of standard options open for trading on that exchange. Consequently, while NYSE Arca is currently restricted to listing a limited number of expiration months that are permissible under its rules and the Additional Months Expiration Months Pilot, PHLX has the ability to list expiration months that NYSE Arca would not be able to list under its rules. Indeed, PHLX has listed additional expiration months that no other exchange could list at the time they were added (ISE listed matching series only on April 28, 2011, effective for trading April 29, 2011). For example, in January 2011, PHLX listed the October 2011 expiration in Omnicare, Inc. (ticker: OCR). Meanwhile, NYSE Arca could not list the October 2011 series under Rule 6.4(a) because the standard expiration months for OCR at the time were February, March, June, and September. NYSE Arca could not list the October 2011 series as part of the Additional Expiration Months Pilot because OCR is not one of the classes selected by the Exchange to participate in the Additional Expiration Months Pilot. As a result, PHLX was the only

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Act Release No. 64343 (April 26, 2011) 76 FR 24546 (May 2, 2011).

[4] *See* Exchange Act Release No. 63133 (October 19, 2010) 75 FR 65545 (October 25, 2010).

[5] *See* Securities Exchange Act Release No. 63700 (January 11, 2011) 76 FR 2931 (January 18, 2011) (SR–PHLX–2011–04). In its filing, PHLX cites to the Commission's approval of the NASDAQ Options Market ("NOM") and rules pertaining thereto as the basis for making the change to its rules.

exchange that listed the October 2011 series in OCR and, until April 29, 2011, continued to trade those series without competition.

For competitive reasons, NYSE Arca now proposes to add new Commentary .12 to its Rule 6.4 and Commentary .01 to its Rule 5.19 to permit the Exchange to list additional expiration months on options classes opened for trading on the Exchange if such expiration months are opened on at least one other national securities exchange, identical to the provision recently added by ISE.[6] This proposed rule change will allow NYSE Arca to match the listing of expiration months that PHLX or NOM lists in the event NYSE Arca is not able to list those expiration months because they do not comport to NYSE Arca Rules or the Additional Months Expiration Pilot.

The Exchange notes that the proposed rule change affords additional flexibility in that it will permit the exchange to list those additional expiration months that have an actual demand from market participants thereby potentially reducing the proliferation of classes and series. The Exchange believes the proposed rule change is proper, and indeed necessary, in light of the need to have rules that permit the listing of identical expiration months across exchanges for products that are multiply listed and fungible with one another. The Exchange believes that the proposed rule change should encourage competition and be beneficial to traders and market participants by providing them with a means to trade on the Exchange securities that are listed and traded on other exchanges.

2. Statutory Basis

The Exchange believes that this proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 ("Act"),[7] in general, and furthers the objectives of Section 6(b)(5) of the Act[8] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, 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. In particular, the proposed rule change will permit the Exchange to accommodate requests made by its permit holders and other market participants to list the additional expiration months and thus encourage competition without harming investors or the public interest.

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 that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not 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[9] and Rule 19b–4(f)(6) thereunder.[10]

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 should promote competition by allowing the Exchange to list and trade option series that are trading on other options exchanges without undue delay. Therefore, the Commission designates the proposal operative upon filing.[11]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend 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–NYSEArca–2011–28 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–NYSEArca–2011–28. 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–NYSEArca–2011–28 and should be submitted on or before June 15, 2011.

[6] *See* Note 4.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 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 prefiling requirement in this case.

[11] 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).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–12863 Filed 5–24–11; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–64519; File No. SR–NYSEAmex–2011–33]

Self-Regulatory Organizations; NYSE Amex LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Permit the Listing of Additional Expiration Months if Such Expiration Months Are Listed on Another Exchange

DATES: May 19, 2011.

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 May 6, 2011, NYSE Amex LLC (the "Exchange" or "NYSE Amex") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by NYSE Amex. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt Commentary .14 to NYSE Amex Rule 903 to permit the listing of additional expiration months if such expiration months are listed on another exchange. The text of the proposed rule change is available at the Exchange's principal office, at *http://www.nyse.com,* the Commission's Public Reference Room, and at the Commission's Web site at *http://www.sec.gov.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, 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 those 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 parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to permit the Exchange to list additional expiration months if such expiration months are listed on another exchange. This filing is based on a filing previously submitted by the International Securities Exchange LLC.[3]

Under current Rule 903(b), NYSE Amex usually will open four (4) expiration months for each type of option of a class of options open for trading on the Exchange: The first two (2) being the two nearest months, regardless of the quarterly cycle on which that class trades; the third and fourth month being the next two months of the quarterly cycle previously designated by the Exchange for the specific class. For example, if the Exchange listed in late September a new stock option on a January-April-July-October quarterly cycle, the Exchange would list the two nearest term months (October and November) and the next two expiration months of the cycle (January and April). Further, when the October series expire, the Exchange would add the December series as the next nearest month. And when the November series expire, the Exchange would add the July series as the next month of the cycle.

In 2010, the Exchange established a pilot program to add up to the two additional expiration months for each class of options opened for trading on the Exchange (the "Additional Expiration Months Pilot").[4] Under the Additional Expiration Months Pilot, NYSE Amex lists expiration months that are considered "mid-month". For example, for options classes that have expiration months of October, November, February, and May, the Exchange lists the December and January series. The listing of additional expiration months has been well received by ATP Holders, and has had very limited impact on system resources.

ISE recently submitted a filing in response to a filing by NASDAQ OMX PHLX, Inc. ("PHLX").[5] PHLX amended its rules so that it can open "at least one expiration month" for each class of standard options open for trading on that exchange. Consequently, while NYSE Amex is currently restricted to listing a limited number of expiration months that are permissible under its rules and the Additional Months Expiration Months Pilot, PHLX has the ability to list expiration months that NYSE Amex would not be able to list under its rules. Indeed, PHLX has listed additional expiration months that no other exchange could list at the time they were added (ISE listed matching series only on April 28, 2011, effective for trading April 29, 2011). For example, in January 2011, PHLX listed the October 2011 expiration in Omnicare, Inc. (ticker: OCR). Meanwhile, NYSE Amex could not list the October 2011 series under Rule 903(b) because the standard expiration months for OCR at the time were February, March, June, and September. NYSE Amex could not list the October 2011series as part of the Additional Expiration Months Pilot because OCR is not one of the classes selected by the Exchange to participate in the Additional Expiration Months Pilot. As a result, PHLX was the only exchange that listed the October 2011 series in OCR and, until April 29, 2011, continued to trade those series without competition.

For competitive reasons, NYSE Amex now proposes to add new Commentary .14 to its Rule 903 and new Commentary .08 to its Rule 903C to permit the Exchange to list additional expiration months on options classes opened for trading on the Exchange if such expiration months are opened on at least one other national securities exchange, identical to the provision recently added by ISE.[6] This proposed rule change will allow NYSE Amex to match the listing of expiration months that PHLX or NOM lists in the event NYSE Amex is not able to list those expiration months because they do not comport to NYSE Amex Rules or the Additional Months Expiration Pilot.

The Exchange notes that the proposed rule change affords additional flexibility in that it will permit the exchange to list those additional expiration months that have an actual demand from market participants thereby potentially reducing the proliferation of classes and series. The Exchange believes the

[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Act Release No. 64343 (April 26, 2011) 76 FR 24546 (May 2, 2011).

[4] *See* Exchange Act Release No. 63170 (October 25, 2010) 75 FR 66818 (October 29, 2010).

[5] *See* Securities Exchange Act Release No. 63700 (January 11, 2011) 76 FR 2931 (January 18, 2011) (SR–PHLX–2011–04). In its filing, PHLX cites to the Commission's approval of the NASDAQ Options Market ("NOM") and rules pertaining thereto as the basis for making the change to its rules.

[6] *See* Note 4.

proposed rule change is proper, and indeed necessary, in light of the need to have rules that permit the listing of identical expiration months across exchanges for products that are multiply listed and fungible with one another. The Exchange believes that the proposed rule change should encourage competition and be beneficial to traders and market participants by providing them with a means to trade on the Exchange securities that are listed and traded on other exchanges.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Securities Exchange Act of 1934 [7] (the "Act") in general, and furthers the objectives of Section 6(b)(5) of the Act [8] in particular, in that it is designed to promote just and equitable principles of trade, 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. In particular, the proposed rule change will permit the Exchange to accommodate requests made by its permit holders and other market participants to list the additional expiration months and thus encourage competition without harming investors or the public interest.

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 that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not 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 [9] and Rule 19b–4(f)(6) thereunder.[10]

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 should promote competition by allowing the Exchange to list and trade option series that are trading on other options exchanges without undue delay. Therefore, the Commission designates the proposal operative upon filing.[11]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend 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–NYSEAmex–2011–33 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–NYSEAmex–2011–33. 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 website 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–NYSEAmex–2011–33 and should be submitted on or before June 15, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–12874 Filed 5–24–11; 8:45 am]

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[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 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 prefiling requirement in this case.

[11] 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).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–64524; File No. SR–NYSEAmex–2011–30]

Self-Regulatory Organizations; NYSE Amex LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Its Fee Schedule With Respect to Electronic Complex Order Executions

May 19, 2011.

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 May 11, 2011, NYSE Amex LLC (the "Exchange" or "NYSE Amex") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Options Fee Schedule (the "Schedule") to (1) reinstitute the standard marketing charges for electronic complex order executions that had been temporarily waived, (2) eliminate the fee charged to Customers (other than Professional Customers) for electronic complex order executions and (3) provide that the per contract fee for electronic complex order executions will no longer be capped for Specialists, e-Specialists and Market Makers even though such executions and the related fees will count toward existing thresholds in the Schedule applicable to such participants that will otherwise still cap their per contract fees on other types of executions. The proposed changes will be operative on May 11, 2011.

The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and *http://www.nyse.com.*

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 those 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 parts 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 is proposing to reinstitute the standard marketing charges [3] for electronic complex order executions that had been temporarily waived in July 2010 pending the enabling of directed order functionality for executions in the complex matching engine. The pool of monies from the collection of marketing charges on electronic public Customer orders from market makers who trade with such orders is available for distribution as payment for order flow under the Exchange's rules. The Exchange is still intending to develop directed order functionality; however, the implementation is taking longer than anticipated. In the interim, the Exchange has heard from several order flow providers and liquidity providers that the absence of marketing charges for Customer executions in the complex order book is hindering their ability to route and/or attract complex order flow to the Exchange, particularly since competing exchanges do allow for the collection of marketing charges on complex orders.[4] Consequently, the Exchange therefore proposes to resume its prior practice of treating electronic complex orders in the same manner as any other orders for the purpose of assessing payment for order flow charges in order to remain competitive.

The Exchange further proposes to eliminate the fees charged to Customers (other than Professional Customers) for electronic complex order executions. Currently, Customers trade without a charge for non-complex order executions as provided in the Schedule, and the Exchange is proposing to extend that treatment to complex order executions. With this change, the execution of Customer electronic complex orders will be priced identically with the execution of any other Customer order, complex or otherwise, in the Exchange's system. The Exchange notes that other competing exchanges also have a $0.00 per contract rate charge for non-professional customers for the execution of complex orders.[5]

Finally, the Exchange proposes that the per contract fee for electronic complex order executions will no longer be capped for Specialists, e-Specialists and Market Makers even though such executions and the related fees will still count toward existing dollar and volume thresholds in the Schedule applicable to such participants that will otherwise still cap their per contract fees on other types of executions. For example, the Schedule currently provides that the fees of a Market Maker will be aggregated and capped at $250,000 per month for all types of executions, so a Market Maker that has reached this level would not be charged a fee for additional order executions, including electronic complex order executions, until a volume level of 2,500,000 contracts is reached for that month. In the latter instance, the Market Marker would only be charged a fee of $0.01 per contract for executions in excess of the 2,500,000 contact level, including electronic complex order executions. With the elimination of the current $0.05 per contract fee that is charged to Customers for electronic complex order executions, the Exchange could be in the position of receiving either no revenue at all or only $0.01 per contract for electronic complex order executions in which a Market Maker trades with a Customer. Consequently, it is proposed that the current fee caps will no longer be applicable to electronic complex order executions, which would continue to incur a fee of $0.05 per contract on the Market Maker's side of a trade regardless of whether either or both of the foregoing monthly thresholds have been met. Such executions would, however, still count toward meeting those threshold levels and could therefore impact the fees paid on other types of executions by such a Market Maker.

The proposed changes will be operative on May 11, 2011.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Securities Exchange Act of 1934 (the "Act"),[6] in general, and Section 6(b)(4) of the Act,[7] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities. The marketing charges that will be reinstituted to fund payment for order flow for electronic complex order executions are charges that were previously in effect on the Exchange. The Exchange believes that these charges are reasonable and equitable because they are identical to the marketing charges assessed by

[3] The standard marketing charges are $0.25 per contract for any electronic Customer order in a Penny Pilot option that trades with a market maker and $0.65 per contract for any electronic Customer order in a non-Penny Pilot option that trades with a market maker.

[4] Chicago Board Options Exchange ("CBOE"), NASDAQ OMX PHLX ("PHLX"), and International Securities Exchange ("ISE") all assess marketing charges against market makers who trade with customer complex orders. PHLX and ISE except their "make/take" symbols from the collection of marketing charges, but all other options are included.

[5] *See* ISE Schedule of Fees, "Rebates and Fees for Adding and Removing Liquidity" on page 16 of 17 at http://www.ise.com/assets/documents/OptionsExchange/legal/fee/feeschedule.pdf; *see also* CBOE Fees Schedule, "Options Transaction Fees: Equity Options" on page 1 of 15 at http://www.cboe.com/publish/feeschedule/CBOEFeeSchedule.pdf,which includes complex orders even though there is no separate pricing for such orders on the CBOE.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(4).

competing exchanges CBOE and ISE, as referenced herein, and slightly less than the marketing charge of $0.70 per contract assessed by competing exchange PHLX for an electronic customer order in a non-Penny Pilot option that trades with a market maker.

The Exchange further believes that the re-imposition of marketing charges on market makers who trade with electronic Customer orders in the complex order book is reasonable and equitable because it is based on the need to attract additional Customer complex order flow to the Exchange, which will benefit all market participants. The Exchange notes that reinstituting marketing charges as proposed will simplify the fee schedule, thereby making it easier for market makers in particular to factor these charges into the models that [sic] use to make trading decisions. Finally, the Exchange believes that reinstituting marketing charges as proposed is not unfairly discriminatory because it means that electronic complex orders will be treated in the same manner as any other orders for the purpose of assessing payment for order flow charges.

The preferential rate of $0.00 proposed to be charged to Customers (other than Professional Customers) is reasonable and equitable because it will extend to electronic complex order executions the same fee treatment that the Exchange currently provides to Customers for non-complex order executions. The Exchange also notes that, as discussed above, competing exchanges have extended the same preferential treatment to customer fees for the execution of complex orders and the Exchange believes it is reasonable and equitable to adjust its fees accordingly to remain competitive with the fees charged by other venues. The Exchange notes that historically Customers have been afforded preferential treatment such as priority at a price over non-Customers [8] and preferential fees. This is in exchange for forsaking the ability to place orders on both sides of the market in the same series [9] and for being subject to generally higher margin requirements as compared to non-Customers.[10] On this basis, the Exchange feels that this change is not unfairly discriminatory. The reduction of such fees is expected to attract additional Customer complex order flow to the Exchange, which will benefit all market participants.

Additionally, by making this change, the fee schedule is being simplified, making it easier for market participants to make trading decisions.

Finally, the removal of the cap applicable to Specialists, e-Specialists and Market Makers as it applies to the execution of electronic complex orders effectively removes a "tier" for such market participants in the fees applicable to such orders, thereby instituting a $0.05 per contract side fee that is equally applicable to all types of market participants, other than Customers, for the same trade. This change will further simplify the Schedule as it applies to the execution of electronic complex orders. The Exchange believes that the removal of the cap currently applicable to the aforementioned market participants is reasonable, equitable and not unfairly discriminatory as it relates to those market participants because, even though they will be paying $0.05 per contract for executions that previously would have cost them $0.01 or $0.00 per contract under the cap, they will have the opportunity to interact with the additional complex order flow attracted to the Exchange by the elimination of the Customer rate charge. In addition, the new rate of $0.05 per contract for those executions is fair and equitable in that it is not a large increase and it will continue to be less than those same market participants are charged for electronic executions outside of the complex order book, which can be as much as $0.17 per contract.

The Exchange operates in a highly competitive market comprised of nine U.S. options exchanges in which sophisticated and knowledgeable market participants can readily send order flow to competing exchanges if they deem fee levels at a particular exchange to be excessive or discriminatory. The Exchange believes that the complex order fees and rebates it assesses must be competitive with fees and rebates assessed on other exchanges. The Exchange believes that this competitive marketplace impacts the fees and rebates present on the Exchange today and influences the proposals set forth above.

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 that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [11] of the Act and subparagraph (f)(2) of Rule 19b–4 [12] thereunder, because it establishes a due, fee, or other charge imposed by NYSE Amex.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend 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–NYSEAmex-2011–30 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–NYSEAmex-2011–30. 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

[8] *See* NYSE Amex Rule 964NY Display, Priority, and Order Allocation—Trading Systems.

[9] *See* NYSE Amex Rule 995NY Prohibited Conduct.

[10] *See* NYSE Amex Rule 462 Minimum Margins.

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(2).

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 NYSE's principal office, and on its Web site at *http://www.nyse.com.* The text of the proposed rule change is available on the Commission's Web site at *http://www.sec.gov.* 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–NYSEAmex-2011–30 and should be submitted on or before June 15, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–12963 Filed 5–24–11; 8:45 am]

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[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–64521; File No. SR–NYSEAmex–2011–34]

Self-Regulatory Organizations; NYSE Amex LLC; Notice of Filing of Proposed Rule Change Amending NYSE Amex Equities Rule 70.40(3) To Permit Member Organizations to Engage in Proprietary Trading From Their Approved Booth Premises in Certain OTC Bulletin Board and OTC Markets Securities

May 19, 2011.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the "Act")[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on May 11, 2011, NYSE Amex LLC (the "Exchange" or "NYSE Amex") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. 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] 15 U.S.C. 78a.

[3] 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 NYSE Amex Equities Rule 70.40(3) to permit member organizations to engage in proprietary trading from their approved booth premises in certain OTC Bulletin Board ("OTCBB") and OTC Markets[4] securities. The text of the proposed rule change is available at the Exchange, at *http://www.nyse.com,* at the Commission's Public Reference Room, and on the Commission's Web site at *http://www.sec.gov.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, 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 those 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 parts 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 amend NYSE Amex Equities Rule 70.40(3) to permit member organizations to engage in proprietary trading from their approved booth premises in certain OTCBB and OTC Markets securities.[5]

In June 2007, the New York Stock Exchange LLC ("NYSE") adopted NYSE Rule 70.40, which permits a member organization to operate its booth premises on the NYSE Floor in a manner similar to its "upstairs" office, thereby allowing member organizations to access other markets and trade a wider array of products from their booth premises and thus operate more efficiently and competitively.[6] At the time that NYSE Rule 70.40 was adopted, it included certain conditions and limitations on such trading, including that only trading on behalf of customers would be permitted. In October 2008, the Exchange adopted NYSE Amex Equities Rule 70.40, which is identical to NYSE Rule 70.40.[7] As such, NYSE Rule Amex Equities 70.40(3) prohibits member organizations approved to operate booth premises pursuant to such Rule from effecting any transaction from their approved booth premises for their own account, the account of an associated person, or an account with respect to which they or an associated person thereof exercise investment discretion on the Exchange.

After more than two years of experience with NYSE Amex Equities Rule 70.40, member organizations have requested that certain types of proprietary trading be permitted under the Rule, and the Exchange has determined that it is appropriate to do so. Therefore, the Exchange proposes to revise NYSE Amex Equities Rule 70.40(3) to permit member organizations to effect transactions in the common, preferred, and debt securities of an operating company that is quoted on the OTC Bulletin Board or OTC Markets (an "OTC Security") from their approved booth premises for their own account, the account of an associated person, or an account with respect to which they or an associated person thereof exercise investment discretion, except that such member organizations could not effect such transactions in an OTC Security that is related to a security listed or traded on the Exchange or NYSE.[8] Because trading would be limited to the common, preferred, and debt securities of an operating company, a member organization could not trade in an index-based or derivative security (*e.g.,*

[4] The OTCBB and OTC Markets Group Inc. each operate electronic quotation systems for broker-dealers to trade unlisted securities. The marketplaces operated by OTC Markets Group Inc. include OTCQX, OTCQB and OTC Pink.

[5] The Exchange's affiliate, New York Stock Exchange LLC ("NYSE"), has proposed to adopt the same rule. *See* SR–NYSE–2010–22.

[6] *See* Securities Exchange Act Release 55908 (June 14, 2007), 72 FR 34056 (June 20, 2007) (SR–NYSE–2007–51) (notice of filing and immediate effectiveness of proposed rule change permitting member organizations to operate booth as upstairs office). Under NYSE Rule 70.40, only Floor brokers may conduct activity from booth premises.

[7] *See* Securities Exchange Act Release No. 58705 (October 1, 2008), 73 FR 58995 (October 8, 2008) (SR–Amex-2008–63) (Order Granting Approval of Proposed Rule Change to Establish New Membership, Member Firm Conduct, and Equity Trading Rules Following the Exchange's Acquisition by NYSE Euronext). Under NYSE Amex Equities Rule 70.40, only Floor brokers may conduct activity from booth premises.

[8] Since the merger of NYSE and NYSE Amex in 2008, the exchanges have conducted equity trading from the same Trading Floor, and NYSE Amex has conducted options trading in rooms adjacent the Trading Floor. *See* Securities Exchange Act Release No. 58673 (September 29, 2008) (SR–Amex-2008–62 and SR–NYSE–2008–60), 73 FR 57707 (October 3, 2008), and NYSE Rule 6A.

a right or warrant) that is quoted on the OTCBB or OTC Markets.

Under the proposed rule change, an OTC Security would be considered related to a security listed or traded on the Exchange or NYSE[9] if:

(b) The OTC Security is subject to a corporate action that relates to the issuer of a security that is listed or traded on the Exchange or NYSE or that underlies an NYSE Amex option, or an affiliate of such issuer;

(c) The OTC Security is issued by an issuer of a security that is a component of a narrow-based security index[10] that is linked to a security that listed or traded on the Exchange or NYSE or that underlies an Amex option; or

(d) The OTC Security is issued by a foreign issuer or is a depositary receipt (or the equivalent thereof) for such a security, and a security issued by such foreign issuer or a depositary receipt (or the equivalent thereof) for such a security is listed or traded on the Exchange or NYSE or underlies an NYSE Amex option.

Under the proposed rule, a corporate action would be any action by an issuer of an OTC Security or a security listed or traded on the Exchange or NYSE that causes a relationship between the price of the OTC Security and the price of the security that is listed or traded on the Exchange or NYSE or that underlies an NYSE Amex option, such as the announcement of a merger, acquisition, joint venture, spinoff, dissolution, bankruptcy filing or other similar type of event involving the issuers.

The Exchange believes that an NYSE Amex member organization would not have any type of time, place, or information advantage with respect to the proposed proprietary trading activity that could create a potential issue or conflict with respect to the federal securities laws or Exchange rules. A member organization's proprietary transactions in OTC Securities would receive the same treatment as any other investor's transactions in such securities. Consistent with the permitted customer trading under current NYSE Amex Equities Rule 70.40, the Exchange would deem the proposed proprietary transactions to be off-Floor or "upstairs" transactions for purposes of its Rules.[11]

The Exchange believes that member organizations face increased competition as a result of changes in the structure of securities markets and are continually searching for ways to operate more efficiently.[12] The proposed rule change would allow member organizations to expand the types of activities that can be conducted from booth premises and more efficiently use member organization staff.

At the same time, the proposed proprietary transactions in OTC Securities would remain subject to all of the other provisions of NYSE Amex Equities Rule 70.40. First, a member organization would have to obtain approval from NYSE Regulation, Inc. ("NYSER") to engage in proprietary OTC Securities trading from booth premises.[13]

Second, all such transactions would be subject to the regulatory requirements that apply to "upstairs" trading, including registration requirements and audit trail requirements applicable to those markets and supervision requirements under NYSE Amex Equities Rule 342.[14]

Finally, a member organization would be required to adopt and implement comprehensive written procedures governing the conduct and supervision of proprietary trading in OTC Securities handled through the booth and the staff responsible for such activities; such procedures must be reasonably designed to ensure that the member organization would be trading in compliance with the requirements of NYSE Amex Equities Rule 70.40, including that it is not effecting transactions from booth premises in OTC Securities that are related to securities listed or traded on the Exchange or NYSE. A member organization would be required to obtain NYSER approval of such written procedures before such trading commences.[15] A member organization would be required to regularly review such procedures and compliance therewith, and obtain approval from NYSER of any subsequent changes to such procedures.[16]

At a minimum, such written procedures must require the member organization to exercise due diligence before commencing trading in an OTC Security from the booth premises pursuant to this Rule to ensure that such trading is in compliance with the requirements of this Rule and that the member organization has procedures to monitor its trading activity in order to remain in compliance. A member organization must have supervisory systems in place that produce records sufficient to reconstruct, in a time-sequenced manner, all orders with respect to which the member organization is trading from the booth premises under this Rule. The member organization must be able to demonstrate which OTC Security transactions were effected from the booth premises (as compared to off-Floor trading, if applicable). If the member organization could not demonstrate which trading is from the booth premises, the Exchange would presume that all such trading was effected from the booth premises.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[17] in general, and furthers the objectives of Section 6(b)(5) of the Act,[18] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The proposed rule change provides member organizations with a means to remain competitive in view of changes in the markets by permitting Floor brokers to engage in proprietary trading in certain OTC Securities from their booth premises. Such trading offers member organizations no time, place, or information advantage but permits them to more fully utilize booth staff and thereby operate their booth premises more efficiently in conjunction with upstairs trading. The permitted proprietary trading activity in OTC Securities would remain subject to robust, existing regulatory requirements that serve to foster just and equitable principles of trade.

[9] Securities listed on The NASDAQ Stock Market are traded on the Exchange pursuant to unlisted trading privileges and thus would be considered a security traded on the Exchange under the proposed rule change. *See* Rules 500—525—NYSE Amex Equities.
of a security that is listed or traded on the Exchange or NYSE or that underlies an NYSE Amex option, or an affiliate of such issuer;

[10] For purposes of the proposed rule, the definition of narrow-based security index would be the same as the definition in Section 3(a)(55) of the Securities Exchange Act of 1934 (the "Act").

[11] Because the transactions would be (1) solely in securities not listed or admitted to unlisted trading privileges on NYSE Amex or NYSE, and (2) deemed initiated from off the Floor of NYSE Amex, NYSE Amex does not believe that Section 11(a) of the Act or the rules thereunder would be implicated by the proposed rule change.

[12] *See supra* note 6.

[13] NYSE Amex Equities Rule 70.40(1).

[14] NYSE Amex Equities Rule 70.40(4) and (5).

[15] If a member organization had already obtained approval to operate a booth premises under NYSE Amex Equities Rule 70.40, it would still be required to update its written procedures to address proprietary trading in OTC Securities and obtain NYSER approval under NYSE Amex Equities Rule 70.40(7).

[16] NYSE Amex Equities Rule 70.40(6) and (7).

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(5).

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 that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) As the Commission may designate 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 or disapprove the 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–NYSEAmex–2011–34 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–NYSE–Amex–2011–34. 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–NYSEAmex–2011–34 and should be submitted on or before June 15, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–12875 Filed 5–24–11; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–64523; File No. SR–NYSEArca–2011–29]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Rule 7.31(h)(5) To Reduce the Minimum Order Entry Size of a Mid-Point Passive Liquidity Order From 100 Shares to One Share

May 19, 2011.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the "Act")[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on May 11, 2011, NYSE Arca, Inc. (the "Exchange" or "NYSE Arca") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 7.31(h)(5) to reduce the minimum order entry size of a Mid-Point Passive Liquidity Order ("MPL Order") from 100 shares to one share. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, *http://www.nyse.com*, and the Commission's Web site at *http://www.sec.gov.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, 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 those 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 parts 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 amend Rule 7.31(h)(5) to reduce the minimum order entry size of an MPL Order from 100 shares to one share.

MPL Orders were initially designed to accommodate larger customer transactions and required a minimum order entry size of 1,000 shares.[4] The Exchange reduced the minimum order entry size from 1,000 shares to 100 shares shortly after implementing MPL Orders to permit Users to enter MPL Orders for smaller sized order flow, including orders of retail customers.[5]

The Exchange believes that reducing the minimum order entry size from 100 shares to one share would further enhance opportunities for execution on the Exchange using MPL Orders, especially with respect to retail customer orders that are often smaller than one round lot of 100 shares.

The Exchange also proposes to reduce the specified minimum executable size

[19] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19–4.

[4] *See* Securities Exchange Act Release No. 56072 (July 13, 2007), 72 FR 39867 (July 20, 2007) (SR–NYSEArca–2007–61).

[5] *See* Securities Exchange Act Release No. 56790 (November 15, 2007), 72 FR 65797 (November 23, 2007) (SR–NYSEArca–2007–113).

for an MPL Order from 100 shares to one share. This change would permit Users that enter an MPL Order for less than 100 shares to also specify a minimum executable size for the MPL Order.

The Exchange is not proposing any other changes or amendments to the MPL Order. The Exchange intends to communicate the proposed reductions in the minimum order entry size and minimum executable size to its Users through a Rule Adoption Notice.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the "Act"),[6] in general, and furthers the objectives of Section 6(b)(5),[7] in particular, in that it 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 facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system. Specifically, the proposed rule change would further enhance opportunities for execution on the Exchange using MPL Orders, especially with respect to retail customer orders that are often smaller than one round lot of 100 shares.

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 that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) by its terms does not become operative for 30 days after the date of this filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[8] and Rule 19b–4(f)(6) thereunder.[9]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend 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–NYSEArca–2011–29 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–NYSEArca-2011–29. 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 website 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–NYSEArca–2011–29 and should be submitted on or before June 15, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–12877 Filed 5–24–11; 8:45 am]

BILLING CODE 8011–01–P

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b– 4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to provide the Commission with 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 fulfilled this requirement.

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–64522; File No. SR–NYSE–2011–22]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change Amending NYSE Rule 70.40(3) to Permit Member Organizations to Engage in Proprietary Trading From Their Approved Booth Premises in Certain OTC Bulletin Board and OTC Markets Securities

May 19, 2011.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the "Act")[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on May 11, 2011, New York Stock Exchange LLC ("NYSE" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend NYSE Rule 70.40(3) to permit member organizations to engage in proprietary

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

trading from their approved booth premises in certain OTC Bulletin Board ("OTCBB") and OTC Markets [4] securities. The text of the proposed rule change is available at the Exchange, at *http://www.nyse.com,* at the Commission's Public Reference Room, and on the Commission's Web site at *http://www.sec.gov.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, 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 those 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 parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NYSE proposes to amend NYSE Rule 70.40(3) to permit member organizations to engage in proprietary trading from their approved booth premises in certain OTCBB and OTC Markets securities.[5]

In June 2007, the Exchange adopted NYSE Rule 70.40, which permits a member organization to operate its booth premises on the Exchange Floor in a manner similar to its "upstairs" office, thereby allowing member organizations to access other markets and trade a wider array of products from their booth premises and thus operate more efficiently and competitively.[6] At the time that NYSE Rule 70.40 was adopted, it included certain conditions and limitations on such trading, including that only trading on behalf of customers would be permitted. As such, NYSE Rule 70.40(3) prohibits member organizations approved to operate booth premises pursuant to such Rule from effecting any transaction from their approved booth premises for their own account, the account of an associated person, or an account with respect to which they or an associated person thereof exercise investment discretion on the Exchange.

After more than three years of experience with NYSE Rule 70.40, member organizations have requested that certain types of proprietary trading be permitted under the Rule, and the Exchange has determined that it is appropriate to do so. Therefore, the Exchange proposes to revise NYSE Rule 70.40(3) to permit member organizations to effect transactions in the common, preferred, and debt securities of an operating company that is quoted on the OTC Bulletin Board or OTC Markets (an "OTC Security") from their approved booth premises for their own account, the account of an associated person, or an account with respect to which they or an associated person thereof exercise investment discretion, except that such member organizations could not effect such transactions in an OTC Security that is related to a security listed or traded on the Exchange or NYSE Amex.[7] Because trading would be limited to the common, preferred, and debt securities of an operating company, a member organization could not trade in an index-based or derivative security (e.g., a right or warrant) that is quoted on the OTCBB or OTC Markets.

Under the proposed rule change, an OTC Security would be considered related to a security listed or traded on the Exchange or NYSE Amex [8] if:

(a) the OTC Security is issued by an issuer of a security that is listed or traded on the Exchange or NYSE Amex or that underlies an NYSE Amex option, or an affiliate of such issuer;

(b) the OTC Security is subject to a corporate action that relates to the issuer of a security that is listed or traded on the Exchange or NYSE Amex or that underlies an NYSE Amex option, or an affiliate of such issuer;

(c) the OTC Security is issued by an issuer of a security that is a component of a narrow-based security index [9] that is linked to a security that listed or traded on the Exchange or NYSE Amex or that underlies an Amex option; or

(d) the OTC Security is issued by a foreign issuer or is a depositary receipt (or the equivalent thereof) for such a security, and a security issued by such foreign issuer or a depositary receipt (or the equivalent thereof) for such a security is listed or traded on the Exchange or NYSE Amex or underlies an NYSE Amex option.

Under the proposed rule, a corporate action would be any action by an issuer of an OTC Security or a security listed or traded on the Exchange or NYSE Amex that causes a relationship between the price of the OTC Security and the price of the security that is listed or traded on the Exchange or NYSE Amex or that underlies an NYSE Amex option, such as the announcement of a merger, acquisition, joint venture, spinoff, dissolution, bankruptcy filing or other similar type of event involving the issuers.

The Exchange believes that an NYSE member organization would not have any type of time, place, or information advantage with respect to the proposed proprietary trading activity that could create a potential issue or conflict with respect to the federal securities laws or Exchange rules. A member organization's proprietary transactions in OTC Securities would receive the same treatment as any other investor's transactions in such securities. Consistent with the permitted customer trading under current NYSE Rule 70.40, the Exchange would deem the proposed proprietary transactions to be off-Floor or "upstairs" transactions for purposes of its Rules.[10]

The Exchange believes that member organizations face increased competition as a result of changes in the structure of securities markets and are continually searching for ways to operate more efficiently.[11] The proposed rule change would allow member organizations to expand the types of activities that can be conducted from booth premises and more efficiently use member organization staff.

At the same time, the proposed proprietary transactions in OTC Securities would remain subject to all of the other provisions of NYSE Rule 70.40. First, a member organization

[4] The OTCBB and OTC Markets Group Inc. each operate electronic quotation systems for broker-dealers to trade unlisted securities. The marketplaces operated by OTC Markets Group Inc. include OTCQX, OTCQB and OTC Pink.

[5] The Exchange's affiliate, NYSE Amex LLC ("NYSE Amex"), has proposed to adopt the same rule. *See* SR–NYSEAmex–2010–34.

[6] *See* Securities Exchange Act Release 55908 (June 14, 2007), 72 FR 34056 (June 20, 2007) (SR–NYSE–2007–51) (notice of filing and immediate effectiveness of proposed rule change permitting member organizations to operate booth as upstairs office). Under NYSE Rule 70.40, only Floor brokers may conduct activity from booth premises.

[7] Since the merger of NYSE and NYSE Amex in 2008, the exchanges have conducted equity trading from the same Trading Floor, and NYSE Amex has conducted options trading in rooms adjacent the Trading Floor. *See* Securities Exchange Act Release No. 58673 (September 29, 2008) (SR–Amex–2008–62 and SR–NYSE–2008–60), 73 FR 57707 (October 3, 2008), and NYSE Rule 6A.

[8] Securities listed on The NASDAQ Stock Market are traded on NYSE Amex pursuant to unlisted trading privileges and thus would be considered a security traded on NYSE Amex under the proposed rule change. *See* Rules 500–525–NYSE Amex Equities.

[9] For purposes of the proposed rule, the definition of narrow-based security index would be the same as the definition in Section 3(a)(55) of the Securities Exchange Act of 1934 (the "Act").

[10] Because the transactions would be (1) solely in securities not listed or admitted to unlisted trading privileges on NYSE or NYSE Amex, and (2) deemed initiated from off the Floor of NYSE, NYSE does not believe that Section 11(a) of the Act or the rules thereunder would be implicated by the proposed rule change.

[11] *See supra* note 6.

would have to obtain approval from NYSE Regulation, Inc. ("NYSER") to engage in proprietary OTC Securities trading from booth premises.[12]

Second, all such transactions would be subject to the regulatory requirements that apply to "upstairs" trading, including registration requirements and audit trail requirements applicable to those markets and supervision requirements under NYSE Rule 342.[13]

Finally, a member organization would be required to adopt and implement comprehensive written procedures governing the conduct and supervision of proprietary trading in OTC Securities handled through the booth and the staff responsible for such activities; such procedures must be reasonably designed to ensure that the member organization would be trading in compliance with the requirements of NYSE Rule 70.40, including that it is not effecting transactions from booth premises in OTC Securities that are related to securities listed or traded on the Exchange or NYSE Amex. A member organization would be required to obtain NYSER approval of such written procedures before such trading commences.[14] A member organization would be required to regularly review such procedures and compliance therewith, and obtain approval from NYSER of any subsequent changes to such procedures.[15]

At a minimum, such written procedures must require the member organization to exercise due diligence before commencing trading in an OTC Security from the booth premises pursuant to this Rule to ensure that such trading is in compliance with the requirements of this Rule and that the member organization has procedures to monitor its trading activity in order to remain in compliance. A member organization must have supervisory systems in place that produce records sufficient to reconstruct, in a time-sequenced manner, all orders with respect to which the member organization is trading from the booth premises under this Rule. The member organization must be able to demonstrate which OTC Security transactions were effected from the booth premises (as compared to off-Floor trading, if applicable). If the member organization could not demonstrate which trading is from the booth premises, the Exchange would presume that all such trading was effected from the booth premises.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[16] in general, and furthers the objectives of Section 6(b)(5) of the Act,[17] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The proposed rule change provides member organizations with a means to remain competitive in view of changes in the markets by permitting Floor brokers to engage in proprietary trading in certain OTC Securities from their booth premises. Such trading offers member organizations no time, place, or information advantage but permits them to more fully utilize booth staff and thereby operate their booth premises more efficiently in conjunction with upstairs trading. The permitted proprietary trading activity in OTC Securities would remain subject to robust, existing regulatory requirements that serve to foster just and equitable principles of trade.

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 that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate 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 or disapprove the 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–NYSE–2011–22 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–NYSE–2011–22. 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–NYSE–

[12] NYSE Rule 70.40(1).

[13] NYSE Rule 70.40(4) and (5).

[14] If a member organization had already obtained approval to operate a booth premises under NYSE Rule 70.40, it would still be required to update its written procedures to address proprietary trading in OTC Securities and obtain NYSER approval under NYSE Rule 70.40(7).

[15] NYSE Rule 70.40(6) and (7).

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(5).

2011–22 and should be submitted on or before June 15, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–12876 Filed 5–24–11; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice: 7479]

Determination Under Subsection 402(d)(1) of the Trade Act of 1974, As Amended—Continuation of Waiver Authority

Pursuant to the authority vested in the President under the Trade Act of 1974, as amended, Public Law 93–618, 88 Stat. 1978 (hereinafter "the Act"), and assigned to the Secretary of State by virtue of Section 1(a) of Executive Order 13346 of July 8, 2004, as well as the authority delegated to the Deputy Secretary of State for Management and Resources by Delegation of Authority 245–1 of February 13, 2009, I determine, pursuant to Section 402(d)(1) of the Act, 19 U.S.C. 2432(d)(1), that the further extension of the waiver authority granted by Section 402 of the Act will substantially promote the objectives of Section 402 of the Act. I further determine that continuation of the waiver applicable to Turkmenistan will substantially promote the objectives of Section 402 of the Act.

This determination shall be published in the **Federal Register.**

Dated: *May 13, 2011.*

Thomas R. Nides,

Deputy Secretary of State for Management and Resources.

[FR Doc. 2011–12990 Filed 5–24–11; 8:45 am]

BILLING CODE 4710–46–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Airport Noise Compatibility Planning

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval for [a new or to renew an] information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 10, 2011, vol. 76, no. 47, page 13266. The respondents are those airport operators voluntarily submitting noise exposure maps and noise compatibility programs to the FAA for review and approval.

DATES: Written comments should be submitted by June 24, 2011.

FOR FURTHER INFORMATION CONTACT: Carla Scott on (202) 385–4293, or by *e-mail at: Carla.Scott@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0517.

Title: Airport Noise Compatibility Planning.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: The voluntarily submitted information from the current CFR part 150 collection, e.g., airport noise exposure maps and airport noise compatibility programs, or their revisions, is used by the FAA to conduct reviews of the submissions to determine if an airport sponsor's noise compatibility program is eligible for Federal grant funds. If airport operators did not voluntarily submit noise exposure maps and noise compatibility programs for FAA review and approval, the airport operator would not be eligible for the set aside of discretionary grant funds.

Respondents: Approximately 15 airport operators.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 3882.6 hours.

Estimated Total Annual Burden: 56,160 hours.

Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street, NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Issued in Washington, DC, on May 18, 2011.

Carla Scott,

FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, AES–200.

[FR Doc. 2011–12849 Filed 5–24–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: General Operating and Flight Rules

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. Part A of Subtitle VII of the Revised Title 49 U.S.C. authorizes the issuance of regulations governing the use of navigable airspace. Information is collected to determine compliance with Federal regulations. Respondents are individual airmen, state or local governments, and businesses.

DATES: Written comments should be submitted by July 25, 2011.

FOR FURTHER INFORMATION CONTACT: Carla Scott on (202) 385–4293, or by e-mail at: *Carla.Scott@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0005.

Title: General Operating and Flight Rules.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: The reporting and recordkeeping requirements of Federal Aviation Regulation (FAR) Part 91, General Operating and Flight Rules, are

[18] 17 CFR 200.30–3(a)(12).

authorized by Part A of Subtitle VII of the Revised Title 49 United States Code. FAR Part 91 prescribes rules governing the operation of aircraft (other than moored balloons, kites, rockets and unmanned free balloons) within the United States. The reporting and recordkeeping requirements prescribed by various sections of FAR Part 91 are necessary for FAA to assure compliance with these provisions.

Respondents: Approximately 21,197 airmen, state or local governments, and businesses.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 34 minutes.

Estimated Total Annual Burden: 235,164 hours.

ADDRESSES: Send comments to the FAA at the following address: Ms. Carla Scott, Room 336, Federal Aviation Administration, AES–300, 950 L'Enfant Plaza, SW., Washington, DC 20024.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Issued in Washington, DC, on May 19, 2011.

Carla Scott,

FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, AES–200.

[FR Doc. 2011–12987 Filed 5–24–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Request To Release Airport Property at the Helena Regional Airport, Helena, Montana

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

ACTION: Notice of Request to Release Airport Property.

SUMMARY: The FAA proposes to rule and invite public comment on the release of land at Helena Regional Airport (HLN) under the provisions of Section 125 of the Wendell H. Ford Aviation Investment Reform Act for the 21st Century (AIR 21), now 49 U.S.C. 47107(h)(2).

DATES: Comments must be received on or before June 24, 2011.

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address:

Mr. David S. Stelling, Manager, Federal Aviation Administration, Northwest Mountain Region, Airports Division, Helena Airports District Office, 2725 Skyway Drive, Suite 2, Helena, Montana 59602.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Ronald Mercer, Airport Director, Helena Regional Airport Authority (HRAA), at the following address:

Mr. Ronald Mercer, Airport Director, Helena Regional Airport Authority, 2850 Skyway Drive, Helena, Montana 59602.

FOR FURTHER INFORMATION CONTACT:

Mr. Gary Gates, Airport Planner/Engineer, Federal Aviation Administration, Northwest Mountain Region, Airports Division, Helena Airports District Office, 2725 Skyway Drive, Suite 2, Helena, Montana 59602.

The request to release property may be reviewed, by appointment, in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release property at HLN under the provisions of the AIR 21 (49 U.S.C. 47107(h)(2)).

On May 16, 2011 the FAA determined that the May 10, 2011 request submitted by HRAA to release property at HLN meets the procedural requirements of the FAA. The FAA may approve the request, in whole or in part, no later than June 24, 2011.

The following is a brief overview of the request:

HRAA is proposing the release of approximately 2,337 square feet of non-aeronautical airport property at HLN to the State of Montana Department of Transportation, to be used as right-of-way for an improved turning lane from Custer Ave to Kelleher Drive in Helena, Montana. The road improvements are expected to be constructed in 2011 and 2012 and will provide improved access to HLN and the community.

Any person may inspect, by appointment, the request in person at the FAA office listed above under the heading: **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon appointment and request, inspect the application, notice and other documents germane to the application in person at Airport Administration Office, Helena Regional Airport, Helena, Montana.

Issued in Helena, Montana on May 16, 2011.

David S. Stelling,

Manager, Helena Airports District Office.

[FR Doc. 2011–12996 Filed 5–24–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2011–0036]

Agency Information Collection Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for a new information collection, which is summarized below under **SUPPLEMENTARY INFORMATION**. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on December 29, 2010. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by June 24, 2011.

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–2011–0036.

FOR FURTHER INFORMATION CONTACT: Allen Greenberg at *allen.greenberg@dot.gov* or (202) 366–2425, Office of Operations, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590,

Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Exploratory Advanced Research (EAR) Program initial stage research on the topic of Dynamic Ridesharing.

Background: The Exploratory Advanced Research (EAR) Program was established to conduct longer term, higher risk research that will result in potentially dramatic breakthroughs for improving the durability, efficiency, environmental performance, productivity, and safety of highway and intermodal transportation systems. To facilitate identification and assessment of higher-risk, breakthrough research topics, the Program conducts literature reviews, event scanning, and targeted convening. As part of an assessment of potential high-risk, breakthrough research on dynamic ridesharing, the EAR Program is conducting this collection of information on behavioral preferences using focus groups.

As a response to the opening of High Occupancy Vehicle (HOV) lanes in the Washington, D.C., metro area in the mid-1970s, a unique commuting phenomenon developed, commonly known as "slugging." This type of single-trip dynamic carpooling evolved from drivers and passengers coming together to fulfill each party's needs (e.g., allowing drivers to meet HOV requirements and thus use the express travel lanes while riders receive a free, potentially faster trip to work). Academic and entrepreneurial types alike are looking at ways to facilitate dynamic ridesharing through technological means. Some suggestions for enhancing dynamic ridesharing include website forums that connect drivers with riders and Smartphone applications that would allow drivers and riders to register and connect with each other. These efforts build off of the success of three meeting-place based dynamic ridesharing systems that exist in Houston, San Francisco, and Washington, DC. The three systems have no formal leadership or management; rather they have evolved to fulfill a need for carpools created by the presence of HOV lanes. These naturally occurring dynamic ridesharing systems operate by having drivers and riders meet at central, easily accessible locations, such as park-and-ride lots where they create instantaneous carpools based on desired destinations. The sluglines are highly successful and have existed for a long time (30+ years in the case of DC.), and they are a critical component to these robust dynamic ridesharing systems which serve thousands of commuters each weekday. Despite their success and interesting nature, exploring dynamic ridesharing programs warrant further evaluation.

Focus group participants will be recruited based on a number of criteria. The primary factors are whether participants have utilized dynamic carpooling, the frequency of their use and whether they use dynamic ridesharing to commute to work. Participants would not be representing their place of work, and they would be asked to participate as members of the public on their own time outside of work hours.

Respondents: The Focus Group will send approximately 108 participants on a three-city tour (Washington, DC; San Francisco, CA; and Houston, TX) to study the informal, dynamic carpooling systems in each city. The government expects the contractor to recruit slugging/casual carpooling participants in each city.

Frequency: Annually

Estimated Average Burden per Response: There will be approximately 9 focus groups total (3 in each city); with each group consisting of 12 participants with a time commitment of 1.5 hours each person. The screening for potential participants will take approximately 5 minutes per person. There will be approximately 108 participants.

Estimated Total Annual Burden Hours: The annual burden for the Focus Group would be between 162 hours. The annual burden for screening participants will be 9 hours.

Annual Total = 171 hours.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued On: May 19, 2011.

Juli Huynh,

Chief, Management Programs and Analysis Division.

[FR Doc. 2011–12998 Filed 5–24–11; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Reports, Forms, and Record keeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted regarding the Procedures for Selecting Lines to be Covered by the Theft Prevention Standard below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burden. The **Federal Register** Notice with a 60-day comment period was published on February 4, 2011 (76 FR 6512). The agency received no comments.

DATES: Comments must be submitted on or before June 24, 2011.

ADDRESSES: 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 NHTSA Desk Officer.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Departments' estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is most effective if OMB receives it within 30 days of publication.

FOR FURTHER INFORMATION CONTACT: Carlita Ballard at the National Highway Traffic Safety Administration, Office of International Policy, Fuel Economy and Consumer Programs (NVS–131), 1200 New Jersey Ave., SE., West Building, Room W43–439, NVS–131, Washington, DC 20590. Ms. Ballard's telephone number is (202) 366–5222. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION:

National Highway Traffic Safety Administration

Title: Procedures for Selecting Lines to be Covered by the Theft Prevention Standard (49 CFR 542).

OMB Control Number: 2127–0539.

Type of Request: Extension of a currently approved information collection.

Abstract: Manufacturers of light duty trucks must identify new model introductions that are likely to be high-theft lines as defined in 49 U.S.C. 33104. In 1984, Congress enacted the Motor Vehicle Theft Law Enforcement

Act (the 1984 Theft Act). As a means to prevent the theft of motor vehicles for their parts, the 1984 Theft Act required vehicle manufacturers to mark the major parts of "high-theft" passenger cars and the major replacement parts for those cars. The Anti Car Theft Act of 1992 (ACTA) amended the 1984 Theft Act to extend its provisions to multipurpose passenger vehicles (MPVs) and light duty trucks (LDTs).

The 1984 Theft Act, as amended by ACTA, requires NHTSA to promulgate a theft prevention standard for the designation of high-theft vehicle lines. The specific lines are to be selected by agreement between the manufacturer and the agency. If there is a disagreement of the selection, the statute states that the agency shall select such lines and parts, after notice to the manufacturer and an opportunity for written comment. NHTSA's procedures for selecting high theft vehicle lines are contained in 49 CFR part 542.

In a final rule published on April 6, 2004, the Federal Motor Vehicle Theft Prevention Standard was extended to include all passenger cars and multipurpose passenger vehicles with a gross vehicle weight rating of 6,000 pounds or less, regardless of whether they were likely to be high or low theft, and to light duty trucks with major parts that are interchangeable with a majority of the covered major parts of multipurpose passenger vehicles. The final rule became effective September 1, 2006.

NHTSA anticipates that there are approximately 7 vehicle manufacturers that could request a theft determination. All seven are still active in the U.S. market and could respond on an annual basis. We anticipate this to remain the average number of yearly responses that could be received by the agency.

NHTSA estimates that the average hours per submittal will be 45, for a total annual burden of 315. The total annual burden of 315 remains the same as the current OMB inventory. NHTSA estimates that the cost associated with the burden hours is a $57.06 per hour, for a total cost of approximately $18,000.

Affected Public: Motor vehicle manufacturers.

Estimated Total Annual Burden: NHTSA estimates that there would be no additional cost to motor vehicle manufacturers that would require it to comply to this regulation.

Christopher J. Bonanti,

Associate Administrator for Rulemaking.

[FR Doc. 2011–12843 Filed 5–24–11; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Reports, Forms, and Recordkeeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted regarding the Petitions for Exemption from the Theft Prevention Standard below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burden. The **Federal Register** Notice with a 60-day comment period was published on February 4, 2011 (76 FR 6514). The agency received no comments.

DATES: Comments must be submitted on or before June 24, 2011.

ADDRESSES: 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 NHTSA Desk Officer.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Departments' estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is most effective if OMB receives it within 30 days of publication.

FOR FURTHER INFORMATION CONTACT: Carlita Ballard at the National Highway Traffic Safety Administration, Office of International Policy, Fuel Economy and Consumer Programs (NVS–131), 1200 New Jersey Ave., SE., West Building, Room W43–439, NVS–131, Washington, DC 20590. Ms. Ballard's telephone number is (202) 366–0846. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION:

National Highway Traffic Safety Administration

Title: Petitions for Exemption from the Vehicle Theft Prevention Standard (49 CFR Part 543).

OMB Control Number: 2127–0542.

Type of Request: Request for public comment on a previously approved collection of information.

Abstract: Manufacturers of passenger vehicle lines may petition the agency for an exemption from Part 541 requirements, if the line is equipped with an anti-theft device as standard equipment and meets agency criteria. Device must be as effective as parts-marking. 49 U.S.C. Chapter 331 requires the Secretary of Transportation to promulgate a theft prevention standard to provide for the identification of certain motor vehicles and their major replacement parts to impede motor vehicle theft. 49 U.S.C. 33106 provides for an exemption to this identification process by petitions from manufacturers who equip covered vehicles with standard original equipment antitheft devices, which the Secretary determines are likely to be as effective in reducing or deterring theft as parts-marking. NHTSA may exempt a vehicle line from the parts marking requirement, if the manufacturer installs an antitheft device as standard equipment on the entire vehicle line for which it seeks an exemption and NHTSA determines that the antitheft device is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements. In accordance with 49 U.S.C. 33106, after model year (MY) 2000, the number of new exemptions is contingent on a finding by the Attorney General as part of its long-range review of effectiveness. After consulting with DOJ, the agency decided it could continue granting one exemption per model year pending the results of the long-term review.

In a final rule published on April 6, 2004, the Federal Motor Vehicle Theft Prevention Standard was extended to include all passenger cars and multipurpose passenger vehicles with a gross vehicle rating of 6,000 pounds or less, and to light duty trucks with major parts that are interchangeable with a majority of the covered major parts of multipurpose passenger vehicles. Consistent with this DOJ consultation, the April 6, 2004 final rule amended the general requirements of Section 543.5 of Chapter 49 of the Code of Federal Regulations, allowing a manufacturer to petition NHTSA to grant an exemption for one additional line of its passenger motor vehicles from the requirements of the theft prevention standard for each

model year after MY 1996. The final rule became effective September 1, 2006.

Prior to September 1, 2006, manufacturers were only allowed to petition NHTSA for high-theft vehicles lines. In its April 6, 2004 final rule, the agency amended part 543 to allow vehicle manufacturers to file petitions to exempt all vehicle lines that would become subject to parts-marking requirements beginning with the effective date of the final rule. As a result of this amendment, vehicle manufacturers are allowed to file petitions to exempt all vehicle lines that would become subject to the parts-marking requirements regardless of their theft status (high or low).

There are approximately 27 vehicle manufacturers that could request an exemption (one exemption per manufacturer per model year), although 23 petitions for exemption from the parts-marking requirements were received by the agency for MYs 2011–2013. This is an average of approximately 8 responses per year. NHTSA anticipates that this will remain the average number of yearly responses that will be received by the agency.

NHTSA estimates that the average hours per submittal will be 226, for a total annual burden of 1,808. This is a decrease from the previous OMB inventory of 3,164 hours. NHTSA estimates that the cost associated with the burden hours is $36.62 per hour, for a total cost of approximately $66,209.

Affected Public: Motor vehicle manufacturers.

Estimated Total Annual Burden: NHTSA estimates that the vehicle manufacturers will incur a total annual reporting hour and cost burden of 1,808 hours and $66,209. There would be no additional cost to motor vehicle manufacturers that would require it to comply to this regulation.

Issued on: May 19, 2011.

Christopher J. Bonanti,

Associate Administrator for Rulemaking.

[FR Doc. 2011–12842 Filed 5–24–11; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2011–0055; Notice 1]

Receipt of Petition for Decision That Nonconforming 2007–2011 Suzuki GSX1300R Motorcycles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 2007–2011 Suzuki GSX1300R Motorcycles are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 2007–2011 Suzuki GSX1300R Motorcycles that were not originally manufactured to comply with all applicable Federal Motor Vehicle Safety Standards (FMVSS) are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATE: The closing date for comments on the petition is June 23, 2011.

ADDRESSES: Comments should refer to the docket and notice numbers above and be submitted by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251.

Instructions: Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all 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 DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

How to Read Comments submitted to the Docket: You may read the comments received by Docket Management at the address and times given above. You may also view the documents from the Internet at *http://www.regulations.gov.* Follow the online instructions for accessing the dockets. The docket ID number and title of this notice are shown at the heading of this document notice. Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically search the Docket for new material.

FOR FURTHER INFORMATION CONTACT: Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202–366–3151).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

US SPECS, LLC ("US SPECS"), of Havre de Grace, Maryland (Registered Importer 03–321) has petitioned NHTSA to decide whether non-U.S. certified 2007–2011 Suzuki GSX1300R motorcycles are eligible for importation into the United States. The vehicles that US SPECS believes are substantially similar are 2007–2011 Suzuki GSX1300R motorcycles that were manufactured for sale in the United States and certified by their

manufacturer as conforming to all applicable FMVSS.

The petitioner claims that it carefully compared non-U.S. certified 2007–2011 Suzuki GSX1300R motorcycles to their U.S. certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most FMVSS.

US SPECS submitted information with its petition intended to demonstrate that non-U.S. certified 2007–2011 Suzuki GSX1300R motorcycles, as originally manufactured, conform to many FMVSS in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 2007–2011 Suzuki GSX1300R motorcycles are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 106 *Brake Hoses,* 116 *Brake Fluid,* 119 *New Pneumatic Tires for Vehicles other than Passenger Cars,* and 122 *Motorcycle Brake Systems.*

The petitioner further contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated below:

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* installation of the following U.S.-certified components on vehicles not already so equipped: (a) Headlamp; (b) front and rear side-mounted reflex reflectors; (c) rear-mounted reflex reflector; (d) rear turn signal lamps; (e) stoplamp; (f) taillamp; and (g) license plate lamp.

Standard No. 111 *Rearview Mirrors:* inspection of all vehicles, and installation of U.S.-model mirrors on vehicles that are not already so equipped.

Standard No. 120 *Tire Selection and Rims for Vehicles other than Passenger Cars:* installation of a tire information placard.

Standard No. 123 *Motorcycle Controls and Displays:* installation of a U.S.-model speedometer/odometer unit and installation of a lighting control assembly mounted on the left-hand side of the handlebars to meet the requirements of this standard on vehicles that are not already so equipped.

Standard No. 205 *Glazing Materials:* inspection of all vehicles, and removal of noncompliant glazing or replacement of the glazing with U.S.-certified components on vehicles that are not already so equipped.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above addresses both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: May 19, 2011.

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2011–12903 Filed 5–24–11; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. DOT–NHTSA–2011–0057, Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming 2006 Mercedes-Benz CLS Class Passenger Cars Manufactured Prior to September 1, 2006 are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 2006 Mercedes-Benz CLS class passenger cars manufactured prior to September 1, 2006, that were not originally manufactured to comply with all applicable Federal Motor Vehicle Safety Standards (FMVSS), are eligible for importation into the United States because they are substantially similar to vehicles that were originally manufactured for sale in the United States and that were certified by their manufacturer as complying with the safety standards (the U.S.-certified version of the 2006 Mercedes-Benz CLS class passenger cars manufactured prior to September 1, 2006,) and they are capable of being readily altered to conform to the standards.

DATE: The closing date for comments on the petition is June 24, 2011.

ADDRESSES: Comments should refer to the docket and notice numbers above and be submitted by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251

Instructions: Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all 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 DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

How To Read Comments submitted to the Docket: You may read the comments received by Docket Management at the address and times given above. You may also view the documents from the Internet at *http://www.regulations.gov*.

Follow the online instructions for accessing the dockets. The docket ID number and title of this notice are shown at the heading of this document notice. Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically search the Docket for new material.

FOR FURTHER INFORMATION CONTACT: Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202–366–3151).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS shall be refused admission into the United States unless

NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

J.K. Technologies, LLC ("JK"), of Baltimore, Maryland (Registered Importer 90–006) has petitioned NHTSA to decide whether nonconforming 2006 Mercedes-Benz CLS class passenger cars manufactured prior to September 1, 2006, are eligible for importation into the United States. The vehicles which JK believes are substantially similar are 2006 Mercedes-Benz CLS class passenger cars manufactured prior to September 1, 2006, that were manufactured for sale in the United States and certified by their manufacturer as conforming to all applicable FMVSS.

The petitioner claims that it compared non-U.S. certified 2006 Mercedes-Benz CLS class passenger cars manufactured prior to September 1, 2006, to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most FMVSS.

JK submitted information with its petition intended to demonstrate that non-U.S. certified 2006 Mercedes-Benz CLS class passenger cars manufactured prior to September 1, 2006, as originally manufactured, conform to many FMVSS in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 2006 Mercedes-Benz CLS class passenger cars manufactured prior to September 1, 2006 are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence, Starter Interlock, and Transmission Braking Effect,* 103 *Windshield Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 106 *Brake Hoses,* 109 *New Pneumatic Tires,* 113 *Hood Latch System,* 116 *Motor Vehicle Brake Fluids,* 124 *Accelerator Control Systems,* 135 *Light Vehicle Brake Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 210 *Seat Belt Assembly Anchorages,* 212 *Windshield Mounting,* 214 *Side Impact Protection,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion,* 301 *Fuel System Integrity,* and 302 *Flammability of Interior Materials.*

The petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls Telltales, and Indicators:* installation of U.S. conforming instrument cluster and cruise control lever, and installation or activation of associated U.S.-version software in the vehicle's computer system.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* installation of the following U.S.-model components on vehicles not already so equipped: (a) Front sidemarker lamps with integral side reflex reflectors; (b) headlamps; (c) integral tail lamp housings that includes rear side marker, rear turn signal, and brake lamps, as well as rear and side reflex reflectors.

Standard No. 110 *Tire Selection and Rims for Motor Vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or Less:* installation of a tire information placard.

Standard No. 111 *Rearview Mirrors:* installation of a U.S.-model passenger side rearview mirror, or inscription of the required warning statement on the face of that mirror.

Standard No. 114 *Theft Protection:* installation of a supplemental key warning buzzer, or installation or activation of U.S.-version software to meet the requirements of this standard.

Standard No. 118 *Power-Operated Window, Partition, and Roof Panel Systems:* installation or activation of U.S.-version software in the vehicle's computer system to meet the requirements of this standard.

Standard No. 208 *Occupant Crash Protection:* inspection of all vehicles and replacement of any non U.S.-conforming model seat belts, air bag control units, air bags, and sensors with U.S.-model components on vehicles that are not already so equipped; and (b) installation or activation of U.S.-version software to ensure that the seat belt warning system meets the requirements of this standard.

Standard No. 209 *Seat Belt Assemblies:* inspection of all vehicles and replacement of any nonconforming model seat belts with U.S.-model components.

Standard No. 225 *Child Restraint Anchorage Systems:* installation of U.S.-model child restraint anchorage systems components.

Standard No. 401 *Interior Trunk Release:* installation of U.S.-model interior trunk release components.

The petitioner additionally states that a vehicle identification plate must be affixed to the vehicles near the left windshield post to meet the requirements of 49 CFR Part 565.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above addresses both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: May 19, 2011.

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2011–12902 Filed 5–24–11; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

May 20, 2011.

The Department of Treasury will submit the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11010, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

Dates: Written comments should be received on or before June 24, 2011 to be assured of consideration.

Financial Crimes Enforcement Network (FinCEN)

OMB Number: 1506–NEW.

Type of Review: New Collection.

Title: Bank Secrecy Act Currency Transaction Report (BSA–CTR).

Form: FinCEN 112.

Abstract: FinCEN is continuing the design of a new Bank Secrecy Act (BSA) database (the Database) and invites comment on the list of proposed data fields within the Database that will be required to support unified Currency Transaction Report (CTR) filings by financial institutions required to file such reports under the BSA. The BSA–CTR incorporates the latest technology in electronic information collection.

Affected Public: Private Sector: Businesses or other for-profits, Not-for-profit institutions.

Estimated Total Burden Hours: 9,402,046.

OMB Number: 1506–0012.

Type of Review: Revision of a currently approved collection.

Title: Designation of Exempt Person.

Form: FinCEN 110.

Abstract: This incorporates into FinCEN Form 110 the changes enacted January 2009. This action updates this ICR to reflect the addition of 31 CFR 1010.306(a)(3), 31 CFR 1010.306(d), as being renewed as part of this control number. The two additional references constitute two hours to the existing burden. This action is the result of the reallocation of burden from 1506–0009 to 1506–0012.

Affected Public: Private Sector: Businesses or other for-profits, Not-for-profit institutions.

Estimated Total Burden Hours: 38,750.

Bureau Clearance Officer: Russell Stephenson (202) 354–6012, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183; (202) 354–6012.

OMB Reviewer: Shagufta Ahmed, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503; (202) 395–7873.

Dawn D. Wolfgang,

Treasury PRA Clearance Officer.

[FR Doc. 2011–12942 Filed 5–24–11; 8:45 am]

BILLING CODE 4810–02–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning adjustments to basis of stock and indebtedness to shareholders of S corporations and treatment of distributions by S corporations to shareholders.

DATES: Written comments should be received on or before July 25, 2011 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence, 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: Adjustments to Basis of Stock and Indebtedness to Shareholders of S Corporations and Treatment of Distributions by S Corporations to Shareholders.

OMB Number: 1545–1139. *Regulation Project Number:* PS–264–82.

Abstract: The regulation provides the procedures and the statements to be filed by S corporations for making the election provided under Internal Revenue Code section 1368, and by shareholders who choose to reorder items that decrease their basis. Statements required to be filed will be used to verify that taxpayers are complying with the requirements imposed by Congress.

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 and individuals.

Estimated Number of Respondents: 2,000.

Estimated Time per Respondent: 6 minutes.

Estimated Total Annual 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: May 16, 2011.

Yvette Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2011–12829 Filed 5–24–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 99–21

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 disability suspension.

DATES: Written comments should be received on or before July 25, 2011 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of revenue procedure should be directed to Allan Hopkins, (202) 622–6665, 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: Disability Suspension.

OMB Number: 1545–1649.

Revenue Procedure Number: Revenue Procedure 99–21.

Abstract: Revenue Procedure 99–21 describes the information that is needed to establish a claim that a taxpayer was financially disabled for purposes of section 6511(h) of the Internal Revenue Code. Under section 6511(h), the statute of limitations on claims for credit or refund is suspended for any period of an individual taxpayer's life during which the taxpayer is unable to manage his or her financial affairs because of a medically determinable mental or physical impairment, if the impairment can be expected to result in death, or has lasted (or can be expected to last) for a continuous period of not less than 12 months. Section 6511(h)(2)(A) requires that proof of the taxpayer's financial disability be furnished to the Internal Revenue Service.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 48,200.

Estimated Time per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 24,100.

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: May 16, 2011.

Yvette Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2011–12830 Filed 5–24–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2002–23

AGENCY: Internal Revenue Service (IRS), Treasury.

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 2002–23, Taxation of Canadian Retirement Plans Under U.S.—Canada Income Tax Treaty.

DATES: Written comments should be received on or before July 25, 2011 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the revenue procedure should be directed to Allan Hopkins, (202) 622–6665, 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: Taxation of Canadian Retirement Plans Under U.S.—Canada Income Tax Treaty.

OMB Number: 1545–1773.

Revenue Procedure Number: Revenue Procedure 2002–23.

Abstract: Revenue Procedure 2002–23 provides guidance for the application by U.S. citizens and residents of the U.S.—Canada Income Tax Treaty, as amended by the 1995 protocol, in order to defer U.S. Income taxes on income accrued in certain Canadian retirement plans.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 20,000.

Estimated Average Time per Respondent: 30 minutes.

Estimated Total Annual Reporting Hours: 10,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request For Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital

or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 16, 2011.

Yvette Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2011–12831 Filed 5–24–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 5713 and Schedules A, B, and C (Form 5713)

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 5713, International Boycott Report.

DATES: Written comments should be received on or before July 25, 2011 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–3634, or through the Internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: International Boycott Report.

OMB Number: 1545–0216.

Form Number: 5713, and Schedules A, B, and C (Form 5713).

Abstract: Form 5713 and related Schedules A, B, and C are used any entity that has operations in a "boycotting" country. If that entity cooperates with or participates in an international boycott, it may lose a portion of the following benefits: The foreign tax credit, deferral of income of a controlled foreign corporation, deferral of income of a domestic international sales corporation, or deferral of income of a foreign sales corporation. The IRS uses Form 5713 to determine if any of these benefits should be lost. The information is also used as the basis for a report to the Congress.

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: 2,584.

Estimated Time per Respondent: 48 hours, 24 minutes.

Estimated Total Annual Burden Hours: 69,495.

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: May 11, 2011.

Yvette Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2011–12836 Filed 5–24–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–209673–93 (TD 8700)]

Proposed Collection; Comment Request on Burden Relating to 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 the burden related to existing final regulations, TD 8700, Mark to Market for Dealers in Securities (§§ 1.475(b)–4, and 1.475(c)–1).

DATES: Written comments should be received on or before July 25, 2011 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence, 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 R. Joseph Durbala, (202) 622–3634, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Mark to Market for Dealers in Securities.

OMB Number: 1545–1496.

Regulation Project Number: TD 8700.

Abstract: Under section 1.475(b)–4, the information required to be recorded is required by the IRS to determine whether exemption from mark-to-market treatment is properly claimed, and will be used to make that determination upon audit of taxpayers' books and records. Also, under section 1.475(c)–1(a)(3)(iii), the information is necessary for the Service to determine whether a consolidated group has elected to disregard inter-member transactions in determining a member's status as a dealer in securities.

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 Respondents: 3,400.

Estimated Time per Respondents: 52 minutes.

Estimated Total Annual Burden Hours: 2,950.

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: May 11, 2011.

Yvette Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2011–12838 Filed 5–24–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 843

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 843, Claim for Refund and Request for Abatement.

DATES: Written comments should be received on or before July 25, 2011 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette B. Lawrence, 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 Elaine Christophe at 202 622–3179, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at *Elaine.H.Christophe@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Claim for Refund and Request for Abatement.

OMB Number: 1545–0024.

Form Number: 843.

Abstract: Internal Revenue Code section 6402, 6404, and sections 301.6402–2, 301.6404–1, and 301.6404–3 of the regulations allow for refunds of taxes (except income taxes) or refund, abatement, or credit of interest, penalties, and additions to tax in the event of errors or certain actions by the IRS. Form 843 is used by taxpayers to claim these refunds, credits, or abatements.

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, individuals or households, not-for-profit institutions, farms, and state, local or tribal governments.

Estimated Number of Responses: 550,500.

Estimated Time per Respondent: 1 hr., 35 min.

Estimated Total Annual Burden Hours: 875,295.

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: May 16, 2011.

Yvette B. Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2011–12840 Filed 5–24–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form CT–1

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 CT–1, Employer's Annual Railroad Retirement Tax Return.

DATES: Written comments should be received on or before July 25, 2011 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette B. Lawrence, 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 Elaine H. Christophe, (202) 622–3179, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at *Elaine.H.Christophe@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Employer's Annual Railroad Retirement Tax Return.

OMB Number: 1545–0001. *Form Number:* Form CT–1.

Abstract: Railroad employers are required to file an annual return to report employer and employee Railroad Retirement Tax Act (RRTA) taxes. Form CT–1 is used for this purpose. The IRS uses the information to insure that the employer has paid the correct tax.

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: Businesses or other for-profit organizations, not-for-profit institutions, and state, local or tribal governments.

Estimated Number of Respondents: 1,900.

Estimated Time per Respondent: 15 hours, 30 minutes.

Estimated Total Annual Burden Hours: 29,450.

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: May 16, 2011.

Yvette B. Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2011–12839 Filed 5–24–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 3115

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 3115, Application for Change in Accounting Method.

DATES: Written comments should be received on or before July 25, 2011 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala, at (202) 622–3634, or at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Application for Change in Accounting Method.

OMB Number: 1545–0152.

Form Number: 3115.

Abstract: Form 3115 is used by taxpayers who wish to change their method of computing their taxable income. The form is used by the IRS to determine if electing taxpayers have met the requirements and are able to change to the method requested.

Current Actions: There are no changes in the burden 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, individuals, not-for-profit organizations, and farms.

Estimated Number of Respondents: 16,743.

Estimated Time per Respondent: 55 hrs., 29 min.

Estimated Total Annual Burden Hours: 929,066.

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: May 11, 2011.

Yvette Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2011–12837 Filed 5–24–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning certain returned magazines, paperbacks or records.

DATES: Written comments should be received on or before July 25, 2011 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for 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: Certain Returned Magazines, Paperbacks, or Records.

OMB Number: 1545–0879.

Regulation Project Number: IA–195–78.

Abstract: The regulations provide rules relating to an exclusion from gross income for certain returned merchandise. The regulations provide that in addition to physical return of the merchandise, a written statement listing certain information may constitute evidence of the return. Taxpayers who receive physical evidence of the return may, in lieu of retaining physical evidence, retain documentary evidence of the return. Taxpayers in the trade or business of selling magazines, paperbacks, or records, who elect a certain method of accounting, are affected.

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 Respondents: 19,500.

Estimated Time Per Respondent: 25 minutes.

Estimated Total Annual Burden Hours: 8,125 hours.

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: May 16, 2011.

Yvette Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2011–12832 Filed 5–24–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms 8329 and 8330

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 8329, Lender's Information Return for Mortgage Credit Certificates (MCCs) and Form 8330, Issuer's Quarterly Information Return for Mortgage Credit Certificates (MCCs).

DATES: Written comments should be received on or before July 25, 2011 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence, 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(s) and instructions should be directed to Allan Hopkins, (202) 622–6665, 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: Form 8329, Lender's Information Return for Mortgage Credit Certificates (MCCs) and Form 8330, Issuer's Quarterly Information Return for Mortgage Credit Certificates (MCCs).

OMB Number: 1545–0922.

Form Number: Forms 8329 and 8330.

Abstract: Form 8329 is used by lending institutions and Form 8330 is used by state and local governments to provide the IRS with information on the issuance of mortgage credit certificates (MCCs) authorized under Internal Revenue Code section 25. IRS matches the information supplied by lenders and issuers to ensure that the credit is computed properly.

Current Actions: There are no changes being made to these forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and state, local or tribal governments.

Estimated Number of Responses: 10,000—Form 8329; 2,000—Form 8330.

Estimated Time Per Response: 5 hours, 53 minutes—Form 8329; 7 hours, 28 minutes—Form 8330.

Estimated Total Annual Burden Hours: 58,800—Form 8329; 14,920—Form 8330.

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: May 16, 2011.

Yvette Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2011–12833 Filed 5–24–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 5309

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 5309, Application for Determination of Employee Stock Ownership Plan.

DATES: Written comments should be received on or before July 25, 2011 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for copies of the form and instructions should be directed to R. Joseph Durbala at Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–3634, or through the Internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Application for Determination of Employee Stock Ownership Plan.

OMB Number: 1545–0284.

Form Number: 5309.

Abstract: Internal Revenue Code section 404(a) allows employers an income tax deduction for contributions to their qualified deferred compensation plans. Form 5309 is used to request an IRS determination letter about whether the plan is qualified under Code section 409 or 4975(e)(7).

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: 2,500.

Estimated Time per Respondent: 10 hrs, 47 minutes.

Estimated Total Annual Burden Hours: 26,975.

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: May 11, 2011.

Yvette Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2011–12834 Filed 5–24–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting for the Electronic Tax Administration Advisory Committee (ETAAC)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of Open Meeting

SUMMARY: In 1998 the Internal Revenue Service established the Electronic Tax Administration Advisory Committee (ETAAC). The primary purpose of ETAAC is to provide an organized public forum for discussion of electronic tax administration issues in support of the overriding goal that paperless filing should be the preferred and most convenient method of filing tax and information returns. ETAAC offers constructive observations about current or proposed policies, programs, and procedures, and suggests improvements. The ETAAC will share recommendations and discuss the Annual Report to Congress.

Summarized Agenda

8:30 a.m.—Meet and Greet
9 a.m.—Meeting Opens
10:30 a.m.—Meeting Adjourns

Note: Last-minute changes to these topics are possible and could prevent advance notice.

DATES: There will be a meeting of ETAAC on Wednesday, June 15, 2011. You must register in advance to be put on a guest list to attend the meeting. This meeting will be open to the public, and will be in a room that accommodates approximately 40 people, including members of ETAAC and IRS officials. Seats are available to members of the public on a first-come, first-served basis. Escorts will be provided so attendees are encouraged to arrive at least 30 minutes before the meeting begins. Members of the public may file written statements sharing ideas for electronic tax administration.

Send written statements to *etaac@irs.gov.*

ADDRESSES: The meeting will be held at the Internal Revenue Service, 1111 Constitution Avenue, NW., Room 2116, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: You must provide your name in advance for the guest list and be able to show your state-issued picture identification on the day of the meeting. Otherwise, you will not be able to attend the meeting as this is a secured building. Notification of intent should include your name, organization and telephone number. Please spell out all names if you leave a voice message. To receive general information about ETAAC, please contact Cassandra Daniels on 202–283–2178 or at *etaac@irs.gov* by Monday, June 13, 2011.

SUPPLEMENTARY INFORMATION: ETAAC reports to the Director, Electronic Tax Administration and Refundable Credits, who is also the executive responsible for the electronic tax administration program. Increasing participation by external stakeholders in the development and implementation of the strategy for electronic tax administration will help IRS achieve the goal that paperless filing should be the preferred and most convenient method of filing tax and information returns. ETAAC members are not paid for their time or services, but consistent with Federal regulations, they are reimbursed for their travel and lodging expenses to attend the public meetings, working sessions, and an orientation each year.

Dated: May 13, 2011.

Diane Fox,

Acting Chief, Relationship Management.

[FR Doc. 2011–12841 Filed 5–24–11; 8:45 am]

BILLING CODE 4830–01–P

FEDERAL REGISTER

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Part II

Department of the Interior

Bureau of Indian Affairs

Indian Child Welfare Act; Designated Tribal Agents for Service of Notice; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Child Welfare Act; Designated Tribal Agents for Service of Notice

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The regulations implementing the Indian Child Welfare Act provide that Indian tribes may designate an agent other than the tribal chairman for service of notice of proceedings under the Act. This notice includes the current list of designated tribal agents for service of notice.

FOR FURTHER INFORMATION CONTACT: Sue V. Settles, Chief, Human Services Division, Bureau of Indian Affairs, 1849 C Street, NW., Mail Stop 4513–MIB, Washington, DC 20240; *Telephone:* (202) 513–7622.

SUPPLEMENTARY INFORMATION: The regulations implementing the Indian Child Welfare Act, 25 U.S.C. 1901 *et seq.,* provide that Indian tribes may designate an agent other than the tribal chairman for service of notice of proceedings under the Act. *See* 25 CFR 23.12. The Secretary of the Interior is required to publish in the **Federal Register** on an annual basis the names and addresses of the designated tribal agents. This notice is published in exercise of authority delegated by the Secretary of the Interior to the Principal Deputy Assistant Secretary—Indian Affairs by 209 DM 8.

This notice presents, in two different formats, the names and addresses of current designated tribal agents for service of notice. The first format lists designated tribal agents by region and alphabetically by tribe within each region. The second format is a table that lists designated tribal agents alphabetically by the tribal affiliation (first listing American Indian tribes, then listing Alaska Native tribes). Each format also lists the Bureau of Indian Affairs contact(s) for each of the twelve regions.

A. List of Designated Tribal Agents by Region
1. Alaska Region
2. Eastern Oklahoma Region
3. Eastern Region
4. Great Plains Region
5. Midwest Region
6. Navajo Region
7. Northwest Region
8. Pacific Region
9. Rocky Mountain Region
10. Southern Plains Region
11. Southwest Region
12. Western Region

B. List of Designated Tribal Agents by Tribal Affiliation
1. Tribes Other Than Alaska Native Tribes and Villages
2. Alaska Native Tribes and Villages

A. List of Designated Tribal Agents by Region

1. Alaska Region

Eugene Virden, Regional Director, Alaska Regional Office, P.O. Box 25520, 709 W. 9th, 3rd Floor, Federal Building, Juneau, AK 99802–5520; Phone: (800) 645–8397; Fax: (907) 586–7057.

Gloria Gorman, M.S.W., Human Services Director, P.O. Box 25520, 709 W. 9th, 3rd Floor, Federal Building, Juneau, AK 99802–5520; Phone: (800) 645–8397 extension 2; Fax: (907) 586–7037.

A

Afognak, Native Village of (formerly the Village of Afognak), Denise Malutin, ICWA Worker, 115 Mill Bay Rd Ste 201 Kodiak, AK 99615; Phone: (907) 486–6357; Fax: (907) 486–6529; E-mail: *denise@afognak.org*

Agdaagux Tribe of King Cove, Arthur Newman, Tribal Administrator, P.O. Box 249, King Cove, AK 99612; Phone: (907) 497–2648; Fax: (907) 497–2803; E-mail: *ATC@arctic.net* and Grace Smith, Family Programs Coordinator, Aleutian/Pribilof Islands Association, 1131 East International Airport Road, Anchorage, AK 99518–1408; Phone: (907) 276–2700 or 222–4236; Fax: (907) 279–4351; E-mail: *graces@apiai.org.*

Akhiok, Native Village of, Rachelle Joy, KANA Foster Parent Support Specialist, 3449 Rezanof Drive East, Kodiak, AK 99615; Phone: (907) 486–9869; Fax: (907) 486–4829; E-mail: *rachelle.joy@kanaweb.org.*

Akiachak Native Community, Georgiann Wassilie, Tribal Family Services, P.O. Box 51070, Akiachak, AK 99551–0070; Phone: (907) 825–4626/4073; Fax: (907) 825–4029; E-mail: n/a.

Akiak Native Community, Sheila Williams, Tribal Administrator and Andrea Jasper, ICWA Worker, P.O. Box 52127, Akiak, AK 99552; Phone: (907) 765–7112/7117; Fax: (907) 765–7512; E-mail: n/a.

Native Village of Akutan, Grace Smith, Family Programs Coordinator, Aleutian/Pribilof Islands Association, 1131 East International Airport Road, Anchorage, AK 99518–1408; Phone: (907) 276–2700; Fax: (907) 279–4351; E-mail: *graces@apiai.org.*

Village of Alakanuk, Charlene Smith, ICWA Specialist, or Daisy Lamont, CFSS–ICWA, P.O. Box 149, Alakanuk AK 99554; Phone: (907) 238–3704/3730; Fax: (907) 238–3705; E-mail: *csmith@avcp.org, dlamont@avcp.org.* AVCP ICWA Staff, Association of Village Council Presidents, ICWA Staff, P.O. Box 219, Bethel, AK 99559; Phone: (907) 543–7300; Fax: (907) 543–5759; E-mail: *icwa@avcp.org.*

Alatna Village, Wilma David, Tribal Family Youth Specialist, P.O. Box 70, Allakaket, AK 99720; Phone: (907) 968–8397; Fax: (907) 968–2305; and Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, AK 99701; Phone: (907) 452–8251 ext. 3178; Fax: (907) 459–3953; E-mail: n/a.

Aleknagik, Native Village of, Jane Gottschalk, Caseworker II, P.O. Box 115, Aleknagik, AK 99555; Phone: (907) 842–4577; Fax: (907) 842–2229; *janegottschalk@gmail.com;* and Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, AK 99576; Phone: (907) 842–4139; Fax: (907) 842–4106; E-mail: *cnixon@bbna.com.*

Algaaciq Native Village (St. Mary's), Gertrude Paukan, ICWA Case Worker, P.O. Box 48, 200 Paukan Avenue, St. Mary's, AK 99658–0048; Phone: (907) 438–2932/2933; Fax: (907) 438–2227; E-mail: *gpaukan@avcp.org* and Association of Village Council Presidents, ICWA Staff, P.O. Box 219, Bethel, AK 99559; Phone: (907) 543–7300; Fax: (907) 543–5759; E-mail: *icwa@avcp.org.*

Allakaket Village, Emily Bergman, Tribal Family Youth Specialist (TFYS), P.O. Box 50, Allakaket, AK 99720; Phone: (907) 968–2303; Fax: (907) 968–2233; E-mail: *Emily.bergman@tananachiefs.org* and Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, AK 99701; Phone: (907) 452–8251, ext. 3178; Fax: (907) 459–3953; E-mail: n/a.

Native Village of Ambler, Carol B. Cleveland, ICWA Coordinator, Box 86047, Ambler, AK 99786; Phone: (907) 445–2189; Fax: (907) 445–2257; E-mail: *icwa@ivisaappaat.org.*

Village of Anaktuvuk, Tribal President, P.O. Box 21065 Anaktuvuk Pass, AK 99721; Phone: (907) 661–2575; Fax: (907) 661–2576; and Dalles Lee Brower, Voc Rehab Director, Inupiat Community of the Arctic Slope; P.O. Box 934, 6986 Ahmaogak St., Barrow, AK 99723; Phone: (907) 852–2448; Fax: (907) 852–2449; E-mail: *casvr@gci.net.*

Yupiit of Andreafski, ICWA Program Director, P.O. Box 88, St. Mary's, AK 99658–0088; Phone: (907) 438–2572; Fax: (907) 438–2573; E-mail: n/a.

Angoon Community Association, Marlene F. Zuboff, ICWA/Social

Services Manager, P.O. Box 328, Angoon, AK 99820; Phone: (907) 788–3411; Fax: (907) 788–3412; E-mail: *mzuboff@ccthita.org.*

Village of Aniak, Muriel Morgan, ICWA Worker, Box 349, Aniak, AK 99557; Phone: (907) 675–4349; Fax (907) 675–4513; E-mail: n/a.

Anvik Village, Alberta Walker, Tribal Family Youth Specialist (TFYS), P.O. Box 10, Anvik, AK 99558; Phone: (907) 663–6378; Fax: (907) 663–6357; E-mail: n/a and Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, AK 99701; Phone: (907) 452–8251, ext. 3178; Fax: (907) 459–3953; E-mail: n/a.

Arctic Village, Nena C. Wilson, ICWA Manager, or Margorie Gemmill, Tribal Administrator, P.O. Box 69, Arctic Village, AK 99722; Phone: (907) 587–5523/5328; Fax: (907) 587–5128; E-mail: n/a.

Asa'carsarmiut Tribe (formerly Native Village of Mountain Village), James C. Landlord, First Chief, P.O. Box 32249, Mountain Village, AK 99632; Phone: (907) 591–2815; Fax: (907) 591–2811; Evelyn D. Peterson, Social Service Director, Asastasia Larson, P.O. Box 32107, Mountain Village, AK 99632; Phone: (907) 591–2428; Fax: (907) 591–2934; E-mail: *atcicwa@gci.nett.*

Native Village of Atka, Kathy Dirks, ICWA Coordinator, Unalaska, AK 99685; Phone: (907) 581–6574; Fax: (907) 581–2040; E-mail: *kathyd@apiai.org;* Grace Smith, Family Programs Coordinator, Aleutian/Pribilof Islands Association, 1131 East International Airport Road, Anchorage, AK 99518–1408; Phone: (907) 276–2700 or (907) 222–4236; Fax: (907) 279–4351; E-mail: *graces@apiai.org.*

Atmautluak, Village of, Moses Pavilla Sr., Tribal Judge and Melvina Nicholai, ICWA Worker, and Nicholai O. Pavilla Sr., Vice President, P.O. Box 6568, Atmautluak, AK 99559; Phone: (907) 553–5610/5510; Fax: (907) 553–5612/5150; E-mail: *atmautluaktc@hughes.net.*

Atqasuk Village (Atkasook), Candace Itta, President, P.O. Box 91108, Atqasuk, AK 99791; Phone: (907) 633–2575; Fax: (907) 633–2576; E-mail: *icastaq@astacalaska.net;* and Arctic Slope Native Association, Maude Hopson, ICWA Worker; P.O. Box 1232, Barrow, Alaska 99723 Phone: (907) 852–9374; Fax: (907) 852–2761; E-mail: *maude.hopson@arcticslope.org; icwa@arcticslope.org.*

B

Native Village of Barrow Inupiat Traditional Government, Edith Kaleak, Social Services Director, P.O. Box 1130, Barrow, AK 99723; Phone: (907) 852–4411; Fax: (907) 852–4413; E-mail: *ekaleak@nvbarrow.net.*

Beaver Village, Arlene Pitka, ICWA Coordinator, P.O. Box 24029, Beaver, AK 99724; Phone: (907) 628–6126; Fax: (907) 628–6815; and Legal Department, Tanana Chiefs Conference, 122 First Avenue, Suite 600, Fairbanks, AK 99701; Phone (907) 452–8251 ext. 3178; Fax: (907) 459–3953; E-mail: n/a.

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Bettles Field (See Evansville Village)

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Copper Center (see Native Village of Kluti-Kaah).

Cordova (See Eyak).

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Dillingham (see Curyung).

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Fortuna Ledge (see Native Village of Marshall).

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Gwichyaa Gwichin (see Fort Yukon).

H

Haines (see Chilkoot Indian Association).

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Quinhagak (see Kwinhagak).

Qissunamiut Tribe (see Chevak).

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South Fork Band Council, Karen McDade, Director—Human Services, 21 Lee B–13, Spring Creek, Nevada 89815; Telephone: (775) 744–2412; Fax: (775) 744–2306; E-mail: n/a.

Summit Lake Paiute Tribe, Ron Johnny, Acting Administrator, 1708 H Street, Sparks, Nevada 89431; Telephone: (775) 827–9670; Fax: (775) 827–9678; E-mail: *ron.johnny@summitlaketribe.org.*

T

Te-Moak Tribe of Western Shoshone Indians (See Elko Band Council).

Tohono O'odham Nation, Jonathan L. Jantzen, Office of Attorney General, P.O. Box 830, Sells, Arizona 85634; Telephone: (520) 383–3410; Fax: (520) 383–2689; E-mail: *jonathan.jantzen@tonation-nsn.gov.*

Tonto Apache Tribe, Lyndsie Butler, Social Services Director, Tonto Apache Reservation # 30, Payson, Arizona 85541; Telephone: (928) 474–5000, Fax: (928) 474–9125; E-mail: *lbutler@tontoapache.org.*

U

Ute Indian Tribe, Floyd M. Wyasket, Social Service Director, Box 190 or 736, Fort Duchesne, Utah 84026; Telephone: (435) 725–4026 or (435) 823–0141; Fax: (435) 722–5030; E-mail: *floydw@utetribe.com.*

W

Walker River Paiute Tribe, Elliott Aguilar, ICWA Specialist, P.O. Box 146, Schurz, Nevada 89427; Telephone: (775) 773–2058 Ext: 11; Fax: (775) 773–2096; E-mail: n/a.

Washoe Tribe of Nevada and California, Paula White, Social Services Director, 919 Hwy. 395 South, Gardnerville, Nevada 89410; Telephone: (775) 265–7024; Fax: (775) 265–4593; E-mail: n/a.

Wells Band Council, Paula Salazar, Chairwoman, P.O. Box 809, Wells, Nevada 89835; Telephone: (775) 752–3045; Fax: (775) 752–2179; E-mail: n/a.

White Mountain Apache Tribe, Mariella Dosela, ICWA Representative, P.O. Box 1870 Whiteriver, Arizona 85941; Telephone: (928) 338–4164, Fax: (928) 338–1469; E-mail: *mdosela@wmat.us.*

Winnemucca Tribe, Chairman, P.O. Box 1370, Winnemucca, Nevada 89446; E-mail: n/a.

Y

Yavapai-Apache Nation, Nancy B. Guzman, ICWA Coordinator, 2400 Datsi Road, Camp Verde, Arizona 86322; Telephone: (928) 649–7115; Fax: (928) 567–6832; E-mail: *nguzman@yan-tribe.org.*

Yavapai-Prescott Indian Tribe, Elsie Watchman, Family Support Supervisor, 530 East Merritt, Prescott, Arizona 86301; Telephone: (928) 515–7351; Fax: (928) 541–7945; E-mail: *ewatchman@ypit.com.*

Yerington Paiute Tribe, Rose Mary Joe-Kinale, Human Services Director, 171 Campbell Lane Yerington, Nevada 89447; Telephone: (775) 463–7705; Fax: (775) 463–5929; E-mail: *humanservices@ypt-nsn.gov.*

Yomba Shoshone Tribe, Elisha A. Mockerman, Eligibility Worker, HC 61 Box 6275 Austin, Nevada 89310; Telephone: (775) 964–2463 Ext: 107; Fax: (775) 964–1352; E-mail: *emockerman@yombatribe.org.*

B. List of Designated Tribal Agents By Tribal Affiliation

1. Tribes Other Than Alaska Native Tribes and Villages

Alabama-Quassarte (see Creek)

Alabama-Quassarte Tribal Town, Annie Merritt, ICWA Director, P.O. Box 187, 101 E. Broadway, Wetumka, Oklahoma 74883, Phone: (405) 452–3881, Fax: (405) 452–3889, E-mail: n/a, Eastern Oklahoma Region

Apache

Apache Tribe Of Oklahoma, Teresa Taylor, ICW Director, P.O. Box 1330, Anadarko, Oklahoma 73005, Phone: (405) 247–9857, Fax: (405) 247–3153, E-mail: n/a, Southern Plains Region

Apache (see Chiricahua)

Fort Sill Apache Tribe of Oklahoma, Ramona Austin, ICW Director, Route 2, Box 121, Apache, Oklahoma 73006, Phone: (580) 588–2298, Fax: (580) 588–2106, E-mail: n/a, Southern Plains Region

Apache

Jicarilla Apache Nation, Monica L. Carrasco, Director, P.O. Box 546, Dulce, New Mexico 87528, Phone:

(505) 759–3162, Fax: (505) 759–3588, E-mail: *mcarrasco@jbhd.org,* Southwest Region

Mescalero Apache Tribe, Crystal Garcia, Tribal Census Clerk, P.O. Box 227, Mescalero, New Mexico 88340, Phone: (575) 464–9209, Fax: (575) 464–9191, E-mail: *cgarcia@matisp.net,* Southwest Region

San Carlos Apache Tribe, Aaron Begay, ICWA Coordinator, P.O. Box 0, San Carlos, Arizona 85550, Phone: (928) 475–2313, Fax: (928) 475–2342, E-mail: *abegay09@tss.scat-nsn.gov,* Western Region

Tonto Apache Tribe of Arizona, Lyndsie Butler, Social Services Director, Tonto Apache Reservation #30, Payson, Arizona 85541, Phone: (928) 474–5000, Fax: (928) 474–9125, E-mail: *lbutler@tontoapache.org,* Western Region

White Mountain Apache Tribe, Mariella Dosela, ICWA Representative, P.O. Box 1870, Whiteriver, Arizona 85941, Phone: (928) 338–4164, Fax: (928) 338–1469, E-mail: *mdosela@wmat.us,* Western Region

Apache (see Yavapai)

Yavapai-Apache Nation, Nancy B. Guzman, ICWA Coordinator, 2400 Datsi Road, Camp Verde, Arizona 86322, Phone: (928) 649–7115, Fax: (928) 567–6832, E-mail: *nguzman@yan-tribe.org,* Western Region

Arapahoe

Northern Arapahoe Tribe of the Wind River Reservation, Chairman, P.O. Box 396, Fort Washakie, Wyoming 82514, Phone: (406) 332–6120, Fax: (406) 332–7543, E-mail: n/a, Rocky Mountain Region

Arapaho (see Cheyenne)

Cheyenne-Arapaho Tribes of Oklahoma, Mary Davenport, Executive Director, Michael Scott Burgett, ICW Coordinator, P.O. Box 38, Concho, Oklahoma 73022, Telephone: (405) 422–7476/(405) 201–3188, Fax: (405) 422–8218 or (405) 422–3164, E-mail: *mdavenport@c-a-tribes.org; mburgett @c-a-tribes.org,* Southern Plains Region

Arikara (see Three Affiliated Tribes/Hidatsa/Mandan)

Three Affiliated Tribes, (Mandan, Arikara & Hidatsa), Katherine Felix, ICWA Specialist, 404 Frontage Road, New Town, North Dakota 58763, Phone: (701) 627–4781, Fax: (701) 627–5550, E-mail: *kfelix@mhanation.com,* Great Plains Region

Assiniboine (see Gros Ventre)

Fort Belknap Indian Community, Assiniboine & Gros Ventre Tribes, Myron L. Trottier, ICWA Case Manager, 158 Tribal Way, Fort Belknap Agency, Harlem, Montana 59526, Phone: (406) 353–8328, Fax: (406) 353–4634, E-mail: *mtrottier@ftbelknap-nsn.gov,* Rocky Mountain Region

Assiniboine (see Sioux)

Assiniboine and Sioux Tribes, Chairman, Fort Peck Indian Reservation, P.O. Box 1027, Popular, Montana 59255, Phone: (406) 768–5155, E-mail: n/a, Rocky Mountain Region

Blackfeet

Blackfeet Tribe of Montana, Raquel Vaile, Indian Child Welfare Act (ICWA) Coordinator, P.O. Box 588, Browning, Montana 59417, Phone: (406) 338–7806, Cell: (406) 470–0026, Fax: (406) 338–7726, E-mail: n/a, Rocky Mountain Region

Caddo

Caddo Nation of Oklahoma, Mary Prentiss, ICW Caseworker, P.O. Box 487, Binger, Oklahoma 73009, Phone: (405) 656–9222, Fax: (405) 656–9237, E-mail: *mprentiss@caddonation.com,* Southern Plains Region

Cahuilla

Agua Caliente Band of Cahuilla Indians, Michelle A. Carr, Esq., Attorney, 5401 Dinah Shore Drive, Palm Springs, California 92264, Phone: (760) 699–6862, Fax: (760) 699–6863, E-mail: *mcarr@aguacaliente.net,* Pacific Region

Cahuilla (see Mission)

Augustine Band of Cahuilla Indians, Mary Armgreen, Chairperson, P.O. Box 846, Coachella, California 92236, Phone: (760) 398–4722, E-mail: n/a, Pacific Region

Cabazon Band of Mission Indians, Chairman, 84–245 Indio Springs Drive, Indio, California 92201, Phone: (760) 342–2593, E-mail: n/a, Pacific Region

Cahuilla Band of Mission Indians, Executive Director, Indian Child & Family Services, P.O. Box 2269, Temecula, California 92590, Phone: (951) 676–8832, E-mail: n/a, Pacific Region

Cahuilla (see Mission/Cupeno)

Los Coyotes Band of Cahuilla & Cupeno Indians, Tribal Family Services, Manager, Indian Health Council, Inc., P.O. Box 406, Pauma Valley, California 92061, Phone: (760) 749–1410, E-mail: n/a, Pacific Region

Cahuilla (see Mission)

Morongo Band of Cahuilla Mission Indians, Duke Steppe, Social Worker, 11581 Potrero Road, Banning, California 92220, Phone: (951) 849–4697, E-mail: n/a, Pacific Region

Ramona Band or Village of Cahuilla, Susan Reckker, Tribal Administrator, P.O. Box 391670, Anza, California 92539, Phone: (951) 763–4105, Fax: (951) 763–4325, E-mail: *sreckker@ramonatribe.com,* Pacific Region

Santa Rosa Band of Cahuilla Indians, Mayme Estrada, Chair, P.O. Box 609, Hemet, California 92546, Phone: (951) 658–5311, Fax: (951) 658–6733, E-mail: n/a, Pacific Region

Soboba Band of Luiseno Indians, Tribal Social Worker, Soboba Social Services Department, P.O. Box 487, San Jacinto, California 92581, Phone: (707) 463–2644, Fax: (707) 487–1738, E-mail: n/a, Pacific Region

Cahuilla

Torres Martinez Desert Cahuilla Indians, Annette Chihuahua, ICWA Case Assistant/Tribal Delegate TMDCI, 66–725 Martinez Rd., Thermal, California 92274, Phone: (760) 578–8334, Phone: (760) 397–0455 Ext: 1101, Fax: (760) 397–3925, E-mail: *achihuahua@tmdci.org,* Pacific Region

Catawba

Catawba Indian Nation, Jud Christensen, ICWA Representative, Aliceson McCormick, Director Social Services, 996 Avenue of Nations, Rock Hill, South Carolina 29730, Phone: (803) 366–4792, Fax: (803) 325–1242, E-mail: *jud.christensen@catawbaindian.net, Aliceson.mccormick@catawbaindian.net,* Eastern Region

Cayuga (see Iroquois/Seneca)

Cayuga Nation of New York, Anita Thompson, Assistant Administration, P.O. Box 803, Versailles, New York 14168, Phone: (315) 568–0750, Fax: (315) 568–0752, E-mail: *anita.thompson@cayuganation-nsn.gov,* Eastern Region

Cayuga (see Seneca)

Seneca-Cayuga Tribe of Oklahoma, Darold Wofford, Director of Family Services, 23701 South 655 Road, Grove, Oklahoma 74344, Phone: (918) 787–5452, Fax: (918) 786–5713, E-mail: *dwofford@sctribe.com,* Eastern Oklahoma Region

Chehalis

Confederated Tribes of the Chehalis Reservation, Tracy Bray, Family Services Director, 420 Howanut Road, Oakville, Washington 98568, Phone:

(360) 709–1871, Fax: (360) 273–5207, E-mail: *tbray@chehalistribe.org,* Northwest Region

Chemehuevi

Chemehuevi Indian Tribe, James L. Graves, PhD, Director of Health and Human Services, 1970 Palo Verde Drive, Suite 1, Havasu Lake, California 92363, Phone: (760) 858–5426, Fax: (760) 858–5428, E-mail: n/a, Western Region

Chemehuevi (see Colorado River/Hopi/Mojave/Navajo)

Colorado River Indian Tribes, Norma Gonzales, Foster Care Coordinator/Case Manager, 12302 Kennedy Drive, Parker, Arizona 85344, Phone: (928) 669–8187, Fax: (928) 669–8881, E-mail: *norma.gonzales@critdhs.org,* Western Region

Chemehuevi (see Luiseno/Mission)

Twenty-Nine Palms Band of Mission Indians, Executive Director, Indian Child & Family Services, P.O. Box 2269, Temecula, California 92590, Phone: (951) 676–8832, Fax: (951) 676–3950, E-mail: n/a, Pacific Region

Cherokee

Cherokee Nation of Oklahoma, Linda Woodward, Director, Children & Family Services, P.O. Box 948, Tahlequah, Oklahoma 74465, Phone: (918) 458–6900, Fax: (918) 458–6146, E-mail: *lwoodward@cherokee.org,* Eastern Oklahoma Region

Eastern Band of Cherokee Indians, Barbara Jones, Program Manager, Family Support Services, 508 Goose Creek Road, P.O. Box 507, Cherokee, North Carolina 28719, Phone: (828) 497–6092, Fax: (828) 497–3322, E-mail: *barbjone@nc-cherokee.com,* Eastern Region

United Keetoowah Band of Cherokee Indians in Oklahoma, Joyce Fourkiller-Hawk, P.O. Box 746, Tahlequah, Oklahoma 74465, Phone: (918) 431–1818, Fax: (918) 453–9345, E-mail: *jfourkiller@unitedkeetoowahband.org,* Eastern Oklahoma Region

Cheyenne

Northern Cheyenne, Leroy A. Spang, President, P.O. Box 128, Lame Deer, Montana 59043, Phone: (406) 477–4846, Fax: (406) 477–6210, E-mail: *leroy.spang@cheyennenation.com,* Rocky Mountain Region

Cheyenne (see Arapaho)

Cheyenne-Arapaho Tribes of Oklahoma, Mary Davenport, Executive Director, Michael Scott Burgett, ICW Coordinator, P.O. Box 38, Concho, Oklahoma 73022, Telephone: (405) 422–7476/(405) 201–3188, Fax: (405) 422–8218 or (405) 422–3164, E-mail: *mdavenport@c-a-tribes.org;, mburgett@c-a-tribes.org,* Southern Plains Region

Chickasaw

The Chickasaw Nation, Bill Anoatubby, Governor, P.O. Box 1548, Ada, Oklahoma 74821–1548, Phone: (580) 436–7216, Fax: (580) 436–4287, E-mail: *jay.keel@chickasaw.net,* Eastern Oklahoma Region

Chitimacha

Chitimacha Tribe of Louisiana, Karen Matthews, Social Services Director, P.O. Box 520, Charenton, Louisiana 70523, Phone: (337) 923–7000, Fax: (337) 923–2475, E-mail: *Karen@chitimacha.gov,* Eastern Region

Chippewa (see Ojibwe)

Bad River Band of Lake Superior Chippewa, Esie Leoso-Corbine, ICWA Director, P.O. Box 55, Odanah, Wisconsin 54861, Phone: (715) 682–7135 Ext: 1414, Fax: (715) 685–7888, E-mail: *bricw@badriver-nsn.gov,* Midwest Region

Chippewa

Bay Mills Indian Community, Phyllis Kinney, Tribal Court Administrator, 12140 W. Lakeshore Dr., Brimley, MI 49715, Phone: (906) 248–3241, Fax: (906) 248–5817, E-MAIL pHyllisk@Baymills.Org, Midwest Region

Bois Fort Band, Angela Wright, Indian Child Welfare Supervisor, 13071 Nett Lake Road, Suite A, Nett Lake, Minnesota 55771, Phone: (218) 757–3476 or (218) 757–3916, Fax: (218) 757–3335, E-mail: *amwright@boisforte.nsn.gov,* Midwest Region

Chippewa (see Cree)

Chippewa Cree Tribe of the Rocky Boy's Reservation of Montana, Tribal Chairman, Rural Route 1, P.O. Box 544, Box Elder, Montana 59521, Phone: (406) 395–5705, Fax: (406) 395–5702, E-mail: n/a, Rocky Mountain Region

CHIPPEWA

Fond du Lac Band of Lake Superior Chippewa, Karen Diver, Chairwoman, 1720 Big Lake Road, Cloquet, Minnesota 55720, Phone: (218) 879–4593, Fax: (218) 878–2189, E-mail: *karendiver@fdlrez.com,* Midwest Region

Grand Portage Reservation, Patti Foley, Social Worker, P.O. Box 428, Grand Portage, Minnesota 55605, Phone: (218) 475–2169, Fax: (218) 475–2455, E-mail: *pfoley@grandportage.com,* Midwest Region

Chippewa (see Ottawa/Peshawbestown)

Grand Traverse Band of Ottawa and Chippewa Indians, Helen Cook, Anishinaabek Family Services Supervisor, 2605 N. West Bay Shore Drive, Peshawbestown, Michigan 49682–9275, Phone: (231) 534–7681, Fax: (231) 534–7706, E-mail: *helen.cook@gtbindians.com,* Midwest Region

Chippewa (see Keweenaw)

Keweenaw Bay Indian Community, Judy Heath, Social Service Director, 16429 Beartown Road, Baraga, Michigan 49908, Phone: (906) 353–4201, Fax: (906) 353–8171, E-mail: *judy@kbic-nsn.gov,* Midwest Region

Chippewa

Lac Courte Oreilles, LuAnn Kolumbus, Director of Indian Child Welfare, 13394 W. Trepania Road, Hayward, Wisconsin 54843, Phone: (715) 634–8934, Fax: (715) 634–2981, E-mail: n/a, Midwest Region

Lac du Flambeau, Kristin Allen, ICW Director, P.O. Box 189, Lac du Flambeau, Wisconsin 54538, Phone: (715) 588–1511, Fax: (715) 588–3903, E-mail: *kallen@nnex.net,* Midwest Region

Lac Vieux Desert, Dee Dee McGeshick, Social Services Director, P.O. Box 249, Watersmeet, Michigan 49969, Phone: (906) 358–4940, Fax: (906) 358–4900, E-mail: *dee.mcgeshick@lvdtribal.com,* Midwest Region

Chippewa (see Ojibwe)

Leech Lake Band of Ojibwe, Tammie Finn, Child Welfare Director, 115 Sixth Street NW, Suite E, Cass Lake, Minnesota 56633, Phone: (218) 335–8240, Fax: (218) 335–3779, E-mail: *tamie.finn@llojibwe.com,* Midwest Region

Mille Lacs Band of Ojibwe, Ryan Champagne, Director of Family Services, MilleLacs Band Government Center, 43408 Oodena Drive, Onamia, Minnesota 56359, Phone: (320) 532–7776 Ext: 7762, Fax: (320) 532–7583, E-mail: *ryan.champagne@millelacsband.com,* Midwest Region

Chippewa

Minnesota Chippewa Tribe, Linda Johnson, Human Services Director, (Includes Six Component Reservations:, Bois Forte Band, Fond Du Lac band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band), Adrienne Adkins, Human Services Director, P.O. Box 217, Cass Lake, Minnesota 56633, Phone: (218) 335–8585, Fax: (218) 335–8080, E-mail: *ljohnston@*

mnchippewatribe.org, Midwest Region

Red Cliff Band of, Lake Superior Chippewa, Susan Crazy Thunder, Director, Indian Child Welfare Dept., 88385 Pike Road, Highway 13, Bayfield, Wisconsin 54814, Phone: (715) 779–3747, Fax: (715) 779–3783, E-mail: *susie.crazythunder@redcliff-nsn.gov,* Midwest Region

Red Lake Band of Chippewa Indians, Sheila Stately, ICWA Advocate, Box 427, Red Lake, Minnesota 56671, Phone: (218) 679–2122, Fax: (218) 679–2929, E-mail: n/a, Midwest Region

Saginaw Chippewa Indian Tribe of Michigan, Kimberly Crampton, Director, 7070 East Broadway, Mt. Pleasant, MI 48858, Phone: (989) 775–4909, Fax: (989) 775–4912, E-mail: *kcrampton@sagchip.org,* Midwest Region

Chippewa (see Ojibwe)

St. Croix Tribe of Wisconsin, Donna Churchill, Director, 24663 Angeline Avenue, Webster, Wisconsin 54893, Phone: (715) 349–2195, Fax: (715) 349–8665, E-mail: *donnac@stcroixtribalcenter.com,* Midwest Region

Chippewa

Sault Ste. Marie Tribe of Chippewa Indians, Juanita Bye, ACFS Division Director, 2218 Shunk Rd., Sault Ste Marie, Michigan 49783, Phone: (906) 632–5250, Fax: (906) 632–5266, E-mail: *jbye@saulttribe.net,* Midwest Region

Sokaogon Chippewa Community of Wisconsin, Angela Ring, ICWA Director, 10808 Sokaogon Drive, Crandon, Wisconsin 54520, Phone: (715) 478–2520, Fax: (715) 478–7623, E-mail: *angelaring@sokaogonchippewa.com,* Midwest Region

Turtle Mountain Band of Chippewa Indians, Marilyn Poitra, ICWA Coordinator, Child Welfare and Family Services, P.O. Box 900, Belcourt, North Dakota 58316, Phone: (701) 477–5688, Fax: (701) 477–5797, E-mail: *mpoitra@tmcwfs.net,* Great Plains Region

White Earth Reservation Business Committee, Jeri Jasken, ICWA Coordinator, P.O. Box 358, White Earth, Minnesota 56591, Phone: (218) 983–4647, Fax: (218) 983–3712, E-mail: *jeri@whiteearth.com,* Midwest Region, Midwest Region

Chiricahua (see Apache)

Fort Sill Apache Tribe of Oklahoma, Ramona Austin, ICW Director, Route 2, Box 121, Apache, Oklahoma 73006, Phone: (580) 588–2298, Fax: (580) 588–2106, E-mail: n/a, Southern Plains Region

Choctaw

Choctaw Nation of Oklahoma, Billy Stephens, Senior Director, P.O. Box 1210, Durant, Oklahoma 74701, Phone: (580) 924–8280, Fax: (580) 920–3197, E-mail: *bstephens@choctawnation.com,* Eastern Oklahoma Region

Jena Band of Choctaw Indians, Mona Maxwell, Social Services Director, P.O. Box 14, Jena, Louisiana 71342, Phone: (318) 992–0136, Cell: (318) 419–8432, Fax: (318) 992–4162, E-mail: n/a, Eastern Region

Mississippi Band of Choctaw Indians, Kirsten L. Clegg, Child Welfare Supervisor, Department of Family & Community Services, Children & Family Services Program, P.O. Box 6050, Choctaw, Mississippi 39350, Phone: (601) 650–1741, Fax: (601) 656–8817, E-mail: *kclegg@choctaw.org,* Eastern Region

Chukchansi

Picayune Rancheria of the Chukchansi Indians, Orianna Walker, ICWA Coordinator, 46575 Road 417, Coarsegold, California 93614, Phone: (559) 683–6633 Ext: 212, Fax: (559) 692–8792, E-mail: *orianna.walker@chukchansi.net,* Pacific Region

Chimash (see Mission)

Santa Ynez Band of Chumash Indians, Caren Romero, Jess Montoya, ICWA Representative, Executive Director, Santa Ynez, California 93460, Phone: (805) 694–2671, Fax: (805) 686–2060, E-mail: *cromero@sythc.com,* Pacific Region

Cocopah

Cocopah Indian Tribe, Efrain Rodriguez, Social Services Director, County 15 and Ave. G, Somerton, Arizona 85350, Phone: (928) 627–3729, Fax: (928) 627–3316, E-mail: *cocosocser@cocopah.com,* Western Region

Coeur D'Alene

Coeur D' Alene Tribal Council, Leona M. Flowers, Social Worker Lead, Box 408, Plummer, Idaho 83851, Phone: (208) 686–8106, Fax: (208) 686–4410, E-mail: *lflowers@cdatribe-nsn.gov,* Northwest Region

Colorado River (see Chemehuevi/Hopi/Mojave/Navajo)

Colorado River Indian Tribes, Norma Gonzales, Foster Care Coordinator/Case Manager, 12302 Kennedy Drive, Parker, Arizona 85344, Phone: (928) 669–8187, Fax: (928) 669–8881, E-mail: *norma.gonzales@critdhs.org,* Western Region

Colville

Colville Business Council, ICWA, P.O. Box 150, Nespelem, Washington 99155–011, Phone: (509) 634–2200, Fax: (509) 634–2663, E-mail: n/a, Northwest Region

Comanche

Comanche Nation-Oklahoma, Mona Perea, ICW Director, P.O. Box 908, Lawton, Oklahoma 73502, Phone: (580) 492–3347, Fax: (508) 354–3838, E-mail: *ramonap@comanchenation.com,* Southern Plains Region

Coquille

Coquille Indian Tribe, Bridgett Wheeler, ICWA Worker, 3050 Tremont St., North Bend, Oregon 97459, Phone: (541) 888–9494, Fax: (541) 888–6701, E-mail: *bridgett@uci.net,* Northwest Region

Coushatta

Alabama-Coushatta Tribe of Texas, Aaron Williams, Social Service Director, 571 State Park Road 56, Livingston, Texas 77351, Telephone: (936) 563–1252, Fax: (936) 563–1254, E-mail: *Williams.aaron@actribe.ord,* Southern Plains Region

Coushatta Tribe of Louisiana, Milton Hebert, MSW, CADC, CGAC, Social Service Director, 2003 CC Bel Road, Elton, Louisiana 70532, Phone: (337) 584–1439, Fax: (337) 584–1473, E-mail: *mhebert@caushattatribela.org,* Eastern Region

Cowlitz

Cowlitz Indian Tribe, Carolee Morris, ICWA Director, P.O. Box 2547, Longview, Washington 98632–8594, Phone: (360) 577–8140, Fax: (360) 577–7432, E-mail: n/a, Northwest Region

Cree (see Chippewa)

Chippewa Cree Tribe of the Rocky Boy's Reservation of Montana, Tribal Chairman, Rural Route 1, P.O. Box 544, Box Elder, Montana 59521, Phone: (406) 395–5705, Fax: (406) 395–5702, E-mail: n/a, Rocky Mountain Region

Creek (see Alabama-Quassarte)

Alabama-Quassarte Tribal Town, Annie Merritt, ICWA Director, P.O. Box 187, 101 E. Broadway, Wetumka, Oklahoma 74883, Phone: (405) 452–3881, Fax: (405) 452–3889, E-mail: n/a, Eastern Oklahoma Region

Creek

Kialegee Tribal Town, Augusta Anderson, ICW Director, P.O. Box 332, Wetumka, Oklahoma 74883, Phone: (405) 452–5388, Fax: (405) 452–3413, E-mail: n/a, Eastern Oklahoma Region

The Muscogee (Creek) Nation, Steven Wahnee, ICW Coordinator, P.O. Box 580, Okmulgee, Oklahoma 74447, Phone: (918) 732–7869, Fax: (918) 732–7855, E-mail: *swahnee@muscogeenation-nsn.gov,* Eastern Oklahoma Region

Poarch Band of Creek Indians, Carolyn M. White, LSW, Director, Martha Gookin, Family Services Coordinator, Department of Family Services, 5811 Jack Springs Road, Atmore, Alabama 36502, Phone: (251) 368–9136 Ext. 2600/2603, Fax: (251) 368–0828, E-mail: *cwhite@pci-nsn.gov, mgookin@pci-nsn.gov,* Eastern Region

Thlopthlocco Tribal Town, Janet Wise, Manager, P.O. 188, Okemah, Oklahoma 74859, Phone: (918) 560–6130, Fax: (918) 623–3023, E-mail: *jwise@tttown.org,* Eastern Oklahoma Region

Crow

Crow Tribe, Director of Tribal Social Services, P.O. Box 159, Crow Agency, Montana 59022, Phone: (406) 638–3925, Fax: (406) 638–4042, E-mail: n/a, Rocky Mountain Region

Cupeno (see Cahuilla/Mission)

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Delaware (see Lenapi/Munsee)

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Diegueno (see Mission)

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Diegueno (see Kumeyaay)

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Diegueno (see Mission)

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Diegueno (see Kumeyaay)

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Diegueno (see Mission)

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Diegueno

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Diegueno (see Mission)

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Flathead (see Kootenai/Salish)

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Kootenai

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Goshute

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Grand Ronde (see Shasta/Siletz)

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Gros Ventre (see Assiniboine)

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Havasupai

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Hidatsa (see Arikara/Mandan/Three Affiliated Tribes)

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Ho-Chunk (see Winnebago)

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Hoopa

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Hopi (see Chemehuevi/Mohave/Colorado River/Navajo)

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Hopi

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Huron (see Wyandotte)

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Iowa

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Iroquois (see Mohawk)

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Iroquois (see Seneca/Tonawanda)

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Iroquois (see Tuscarora)

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Karuk (see Tolowa/Yurok)

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Karuk (see Shasta)

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Kashia (see Pomo)

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Keweenaw (see Chippewa)

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Klamath (see Modoc/Yahooskin)

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Klamath (see Modoc)

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Kootenai (see Flathead/Salish)

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Kumeyaay (see Diegueno)

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Luiseno (see Cahuilla/Mission)

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Luiseno (see Chemehuevi/Mission)

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Maidu (see Me-Wuk/Miwok)

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Maidu

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Maidu (see Mechoopda)

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Maidu (see Miwok/Me-Wuk)

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Makah

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Maricopa (see Pima)

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Me-Wuk (see Miwok/Maidu)

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Me-Wuk (see Miwok/Pomo)

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Me-Wuk (see Miwok)

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Me-Wuk (see Miwok/Pomo)

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Inaja & Cosmit Band of Mission Indians, Tribal Family Services, Manager, Indian Health Services, Inc., P.O. Box 406, Pauma Valley, California 92061, Phone: (706) 749–1410, E-mail: n/a, Pacific Region

Mission (see Cahuilla/Cupeno)

Los Coyotes Band of Cahuilla & Cupeno Indians, Tribal Family Services, Manager, Indian Health Council, Inc., P.O. Box 406, Pauma Valley, California 92061, Phone: (760) 749–1410, E-mail: n/a, Pacific Region

Mission (see Diegueno)

La Posta Band of Mission Indians, Charity White-Voth, Kumeyaay Family Services Director, Southern Indian Health Council, Inc., 4058 Willow Road, Alpine, California 91903, Phone: (619) 445–1188, Fax: (619) 445–0765, E-mail: n/a, Pacific Region

Mission (see Cahuilla/Cupeno)

Los Coyotes Band of Cahuilla &, Cupeno Indians, Tribal Family Services, Manager, Indian Health Council, Inc., P.O. Box 406, Pauma Valley, California 92061, Phone: (760) 749–1410, E-mail: n/a, Pacific Region

Mission (see Diegueno)

Manzanita Band of Mission Indians, Chairperson, P.O. Box 1302, Boulevard, California 91905, Phone: (619) 766–4930, E-mail: n/a, Pacific Region

Mesa Grande Band of Mission Indians, Tribal Family Services, Manager, Indian Health Services, Inc., P.O. Box 406, Pauma Valley, California 92061, Phone: (706) 749–1410, E-mail: n/a, Pacific Region

Mission (see Cahuilla)

Morongo Band of Cahuilla Mission Indians, Duke Steppe, Social Worker, 11581 Potrero Road, Banning, California 92220, Phone: (951) 849–4697, E-mail: n/a, Pacific Region

Mission (see Luiseno)

Pala Band of Mission Indians, Maria Garcia, ICWA Manager, Department of Social Services, 35008 Pala-Temecula Road, PMB 50, Pala, California 92059, Phone: (760) 891–3542, E-mail: n/a, Pacific Region

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Pauma & Yuima Band of Mission Indians, Tribal Family Services, Manager, Indian Health Council, Inc., P.O. Box 406, Pauma Valley, California 92061, Phone: (760) 749–1410, E-mail: n/a, Pacific Region

Pechanga Band of Mission Indians, Mark Macarro, Spokesman, P.O. Box 1477, Temecula, California 92593, Phone: (951) 676–2768, E-mail: n/a, Pacific Region

Mission (see Cahuilla)

Ramona Band or Village of Cahuilla, Susan Reckker, Tribal Administrator, P.O. Box 391670, Anza, California 92539, Phone: (951) 763–4105, Fax: (951) 763–4325, E-mail: *sreckker@ramonatribe.com,* Pacific Region

Mission (see Diegueno)

Rincon Band of Mission Indians, Tribal Family Services, Manager, Indian Health Services, Inc., P.O. Box 406, Pauma Valley, California 92061, Phone: (706) 749–1410, E-mail: n/a, Pacific Region

Mission (see Cahuilla)

Santa Rosa Band of Cahuilla Indians, Mayme Estrada, Chair, P.O. Box 609, Hemet, California 92546, Phone: (951) 658–5311, Fax: (951) 658–6733, E-mail: n/a, Pacific Region

Mission (see Chimash)

Santa Ynez Band of Chumash Indians, Caren Romero, Jess Montoya, ICWA Representative, Executive Director, Santa Ynez, California 93460, Phone: (805) 694–2671, Fax: (805) 686–2060, E-mail: *cromero@sythc.com,* Pacific Region

Mission (see Diegueno)

Santa Ysabel Band of Mission Indians, Iipay Nation, Linda Ruis, Director, Santa Ysabel Social Services Department, P.O. Box 701, Santa Ysabel, California 92070, Phone: (760) 765–1106, Fax: (760) 765–0312, E-mail: n/a, Pacific Region

Mission (see Cahuilla/Luiseno)

Soboba Band of Luiseno Indians, Tribal Social Worker, Sobboba Social Services Department, P.O. Box 487, San Jacinto, California 92581, Phone: (707) 463–2644, Fax: (707) 487–1738, E-mail: n/a, Pacific Region

Mission (see Diegueno)

Sycuan Band of Mission Indians, Charity White-Voth, Kumeyaay Family Services Director, Southern Indian Health Council, Inc., 4058 Willow Road, Alpine, California 91903, Phone: (619) 445–1188, Fax: (619) 445–0765, E-mail: n/a, Pacific Region

Mission (see Chemehuevi/Luiseno)

Twenty-Nine Palms Band of Mission Indians, Executive Director, Indian Child & Family Services, P.O. Box 2269, Temecula, California 92590, Phone: (951) 676–8832, Fax: (951) 676–3950, E-mail: n/a, Pacific Region

Mission (see Diegueno)

Viejas (Baron Long) Band of Mission Indians, Charity White-Voth, Kumeyaay Family Services Director, Southern Indian Health Council, Inc., 4058 Willow Road, Alpine, California 91903, Phone: (619) 445–1188, Fax: (619) 445–0765, E-mail: n/a, Pacific Region

Miwok (see Me-Wok/Maidu)

Auburn Rancheria, Chairperson, United Auburn Indian Community, 10720 Indian Hill Road, Auburn, California 95603, Phone: (916) 663–3720, Fax: (530) 823–8709, E-mail: n/a, Pacific Region

Miwok (see Me-Wok/Pomo)

Buena Vista Rancheria of Me-Wuk Indians, Penny Arciniaga, Tribal Member Services, 1418 20th Street, Suite 200, Sacramento, California 95811, Phone: (916) 491–0011 x 10, Fax: (916) 491–0012, E-mail: *penny@buenavistatribe.com,* Pacific RegionPacific Region

Miwok (see Me-Wok)

California Valley Miwok Tribe, Rashel Reznor, ICWA Coordinator, 10601 N. Escondido Pl., Stockton, CA 95212, Phone: (209) 931–4567, Fax: (209) 931–4333, E-mail: *icwa@californiavalleymiwoktribe-nsn.gov,* Pacific Region

Miwok (see Me-Wuk)

Cher-Ae Heights Indian Community of the Trinidad Rancheria, Amy Atkins, ICWA Representative, P.O. Box 630, Trinidad, California 95570, Phone: (707) 677–0211, Fax: (707) 677–3921, E-mail: *aatkins@trinidadrancheria.com,* Pacific Region

Miwok (see Me-Wok)

Chicken Ranch Rancheria of Me-Wuk Indians, Jan Costa, Tribal Administrator, P.O. Box 1159, Jamestown, California 95327, Phone: (209) 984–4806, Fax: (209) 984–5606, E-mail: *chixrnch@mlode.com,* Pacific Region

Miwok (see Me-Wok/Maidu)

Enterprise Rancheria, Shari Ghalayini, ICWA Coordinator, 2133 Monte Vista Ave., Oroville, California 95966, Phone: (530) 532–9214, Fax: (530) 532–1768, E-mail: *sharig@*

enterpriserancheria.org, Pacific Region

Miwok (see Me-Wok/Pomo)

Federated Indians—Graton Rancheria, Michele Porter, Social Sevices, 6400 Redwood Drive, Suite 104, Rohnert Park, California 94928, Phone: (707) 566–2288, Fax: (707) 566–2291 or 206–0351, E-mail: *mporter@gratonrancheria.com,* Pacific Region

Miwok (see Me-Wok)

Ione Band of Miwok Indians, Pamela Baumgartner, Administrator, P.O. Box 699, Plymouth, California 95669, Phone: (209) 245–5800, Fax: (209) 245–3112, E-mail: *pam@ionemiwok.org,* Pacific Region

Jackson Rancheria, Kimberly Heffron, Tribal Secretary, P.O. Box 1090, Jackson, California 95642, Phone: (209) 223–1935, Fax: (209) 223–5366, E-mail: *kheffron@jacksonrancheria-nsn.gov,* Pacific Region

Shingle Springs Band of Miwok Indians (Shingle Springs Rancheria), Malissa Tayaba, Director, Social Services, P.O. Box 1340, Shingle Springs, California 95682, Phone: (530) 698–1400 or (530) 698–1436, Fax: (530) 676–8033, E-mail: *mtayaba@ssband.org,* Pacific Region

Tuolumne Band of Me-wuk Indians, Lisa Ames, Social Services Department Manager, P.O. Box 615, Tuolumne, California 95379, Phone: (209) 928–5300, Fax: (209) 928–1552, E-mail: *lisa@mewuk.com,* Pacific Region

Wilton Rancheria, Chairperson, 9300 West Stockton Blvd. Ste., 205 Elk Grove, California 95758, Telephone: (916) 683–6000, Fax: (916) 683–6015, E-mail: n/a, Pacific Region

Modoc (see Klamath/Yahooskin)

The Klamath Tribe, Misty Barney, Child Welfare Manager, Candi Crume, Child Protective Specialist, Jim Collins, ICW Specialist, Lisa Ruiz, Child Welfare Caseworker, P.O. Box 436, Chiloquin, Oregon 97624, Phone: (541) 783–2219, Misty Barnes Cell: (541) 891–9584, Candi Crume Cell: (541) 891–7289, Jim Collins Cell: (541) 891–6683, Lisa Ruiz (541) 891–1457, Fax: (541) 783–7783, E-mail: *Misty.barney@klamathtribes.com; Candi.kirk@klamathtribes.com; jim.collins@klamathtribes.com; Lisa.ruiz@klamathtribes.com,* Northwest Region

Modoc (see Klamath)

Modoc Tribe of Oklahoma, Troy Little Axe, Assistant Tribal Administrator, 418 G SE, Miami, Oklahoma 74354, Phone: (918) 542–1190, Fax: (918) 542–5415, E-mail: n/a, Eastern Oklahoma Region

Mohawk (see Iroquois)

Saint Regis Mohawk Tribe, Clarissa Chatland, ICWA Program Coordinator, 412 State, Route 37, Akwesasne, New York 13655, Phone: (518) 358–4516, Fax: (518) 358–9258, E-mail: *clarissa.terrance-chatland@SRMT-nsn.gov,* Eastern Region

Mohegan

Mohegan Indian Tribe, Irene Miller, APRN, Director, Family Services, 5 Crow Hill Road, Uncasville, Connecticut 06382, Phone: (860) 862–6236, E-mail: n/a, Eastern Region

Mohican (see Munsee)

Stockbridge Munsee Community, Stephanie Bowman, ICWA Manager, Stockbridge Munsee Health and Wellness Center, W12802 County A, Bowler, Wisconsin 54416, Phone: (715) 793–4580, Fax: (715) 793–1312, E-mail: *stephanie.bowman@mohican.com,* Midwest Region

Mojave (see Chemehuevi/Hopi/Colorado River/Navajo)

Colorado River Indian Tribes, Norma Gonzales, Foster Care Coordinator/Case Manager, 12302 Kennedy Drive, Parker, Arizona 85344, Phone: (928) 669–8187, Fax: (928) 669–8881, E-mail: *norma.gonzales@critdhs.org,* Western Region

Mojave

Fort Mojave Indian Tribe, Attention: Social Services Director, 500 Merriman Avenue, Needles, California 92363, Phone: (760) 629–3745, E-mail: n/a, Western Region

Mono

Big Sandy Rancheria Band of Western Mono Indians, Dorothy Barton, MSW, ICWA/Social Services Coordinator, P.O. Box 337, Auberrry, California 93602, Phone: (559) 855–4003 Ext: 215, Fax: (559) 855–4640, E-mail: *dbarton@bsrnation.com,* Pacific Region

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North Fork Rancheria of Mono Indians of California, Judy E. Fink, Tribal Chairperson, P.O. Box 929, North Fork, California 93643, Phone: (559) 877–2484, Fax: (559) 877–2467, E-mail: *efink@northforkrancheria-nsn.gov,* Pacific Region

Mono (see Yokut)

Tule River Reservation, Lolita Garfield, MSW, Director Family Social Services, 340 North Reservation Road, Porterville, California 93258, Phone: (559) 781–4271 ext: 1013, Fax: (559) 791–2122, E-mail: *icwadir@tulerivertribe-nsn.gov,* Pacific Region

Muckleshoot

Muckleshoot Indian Tribe, Sharon Hamilton-Curley, Human Services Division Director, 39015 172nd Avenue, SE, Auburn, Washington 98092, Phone: (253) 876–3155, Fax: (253) 876–2855, E-mail: *Sharon.curley@muckleshoot.nsn.us,* Northwest Region

Munsee (see Delaware/Lenapi)

Delaware Nation, Lydia Ramirez, ICW Director, P.O. Box 825, Anadarko, Oklahoma 73005, Phone: (405) 247–2448 Ext: 1152, Fax: (405) 247–5942, E-mail: *lramirez@delawarenation.com,* Southern Plains Region

Munsee (see Mohican)

Stockbridge Munsee Community, Stephanie Bowman, ICWA Manager, Stockbridge Munsee Health and Wellness Center, W12802 County A, Bowler, Wisconsin 54416, Phone: (715) 793–4580, Fax: (715) 793–1312, E-mail: *stephanie.bowman@mohican.com,* Midwest Region

Narragansett

Narragansett Tribe of Rhode Island, Wenoah Harris, Director, Tribal Child and Family Services, 4375B South County Trail, P.O. Box 268, Charlestown, Rhode Island 02813, Phone: (401) 364–1100 ext: 233, Cell: (401) 862–8863, Fax: (401) 364–1104, E-mail: *Wenonah@nithpo.com,* Eastern Region

Navajo (see Chemehuevi/Hopi/Colorado River/Mojave)

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Navajo

Navajo Nation, Regina Yazzie M.S.W., Program Director, Navajo Children and Family Services (ICWA), P.O. Box 1930, Window Rock, Arizona 86515, Phone: (928) 871–6806, Fax: (928) 871–7667, E-mail: *reginayazzie@nndss.org,* Navajo Region

Ramah Navajo School Board, Inc., Ms. Marlene Martinez, Administrative

Services Director, P.O. Box 10, Pine Hill, New Mexico 87357, Phone; (505) 775–3256, Fax: (505) 775–3240, E-mail: *marlene@rnsb.k12.nm.us,* Navajo Region

Nez Perce

Nez Perce Tribe, Janet Bennett, ICWA Caseworker, P.O. Box 365, Lapwai, Idaho 83540, Phone: (208) 843–2463, Fax: (208) 843–9401, Northwest Region

Nisqually

Nisqually Indian Community, Raymond Howell, ICWA Contact, 4820 She-Nah-Num Drive, SE., Olympia, Washington 98513, Phone: (360) 456–5221, Fax: (360) 407–0017, E-mail: n/a, Northwest Region

Nomlaki (see Wintun)

Cortina Rancheria, (Cortina Indian Rancheria), Charlie Wright, Tribal Chairman, 570 6th Street, Williams, California 95987, Phone: (530) 473–3274, Fax: (530) 473–3301, E-mail: n/a, Pacific Region

Paskenta Band of Nomlaki Indians, Ines Crosby, Tribal Administrator, P.O. Box 398, Orland, California 95963, Phone: (530) 865–2010, Fax: (530) 865–1870, E-mail: *office@paskenta.org,* Pacific Region

Nomlaki (see Pit River/Pomo/Wintun/Wailaki/Yuki)

Round Valley Indian Tribes, Cynthia Card, ICWA Director, 77826 Covelo Road, Covelo, California 95428, Phone: (707) 983–8008, Fax: (707) 983–6128, E-mail: *ccard@rvit.org,* Pacific Region

Nooksack

Nooksack Indian Tribe, Bernadine Roberts, ICW Program Manager, 5061 Deming Road, Deming, Washington 98244, Phone: (360) 306–5090, Fax: (360) 306–5099, E-mail: *broberts@nooksack-nsn.gov,* Northwest Region

Odawa

Little Traverse Bay Band of Odawa Indians, Denneen Smith, Human Services Director, 7500 Odawa Circle, Harbor Springs, Michigan 49740, Phone: (213) 242–1620, Fax: (213) 242–1635, E-mail: n/a, Midwest Region

Ojibwe (see Chippewa)

Bad River Band of Lake Superior Chippewa, Esie Leoso-Corbine, ICWA Director, P.O. Box 55, Odanah, Wisconsin 54861, Phone: (715) 682–7135 Ext: 1414, Fax: (715) 685–7888, E-mail: *bricw@badriver-nsn.gov,* Midwest Region

Leech Lake Band of Ojibwe, Tammie Finn, Child Welfare Director, 115 Sixth Street NW, Suite E, Cass Lake, Minnesota 56633, Phone: (218) 335–8240, Fax: (218) 335–3779, E-mail: *tamie.finn@llojibwe.com,* Midwest Region

Mille Lacs Band of Ojibwe, Ryan Champagne, Director of Family Services, MilleLacs Band Government Center, 43408 Oodena Drive, Onamia, Minnesota 56359, Phone: (320) 532–7776 Ext: 7762, Fax: (320) 532–7583, E-mail: *ryan.champagne@millelacsband.com,* Midwest Region

St. Croix Tribe of Wisconsin, Donna Churchill, Director, 24663 Angeline Avenue, Webster, Wisconsin 54893, Phone: (715) 349–2195, Fax: (715) 349–8665, E-mail: *donnac@stcroixtribalcenter.com,* Midwest Region

Omaha

Omaha Tribe of Nebraska, Merry Sheridan, ICWA Director, Child Protection Services, P.O. Box 500, Macy, Nebraska 68039, Phone: (402) 837–5261, Fax: (402) 837–5263, E-mail: n/a, Great Plains Region

Oneida

Oneida Tribe of Indians of Wisconsin, Rhonda Tousey, Assistant Director, Children and Family Services, P.O. Box 365, Oneida, Wisconsin 54155, Phone: (920) 490–3724, Fax: (920) 490–3820, E-mail: *rtousey@oneidanation.org,* Midwest Region

Oneida (see Iroquois)

Oneida Indian Nation, Kim Jacobs, Nation Clerk, Box 1, Vernon, New York 13476, Phone: (315) 829–8337, Fax: (315) 829–8392, E-mail: *kjacobs@oneida.nation.org,* Eastern Region

Onondaga (see Iroquois)

Onondaga Nation of New York, Council of Chiefs, P.O. Box 85, Nedrow, New York 13120, Phone: (315) 469–9196, Fax: (315) 492–4822, E-mail: n/a, Eastern Region

Osage

Osage Nation, Lee Collins, Director Osage Nation Social Services, 255 Senior Drive, Pawhuska, Oklahoma 74056, Phone: (918) 287–5335, Fax: (918) 287–5231, E-mail: *lcollins@osagetribe.org,* Eastern Oklahoma Region

Otoe

Otoe-Missouria Indian Tribe of Oklahoma, Ada Mohojah, Social Services Director, 8151 Highway 177, Red Rock, Oklahoma 74651, Phone: (580) 723–4466 Ext: 256, Cell: (580) 307–7303, Fax: (580) 723–1016, E-mail: *amehojah@omtribe.org,* Southern Plains Region

Ottawa (see Chippewa/Peshawbestown)

Grand Traverse Band of Ottawa and Chippewa Indians, Helen Cook, Anishinaabek Family Services Supervisor, 2605 N. West Bay Shore Drive, Peshawbestown, Michigan 49682–9275, Phone: (231) 534–7681, Fax: (231) 534–7706, E-mail: *helen.cook@gtbindians.com,* Midwest Region

Ottawa

Little River Band of Ottawa Indians, Inc. Eugene Zeller, Tribal Prosecutor, 3031 Domres Road, Manistee, Michigan 49660, Phone: (231) 398–3384, Fax: (231) 398–3387, E-mail: *gzeller@lrboi.com,* Midwest Region

Ottawa Tribe of Oklahoma, Roy A. Ross, Social Service/CPS Director, P.O. Box 110, Miami, Oklahoma 74355, Phone: (918) 540–1536, Fax: (918) 542–3214, E-mail: n/a, Eastern Oklahoma Region

Paiute (see Shoshone)

Big Pine Paiute Tribe, Cyndie Summers, ICWA Representative, P.O. Box 700, Big Pine, California 93513, Phone: (760) 938–2003, Fax: (760) 938–2942, E-mail: *c.summers@bigpinepaiute.org,* Pacific Region

Bishop Paiute Tribe, Margaret Romero, ICWA Specialist, 50 Tu Su Lane, Bishop, California 93514, Phone: (760) 873–3584, Fax: (760) 873–4143, E-mail: *Margaret.romero@bishoppaiute.org,* Pacific Region

Paiute

Bridgeport Indian Colony, Christy Robles, Tribal Administrator, P.O. Box 37, Bridgeport, California 93517, Phone: (760) 932–7083, Fax: (760) 932–7846, E-mail: *admin@bridgeportindiancolony.com,* Pacific Region

Burns Paiute Tribe, Michelle Bradach, Social Service Director, 100 Pasigo Street, Burns, Oregon 97720, Phone: (541) 573–7312 Ext: 230, Fax: (541) 573–4217, E-mail: *bradachma@burnspaiute-nsn.gov,* Northwest Region

Cedarville Rancheria, Duanna Knighton, Tribal Administrator, 300 West First Street, Alturas, California 96101, Phone: (530) 223–3969, Fax: (530) 223–4776, E-mail: *cedranch@citlink.net,* Pacific Region

Paiute (see Warm Springs/Wasco/Washoe)

Confederated Tribes of Warm Springs Reservation, Warms Springs Tribal Court, Chief Judge Lola Sohappy,

ICWA Contact, P.O. Box 850, Warm Springs, Oregon 97761, Phone; (541) 553–3454, Fax: (541) 553–3281, E-mail: n/a, Northwest Region

Paiute (see Shoshone)

Fallon Paiute Shoshone Tribe, Fallon Business Council, Alvin Moyle, Chairman, Youth & Family Services, 565 Rio Vista Drive, Fallon, Nevada 89406, Phone: (775) 423–1215, Fax: (775) 423–5202, E-mail: n/a, Western Region

Paiute

Fort Bidwell Indian Community, Mariellen Sam, ICWA Representative/Enrollment Officer, P.O. Box 129, Fort Bidwell, California 96112, Phone: (530) 279–6310, Fax: (530) 279–2233, E-mail: n/a, Pacific Region

Fort Independence Paiute Tribe, Israel Naylor, Chairman, P.O. Box 67, Independence, California 93526, Phone: (760) 878–5160, Fax: (760) 878–2311, E-mail: *israel@fortindependence.com,* Pacific Region

Paiute (see Shoshone)

Ft. McDermitt Paiute-Shoshone Tribes, Dee Crutcher, ICWA Advocate-Human Services Program, P.O. Box 68, McDermitt, Nevada 89421, Phone: (775) 532–8263, Fax: (775) 532–8060, E-mail: *deecrutcher@gmail.com,* Western Region

Paiute

Kaibab Band of Paiute Indians, Wendy Reber—Social Services, Lisa Stanfield—Secretary, Lorraine Benn—Enrollment, HC 65–Box 2, Fredonia, Arizona 86022, Phone: (928) 643–8320 (Wendy), (928) 643–8336 (Lisa), (928) 643–8321 (Lorraine), Fax: (928) 643–7245, E-mail: *wreber@kaibabpaiute-nsn.gov; lstanfield@kaibabpaiute-nsn.gov; lbenn@kaibabpaiute-nsn.gov,* Western Region

Las Vegas Paiute Tribe, Ruth Fite-Patrick, Social Service Caseworker, 1257 Paiute Circle, Las Vegas, Nevada 89106, Phone: (702) 382–0784 Ext: 2236, Fax: (702) 384–5272, E-mail: *rfitepatrick@lvpaiute.com,* Western Region

Paiute (see Shoshone)

Lone Pine Paiute Shoshone Reservation, Kathy Bancroft, Enrollment Committee Chairperson, P.O. Box 747, Lone Pine, California 96545, Phone: (760) 876–1034, Fax: (760) 876–8302, E-mail: n/a, Pacific Region

Paiute

Lovelock Paiute Tribe, Debbie George, ICWA Worker, Samualla L. Pry, MSW, ICWA Supervisor, P.O. Box 878, 201 Bowean Street, Lovelock, Nevada 89419, Phone: (775) 273–7861, Fax: (775) 273–5151, E-mail: n/a, Western Region

Moapa Band of Paiutes, Dawn M. Bruce, Social Services Director, P.O. box 340, Moapa, Nevada 89025, Phone: (702) 371–3685, Fax: (702) 864–0408, E-mail: *dawn702@mvdsl.com,* Western Region

Paiute (see Shoshone)

Northwestern Band of Shoshoni Nation, Lawrence Honena, ICWA Contact, 427 North Main, Suite 101, Pcatello, Idaho 83204, Phone: (208) 478–5712, Fax: (208) 478–5713, E-mail: n/a, Northwest Region

Paiute

Paiute Indian Tribe of Utah, Tyler Goddard, Executive Director, Behavioral Care Department, 440 North Paiute Drive, Cedar City, Utah 84721, Phone: (435) 586–1112 Ext: 310, Fax: (435) 586–7388, E-mail: *tyler.goddard@ihs.gov,* Western Region

Pyramid Lake Paiute Tribe, Chairperson, P.O. Box 256, Nixon, Nevada 89424, Phone: (775) 574–1000, E-mail: n/a, Western Region

Paiute (see Shoshone/Washoe)

Reno-Sparks Indian Colony, Jane Smith, Human Services Assistant, 405 Golden Lane, Reno, Nevada 89502, Phone: (775) 329–5071, Fax: (775) 785–8758, E-mail: *jsmith@rsic.org,* Western Region

Paiute

San Juan Southern Paiute Tribe, Gwendolyn Adakai, Social Worker, P.O. Box 720, St. George, UT 84771, Phone: (435) 674–9720, Fax: (435) 674–9714, E-mail: *gwendolyn.adakai@bia.gov,* Western Region

Paiute (see Shoshone)

Shoshone-Paiute Tribes, Carol Jones, Assistant Administrator, P.O. Box 219, Owyhee, Nevada 89832, Phone: (208) 759–3100, Fax: (208) 759–3104, E-mail: *jones.carol@shopai.org,* Western Region

Paiute

Summit Lake Paiute Tribe, Ron Johnny, Acting Administrator, 1708 H Street, Sparks, Nevada 89431, (775) 827–9670, (775) 827–9678, E-mail: *ron.johnny@summitlaketribe.org,* Western Region

Paiute (see Maidu/Pit River)

Susanville Rancheria, Chairperson, ICWA Director, 745 Joaquin Street, Susanville, California 96130, Phone: (530) 257–6264, Fax: (530) 257–7986, E-mail: n/a, Pacific Region

Paiute (see Shoshone)

Timbi-sha Shoshone Tribe, As of date there is no recognized government for this federally recognized tribe, Pacific Region

Paiute

Utu Utu Gwaitu Paiute Tribe, Adora L. Saulque, Vice-Chairperson, 25669 Hwy 6 PMB I, Benton, California 93512, Phone: (760) 933–2321, Fax: (760) 933–2412, E-mail: *bentonpaiutetribe@hughes.net, adorasaulque@hughes.net,* Pacific Region

Walker River Paiute Tribe, Elliott Aguilar, ICWA Specialist, P.O. Box 146, Schurz, Nevada 89427, Phone: (775) 773–2058 Ext: 11, E-mail: n/a, Western Region

Paiute (see Shoshone)

Winnemucca Tribe, Chairman, P.O. Box 1370, Winnemucca, Nevada 89446, E-mail: n/a, Western Region

Paiute

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Papago

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Papago (see Tohono O'odham)

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Peshawbestown (see Chippewa/Ottawa)

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Pima (see Maricopa)

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Pit River

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Pit River (see Wintun/Yana)

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Pit River (see Nomlaki/Pomo/Wailaki, Wintun/Yuki)

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Pomo

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Pomo (see Me-Wuk/Miwok)

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Potawatomi

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Pueblo

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Shoshone (see Paiute)

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Shoshone (see Paiute)

Fallon Paiute Shoshone Tribe, Fallon Business Council, Alvin Moyle, Chairman, Youth & Family Services, 565 Rio Vista Drive, Fallon, Nevada 89406, Phone: (775) 423–1215, Fax: (775) 423–5202, E-mail: n/a, Western Region

Ft. McDermitt Paiute-Shoshone Tribes, Dee Crutcher, ICWA Advocate-Human Services Program, P.O. Box 68, McDermitt, Nevada 89421, Phone: (775) 532–8263, Fax: (775) 532–8060, E-mail: *deecrutcher@gmail.com,* Western Region

Lone Pine Paiute Shoshone Reservation, Kathy Bancroft, Enrollment Committee Chairperson, P.O. Box 747, Lone Pine, California 96545, Phone: (760) 876–1034, Fax: (760) 876–8302, E-mail: n/a, Pacific Region

Northwestern Band of Shoshoni Nation, Lawrence Honena, ICWA Contact, 427 North Main, Suite 101, Pcatello, Idaho 83204, Phone: (208) 478–5712, Fax: (208) 478–5713, E-mail: n/a, Northwest Region

Shoshone (see Paiute/Washoe)

Reno-Sparks Indian Colony, Jane Smith, Human Services Assistant, 405 Golden Lane, Reno, Nevada 89502, Phone: (775) 329–5071, Fax: (775) 785–8758, E-mail: *jsmith@rsic.org,* Western Region

Shoshone (see Shoshone-Bannock)

Shoshone Bannock Tribe, Brandelle Whitworth, Tribal Attorney, P.O. Box 306, Fort Hall, Idaho 83203, Phone: (208) 478–3923, Fax: (208) 237–9736, E-mail: n/a, Northwest Region

Shoshone (see Paiute)

Shoshone-Paiute Tribes, Carol Jones, Assistant Administrator, P.O. Box 219, Owyhee, Nevada 89832, Phone: (208) 759–3100, Fax: (208) 759–3104, E-mail: *jones.carol@shopai.org,* Western Region

Shoshone

South Fork Band, Karen McDade, Director—Human Services, 21 Lee, B–13, Spring Creek, Nevada 89815, Phone: (775) 744–2412, Fax: (775) 744–2306, E-mail: n/a, Western Region

Te-Moak Tribe of Western Shoshone Indians, Marlene Dick, ICWA Coordinator/Acting Social Worker, 1745 Silver Eagle Drive, Elko, NV 89801, Phone: (775) 738–9310, Fax: (775) 778–3397, E-mail: n/a, Western Region

Shoshone (see Paiute)

Timbi-sha Shoshone Tribe, As of date there is no recognized government for this federally recognized tribe, Pacific Region

Shoshone

Wells Band Council, Paula Salazar, Chairwoman, P.O. Box 809, Wells, Nevada 89835, Phone: (775) 752–3045, Fax: (775) 752–2179, E-mail: n/a, Western Region

Shoshone (see Paiute)

Winnemucca Tribe, Chairman, P.O. Box 1370, Winnemucca, Nevada 89446, E-mail: n/a, Western Region

Shoshone (see Yomba)

Yomba Shoshone Tribe, Elisha A. Mockerman, Eligibility Worker, HC 61 Box 6275, Austin, Nevada 89310, Phone: (775) 964–2463 Ext: 107, Fax: (775) 964–1352, E-mail: *emockerman@yombatribe.org,* Western Region

Shoshone-Bannock (see Shoshone)

Shoshone Bannock Tribe, Brandelle Whitworth, Tribal Attorney, P.O. Box 306, Fort Hall, Idaho 83203, Phone: (208) 478–3923, Fax: (208) 237–9736, E-mail: n/a, Northwest Region

Siletz (see Grand Ronde/Shasta)

Confederated Tribes of the Grande Ronde Community of Oregon, Dana Ainma, ICWA Contact, 9615 Grand Ronde Road, Grand Ronde, Oregon

97347–0038, Phone: (503) 879–2034, Fax: (503) 879–2142, E-mail: n/a, Northwest Region

Siletz

Confederated Tribes of Siletz Indians, Cathern Tufts, Staff Attorney, P.O. Box 549, Siletz, Oregon 97380, Phone: (541) 444–8211, Fax; (541) 444–2307, E-mail: *cathernt@ctsi.nsn.us,* Northwest Region

Sioux (see Assiniboine)

Assiniboine and Sioux Tribes, Chairman, Fort Beck Indian Reservation, P.O. Box 1027, Popular, Montana 59255, Phone: (406) 768–5155, E-mail: n/a, Rocky Mountain Region

Sioux

Cheyenne River Sioux Tribe, Dianne Garreaux, ICWA Director, P.O. Box 590, Eagle Butte, South Dakota 57625, Phone: (605) 964–6460/6462, Fax: (605) 964–6463, E-mail: n/a, Great Plains Region

Crow Creek Sioux Tribe, Dave Valandra, ICWA Specialist, P.O. Box 139, Fort Thompson, South Dakota 57339, Phone: (605) 245–2322, Fax: (605) 245–2343, E-mail: *david.valandra@bia.gov,* Great Plains Region

Flandreau Santee Sioux Tribe, Celeste Honomichl, ICWA Adminstrator, Flandreau Santee Sioux Tribal Social Services, P.O. Box 283, Flandreau, South Dakota 57028, Phone: (605) 997–5055, Fax: (605) 997–3694, E-mail: n/a, Great Plains Region

Lower Brule Sioux Tribe, Greg Miller, LBST Counseling Service Director, 187 Oyate Circle, Lower Brule, South Dakota 57528, Phone: (605) 473–5584, Fax: (605) 473–8051, E-mail: *greg.miller@lbst.org,* Great Plains Region

Lower Sioux, Linette Tellinghuisen, ICWA Advocate, 39527 Res Highway 1, Morton, Minnesota 56270, Phone: (507) 697–9108, Fax: (507) 697–9111, E-mail: *ltellinghuisen@lowersioux.com,* Midwest Region

Oglala Sioux Tribe, Juanita Sherick, ICWA Administrator, Oglala Sioux Tribe—ONTRAC, P.O. Box 2080, Pine Ridge, South Dakota 57770, Phone: (605) 867–5805, Rapid City Office: (605) 791–2267, Fax: (605) 867–1893, E-mail: n/a, Great Plains Region

Prairie Island Indian Community Mdewakanton Dakota Sioux of Minnesota, Nancy Anderson, Family Services Manager, 5636 Sturgeon Lake Road, Welch, Minnesota 55089, Phone: (651) 385–4185, Fax: (651) 385–4183, E-mail: *nanderson@piic.org,* Midwest Region

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Shakopee Mdewakanton Sioux Community, ICWA Representative, 2330 Sioux Trail NW., Prior Lake, Minnesota 55372, Phone: (952) 445–8900 or (952) 496–6112, Fax: (952) 455–8906, E-mail: n/a, Midwest Region

Sisseton-Wahpeton Oyate, Evelyn Pilcher, ICWA Director, P.O. Box 509, Agency Village, South Dakota 57262, Phone: (605) 698–3992, Fax: (605) 698–3999, E-mail: *evelynp@state.sd.us,* Great Plains Region

Spirit Lake Tribe, ICWA Director (Vacant), P.O. Box 356, Fort Totten, North Dakota 58335, Phone: (701) 766–4855, Fax: (701) 766–4273, E-mail: n/a, Great Plains Region

Standing Rock Sioux Tribe, Rose Mendoza, ICWA Specialist, P.O. Box 526, Fort Yates, North Dakota 58538, Phone: (701) 854–3095, Fax: (701) 854–5575, E-mail: n/a, Great Plains Region

Upper Sioux Community, Tanya Ross, ICWA Manager, P.O. Box 147, 5744 Hwy, 67 East, Granite Falls, Minnesota 56241, Phone: (320) 564–6315, Fax: (320) 564–2550, E-mail: *tanya@uppersiouxcommunity-nsn.gov,* Midwest Region

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S'Kllalam

Jamestown S'Kllalam Tribal Council, Liz Mueller, ICWA Specialist, 1033 Old Blyn Hwy, Squim, Washington 98382, Phone: (360) 681–4628, Fax: (360) 681–3402, E-mail: n/a, Northwest Region

Lower Elwha Tribal Community Council, Patricia Elofson, ICWA Contact, 2851 Lower Elwha Road, Port Angeles, Washington 98363–9518, Phone: (360) 452–8471, Fax: (360) 457–8429, E-mail: n/a, Northwest Region

Port Gamble S'Klallam, David Delmendo, ICWA Program Manager, 31912 Little Boston Road, NE., Kingston, Washington 98346, Phone: (360) 297–7623, Fax: (360) 297–9666, E-mail: *davidd@pgst.nsn.us,* Northwest Region

Skokomish

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Snoqualmie

Snoqualmie Tribe, Marie Ramirez, MSW, ICWA Contact, P.O. Box 280, Carnation, Washington 98014, Phone: (425) 333–5425, Fax: (425) 333–5428, E-mail: n/a, Northwest Region

Spokane

Spokane Tribe of Indians, Tawhnee Colvin, Program Manager/Case Manager, P.O. Box 540, Wellpinit, Washington 99040, Phone: (509) 258–7502, Fax: (509) 258–7029, E-mail: *tawhneec@spokanetribe.com,* Northwest Region

Squaxin

Squaxin Island Tribe, Donald Whitener, Tribal Administrator, 10 SE Squaxin Lane, Shelton, Washington 98584–9200, Phone: (360) 432–3900, Fax: (360) 426–6577, E-mail: *dwhitener@squaxin.us,* Northwest Region

Stillaguamish

Stillaguamish Tribe of Indians, Gloria Green, ICW Director, 17014 59th Ave NE., P.O. Box 3782, Arlington, Washington 98223, Phone: (360) 435–3985 Ext: 21, Fax: (360) 435–2867, E-mail: n/a, Northwest Region

Suquamish

Suquamish Tribe of the Port Madison Reservation, Dennis Deaton, ICWA Contact, P.O. Box 498, Suquamish, Washington 98392, Phone: (360) 394–8478, Fax: (360) 697–6774, E-mail: n/a, Northwest Region

Swinomish

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Tachi (see Yokut)

Santa Rosa Rancheria, Crystal Soto, Psy.D., Tribal Social Services Director, 16835 Alkali Drive, P.O. Box 8, Lemoore, California 93245, Phone: (559) 924–1278 Ext. 4020, Fax: (559) 925–2947, E-mail: *csoto@tachi-yokut.com,* Pacific Region

Three Affiliated Tribes (see Arikara/Hidatsa/Mandan)

Three Affiliated Tribes, (Mandan, Arikara & Hidatsa), Katherine Felix, ICWA Specialist, 404 Frontage Road, New Town, North Dakota 58763, Phone: (701) 627–4781, Fax: (701) 627–5550, E-mail: *kfelix@mhanation.com,* Great Plains Region

Tigua (see Pueblo)

Pueblo of Isleta, Caroline Dailey, Acting ICWA Director, P.O. Box 1270, Isleta, New Mexico 87022, Phone: (505) 869-2772, E-mail: n/a, Southwest Region

Tohono' O'Odham (see Papago)

Tohono O'Odham Nation, Jonathan L. Jantzen, Office of Attorney General, P.O. Box 830, Sells, Arizona 85634, Phone: (520) 383–3410, Fax: (520) 383–2689, E-mail: *jonathan.jantzen@tonation-nsn.gov,* Western Region

Tolowa (see Me-Wuk/Miwok)

Cher-Ae Heights Indian Community of the Trinidad Rancheria, Amy Atkins, ICWA Representative, P.O. Box 630, Trinidad, California 95570, Phone: (707) 677–0211, Fax: (707) 677–3921, E-mail: *aatkins@trinidadrancheria.com,* Pacific Region

Tolowa (see Karuk/Yurok)

Elk Valley Rancheria, Chairperson, 2332 Howland Hill Road, Crescent City, California 95531, Phone: (707) 464–4680, Fax: (707) 465–2638, E-mail: *evrlibrary@elk-valley.com,* Pacific Region

Tolowa

Smith River Rancheria, Dorothy Perry, Director—Community & Family Services, 110 W. First Street, Smith River, California 95567, Phone: (707) 487–9255, Fax: (707) 487–0137, E-mail: *dperry@tolowa.com,* Pacific Region

Tonawanda (see Iroquois/Seneca)

Tonawanda Band of Seneca, Roger Hill, Chief, Council of Chiefs, 7027 Meadville Road, Basom, New York 14013, Phone: (716) 542–4244, Fax: (716) 542–4008, E-mail: n/a, Eastern Region

Tonkawa

Tonkawa Tribe of Oklahoma, President, P.O. Box 70, Tonkawa, Oklahoma 74653, Phone: (580) 628–2561, E-mail: n/a, Southern Plains Region

Tulalip

Tulalip Tribe, Elishia Stewart, ICWA Contact, 6700 Totem Beach Road, Marysville, Washington 98271, Phone: (360) 651–3290, Fax: (360) 651–4742, E-mail: n/a, Northwest Region

Tunica-Biloxi

Tunica Biloxi Indian Tribe of Louisiana, Betty Pierite Logan, Registered Social Worker, P.O. Box 493, Marksville, Louisiana 71351, Telephone: (318) 240–6442, Fax: (318) 253–9791, E-mail: *blogan@tunica.org,* Eastern Region

Tuscarora (see Iroquois)

Tuscarora Nation of New York, Chief Leo Henry, Clerk, 206 Mount Hope Road, Lewistown, New York 14092, Phone: (716) 297–1148, Fax: (716) 297–7355, E-mail: n/a, Eastern Region

Umatilla

Confederated Tribes of the Umatilla Indian Reservation, M. Brent Leonhard, Deputy Attorney General, 46411 Timine Way, Pendleton, Oregon 97801, Phone: (541) 429–7406, Fax: (541) 429–7406, E-mail: *brentleonhard@ctuir.org,* Northwest Region

Umpqua

Cow Creek Band of Umpqua Tribe of Indians, Rhonda Malone, Human Services Director, 2371 NE Stephens Street, Roseburg, Oregon 97470, (541) 677–5575 ext: 5513, Fax: (541) 677–5574, E-mail: *rmalone@cowcreek.com,* Northwest Region

Umpqua & Siuslaw

Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians, Dottie Garcis, Family Services Coordinator, P.O. Box 3279, Coos Bay, Oregon 97420, Phone: (541) 888–3012 or Cell: (541) 297–0370, Fax: (541) 888–1027, E-mail: *dcarcia@ctclusi.org,* Northwest Region

Upper Skagit

Upper Skagit Indian Tribe of Washington, Felice Keegahn, Indian Child Welfare Coordinator, 2284 Community Plaza Way, Sedro Woolley, Washington 98284, Phone: (360) 854–7077, Fax: (360) 854–7125, E-mail: *felicek@upperskagit.com,* Northwest Region

Ute

Southern Ute Indian Tribe, Jerri Sindelar, ICWA Caseworker II, Peg Rogers, ICWA Case Attorney, MS 40, P.O. Box 737, Ignacio, Colorado 81137, Phone: (970) 769–2920/(970) 563–4738, Fax: (970) 563–0334, E-mail: *jsindelar@southern-ute.nsn.us,* Southwest Region

Ute Indian Tribe, Floyd Wyasket, Social Service Director, Box 190 or Box 736, Fort Duschesne, Utah 84026, Phone: (435) 725–4026 or (435) 823–0141, Fax: (435) 722–5030, E-mail: *floydw@utetribe.com,* Western Region

Ute Mountain Ute Tribe, Cole McKinney, Acting Director CPS/CW, P.O. Box 309, Towaoc, Colorado 81334, Phone: (970) 564–5307, Fax: (970) 564–5300, E-mail: *cmckinney@utemountain.org,* Southwest Region

Wailaki (see Wintun)

Grindstone Indian Rancheria, Aaston Bill, ICWA officer, P.O. Box 63, Elk Creek, California 95939, Phone: (530) 968–5365, Cell: (530) 519–6552, Fax: (530) 968–5366, E-mail: n/a, Pacific Region

Wailaki (see Nomlaki/Pit River/Pomo/Wintun/Yuki)

Round Valley Indian Tribes, Cynthia Card, ICWA Director, 77826 Covelo Road, Covelo, California 95428, Phone: (707) 983–8008, Fax: (707) 983–6128, E-mail: *ccard@rvit.org,* Pacific Region

Wailaki (see Pomo)

Scotts Valley Band of Pomo Indians, Sharon Warner, ICWA Rep/Health Department Manager, Health and Social Services, 301 Industrial Avenue, Lakeport, California 95453, Phone: (707) 263–4220 ext: 409, Fax: (707) 263–4345, E-mail: *swarner@svpomo.org,* Pacific Region

Sherwood Valley Rancheria, Scarlett Carmona, Tribal Administrator, 190 Sherwood Hill Drive, Willits, California 95490, Phone: (707) 459–9690, Fax: (707) 459–6936, E-mail: *svradministrator@sbcglobal.net,* Pacific Region

Wampanoag

Mashpee Wampanoag Tribe, Yvonne Avant, Councilwoman, Human and Social Services Liaison, 483 Great Neck Road South, Mashpee, MA 02649, Phone: (508) 419–6017 Ext: 1, Cell: (774) 238–8388, Fax: (508) 477–0508, E-mail: *yavant@mwtribe.com,* Eastern Region

Wampanoag Tribe of Gay Head (Aquinnah), Bonnie Chalifoux, Director of Human Services, 20 Black Brook Road, Aquinnah, Massachusetts 02535, Phone: (508) 645–9265 Ext: 133, Fax: (508) 645–2755, E-mail: *bonnie@wampanoagtribe.net,* Eastern Region

Warm Springs (see Paiute/Wasco/Washoe)

Confederated Tribes of Warm Springs Reservation, Warms Springs Tribal Court, Chief Judge Lola Sohappy, ICWA Contact, P.O. Box 850, Warm

Springs, Oregon 97761, Phone; (541) 553–3454, Fax: (541) 553–3281, E-mail: n/a, Northwest Region

Wasco (see Paiute/Warm Springs/Washoe)

Confederated Tribes of Warm Springs Reservation, Warms Springs Tribal Court, Chief Judge Lola Sohappy, ICWA Contact, P.O. Box 850, Warm Springs, Oregon 97761, Phone; (541) 553–3454, Fax: (541) 553–3281, E-mail: n/a, Northwest Region

Washoe (see Paiute/Warm Springs/Wasco)

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Washoe (see Paiute/Shoshone)

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Washoe

Washoe Tribe of Nevada and California, Paula White, Social Services Director, 919 HWY. 395 South, Gardnerville, Nevada 89410, Phone: (775) 265–7024, Fax: (775) 265–4593, E-mail: n/a, Western Region

Wichita

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Winnebago (see Ho-Chunk)

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Winnebago

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Wintun

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Wintun (see Nomlaki)

Cortina Rancheria, (Cortina Indian Rancheria), Charlie Wright, Tribal Chairman, 570 6th Street, Williams, California 95987, Phone: (530) 473–3274, Fax: (530) 473–3301, E-mail: n/a, Pacific Region

Wintun (see Wailaki)

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Wintun (see Nomlaki)

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Wintun (see Pit River/Yana)

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Wintun (see Pit River/Pomo/Wailaki/Nomlaki/Yuki)

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Wintun

Yocha Dehe Wintun Nation Rumsey Rancheria, Leland Kinter—Tribal Secretary, P.O. Box 18, Brooks, California 95606, Phone: (530) 796–3400, Fax: (530) 796–2143, E-mail: *tbrady@yochadehe-nsn.gov,* Pacific Region

Wiyot

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Wiyot (see Huron)

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Wiyot

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Wyandotte (see Huron)

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Yahooskin (see Klamath/Modoc)

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Yana (see Pit River/Wintun)

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Yakama

Confederated Tribes & Bands of the, Yakama Nation, David Lees, Esq., P.O. Box 1190, Toppenish, Washington 98948, Phone: (509) 865–5121 Ext: 4558, Fax: (509) 865–7078, E-mail: *lees@yakama.com,* Northwest Region

Yaqui

Pascua Yaqui Tribe, Tamara Walters, Assisstant Attorney General, 4725 West Calle Tetakusim, Bldg. B, Tucson, Arizona 85757, Phone: (520) 883–5108, Fax: (520) 883–5084, E-mail: *tamara.walters@pascuayaqui-nsn.gov,* Western Region

Yavapai

Fort McDowell Yavapai Nation, James Esquirell, Wassaja Family Services CPS/ICWA Coordinator, P.O. Box 17779, Fountain Hills, Arizona 85268, Phone: (480) 789–7820, Fax: (480) 837–4809, E-mail: *jesquirell@ftmcdowell.org,* Western Region

Yavapai (see Apache)

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Yavapai

Yavapai-Prescott Indian Tribe, Elsie Watchman, Family Support Supervisor, 530 East Merritt, Prescott, Arizona 86301, Phone: (928) 515–7351, Fax: (928) 541–7945, E-mail: *ewatchman@ypit.com,* Western Region

Yokut (see Tachi)

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Yokut

Table Mountain Rancheria, Frank Marquez Jr., Tribal Chief of Police, 23736 Sky Harbour Rd., Friant, California 93626, Phone: (559) 822–6336, Fax: (559) 822–6340, E-mail: *fmarquezjr@tmr.org,* Pacific Region

Yokut (see Mono)

Tule River Reservation, Lolita Garfield, MSW, Director Family Social Services, 340 North Reservation Road, Porterville, California 93258, Phone: (559) 781–4271 ext: 1013, Fax: (559) 791–2122, E-mail: *icwadir@tulerivertribe-nsn.gov,* Pacific Region

Yomba (see Shoshone)

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Yuki (see Pit River/Pomo/Nomlaki/Wailaki/Wintun)

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Yurok

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Aleut (see Alutiiq)

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Aleut (see Alutiiq)

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Aleut (see Alutiiq)

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Aleut

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Aleut (see Alutiiq)

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Aleut

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Aleut

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Aleut (see Alutiiq)

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Native Village of Upper Kalskag (see Kalskag)

Dated: May 6, 2011.

Donald E. Laverdure,

Principal Deputy Assistant Secretary—Indian Affairs.

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Part III

The President

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Presidential Documents

Title 3—

The President

Proclamation 8679 of May 20, 2011

National Hurricane Preparedness Week, 2011

By the President of the United States of America

A Proclamation

National Hurricane Preparedness Week highlights the importance of planning ahead to protect our families and secure our communities and homes in advance of the upcoming hurricane season.

Hurricanes are powerful storms that can create severe flooding, dangerous storm surges, high winds, and tornadoes. The effects of these storms can be devastating to entire communities and can have long-lasting consequences, including loss of life and property. In addition to threatening coastal areas, hurricanes significantly impact inland locations. Our Nation has seen devastating hurricanes and storms, and we must not let our guard down as we prepare for this year's hurricane season. With tens of millions of Americans living in coastal communities, preparation can enhance our ability to respond to and recover from any natural disaster we might face.

Our Nation's weather forecasters at the National Oceanic and Atmospheric Administration's National Hurricane Center continue to improve the accuracy of their hurricane forecasts. However, we cannot prevent a hurricane from making landfall, and awareness of the threat is not enough—we must translate this knowledge into action, and work together to develop prepared and resilient communities. My Administration recognizes that we must move from a government-centric approach to disaster management to a community-oriented approach that includes all levels of government, the private sector, volunteers, community and faith-based organizations, and the public. A whole community effort is needed to effectively prepare for, protect against, respond to, recover from, and mitigate against any disaster.

During National Hurricane Preparedness Week, we emphasize the need for individuals, businesses, nonprofits, and families to prepare emergency plans, create emergency supply kits, and learn evacuation routes. More information on hurricane hazards and details on how to secure buildings and belongings is available at www.Hurricanes.gov/Prepare and www.Ready.gov.

America has seen the heartbreak a hurricane can leave behind. By working together, government, private and nonprofit organizations, emergency responders, and private citizens can help save lives and reduce the damage caused by these storms.

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 May 22 through May 28, 2011, as National Hurricane Preparedness Week. I call upon government agencies, private organizations, schools, media, and residents in the coastal areas of our Nation to share information about hurricane preparedness and response to help save lives and protect communities.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of May, in the year of our Lord two thousand eleven, and of the Independence of the United States of America the two hundred and thirty-fifth.

[FR Doc. 2011–13166
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Billing code 3195–W1–P

Presidential Documents

Proclamation 8680 of May 20, 2011

National Safe Boating Week, 2011

By the President of the United States of America

A Proclamation

As Americans anticipate the warm weather of the summer months, we look to our Nation's abundant outdoors and waterways for relaxation and recreation. America's lakes, rivers, and oceans are enjoyable, but can sometimes pose dangers to watergoers. National Safe Boating Week is an opportunity to highlight the importance of safety precautions and sensible behavior when spending time on the water.

Safe boating is responsible boating. Individuals can prepare for excursions by taking boating safety courses and filing float plans with family members, relatives, or friends. To prevent accidents and drowning while on the water, boaters should remain aware of weather conditions, perform vessel safety checks, and ensure each passenger wears a life jacket and all required safety equipment is on board. Safe boating is also sober boating. Alcohol use is a leading factor in fatal boating accidents, so limiting alcohol use while on or operating a boat can save lives.

Each year for National Safe Boating Week, the United States Coast Guard partners with boating organizations to raise awareness on the importance of taking proper precautions while boating. By embracing responsible boating practices, Americans can avoid preventable injuries and enjoy the majesty of our Nation's waterways.

In recognition of the importance of safe boating practices, the Congress, by joint resolution approved June 4, 1958 (36 U.S.C. 131), as amended, has authorized and requested the President to proclaim annually the 7-day period prior to Memorial Day weekend as "National Safe Boating Week."

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim May 21 through May 27, 2011, as National Safe Boating Week. I encourage all Americans who participate in boating activities to observe this occasion by learning more about safe boating practices and taking advantage of boating education.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of May, in the year of our Lord two thousand eleven, and of the Independence of the United States of America the two hundred and thirty-fifth.

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Presidential Documents

Proclamation 8681 of May 20, 2011

Armed Forces Day, 2011

By the President of the United States of America

A Proclamation

The Armed Forces of the United States of America embody the highest ideals of our Nation. Serving at home and in posts around the world, our service members represent America as ambassadors of our principles. They display the honor, duty, and discipline of the finest fighting force the world has ever known. These brave men and women are willing to sacrifice their lives for the security of our Nation and the freedoms of their fellow citizens. We are humbled by their continued resolve to respond to the call of duty and defend America and its people.

From our earliest days as a fledgling republic, the United States has relied on the unwavering courage and patriotism of our men and women in uniform to sustain us through wars, emergencies, and challenges at home and abroad. While conflicts in Iraq, Afghanistan, and other areas demand an ever-changing set of capabilities and competencies, our service members continue to protect our Nation with professionalism and distinction.

As a grateful Nation, we are indebted to the members of our Armed Forces for their service, and we support them in each mission they are tasked to accomplish. I have no greater privilege as President of the United States than serving as Commander in Chief, and my Administration is dedicated to providing the men and women of our Armed Forces with the resources and support they require and deserve. We are also committed to providing the same superior support to our veterans when they return home. This is the sacred trust our Nation must hold with her warriors.

It is not just our troops who are called to serve and sacrifice, but also their families, who give our service members the love and support they need to carry on the fight. We will continue to improve and enhance our support for the families and survivors our troops leave behind. These heroes are dedicated to defending the country we love, and we must stand firmly beside them and help care for their spouses and children.

On Armed Forces Day, let us salute the Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen who perform their duties with impeccable courage, commitment, and character, and recognize our moral obligation to serve them and their families as well as they have served us.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, and Commander in Chief of the Armed Forces of the United States, continuing the precedent of my predecessors in office, do hereby proclaim the third Saturday of May as Armed Forces Day.

I direct the Secretary of Defense on behalf of the Army, Navy, Air Force, and Marine Corps, and the Secretary of Homeland Security on behalf of the Coast Guard, to plan for appropriate observances, with the Secretary of Defense responsible for encouraging the participation and cooperation of civil authorities and private citizens.

I invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States, to provide for the observance of Armed Forces Day in an appropriate manner to increase

public understanding and appreciation of our Armed Forces. I also invite veterans, civic leaders, and other organizations to join in the observance of Armed Forces Day.

Finally, I call upon all Americans to display the flag of the United States at their homes on Armed Forces Day, and I urge citizens to learn more about military service by attending and participating in the local observances of the day. I also encourage Americans to volunteer at organizations that provide support to our troops.

Proclamation 8522 of May 14, 2010, is hereby superseded.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of May, in the year of our Lord two thousand eleven, and of the Independence of the United States of America the two hundred and thirty-fifth.

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Presidential Documents

Proclamation 8682 of May 23, 2011

To Modify the Rules of Origin for the United States-Singapore Free Trade Agreement, and for Other Purposes

By the President of the United States of America

A Proclamation

1. On May 6, 2003, the President entered into the United States-Singapore Free Trade Agreement (USSFTA). The USSFTA was approved by the Congress in section 101(a) of the United States-Singapore Free Trade Agreement Implementation Act (the "USSFTA Act") (Public Law 108–78, 117 Stat. 948) (19 U.S.C. 3805 note).

2. Presidential Proclamation 7747 of December 30, 2003, implemented the USSFTA with respect to the United States and, pursuant to the USSFTA Act, incorporated in the Harmonized Tariff Schedule of the United States (HTS) the tariff modifications and rules of origin necessary or appropriate to carry out the USSFTA.

3. Section 202 of the USSFTA Act provides rules for determining whether goods imported into the United States originate in the territory of a USSFTA Party and thus are eligible for the tariff and other treatment contemplated under the USSFTA. Section 202(o) authorizes the President to proclaim, as part of the HTS, the rules of origin set out in the USSFTA and to proclaim modifications to previously proclaimed rules of origin, subject to the consultation and layover requirements of section 103(a) of the USSFTA Act.

4. The United States and Singapore have agreed to modify the USSFTA rules of origin by adding certain rules of origin. I have determined that modification of the USSFTA rules of origin set forth in Proclamation 7747 is therefore necessary.

5. On July 24, 2010, in accordance with section 103(a) of the USSFTA Act, the United States Trade Representative submitted a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that set forth the proposed modifications to the USSFTA rules of origin. The consultation and layover period specified in section 103(a) expired on November 22, 2010.

6. Presidential Proclamation 8097 of December 29, 2006, modified the HTS pursuant to section 1206 of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3006) to conform the HTS to amendments to the International Convention on the Harmonized Commodity Description and Coding System.

7. Presidential Proclamation 8214 of December 27, 2007, modified the HTS, including adjustments to rules of origin under the USSFTA to ensure that the tariff and certain other treatment accorded originating goods of Singapore under tariff categories modified in Proclamation 8097 continued, and to carry out the duty reductions proclaimed in Proclamation 7747. A rule of origin was inadvertently omitted from general note 25 of the HTS. I have determined that a technical correction to general note 25 to the HTS is necessary to provide for the intended tariff and certain other treatment accorded under the USSFTA to originating goods of Singapore.

8. On April 12, 2006, the United States entered into the United States-Peru Trade Promotion Agreement (USPTPA), and on June 24 and June 25, 2007, the Parties to the USPTPA signed a protocol amending the USPTPA. The Congress approved the USPTPA as amended in section 101(a) of the United States-Peru Trade Promotion Agreement Implementation Act (the "USPTPA Act") (Public Law 110–138, 121 Stat. 1455) (19 U.S.C. 3805 note).

9. Section 201 of the USPTPA Act authorizes the President to proclaim such modifications or continuation of any duty, such continuation of duty-free or excise treatment, or such additional duties, as the President determines to be necessary or appropriate to carry out or apply Articles 2.3, 2.5, 2.6, 3.3.13 and Annex 2.3 of the USPTPA.

10. U.S. General Note 5 to Annex 2.3 of the USPTPA provides that originating goods of Peru shall not be subject to any duty provided for in heading 9901 of the HTS, provided that certain conditions specified in that note are met.

11. Pursuant to section 201 of the USPTPA Act, I have determined that modifications to the HTS are necessary to carry out U.S. General Note 5 to Annex 2.3 of the USPTPA.

12. Presidential Proclamation 6641 of December 15, 1993, implemented the North American Free Trade Agreement (NAFTA) with respect to the United States and, pursuant to the North American Free Trade Agreement Implementation Act (the "NAFTA Act") (Public Law 103–182, 107 Stat. 2057), incorporated in the HTS the schedule of duty reductions and rules of origin necessary or appropriate to carry out the NAFTA.

13. Section 202 of the NAFTA Act (19 U.S.C. 3332) provides rules for determining whether goods imported into the United States originate in a NAFTA Party and thus are eligible for the tariff and other treatment contemplated under the NAFTA.

14. Presidential Proclamation 8405 of August 31, 2009, modified the HTS, including adjustments to rules of origin under the NAFTA, to ensure that the tariff and certain other treatment accorded originating goods of Canada and Mexico under tariff categories modified in Proclamation 8097 continued. Two technical errors were made in the modifications to general note 12 to the HTS. I have determined that technical corrections to general note 12 to the HTS are necessary to provide for the intended tariff and certain other treatment accorded under the NAFTA to originating goods.

15. Presidential Proclamation 8536 of June 12, 2010, made technical corrections to certain rules of origin under the NAFTA. Two additional errors in general note 12 were not corrected in that proclamation. I have determined that further technical corrections to general note 12 are necessary to provide the tariff and certain other treatment accorded under the NAFTA to originating goods.

16. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, and of other Acts, affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

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 of America, including section 202 of the USSFTA Act, section 201 of the USPTPA Act, and section 604 of the Trade Act of 1974, do proclaim that:

(1) In order to modify the rules of origin under the USSFTA, general note 25 to the HTS is modified as provided in Annex I to this proclamation.

(2) The modifications made by section A of Annex I to this proclamation shall be effective with respect to goods of Singapore that are entered, or withdrawn from warehouse for consumption, on or after May 24, 2011.

(3) The modification made by section B of Annex I to this proclamation shall be effective with respect to goods of Singapore that are entered, or withdrawn from warehouse for consumption, on or after February 7, 2008.

(4) In order to implement certain provisions of Annex 2.3 of the USPTPA, the HTS is modified as provided in Annex II to this proclamation.

(5) The modifications made by Annex II to this proclamation shall be effective with respect to originating goods of Peru entered, or withdrawn from warehouse for consumption, on or after January 1, 2011.

(6) In order to make technical corrections necessary to provide the intended rules of origin under the NAFTA, the HTS is modified as set forth in Annex III to this proclamation.

(7) The modifications to the HTS set forth in Annex III to this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after October 2, 2009.

(8) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of May, in the year of our Lord two thousand eleven, and of the Independence of the United States of America the two hundred and thirty-fifth.

Billing code 3195–W1–P

ANNEX I

MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES FOR CERTAIN ORIGINATING GOODS OF SINGAPORE

Section A: Effective with respect to imports from Singapore that are entered, or withdrawn from warehouse for consumption, that are entered on or after May 24, 2011, U.S. note 2 to subchapter XXII of chapter 98 of the Harmonized Tariff Schedule of the United States (HTS) is hereby modified by adding at the end thereof the following new subdivision (c):

"(c) For purposes of this note and heading 9822.01.25, in addition to any goods otherwise eligible for entry under such heading, the following goods that are imported from Singapore shall be eligible for entry under such heading on or after May 21, 2011:

(i) apparel goods of chapters 61 or 62, the foregoing cut (or knit to shape) and sewn or otherwise assembled in the territory of Singapore or of the United States, or both, from viscose rayon filament yarns (such yarns classifiable in subheading 5403.41.00);

(ii) blouses for women or girls of chapters 61 or 62, the foregoing cut (or knit to shape) and sewn or otherwise assembled in the territory of Singapore or of the United States, or both, from woven cotton fabrics, not of square construction, containing more than 70 warp ends and filling picks per cm^2, of average yarn number exceeding 70 nm (such fabrics classifiable in subheading 5210.11);

(iii) apparel goods (excluding gloves) of chapters 61 or 62, the foregoing cut (or knit to shape) and sewn or otherwise assembled in the territory of Singapore or of the United States, or both, from 100 percent cotton woven yarn-dyed flannel fabrics, made from single ring-spun yarns of nm 14 through 41, of 2 x 1 twill weave construction, weighing 200 g/m^2 or less (such fabrics classifiable in subheading 5208.43.00);

(iv) shirts, trousers, nightwear, robes, dressing gowns or woven underwear of chapters 61 or 62, the foregoing cut (or knit to shape) and sewn or otherwise assembled in the territory of Singapore or of the United States, or both, from 100 percent cotton woven flannel fabrics (such fabrics classifiable in subheading 5208.42.30 or, if napped, in subheading 5209.41.60);

(v) shirts, trousers, nightwear, robes, dressing gowns or woven underwear of chapters 61 or 62, the foregoing cut (or knit to shape) and sewn or otherwise assembled in the territory of Singapore or of the United States, or both, from 100 percent cotton woven flannel fabrics (such fabrics comprising sheeting classifiable in subheading 5208.32.30 or napped sheeting classifiable in subheading 5209.31.60);

(vi) shirts, trousers, nightwear, robes, dressing gowns or woven underwear of chapters 61 or 62, the foregoing cut (or knit to shape) and sewn or otherwise assembled in the territory of Singapore or of the United States, or both, from 100 percent cotton woven napped fabrics (such fabrics classifiable in subheading 5209.41.60); or

(vii) shirts, trousers, nightwear, robes, dressing gowns or woven underwear of chapters 61 or 62, the foregoing cut (or knit to shape) and sewn or otherwise assembled in the territory of Singapore or of the United States, or both, from 100 percent cotton woven double-napped fabrics (such fabrics classifiable in subheading 5209.31.60)."

Section B. Effective with respect to goods of Singapore, under the terms of general note 25 to the tariff schedule, that are entered, or withdrawn from warehouse for consumption, on or after February 7, 2008, general note 25(o) is modified as follows:

1. TCRs 64A, 64B, 64C, and 64D for Chapter 90 are redesignated as 64B, 64C, 64D, and 64E, respectively, and the following new TCR is inserted in numerical sequence:

"64A. (A) A change to subheading 9030.31 from any other subheading."

ANNEX II

Effective with respect to goods of Peru, under the terms of general note 32 to the Harmonized Tariff Schedule of the United States (HTS), that are entered, or withdrawn from warehouse for consumption, on or after January 1, 2011, subchapter I of chapter 99 of the HTS is hereby modified as follows:

1. U.S. note 3 to such subchapter is modified by adding at the end thereof the following new subdivision:

"(e) For purposes of headings 9901.00.50 and 9901.00.52, originating goods of Peru, under the terms of general note 32 to the tariff schedule, shall not be subject to any duty provided for in such headings, provided that–

(i) the goods are imported directly from Peru into the customs territory of the United States, and

(ii) the sum of the cost or value of the materials produced in the territory of Peru plus the direct costs of processing operations performed in the territory of Peru is not less than 35 percent of the appraised value of such goods at the time they are entered."

2. Headings 9901.00.50 and 9901.00.52 are each modified by inserting in the Rates of Duty 1-Special subcolumn the following rate of duty: "See U.S. note 3(e) (PE)".

ANNEX III

Effective with respect to goods of Mexico or of Canada, under the terms of general note 12 to the tariff schedule, that are entered, or withdrawn from warehouse for consumption, on or after October 2, 2009, general note 12(t) is modified as follows:

1. Tariff classification rules (TCRs) 44 and 44A for chapter 29 are deleted and the following new TCR is inserted in lieu thereof:

"44. (A) A change to subheadings 2921.21 through 2921.29 from any other heading, except from headings 2901, 2902, 2904, 2916, 2917 or 2926; or

(B) A change to subheadings 2921.21 through 2921.29 from any other subheading within heading 2921, including another subheading within that group, or headings 2901, 2902, 2904, 2916, 2917 or 2926, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used."

2. TCR 47B for chapter 29 is deleted; TCRs 47C, 47D, 47E and 47F are redesignated as 47D, 47E, 47F and 47G, respectively, and the following new TCRs are inserted in numerical sequence:

"47B. (A) A change to subheading 2922.21 from any other heading, except from headings 2905 through 2921; or

(B) A change to subheading 2922.21 from any other subheading within heading 2922, or headings 2905 through 2921, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

47C. (A) A change to anisidines, dianisidines, phenetidines or their salts of subheading 2922.29 from any other heading, except from headings 2905 through 2921; or

(B) A change to anisidines, dianisidines, phenetidines or their salts of subheading 2922.29 from any other good of subheading 2922.29, any other subheading within heading 2922 or headings 2905 through 2921, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

(C) A change to any other good of subheading 2922.29 from any other heading, except from headings 2905 through 2921; or

(D) A change to any other good of subheading 2922.29 from anisidines, dianisidines, phenetidines or their salts of subheading 2922.29, any other subheading within heading 2922 or headings 2905 through 2921, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used."

3. TCRs 20 and 21 for chapter 87 are deleted.

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Billing code 7020–02–C

Presidential Documents

Executive Order 13574 of May 23, 2011

Authorizing the Implementation of Certain Sanctions Set Forth in the Iran Sanctions Act of 1996, as Amended

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), the Iran Sanctions Act of 1996 (Public Law 104–172) (50 U.S.C. 1701 note) (ISA), as amended by, *inter alia*, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111–195), and section 301 of title 3, United States Code, and in order to take additional steps with respect to the national emergency declared in Executive Order 12957 of March 15, 1995,

I, BARACK OBAMA, President of the United States of America, hereby order:

Section 1. (a) When the President, or the Secretary of State pursuant to authority delegated by the President and in accordance with the terms of such delegation, which includes consultation with the Secretary of the Treasury, has determined that sanctions shall be imposed on a person pursuant to section 5 of ISA and has selected the sanctions set forth in section 6 of ISA to impose on that person, the Secretary of the Treasury, in consultation with the Secretary of State, shall take the following actions with respect to the sanctions imposed and maintained by the President or by the Secretary of State pursuant to and in accordance with the terms of such delegation:

(i) with respect to section 6(a)(3) of ISA, prohibit any United States financial institution from making loans or providing credits to the ISA-sanctioned person consistent with section 6(a)(3) of ISA;

(ii) with respect to section 6(a)(6) of ISA, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the ISA-sanctioned person has any interest;

(iii) with respect to section 6(a)(7) of ISA, prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the ISA-sanctioned person;

(iv) with respect to section 6(a)(8) of ISA, block all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person, including any overseas branch, of the ISA-sanctioned person, and provide that such property and interests in property may not be transferred, paid, exported, withdrawn, or otherwise dealt in; or

(v) with respect to section 6(a)(9) of ISA, restrict or prohibit imports of goods, technology, or services, directly or indirectly, into the United States from the ISA-sanctioned person.

(b) I hereby determine that, to the extent section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) may apply, the making of donations of the types of articles specified in such section by, to, or for the benefit of any ISA-sanctioned person whose property and interests in property are blocked pursuant to subsection (a)(iv) of this section would seriously impair my ability to deal with the national emergency declared in Executive Order

12957, and I hereby prohibit such donations as provided by subsection (a)(iv) of this section.

(c) The prohibitions in subsection (a)(iv) of this section include but are not limited to:

(i) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any ISA-sanctioned person whose property and interests in property are blocked pursuant to this order; and

(ii) the receipt of any contribution or provision of funds, goods, or services from any such ISA-sanctioned person.

(d) The prohibitions in subsection (a) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the date of this order.

Sec. 2. (a) Any transaction by a United States person or within the United States that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 3. For the purposes of this order:

(a) the term "person" means an individual or entity;

(b) the term "entity" means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(c) the term "United States person" means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States;

(d) the term "financial institution" includes (i) a depository institution (as defined in section 3(c)(1) of the Federal Deposit Insurance Act) (12 U.S.C. 1813(c)(1)), including a branch or agency of a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978) (12 U.S.C. 3101(7)); (ii) a credit union; (iii) a securities firm, including a broker or dealer; (iv) an insurance company, including an agency or underwriter; and (v) any other company that provides financial services;

(e) the term "United States financial institution" means a financial institution (including its foreign branches) organized under the laws of the United States or of any jurisdiction within the United States; and

(f) the term "ISA-sanctioned person" means a person that the President, or the Secretary of State pursuant to authority delegated by the President and in accordance with the terms of such delegation, including consultation with the Secretary of the Treasury, has determined is a person on whom sanctions shall be imposed pursuant to section 5 of ISA and on whom the President or the Secretary of State has imposed any of the sanctions in section 6 of ISA.

Sec. 4. For those persons whose property and interests in property are blocked pursuant to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to section 1(a)(iv) of this order would render those measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in Executive Order 12957, there need be no prior notice of an action taken pursuant to section 1(a)(iv) of this order.

Sec. 5. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and sections 6(a)(6), 6(a)(7), 6(a)(8), and 6(a)(9) of ISA, and to

employ all powers granted to the United States Government by section 6(a)(3) of ISA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government consistent with applicable law. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

Sec. 6. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Sec. 7. The measures taken pursuant to this order are in response to actions of the Government of Iran occurring after the conclusion of the 1981 Algiers Accords, and are intended solely as a response to those later actions.

THE WHITE HOUSE,
May 23, 2011.

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H.R. 1308/P.L. 112–13
To amend the Ronald Reagan Centennial Commission Act to extend the termination date for the Commission, and for other purposes. (May 12, 2011; 125 Stat. 215)
Last List April 28, 2011

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