

emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. 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. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

This final rule will not 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 the revisions are not considered substantive. This final rule is also exempt from the Regulatory Flexibility Act per 5 U.S.C. 553(a)(2) because it applies to agency management and public property. However, this final rule is being published to provide transparency in the promulgation of Federal policies.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this final rule does not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501–3520.

D. Small Business Reform Act

This final rule is also exempt from congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Part 102–42

Government property management.

Dated: March 14, 2011.

Martha Johnson,
Administrator.

For the reasons set forth in the preamble, 41 CFR part 102–42 is amended as follows:

PART 102–42—UTILIZATION, DONATION, AND DISPOSAL OF FOREIGN GIFTS AND DECORATIONS

■ 1. The authority citation for part 102–42 continues to read as follows:

Authority: 40 U.S.C. 121(c) and 5 U.S.C. 7342.

§ 102–42.10 [Amended]

■ 2. Amend § 102–42.10, in the definition of “Minimal value,” in the first sentence, by replacing “\$335” with “\$350”.

[FR Doc. 2011–13028 Filed 5–25–11; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[GC Docket No. 10–43; FCC 11–11]

Commission’s Ex Parte Rules and Other Procedural Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: The Federal Communications Commission published a document in the **Federal Register** at 76 FR 24376, May 2, 2011, which contained information collection requirements. The Office of Management and Budget (OMB) gave approval on May 16, 2011, for these information collection requirements contained in the Commission’s Report and Order, Amendment of the Commission’s *Ex Parte* Rules and Other Procedural Rules.

DATES: The amendments to §§ 1.1206(b) and 1.1208 that appeared in the **Federal Register** at 76 FR 24376 on May 2, 2011 as approved by OMB are effective June 1, 2011.

FOR FURTHER INFORMATION CONTACT: Joel Kaufman, 202–418–1758.

SUPPLEMENTARY INFORMATION: The Federal Communications Commission has received OMB approval for the *ex parte* rules and other procedural rules contained in information collection OMB Control No: 3060–0430, Section 1.1206, Permit-but-Disclose Proceedings. The information collection was revised in the Report and Order and Further Notice of Proposed Rulemaking in CG Docket No. 10–43 which appears at 76 FR 24376, May 2, 2011. The effective date of the rules adopted in that Order was published as June 1, 2011, except for §§ 1.1206(b) and 1.1208, which contain new or modified information collection requirements that would not be effective until approved by the Office of Management and Budget. Through this document, the Commission announces that it has received this approval (OMB Control No. 3060–0430, Expiration Date: November 30, 2011) and that §§ 1.1206(b) and 1.1208 are effective on June 1, 2011.

Pursuant to the Paperwork Reduction Act of 1995, Public Law 104–13, an agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. Notwithstanding any other provisions of law, no person shall be subject to any penalty for failing to comply with a collection of information

subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Questions concerning the OMB control numbers and expiration dates should be directed to Leslie F. Smith, Federal Communications Commission, (202) 418–0217, or via the Internet at Leslie.Smith@fcc.gov.

Federal Communications Commission.

Marlene H. Dortch,
Secretary.

[FR Doc. 2011–12994 Filed 5–25–11; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 178

Specifications for Packagings

CFR Correction

In Title 49 of the Code of Federal Regulations, Parts 100 to 185, revised as of October 1, 2010, on page 1026, in § 178.601, paragraph (l) is reinstated to read as follows:

§ 178.601 General requirements.

* * * * *

(l) *Record retention.* Following each design qualification test and each periodic retest on a packaging, a test report must be prepared. The test report must be maintained at each location where the packaging is manufactured and each location where the design qualification tests are conducted, for as long as the packaging is produced and for at least two years thereafter, and at each location where the periodic retests are conducted until such tests are successfully performed again and a new test report produced. In addition, a copy of the test report must be maintained by a person certifying compliance with this part. The test report must be made available to a user of a packaging or a representative of the Department upon request. The test report, at a minimum, must contain the following information:

- (1) Name and address of test facility;
- (2) Name and address of applicant (where appropriate);
- (3) A unique test report identification;
- (4) Date of the test report;
- (5) Manufacturer of the packaging;
- (6) Description of the packaging design type (*e.g.* dimensions, materials, closures, thickness, *etc.*), including methods of manufacture (*e.g.* blow molding) and which may include drawing(s) and/or photograph(s);
- (7) Maximum capacity;

(8) Characteristics of test contents, *e.g.* viscosity and relative density for liquids and particle size for solids;

(9) Test descriptions and results; and

(10) Signed with the name and title of signatory.

[FR Doc. 2011-13183 Filed 5-25-11; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 218

[Docket No. 110516281-1283-01]

RIN 0648-BB03

Taking and Importing Marine Mammals: U.S. Navy Training in the Virginia Capes Range Complex and Jacksonville Range Complex

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

ACTION: Interim final rule; request for comments.

SUMMARY: In June 2009, pursuant to the Marine Mammal Protection Act (MMPA), NMFS issued two 5-year final regulations to govern the unintentional taking of marine mammals incidental to Navy training activities conducted in the Virginia Capes (VACAPES) and Jacksonville (JAX) range complexes off the East Coast of the U.S. These regulations, which allow for the issuance of “Letters of Authorization” (LOAs) for the incidental take of marine mammals during the specified activities and described timeframes, prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat, as well as requirements pertaining to the monitoring and reporting of such taking.

These rules quantify the specific amounts of training activities involving underwater detonations that will occur over the course of the 5-year rules, and indicate that marine mammal take may only be authorized in an LOA incidental to the types and amounts of training activities and explosives described. No language was included expressly allowing for deviation from those precise levels of training activities and amounts of explosives even if the total number of takes remain within the analyzed and authorized limits. Since the issuance of these rules, the Navy realized that their evolving training programs, which are linked to real

world events, necessitate greater flexibility in the types and amounts of training events and explosives that they conduct and use. In response to this need, NMFS has, through this interim final rule, amended the VACAPES and JAX regulations to explicitly allow for greater flexibility in the types and amount of training activities that they conduct and explosives that they use.

DATES: Effective on May 24, 2011.

Comments and information must be received no later than June 27, 2011.

ADDRESSES: You may submit comments, identified by 0648-BB03, by any one of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>

- Hand delivery or mailing of paper, disk, or CD-ROM comments should be addressed to Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3225.

Instructions: All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, *etc.*) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

A copy of the Navy’s applications, NMFS’ Records of Decision (RODs), NMFS’ proposed and final rules and subsequent LOAs, and other documents cited herein may be obtained by writing to Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3225 or by telephone via the contact listed here (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Shane Guan, Office of Protected Resources, NMFS, (301) 713-2289, ext. 137.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct

the Secretary of Commerce (Secretary) to allow, upon request, the incidental, but not intentional taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) during periods of not more than five consecutive years each if certain findings are made and regulations are issued or, if the taking is limited to harassment, notice of a proposed authorization is provided to the public for review.

Authorization shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses, and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such taking are set forth.

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.

The definition of “harassment” as it applies to a “military readiness activity” is as follows (section 3(18)(B) of the MMPA as amended by the National Defense Authorization Act (NDAA) (Pub. L. 108-136)):

(i) any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild [Level A Harassment]; or

(ii) any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered [Level B Harassment].

Summary of the Modification

In June, 2009, NMFS issued 5-year regulations governing the taking of marine mammals incidental to training activities conducted in the VACAPES Range Complex (74 FR 28328; June 15, 2009) and the JAX Range Complex (74 FR 28349; June 15, 2009) (collectively the “2009 Final Rules”). The VACAPES and JAX Range Complex regulations allow for the issuance of LOAs that authorize the incidental take of marine mammals during the specified activities and described timeframes, and prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat, as well as requirements pertaining to the monitoring and