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FEDERAL REGISTER

Vol. 76 Friday,

No. 103 May 27, 2011

Pages 30819–31216

OFFICE OF THE FEDERAL REGISTER

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

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RESERVATIONS: (202) 741–6008

Printed on recycled paper.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 33

[Docket No. NE132; Special Conditions No. 33–009–SC]

Special Conditions: Turbomeca Arriel 2D Turboshaft Engine

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for Turbomeca SA model Arriel 2D engines. The engine model will have a novel or unusual design feature which is a 30-minute power rating. This rating is generally intended to be used for hovering at increased power for search and rescue missions. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the added safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: The effective date of these special conditions is June 27, 2011.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this rule contact Marc Bouthillier, ANE–111, Engine and Propeller Directorate, Aircraft Certification Service, 12 New England Executive Park, Burlington, Massachusetts 01803–5299; telephone (781) 238–7120; facsimile (781) 238–7199; e-mail *marc.bouthillier@faa.gov.* For legal questions concerning this rule contact Vincent Bennett, ANE–7 Engine and Propeller Directorate, Aircraft Certification Service, 12 New England Executive Park, Burlington, Massachusetts 01803–5299; telephone (781) 238–7044; facsimile (781) 238–7055; e-mail *vincent.bennett@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On August 26, 2010, Turbomeca applied for type certification for a new model Arriel 2D turboshaft engine. This engine consists of an axial air intake, an axial compressor and a centrifugal compressor driven by a single-stage turbine, a direct-flow annular combustion chamber, and a single-stage free turbine which drives a reduction gear assembly located at the rear end. The accessory gearbox, located at the front end, is driven by the gas generator turbine.

The engine will incorporate a novel or unusual design feature, which is a 30-minute power rating. This rating was requested by the applicant to support rotorcraft search and rescue missions that require extensive operations at high power. This type of rating is generally associated with multi-engine applications and has usually been named an all-engine-operating (AEO) rating. However, this model will be installed on a single engine rotorcraft, and the rating name for the purpose of this special condition is now 30-minute power rating. The number of times this new rating can be used during a flight is not intended to be limited.

The applicable airworthiness standards do not contain adequate or appropriate airworthiness standards to address this design feature. Therefore, a special condition is necessary to apply additional requirements for rating definition, instructions for continued airworthiness (ICA), and endurance testing. The 30 minute time limit applies to each instance the rating is used; however there is no limit to the number of times the rating can be used during any one flight, and there is no cumulative time limitation. The ICA requirement is intended to address the unknown nature of actual rating usage and associated engine deterioration. The applicant is expected to make an assessment of the expected usage and publish ICAs and ALS limits in accordance with those assumptions, such that engine deterioration is not excessive. The endurance test requirement of 25 hours operation at 30 minute rating is similar to several special conditions issued over the past 20 years addressing the same subject. It must be noted that test time required for the takeoff rating may not be counted toward the 25 hours of operation required for the 30-minute rating.

These special conditions contain the additional airworthiness standards necessary to establish a level of safety equivalent to the level that would result from compliance with the applicable standards of airworthiness in effect on the date of application.

Type Certification Basis

Under the provisions of 14 CFR 21.17(a) and 21.101(a), Turbomeca must show that the model Arriel 2D turboshaft engine meets the provisions of the applicable regulations in effect on the date of application, unless otherwise specified by the FAA. The current certification basis for engines in this model series varies, being either 14 CFR part 33, Amendment 14 or Amendment 15. Turbomeca proposes a certification basis of part 33, Amendment 15. In accordance with § 21.101(b), the FAA concurs with the Turbomeca proposal. Therefore, the certification basis for the Turbomeca Arriel 2D will be part 33, effective February 1, 1965, as amended by Amendments 33–1 through 33–15 inclusive. The FAA has determined that the applicable airworthiness regulations (part 33, Amendments 1–15 inclusive) do not contain adequate or appropriate safety standards for the model Arriel 2D turboshaft engine, because of a novel or unusual rating. Therefore, special conditions are prescribed under the provisions of 14 CFR 11.19 and 14 CFR 21.16.

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

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 another related model that incorporates the same or similar novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same or similar novel or unusual design feature, the special conditions would also apply to the other model.

Novel or Unusual Design Features

The Turbomeca (TM) model Arriel 2D turboshaft engine will incorporate a novel or unusual design feature which is a 30-minute power rating, for use up to 30 minutes at any time between the take-off and landing phases of a flight.

This design feature is considered to be novel and unusual relative to the part 33 airworthiness standards.

Discussion of Comments

Notice of proposed special conditions, Notice No. 33–11–01–SC for the Arriel 2D engine model was published on April 1, 2011 (76 FR 18130). One comment letter was received.

The commenter agreed with the special conditions for the Arriel 2D model only; and only as driven by program needs and because the engine is already compliant via similar requirements applied during EASA type certification. The commenter expressed several technical and regulatory disagreements with the special conditions, which are discussed below.

The commenter stated disagreement with the special condition requirement of incorporating 25 hours of operation at the 30 minute rating into the § 33.87 test profile. The commenter proposed to take credit for the 30 minute periods run at takeoff rating that is part of the normal test profile required by § 33.87(b), thereby reducing the amount of test time at the new 30 minute rating. The FAA does not agree. The takeoff rating and other normal ratings are defined within 14 CFR part 1, and the associated requirements can be found in part 33. Takeoff rating is limited in use to a continuous period of not more then 5 minutes during takeoff operations. The existing § 33.87 requirements are designed to demonstrate engine durability for the takeoff rating which is considered a normal every flight operation, and is independent of any other ratings. The proposed 30 minute rating is not defined within part 33, but has been specifically requested by TM. This new rating can be used for periods of up to 30 minutes at any time during a flight for a variety of normal mission purposes. Also, the number of usages during a single flight is not limited; and its use does not require special maintenance actions.

The new 30 minute rating is intended for normal mission use, similar to takeoff and other normal use ratings, but is different then limited turboshaft one-engine-inoperative (OEI) ratings. The OEI ratings for turboshafts, with the exception of continuous OEI, are for limited use during a flight, and in some cases limited cumulative use. We understand the Arriel 2D model is intended for a single engine application, and therefore has no OEI ratings; however, the FAA finds that the test time associated with the continuous OEI rating is an appropriate baseline to define additional requirements for a normal use 30 minute rating. Therefore, engine durability using this rating must be demonstrated over and above the takeoff rating and other normal use ratings included in the rating structure. Therefore, no changes to the special conditions have been made in this regard.

The commenter also states that the 25 hour requirement is inconsistent with § 33.87 philosophies, stating that time at any rating validates any lower rating. The FAA does not agree. The § 33.87 test requirements are established to demonstrate engine durability at all normal and emergency ratings, and associated limits. The various test profiles incorporate specific elements to this end. The normal ratings all have individual elements that must be performed. The 30 minute rating is also a normal use rating and must also have a specific and independent element as part of the overall test. Any emergency ratings (for example, OEI) must also be demonstrated, however due to their limited use, these elements of the test may overlap certain normal rating elements found in the various test profiles. Therefore, no changes to the special conditions have been made in this regard.

The commenter also states that the basis for 25 hours of required run time was not described in the special condition. The 25 hours was selected to be between the baseline § 33.87 cumulative run time for takeoff rating (18.75 hours) and maximum continuous rating (45 hours). This requirement is weighted more heavily toward the takeoff time due to the definition of the rating and intended operation. Therefore, no changes to the special conditions have been made in this regard.

Applicability

These special conditions are applicable to the Turbomeca model Arriel 2D turboshaft engine. If Turbomeca applies later for a change to the type certificate to include another closely related model incorporating the same novel or unusual design feature, these special conditions may also apply to that model as well, and would be made part of the certification basis for that model.

Conclusion

This action affects only certain novel or unusual design features on one model of engine. It is not a rule of general applicability, and it affects only the applicant who applied to the FAA for approval of this feature on the engine product.

List of Subjects in 14 CFR Part 33

Air transportation, Aircraft, Aviation safety, Safety.

The authority citation for these special conditions is as follows:

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

The Special Conditions

Accordingly, the Federal Aviation Administration (FAA) issues the following special conditions as part of the type certification basis for the Turbomeca model Arriel 2D turbo shaft engine.

1. PART 1 DEFINITION. Unless otherwise approved by the Administrator and documented in the appropriate manuals and certification documents, the following definition applies to this special condition: ''Rated 30 Minute Power'', means the approved shaft horsepower developed under static conditions at the specified altitude and temperature, and within the operating limitations established under part 33, and limited in use to periods not exceeding 30 minutes each.

2. PART 33 REQUIREMENTS.

(a) Sections 33.1 Applicability and 33.3 General: As applicable, all documentation, testing and analysis required to comply with the part 33 certification basis, must account for the 30 minute rating, limits and usage.

(b) Section 33.4, instructions for continued airworthiness (ICA). In addition to the requirements of § 33.4, the ICA must:

(1) Include instructions to ensure that in-service engine deterioration due to rated 30 minute power usage will not be excessive, meaning that all other approved ratings are available within associated limits and assumed usage, for successive flights; and that deterioration will not exceed that assumed for declaring a time between overhaul (TBO) period.

(i) The applicant must validate the adequacy of the maintenance actions required under paragraph (b)(1) above.

(2) Include in the airworthiness limitations section (ALS), any mandatory inspections and serviceability limits related to the use of the 30-minute rating.

(c) Section 33.87, Endurance Test. In addition to the requirements of §§ 33.87(a) and 33.87(b), the overall test run must include a minimum of 25 hours of operation at 30 minute power and limits, divided into periods of 30 minutes power with alternate periods at maximum continuous power or less.

(1) Modification of the § 33.87 test requirements to include the 25 hours of operation at 30-minute power rating,

must be proposed by the Applicant and accepted by the FAA. Note that the test time required for the takeoff rating may not be counted toward the 25 hours of operation required for the 30-minute rating.

Issued in Burlington, Massachusetts, on May 19, 2011.

Colleen M. D'Alessandro,

Acting Assistant Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2011–13008 Filed 5–26–11; 8:45 am]

BILLING CODE M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2011–0123; Airspace Docket No. 11–AGL–2]

Amendment of Class E Airspace; Duluth, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace for Duluth, MN, to accommodate new Area Navigation (RNAV) Standard Instrument Approach Procedures at Duluth International Airport. The FAA is taking this action to enhance the safety and management of Instrument Flight Rule (IFR) operations at the airport.

DATES: *Effective date:* 0901 UTC, August 25, 2011. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone (817) 321–7716.

SUPPLEMENTARY INFORMATION:

History

On March 23, 2011, the FAA published in the **Federal Register** a notice of proposed rulemaking to amend Class E airspace for Duluth, MN, creating additional controlled airspace at Duluth International Airport (76 FR 16348) Docket No. FAA–2011–0123. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. 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 designations listed in this document will be published subsequently in the Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by amending Class E airspace, as an extension to a Class D or Class E surface area; and Class E airspace extending upward from 700 feet above the surface, for new standard instrument approach procedures at Duluth International Airport, Duluth, MN. This action is necessary for the safety and management of IFR operations at the airport. Geographic coordinates will also be updated to coincide with the FAA's aeronautical database.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this 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 that this rule, when promulgated, will 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 of 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 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 amends controlled airspace for Duluth International Airport, Duluth, MN.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 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 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 6004 Class E airspace areas designated as an extension to a Class D or Class E surface area.

* * * * *

AGL MN E4 Duluth, MN [Amended]

Duluth International Airport, MN
(Lat. 46°50′32″ N., long. 92°11′37″ W.)
Duluth VORTAC
(Lat. 46°48′08″ N., long. 92°12′10″ W.)

That airspace extending upward from the surface within 3.4 miles each side of the Duluth VORTAC 193° radial extending from the 4.9-mile radius of Duluth International Airport to 14.2 miles south of the VORTAC, and within 3.6 miles each side of the 267° bearing from Duluth International Airport extending from the 4.9-mile radius of the airport to 9.7 miles west of the airport.

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

* * * * *

AGL MN E5 Duluth, MN [Amended]

Duluth International Airport, MN
(Lat. 46°50′32″ N., long. 92°11′37″ W.)

That airspace extending upward from the 700 feet above the surface within a 7.1-mile radius of Duluth International Airport, and within 4.4 miles each side of the 267° bearing from the airport extending from the 7.1-mile radius to 7.7 miles west of the airport.

Issued in Fort Worth, Texas, on May 17, 2011.

Walter L. Tweedy,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2011–13109 Filed 5–26–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

19 CFR Part 122

[CBP Dec. 11–12]

Technical Amendment to List of User Fee Airports: Addition of Naples Municipal Airport, Naples, FL

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Final rule; technical amendment.

SUMMARY: This document amends the regulations pertaining to the organization of U.S. Customs and Border Protection (CBP) by revising the list of user fee airports to reflect the recent user fee airport designation for Naples Municipal Airport, in Naples, Florida. User fee airports are those airports which, while not qualifying for designation as international or landing rights airports, have been approved by the Commissioner of CBP to receive, for a fee, the services of CBP officers for the processing of aircraft entering the United States, and the passengers and cargo of those aircraft.

DATES: *Effective Date:* May 27, 2011.

FOR FURTHER INFORMATION CONTACT: Roger Kaplan, Acting Director, Audits and Self-Inspection, Office of Field Operations, at 202–325–4543 or by e-mail at *Roger.Kaplan@dhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Title 19, Code of Federal Regulations (CFR), sets forth at Part 122 the regulations relating to the entry and clearance of aircraft in international commerce and the transportation of persons and cargo by aircraft in international commerce.

Generally, a civil aircraft arriving from a place outside of the United States is required to land at an airport designated as an international airport. Alternatively, the pilot of a civil aircraft may request permission to land at a specific airport, and, if landing rights are granted, the civil aircraft may land at that landing rights airport.

Section 236 of Public Law 98–573 (the Trade and Tariff Act of 1984), codified at 19 U.S.C. 58b, created an option for civil aircraft desiring to land at an airport other than an international airport or a landing rights airport. A civil aircraft arriving from a place outside of the United States may ask for permission to land at an airport designated by the Secretary of Homeland Security as a user fee airport.

Pursuant to 19 U.S.C. 58b, an airport may be designated as a user fee airport if the Commissioner of CBP as delegated by the Secretary of Homeland Security determines that the volume of business at the airport is insufficient to justify customs services at the airport and the governor of the state in which the airport is located approves the designation. Generally, the type of airport that would seek designation as a user fee airport would be one at which a company, such as an air courier service, has a specialized interest in regularly landing.

As the volume of business anticipated at this type of airport is insufficient to justify its designation as an international or landing rights airport, the availability of customs services is not paid for out of appropriations from the general treasury of the United States. Instead, customs services are provided on a fully reimbursable basis to be paid for by the user fee airport on behalf of the recipients of the services.

The fees which are to be charged at user fee airports, according to the statute, shall be paid by each person using the customs services at the airport and shall be in the amount equal to the expenses incurred by the Commissioner of CBP in providing customs services which are rendered to such person at such airport, including the salary and expenses of those employed by the Commissioner of CBP to provide the customs services. To implement this provision, generally, the airport seeking the designation as a user fee airport or that airport's authority agrees to pay a flat fee for which the users of the airport are to reimburse the airport/airport authority. The airport/airport authority agrees to set and periodically review the charges to ensure that they are in accord with the airport's expenses.

The Commissioner of CBP designates airports as user fee airports pursuant to 19 U.S.C. 58b. If the Commissioner decides that the conditions for designation as a user fee airport are satisfied, a Memorandum of Agreement (MOA) is executed between the Commissioner of CBP and the local responsible official signing on behalf of the state, city or municipality in which the airport is located. In this manner, user fee airports are designated on a case-by-case basis. The regulation pertaining to user fee airports is 19 CFR 122.15. It addresses the procedures for obtaining permission to land at a user fee airport, the grounds for withdrawal of a user fee designation and includes the list of user fee airports designated by the Commissioner of CBP in accordance with 19 U.S.C. 58b. Periodically, CBP updates the list of user fee airports at 19 CFR 122.15(b) to reflect those that have been recently designated by the Commissioner. On November 18, 2010, the Commissioner signed an MOA approving the designation of user fee status for Naples Municipal Airport. This document updates the list of user fee airports by adding Naples Municipal Airport, in Naples, Florida, to the list.

II. Statutory and Regulatory Requirements

A. Inapplicability of Public Notice and Delayed Effective Date Requirements

Because this amendment merely updates the list of user fee airports to include an airport already designated by the Commissioner of CBP in accordance with 19 U.S.C. 58b and neither imposes additional burdens on, nor takes away any existing rights or privileges from, the public, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure are unnecessary, and for the same reasons, pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

B. The Regulatory Flexibility Act and Executive Order 12866

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. This amendment does not meet the criteria for a ''significant regulatory action'' as specified in Executive Order 12866.

C. Unfunded Mandates Reform 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 one year, and it will not significantly or uniquely affect small governments. Therefore, no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

D. Executive Order 13132

The 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, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

E. Signing Authority

This document is limited to technical corrections of CBP regulations.

Accordingly, it is being signed under the authority of 19 CFR 0.1(b).

List of Subjects in 19 CFR Part 122

Air carriers, Aircraft, Airports, Customs duties and inspection, Freight.

Amendments to Regulations

Part 122, Code of Federal Regulations (19 CFR part 122) is amended as set forth below:

PART 122—AIR COMMERCE REGULATIONS

■ 1. The authority citation for Part 122 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 58b, 66, 1431, 1433, 1436, 1448, 1459, 1590, 1594, 1623, 1624, 1644, 1644a, 2071 note.

§ 122.15 [Amended]

■ 2. The listing of user fee airports in § 122.15(b) is amended as follows: by adding, in alphabetical order, in the ''Location'' column ''Naples, Florida'' and by adding on the same line, in the ''Name'' column, ''Naples Municipal Airport.''

Dated: May 20, 2011.

Alan D. Bersin,

Commissioner, U.S. Customs and Border Protection.

[FR Doc. 2011–13283 Filed 5–26–11; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2011–0182]

RIN 1625–AA08

Special Local Regulations for Marine Events; Patapsco River, Northwest Harbor, Baltimore, MD

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing special local regulations during the ''Baltimore Dragon Boat Challenge'', a marine event to be held on the waters of the Patapsco River, Northwest Harbor, Baltimore, MD on June 25, 2011. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to temporarily restrict vessel traffic in a portion of the Patapsco River during the event.

DATES: This rule is effective from 6 a.m. on June 25, 2011 through 6 p.m. on June 26, 2011.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2011–0182 and are available online by going to *http://www.regulations.gov,* inserting USCG–2011–0182 in the ''Keyword'' box, and then clicking ''Search.'' This material is also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, 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 FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or e-mail Mr. Ronald Houck, U.S. Coast Guard Sector Baltimore, MD; telephone 410–576–2674, e-mail *Ronald.L.Houck@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On April 11, 2011, we published a notice of proposed rulemaking (NPRM) entitled ''Special Local Regulations for Marine Events; Patapsco River, Northwest Harbor, Baltimore, MD'' in the **Federal Register** (76 FR 69). We received no comments on the proposed rule. No public meeting was requested, and none was held.

Basis and Purpose

On June 25, 2011, Baltimore Dragon Boat Club, Inc. will sponsor Dragon Boat Races in the Patapsco River, Northwest Harbor, at Baltimore, MD. The event will consist of approximately 15 teams rowing Chinese Dragon Boats in heats of 2 or 3 boats for a distance of 500-meters. Due to the need for vessel control during the event, the Coast Guard will temporarily restrict vessel traffic in the event area to provide for the safety of participants, spectators, and other transiting vessels.

Discussion of Comments and Changes

The Coast Guard received no comments in response to the NPRM. No public meeting was requested and none was held.

Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. Although this regulation will prevent traffic from transiting a portion of the Patapsco River during the event, the effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners and marine information broadcasts, so mariners can adjust their plans accordingly. Additionally, the regulated area has been narrowly tailored to impose the least impact on general navigation yet provide the level of safety deemed necessary. Vessel traffic will be able to transit the regulated area at slow speed between heats, when the Coast Guard Patrol Commander deems it safe to do so.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule may affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit or anchor in the effected portions of the Patapsco River during the event.

Although this regulation prevents traffic from transiting a portion of the Patapsco River, Northwest Harbor during the event, this proposed rule will not have a significant economic impact on a substantial number of small entities for the following reasons. This proposed rule would be in effect for only a limited period. Vessel traffic will be able to transit the regulated area between heats,

when the Coast Guard Patrol Commander deems it safe to do so. Before the enforcement period, we will issue maritime advisories so mariners can adjust their plans accordingly.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), in the NPRM we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(h), of the Instruction. This rule involves implementation of regulations within 33 CFR Part 100 applicable to organized marine events on the navigable waters of the United States that could negatively impact the safety of waterway users and shore side activities in the event area. The category of water activities includes but is not limited to sail boat regattas, boat parades, power boat racing, swimming events, crew racing, canoe and sail board racing. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

■ 2. Add a temporary section, § 100.35–T05–0182 to read as follows:

§ 100.35–T05–0182 Special Local Regulations for Marine Events; Patapsco River, Northwest Harbor, Baltimore, MD.

(a) *Regulated area.* The following locations are regulated areas: All waters of the Patapsco River, Northwest Harbor, in Baltimore, MD, within an

area bounded by the following lines of reference; bounded on the west by a line running along longitude 076°35′35″ W; bounded on the east by a line running along longitude 076°35′10″ W; bounded on the north by a line running along latitude 39°16′40″ N; and bounded on the south by the shoreline. All coordinates reference Datum NAD 1983.

(b) *Definitions:* (1) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the U.S. Coast Guard who has been designated by the Commander, Coast Guard Sector Baltimore.

(2) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Sector Baltimore with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(c) *Special local regulations.*

(1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area must: (i) Stop the vessel immediately when directed to do so by the Coast Guard Patrol Commander or any Official Patrol.

(ii) Proceed as directed by the Coast Guard Patrol Commander or any Official Patrol.

(d) *Enforcement period.* This section will be enforced from 6 a.m. until 6 p.m. on June 25, 2011, or in the case of inclement weather, from 6 a.m. to 6 p.m. on June 26, 2011.

The Coast Guard will publish a notice in the Fifth Coast Guard District Local Notice to Mariners and issue marine information broadcast on VHF–FM marine band radio announcing specific event date and times.

Dated: May 13, 2011.

Mark P. O'Malley,

Captain, U.S. Coast Guard, Captain of the Port Baltimore, Maryland.

[FR Doc. 2011–13178 Filed 5–26–11; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2010–1024]

RIN 1625–AA08

Special Local Regulation; Olympia Harbor Days Tug Boat Races, Budd Inlet, WA

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a special local regulation to enable vessel movement restrictions within the navigation channel and an area extending north of the channel in Budd Inlet, WA during the annual Olympia Harbor Days tug boat races. This action is necessary to restrict vessel movement within the specified race area immediately prior to, during, and immediately after racing activity in order to ensure the safety of participants, spectators and the maritime public. Entry into, transit through, mooring or anchoring within the specified race area is prohibited unless authorized by the Captain of the Port, Puget Sound or Designated Representatives.

DATES: This rule is effective June 27, 2011. For 2011, this regulation will be enforced on September 4, 2011 from 12 noon to 8 p.m.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2010–1024 and are available online by going to *http://www.regulations.gov,* inserting USCG–2010–1024 in the ''Keyword'' box, and then clicking ''Search.'' This material is also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, 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 FURTHER INFORMATION CONTACT: If you have questions on this rule, call or e-mail LTJG Ian S. Hanna, Sector Puget Sound, Waterways Management Division, Coast Guard; telephone 206–217–6175, e-mail *SectorPugetSoundWWM@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On Monday, January 10, 2011, we published a notice of proposed rulemaking (NPRM) entitled Special Local Regulation; Olympia Harbor Days Tug Boat Races, Budd Inlet, WA in the **Federal Register** (76 FR 006). We did not receive any comments on the proposed rule. We did not receive any requests for a public meeting and a public meeting was not held.

Basis and Purpose

The Coast Guard is establishing a special local regulation to enable vessel movement restrictions within the navigation channel and an area extending north of the channel in Budd Inlet, WA during the annual Olympia Harbor Days tug boat races. Tug boat races typically result in vessel and spectator congestion in the proximity of the race course. The draft of these vessels creates a large wake when accelerating at fast speeds such as during races. Vessel movement restrictions are necessary to ensure spectators remain an adequate distance from the specified race area thereby providing unencumbered access for emergency response craft in the event of a race-related emergency. This rule establishes a specified race area and ensures the safety of this marine event by prohibiting persons and vessel operators from entering, transiting or remaining within the designated race zone during times of enforcement.

Background

Olympia Harbor Days is an annual tug boat race in Budd Inlet, WA involving different classes of tug boat races. Each class of vessel will compete in a heat which will take place within the navigation channel. This rule creates a special local regulation to restrict vessel movement within the race area to include the navigational channel and an area extending north of the channel in Budd Inlet, WA during each heat of racing. The event sponsor and event sponsor patrol craft located at the extremities of this race area will delineate the boundaries of the specified race area. The event sponsor will assist the COTP in informing the maritime public of vessel movement restrictions in the specified race area during this annual event.

Discussion of Comments and Changes

The notice of proposed rulemaking for this rule did not receive any comments. Paragraph (d) was changed slightly to clarify the nature of the restriction; that the regulated area is only enforced at times announced in the **Federal Register** by the Captain of the Port.

Initial Enforcement

The Coast Guard will enforce the special local regulation in 33 CFR 100.1309 from 12 noon to 8 p.m. on September 4, 2011.

Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. This rule is not a significant regulatory action because it is located in an isolated area, short in duration and vessels will be able to transit the navigation channel between heats of racing.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit this zone during periods of enforcement. This rule will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will be enforced for a short duration and vessels will be able to navigate the channel between heats with the permission of the on-scene patrol commander (the event sponsor).

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), in the NPRM we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human

environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(g.) of the Instruction. This rule involves tug boat racing by various classes of tugboats in Budd Inlet, WA. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

■ 2. Add § 100.1309 to read as follows:

§ 100.1309 Special Local Regulation; Olympia Harbor Days Tug Boat Races, Budd Inlet, WA.

(a) *Regulated area.* The following area is specified as a race area: All waters of Budd Inlet, WA the width of the navigation channel south of a line connecting the following points: 47°05.530′ N, 122°55.844′ W and 47°05.528′ N, 122°55.680′ W until reaching the northernmost end of the navigation channel at a line connecting the following points: 47°05.108′ N, 122°55.799′ W and 47°05.131′ N, 122°55.659′ W then southeasterly until reaching the southernmost entrance of the navigation channel at a line connecting the following points: 47°03.946′ N, 122°54.577′ W, 47°04.004′ N, 122°54.471′ W.

(b) *Regulations.* In accordance with the general regulations in 33 CFR part 100, the regulated area shall be closed immediately prior to, during and immediately after the event to all persons and vessels not participating in the event and authorized by the event sponsor.

(c) *Authorization.* All persons or vessels who desire to enter the designated race area created in this section while it is enforced must obtain permission from the on-scene patrol craft on VHF Ch 13.

(d) *Notice of enforcement dates.* This Special Local Regulation will only be enforced during times announced by the Captain of the Port. The Captain of the Port will provide notice of the enforcement of this special local regulation by Notice of Enforcement in the **Federal Register**. Additional information may be available through Broadcast Notice to Mariners and Local Notice to Mariners.

Dated: May 11, 2011.

G.T. Blore,

Rear Admiral, U.S. Coast Guard Commander, Thirteenth Coast Guard District.

[FR Doc. 2011–13172 Filed 5–26–11; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2011–0392]

RIN 1625–AA08

Temporary Change of Dates for Recurring Marine Event in the Fifth Coast Guard District; Elizabeth River, Norfolk, VA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard will temporarily change the enforcement period of special local regulations for recurring marine events in the Fifth Coast Guard District. This regulation apply to only one recurring marine event that conducts various river boat races and a parade during the ''35th Annual Norfolk Harborfest Celebration.'' Special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in portions of the Southern Branch, Elizabeth River, VA during the event.

DATES: This rule is effective from June 10, 2011 until June 12, 2011.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2011–0392 and are available online by going to *http://www.regulations.gov,* inserting USCG–2011–0392 in the ''Keyword'' box, and then clicking ''Search.'' They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, 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 FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or e-mail MST1 Danica Jolly, Waterways Management Division, Sector Hampton Roads, Coast Guard; telephone 757–668–5580, e-mail *Danica.A.Jolly@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because delaying the effective date would be contrary to the public interest since immediate action is needed to ensure the public's safety during the 35th Annual Norfolk Harborfest Celebration.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date would be contrary to the public interest since immediate action is needed to ensure the public's safety during 35th Annual Norfolk Harborfest Celebration.

Background and Purpose

Marine events are frequently held on the navigable waters within the boundary of the Fifth Coast Guard District. The on water activities that typically comprise marine events include sailing regattas, power boat races, swim races and holiday boat parades. For a description of the geographical area of each Coast Guard Sector—Captain of the Port Zone, please see 33 CFR 3.25.

This regulation temporarily changes the enforcement period of special local regulations for recurring marine events within the Fifth Coast Guard District. This regulation applies to one marine event found in 33 CFR 100.501, Line 37 of Table to § 100.501. The current enforcement period is June 1, 2, and 3.

On June 10, 11, and 12, 2011, Norfolk Festevents Ltd. will sponsor the ''35th Annual Norfolk Harborfest Celebration'' on the waters of the Southern Branch of the Elizabeth River near Norfolk, Virginia. The regulation at 33 CFR 100.501 is effective annually for this marine event. The event will consist of several boat races and parades on the

Southern Branch of the Elizabeth River in the vicinity of Town Point Beach, Norfolk, Virginia. A fleet of spectator vessels is expected to gather near the event site to view the competitions. To provide for the safety of participants, spectators, support and transiting vessels, the Coast Guard will temporarily restrict vessel traffic in the event area during the river boat races and parade. The regulation at 33 CFR 100.501 will be enforced for the duration of the event. Under provisions of 33 CFR 100.501, on June 10, 11, and 12, 2011, vessels may not enter the regulated area unless they receive permission from the Coast Guard Patrol Commander.

Discussion of Rule

The Coast Guard is temporarily changing the dates for an established special local regulation for marine events on specified waters of the Southern Branch, Elizabeth River, near Norfolk, Virginia. The regulated area will be established in the interest of public safety during the 35th Annual Norfolk Harborfest Celebration, and will be enforced on June 10, 11, and 12, 2011. Access to the regulated area will be restricted during the specified dates or until the river boat races and parades are complete, whichever is sooner. Except for participants and vessels authorized by the Captain of the Port or his Representative, no person or vessel may enter or remain in the regulated area.

Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under that those Orders. Although this rule prevents traffic from transiting a portion of certain waterways during specified events, the effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via marine information broadcasts, local radio stations and area newspapers so mariners can adjust their plans accordingly. Additionally, this rulemaking does not change the permanent regulated areas that have been published in 33 CFR 100.501, Table to § 100.501. In some cases vessel traffic may be able to transit the regulated area when the Coast Guard Patrol Commander deems it is safe to do so.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule would affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in the areas where marine events are being held. This regulation will not have a significant impact on a substantial number of small entities because it will be enforced only during marine events that have been permitted by the Coast Guard Captain of the Port. The Captain of the Port will ensure that small entities are able to operate in the areas where events are occurring when it is safe to do so. In some cases, vessels will be able to safely transit around the regulated area at various times, and, with the permission of the Patrol Commander, vessels may transit through the regulated area. Before the enforcement period, the Coast Guard will issue maritime advisories so mariners can adjust their plans accordingly.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offer to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to

health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(h), of the Instruction. This rule involves implementation of regulations within 33 CFR Part 100 that apply to organized marine events on the navigable waters of the United States that may have potential for negative impact on the safety or other interest of waterway users and shore side activities in the event area. The category of water activities includes but is not limited to sail boat regattas, boat parades, power boat racing, swimming events, crew racing, and sail board racing. An environmental analysis checklist and a categorical exclusion determination will be available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

■ 2. In § 100.501, suspend line No. 37 in the Table to § 100.501.

■ 3. In § 100.501, add line No. 58 in Table to § 100.501; to read as follows:

§ 100.501–35T05–0392 Special Local Regulations; Marine Events in the Fifth Coast Guard District.

* * * * *

Table to § 100.501.—All coordinates listed in the Table to § 100.501 reference Datum NAD 1983.

COAST GUARD SECTOR HAMPTON ROADS—COTP ZONE

Number	Date	Event	Sponsor	Location
*	*	*	*	* * *
58	June 10–June 12, 2011	Norfolk Harborfest	Norfolk Festevents Ltd	The waters of the Elizabeth River and its branches from shore to shore, bounded to the northwest by a line drawn across the Port Norfolk Reach section of the Elizabeth River between the northern corner of the landing at Hospital Point, Portsmouth, Virginia, latitude 36°50′51.0″ N, longitude 076°18′09.0″ W and the north corner of the City of Norfolk Mooring Pier at the foot of Brooks Avenue located at latitude 36°51′00.0″ N, longitude 076°17′52.0″ W; bounded on the southwest by a line drawn from the southern corner of the landing at Hospital Point, Portsmouth, Virginia, at latitude 36°50′50.0″ N, longitude 076°18′10.0″ W, to the northern end of the eastern most pier at the Tidewater Yacht Agency Marina, located at latitude 36°50′29.0″ N, longitude 076°17′52.0″ W; bounded to the south by a line drawn across the Lower Reach of the Southern Branch of the Elizabeth River, between the Portsmouth Lightship Museum located at the foot of London Boulevard, in Portsmouth, Virginia, at latitude 36°50′10.0″ N, longitude 076°17′47.0″ W, and the northwest corner of the Norfolk Shipbuilding & Drydock, Berkley Plant, Pier No. 1, located at latitude 36°50′08.0″ N, longitude 076°17′39.0″ W; and to the southeast by the Berkley Bridge which crosses the Eastern Branch of the Elizabeth River between Berkley at latitude 36°50′21.5″ N, longitude 076°17′14.5″ W, and Norfolk at latitude 36°50′35.0″ N, longitude 076°17′10.0″ W.

* * * * *

Dated: May 12, 2011.

Mark S. Ogle,

Captain, U.S. Coast Guard, Captain of the Port Hampton Roads.

[FR Doc. 2011–13180 Filed 5–26–11; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2010–1139]

RIN 1625–AA09

Drawbridge Operation Regulation; Atlantic Intracoastal Waterway (AIWW), at Wrightsville Beach, NC; Cape Fear and Northeast Cape Fear River, at Wilmington, NC

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the regulations that govern the operations of three North Carolina Department of Transportation (NCDOT) bridges: The S.R. 74 Bridge, across the AIWW, mile 283.1 at Wrightsville Beach, NC; the Cape Fear Memorial Bridge across the Cape Fear River, mile 26.8; and the Isabel S. Holmes Bridge across the Northeast Cape Fear River, mile 1.0, both at Wilmington, NC. This change will alter the dates these bridges are allowed to remain in the closed position to accommodate the annual Beach2Battleship Iron and ½ Iron Triathlon and the Battleship North Carolina Half Marathon and 5K.

DATES: This rule is effective June 27, 2011.

ADDRESSES: Comments and related materials received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2010–1139 and are available online by going to *http://www.regulations.gov,* inserting USCG–2010–1139 in the ''Keyword'' box, and then clicking ''Search.'' This material is also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, 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 FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or e-mail Ms. Lindsey Middleton, Fifth District Bridge Program, Coast Guard; telephone 757–398–6629, e-mail *Lindsey.R.Middleton@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:

Regulatory Information

On February 15, 2011, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulation; Atlantic Intracoastal Waterway (AIWW), at Wrightsville Beach, NC; Cape Fear and Northeast Cape Fear River, at Wilmington, NC in the **Federal Register** (76 FR 8663). We received no comments on the proposed rule. No public meeting was requested, and none was held.

Basis and Purpose

The Beach2Battleship Iron and ½ Iron distance Triathlon competition is an annual event that is held in the Wrightsville Beach and Wilmington, NC area in late October or early November. The swimming portion of this triathlon is tide dependent and so it is difficult to determine the exact date to best hold the event.

The Battleship North Carolina Half Marathon & 5K is another annual event that occurs in the Wrightsville Beach and Wilmington, NC area on the second Sunday of every November. Because of the uncertainty of the tides and consequently the exact date for the Beach2Battleship Iron and ½ Iron distance Triathlon competition, the Battleship Race group has agreed to schedule their race on the opposing weekend of the Iron Man competition.

As with the Iron Man race, the exact date of the closure will be published locally in the Local Notice to Mariners and the Broadcast Notice to Mariners. The local community has become accustomed to these annual events and the bridge closures that are necessary for them.

The S.R. 74 Bridge is a double leaf bascule drawbridge with a vertical clearance of 20 feet at mean high water in the closed position. The current operating schedule for the bridge is set out in 33 CFR 117.821(a)(4). This rule change will not affect the current operation of the bridge but add an additional closure period.

The regulatory change allows the S.R. 74 (Wrightsville Beach) Bridge to remain closed to navigation between 7 a.m. and 10:30 a.m. and to remain closed to navigation between 12 p.m. and 11:59 p.m. on the last Saturday in October or the first or second Saturday in November depending on the tides and the date the event will be held. The exact date of the closure will be published locally in the Local Notice to Mariners and Broadcast Notice to Mariners.

The Cape Fear Memorial Bridge is a vertical lift drawbridge with a vertical clearance of 65 feet at mean high water in the closed position and the Isabel S. Holmes Bridge is a double leaf bascule drawbridge with a vertical clearance of 40 feet at mean high water in the closed position. The current operating schedules for these bridges are set out in 33 CFR 117.823 and 33 CFR 117.829(a)(4), respectively. This regulatory change modifies the existing annual November closure from just the second Sunday in November to the first or second Sunday in November for the Cape Fear Memorial Bridge and the Isabel S. Holmes Bridge. The closure time of 7 a.m. to 11 a.m. for the event for both bridges remains unaffected in this rule. The Isabel S. Holmes Bridge will have an additional regulatory change modification to include a closure from 12 p.m. to 11:59 p.m. on the last Saturday of October or the first or second Saturday of November of every year.

The waterway traffic consists mostly of recreational vessels with some barges and tugs during the daytime. There are no alternative routes available to vessels transiting these waterways. Vessels that can transit under the bridges without an opening may do so at any time. The bridges will be able to open for emergencies.

Discussion of Comments and Changes

No comments were received on the proposed rule and no changes were made to the proposed rule.

Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

The changes are expected to have minimal impact on mariners due to the short duration that the drawbridges will be maintained in the closed position. Both events have been observed in past

years with little to no impact to marine or vehicular traffic. It is also a necessary measure to facilitate public safety that allows for the orderly movement of participants and vehicular traffic before, during, and after the races.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which might be small entities: The owners or operators of vessels needing to transit any of the bridges between the hours of closure on either race day.

This action will not have a significant impact on a substantial number of small entities because the rule only adds minimal restrictions to the movement of navigation, and mariners who plan their transits in accordance with the scheduled bridge closures can minimize delay. Vessels that can safely transit under the bridges may do so at any time.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), in the NPRM we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (32)(e), of the Instruction.

Under figure 2–1, paragraph (32)(e), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise § 117.821(a)(4) to read as follows:

§ 117.821 Atlantic Intracoastal Waterway, Albermarle Sound to Sunset Beach.

(a) * * *

(4) S.R. 74 Bridge, mile 283.1, at Wrightsville Beach, NC, between 7 a.m. and 7 p.m., the draw need only open on the hour; except that from 7 a.m. to 11 a.m. on the third and fourth Saturday in September of every year and between 7 a.m. and 10:30 a.m. on the last Saturday of October each year or the first or second Saturday of November of every year the draw need not open for vessels due to annual triathlon events.

* * * * *

■ 3. Revise § 117.823 to read as follows:

§ 117.823 Cape Fear River.

The draw of the Cape Fear Memorial Bridge, mile 26.8, at Wilmington need not open for the passage of vessels from 8 a.m. to 10 a.m. on the second Saturday of July of every year, and from 7 a.m. to 11 a.m. on the first or second Sunday of November of every year to accommodate annual marathon races.

■ 4. Revise § 117.829(a)(4) to read as follows:

§ 117.829 Northeast Cape Fear River.

(a) * * *

(4) From 8 a.m. to 10 a.m. on the second Saturday of July of every year, from 12 p.m. to 11:59 p.m. on the last Saturday of October or the first or second Saturday of November of every year, and from 7 a.m. to 11 a.m. on the first or second Sunday of November of every year, the draw need not open for vessels to accommodate annual marathon and triathlon races.

* * * * *

Dated: May 16, 2011.

William D. Lee,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 2011–13169 Filed 5–26–11; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2009–0876; FRL–9311–9]

Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of West Virginia. The intended effect of this action is to approve the inclusion of nitrogen oxides (NO_x) as a precursor to ozone in the State of West Virginia for permits for construction and major modification of major stationary sources of air pollution for the prevention of significant deterioration (PSD) areas in West Virginia. This action will also add the Federally equivalent provisions to the rules for the PSD program as they pertain to ''reasonable possibility'' and delete certain references to pollution control projects (PCPs) and clean units (CUs) to make the West Virginia PSD program consistent with the Federal PSD program. This action is being taken under the Clean Air Act (CAA).

DATES: *Effective Date.* This final rule is effective on June 27, 2011.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2009–0876. All documents in the docket are listed in the *www.regulations.gov* website.

Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street, SE., Charleston, West Virginia 25304.

FOR FURTHER INFORMATION CONTACT: Sharon McCauley, (215) 814–3376, or by e-mail at *mccauley.sharon@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Throughout this document, whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. On December 17, 2010 (75 FR 78949), EPA published a notice of proposed rulemaking (NPR) for the State of West Virginia. The NPR proposed approval of the inclusion of NO_X as a precursor to ozone for permits for construction and major modification of major stationary sources of air pollution for PSD. This action will replace the current SIP-approved version of 45CSR14, entitled, Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration. The formal SIP revision was submitted by West Virginia on July 20, 2009.

II. Summary of SIP Revision

This SIP revision consists of replacing the current version of 45CSR14 approved by EPA on December 4, 2006 (71 FR 64470) with the regulations which were made effective as a legislative rule in West Virginia on June 1, 2009 and submitted to EPA on July 20, 2009. This revision governs the permitting for the construction of new major stationary sources and the significant modification of existing major stationary sources of air pollutants in areas designated attainment or non-classifiable for the National Ambient Air Quality Standards (NAAQS).

This approval of West Virginia's SIP submission addresses changes needed to ensure consistency with the CAA's part C PSD permit program. This SIP submission also corrects deficiencies identified by EPA in the March 27, 2008 **Federal Register** action entitled, ''Completeness Findings for Section 110(a) State implementation Plans for the 8-hour Ozone National Ambient Air Quality Standards (1997 Ozone NAAQS)'' (73 FR 16205). EPA's approval of this SIP submission addresses West Virginia's compliance with the portion of CAA Section 110(a)(2)(C) & (J) relating to the Part C permit program for the 1997 Ozone NAAQS, because this action would approve regulating NO_X as a precursor to ozone in West Virginia's SIP in accordance with the **Federal Register** action dated November 29, 2005 (70 FR 71612) that finalized NO_X as a precursor for ozone regulations set forth at 40 CFR 51.166 and in 40 CFR 52.21.

Additionally, in the course of taking action upon the previously approved NSR Reform SIP revision dated December 4, 2006 (71 FR 64470), West Virginia had requested that EPA not act upon certain provisions of 45CSR14.19.8 pertaining to the recordkeeping and reporting requirements for sources that elect to use the actual-to-projected actual emission test and where there is a ''reasonable possibility'' that a project may result in a significant net emissions increase. Based upon revisions to 45CSR14.19.8, EPA is now approving 45CSR14.19.8 in its entirety into the West Virginia SIP with this action as regulatory corrections have been made to the State's regulations.

The references to pollution control projects (PCPs) and clean units (CUs) were deleted in the West Virginia

regulations in accordance with the Federal rulemaking action dated June 13, 2007 (72 FR 32526). These State references to PCPs and CUs are not a part of the currently approved SIP and are, therefore, just being corrected in West Virginia's regulations; as a result of correctly deleting their references, West Virginia's regulations will be consistent with the Federally enforceable provisions.

EPA has determined that the current amendments to West Virginia's PSD permit program at 45CSR14, as submitted on July 20, 2009, meet the minimum requirements of 40 CFR 51.166 and the Clean Air Act. This action will approve these revisions to the West Virginia SIP.

III. Final Action

EPA is approving the West Virginia SIP revision submitted on July 20, 2009 which amends 45CSR14 as a revision to the West Virginia SIP. EPA is also making a determination that West Virginia's SIP meets the requirements of CAA Sections 110(a)(2)(C) and (J) relating to the part C permit program for the 1997 Ozone NAAQS. EPA had solicited public comments on these issues discussed in this document in the prior proposed **Federal Register** action dated December 17, 2010 (75 FR 78949). No adverse comments were received.

IV. Statutory and Executive Order Reviews

A. General Requirements

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 26, 2011. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action to include NO_X as a precursor to ozone and the provisions for ''reasonable possibility'' in West Virginia for permits for construction and major modification of major stationary sources of air pollution for the prevention of significant deterioration may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: May 9, 2011.

W.C. Early,

Acting Regional Administrator, EPA Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart XX—West Virginia

■ 2. In § 52.2520, the table in paragraph (c) is amended by revising the entries for [45 CSR] Series 14 to read as follows:

§ 52.2520 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED REGULATIONS IN THE WEST VIRGINIA SIP

State citation [Chapter 16–20 or 45 CSR]	Title/subject	State effective date	EPA approval date	Additional explanation/citation at 40 CFR 52.2565
*	*	*	*	*
[45 CSR] Series 14 Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration			
Section 45–14–1	General	6/01/09	5/27/11 [Insert page number where the document begins].	
Section 45–14–2	Definitions	6/01/09	5/27/11 [Insert page number where the document begins].	This action incorporates all of this Section into SIP.
Section 45–14–3	Applicability	6/01/09	5/27/11 [Insert page number where the document begins].	This action incorporates all of this Section into SIP.
Section 45–14–4	Ambient Air Quality Increments and Ceilings.	6/01/09	5/27/11 [Insert page number where the document begins].	
Section 45–14–5	Area Classification	6/01/09	5/27/11 [Insert page number where the document begins].	
Section 45–14–6	Prohibition of Dispersion Enhancement Techniques.	6/01/09	5/27/11 [Insert page number where the document begins].	
Section 45–14–7	Registration, Report and Permit Requirements for Major Stationary Sources and Major Modifications.	6/01/09	5/27/11 [Insert page number where the document begins].	
Section 45–14–8	Requirements Relating to Control Technology.	6/01/09	5/27/11 [Insert page number where the document begins].	
Section 45–14–9	Requirements Relating to the Source's Impact on Air Quality.	6/01/09	5/27/11 [Insert page number where the document begins].	
Section 45–14–10	Modeling Requirements	6/01/09	5/27/11 [Insert page number where the document begins].	
Section 45–14–11	Air Quality Monitoring Requirements.	6/01/09	5/27/11 [Insert page number where the document begins].	
Section 45–14–12	Additional Impacts Analysis Requirements.	6/01/09	5/27/11 [Insert page number where the document begins].	
Section 45–14–13	Additional Requirements and Variances for Source Impacting Federal Class 1 Areas.	6/01/09	5/27/11 [Insert page number where the document begins].	
Section 45–14–14	Procedures for Sources Employing Innovative Control Technology.	6/01/08	5/27/11 [Insert page number where the document begins].	
Section 45–14–15	Exclusions From Increment Consumption.	6/01/09	5/27/11 [Insert page number where the document begins].	
Section 45–14–16	Specific Exemptions	6/01/09	5/27/11 [Insert page number where the document begins].	
Section 45–14–17	Public Review Procedures	6/01/09	5/27/11 [Insert page number where the document begins].	
Section 45–14–18	Public Meetings	6/01/09	5/27/11 [Insert page number where the document begins].	
Section 45–14–19	Permit Transfer, Cancellation and Responsibility.	6/01/09	5/27/11 [Insert page number where the document begins].	This action incorporates all of this Section into SIP, amended text added for clarification.
Section 45–14–20	Disposition of Permits	6/01/09	5/27/11 [Insert page number where the document begins].	
Section 45–14–21	Conflict with Other Permitting Rules.	6/01/09	5/27/11 [Insert page number where the document begins].	
Section 45–14–25	Actual PALs	6/01/09	5/27/11 [Insert page number where the document begins].	
Section 45–14–26	Inconsistency Between Rules	6/01/09	5/27/11 [Insert page number where the document begins].	
*	*	*	*	*

* * * * *

[FR Doc. 2011–13067 Filed 5–26–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[EPA–HQ–OPPT–2008–0296; FRL–8858–1]

RIN 2070–AJ41

Requests for Modification or Revocation of Toxic Substances Control Act Section 5 Significant New Use Notice Requirements; Revision to Notification Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This direct final rule amends the procedures for requests for modification or revocation of Toxic Substances Control Act (TSCA) section 5 significant new use notification (SNUN) requirements by establishing electronic submission requirements. EPA issued a final rule in the **Federal Register** of January 6, 2010, introducing electronic reporting requirements for TSCA section 5 submissions and supporting documents. However, the regulatory text inadvertently did not include amendments to the reporting requirements for submissions of requests for modifications or revocations of SNUN requirements. This direct final rule includes the amendment that was originally intended by EPA.

DATES: This direct final rule is effective July 26, 2011 without further notice, unless EPA receives adverse comment on or before June 27, 2011. If EPA receives adverse comments on this action, EPA will withdraw the direct final rule before its effective date. EPA will then issue a proposed rule, providing a 30-day period for public comment.

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPPT–2008–0296. All documents in the docket are listed in the docket index available at *http://www.regulations.gov.* Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in the electronic docket at *http://www.regulations.gov,* or, if only available in hard copy, at the OPPT Docket. The OPPT Docket is located in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Docket visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor bags are processed through an X-ray machine and subject to search. Visitors will be provided an EPA/DC badge that must be visible at all times in the building and returned upon departure.

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Greg Schweer, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 564–8469; e-mail address: *schweer.greg@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; e-mail address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Does this action apply to me?

You may be affected by this action if you manufacture, import, or process chemicals for commercial purposes. Potentially affected entities may include, but are not limited to:

- Manufacturers, importers, and processors of chemical substances or mixtures, *e.g.,* chemical manufacturing and processing and petroleum refineries (NAICS codes 325 and 324110).

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. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in 40 CFR part 721 for TSCA section 5-related obligations. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT.**

II. Background

A. What action is the agency taking?

This action amends 40 CFR 721.185(b)(1), which sets forth requirements for requesting modification or revocation of SNUN requirements. This provision requires persons who request modification of SNUN requirements for a particular chemical substance to send the request in writing to EPA. When developing the TSCA section 5 electronic reporting requirements published in the **Federal Register** issue of January 6, 2010 (75 FR 773) (FRL–8794–5), EPA had intended to include these modification requests. In the document proposing electronic reporting of TSCA section 5 submissions published in the **Federal Register** issue of December 22, 2008 (73 FR 78261) (FRL–8395–8), EPA included regulatory text to require electronic reporting for modification and revocation requests regarding significant new use reporting requirements for microorganisms under 40 CFR 725.984(b)(1), containing language almost identical to the regulatory language included in this direct final rule. Discussion in the preamble of the final rule regarding types of submissions that would continue to be required in hard copy did not include modification and revocation requests under § 721.185(b)(1). No comments were received regarding 40 CFR 725.984(b)(1), and EPA finalized this change. However, the corresponding change to the analogous provision in § 721.185(b)(1) was inadvertently omitted from both the proposed and final rule. This direct final rule includes this change.

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

Section 5(a)(1)(A) of TSCA requires persons to notify EPA at least 90 days before manufacturing a new chemical substance for commercial purposes (under TSCA manufacture includes import). Section 3(9) of TSCA defines a ''new chemical substance'' as any substance that is not on the TSCA Inventory of Chemical Substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(2) of TSCA authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by rule after considering all relevant factors, including those listed in TSCA section 5(a)(2). Once EPA determines that a use of a chemical

substance is a significant new use, TSCA section 5(a)(1)(B) requires persons to submit a notice to EPA at least 90 days before manufacturing or processing the chemical substance for that use.

The Government Paperwork Elimination Act (GPEA) requires Federal agencies to provide for the:

1. Option of electronic maintenance, submission, or disclosure of information, when practicable as a substitute for paper.

2. Use and acceptance of electronic signatures, when practicable. EPA's Cross-Media Electronic Reporting Regulation (CROMERR) (40 CFR part 3), published in the **Federal Register** issue of October 13, 2005 (70 FR 59848) (FRL–7977–1), provides that any requirement in title 40 of the CFR to submit a report directly to EPA can be satisfied with an electronic submission that meets certain conditions once the Agency publishes a document that electronic document submission is available for that requirement.

C. Why is this notice issued as a final rule?

Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(3)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a final rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making this rule final without prior proposal and opportunity for comment, for the reasons mentioned in Unit II.A. EPA finds that this constitutes good cause under 5 U.S.C. 533(b)(3)(B).

III. Statutory and Executive Order Reviews

This action amends an existing regulation to correct an omission in the final rule published in the **Federal Register** of January 6, 2010, introducing electronic reporting of TSCA section 5 submissions and supporting documents; it does not otherwise amend or impose any other requirements. This action is not a ''significant regulatory action'' under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Further, this direct final rule does not impose new or change any information collection burden that requires additional review by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The information collection activities contained in the regulations are already approved under OMB control numbers 2070–0012 and 2070–0038. 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. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9 and on corresponding collection instruments, as applicable.

Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Agency hereby certifies that this direct final rule will not have a significant adverse economic impact on a substantial number of small entities. The correction is not expected to have any adverse economic impacts on affected entities, regardless of their size. This determination is consistent with that made for the final rule, which appears in Unit VII.C. of the preamble to the January 6, 2010 final rule.

State, local, and tribal governments were not expected to be affected by the January 6, 2010 final rule (see Unit VII.D. through F. of the preamble to that action), and, similarly, this direct final rule is not expected to affect these governments. Accordingly, pursuant to Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1531–1538), EPA has determined that this action is not subject to the requirements in UMRA sections 202 and 205 because it does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or for the private sector in any 1 year. In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in UMRA sections 203 and 204. For the same reasons, EPA has determined that this direct final rule does not have ''federalism implications'' as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999), because it would 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, as specified in the Order. Thus, Executive Order 13132 does not apply to this direct final rule. Nor does it have ''tribal implications'' as specified in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 22951, November 9, 2000). Thus, Executive Order 13175 does not apply to this action.

Since this action is not economically significant under Executive Order 12866, it is not subject to Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997), and Executive Order 13211, entitled *Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). In addition, EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern health or safety risks, which is not the case in this direct final rule.

This action does not involve technical standards that would require the consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272).

This action does not have an adverse impact on the environmental and health conditions in low-income and minority communities. Therefore, this action does not involve special consideration of environmental justice related issues as specified in Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

IV. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* generally provides that before a rule may take effect, the Agency promulgating the rule must submit a rule report to each House of the Congress and the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: May 12, 2011.

Stephen A. Owens,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

Therefore, 40 CFR chapter I is amended as follows:

PART 721—[AMENDED]

■ 1. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

■ 2. Revise paragraph (b)(1) of § 721.185 to read as follows:

§ 721.185 Limitation or revocation of certain notification requirements.

* * * * *

(b) * * *

(1) Any affected person may request modification or revocation of significant new use notification requirements for a substance that has been added to subpart E of this part using the procedures described in § 721.160 or § 721.170 by writing to the Director of the Office of Pollution Prevention and Toxics, and stating the basis for such request. The request must be accompanied by the information sufficient to support the request. Persons submitting a request to EPA under this part, unless allowed by 40 CFR 720.40(a)(2)(i), (ii), or (iii), must submit the request to EPA via EPA's Central Data Exchange (CDX) using EPA-provided e-PMN reporting software in the manner set forth in 40 CFR 720.40(a)(2). See 40 CFR 720.40(a)(2)(iv) for information on how to obtain the e-PMN software. Support documents related to these requests must also be submitted to EPA in the manner set forth in 40 CFR 720.40(a)(2)(i), (ii), or (iii). Paper requests must be submitted either via U.S. mail to the Document Control Office (DCO) (7407M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; ATTN: Request to Amend SNUR or submitted via courier to the Environmental Protection Agency, OPPT Document Control Office (DCO), EPA East Bldg., 1201 Constitution Ave., NW., Rm. 6428, Washington, DC 20004; ATTN: Request to Amend SNUR. Optical discs containing electronic requests must be submitted by courier to the Environmental Protection Agency, OPPT Document Control Office (DCO), EPA East Bldg., 1201 Constitution Ave., NW., Rm. 6428, Washington, DC 20004; ATTN: Request to Amend SNUR.

* * * * *

[FR Doc. 2011–13250 Filed 5–26–11; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2011–0002; Internal Agency Docket No. FEMA–8181]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date.

DATES: *Effective Dates:* The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact David Stearrett, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2953.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the NFIP, 42 U.S.C. 4001 *et seq.;* unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register.**

In addition, FEMA has identified the Special Flood Hazard Areas (SFHAs) in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year, on FEMA's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30,

1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region IV				
Kentucky:				
Beaver Dam, City of, Ohio County	210184	June 12, 1975, Emerg; September 27, 1985, Reg; June 2, 2011, Susp.	June 2, 2011	June 2, 2011.
Benton, City of, Marshall County	210163	September 22, 1972, Emerg; March 15, 1977, Reg; June 2, 2011, Susp.	do	Do.
Calvert City, City of, Marshall County	210164	July 8, 1975, Emerg; August 5, 1985, Reg; June 2, 2011, Susp.	do	Do.
Carter County, Unincorporated Areas	210050	January 20, 1976, Emerg; February 15, 1984, Reg; June 2, 2011, Susp.	do	Do.
Gratz, City of, Owen County	210321	June 18, 1976, Emerg; August 19, 1986, Reg; June 2, 2011, Susp.	do	Do.
Grayson, City of, Carter County	210051	July 10, 1975, Emerg; August 16, 1982, Reg; June 2, 2011, Susp.	do	Do.
Hardin, City of, Marshall County	210303	October 15, 1997, Emerg; July 1, 2001, Reg; June 2, 2011, Susp.	do	Do.
Hartford, City of, Ohio County	210357	September 8, 1982, Emerg; September 4, 1985, Reg; June 2, 2011, Susp.	do	Do.
Jessamine County, Unincorporated Areas.	210125	April 16, 1973, Emerg; August 1, 1978, Reg; June 2, 2011, Susp.	do	Do.
Marshall County, Unincorporated Areas	210252	N/A, Emerg; April 1, 1997, Reg; June 2, 2011, Susp.	do	Do.
Monterey, City of, Owen County	210295	April 20, 1976, Emerg; August 5, 1986, Reg; June 2, 2011, Susp.	do	Do.
Nicholasville, City of, Jessamine County	210126	June 11, 1975, Emerg; April 17, 1989, Reg; June 2, 2011, Susp.	do	Do.
Ohio County, Unincorporated Areas	210183	August 3, 1983, Emerg; September 29, 1989, Reg; June 2, 2011, Susp.	do	Do.
Olive Hill, City of, Carter County	210052	July 29, 1975, Emerg; August 16, 1982, Reg; June 2, 2011, Susp.	do	Do.
Owen County, Unincorporated Areas	210186	May 2, 1997, Emerg; July 1, 1999, Reg; June 2, 2011, Susp.	do	Do.
Wilmore, City of, Jessamine County	210311	January 17, 1975, Emerg; November 5, 1986, Reg; June 2, 2011, Susp.	do	Do.
Mississippi:				
Macon, City of, Noxubee County	280123	April 29, 1975, Emerg; January 1, 1986, Reg; June 2, 2011, Susp.	do	Do.
Monticello, Town of, Lawrence County	280225	April 27, 1979, Emerg; April 2, 1986, Reg; June 2, 2011, Susp.	do	Do.
Noxubee County, Unincorporated Areas	280305	December 21, 1978, Emerg; July 1, 1987, Reg; June 2, 2011, Susp.	do	Do.
Silver Creek, Town of, Lawrence County.	280226	November 3, 2008, Emerg; June 2, 2011, Reg; June 2, 2011, Susp.	do	Do.
Region V				
Illinois:				
Adams County, Unincorporated Areas	170001	November 27, 1974, Emerg; November 15, 1985, Reg; June 2, 2011, Susp.	do	Do.
Cleveland, Village of, Henry County	170748	April 8, 1977, Emerg; August 1, 1980, Reg; June 2, 2011, Susp.	do	Do.
Coal Valley, Village of, Henry and Rock Island Counties.	170585	September 26, 1974, Emerg; December 4, 1979, Reg; June 2, 2011, Susp.	do	Do.
Colona, City of, Henry County	170749	July 7, 1976, Emerg; September 17, 1980, Reg; June 2, 2011, Susp.	do	Do.
Crawford County, Unincorporated Areas	170939	N/A, Emerg; March 14, 1996, Reg; June 2, 2011, Susp.	do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Florence, Village of, Pike County	170552	May 27, 1976, Emerg; February 18, 1981, Reg; June 2, 2011, Susp.	.....do	Do.
Geneseo, City of, Henry County	170284	March 31, 1972, Emerg; May 16, 1977, Reg; June 2, 2011, Susp.	.....do	Do.
Henry County, Unincorporated Areas	170739	February 7, 1974, Emerg; January 17, 1985, Reg; June 2, 2011, Susp.	.....do	Do.
Hull, Village of, Pike County	170553	April 30, 1974, Emerg; June 11, 1976, Reg; June 2, 2011, Susp.	.....do	Do.
Hutsonville, Village of, Crawford County	170178	June 17, 1975, Emerg; March 15, 1984, Reg; June 2, 2011, Susp.	.....do	Do.
Kewanee, City of, Henry County	170286	April 3, 1975, Emerg; March 4, 1986, Reg; June 2, 2011, Susp.	.....do	Do.
Nebo, Village of, Pike County	170554	August 26, 1976, Emerg; August 1, 1984, Reg; June 2, 2011, Susp.	.....do	Do.
New Canton, Town of, Pike County	170555	April 24, 1997, Emerg; June 2, 2011, Reg; June 2, 2011, Susp.	.....do	Do.
Palestine, Village of, Crawford County	170179	November 12, 1975, Emerg; September 4, 1985, Reg; June 2, 2011, Susp.	.....do	Do.
Pearl, Village of, Pike County	170556	September 1, 1976, Emerg; September 16, 1981, Reg; June 2, 2011, Susp.	.....do	Do.
Pike County, Unincorporated Areas	170551	May 1, 1974, Emerg; January 3, 1986, Reg; June 2, 2011, Susp.	.....do	Do.
Pleasant Hill, Village of, Pike County	170558	October 4, 1974, Emerg; October 15, 1985, Reg; June 2, 2011, Susp.	.....do	Do.
Quincy, City of, Adams County	170003	March 25, 1974, Emerg; October 15, 1981, Reg; June 2, 2011, Susp.	.....do	Do.
Robinson, City of, Crawford County	170180	July 17, 1975, Emerg; April 6, 1984, Reg; June 2, 2011, Susp.	.....do	Do.
Valley City, Village of, Pike County	170559	May 14, 1979, Emerg; February 18, 1981, Reg; June 2, 2011, Susp.	.....do	Do.
Ohio:				
Arcadia, Village of, Hancock County	390241	January 5, 1978, Emerg; March 1, 1987, Reg; June 2, 2011, Susp.	.....do	Do.
Arlington, Village of, Hancock County	390242	February 25, 1976, Emerg; February 2, 1984, Reg; June 2, 2011, Susp.	.....do	Do.
Findlay, City of, Hancock County	390244	January 15, 1975, Emerg; December 4, 1984, Reg; June 2, 2011, Susp.	.....do	Do.
Fostoria, City of, Hancock, Seneca, and Wood Counties.	390245	April 9, 1975, Emerg; July 1, 1987, Reg; June 2, 2011, Susp.	.....do	Do.
Hancock County, Unincorporated Areas	390767	May 28, 1991, Emerg; August 5, 1991, Reg; June 2, 2011, Susp.	.....do	Do.
Jenera, Village of, Hancock County	390246	January 24, 2008, Emerg; May 1, 2008, Reg; June 2, 2011, Susp.	.....do	Do.
Mount Blanchard, Village of, Hancock County.	390248	January 13, 1976, Emerg; February 5, 1986, Reg; June 2, 2011, Susp.	.....do	Do.
Region VI				
Arkansas:				
Booneville, City of, Logan County	050472	July 2, 1975, Emerg; June 25, 1976, Reg; June 2, 2011, Susp.	.....do	Do.
Caulksville, Town of, Logan County	050397	January 13, 1983, Emerg; July 3, 1985, Reg; June 2, 2011, Susp.	.....do	Do.
Logan County, Unincorporated Areas	050447	March 13, 1981, Emerg; October 18, 1988, Reg; June 2, 2011, Susp.	.....do	Do.
Magazine, City of, Logan County	050344	June 2, 1976, Emerg; July 13, 1982, Reg; June 2, 2011, Susp.	.....do	Do.
Paris, City of, Logan County	050132	December 18, 1974, Emerg; July 6, 1982, Reg; June 2, 2011, Susp.	.....do	Do.
Subiaco, Town of, Logan County	050288	March 23, 1976, Emerg; July 5, 1978, Reg; June 2, 2011, Susp.	.....do	Do.
Oklahoma:				
Bennington, Town of, Bryan County	400260	October 23, 1980, Emerg; August 19, 1985, Reg; June 2, 2011, Susp.	.....do	Do.
Bokchito, Town of, Bryan County	400349	February 9, 1978, Emerg; October 19, 1982, Reg; June 2, 2011, Susp.	.....do	Do.
Bryan County, Unincorporated Areas	400482	July 21, 1982, Emerg; September 18, 1991, Reg; June 2, 2011, Susp.	.....do	Do.
Caddo, Town of, Bryan County	400353	October 26, 1976, Emerg; May 25, 1978, Reg; June 2, 2011, Susp.	.....do	Do.
Durant, City of, Bryan County	400460	May 20, 1975, Emerg; September 30, 1980, Reg; June 2, 2011, Susp.	.....do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Texas:				
Hubbard, City of, Hill County	480859	April 3, 1981, Emerg; May 1, 1985, Reg; June 2, 2011, Susp.	.....do	Do.
Mertens, Town of, Hill County	480862	August 16, 1990, Emerg; March 1, 1991, Reg; June 2, 2011, Susp.	.....do	Do.
Region VII				
Iowa:				
Clayton, City of, Clayton County	190072	February 24, 1975, Emerg; March 16, 1989, Reg; June 2, 2011, Susp.	.....do	Do.
Clayton County, Unincorporated Areas	190858	May 3, 1976, Emerg; May 1, 1990, Reg; June 2, 2011, Susp.	.....do	Do.
Elkader, City of, Clayton County	190073	October 3, 1974, Emerg; September 29, 1978, Reg; June 2, 2011, Susp.	.....do	Do.
Elkport, City of, Clayton County	190074	December 24, 1974, Emerg; August 1, 1986, Reg; June 2, 2011, Susp.	.....do	Do.
Farmersburg, City of, Clayton County	190075	October 6, 1975, Emerg; August 19, 1986, Reg; June 2, 2011, Susp.	.....do	Do.
Garber, City of, Clayton County	190076	March 7, 1975, Emerg; August 1, 1986, Reg; June 2, 2011, Susp.	.....do	Do.
Marquette, City of, Clayton County	195182	April 16, 1971, Emerg; January 19, 1972, Reg; June 2, 2011, Susp.	.....do	Do.
McGregor, City of, Clayton County	195183	April 9, 1971, Emerg; January 19, 1972, Reg; June 2, 2011, Susp.	.....do	Do.
Millville, City of, Clayton County	190081	July 9, 1975, Emerg; July 2, 1987, Reg; June 2, 2011, Susp.	.....do	Do.
Saint Olaf, City of, Clayton County	190084	March 10, 1975, Emerg; August 1, 1986, Reg; June 2, 2011, Susp.	.....do	Do.
Strawberry Point, City of, Clayton County.	190662	N/A, Emerg; October 19, 2010, Reg; June 2, 2011, Susp.	.....do	Do.
Volga, City of, Clayton County	190085	July 23, 1975, Emerg; August 1, 1986, Reg; June 2, 2011, Susp.	.....do	Do.
Region IX				
California:				
Fort Bragg, City of, Mendocino County	060184	May 23, 1975, Emerg; December 7, 1982, Reg; June 2, 2011, Susp.	.....do	Do.
Ukiah, City of, Mendocino County	060186	October 30, 1974, Emerg; July 19, 1982, Reg; June 2, 2011, Susp.	.....do	Do.
Willits, City of, Mendocino County	060187	July 16, 1975, Emerg; July 19, 1982, Reg; June 2, 2011, Susp.	.....do	Do.
Region X				
Oregon:				
Benton County, Unincorporated Areas	410008	April 18, 1974, Emerg; August 5, 1986, Reg; June 2, 2011, Susp.	.....do	Do.
Corvallis, City of, Benton County	410009	October 24, 1974, Emerg; January 3, 1985, Reg; June 2, 2011, Susp.	.....do	Do.
Monroe, City of, Benton County	410010	July 8, 1975, Emerg; January 3, 1986, Reg; June 2, 2011, Susp.	.....do	Do.
Philomath, City of, Benton County	410011	June 6, 1975, Emerg; June 15, 1982, Reg; June 2, 2011, Susp.	.....do	Do.

*-do- = Ditto.
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: May 11, 2011.

Sandra K. Knight,

Deputy Federal Insurance and Mitigation Administrator, Mitigation.

[FR Doc. 2011–13139 Filed 5–26–11; 8:45 am]

BILLING CODE 9110–12–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 36

[CC Docket No. 80–286; FCC 11–71]

Jurisdictional Separations and Referral to the Federal-State Joint Board

AGENCY: Federal Communications Commission.

ACTION: Interim rule.

SUMMARY: Jurisdictional separations is the process by which incumbent local exchange carriers (incumbent LECs) apportion regulated costs between the intrastate and interstate jurisdictions. In this document, the Commission extends the current freeze of part 36 category relationships and jurisdictional cost allocation factors used in jurisdictional separations until June 30, 2012. Extending the freeze will allow the Commission to provide stability for, and avoid imposing undue burdens on,

carriers that must comply with the Commission's separations rules while the Commission and the Federal-State Joint Board consider issues relating to comprehensive reform of the jurisdictional separations process.

DATES: Effective June 27, 2011.

FOR FURTHER INFORMATION CONTACT: Daniel Ball, Attorney Advisor, at 202–418–1577, Pricing Policy Division, Wireline Competition Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order (R&O) in CC Docket No. 80–286, FCC 11–71, released on May 4, 2011. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 12th Street, SW., Washington, DC 20554.

1. Jurisdictional separations is the process by which incumbent LECs apportion regulated costs between the intrastate and interstate jurisdictions.

2. The 2001 Separations Freeze Order, 66 FR 33202, June 21, 2001, froze all part 36 category relationships and allocation factors for price cap carriers and all allocation factors for rate-of-return carriers. Rate-of-return carriers had the option to freeze their category relationships at the outset of the freeze. The freeze was originally established July 1, 2001 for a period of five years, or until the Commission completed separations reform, whichever occurred first. The 2006 Separations Freeze Extension Order, 71 FR 29843, May 24, 2006, extended the freeze for three years or until the Commission completed separations reform, whichever occurred first. The 2009 Separations Freeze Extension Order, 74 FR 23955, May 22, 2009, extended the freeze until June 30, 2010, and the 2010 Separations Freeze Extension Order, 75 FR 30301, June 1, 2010, extended the freeze until June 30, 2011.

3. The NPRM proposed extending the current freeze of part 36 category relationships and jurisdictional cost allocation factors used in jurisdictional separations, which freeze would otherwise expire on June 30, 2011, until June 30, 2012. The R&O adopts that proposal. The extension will allow the Commission to continue to work with the Federal-State Joint Board on Separations to achieve comprehensive separations reform. Pending comprehensive reform, the Commission concludes that the existing freeze should be extended on an interim basis to avoid the imposition of undue administrative burdens on incumbent LECs. The overwhelming majority of parties filing comments in response to the NPRM supported extension of the freeze.

4. The extended freeze will be implemented as described in the 2001 Separations Freeze Order. Specifically, price-cap carriers would use the same relationships between categories of investment and expenses within part 32 accounts and the same jurisdictional allocation factors that have been in place since the inception of the current freeze on July 1, 2001. Rate-of-return carriers would use the same frozen jurisdictional allocation factors, and would use the same frozen category relationships if they had opted previously to freeze those as well.

5. As required by the Regulatory Flexibility Act, the Commission certifies that these regulatory amendments will not have a significant impact on small business entities.

6. The R&O does not propose any new or modified information collections subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new, modified, or proposed ''information collection burden for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, 44 U.S.C. 3506(c)(4).

7. The Commission will send a copy of the R&O in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

Ordering Clauses

8. Pursuant to sections 1, 4(i) and (j), 214(e), 254, and 410 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 214(e), 254, and 410, the R&O is adopted.

9. The report and order shall be effective June 27, 2011.

10. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of the R&O, including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 36

Communications common carriers, Reporting and recordkeeping requirements, Telephone, and Uniform System of Accounts.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 36 as follows:

PART 36—JURISDICTIONAL SEPARATIONS PROCEDURES; STANDARD PROCEDURES FOR SEPARATING TELECOMMUNICATIONS PROPERTY COSTS, REVENUES, EXPENSES, TAXES AND RESERVES FOR TELECOMMUNICATIONS COMPANIES

■ 1. The authority citation for part 36 continues to read as follows:

Authority: 47 U.S.C. Secs. 151, 154 (i) and (j), 205, 221(c), 254, 403, and 410.

■ 2. In 47 CFR part 36 remove the words ''June 30, 2011'' and add, in their place, the words ''June 30, 2012'' in the following places:

■ a. Section 36.3(a), (b), (c), (d), and (e);
■ b. Section 36.123(a)(5) and (a)(6);
■ c. Section 36.124(c) and (d);
■ d. Section 36.125(h) and (i);
■ e. Section 36.126(b)(5), (c)(4), (e)(4), and (f)(2);
■ f. Section 36.141(c);
■ g. Section 36.142(c);
■ h. Section 36.152(d);
■ i. Section 36.154(g);
■ j. Section 36.155(b);
■ k. Section 36.156(c);
■ l. Section 36.157(b);
■ m. Section 36.191(d);
■ n. Section 36.212(c);
■ o. Section 36.214(a);
■ p. Section 36.372;
■ q. Section 36.374(b) and (d);
■ r. Section 36.375(b)(4) and (b)(5);
■ s. Section 36.377(a) introductory text, (a)(1)(ix), (a)(2)(vii), (a)(3)(vii), (a)(4)(vii), (a)(5)(vii), and (a)(6)(vii);
■ t. Section 36.378(b)(1);
■ u. Section 36.379(b)(1) and (b)(2);
■ v. Section 36.380(d) and (e);
■ w. Section 36.381(c) and (d); and
■ x. Section 36.382(a).

[FR Doc. 2011–12679 Filed 5–26–11; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket No. 10–51; FCC 11–54]

Structure and Practices of the Video Relay Service Program; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The Federal Communications Commission (FCC) is correcting a final rule that appeared in the **Federal Register** of May 2, 2011. The document

adopted rules to address fraud, waste, and abuse in the Video Relay Service (VRS) industry.

DATES: Effective June 1, 2011.

FOR FURTHER INFORMATION CONTACT: Diane Mason, Consumer and Governmental Affairs Bureau, Disability Rights Office, at (202) 418–7126 or e-mail *Diane.Mason@fcc.gov*.

SUPPLEMENTARY INFORMATION: This document makes the following corrections to the final rule published May 2, 2011, at 76 FR 24393:

[Corrected]

1. On page 24393, column 3, revise the **DATES** section to read as follows:

DATES: Effective June 1, 2011, except § 64.604(b)(4)(iii) of the Commission's rules, which shall become effective August 30, 2011, and the following new provisions §§ 64.604(c)(5)(iii)(C)(*2*),(*3*), (*4*), and (*7*); 64.604(c)(5)(iii)(M); 64.604(c)(5)(iii)(N)(*1*)(*v*); and 64.604(c)(5)(iii)(N)(*2*) of the Commission's rules; and the required submission for waiver request, which contains new information collection requirements subject to the Paperwork Reduction Act (PRA) that have not been approved by the Office of Management and Budget (OMB). Written comments by the public on the modified and new information collections are due by July 1, 2011. The Commission will publish a document in the **Federal Register** announcing the effective date of these rules and waiver requirement.

[Corrected]

2. On page 24397, column 2, correct paragraph 18 to read as follows:

18. Lastly, the Commission seeks to reduce the risk that marketing and outreach efforts will continue to be vehicles for manufacturing fraudulent minutes, such as those described above. To the extent an eligible VRS provider contracts with a third party to provide any services or functions related to marketing or outreach, and such services utilize VRS, the costs for such services cannot be compensated from the TRS Fund on a per-minute basis. In addition, all agreements in connection with marketing and outreach activities, including those involving sponsorships, financial endorsements, awards, and gifts made by the provider to any individual or entity, must be described in the providers' annual submissions to the TRS Fund administrator. The Commission recognizes that some companies currently offering VRS through an arrangement with an eligible provider may wish to continue providing this service on their own, yet may require additional time to make adjustments to their operations in order to come into compliance with the new requirements adopted in this Order. To give these entities an opportunity to continue to provide VRS as a subcontractor with an eligible provider until such time as they obtain certification under new procedures to be adopted pursuant to the accompanying *FNPRM,* the Commission will consider requests for a temporary waiver of the new requirements. A company requesting a waiver of the rules adopted in document FCC 11–54 will have the burden of showing that the waiver is in the public interest, that grant of the waiver request will not undermine the purposes of the rules that we adopt today, and that it will come into compliance with those rules within a short period of time. Applicants requesting to receive a temporary waiver shall provide, in writing, a description of the specific requirement(s) for which it is seeking a waiver, along with documentation demonstrating the applicant's plan and ability to come into compliance with all of these requirements (other than the certification requirement) within a specified period of time, which shall not exceed three months from the date on which the rules become effective. Evidence of the applicant's plan and ability to come into compliance with the new rules shall include the applicant's detailed plan for modifying its business structure and operations in order to meet the new requirements, along with submission of the following relevant documentation to support the waiver request:

- A copy of each deed or lease for each call center operated by the applicant;
- A list of individuals or entities that hold at least a 10 percent ownership share in the applicant's business and a description of the applicant's organizational structure, including the names of its executives, officers, partners, and board of directors;
- A list of all of the names of applicant's full-time and part-time employees;
- Proofs of purchase or license agreements for use of all equipment and/or technologies, including hardware and software, used by the applicant for its call center functions, including but not limited to, automatic call distribution (ACD) routing, call setup, mapping, call features, billing for compensation from the TRS fund, and registration;
- Copies of employment agreements for all of the provider's executives and CAs;
- A list of all financing arrangements pertaining to the provision of Internet-based relay service, including documentation on loans for equipment, inventory, property, promissory notes, and liens;
- Copies of all other agreements associated with the provision of Internet-based relay service; and
- A list of all sponsorship arrangements (*e.g.,* those providing financial support or in-kind interpreting or personnel service for social activities in exchange for brand marketing), including any associated agreements.

[Corrected]

3. On page 24401, column 1, correct § 64.604 (c)(5)(iii)(L)(3) to read as follows: (3) If, the TRS provider submits additional justification for payment of the minutes of use in dispute within two months after being notified that its initial justification was insufficient, the Fund administrator or the Commission will review such additional justification documentation, and may ask further questions or conduct further investigation to evaluate whether to pay the TRS provider for the minutes of use in dispute, within eight months after submission of such additional justification.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2011–12681 Filed 5–26–11; 8:45 am]

BILLING CODE 6712–01–P

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 501, 552, and 570

[GSAR Amendment 2011–01; GSAR Case 2006–G508 (Change 48) Docket 2009–0017; Sequence 1]

RIN 3090–AI96

General Services Administration Acquisition Regulation; Rewrite of Part 570; Acquiring Leasehold Interests in Real Property

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Final rule.

SUMMARY: The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to revise sections that provide requirements for acquiring leasehold interests in real property.

DATES: *Effective Date:* June 27, 2011.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Ms.

Deborah Lague, Procurement Analyst, at (202) 694–8149. For information pertaining to status or publication schedules, contact the Regulatory Secretariat (MVCB), 1275 First Street, 7th Floor, Washington, DC 20417, (202) 501–4755. Please cite GSAR Case 2006–G508.

SUPPLEMENTARY INFORMATION:

A. Background

On December 4, 2009, GSA published in the **Federal Register** at 74 FR 63704, a Proposed Rule with a request for comments. As a result, public comments were received.

GSA is amended the GSAR subpart 501.106 by removing the reference to ''570.702(c)'' and adding ''570.802(c)'' and ''570.802(d)'' in their place.

GSA moved advertising requirements from Part 505 to section 570.106, Advertising, Publicizing, and Notifications to Congress, since most of the guidance on advertising requirements contained in Part 505 relate to the leasing program. The changes to Part 505 have already been implemented in GSAR case 2008–G503, published in the **Federal Register** at 75 FR 32860, June 10, 2010.

GSA is amending the GSAR to revise GSAR Part 570, Acquiring Leasehold Interests in Real Property. In summary, GSA is amending this part to update regulatory provisions that are applicable to lease transactions; to provide sustainability guidance on implementing Executive Order 13514 and Guiding Principles for Federal Leadership in High Performance and Sustainable Buildings; to delete the dollar value of the simplified lease acquisition threshold and instead reference Federal Acquisition Regulation (FAR) 2.101 for information about the threshold; and to clarify the meaning and improve the readability of this part. In addition, GSA is moving advertising requirements from Part 505 to Part 570, since most of the guidance on advertising requirements contained in Part 505 relate to the leasing program.

This rule revises GSAR 570 as follows:

Overall changes were made throughout the text to change ''you'' to ''contracting officer,'' and to edit language for clarity.

GSAR 570.101(b) is revised to delete GSAR rules that are no longer applicable to the acquisition of leasehold interests in real property and to add current references to GSAR 522.805, 522.807, and 532.111.

GSAR 570.101(c) is revised to update the GSAR provisions that are applicable in leasing transactions. This section is revised to delete GSAM sections from the GSAR and move them to the GSAM, the non-regulatory portion of the manual.

GSAR 570.101(d) is added to explain that the FAR does not apply to leasehold acquisitions of real property and to further explain that references to the FAR in Part 570 are used as a matter of policy where the underlying statute behind the FAR provision applies to leasing or as matter of administrative convenience.

GSAR 570.102 is revised to add definitions for ''ANSI/BOMA Office Area (ABOA)'', ''lease acquisition,'' ''lease extension,'' ''lease renewal (option),'' ''succeeding lease,'' and ''superseding lease.'' The definition for ''simplified lease acquisition threshold'' is revised to delete the dollar value, and instead reference FAR 2.101 for information about the threshold. The definition for ''small business'' is revised to delete the dollar limit for annual average gross receipts and to reference the size standard established by the Small Business Administration. Further revisions were made to include where the size standards may be found on the web. The definition of ''rent and related services'' is deleted because it is not used within the subpart. The definition for ''space in buildings'' is deleted because this definition was only referenced at 570.105–3 which is also being deleted.

GSAR 570.103 is revised to update the statutory reference to leasing authority. In addition, GSAR 570.103 is revised, consistent with statute and regulation, to allow the contracting officer to designate a contracting officer's representative.

GSAR 570.105–2 is re-titled, Criteria for the Use of Two-phase Design-build. GSAR 570.105–2 is revised to update the statutory reference to leasing authority. GSAR 570.105–2(c) is added to reference 570.305, where additional procedures can be found regarding two-phase design-build selections that apply to acquisition of leasehold interests.

GSAR 570.105–3 is deleted in its entirety because sealed bidding is not used in GSA leasing transactions. Since negotiations or discussions are not allowed under sealed bidding, GSA has determined that the use of negotiated acquisition procedures in real property lease acquisitions enables GSA to clarify and explain SFO requirements to more effectively address the unique elements of each property and obtain better lease pricing.

GSAR 570.106 is re-titled Advertising, Publicizing, and Notifications to Congress, and revised to incorporate advertising requirements from Part 505, because most of the exceptions to advertising requirements contained in Part 505 relate to the leasing program.

GSAR 570.106–1, Synopsis of Lease Awards, is added to incorporate synopsizing requirements of lease awards from Part 505.

GSAR 570.108 is revised to update reference to ''Excluded Parties List System'' (EPLS).

GSAR 570.109 is revised to add the language ''representations and'' for clarification.

GSAR 570.110 is revised to require the contracting officer to obtain two bids or cost and pricing data for price analysis of offered tenant improvement costs.

GSAR 570.111 is revised to require that the inspection and acceptance document contain the ANSI/BOMA Office Area (ABOA) square footage accepted and the acceptance date.

GSAR 570.115, Novation and Change of Ownership, is added to include language stating that FAR 42.12 applies in the event of a transfer of ownership of the leased premises or a change in the lessor's legal name.

GSAR 570.116, Contract Format, is added to include language stating that the uniform contract format is not required for leases of real property.

GSAR 570.117, Sustainable Requirements for Lease Acquisitions, is added to add a requirement for the contracting officer to include sustainable design requirements appropriate for the type of leasing action in the solicitations for offers, to identify the location of solicitation requirements and instructions on *http://www.gsa.gov/leasing,* and to include guidance on Executive Order 13514 and the Guiding Principles for Federal Leadership in High Performance and Sustainable Buildings.

GSAR 570.203–3(a), is revised to add a reference to ''GSA Form 3626'' for clarity and to require the contracting officer to include sustainable design requirements in offers.

GSAR 570.203–4 is revised to include a reference to the thresholds at FAR 15.403–4 and 19.702(a). It is further revised to require that the contracting officer make an affirmative determination of price reasonableness.

GSAR Subpart 570.3 is renamed Acquisition Procedures for Leasehold Interests in Real Property Over the Simplified Lease Acquisition Threshold.

GSAR 570.303–1 is revised to add a requirement that each Solicitation for Offers (SFO) must include sustainable design requirements.

GSAR 570.303–2 is revised to allow electronic issuance of solicitations.

GSAR 570.303–4 is revised to require contracting officers to re-advertise and

reissue a solicitation when a complete revision of a solicitation is required in accordance with GSAR 570.106.

GSAR 570.304 is revised to adequately distinguish between best value and low price technically acceptable acquisitions.

GSAR 570.305 is revised to require the contracting officer to consider planned subcontracting opportunities for small disadvantaged business concerns during phase one evaluations.

GSAR 570.306(b) is revised to require the contracting officer to review the elements of the lessor's proposed rent to analyze whether the individual elements are realistic and reflect the lessor's understanding of work to be performed. GSAR 570.306(c) is revised to add information on past performance evaluations. GSAR 570.306(f) was revised to direct the reader to important paragraphs in Part 570 concerning the evaluation of offers.

GSAR 570.401 is revised to add language indicating that if a renewal option was not evaluated as part of the lease at award, then the addition of a renewal option during the lease term must satisfy the requirements of GSAM 506 regarding full and open competition.

GSAR 570.402–2 is revised to update the reference to publication and advertising requirements for leases.

GSAR 570.404 is revised to clarify that a superseding lease may be used when market conditions warrant renegotiation of an existing lease, and to provide considerations of a cost benefit analysis.

GSAR 570.405 is revised to provide examples of situations where lease extensions may be appropriate.

GSAR 570.501(a) is revised to explain that the procedures in 570.502 apply to alterations acquired directly from a lessor by modification or supplemental lease agreement.

GSAR 570.502 is deleted because this information is addressed in 570.501(a).

GSAR 570.502–1 is revised to tie the threshold to the FAR definition of the micro-purchase threshold.

GSAR 570.502–2 is revised to delete language referencing progress payments. This section is further revised to allow the lease contracting officer to delegate alteration contracting authority to a warranted contracting officer's representative in GSA or the tenant agency.

GSAR 570.503 is revised to delete paragraph (b) from the GSAM and incorporate it into the GSAR.

New section GSAR 570.6 Contracting for Overtime Services and Utilities in Leases is added to provide requirements for when overtime services and utilities are needed.

GSAR 570.601 is renumbered as 570.701 and is revised to delete the reference to the dollar value of the thresholds, and to instead provide the FAR reference because the thresholds may change. GSAR 570.601 is revised to include the following additional FAR provisions or clauses that must be included in solicitations:

52.204–6, Data Universal Numbering system (DUNS) Number;

52.204–7, Central Contractor Registration;

52.219–28, Post-Award Small Business Program Rerepresentation (use if lease term exceeds five years),

52.232–33, Electronic Funds Transfer—Central Contractor Registration;

52.222–36, Affirmative Action for Workers with Disabilities;

52.204–10, Reporting Executive Compensation and First-Tier Subcontract Awards;

52.204–5, Women-Owned Business (Other than Small Business);

52.203–13, Contractor Code of Business Ethics and Conduct;

52.203–14, Display of Hotline Poster(s).

GSAR 570.602 and 570.603 are renumbered as 570.702 and 703, respectively, and are revised to require the contracting officer to document the file when deleting or substantially changing a clause. GSAR 570.603 is further revised to number the paragraphs (a) and (b), and to include language in paragraphs (a) and (b) to require the contracting officer to include the following additional clauses in leaseholds for real property:

552.215–70, Examination of Records by GSA;

552.270–28, Mutuality of Obligation;

552.270–29, Acceptance of Space;

552.270–30, Price Adjustment for Illegal or Improper Activity;

552.270–31, Prompt Payment;

552.270–32, Covenant Against Contingent Fees.

GSAR 570.604 is renumbered as 570.704 and is revised to delete the reference to clause 552.203–5, Covenant Against Contingent Fees, because the updated clause number is now referenced in 570.703.

GSAR 570.701 is renumbered as 570.801 and is revised to delete the instructions to omit the reference to Standard Form (SF)2–A.

GSAR 570.802(d) is added to allow the use of the GSA Form 1217, Lessor's Annual Cost Statement, to obtain pricing information regarding offered services and lease commissions.

The clause at 552.270–1, Instructions to Offerors—Acquisition Leasehold Interest in Real Property, is revised to add language requiring execution and delivery of a lease to effectuate contract formation. It also adds paragraph (f) to address paperwork collection information.

The provision at 552.270–3, Parties to Execute Leases, is revised to make it consistent with the instructions contained in FAR 4.102.

The clause at 552.270–7, Fire and Casualty Damage, is revised to permit the government to assess a property's condition before giving notice of termination.

The clause at 552.270–14, Changes, is revised to change ''usable square foot'' to ''ABOA square foot,'' and to specify the impact of the failure to assert a claim for a price adjustment.

The clause at 552.270–16, Adjustment for Vacant Premises, is revised to clarify when and how adjustments for vacant premises will be made.

The clause at 552.270–18, Default in Delivery—Time Extensions, is revised to update the terminology of ''usable square footage'' to ''ABOA square footage.''

The clause at 552.270–20, Payment, is revised to update the terminology of ''usable square footage'' to ''ABOA square footage.''

The clause at 552.270–29, Acceptance of Space, is revised to update the terminology of ''usable square footage'' to ''ABOA square footage'' and to simplify the reference to a section in the solicitation.

The following clauses were added to GSAR Part 570: 552.270–30, Price Adjustment for Illegal or Improper Activity; 552.270–31, Prompt Payment; and 552.270–32, Covenant Against Contingent Fees.

B. Discussion of Comments

Two public comments from one respondent were received in response to the proposed rule.

Comment: One comment recommended deleting the language ''and delivery'' at GSAR 552.270–1(e)(7), Instructions to Offerors.

Response: Do not concur. Execution and delivery in the legal sense are both necessary elements to effectuate the contract. Absent delivery, the offeror would not know that the contract was executed and that the offeror was bound to perform.

Comment: The second comment recommended at GSAM 570.106–1(c), for the posting of a justification for other than full and open competition on the FedBizOpps website, be revised to clarify when the justification is to be posted.

Response: Do not concur. Justifications for other than full and open are required to be posted after award by Section 844 of the National Defense Authorization Act for Fiscal Year 2008, ''Public Disclosure of Justification and Approval Documents for Noncompetitive Contracts''. Parties receive notice of the opportunity to express interest in the leasing action by posting of the notice required by section GSAM 570.402–2 of the proposed regulation.

C. 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. This rule is not a major rule under 5 U.S.C. 804.

In accordance with Executive Order 13563, Improving Regulation and Regulatory Review, dated January 18, 2011, GSA determined that this rule is not excessively burdensome to the public, and is consistent with amending the General Services Administration Acquisition Regulation (GSAR) to revise GSAR Part 570, Acquiring Leasehold Interests in Real Property.

D. Regulatory Flexibility Act

The General Services Administration certifies that 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 rule is not considered substantive. It clarifies existing language, deletes obsolete coverage, and edits existing language.

E. Paperwork Reduction Act

The Paperwork Reduction Act does apply; however, these changes to the GSAR do not impose additional information collection requirements to the paperwork burden previously approved under OMB Control Number 3090–0086.

The Paperwork Reduction Act applies because the rule contains information collection requirements. Accordingly, the Regulatory Secretariat has forwarded a request to receive approval of the new information collection requirement concerning GSAR Case 2006–G508, Acquiring Leasehold Interests in Real Property, to the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

Annual Reporting Burden

At 570.702(d), the contracting officer may use GSA Form 1217, Lessor's Annual Cost Statement, to obtain pricing information regarding offered services and lease commissions.

The annual reporting burden is estimated as follows:

Respondents: 5,733.

Responses per respondent: 1.

Total annual responses: 5,733.

Preparation hours per response: 1 hour.

Total response burden hours: 5,733.

Public reporting burden for this collection of information is estimated to average 1 hour 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.

List of Subjects in 48 CFR Parts 501, 552, and 570

Government procurement.

Dated: May 12, 2011.

Rodney P. Lantier,

Deputy Director, Office of Acquisition Policy.

Therefore, GSA amends 48 CFR parts 501, 552, and 570 as set forth below:

■ 1. The authority citation for 48 CFR parts 501, 552, and 570 continues to read as follows:

Authority: 40 U.S.C. 121(c).

PART 501—GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION SYSTEM

501.106 [Amended]

■ 2. Amend section 501.106 by removing from the table the entry ''570.702(c)'' and adding the entries ''570.802(c)'' and ''570.802(d)'' in its place to read as follows:

501.106 OMB Approval under the Paperwork Reduction Act.

GSAR reference	OMB control No.
* * * * *	
570.802(c)	3090–0086
570.802(d)	3090–0086

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 3. Amend section 552.270–1 by—

■ a. Removing from the introductory text ''570.602'' and adding ''570.702'' in its place;

■ b. Removing from the introductory text ''MAR 1998'' and adding ''JUN 2011'' in its place;

■ c. Removing from paragraph (a) in the definition heading, ''*In Writing or Written''* and adding ''*In writing, writing or written''* in its place, and removing ''which'' and adding ''that'' in its place;

■ d. Removing from paragraph (c)(2)(i)(A) ''5th'' and adding ''fifth'' in its place;

■ e. Adding in paragraph (c)(2)(i)(E) the word ''that'' before ''the Contracting Officer'';

■ f. Revising paragraph (e)(7);

■ g. Adding paragraph (f); and

■ h. Removing from Alternates I and II ''570.602'' and adding ''570.702'' in their place.

The newly added and revised text reads as follows:

552.270–1 Instructions to Offerors—Acquisition of Leasehold Interests in Real Property.

* * * * *

(e) * * *

(7) The execution and delivery of the Lease contract by the Government establishes a valid award and contract.

* * * * *

(f) *Paperwork collection.* The information collection requirements contained in this solicitation/contract are either required by regulation or approved by the Office of Management and Budget pursuant to the Paperwork Reduction Act and assigned OMB Control No. 3090–0163.

* * * * *

552.270–2 [Amended]

■ 4. Amend section 552.270–2 by removing from the introductory text ''570.602'' and adding ''570.702'' in its place.

■ 5. Amend section 552.270–3 by—

■ a. Removing from the introductory text ''570.602'' and adding ''570.702'' in its place;

■ b. Removing from the date of the provision ''Sep 1999'' and adding ''JUN 2011'' in its place;

■ c. Revising paragraph (a);

■ d. Removing from paragraph (b) ''shall be signed with'' and adding ''must be signed in'' in its place, and removing '', if requested by the government,'';

■ e. Removing from paragraph (c) ''shall be signed with'' and adding ''must be signed in'' in its place; and

■ f. Adding paragraphs (d) and (e).

The revised and added text reads as follows:

552.270–3 Parties to Execute Lease.

* * * * *

(a) If the lessor is an individual, that individual shall sign the lease. A lease with an individual doing business as a firm shall be signed by that individual, and the signature shall be followed by the individual's typed, stamped, or printed name and the words, ''an individual doing business as _____ [insert name of firm].''

* * * * *

(d) If the Lessor is a joint venture, the lease must be signed by each participant in the

joint venture in the manner prescribed in paragraphs (a) through (c) of this provision for each type of participant. When a corporation is participating in the joint venture, the corporation shall provide evidence that the corporation is authorized to participate in the joint venture.

(e) If the lease is executed by an attorney, agent, or trustee on behalf of the Lessor, an authenticated copy of the power of attorney, or other evidence to act on behalf of the Lessor, must accompany the lease.

* * * * *

■ 6. Amend section 552.270–4 by—

■ a. Removing from the introductory text ''570.603'' and adding ''570.703'' in its place;

■ b. Removing paragraph (l); and

■ c. Redesignating paragraphs (a) through (k) as (b) through (l) respectively; and adding a new paragraph (a).

The newly added text reads as follows:

552.270–4 Definitions.

* * * * *

(a) *ANSI/BOMA Office Area (ABOA)* means the area ''where a tenant normally houses personnel, and/or furniture, for which a measurement is to be computed,'' as stated by the American National Standards Institute/Building Owners and Managers Association (ANSI/BOMA) publication, Z65.1–1996.

* * * * *

552.270–5 [Amended]

■ 7a. Amend section 552.270–5 in the introductory text by removing ''570.603'' and adding ''570.703'' in their place.

552.270–6 [Amended]

■ 7b. Amend section 552.270–6 in the introductory text by removing ''570.603'' and adding ''570.703'' in their place.

552.270–7 [Amended]

■ 8. Amend section 552.270–7 by—

■ a. Removing from the introductory text ''570.603'' and adding ''570.703'' in its place;

■ b. Removing from the date of the clause ''Sep 1999'' and adding ''JUN 2011'' in its place; and

■ c. Removing ''of the fire or other casualty'' and adding ''after such determination'' in its place.

552.270–8 [Amended]

■ 9a. Amend section 552.270–8 in the introductory text by removing ''570.603'' and adding ''570.703'' in its place.

552.270–9 [Amended]

■ 9b. Amend section 552.270–9 in the introductory text by removing ''570.603'' and adding ''570.703'' in its place.

552.270–10 [Amended]

■ 9c. Amend section 552.270–10 in the introductory text by removing ''570.603'' and adding ''570.703'' in its place.

552.270–11 [Amended]

■ 9d. Amend section 552.270–11 in the introductory text by removing ''570.603'' and adding ''570.703'' in its place.

552.270–12 [Amended]

■ 9e. Amend section 552.270–12 in the introductory text by removing ''570.603'' and adding ''570.703'' in its place.

552.270–13 [Amended]

■ 9f. Amend section 552.270–13 in the introductory text by removing ''570.603'' and adding ''570.703'' in its place.

■ 10. Amend section 552.270–14 by—

■ a. Removing from the introductory text ''570.603'' and adding ''570.703'' in its place, and removing ''Sep 1999'' and adding ''Jun 2011'' in its place;

■ b. Removing from paragraph (b)(4) ''usable'' and adding ''ABOA'' in its place; and

■ c. Adding a new sentence to paragraph (c) after the first sentence.

The added text reads as follows:

552.270–14 Changes.

* * * * *

(c) * * * The Lessor's failure to assert its right for adjustment within the time frame specified herein shall be a waiver of the Lessor's right to an adjustment under this paragraph. * * *

* * * * *

552.270–15 [Amended]

■ 11. Amend section 552.270–15 by removing ''570.603'' and adding ''570.703'' in its place.

■ 12. Revise section 552.270–16 to read as follows:

552.270–16 Adjustment for Vacant Premises.

As prescribed in 570.703, insert the following clause:

Adjustment for Vacant Premises (JUN 2011)

(a) If the Government fails to occupy any portion of the leased premises or vacates the premises in whole or in part before the lease term expires, the rental rate will be reduced. The reduction shall occur after the Government gives 30 calendar days notice to the Lessor, and shall continue in effect until the Government occupies or reoccupies the vacant premises or the lease expires or is terminated.

(b) The rate will be reduced by that portion of the costs per ABOA square foot of operating expenses not required to maintain the space. In addition, at the first operating cost adjustment after the notice of reduction to the rent, the base cost of services subject to escalation will be reduced by said amount. In the event that the Government occupies or reoccupies the vacant premises on the lease anniversary date following the occupation of the vacant premises, the base cost of services subject to escalation will be increased by said amount.

(c) The reduction in operating costs shall be negotiated and stated in the lease.

(End of clause)

552.270–17 [Amended]

■ 13. Amend section 552.270–17 in the introductory text by removing ''570.603'' and adding ''570.703'' in its place.

552.270–18 [Amended]

■ 14. Amend section 552.270–18 in the introductory text by removing ''570.603'' and adding ''570.703'' in its place and removing from paragraph (c) ''usable'' and adding ''ABOA'' in its place.

552.270–19 [Amended]

■ 15. Amend section 552.270–19 by removing ''570.603'' and adding ''570.703'' in its place.

552.270–20 [Amended]

■ 16. Amend section 552.270–20 by—

■ a. Removing from the introductory text ''570.603'' and adding ''570.703'' in its place;

■ b. Removing from paragraphs (a), (b), and (c) ''usable'' and adding ''ABOA'' in its place five times; and

■ c. Removing from paragraph (c) ''Usable'' and adding ''ABOA'' in its place, and removing ''USF'' two times.

552.270–21 [Amended]

■ 17a. Amend section 552.270–21 in the introductory text by removing ''570.603'' and adding ''570.703'' in its place.

552.270–22 [Amended]

■ 17b. Amend section 552.270–22 in the introductory text by removing ''570.603'' and adding ''570.703'' in its place.

552.270–23 [Amended]

■ 17c. Amend section 552.270–23 in the introductory text by removing ''570.603'' and adding ''570.703'' in its place.

552.270–24 [Amended]

■ 17d. Amend section 552.270–24 in the introductory text by removing

''570.603'' and adding ''570.703'' in its place.

552.270–25 [Amended]

■ 17e. Amend section 552.270–25 in the introductory text by removing ''570.603'' and adding ''570.703'' in its place.

552.270–26 [Amended]

■ 17f. Amend section 552.270–26 in the introductory text by removing ''570.603'' and adding ''570.703'' in its place.

552.270–27 [Amended]

■ 17g. Amend section 552.270–27 in the introductory text by removing ''570.603'' and adding ''570.703'' in its place.

552.270–28 [Amended]

■ 17h. Amend section 552.270–28 in the introductory text by removing ''570.603'' and adding ''570.703'' in its place.

552.270–29 [Amended]

■ 18. Amend section 552.270–29 by—
■ a. Removing from the introductory text ''570.603'' and adding ''570.703'' in its place;
■ b. Removing from date of the clause ''Sep 1999'' and adding ''Jun 2011'' in its place; and
■ c. Amending paragraph (b) by removing ''usable square footage as indicated in Paragraph 1.1, Amount and Type of Space, of this solicitation'' and adding ''ABOA square footage as indicated in the solicitation paragraph, Amount and Type of Space'' in its place.
■ 19. Add new sections 552.270–30, 552.270–31, and 552.270–32 to read as follows:

552.270–30 Price Adjustment for Illegal or Improper Activity.

As prescribed in 570.703, insert the following clause:

Price Adjustment for Illegal or Improper Activity (JUN 2011)

(a) If the head of the contracting activity (HCA) or his or her designee determines that there was a violation of subsection 27(a) of the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 423), as implemented in the Federal Acquisition Regulation, the Government, at its election, may—

(1) Reduce the monthly rental under this lease by five percent of the amount of the rental for each month of the remaining term of the lease, including any option periods, and recover five percent of the rental already paid;

(2) Reduce payments for alterations not included in monthly rental payments by five percent of the amount of the alterations agreement; or

(3) Reduce the payments for violations by a Lessor's subcontractor by an amount not to exceed the amount of profit or fee reflected in the subcontract at the time the subcontract was placed.

(b) Prior to making a determination as set forth above, the HCA or designee shall provide to the Lessor a written notice of the action being considered and the basis thereof. The Lessor shall have a period determined by the agency head or designee, but not less than 30 calendar days after receipt of such notice, to submit in person, in writing, or through a representative, information and argument in opposition to the proposed reduction. The agency head or designee may, upon good cause shown, determine to deduct less than the above amounts from payments.

(c) The rights and remedies of the Government specified herein are not exclusive, and are in addition to any other rights and remedies provided by law or under this lease.

(End of clause)

552.270–31 Prompt Payment.

As prescribed in 570.703, insert the following clause:

Prompt Payment (JUN 2011)

The Government will make payments under the terms and conditions specified in this clause. Payment shall be considered as being made on the day a check is dated or an electronic funds transfer is made. All days referred to in this clause are calendar days, unless otherwise specified.

(a) *Payment due date*—(1) *Rental payments.* Rent shall be paid monthly in arrears and will be due on the first workday of each month, and only as provided for by the lease.

(i) When the date for commencement of rent falls on the 15th day of the month or earlier, the initial monthly rental payment under this contract shall become due on the first workday of the month following the month in which the commencement of the rent is effective.

(ii) When the date for commencement of rent falls after the 15th day of the month, the initial monthly rental payment under this contract shall become due on the first workday of the second month following the month in which the commencement of the rent is effective.

(2) *Other payments.* The due date for making payments other than rent shall be the later of the following two events:

(i) The 30th day after the designated billing office has received a proper invoice from the Contractor.

(ii) The 30th day after Government acceptance of the work or service. However, if the designated billing office fails to annotate the invoice with the actual date of receipt, the invoice payment due date shall be deemed to be the 30th day after the Contractor's invoice is dated, provided a proper invoice is received and there is no disagreement over quantity, quality, or Contractor compliance with contract requirements.

(b) *Invoice and inspection requirements for payments other than rent.* (1) The Contractor shall prepare and submit an invoice to the designated billing office after completion of the work. A proper invoice shall include the following items:

(i) Name and address of the Contractor.

(ii) Invoice date.

(iii) Lease number.

(iv) Government's order number or other authorization.

(v) Description, price, and quantity of work or services delivered.

(vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the remittance address in the lease or the order).

(vii) Name (where practicable), title, phone number, and mailing address of person to be notified in the event of a defective invoice.

(2) The Government will inspect and determine the acceptability of the work performed or services delivered within seven days after the receipt of a proper invoice or notification of completion of the work or services unless a different period is specified at the time the order is placed. If actual acceptance occurs later, for the purpose of determining the payment due date and calculation of interest, acceptance will be deemed to occur on the last day of the seven day inspection period. If the work or service is rejected for failure to conform to the technical requirements of the contract, the seven days will be counted beginning with receipt of a new invoice or notification. In either case, the Contractor is not entitled to any payment or interest unless actual acceptance by the Government occurs.

(c) *Interest Penalty.* (1) An interest penalty shall be paid automatically by the Government, without request from the Contractor, if payment is not made by the due date.

(2) The interest penalty shall be at the rate established by the Secretary of the Treasury under Section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611) that is in effect on the day after the due date. This rate is referred to as the ''Renegotiation Board Interest Rate,'' and it is published in the **Federal Register** semiannually on or about January 1 and July 1. The interest penalty shall accrue daily on the payment amount approved by the Government and be compounded in 30-day increments inclusive from the first day after the due date through the payment date.

(3) Interest penalties will not continue to accrue after the filing of a claim for such penalties under the clause at 52.233–1, Disputes, or for more than one year. Interest penalties of less than $1.00 need not be paid.

(4) Interest penalties are not required on payment delays due to disagreement between the Government and Contractor over the payment amount or other issues involving contract compliance or on amounts temporarily withheld or retained in accordance with the terms of the contract. Claims involving disputes, and any interest that may be payable, will be resolved in accordance with the clause at 52.233–1, Disputes.

(d) *Overpayments.* If the Lessor becomes aware of a duplicate payment or that the Government has otherwise overpaid on a payment, the Contractor shall—

(1) Return the overpayment amount to the payment office cited in the contract along with a description of the overpayment including the—

(i) Circumstances of the overpayment (*e.g.,* duplicate payment, erroneous payment, liquidation errors, date(s) of overpayment);

(ii) Affected lease number;

(iii) Affected lease line item or subline item, if applicable; and

(iv) Lessor point of contact.

(2) Provide a copy of the remittance and supporting documentation to the Contracting Officer.

(End of clause)

Alternate I (Sep 1999). If Alternate I is used, subparagraph (a)(1) of the basic clause should be designated as paragraph (a) and subparagraph (a)(2) and paragraph (b) should be deleted. Paragraph (c) of the basic clause should be redesignated as (b).

552.270–32 Covenant Against Contingent Fees.

As prescribed in 570.703, insert the following clause:

Covenant Against Contingent Fees (JUN 2011)

(a) The Contractor warrants that no person or agency has been employed or retained to solicit or obtain this contract upon an agreement or understanding for a contingent fee, except a bona fide employee or agency. For breach or violation of this warranty, the Government shall have the right to annul this contract without liability or, in its discretion, to deduct from the contract price or consideration, or otherwise recover the full amount of the contingent fee.

(b) *Bona fide agency,* as used in this clause, means an established commercial or selling agency (including licensed real estate agents or brokers), maintained by a Contractor for the purpose of securing business, that neither exerts nor proposes to exert improper influence to solicit or obtain Government contracts nor holds itself out as being able to obtain any Government contract or contracts through improper influence.

Bona fide employee, as used in this clause, means a person, employed by a Contractor and subject to the Contractor's supervision and control as to time, place, and manner of performance, who neither exerts nor proposes to exert improper influence to solicit or obtain Government contracts nor holds out as being able to obtain any Government contract or contracts through improper influence.

Contingent fee, as used in this clause, means any commission, percentage, brokerage, or other fee that is contingent upon the success that a person or concern has in securing a Government contract.

Improper influence, as used in this clause, means any influence that induces or tends to induce a Government employee or officer to give consideration or to act regarding a Government contract on any basis other than the merits of the matter.

(End of clause)

PART 570—ACQUIRING LEASEHOLD INTERESTS IN REAL PROPERTY

■ 20. Amend section 570.101 by—

■ a. Removing from paragraph (b), from the table, ''504.5'', ''505'', ''514.201–7(b)'', ''515.204–1'', ''522.8'', ''532.1'', and ''532.908'' and adding, in numerical order, ''522.805'', ''522.807'', and ''532.111'', respectively; and

■ b. Adding a paragraph (d).

The added text reads as follows:

570.101 Applicability.

* * * * *

(d) The FAR does not apply to leasehold acquisitions of real property. Where referenced in this part, FAR provisions have been adopted based on a statutory requirement applicable to such lease acquisitions or as a matter of policy, including, but not limited to ''Federal agency procurement'' as defined at FAR 3.104.

■ 21. Amend section 570.102 by—

■ a. Removing the definition ''Acquisition'';

■ b. Adding, in alphabetical order, the definition ''ANSI/BOMA Office Area (ABOA)'';

■ c. Adding, in alphabetical order, the definition ''Lease acquisition'';

■ d. Adding, in alphabetical order, the definition ''Lease extension'';

■ e. Adding, in alphabetical order, the definition ''Lease renewal (option)'';

■ f. Removing the definition ''Rent and related services'';

■ g. Revising the definition ''Simplified lease acquisition threshold'';

■ h. Revising the definition ''Small business'';

■ i. Revising the definition ''Solicitation for Offers (SFO)'';

■ j. Removing the definition ''Space in buildings'';

■ k. Removing from the definition ''Substantially as follows'' or ''substantially the same as,'' the word ''you'' and adding ''the contracting officer'' in its place.

■ l. Adding, in alphabetical order, the definition ''Succeeding lease''; and

■ m. Adding, in alphabetical order, the definition ''Superseding lease''.

The added and revised text reads as follows:

570.102 Definitions.

ANSI/BOMA Office Area (ABOA) means the area ''where a tenant normally houses personnel, and/or furniture, for which a measurement is to be computed,'' as stated by the American National Standards Institute/Building Owners and Managers Association (ANSI/BOMA) publication, Z65.1–1996.

* * * * *

Lease acquisition means the acquiring by lease of an interest in improved real property for use by the Government, whether the space already exists or must be constructed.

Lease extension means extension of the expiration date of a lease to provide for continued occupancy on a short term basis.

Lease renewal (option) means the right, but not the obligation of the Government to continue a lease upon specified terms and conditions, including lease term and rent.

* * * * *

Simplified lease acquisition threshold means the simplified acquisition threshold (see FAR 2.101), when applied to the average annual amount of rent for the term of the lease, including option periods and excluding the cost of services.

Small business means a concern including affiliates, which is organized for profit, is independently-owned and operated, is not dominant in the field of leasing commercial real estate, and that has annual average gross receipts for the preceding three fiscal years which are less than the size standard established by the Small Business Administration pursuant to 13 CFR Part 121. The size standards may be found at *http://www.sba.gov/size/sizetable_2002.html.* For most lease procurements, the NAICS code is 531190.

Solicitation for Offers (SFO) means a request for proposals.

* * * * *

Succeeding lease means a lease whose effective date immediately follows the expiration date of an existing lease for space in the same building.

Superseding lease means a lease that replaces an existing lease, prior to the scheduled expiration of the existing lease term.

■ 22. Revise section 570.103 to read as follows:

570.103 Authority to lease.

(a) The Administrator of General Services is authorized by 40 U.S.C. § 585 to enter into a lease agreement for the accommodation of a Federal agency in a building (or improvement) which is in existence or being erected by the lessor for the accommodation of the Federal agency. The lease agreement may not bind the Government for more than 20 years.

(b) The contracting officer has exclusive authority to enter into and administer leases on the Government's behalf to the extent provided in the certificate of appointment as a contracting officer. Nothing in this paragraph is intended to limit the

contracting officer's authority to designate, consistent with statute and regulation, a contracting officer's representative.

570.104 [Amended]

■ 23. Amend section 570.104 by removing ''you use'' and adding ''the contracting officer uses'' in its place.

■ 24. Revise section 570.105–1 to read as follows:

570.105–1 Contracting by negotiation.

Contracting by negotiation is appropriate for acquiring space in a building through a lease contract. The contracting officer will usually need to conduct discussions with offerors about their proposals and consider factors other than price in making the award.

■ 25. Amend section 570.105–2 by—

■ a. Revising the section heading;

■ b. Revising the introductory text;

■ c. Removing from paragraph (a) ''You anticipate'' and adding ''The contracting officer anticipates that'' in its place, and removing ''public'';

■ d. Removing from the introductory text of paragraph (b) ''You determine'' and adding ''The contracting officer determines whether'' in its place;

■ e. Removing from paragraph (b)(1) ''You expect'' and adding ''The contracting officer expects'' in its place;

■ f. Removing from paragraph (b)(4) ''You consider'' and adding ''The contracting officer considers'' in its place;

■ g. Redesignating paragraphs (b)(4)(iv) through (b)(4)(vi) as paragraphs (b)(4)(v) through (b)(4)(vii), respectively, and adding a new paragraph (b)(4)(iv); and

■ h. Adding paragraph (c).

The revised and added text reads as follows:

570.105–2 Criteria for the use of two-phase design-build.

The contracting officer may use the two-phase design-build selection procedures in 41 U.S.C. 253m for lease construction projects. This includes lease construction projects with options to purchase the real property leased. Use the procedures in 41 U.S.C. 253m and FAR 36.3 when the conditions in (a) and (b) below are met:

* * * * *

(b) * * *

(4) * * *

(iv) The past performance of potential contractors.

* * * * *

(c) See 570.305 for additional information.

570.105–3 [Removed]

■ 26. Remove section 570.105–3.

■ 27a. Revise section 570.106 to read as follows:

570.106 Advertising, publicizing, and notifications to Congress.

(a) If a proposed acquisition is not exempt under FAR 5.202 or GSAR 570.106(e), and is for a leasehold interest in real property estimated to exceed 10,000 square feet, then the contracting officer must publicize the proposed acquisition in *http://www.FBO.gov*.

(b) For leasehold acquisitions where the solicitation requires the construction of a new building on a preselected site, the contracting officer, in accordance with the timeframes established in FAR 5.203, must publicize the proposed acquisition in *http://www.FBO.gov* regardless of size or value.

(c) For leasehold acquisitions not subject to a square foot measurement (*e.g.,* antennas, piers, parking), contracting officers must publicize the proposed acquisition in *http://www.FBO.gov* when the contract action is expected to exceed $25,000, unless an exception under FAR 5.202 applies.

(d) Other than as identified in paragraphs (a) through (c) of this section, the contracting officer need not publicize the proposed acquisition of a leasehold interest in real property, including expansion requests within the scope of a lease (see 570.403), lease extensions under the conditions defined in 570.405, and building alterations within the scope of a lease (see 570.5). However, the contracting officer may publicize proposed lease acquisitions of any dollar value or square footage in *http://www.FBO.gov* or local newspapers if, in the opinion of the contracting officer, doing so is necessary to promote competition.

(e) The contracting officer may issue a consolidated advertisement for multiple leasing actions.

(f) Except as otherwise provided in paragraph (b) of this section, where publicizing of the proposed acquisition is required, the notice shall be published in *http://www.FBO.gov* not less than three calendar days prior to issuance of a solicitation.

(g) Except as otherwise provided in paragraph (b) of this section and as set forth in paragraphs (g) and (h) of this section, the contracting officer shall provide offerors not less than 20 calendar days between solicitation issuance and the date established for receipt of initial offers.

(1) For a proposed acquisition using simplified lease acquisition procedures (see 570.2), consider the individual acquisition and establish a reasonable response time.

(2) In cases of unusual and compelling urgency (FAR 6.303–2), provide as much time as reasonably possible under the circumstances and document the contract file.

(h) If a Member of Congress has specifically requested notification of award, the contracting officer must provide award notifications in accordance with 505.303.

■ 27b. Add section 570.106–1 to read as follows:

570.106–1 Synopsis of lease awards.

(a) Except for lease actions described in paragraph (b) of this section, contracting officers must synopsize in *http://www.FBO.gov* awards exceeding $25,000 total contract value that are likely to result in the award of any subcontracts. However, the dollar threshold is not a prohibition against publicizing an award of a smaller amount when publicizing would be advantageous to industry or to the Government.

(b) A notice is not required if—

(1) The notice would disclose the occupant agency's needs and the disclosure of such needs would compromise the national security; or

(2) The lease—

(i) Is for an amount not greater than the simplified lease acquisition threshold;

(ii) Was made through a means where access to the notice of proposed lease action was provided through *http://www.FBO.gov;* and

(iii) Permitted the public to respond to the solicitation electronically.

(c) Justifications for other than full and open competition must be posted in *http://www.FBO.gov*. Information exempt from public disclosure must be redacted.

570.107 [Amended]

■ 28. Amend section 570.107 by removing ''You may use'' and adding ''The contracting officer may require'' in its place.

570.108 [Amended]

■ 29. Amend section 570.108 by—

■ a. Removing from paragraph (a) ''List of Parties Excluded from Federal Procurement and Nonprocurement Programs'' and adding ''Excluded Parties List System (EPLS)'' in its place;

■ b. Removing from paragraph (b) ''Your'' and adding ''The contracting officer's'' in its place;

■ c. Removing from paragraph (c) ''you find'' and adding ''the contracting officer finds'' in its place; and

■ d. Removing from paragraph (d) ''you find'' and adding ''the contracting officer finds'' in its place.

570.109 [Amended]

■ 30. Amend section 570.109 by removing from the introductory text

''certifications'' and adding ''representations and certifications'' in its place.

■ 31. Amend section 570.110 by revising paragraph (b) to read as follows:

570.110 Cost or pricing data and information other than cost or pricing data.

* * * * *

(b) FAR 15.403–1 defines exceptions to and waivers for submitting cost or pricing data. Most leasing actions will have adequate price competition. For price analysis of offered rental rates, the contracting officer may use a market survey, an appraisal conducted using accepted real property appraisal procedures to establish a market price for comparison, or other relevant market research data. For price analysis of offered tenant improvement costs, obtain two offers or cost and pricing data.

* * * * *

■ 32. Revise section 570.111 to read as follows:

570.111 Inspection and acceptance.

Before accepting the space, the contracting officer must verify that the space complies with the Government's requirements and specifications and document this in an inspection report. The inspection and acceptance document must contain the square footage accepted and the acceptance date. Include the inspection and acceptance in the contract file. When space such as piers, antennas, and parking are leased, square footage may not be the manner in which the amount of space is specified; therefore, document that the space complies with the Government's written requirements.

570.112 [Amended]

■ 33. Amend section 570.112 by removing ''you receive'' and adding ''the contracting officer receives'' in its place.

■ 34. Revise section 570.113 to read as follows:

570.113 Disclosure of mistakes after award.

If a mistake in a lessor's offer is discovered after award, the contracting officer should process it substantially in accordance with FAR 14.407–4 and GSAM 514.407–4.

■ 35. Add sections 570.115, 570.116, 570.117, 570.117–1, and 570.117–2 to read as follows:

570.115 Novation and change of ownership.

In the event of a transfer of ownership of the leased premises or a change in the lessor's legal name, FAR 42.12 applies.

570.116 Contract format.

The uniform contract format is not required for leases of real property.

570.117 Sustainable requirements for lease acquisition.

Contracting officers must include sustainable design requirements appropriate for the type of leasing action in the solicitations for offers. Contracting officers can find solicitation requirements and instructions on *http://www.gsa.gov/leasing* under Leasing Policies and Procedures, Green Leasing, and in the Leasing Desk Guide to assist them in complying with GSA's sustainable requirements identified in this part.

570.117–1 Federal leadership in environmental, energy, and economic performance.

In order to create a clean energy economy that will increase our Nation's prosperity, promote energy security, protect the interests of taxpayers, and safeguard the health of our environment, GSA will accomplish all requirements of E.O. 13514 that apply to lease acquisition.

570.117–2 Guiding principles for federal leadership in high performance and sustainable buildings.

GSA is committed to the design, construction, operation, and maintenance of leased space that comply with all of the following Guiding Principles:

(a) Employ Integrated Design Principles;

(b) Optimize Energy Performance;

(c) Protect and Conserve Water;

(d) Enhance Indoor Environmental Quality; and

(e) Reduce the Environmental Impact of Building Materials.

■ 36. Amend section 570.203–2 by—

■ a. Revising paragraph (a); and

■ b. Removing from paragraph (b) ''you solicit'' and adding ''the contracting officer solicits'' in its place.

The revised text reads as follows:

570.203–2 Competition.

(a) To the maximum extent practicable, the contracting officer must solicit at least three sources to promote competition. If there are repeated requirements for space in the same market, invite two sources, if practicable, that are not included in the most recent solicitation to submit offers.

* * * * *

■ 37. Revise section 570.203–3 to read as follows:

570.203–3 Soliciting offers.

(a) The contracting officer must solicit offers by providing each prospective offeror a proposed short form lease GSA Form 3626 or SFO. The short form lease or SFO must:

(1) Describe the Government's requirements.

(2) List all award factors, including price or cost, and any significant subfactors that the contracting officer will consider in awarding the lease.

(3) State the relative importance of the evaluation factors and subfactors.

(4) State whether all evaluation factors other than cost or price, when combined, are either:

(i) Significantly more important than cost or price.

(ii) Approximately equal in importance to cost or price.

(iii) Significantly less important than cost or price.

(5) Include either in full text or by reference, applicable FAR provisions and contract clauses required by 570.6.

(6) Include sustainable design requirements.

(b) As necessary, review with prospective offerors the Government's requirements, pricing matters, evaluation procedures and submission of offers.

■ 38. Revise section 570.203–4 to read as follows:

570.203–4 Negotiation, evaluation, and award.

(a) If the contracting officer needs to conduct negotiations, use the procedures in 570.307.

(b) Evaluate offers in accordance with the solicitation. Evaluate prices and document the lease file to demonstrate whether the proposed contract prices are fair and reasonable. See 570.110.

(c) If the total price, including options, exceeds the amount established by FAR 15.403–4, consider whether the contracting officer needs cost and pricing data to determine that the price is fair and reasonable. In most cases, the exceptions at FAR 15.403–1 will apply.

(d) Regardless of the process used, the contracting officer must determine whether the price is fair and reasonable.

(e) If the total contract value of the lease, including options, will exceed the amount established by FAR 19.702(a), the proposed awardee must provide an acceptable small business subcontracting plan. This requirement does not apply if the proposed awardee is a small business concern.

(f) Make award to the responsible offeror whose proposal represents the best value to the Government considering price and other factors included in the solicitation.

Subpart 570.3—Acquisition Procedures for Leasehold Interests in Real Property Over the Simplified Lease Acquisition Threshold

■ 39. Revise the heading of subpart 570.3 to read as set forth above.

■ 40. Amend section 570.303–1 by removing from the introductory text ''provide all the following'', removing from paragraph (h) ''570.7'' and adding ''570.8'' in its place, and adding a new paragraph (i) to read as follows:

570.303–1 Preparing the SFO.

* * * * *

(i) Include sustainable design requirements.

■ 41. Revise section 570.303–2 to read as follows:

570.303–2 Issuing the SFO.

Release the SFO to all prospective offerors at the same time. The SFO may be released electronically.

■ 42. Amend section 570.303–4 by revising paragraph (d) and adding paragraph (e) to read as follows:

570.303–4 Changes to SFOs.

* * * * *

(d) If an amendment is so substantial that it requires a complete revision of the SFO, cancel the SFO, readvertise if required by 570.106, and issue a new SFO.

(e) If there are changes to the Government's requirements for amount of space, delineated area, occupancy date, and/or other major aspects of the requirements, the contracting officer shall consider whether there is a need to readvertise, and to document the file accordingly.

■ 43. Amend section 570.304 by revising the introductory text of paragraph (a), and revising paragraphs (c) and (d), to read as follows:

570.304 General source selection procedures.

(a) These procedures apply to acquisitions of leasehold interests except if the contracting officer uses one of the following:

* * * * *

(c) In a trade off procurement, the contracting officer must include price or cost to the Government, past performance, the planned participation of small disadvantaged business concerns in performance of the contract, and other factors as required by FAR 15.304 as evaluation factors. The contracting officer may include other evaluation factors as needed.

(d) The evaluation factors and significant subfactors must comply with FAR 15.304 and either one of the following:

(1) FAR 15.101–1 if the contracting officer will use the tradeoff process.

(2) FAR 15.101–2 if the contracting officer will use the lowest price technically acceptable source selection process.

■ 44. Amend section 570.305 by—

■ a. Removing from paragraph (a) ''you use'' and adding ''the contracting officer uses'' in its place, and adding ''Follow FAR 36.3.'' to the end of the paragraph;

■ b. Redesignating paragraph (c)(1)(iv) as paragraph (c)(1)(v), and adding a new paragraph (c)(1)(iv); and

■ c. Revising paragraphs (c)(2) and introductory text of paragraph (d).

The revised and added text reads as follows:

570.305 Two-phase design-build selection procedures.

* * * * *

(c) * * *

(1) * * *

(iv) The planned participation of small disadvantaged business concerns in performance of the contract.

* * * * *

(2) The contracting officer shall not require offerors to submit detailed design information or cost or price information in phase one. The contracting officer shall not use cost related or price related evaluation factors.

(d) The contracting officer shall set the maximum number of offerors to be selected for phase-two to not exceed five unless the contracting officer determines that a number greater than five is both:

* * * * *

■ 45. Amend section 570.306 by—

■ a. Removing from paragraph (a) ''You'' and adding ''The contracting officer'' in its place;

■ b. Revising paragraphs (b) and (c);

■ c. Redesignating paragraph (d) as paragraph (e), and adding a new paragraph (d); and

■ d. Adding paragraph (f).

The revised and added text reads as follows:

570.306 Evaluating offers.

* * * * *

(b) Evaluate prices and document the lease file to demonstrate that the proposed contract price is fair and reasonable. The contracting officer must review the elements of the offeror's proposed rent to analyze whether the individual elements are realistic and reflect the offeror's clear understanding of the work to be performed. The contracting officer must discuss any inconsistencies with the offeror. If the offeror refuses to support or make any changes to the rent proposed, consider the risk to the Government prior to making any lease award.

(c) Evaluate past performance on previous lease projects in accordance with 515.305 and FAR 15.305(a)(2). Obtain information through:

(1) Questionnaires tailored to the circumstances of the acquisition;

(2) Interviews with program managers or contracting officers;

(3) Other sources; or

(4) Past performance information collected under FAR 42.15 and available through the Past Performance Information Retrieval System (PPIRS) at *http://www.ppirs.gov*.

(d) The contracting officer may obtain information to evaluate an offeror's past performance on subcontracting plan goals and small disadvantaged business participation, monetary targets, and notifications under FAR 19.1202–4(b) from the following sources:

(1) The Small Business Administration;

(2) Information on prior contracts from contracting officers and administrative contracting officers;

(3) Offeror's references; and

(4) Past performance information collected under FAR 42.15 and available through PPIRS.

* * * * *

(f) Also see the requirements in 570.108, 570.109 and 570.111.

■ 46. Revise section 570.308 to read as follows:

570.308 Award.

(a) Make award to the responsible offeror whose proposal represents the best value after evaluation in accordance with the factors and subfactors in the SFO.

(b) Make award in writing and in the timeframe specified in the SFO.

(1) If the contracting officer cannot make an award in that time, request in writing from each offeror an extension of the acceptance period through a specific date.

(2) If time is critical, the contracting officer may request the extensions orally. The contracting officer must make a record of the request and confirm it promptly in writing.

(c) Notify unsuccessful offerors in writing or electronically in accordance with FAR 15.501 and 15.503(b).

(d) The source selection authority may reject all proposals received in response to an SFO, if doing so is in the best interest of the Government.

■ 47. Revise section 570.401 to read as follows:

570.401 Renewal options.

(a) *Exercise of options.* Before exercising an option to renew, follow the procedures in 517.207. The contract must first provide the right to renew the lease. If a renewal option was not evaluated as part of the lease at award, then the addition of a renewal option during the lease term must satisfy the requirements of GSAM 506 regarding full and open competition.

(b) *Market information review.* Before exercising an option to renew a lease, review current market information to determine that the rental rate in the option is fair and reasonable.

■ 48. Revise section 570.402–1 to read as follows:

570.402–1 General.

(a) If a succeeding lease for the continued occupancy of space in a building does not exceed the simplified lease acquisition threshold, the contracting officer may use the simplified procedures in 570.2. Explain the absence of competition in the contract file.

(b) If a succeeding lease will exceed the simplified lease acquisition threshold, the contracting officer may enter into the lease under either of the following conditions:

(1) The contracting officer does not identify any potential acceptable locations.

(2) The contracting officer identifies potential acceptable locations, but a cost-benefit analysis indicates that award to an offeror other than the present lessor will result in substantial relocation costs or duplication of costs to the Government, and the Government cannot expect to recover such costs through competition.

■ 49. Amend section 570.402–2 by revising the introductory text, and paragraphs (a) through (c) to read as follows:

570.402–2 Publicizing/Advertising.

The contracting officer must publish a notice if required by 570.106. The notice should:

(a) Indicate that the Government's lease is expiring.

(b) Describe the requirements in terms of type and quantity of space.

(c) Indicate that the Government is interested in considering alternative space if economically advantageous, and that otherwise the Government intends to pursue a sole source acquisition.

* * * * *

■ 50. Amend section 570.402–4 by removing ''you do'' and adding ''the contracting officer does'' in its place, and removing ''you may prepare a'' and adding ''prepare a written'' in its place.

570.402–5 [Amended]

■ 51. Amend section 570.402–5 by removing from the introductory text ''you identify'' and adding ''the contracting officer identifies'' in its place, and removing from paragraph (b)(1) ''you'' and adding ''the contracting officer'' in its place.

570.403 [Amended]

■ 52. Amend section 570.403 by—

■ a. Removing from paragraph (a) ''you'' and adding ''the contracting officer'' in its place;

■ b. Removing from the introductory text of paragraph (b) ''determine'' and adding ''the contracting officer must determine'' in its place, and removing ''or to satisfy'' and adding ''or to meet the expansion requirement and existing tenancy to'' in its place;

■ c. Removing from the introductory text of paragraph (c) ''you determine'' and adding ''the contracting officer determines'' in its place.

570.404 [Amended]

■ 53. Amend section 570.404 by removing from paragraph (a), ''.'' and adding ''or when market conditions warrant renegotiation of an existing lease.'' in its place; and removing from paragraph (b) ''you'' and adding ''the contracting officer'' in its place.

■ 54. Amend section 570.405 by—

■ a. Removing from paragraph (b) ''you'' and adding ''the contracting officer'' in its place;

■ b. Removing from the introductory text of paragraph (c) ''such as the'' and adding ''such as, but not limited to, the'' in its place;

■ c. Removing from paragraph (c)(3) ''agencies occupying the leased space and you need'' and adding ''agencies and the contracting officer needs'' in its place; and

■ d. Adding paragraph (c)(4).

The added text reads as follows:

570.405 Lease extensions.

* * * * *

(c) * * *

(4) The agency occupying the space has encountered delays in planning for a potential relocation to other federally controlled space due to documented organizational, financial, or other uncertainties.

■ 55. Amend section 570.501 by—

■ a. Revising the introductory text of paragraph (a), and paragraph (a)(1);

■ b. Removing from the introductory text of paragraph (b) ''general''; and

■ c. Removing from paragraph (b)(1) ''justified'' and adding ''as justified'' in its place.

The revised text reads as follows:

570.501 General.

(a) The procedures in 570.502 apply to alterations acquired directly from a lessor by modification or supplemental lease agreement. This is allowed if the following conditions are met:

(1) The alterations fall within the scope of the lease. Consider whether the work can be regarded fairly and reasonably as part of the original lease requirement.

* * * * *

■ 56. Revise sections 570.502, 570.502–1, and 570.502–2 to read as follows:

570.502 Alterations by the lessor.

570.502–1 Justification and approval requirements.

If the proposed alterations are outside the general scope of the lease and the contracting officer plans to acquire them from the lessor without competition, the following justification and approval requirements apply:

(a) If the alteration project will not exceed the micro-purchase threshold identified in FAR 2.101(b), no justification and approval is required.

(b) If the alteration project will exceed the micro-purchase threshold identified in FAR 2.101(b), but not the simplified lease acquisition threshold, the contracting officer may use simplified acquisition procedures and explain the absence of competition in the file.

(c) If the alteration project will exceed the simplified lease acquisition threshold, the justification and approval requirements in FAR 6.3 and 506.3 apply.

570.502–2 Procedures.

(a) *Scope of work.* The contracting officer must prepare a scope of work for each alteration project.

(b) *Independent Government estimate.* The contracting officer must obtain an independent Government estimate for each alteration project, including changes to existing alteration agreements with the lessor.

(c) *Request for proposal.*

(1) The contracting officer must provide the scope of work to the lessor, including any plans and specifications, and request a proposal.

(2) The contracting officer must request sufficient cost or price information to permit a price analysis.

(d) *Audits.* If the contracting officer requires cost or pricing data and the alteration project will exceed the threshold identified in FAR 15.403–4, request an audit.

(e) *Proposal evaluation.* The contracting officer must—

(1) Determine if the proposal meets the Government's requirements.

(2) Analyze price or cost information. At a minimum, compare the proposed cost to the independent estimate and, if applicable, any audit results received.

(3) Analyze profit following FAR 15.404–4.

(4) Document the analysis under this paragraph and the resulting negotiation objectives.

(f) *Price negotiations.* The contracting officer must—

(1) Exercise sound judgment. Make reasonable compromises as necessary.

(2) Provide the lessor with the greatest incentive for efficient and economical performance.

(3) Document negotiations in the contract file, including discussions regarding restoration cost or waiver of restoration cost.

(g) *Order.* For modifications not exceeding the simplified acquisition threshold, lease contracting officers may delegate alteration contracting authority to a warranted contracting officer's representative in GSA or the tenant agency. Alterations awards must reference the lease number. If the modification does not exceed the simplified acquisition threshold, the contracting officer may use GSA Form 300, Order for Supplies or Services. Reference the lease on the form.

(h) *Inspection and payment.* The contracting officer must not make final payment for alterations until the work is:

(1) Inspected by a qualified Government employee or independent Government contractor.

(2) Confirmed as completed in a satisfactory manner.

■ 57. Revise section 570.503 to read as follows:

570.503 Alterations by the Government or through a separate contract.

If the Government chooses to exercise its right to make the alterations rather than contracting directly with the lessor, the Government may either:

(a) Have Federal employees perform the work.

(b) Contract out the work using standard contracting procedures that apply to a construction contract performed on Federal property. If the Government decides to contract for the work, invite the lessor, as well as all other prospective contractors, to submit offers for the project.

■ 58a. Redesignate Subparts 570.6 (consisting of 570.601 through 570.604) and 570.7 (consisting of 570.701 through 570.702) as Subparts 570.7 (consisting of 570.701 through 570.704) and 570.8 (consisting of 570.801 through 570.802), respectively;

■ 58b. Add a new Subpart 570.6 to read as follows:

Subpart 570.6—Contracting for Overtime Services and Utilities in Leases

Sec.

570.601 General.

Subpart 570.6—Contracting for Overtime Services and Utilities in Leases

570.601 General.

(a) Lease tenant agencies may need overtime services and utilities on a regular or intermittent basis. Lease contracting officers may negotiate overtime rates for services and utilities and include those rates in leases where a need is projected. Only lease contracting officers may negotiate overtime rates.

(b) An independent government estimate is required in support of the negotiated rate.

(c) *Order.* To order overtime services and utilities, if the order does not exceed the simplified acquisition threshold, a warranted contracting officer's representative, in GSA or the tenant agency, may place an order. The order must reference the lease number.

(d) *Payment.* Do not make final payment for services and utilities until confirmed as delivered in a satisfactory manner.

■ 59. Revise the newly redesignated section 570.701 to read as follows:

570.701 FAR provisions and clauses.

Include provisions or clauses substantially the same as the FAR provisions and clauses listed below.

If . . .	Then include . . .
(a) the estimated value of the acquisition exceeds the micro-purchase threshold identified in FAR 2.101.	52.204–3 Taxpayer Identification. 52.204–6 Data Universal Numbering System (DUNS) Number. 52.204–7 Central Contractor Registration. 52.219–1 Small Business Program Representations. 52.219–28 Post-Award Small Business Program Rerepresentation (use if lease term exceeds five years). 52.232–23 Assignment of Claims. 52.232–33 Electronic Funds Transfer—Central Contractor Registration. 52.233–1 Disputes.
(b) the estimated value of the acquisition exceeds $10,000	52.222–21 Prohibition of Segregated Facilities. 52.222–22 Previous Contracts and Compliance Reports. 52.222–25 Affirmative Action Compliance. 52.222–26 Equal Opportunity. 52.222–35 Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era. 52.222–36 Affirmative Action for Workers with Disabilities. 52.222–37 Employment Reports on Disabled Veterans and Veterans of the Vietnam Era.
(c) the estimated value of the acquisition is $25,000 or more (not applicable to individuals).	52.204–10 Reporting Executive Compensation and First-Tier Subcontract Awards.
(d) the estimated value of the acquisition exceeds the threshold identified in FAR 9.409(b).	52.209–6 Protecting the Government's Interest when Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment.
(e) the estimated value of the acquisition exceeds $100,000	52.203–11 Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions.
(f) the estimated value of the acquisition exceeds the simplified lease acquisition threshold.	52.203–2 Certificate of Independent Price Determination. 52.203–7 Anti-Kickback Procedures. 52.204–5 Women-Owned Business (Other than Small Business). 52.209–5 Certification Regarding Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters.

If . . .	Then include . . .
(g) the estimated value of the acquisition exceeds the threshold identified in FAR 19.708(b).	52.215–2 Audit and Records—Negotiation. 52.219–8 Utilization of Small Business Concerns. 52.223–6 Drug-Free Workplace. 52.233–2 Service of Protest. 52.219–9 Small Business Subcontracting Plan. 52.219–16 Liquidated Damages—Subcontracting Plan.
(h) the estimated value of the acquisition the estimated value of the acquisition exceeds the threshold identified in FAR 19.1202–2(a) and the contracting officer is using a best value trade off analysis in an acquisition includes an evaluation factor that considers the extent of participation of small disadvantaged business concerns in accordance with FAR 19.12.	52.219–24 Small Disadvantaged Business Participation Program—Targets. 52.219–25 Small Disadvantaged Business Participation Program—Disadvantaged Status and Reporting.
(i) the value of the contract is expected to exceed $5 million and the performance period is 120 days or more.	52.203–13 Contractor Code of Business Ethics and Conduct. 52.203–14 Display of Hotline Poster(s).
(j) the estimated value of the acquisition exceeds $10 million	52.222–24 Pre-award On-site Equal Opportunity Compliance Review.
(k) the contracting officer requires cost or pricing data for work or services exceeding the threshold identified in FAR 15.403–4.	52.215–10 Price Reduction for Defective Cost or Pricing Data 52.215–12 Subcontractor Cost or Pricing Data.
(l) the contracting officer authorizes submission of facsimile proposals	52.215–5 Facsimile Proposals.
(m) a negotiated acquisition provides monetary incentives based on actual achievement of small disadvantaged business subcontracting targets under FAR 19.1203 and 519.1203.	52.219–26 Small Disadvantaged Business Participation Program—Incentive Subcontracting.

570.702 [Amended]

■ 60. Revise the introductory text of the newly designated section 570.702 to read as follows:

570.702 GSAR Solicitation provisions.

Each SFO must include provisions substantially the same as the following, unless the contracting officer determines that the provision is not appropriate. However, document the file with the basis for deleting or substantially changing a clause.

* * * * *

■ 61. Revise the newly redesignated section 570.703 to read as follows:

570.703 GSAR contract clauses.

(a) Insert clauses substantially the same as the following in solicitations and contracts for leasehold interests in real property that exceed the simplified lease acquisition threshold, unless the contracting officer determines that a clause is not appropriate. However, document the file with the basis for deleting or substantially changing a clause. A deviation is not required under section 570.704 to determine that a clause in this section is not appropriate. Use the clauses at your discretion in actions at or below the simplified lease acquisition threshold.

552.215–70 Examination of Records by GSA.
552.270–4 Definitions. You must use this clause if you use 552.270–28.
552.270–5 Subletting and Assignment.
552.270–6 Maintenance of Building and Premises—Right of Entry.
552.270–7 Fire and Casualty Damage.
552.270–8 Compliance with Applicable Law.
552.270–9 Inspection—Right of Entry.
552.270–10 Failure in Performance.
552.270–11 Successors Bound.
552.270–12 Alterations.
552.270–13 Proposals for Adjustment.
552.270–14 Changes.
552.270–15 Liquidated Damages. Insert this clause in solicitations and contracts if you have a critical requirement to meet the delivery date and you cannot establish an actual cost for the loss to the Government resulting from late delivery.
552.270–16 Adjustment for Vacant Premises.
552.270–17 Delivery and Condition.
552.270–18 Default in Delivery—Time Extensions.
552.270–19 Progressive Occupancy.
552.270–20 Payment.
552.270–21 Effect of Acceptance and Occupancy.
552.270–22 Default by Lessor During the Term.
552.270–23 Subordination, Nondisturbance and Attornment
552.270–24 Statement of Lease.
552.270–25 Substitution of Tenant Agency.
552.270–26 No Waiver.
552.270–27 Integrated Agreement.
552.270–28 Mutuality of Obligation.
552.270–29 Acceptance of Space.

(b) Include the following provisions and clauses in leasehold interests in real property.

552.270–30 Price Adjustment for Illegal Improper Activity.
552.270–31 Prompt Payment.
552.270–32 Covenant Against Contingent Fees.

■ 62. Revise section 570.704 to read as follows:

570.704 Deviations to provisions and clauses.

(a) The contracting officer needs a deviation approved under Subpart 501.4 to omit any required provision or clause.

(b) The contracting officer also needs an approved deviation to modify the language of a provision or clause mandated by statute (*e.g.*, FAR 52.215–2, Audit and Records—Negotiation). The authorizing statute must allow for a waiver.

(c) Certain clauses required by non-GSA regulations require approval of the issuing agency before the contracting officer can delete or modify them. For example, FARs 52.222–26, Equal Opportunity; 52.222–35, Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era; and 52.222–36, Affirmative Action for Workers with Disabilities, require the approval of the Department of Labor's Office of Federal Contract Compliance Programs before they can be deleted from or modified in the SFO or lease.

■ 63. Revise the newly redesignated section 570.801 to read as follows:

570.801 Standard forms.

Use Standard Form 2, U.S. Government Lease for Real Property, to award leases unless the contracting officer uses GSA Form 3626 (see 570.802).

■ 64. Revise the newly redesignated section 570.802 to read as follows:

570.802 GSA Forms

(a) The contracting officer may use GSA Form 3626, U.S. Government Lease for Real Property (Short Form), to award leases if using the simplified leasing procedures in Subpart 570.2 or if the contracting officer determines it advantageous to use the form.

(b) The contracting officer may use GSA Form 276, Supplemental Lease

Agreement, for actions requiring the agreement of both parties. This includes actions such as amending an existing lease to acquire additional space, obtaining partial release of space, revising the terms of a lease, settling restoration claims, and acquiring alterations.

(c) The contracting officer may use GSA Form 1364, Proposal To Lease Space to obtain offers from prospective offerors.

(d) The contracting officer may use GSA Form 1217, Lessor's Annual Cost Statement, to obtain pricing information regarding offered services and lease commissions.

[FR Doc. 2011–12198 Filed 5–26–11; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 225

[Docket No. FRA–2006–26173; Notice No. 4]

RIN 2130–AB82

Accident/Incident Reporting Requirements

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Final rule; response to petitions for reconsideration.

SUMMARY: This document responds to petitions for reconsideration related to FRA's November 9, 2010, final rule revising FRA's regulations addressing accident/incident reporting and recording, the FRA Guide for Preparing Accident/Incident Reports (FRA Guide), its accident/incident recording and reporting forms in addition to its Companion Guide: Guidelines for Submitting Accident/Incident Reports by Alternative Methods (Companion Guide). The final rule, which becomes effective June 1, 2011, was intended to clarify ambiguous regulations and to enhance the quality of information available for railroad casualty analysis. This document amends and clarifies the final rule based on FRA's review of the petitions for reconsideration and in order to make necessary technical and clarifying changes.

DATES: This rule is effective July 1, 2011.

FOR FURTHER INFORMATION CONTACT: Mary Beth Butts, IT Specialist, U.S. Department of Transportation, Federal Railroad Administration, Office of Safety Analysis, RRS–22, Mail Stop 25, West Building 3rd Floor, Room W33–306, 1200 New Jersey Avenue, SE., Washington, DC 20590 (telephone: 202–493–6296); or Gahan Christenson, Trial Attorney, U.S. Department of Transportation, Federal Railroad Administration, Office of Chief Counsel, RCC–10, Mail Stop 10, West Building 3rd Floor, Room W31–204, 1200 New Jersey Avenue, SE., Washington, DC 20590 (telephone: 202–493–1381).

SUPPLEMENTARY INFORMATION:

I. The FRA Guide and the Companion Guide

FRA has revised the FRA Guide based upon its review of the petitions for reconsideration submitted in response to the final rule and to make necessary technical amendments that are addressed in the ''Section-by-Section'' analysis. The FRA Guide is posted on FRA's website at *http://safetydata.fra.dot.gov/officeofsafety.* Hard copies of the FRA Guide will be available upon request. Information on requesting hard copies of the FRA Guide can be found in § 225.21, ''Forms,'' of this final rule. FRA has also revised its Companion Guide containing instructions for electronically submitting monthly reports to FRA based upon its review of the petitions for reconsideration and to make necessary technical amendments that are addressed in the ''Section-by-Section'' analysis. The Companion Guide is posted on FRA's website at *http://safetydata.fra.dot.gov/officeofsafety.*

II. Background

On September 9, 2008, FRA published a Notice of Proposed Rulemaking (NPRM), which proposed miscellaneous amendments to FRA's accident/incident reporting regulations in order to clarify ambiguous regulations and to enhance the quality of information available for railroad casualty analysis. *See* 73 FR 52496. The NPRM also proposed revisions to the 2003 FRA Guide for Preparing Accident/Incident Reports (2003 FRA Guide) and FRA's accident/incident recording and reporting forms.

On September 10, 2008, during the 36th Railroad Safety Advisory Committee (RSAC) meeting, RSAC Task No. 2008–02 was presented for acceptance. The task offered to the RSAC for consideration was to review comments received on FRA's NPRM and would have allowed the RSAC to make recommendations for the content of the final rule. The task was withdrawn at the meeting without RSAC acceptance.

Following publication of the NPRM in the **Federal Register**, FRA held a public hearing in Washington, DC on December 18, 2008, and extended the comment period for an additional thirty (30) days following the hearing. The hearing was attended by a number of railroads, organizations representing railroads, and labor organizations. FRA received oral and written testimony at the hearing as well as written comments during the extended comment period. A copy of the hearing transcript was placed in Docket No. FRA–2006–26173 on *http://www.regulations.gov.* During the initial and extended comment period, FRA received comments and heard testimony from the following organizations, in addition to comments from individuals, listed in alphabetical order:

- American Association for Justice;
- Association for American Railroads (AAR);
- American Train Dispatchers Association;
- BNSF Railway Company;
- Brotherhood of Locomotive Engineers and Trainmen;
- Brotherhood of Maintenance of Way Employes Division;
- Brotherhood of Railroad Signalman;
- California Public Utilities Commission;
- U.S. Department of Labor;
- Illinois Commerce Commission/Transportation Bureau/Rail Safety Section;
- Kansas City Southern Railway Company;
- Metro-North Commuter Railroad Company;
- National Railroad Passenger Corporation (Amtrak);
- New York State Metropolitan Transportation Authority;
- NJ Transit Rail Operations;
- Norfolk Southern Corporation;
- Southeastern Pennsylvania Transportation Authority (SEPTA);
- Union Pacific Railroad Company (UP); and
- United Transportation Union.

On November 9, 2010, FRA issued a final rule, entitled Miscellaneous Amendments to the Federal Railroad Administration's Accident/Incident Reporting Requirements; Final Rule, clarifying and amending FRA's accident/incident reporting and recording standards and guidance. *See* 75 FR 68862. Following the publication of the final rule, FRA received one formal petition for reconsideration from SEPTA, which was entered into the docket on January 28, 2011. FRA also received an informal request from UP to revise the FRA Guide by adding additional circumstance codes. FRA opted to treat UP's comments as an informal petition for reconsideration

entering the request into the docket on January 28, 2011, and is responding to UP's request in this document. The petitions for reconsideration raised various issues relating to the telephonic reporting requirements, the telephonic reporting chart and circumstance codes. The purpose of this document is to address the issues raised in the petitions for reconsideration relating to the final rule requirements.

The specific issues and recommendations raised by these petitioners, and FRA's responses to those petitions are discussed in detail in the ''Section-by-Section Analysis'' portion of the preamble. The following section-by-section analysis also contains a detailed discussion of each provision of the final rule text, the final rule preamble, the FRA Guide and forms contained in the FRA Guide, or the FRA Companion Guide that accompanies the final rule that is being clarified or amended. This discussion will enable the regulated community to more readily compare this document with the preamble discussion contained in the final rule and will aid the regulated community in understanding the requirements of the rule. Due to the complexity of the final rule and the number of documents affected and addressed in the rulemaking document and in an effort to provide readers as clear of an understanding as possible of the technical and clarifying amendments being made by this document, the section-by-section analysis is being divided into the following discussion sections:

A. Amendments to the Regulatory Text of Part 225.
B. Portions of Petitions for Reconsideration Being Denied.
C. Clarifying or Technical Amendments to the Preamble Discussion of the Final Rule.
   1. Section 225.15 Accidents/incidents Not To Be Reported
   2. Chapter 2 of the FRA Guide, ''Definitions.''
   3. Appendix C to the FRA Guide, ''Train Accident Cause Codes.''
D. Revisions to the FRA Companion Guide.
E. Clarifying or Technical Amendments to the FRA Guide.
   1. Chapter 1 of the FRA Guide, ''Overview of Accident/Incident Reporting and Recordkeeping Requirements.''
   2. Appendix F of the FRA Guide, ''Circumstance Codes.''
   3. Appendix H to the FRA Guide, ''Forms.''
   4. Appendix J to the FRA Guide, ''Type of Territory Codes.''
   5. Appendix L to the FRA Guide, ''49 CFR part 225.''
   6. Appendix M to the FRA Guide, ''Telephonic Reporting Chart.''

IV. Section-by-Section Analysis

A. Amendments to the Regulatory Text of Part 225

FRA is making amendments to only one section of the final rule text. This amendment concerns the definition of ''event or exposure arising from the operation of a railroad contained in § 225.5.

Section 225.5 Definitions

This document makes a technical amendment to the first tier subpart (ii)(A) of the definition of ''Event or exposure arising from the operation of a railroad''. The amendment removes ''non-train incident'' from the list of qualifying events arising from the operation of the railroad with regards to non-employees who are injured while off railroad property. This technical amendment is necessary because the addition of this type of accident/incident to tier one subpart (ii)(A) in the final rule inappropriately expanded the meaning of the term ''event or exposure arising from the operation of the railroad'' and the type of injuries captured for non-employees who are off railroad property beyond the scope intended. Removing ''non-train incident'' from the definition brings the meaning of the term into conformance with the intent and scope of the NPRM and final rule. The inclusion of this type of accident/incident in the definition is an obvious error and a technical amendment is an appropriate action to correct this oversight.

The final rule's clarification and restructuring of the definition of ''event or exposure arising from the operation of the railroad'', was not intended to change the term's meaning. Rather, the amendments were intended to clarify the term and bring it into conformance with existing industry practices. As such, the intent of the final rule was to remain consistent with the FRA's intent in the 2003 Final Rule:

> FRA developed a compromise position, proposing that railroads not be required to report deaths or injuries to persons who are not railroad employees that occur while off railroad property unless they result from a train accident, a train incident, a highway-rail grade crossing accident/incident, or a release of a hazardous material or other dangerous commodity related to the railroad's rail transportation business.

68 FR 10108–09, March 3, 2003 (FRA's 2003 Final Rule). The term ''event or exposure arising from the operation of a railroad'' and its definition were added in FRA's 2003 Final Rule to more narrowly tailor what types of accidents/incidents were considered to ''arise from the operation of a railroad'' and were, therefore, potentially reportable. 68 FR 10115–16.

However, the final rule in this proceeding amended the language proposed in the NPRM for the first tier subpart (ii)(A) by adding the term ''non-train incident'' to the list of qualifying events. Non-train incident is defined as an ''event that results in a reportable casualty, but does not involve the movement of on-track equipment nor cause reportable damage above the threshold established for train accidents.'' *See* § 225.5, ''Definitions—Non train incident.'' FRA stated in the final rule that this term was included to make the definition consistent with the list of accidents/incidents contained in the 2003 FRA Guide in addition to FRA's 2003 Final Rule amending its accident/incident regulations. 68 FR 10107, March 3, 2003. In the 2003 FRA Guide, non-train incidents are included in the list of categories of accidents/incidents; however, non-train incident was not included in FRA's 2003 Final Rule definition as a qualifying event arising from the operation of the railroad for non-employees who are injured while off railroad property.

Upon further review, it appears that the final rule's clarifying amendment is not consistent with the intent of FRA's 2003 Final Rule and expands the meaning of the term beyond the intent and scope of the final rule and NPRM. While non-train incident is included in the list of accidents/incidents in the 2003 FRA Guide, it was excluded as a triggering event for non-employees off railroad property in the related 2003 Final Rule. Moreover, the purpose of defining ''event or exposure arising from the operation of the railroad'' in the 2003 Final Rule was to limit the qualifying events with regards to non-employees. Based upon the definition of non-train incident, a railroad would be potentially responsible for reporting an injury to a non-employee occurring off railroad property that does not involve the movement of rail equipment. For example, under the definition contained in the final rule, if an individual suffers a reportable injury as the result of a car accident off railroad property involving a railroad automobile, any subsequent injury to the non-employee would be potentially reportable. This type of injury was not intended to be captured by FRA's accident/incident reporting regulations. As such, this document removes non-train incident from the list of qualifying events under the first tier

subpart (ii)(A) of the definition of ''event or exposure arising from the operation of the railroad''.

B. Portions of Petitions for Reconsideration Being Denied

This document denies that portion of SEPTA's petition for reconsideration requesting the amendment of this section with regard to limiting and consolidating the notification requirements to which a railroad is subject.

Section 225.9 Telephonic reports of certain accidents/incidents and other events

SEPTA's petition for reconsideration noted that a railroad may potentially be required to comply with several agencies' immediate notification requirements following an accident/incident, and; therefore, a railroad would be required to comply with each agency's separate notification requirements. SEPTA further suggested that the agencies should share the information rather than requiring a railroad to make several different notifications to streamline the process and to ease the burden on the railroad.

As an initial matter, in the NPRM, FRA requested comments and suggestions on four issues of concern. One of these issues was § 225.9 telephonic reporting. Specifically, the NPRM noted that FRA was considering changing the method by which telephonic reports of accidents/incidents, as required by § 225.9, are made. Under FRA's current regulations, railroads are required to telephonically report certain accidents/incidents to the National Response Center (NRC), who in turn provides notification of the accidents/incidents to FRA. The NPRM indicated that FRA was reviewing whether it would be preferable for railroads to report these accidents/incidents directly to FRA via electronic transmission, and specifically sought comments and suggestions on the issue. FRA opted not to adopt any of the suggested changes or to require direct reporting to FRA, as FRA's infrastructure is inadequate to handle direct reporting. *See* 75 FR 68876, November 9, 2010.

With regards to SEPTA's specific suggestion to consolidate various agency notification requirements, again, FRA is declining to adopt the recommendation. Each government agency's notification requirements are aimed to alert the agency to specific accidents/incidents. These requirements may vary from agency to agency based upon their regulatory authority and mission. Moreover, each regulation may vary in terms of how and when notifications must occur. As such, the accidents/incidents for which FRA requires notification may not capture the accidents/incidents or the specific information that other agencies are interested in or need to fulfill their mission. Moreover, FRA does not have regulatory authority to control, change or alter other agencies' notification requirements; as such, FRA is not currently in a position to adopt or enforce SEPTA's recommendation. Finally, FRA does not currently have the infrastructure in place to handle notifications on behalf of other agencies or the ability to share that information outside the FRA to the extent required by SEPTA's recommendation.

C. Clarifying or Technical Amendments to the Preamble Discussion of the Final Rule

This document is making several clarifying or technical amendments to the preamble discussions contained in the final rule. The preamble discussions being clarified in this document involve discussions of the regulatory text as well as discussions of the FRA Guide.

1. Section 225.15 Accidents/incidents Not To Be Reported

This document is making a clarifying amendment to the preamble language in the Section-by-Section Analysis of the final rule relating to a railroad's duty to investigate trespasser fatalities. *See also,* 75 FR 68889. The final rule requires railroads to investigate all trespasser fatalities in order to determine the cause of death. As explained in the final rule, FRA included this requirement to ensure that railroads are taking the proper steps to confirm whether or not a death is a suicide. The railroad must continue its investigation for a period of six months or until it is able to confirm the cause of death (or whichever occurs first). FRA anticipates that, if the cause of death is obvious (e.g., there are no indications that the individual(s) died as the result of a suicide), a railroad's investigation will not take the full six months and the cause of death will be easily confirmed with proper authority.

In discussing this new requirement, the preamble language stated that ''if a railroad cannot obtain the required information after making a documented good faith effort for six months, then the railroad may discontinue its investigation and report the casualty as a trespasser fatality.'' 75 FR 68870, 68879. After reviewing this language and receiving questions from the industry, FRA has determined that this sentence is confusing and misleading. Consequently, this document clarifies the discussion contained in Section-by-Section Analysis for the final rule.

FRA did not intend to negate a railroad's duty to create and submit a Form FRA F 6180.55a for a reportable trespasser fatality within 30 days after the month within which the death occurred. Rather, this preamble discussion was intended to explain a railroad's obligation at the end of the six month investigative period if the railroad cannot confirm the cause of the death. As such, once a railroad learns about a reportable trespasser fatality, the railroad must create and submit a Form FRA F 6180.55a to the FRA within 30 days after the month within which the death occurred. However, after submitting the Form FRA F 6180.55a, the railroad must continue to try to confirm the cause of death for a period of up to six months for trespasser fatalities. If the railroad is able to confirm the cause of death, the railroad must amend, or correct, the Form FRA 6180.55a as appropriate. If the railroad is unable to confirm the cause of death, the fatality may be reported as a trespasser fatality so that the death remains as a trespasser fatality on the Form FRA F 6180.55a and the railroad is not required to amend or correct the report.

FRA is clarifying the above language to avoid any potential confusion and to ensure that railroads are consistently submitting their reports to the FRA in a timely fashion. As stated above, the new investigative requirements are not meant to eliminate a railroad's duty to make a report per § 225.11 or to delay the reporting of trespasser fatalities for a period of six months (or until the railroad can determine cause of death). Rather, FRA was attempting to instruct railroads on how to proceed at the end of the six month investigative period in situations in which the railroad is unsuccessful in determining the cause of death.

2. Chapter 2 of the FRA Guide, ''Definitions''

This document identifies and corrects preamble language regarding Chapter 2 of the FRA Guide relating to the Definition of ''Worker on Duty-Employee (Class A).'' This correction does not result in any amendments or changes to the actual definition.

The final rule removed an example to the definition of Worker on Duty-Employee (Class A) characterizing an employee on his lunch break as on duty. This example was inserted into the definition in the NPRM. FRA received a comment from the AAR with regards to this example requesting its removal as an employee who is injured on an

unpaid lunch break may not be considered on-duty. FRA agreed with the AAR and recognized that an employee who is not under pay is generally considered off duty. Consequently, FRA removed the example in the final rule to avoid confusion. However, in removing the example, the preamble language stated that ''[i]n general, an employee on a break, whether paid or unpaid, is considered an Employee Not On Duty (Class B).'' *See* 75 FR 68886.

This statement is incorrect and clearly inconsistent with the definition of Worker on Duty-Employee (Class A) contained in the final rule and the examples contained in the FRA Guide. Rather, as stated in the definition of Worker on Duty-Employee (Class A), ''[w]hether or not the worker is under pay will normally be the deciding factor for determining 'on-duty' status.'' FRA Guide, Chapter 2. While there are certain exceptions, an employee who is under pay at the time of his injury is generally considered on-duty. FRA intended to state that an employee on a break, if unpaid, is generally considered an Employee Not On Duty (Class B). Consequently, the preamble language was an obvious error and a technical amendment is an appropriate action to correct this oversight.

3. Appendix C to the FRA Guide, ''Train Accident Cause Codes''

This document identifies and corrects erroneous information contained in the preamble language to the final rule. However, this correction does not result in any amendments or changes to the actual Train Accident Cause Codes. The final rule added an additional Train Accident Cause Code in response to a recommendation from the National Transportation Safety Board (NTSB). Both the final rule and NPRM discussed the background and history of this recommendation in the preamble. Specifically, the final rule stated that:

> FRA added Train Accident Cause Code T224 in response to the National Transportation Safety Board's (NTSB) 2005 recommendation that FRA provide a train accident cause code for derailments caused by bond wire attachments. This recommendation arose from the NTSB's investigation of the derailment of northbound National Railroad Passenger Corporation (Amtrak) train No. 58 while operating on Canadian National (CN) track near Flora, Mississippi, on April 6, 2004. The derailment resulted in one fatality, 35 injuries (that were reportable to FRA), and damage costs of approximately $7 million. The NTSB recommended that FRA include in the FRA Guide a train accident cause code for derailments caused by rail cracks originating from bond wire attachments, and that information on the methods and locations of those attachments be provided in the narrative section of the accident/incident report (NTSB Recommendation Number RAR–05/02).

See 75 FR 68891. However, upon further review, FRA has discovered that the final rule and NPRM erroneously referenced NTSB Recommendation Number RAR–05/02. Rather, the relevant recommendation is actually contained in NTSB Railroad Accident Report Number 05/01 (RAR 05/01). Moreover, the final rule and NPRM mistakenly discussed the facts involved in NTSB Railroad Accident Report Number 05/02 (RAR 05/02). *See* 75 FR 68891.

To clarify, FRA added Train Accident Cause Code T224 in response to NTSB Safety Recommendation No. Recommendation–05–02 (R–05–02), which was contained in NTSB's RAR 05/01. Moreover, this recommendation arose from the NTSB investigation into the derailment of a northbound CN train on February 9, 2003, in Tamaroa, Illinois, and the subsequent release of hazardous materials. A copy of the NTSB's RAR 05/01, containing NTSB's R–05–02, has been placed in Docket No. FRA–2006–26173 on *http://www.regulations.gov* for ease of reference.

D. Revisions to the FRA Companion Guide

The Companion Guide, a technical manual that did not go through formal notice and comment, contains instructions for electronically submitting monthly reports. As such, the Companion Guide also includes directions for handling reports and records after June 1, 2011, with regards to the creation and submission of the reports, including late reports, and the amending/correcting of reports for accidents/incidents occurring prior to the effective date. The Companion Guide currently instructs that ''railroads amending reports or records created or submitted prior to the effective date of the new rule, or submitting late reports for accidents that occurred prior to the effective date of the new rule, must amend those records and reports consistent with the new regulations and newest FRA Guide.'' *See* Companion Guide, Introduction.

However, upon further consideration, FRA is revising the instructions contained in the Companion Guide to eliminate any confusion, to avoid requiring railroads to retroactively apply the new rules and regulations, and to prevent any potential issues with the collection of accident/incident data. FRA will also include these revised instructions in the FRA Guide. As an initial matter, the instructions contained in the Companion Guide are being revised as they could potentially create confusion and problems with FRA's accident/incident data and require the railroad to retroactively apply the new rule and regulations. If a railroad is required to apply the reporting and recording regulations contained in the final rule to determine whether an accident/incident occurring prior to the effective date is reportable, a railroad may potentially have to report an accident/incident that was not reportable at the time it occurred. For example, under the current guidance, a railroad may have to report a suicide or attempted suicide even though it occurred prior to the effective date of the final rule. The revised instructions, set forth below, will ensure that accidents/incidents are reported/recorded in a manner consistent with the rules and regulations that were in place at the time the accident/incident occurred.

FRA received numerous questions from the railroads requesting additional clarification and instructions with regards to this issue indicating that the directions contained in the Companion Guide are either too difficult to find and/or to understand. By revising these instructions and including them in the FRA Guide, FRA anticipates eliminating further confusion, improving compliance, and ensuring accurate accident/incident data.

E. Clarifying or Technical Amendments to the FRA Guide

This document makes the following general clarifying or technical amendments throughout the FRA Guide: correct typos and formatting issues; highlight key provisions for additional emphasis; and update the Index and Table of Content to reflect changes in pagination. Moreover, this document updates the publication and effective dates throughout the FRA Guide.

1. Chapter 1 of the FRA Guide, ''Overview of Accident/Incident Reporting and Recordkeeping Requirements''

This document makes a clarifying amendment to Chapter 1 of the FRA Guide by adding instructions for creating and submitting records and reports, including late reports, in addition to amending/correcting reports after the final rule's June 1, 2011, effective date for accidents/incidents occurring prior to that date. This issue is addressed in the preceding discussion related to revisions being made to the FRA Companion Guide. This document

provides notice that the revised directions discussed above are being added to the FRA Guide for ease of reference and convenience. Consequently, this document adds the revised instructions, which are consistent with the revised instructions contained in the Companion Guide, to Chapter 1 of the FRA Guide. These instructions explain to railroads that:

> [w]hen determining whether (and which form(s) to use) to report/record an accident/incident a railroad must use the forms and standards that were in effect on the date that the accident/incident occurred. Therefore any reports, including late reports, or records created for an accident/incident that occurred prior to June 1, 2011, are subject to the standards (and required to use the forms) that were in effect prior to the Miscellaneous Amendment to the Federal Railroad Administration's Accident/Incident Reporting Requirements; Final Rule, which became effective June 1, 2011. 75 FR 68862, November 9, 2010. When amending/correcting a report/record after June 1, 2011, for an accident/incident that occurred prior to June 1, 2011, a railroad should simply amend/correct the report/record that was originally created for the accident/incident.

See FRA Guide, Chapter 1. Again, these amendments are appropriate as they will clarify the reporting/recording requirements for certain accidents/incidents and eliminate any potential data collection issues.

2. Appendix F of the FRA Guide, ''Circumstance Codes''

This document amends Appendix F of the FRA Guide by adding additional Circumstance Codes in response to the petitions for reconsideration. The final rule added new Circumstance Codes to Appendix F of the FRA Guide for use on Form FRA F 6180.55a, ''Railroad Injury and Illness Summary (Continuation Sheet)''.

This document is adding Location Circumstance Code CE—''On Station Platform'' to Part III of the ''Location Circumstance Codes'' in response to SEPTA's petition for reconsideration. The preamble to the final rule stated that the final rule would change Location Circumstance Code C2—''On Platform'' to ''On Platform Station.'' *See* 75 FR 68892. However, as SEPTA noted in its petition, the final rule did not in fact make this change. While this document adds this new code, this document does not remove or replace Location Circumstance Code C2—''On Platform''. Upon further review, FRA has determined that ''On Station Platform'' is too specific to replace ''On Platform'' as there are other types of platforms beyond station platforms. As FRA wants to continue collecting information about accidents/incidents occurring at those locations, this document does not eliminate C2—''On Platform''. Moreover, this document uses the code ''On Station Platform'' instead of ''On Platform Station'' as the former is a more accurate description.

This document is also amending Appendix F of the FRA Guide by adding several additional Circumstance Codes in response to UP's petition for reconsideration. FRA has reviewed the additional codes recommended by UP and believes that they will improve FRA accident/incident data. Thus, FRA is adding the following new codes to Appendix F—Circumstance Codes as follows:

(a) To Part I of the ''Location Circumstance Codes'' FRA adds codes:

- F—Restroom;
- U—Airport/Airplane;
- V—Freight terminal; and,
- W—Private property.

(b) To Part III of the ''Location Circumstance Codes'' FRA adds codes:

- AA—At freight terminal;
- AB—On tower;
- AC—In cafeteria/lunch room;
- D1—At lodging facility;
- D2—On highway/street;
- D3—On private property;
- D4—On sidewalk/walkway
- D5—In airport;
- D6– In airplane;
- D7—In hotel room;
- E1—On parking lot;
- E2—In building; and,
- E3—In restroom.

(c) To the ''Tools, Machinery, Appliances, Structures, Surfaces, (etc.) Circumstance Codes'' FRA adds code:

- 8K—Knuckle.

3. Appendix H to the FRA Guide, ''Forms''

This document makes a general clarifying or technical amendment to each of the accompanying FRA forms, updating the expiration date of each form. The Office of Management and Budget (OMB) approved the information collections submissions associated with the accident/incident final rule. As such, the new expiration date for the forms is February 28, 2014. FRA received notification of OMB's decision following the publication of the final rule and, as such, this document makes the technical amendment so that the forms to reflect the change in the expiration date.

The forms are revised as follows:

Form FRA F 6180.107. This document corrects certain preamble language addressing a railroad's obligation to create a Form FRA F 6180.107 within a proscribed time period. However, this correction will not result in any changes to the regulatory text or FRA Guide. In discussing revisions to the Form FRA F 6180.107 with regards to block 23, the final rule stated that:

> FRA is making this revision to ensure that it can discern if the railroad entered each claimed occupational illness on the appropriate record no later than seven calendar days after receiving information or acquiring knowledge that an injury or illness or rail equipment accident/incident has occurred, as required in § 225.25(i)(2).

See 75 FR 68897. These instructions are an obvious mistake and this documents clarifies that, consistent with the instructions in § 225.21(i)(2) and throughout the preamble to the final rule, a railroad must actually enter each claimed occupational illness ''no later than seven working days after receiving knowledge that an employee is claiming they have incurred an occupational illness.'' *See* 75 FR 68907. This technical amendment is appropriate as the mistake was obvious and this document highlights this issue to avoid any potential confusion.

Form FRA F 6180.150. A technical amendment is being made to Form FRA F 6180.150, by removing the word ''draft'' from the form. As stated in the final rule, Form FRA F 6180.150 was submitted to OMB and pending approval. *See* 75 FR 68888. FRA submitted the Form FRA F 6180.150 to OMB with the final rule. OMB notified FRA that it approved the form, and; as such, it may now be used to collection information about potential injuries to highway-users involved in highway-rail grade crossing accidents/incidents.

4. Appendix J to the FRA Guide, ''Type of Territory Codes''

This document makes several clarifying and technical amendments to Appendix J of the FRA Guide, which provides Type of Territory Codes and instructions for the use of those codes when completing block 30, ''Type of Territory,'' on Form FRA F 6180.54, ''Rail Equipment Accident/Incident Report.'' *See* 75 FR 68897. The codes represent the type of territory (*i.e.,* signaled territory versus non-signaled territory); the authority for movement (*i.e.,* signal indication; mandatory directive; other than main track—Rule 105); and additional miscellaneous supplemental codes. *See* FRA Guide, Appendix H, ''Forms''.

This document amends the list identifying the various methods of control (*i.e.,* systems) contained on page J–2 of the FRA Guide, Appendix J, by eliminating the outdated term ''Direct Train Control''. Previously, FRA included this term because one particular railroad used it as a formal method of operation; however, that

particular railroad no longer uses that method of operation and has since started using Track Warrant Control. Therefore, this term is no longer applicable and no longer used in the industry. Thus, FRA is removing it for clarity and to avoid any potential confusion. Moreover, there will be no conflict with FRA's use of the term Direct Train Control as a generic, or ''umbrella,'' term, which FRA uses, generally, to refer to this common method of operation in the industry as a whole.

This document adds supplemental code ''Z–Other-Narrative Required'' to the list for position 4 and 5 for non signals on page J–4 of the FRA Guide, Appendix J. FRA created the code ''Other-Narrative Required'' to ensure that if other existing codes are inadequate the railroads are able to accurately complete the field and to ensure that FRA is able to obtain a response. FRA discovered that it failed to list this supplemental code in two positions. While the directions found on page J–1 of the FRA Guide, Appendix J, make it clear that this code is always available in case existing codes are insufficient; this document adds these codes for clarity and consistency.

This document also amends the supplemental codes found on pages J–5 and J–6 so that the supplemental codes consistently correspond to the same narrative throughout Appendix J to the FRA Guide. This clarifying amendment is intended to eliminate any confusion potentially created in the final rule resulting from switching the supplemental code and the narrative description throughout Appendix J to the FRA Guide. As a result of this amendment, the supplemental codes correspond to the same narrative (*e.g.,* Supplemental Code L means Special Instructions) throughout Appendix J to the FRA Guide; whereas, under the final rule, the supplemental code and its narrative varied throughout Appendix J to the FRA Guide. Consequently, the supplemental codes contained in Appendix J to the FRA Guide have the following meaning:

- A—Auto Cab Signals
- B—Auto Train Control
- C—Auto Train Stop
- D—Automatic Block Signals System
- E—Broken Rail Monitoring
- F—Direct Traffic Control
- G—Interlocking
- H—Manual Block System
- J—Positive Train Control
- K—Restricted Speed or Equivalent
- L—Special Instructions
- M—Switch Point Monitoring
- N—Time Table/Train Orders
- P—Track Warrant Control
- Q—Traffic Control System/CTC
- R—Yard/Restricted Limits
- T—Other Than Main Track
- Z—Other-Narrative Required

5. Appendix L to the FRA Guide, ''49 CFR part 225''

The document makes two technical amendments to Appendix L of the FRA Guide, which includes the full regulatory text of part 225. The final rule included this rule text for ease of reference. This document alters only the rule text found in Appendix L of the FRA Guide and does not affect any other part of the final rule. First, a technical amendment is being made to update the reporting threshold by including the reporting threshold for 2011, which is $9,400. The reporting threshold for 2011 was calculated and published after the publication of the final rule. *See* 75 FR 75911, December 7, 2010. This revision affects § 225.19 (c) and (e), which include a list of the current and past reporting thresholds.

An amendment is also being made to the title of Form FRA F 6180.56 in § 225.21 in Appendix L of the FRA Guide. The regulatory text included Appendix L as part of the final rule identified Form FRA F 6180.56 as ''Annual Railroad Report of Manhours by State'' and this document corrects the form's title to ''Annual Railroad Report of Employee Hours and Casualties by State.'' This was an obvious error as the form is correctly identified elsewhere in the final rule, the actual regulatory text and the FRA Guide.

6. Appendix M to the FRA Guide, ''Telephonic Reporting Chart''

This document revises the Telephonic Reporting Chart contained in Appendix M to the FRA Guide to make clarifying and technical amendments in response to the petitions for reconsideration and to make the chart consistent with the rule text. In addition, this document makes several general technical amendments to the Telephonic Reporting Chart. These include updating the footnote numbering as a result of substantive changes and correcting typos.

The Telephonic Reporting Chart is amended in response to SEPTA's petition for reconsideration. In its petition for reconsideration, SEPTA requested clarification with regards to the use and placement of footnote number four dealing with the ''24 hours notification cap'' for fatalities resulting from a highway-rail grade crossing accident/incident. SEPTA noted that the placement of the footnote appeared to expand the ''24 hours notification cap'' to all fatalities regardless of the circumstances.

The final rule amended the accident/incident telephonic reporting requirements related to fatalities that occur at highway-rail grade crossings as a result of train accidents or train incidents. FRA had previously required railroads to report immediately to the National Response Center (NRC), via telephone, ''a fatality at a highway-rail grade crossing as a result of a train accident or train incident.'' 49 CFR 225.9(a)(2)(iii). FRA found that confusion existed as to the applicability of this requirement when death does not occur at the scene of the accident/incident, but occurs several hours or days later, after the fatally injured person is taken to the hospital for treatment.

As a result, the final rule revised the telephonic reporting requirement for highway-rail grade crossing fatalities to require telephonic reporting only if death occurs within 24 hours of the accident/incident. This revision is consistent with the Department of Transportation, Office of Inspector General's November 28, 2005 recommendation (Report No. MH–2006–016), which recommended that FRA amend § 225.9 to clarify the reporting requirements and to include criteria requiring railroads to report to NRC any death at a highway-rail grade crossing, only if death occurs within 24 hours of the accident/incident.

This document updates and moves footnote number four to make it clear that the ''24 hours notification cap'' applies only to ''a fatality at a highway-rail grade crossing as a result of a train accident or train incident'' as explained in the final rule. 49 CFR 225.9(a)(2)(iii). FRA agrees with SEPTA's contention that the placement of the footnote could potentially cause confusion, and; as such, the clarifying amendment is appropriate.

This document updates the Telephonic Reporting Chart contained in Appendix M to the FRA Guide to reflect changes made to § 225.9(a)(2)(iv) and to accurately reflect the regulatory language in § 225.9(a)(2)(v). The final rule made a technical amendment to paragraph (a)(2)(iv) by adding the words ''or more'' after $150,000, to clarify that the telephonic reporting requirement is triggered when a train accident results in damage of $150,000 or more to railroad and non-railroad property. The Telephonic Reporting Chart is updated to reflect this change in the rule text. Similarly, the Telephonic Reporting Chart is updated so that it accurately reflects the rule text in § 225.9(a)(2)(v) by changing the language from ''damage

in excess of $25,000'' to ''$25,000 or more''. Both of these amendments are necessary to correct obvious errors.

Finally, in reviewing the Telephonic Reporting Chart, FRA discovered that the chart does not include paragraph (a)(1)(iii). Thus, the Telephonic Reporting Chart is being amended so that it includes paragraph (a)(1)(iii) and accurately reflects the rule text. Again, the failure to include this paragraph was an obvious oversight and this amendment makes the Telephonic Reporting Chart consistent with the rule text.

V. Regulatory Impact and Notices

A. Executive Orders 12866 and 13563 and DOT Regulatory Policies and Procedures

This revised final rule in response to petitions for reconsideration has been evaluated in accordance with existing policies and procedures and determined to be non-significant under not only Executive Orders 12866 and 13563 but also DOT policies and procedures. *See* 44 FR 11034; February 26, 1979. FRA has analyzed the costs and benefits of the revisions to the final rule. With two exceptions, the revisions FRA is making are technical corrections or clarifications and will not have any economic impact. They will serve to make clear and correct the requirements of the final rule and its accompanying FRA Guide. Although the addition of circumstance codes for Location as well as Tools, Machinery, Appliances, and Structures may add some reporting burden, it would be nominal. Parties filling out the forms would have more codes to select from to describe the accident or incident circumstances, but no fields have been added to any reporting forms. FRA is also revising the definition of ''event or exposure arising from the operation of the railroad'' in § 225.5, ''Definitions''. In the final rule, FRA included non-train incidents in the list of events that can result in a reportable injury to a non-employee while off railroad property. Upon further review, it appears this amendment was overly broad and would capture more information than original intended. As such, FRA is removing this from the list.

Since any burden associated with the added cause codes for accidents and incidents would be nominal and the Regulatory Evaluation conducted in support of the final rule already took into account the impacts of the new definition of ''event or exposure arising from the operation of the railroad,'' FRA believes that the outcome of that analysis would not be impacted. Even if that were not the case, FRA is confident that the cost savings from the revised definitions would exceed any additional cost burden. In other words, the revised definition represents the least costly alternative for achieving the desired safety outcome. To the extent that any additional burden results from the additional circumstance codes, it will be nominal and have no impact on the findings of the Regulatory Evaluation of the final rule.

B. Regulatory Flexibility Act and Executive Order 13272

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) and Executive Order 13272 (67 FR 53461; August 16, 2002) require agency review of proposed and final rules to assess their impact on small entities. The Regulatory Flexibility Act requires an agency to review regulations to assess their impact on small entities. An agency must conduct a regulatory flexibility analysis unless it determines and certifies that a rule is not expected to have a significant impact on a substantial number of small entities. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the FRA Administrator certifies that the revisions to the final rule will not have a significant economic impact on a substantial number of small entities. Although a substantial number of small railroads will be affected by these revisions, none of these entities will be significantly impacted. The net impact of these revisions is beneficial stemming from a reduction in burden associated with not reporting certain events. At the NPRM stage, FRA certified that the proposal would not result in a significant economic impact on a substantial number of small entities and requested comment on such certification as well all other aspects of the NPRM. Although many comments were received in response to the NPRM, no comments directly addressed the certification. In developing the final rule, FRA considered all comments received in response to the NPRM. FRA also certified that the final rule would not have a significant economic impact on a substantial number of small entities.

''Small entity'' is defined in 5 U.S.C. 601 as including a small business concern that is independently owned and operated, and is not dominant in its field of operation. The U.S. Small Business Administration (SBA) has authority to regulate issues related to small businesses, and stipulates in its size standards that a ''small entity'' in the railroad industry is a for profit ''line-haul railroad'' that has fewer than 1,500 employees, a ''short line railroad'' with fewer than 500 employees, or a ''commuter rail system'' with annual receipts of less than seven million dollars. *See* ''Size Eligibility Provisions and Standards,'' 13 CFR part 121 subpart A. Additionally, section 601(5) defines as ''small entities'' governments of cities, counties, towns, townships, villages, school districts, or special districts with populations less than 50,000. Federal agencies may use a different standard for small entities, in consultation with SBA and in conjunction with public comment. Pursuant to that authority FRA has published a final statement of agency policy that formally establishes ''small entities'' or ''small businesses'' as being railroads, contractors and hazardous materials shippers that meet the revenue requirements of a Class III railroad as set forth in 49 CFR 1201.1–1, which is $20 million or less in inflation-adjusted annual revenues, and commuter railroads or small governmental jurisdictions that serve populations of 50,000 or less. *See* 68 FR 24891, May 9, 2003, codified at Appendix C to 49 CFR part 209. The $20 million limit is based on the Surface Transportation Board's revenue threshold for a Class III railroad carrier. Railroad revenue is adjusted for inflation by applying a revenue deflator formula in accordance with 49 CFR 1201.1–1. FRA is using this definition for this rulemaking. This final rule applies to railroads. There are approximately 665 small railroads that would be affected by this final rule. The factual basis for the certification that this final rule will not have a significant economic impact on a substantial number of small entities, is that the total cost of complying with the final rule will be either unchanged or reduced.

C. Paperwork Statement—Accident/Incident Reporting and Recordkeeping

This response to petitions for reconsideration of the final rule does not change any of the information collection requirements and associated estimated burden contained in the original final rule.

D. Federalism Implications

This response to petitions for reconsideration and the revised final rule have been analyzed in accordance with the principles and criteria contained in Executive Order 13132, ''Federalism'' (64 FR 43255, Aug. 10, 1999), which requires FRA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' are defined in

the Executive Order to include regulations that 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.'' Under Executive Order 13132, the agency may not issue a regulation with federalism implications that imposes substantial direct compliance costs and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, the agency consults with State and local governments, or the agency consults with State and local government officials early in the process of developing the proposed regulation. Where a regulation has federalism implications and preempts State law, the agency seeks to consult with State and local officials in the process of developing the regulation.

FRA believes it is in compliance with Executive Order 131132. Because the amendments contained in this response to petitions for reconsideration of the final rule either clarify requirements currently contained in the final rule or allow for greater flexibility in complying with the final rule, this document will not have substantial direct effects on the States, on the relationship between the national government and the States, nor on the distribution of power and responsibilities among various levels of government. In addition, FRA has determined that this response to petitions for reconsideration of the final rule will not impose substantial direct compliance costs on State and local governments. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

FRA notes that this part could have preemptive effect by the operation of law under the FRSA. *See* 49 U.S.C. 20106. Section 20106 provides that States may not adopt or continue in effect any law, regulation, or order related to railroad safety or security that covers the subject matter of a regulation prescribed or issued by the Secretary of Transportation (with respect to railroad safety matters) or the Secretary of Homeland Security (with respect to railroad security matters), except when the State law, regulation, or order qualifies under the ''essentially local safety or security hazard'' exception to § 20106.

In sum, FRA has analyzed this response to petitions for reconsideration in accordance with the principles and criteria contained in Executive Order 13132, and has determined that preparation of a federalism summary impact statement for this document is not required.

E. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This response to the petitions for reconsideration and the revised final rule are purely domestic in nature and are not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

F. Environmental Impact

FRA has evaluated this response to the petitions for reconsideration in accordance with its ''Procedures for Considering Environmental Impacts'' (FRA's Procedures) (64 FR 28545; May 26, 1999) as required by the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), other environmental statutes, Executive Orders, and related regulatory requirements. FRA has determined that this response to the petitions for reconsideration is not a major FRA action (requiring the preparation of an environmental impact statement or environmental assessment) because it is categorically excluded from detailed environmental review pursuant to section 4(c)(20) of FRA's Procedures. *See* 64 FR 28547; May 26, 1999. Section 4(c)(20) reads as follows:

> Actions categorically excluded. Certain classes of FRA actions have been determined to be categorically excluded from the requirements of these Procedures as they do not individually or cumulatively have a significant effect on the human environment * * *. The following classes of FRA actions are categorically excluded: * * * Promulgation of railroad safety rules and policy statements that do not result in significantly increased emissions or air or water pollutants or noise or increased traffic congestion in any mode of transportation.

In accordance with section 4(c) and (e) of FRA's Procedures, the agency has further concluded that no extraordinary circumstances exist with respect to this response to petitions for reconsideration that might trigger the need for a more detailed environmental review. As a result, FRA finds that this revised final rule is not a major Federal action significantly affecting the quality of the human environment.

G. Unfunded Mandates Reform Act of 1995

Pursuant to Section 201 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1531), each Federal agency ''shall, unless otherwise prohibited by law, assess the effects of Federal regulatory actions on State, local, and tribal governments, and the private sector (other than to the extent that such regulations incorporate requirements specifically set forth in law).'' Section 202 of the Act (2 U.S.C. 1532) further requires that ''before promulgating any general notice of proposed rulemaking that is likely to result in the promulgation of any rule that includes any Federal mandate that may result in expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) [$140.8 million in 2010] in any 1 year, and before promulgating any final rule for which a general notice of proposed rulemaking was published, the agency shall prepare a written statement'' detailing the effect on State, local, and tribal governments and the private sector. This response to the petitions for reconsideration of the final rule, including the revised final rule, would not result in the expenditure, in the aggregate, of $140.8 million or more in any one year, and thus preparation of such a statement is not required.

H. Energy Impact

Executive Order 13211 requires Federal agencies to prepare a Statement of Energy Effects for any ''significant energy action.'' 66 FR 28355, May 22, 2001. Under the Executive Order, a ''significant energy action'' is defined as any action by an agency (normally published in the **Federal Register**) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking: (1)(i) That is a significant regulatory action under Executive Order 12866 or any successor order, and (ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (2) that is designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. FRA has evaluated this response to the petitions for reconsideration of the final rule, including the revised final rule, in accordance with Executive Order 13211. FRA has determined that this revised final rule is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

Consequently, FRA has determined that this regulatory action is not a ''significant energy action'' within the meaning of Executive Order 13211.

I. Privacy Act

Interested parties should be aware that anyone is able to search the electronic form of all comments received into any agency docket by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). To get more information on this matter and to view the Regulations.gov Privacy Notice go to *http://www.regulations.gov/search/footer/privacyanduse.jsp*. You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

List of Subjects in 49 CFR Part 225

Investigations, Penalties, Railroad safety, and Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, FRA amends part 225 of chapter II, subtitle B of Title 49, Code of Federal Regulations, as follows:

PART 225—[AMENDED]

■ 1. The authority citation for part 225 continues to read as follows:

Authority: 49 U.S.C. 103, 322(a), 20103, 20107, 20901–02, 21301, 21302, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.49.

■ 2. Section 225.5 is amended by revising paragraph (1)(ii)(A) in the definition of ''event or exposure arising from the operation of a railroad'' to read as follows:

§ 225.5 Definitions.

* * * * *

Event or exposure arising from the operation of a railroad means—

(1) * * *

(ii) * * *

(A) A train accident or a train incident involving the railroad; or

* * * * *

Issued in Washington, DC, on May 24, 2011.

Joseph C. Szabo,

Administrator, Federal Railroad Administration.

[FR Doc. 2011–13295 Filed 5–26–11; 8:45 am]

BILLING CODE 4910–06–P

Proposed Rules

Federal Register
Vol. 76, No. 103
Friday, May 27, 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.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 11

[Docket No. APHIS–2011–0030]

RIN 0579–AD43

Horse Protection Act; Requiring Horse Industry Organizations To Assess and Enforce Minimum Penalties for Violations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the horse protection regulations to require horse industry organizations or associations that license Designated Qualified Persons to assess and enforce minimum penalties for violations of the Horse Protection Act (the Act) and the regulations. The regulations currently provide that such penalties will be set either by the horse industry organization or association or by the U.S. Department of Agriculture. This action would strengthen our enforcement of the Act and the regulations by ensuring that minimum penalties are assessed and enforced consistently by all horse industry organizations and associations that are appointed under the Act by the U.S. Department of Agriculture to cooperate in our enforcement efforts.

DATES: We will consider all comments that we receive on or before July 26, 2011.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2011-0030* to submit or view comments and to view supporting and related materials available electronically.
- *Postal Mail/Commercial Delivery:* Please send one copy of your comment to Docket No. APHIS–2011–0030, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2011–0030.

Reading Room: You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

Other Information: Additional information about APHIS and its programs is available on the Internet at *http://www.aphis.usda.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. Rachel Cezar, Horse Protection National Coordinator, Animal Care, APHIS, 4700 River Road Unit 84, Riverdale, MD 20737; (301) 734–5784.

SUPPLEMENTARY INFORMATION:

Background

In 1970, Congress passed the Horse Protection Act (15 U.S.C. 1821–1831), referred to below as the Act, to eliminate the practice of soring by prohibiting the showing or selling of sored horses. The regulations in 9 CFR part 11, referred to below as the regulations, implement the Act.

In the Act, Congress found and declared that the soring of horses is cruel and inhumane. The Act states that the term ''sore'' when used to describe a horse means that:

- An irritating or blistering agent has been applied, internally or externally, by a person to any limb of a horse,
- Any burn, cut, or laceration has been inflicted by a person on any limb of a horse,
- Any tack, nail, screw, or chemical agent has been injected by a person into or used by a person on any limb of a horse, or
- Any other substance or device has been used by a person on any limb of a horse or a person has engaged in a practice involving a horse, and, as a result of such application, infliction, injection, use, or practice, such horse suffers, or can reasonably be expected to suffer, physical pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving. (The Act excludes therapeutic treatment by or under the supervision of a licensed veterinarian from the definition of soring.)

The practice of soring horses is aimed at producing an exaggerated show gait for competition. Typically, the forelimbs of the horse are sored, which causes the horse to place its hindlimbs further forward than normal under the horse's body, resulting in its hindlimbs carrying more of its body weight. When the sored forelimbs come into contact with the ground, causing pain, the horse quickly extends its forelimbs and snaps them forward. This gait is known as ''the big lick.''

Soring is primarily used in the training of Tennessee Walking Horses, racking horses, and related breeds. Although a gait similar to ''the big lick'' can be obtained using selective breeding and humane training methods, soring achieves this accentuated gait with less effort and over a shorter period of time. Thus, Congress found and declared that horses shown or exhibited which are sore, where such soreness improves the performance of such horse, compete unfairly with horses which are not sore. Congress further found and declared that the movement, showing, exhibition, or sale of sore horses in intrastate commerce adversely affects and burdens interstate and foreign commerce.

The Act and the regulations in § 11.2 prohibit the use of devices, methods, and substances that are used to sore horses. For example, a person who sores a horse may apply a substance such as mustard oil or kerosene above the horse's front hooves, to cause lesions. When chains are used on a horse sored in this manner, the chains rub against the lesions, causing pain. Thus, the regulations prohibit the use of any substance above the hoof, except lubricants used in certain circumstances. The use of mechanical agents (also referred to as ''action devices'') such as overweight chains or boots also cause lesions; the regulations only allow the use of specific types of action devices that scientific evidence indicates do not cause horses to be sore. Soring can also be accomplished by trimming the hoof to expose sensitive tissue, thus making it painful for the horse to touch its forelimbs to the ground. This practice is prohibited in

the regulations. In addition to prohibiting other methods and practices, § 11.2 also generally prohibits the use of any device, method, practice, or substance that causes or can reasonably be expected to cause a horse to be sore.

A 1976 amendment to the Act provided for the Secretary of Agriculture to prescribe by regulation requirements for the appointment by the management of any horse show, horse exhibition, or horse sale or auction (referred to below as ''show management'') of persons qualified to detect and diagnose a horse which is sore or to otherwise inspect horses for the purpose of enforcing the Act.

In response to that amendment to the Act, we established the Designated Qualified Persons (DQP) program in a final rule that was published in the **Federal Register** on January 15, 1979 (44 FR 1558–1566), and effective on January 5, 1979. Under this program, DQPs are trained and licensed to inspect horses for evidence of soreness or other noncompliance with the Act and the regulations in programs sponsored by horse industry organizations or associations (HIOs). These programs must meet the requirements of § 11.7 of the regulations, which include requirements for licensing, training, recordkeeping and reporting, and standards of conduct, among other things. We certify and monitor these HIO programs.

Under the regulations, show management has the option to either assume liability for any sore horses that are shown, exhibited, sold, or auctioned, or to hire DQPs to conduct preshow inspections of each horse entered in an event. Any horses found by the DQP to be sore, found to be subject to the scar rule in § 11.3, or found to have been subjected to any of the prohibited practices or devices listed in § 11.2 must be reported to show management. (The scar rule is used to determine whether a horse bears evidence of past soring, such as bilateral lesions or inflammation, which are indicative of abuse. If the horse does not meet the requirements of the rule, the horse is considered to be sore for the purposes of the Act and the regulations.) Show management must then exclude those horses from being shown, exhibited, sold, or auctioned.

Rather than contract with DQPs directly, show management typically contracts with an HIO to provide inspections at its show, exhibition, sale, or auction. The HIO provides as many DQPs as are needed to provide inspections and pays the DQPs for their services.

DQPs inspect horses according to procedures set out in § 11.21 of the regulations. This section provides detailed instructions on how to examine a horse for signs of soring, requires the DQP to examine the horse to ensure that no devices and methods used on the horse are prohibited by the regulations in § 11.2, and sets out the conditions under which horses must be inspected. It also allows DQPs to carry out additional inspection procedures as deemed necessary to determine whether a horse is sore.

The Act provides us with the authority to pursue civil and criminal penalties against persons who violate the Act. However, such proceedings may be time-consuming and expensive, and our resources for prosecuting such cases are limited. In addition to statutory penalties, HIOs may also enforce their own penalties against persons who are found by a DQP licensed by the HIO to be in violation of the Act or the regulations. This allows for greater enforcement of the Act and the regulations. We do not typically pursue civil or criminal penalties against violators of the Act or the regulations when we determine that an HIO-imposed penalty is adequate to effectuate the purposes of the Act and the regulations.

Accordingly, paragraph (d) of § 11.21 requires the certified DQP organization (*i.e.,* the HIO) under which the DQP is licensed to assess appropriate penalties for violations, as set forth in the rule book of the certified program under which the DQP is licensed, or as set forth by the U.S. Department of Agriculture (the Department). In addition to the DQP's report to show management, the HIO must also report all violations to show management.

Office of the Inspector General Audit Report and Recommended Minimum Penalties

In September 2010, the Department's Office of the Inspector General (OIG) issued an audit report [1] regarding the Animal and Plant Health Inspection Service's (APHIS) administration of the Horse Protection Program and the Slaughter Horse Transport Program. The audit found that APHIS' program for inspecting horses for soring is not adequate to ensure that these animals are not being abused. Due to this ineffective inspection system, the report stated, the Act is not being sufficiently enforced, and the practice of abusing show horses continues.

[1] Available at *http://www.usda.gov/oig/webdocs/33601-02-KC.pdf.*

One of the recommendations in the audit report was that APHIS develop and implement protocols to more consistently negotiate penalties with individuals who are found to be in violation of the Act. Having consistent penalties would result in more effective enforcement of the Act and its regulations.

We agreed with this recommendation. We had recognized this problem before the issuance of the audit report and developed a minimum penalty protocol that we intended for every HIO to include in its rule book. In developing the protocol, APHIS took into account the civil and criminal penalties set forth in the Act, those penalty structures used in previous years, rulings of the Department's Administrative Law Judges and the Department's Judicial Officer, and input we received from industry stakeholders. In most cases, the penalties provided in the protocol are substantially less than those set forth in the Act.

We began notifying HIOs as early as May 2010 that the new protocol should be added to 2011 rule books by the end of 2010. We wrote to the HIOs formally twice and engaged in numerous meetings and conversations with them during 2010 in an attempt to reach an agreement on a protocol that all of them would adopt. Eight of the 12 HIOs that license DQPs agreed to adopt the minimum penalty protocol we proposed; unfortunately, we were unable to reach an agreement with the remaining HIOs. We have determined to seek public input on the penalties contained in the protocol before implementing the protocol as a mandatory minimum set of penalties for every HIO that licenses DQPs.

Accordingly, we are proposing to amend the regulations by removing the reference in § 11.21(d) to assessing penalties set forth in the rule book of the certified program under which the DQP is licensed. Instead, that paragraph would require HIOs to assess and enforce penalties for violations in accordance with a new § 11.25, which we are proposing to add to the regulations and which would contain the penalty protocol. The reporting requirement in § 11.21(d) would remain unchanged.

Minimum Penalty Protocol

Proposed § 11.25 would be headed ''Minimum penalties to be assessed and enforced by HIOs that license DQPs.''

Paragraph (a) of proposed § 11.25 would require each HIO that licenses DQPs in accordance with § 11.7 to include in its rulebook, and assess and enforce, penalties for the violations

listed in proposed § 11.25 that equal or exceed the penalties listed in that section. Section 11.41 of the regulations requires each HIO to submit its rulebook to APHIS.

Paragraph (b) of proposed § 11.25 would provide information about suspensions, which is one type of penalty we are proposing to require that HIOs assess and enforce. For violations that require a suspension, we are proposing to require the suspension of individuals including, but not limited to, the owner, manager, trainer, rider, custodian, and seller, as applicable, who are responsible for showing the horse, exhibiting the horse, entering or allowing the entry of the horse in a show or exhibition, selling the horse, auctioning the horse, or offering the horse for sale or auction.

If a horse is found to be bilaterally sore (*i.e.,* sored on both forelimbs or hindlimbs), unilaterally sore, in violation of the scar rule in § 11.3, or in violation of the prohibition against the use of foreign substances in § 11.2(c), we would provide that transporters may be suspended as well, if the transporter had reason to believe that the horse was to be shown, exhibited, entered for those purposes, sold, auctioned, or offered for sale. The violations listed may be evident during transportation of a horse, and section 1824 of the Act prohibits the shipping, transporting, moving, delivering, or receiving of any horse which is sore with reason to believe that such horse while it is sore may be shown, exhibited, entered for those purposes, sold, auctioned, or offered for sale.

We are proposing to require that a person who is suspended not be permitted to show or exhibit any horse or judge or manage any horse show, horse exhibition, or horse sale or auction for the duration of the suspension. This proposed change is consistent with the Act and would ensure that any suspension imposed by an HIO would not be circumvented by the suspended person.

We are also proposing to require any person with multiple suspensions to serve them consecutively, not concurrently. Allowing suspensions to be served concurrently would limit the deterrent effect of the suspensions.

Paragraph (c) of proposed § 11.25 would set out the minimum penalties for each type of violation. We note the Act provides for various civil penalties, among other things, disqualification from showing or exhibiting any horse and from judging or managing any horse show, horse exhibition, or horse sale or auction for a period of not less than 1 year for the first violation and not less than 5 years for any subsequent violation.

A bilateral sore violation occurs when a horse is inspected in accordance with § 11.21 and found to be sore in both its front forelimbs or hindlimbs. This is strong evidence of soring to produce the exaggerated gait mentioned earlier, since the horse is unlikely to have developed sores in either both of its forelimbs or hindlimbs naturally. For bilateral sore violations, we propose to require a minimum suspension of 1 year for the first offense, 2 years for the second offense, and 4 years for the third and any subsequent offenses.

A unilateral sore violation occurs when a horse is inspected in accordance with § 11.21 and found to be sore in one of its forelimbs or hindlimbs. Such soring is a violation of the Act. For unilateral sore violations, we propose to require a minimum suspension of 60 days for the first offense, 120 days for the second offense, and 1 year for the third and any subsequent offenses.

A scar rule violation occurs when a horse is inspected in accordance with § 11.21 and found to be in violation of the scar rule in § 11.3. For scar rule violations, we propose to require a minimum suspension of 2 weeks for the first offense, 60 days for the second offense, and 1 year for the third and any subsequent offenses. If a DQP inspects a horse and finds it to be both in violation of the scar rule and bilaterally sore, the HIO would be required to impose the penalty for bilateral soring.

For the soring and scar rule violations, we are also proposing to require the horse to be dismissed from the remainder of the horse show, exhibition, sale, or auction. This dismissal would not be limited to the individual class in which the horse was to be entered; rather, the horse would be ineligible to participate in the entire event.

Foreign substance violations occur when the prohibition in § 11.2(c) against the use of foreign substances other than lubricants is violated. Equipment violations occur when the prohibitions against use of certain types of equipment in § 11.2(b)(1) through (b)(10) and (b)(12) through (b)(17) are violated. These prohibitions can be violated after inspection by a DQP, for example, by adding a foreign substance or a chain weighing greater than 6 ounces in the warmup ring.

For foreign substance violations and equipment violations found before or during the inspection before the show, exhibition, sale, or auction, we are proposing to require the horse to be dismissed from the remainder of the horse show, exhibition, sale, or auction. This dismissal prevents the horse from being shown, exhibited, sold, or auctioned in violation of the Act.

However, § 11.20 of the regulations requires the DQP to reinspect all Tennessee Walking Horses or racking horses tyed first in their class or event at any horse show, horse exhibition, horse sale, or horse auction, to determine whether the horse is sore or otherwise in violation of the Act or the regulations. When a violation is discovered after the show, the horse has been shown, exhibited, sold, or auctioned while in violation of the Act or the regulations promulgated under the Act, and the violation has taken place after the inspection. Therefore, we are proposing to require that any violation discovered after the show, exhibition, sale, or auction result in the imposition of a 2-week suspension in addition to dismissal of the horse from the remainder of the horse show, exhibition, sale, or auction.

Shoeing violations occur when the prohibitions regarding the shoeing of horses in § 11.2(b)(18) are violated. Heel-toe ratio violations occur when the requirement in § 11.2(b)(11) that a horse's toe length not exceed the height of the heel by 1 inch or more is violated. These violations are not practical to commit in the warmup ring, and therefore it is not necessary to differentiate between preshow and postshow violations. Accordingly, when these violations are found, we are proposing to require the horse to be dismissed from the remainder of the horse show, exhibition, sale, or auction.

If a horse is unruly or fractious and cannot be inspected by a DQP in accordance with § 11.21, there is no way to determine through inspection that it is not in violation of the Act and the regulations. Therefore, we are proposing to require such a horse to be dismissed from the individual class for which it was to be inspected. Such a horse would be able to attempt inspection again in another class in the horse show, exhibition, sale, or auction, and if it could be inspected, it could be entered in that class.

Finally, we are proposing to require that any person who in any way violates a previously issued suspension penalty be suspended for an additional 6 months.

Paragraph (d) of proposed § 11.25 would discuss appeals of penalties. We believe it is essential for each HIO that would assess and enforce penalties in accordance with proposed § 11.25 to have an adequate appeal process in place. Therefore, we are proposing to require the HIOs to develop such a process, which we would need to

approve. For all appeals, the appeal would have to be granted and the case heard and decided by the HIO or the violator would have to begin serving the penalty within 60 days of the date of the violation. This would mean that an appeal would need to be filed and a decision made with respect to that appeal within 60 days. HIOs would be free to set whatever policies they determine to be necessary to meet that requirement. We are proposing this requirement to ensure that suspensions have the proper deterrent effect and that appeals are not used solely to delay suspensions.

We would require HIOs to submit to the Department all decisions on penalty appeals within 30 days of the completion of the appeal, so we could monitor the appeal process.

Paragraph (e) would state that the Department retains the authority to initiate enforcement proceedings with respect to any violation of the Act, including violations for which penalties are assessed in accordance with proposed § 11.25, and to impose the penalties authorized by the Act if the Department determines that such actions are necessary to fulfill the purpose of the Act and the regulations. In addition, paragraph (e) would indicate that the Department reserves the right to inform the Attorney General of any violation of the Act or of the regulations. The latter provision is consistent with section 1826 of the Act.

Miscellaneous Changes

As noted earlier, the regulations in § 11.21(d) refer to the ''certified DQP organization.'' Such an organization is commonly referred to as an HIO; references to organizations that certify DQPs in § 11.7 refer to HIOs having a Department-certified DQP program. In order to be consistent with common usage and other regulations, we are proposing to change the reference to ''certified DQP organization'' in § 11.21(d) to instead refer to ''the HIO that licensed the DQP.''

The regulations in paragraph (g) of § 11.7 provide a process for revoking the DQP program certification of HIOs. That paragraph describes the reason for revoking a DQP program certification as a failure to comply with the requirements of § 11.7. As additional requirements for HIOs with DQP program certifications would now be found in § 11.25, we are proposing for clarification to amend § 11.7(g) to refer to failure to comply with the requirements of 9 CFR part 11 in general as a reason for revoking DQP program certification.

Future Changes

As noted earlier, the OIG audit found that APHIS' program for inspecting horses for soring is not adequate to ensure that these animals are not being abused. Our responses to the audit report's recommendations included commitments to make several changes to the regulations besides those proposed in this document. We intend to propose those changes in a separate document, which is currently under development.

After establishing the DQP program in the January 1979 final rule mentioned earlier, we made several other changes to the regulations in a final rule published in the **Federal Register** on April 27, 1979 (44 FR 25172–25184), and effective on May 17, 1979. Some commenters on the proposed rule that preceded these final rules, which was published in the **Federal Register** on April 28, 1978 (43 FR 18514–18531), stated that APHIS should ban the use of all devices except protective boots.

We stated in the April 1979 final rule that such action was unwarranted at that time. However, we continued, if the horse industry made no effort to establish a workable self-regulatory program for the elimination of sore horses, or if such a program was established but did not succeed in eliminating the sore horse problem within a reasonable length of time, we would give serious consideration to the prohibition of all action devices and pads.

Thirty-two years after the publication of the April 1979 final rule, the state of the industry suggests that it has not eliminated the cruel and inhumane practice of soring horses to alter their natural gait in order to gain a competitive advantage. We are proposing the changes in this document, as well as the changes in the forthcoming separate proposal, with the expectation that they will enable the Horse Protection program to successfully eliminate what Congress identified as the cruel and inhumane practice of soring. However, if these regulatory changes and the resulting changes in the Horse Protection program do not result in the elimination of soring, we will seriously consider taking substantially more restrictive action, including, but not limited to, prohibiting the use of all action devices and pads, to accomplish the goal set forth by Congress in the Act.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

In accordance with the Regulatory Flexibility Act, we have analyzed the potential economic effects of this action on small entities. The analysis is summarized below. Copies of the full analysis are available by contacting the person listed under **FOR FURTHER INFORMATION CONTACT** or on the Regulations.gov Web site (see **ADDRESSES** above for instructions for accessing Regulations.gov).

This proposed rule would amend the regulations to set a uniform minimum penalty protocol, which would ensure the uniform application of penalties by HIOs. The rule would also give USDA the authority to decertify HIOs that refuse to implement the minimum penalty protocol.

Since the HIOs already administer their own individual penalty protocols for violations of the Horse Protection Act, the proposed rule is not expected to impose additional costs upon HIOs or show participants (other than those individuals who incur more severe penalties because of the rule).

The proposed uniform penalty protocol may benefit the walking horse industry by:

- Helping to ensure more humane treatment of the horses;
- Reducing uncertainty about penalties for infractions of the Horse Protection Act;
- Enhancing the reputation and integrity of the walking horse industry;
- Providing for more fair competition at shows, which may positively impact attendance and regional economies; and
- Improving the value of the walking horse breeds.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. The Act does not provide administrative procedures which must be exhausted prior to a

judicial challenge to the provisions of this rule.

Paperwork Reduction Act

This proposed rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 11

Animal welfare, Horses, Reporting and recordkeeping requirements.

Accordingly, we propose to amend 9 CFR part 11 as follows:

PART 11—HORSE PROTECTION REGULATIONS

1. The authority citation for 9 CFR part 11 continues to read as follows:

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

§ 11.7 [Amended]

2. In § 11.7, paragraph (g), the first sentence is amended by removing the word ''section'' the second time it appears and adding the word ''part'' in its place.

3. In § 11.21, the section heading and paragraph (d) are revised to read as follows:

§ 11.21 Inspection procedures for designated qualified persons (DQPs).

* * * * *

(d) The HIO that licensed the DQP shall assess and enforce penalties for violations in accordance with § 11.25 and shall report all violations in accordance with § 11.20(b)(4).

4. A new § 11.25 is added to read as follows:

§ 11.25 Minimum penalties to be assessed and enforced by HIOs that license DQPs.

(a) *Rulebook.* Each HIO that licenses DQPs in accordance with § 11.7 must include in its rulebook, and enforce, penalties for the violations listed in this section that equal or exceed the penalties listed in paragraph (c) of this section.

(b) *Suspensions.* (1) For the violations listed in paragraph (c) of this section that require a suspension, individuals including, but not limited to, the owner, manager, trainer, rider, custodian, or seller, as applicable, who are responsible for showing the horse, exhibiting the horse, entering or allowing the entry of the horse in a show or exhibition, selling the horse, auctioning the horse, or offering the horse for sale or auction must be suspended.

(2) If a horse is found to be bilaterally sore or unilaterally sore as defined in paragraph (c) of this section, in violation of the scar rule in § 11.3, or in violation of the prohibition against the use of foreign substances in § 11.2(c), the transporter of the horse may also be suspended if the transporter had reason to believe that the horse was to be shown, exhibited, entered for those purposes, sold, auctioned, or offered for sale.

(3) A person who is suspended must not be permitted to show or exhibit any horse or judge or manage any horse show, horse exhibition, or horse sale or auction for the duration of the suspension.

(4) Any person with multiple suspensions must serve them consecutively, not concurrently.

(c) *Minimum penalties*—(1) *Bilateral sore.* A horse is found to be sore in both its forelimbs or hindlimbs. The horse must be dismissed from the remainder of the horse show, exhibition, sale, or auction. First offense: Suspension for 1 year. Second offense: Suspension for 2 years. Third offense and any subsequent offenses: Suspension for 4 years.

(2) *Unilateral sore.* A horse is found to be sore in one of its forelimbs or hindlimbs. The horse must be dismissed from the remainder of the horse show, exhibition, sale, or auction. First offense: Suspension for 60 days. Second offense: Suspension for 120 days. Third offense and any subsequent offenses: Suspension for 1 year.

(3) *Scar rule violation.* A horse is found to be in violation of the scar rule in § 11.3. The horse must be dismissed from the remainder of the horse show, exhibition, sale, or auction. First offense: Suspension for 2 weeks. Second offense: Suspension for 60 days. Third offense and any subsequent offenses: Suspension for 1 year.

(4) *Foreign substance violations.* Violations of the prohibition against the use of foreign substances in § 11.2(c).

(i) *Before or during the show, exhibition, sale, or auction.* The horse must be dismissed from the remainder of the horse show, exhibition, sale, or auction.

(ii) *After the show, exhibition, sale, or auction.* Suspension for 2 weeks (14 days). The horse must be dismissed from the remainder of the horse show, exhibition, sale, or auction.

(5) *Equipment violation.* Violations of the equipment-related prohibitions in § 11.2(b)(1) through (b)(10) and (b)(12) through (b)(17).

(i) *Before or during the show, exhibition, sale, or auction.* The horse must be dismissed from the remainder of the horse show, exhibition, sale, or auction.

(ii) *After the show, exhibition, sale, or auction.* Suspension for 2 weeks (14 days). The horse must be dismissed from the remainder of the horse show, exhibition, sale, or auction.

(6) *Shoeing violation.* Violation of the shoeing-related prohibitions in § 11.2(b)(18). The horse must be dismissed from the remainder of the horse show, exhibition, sale, or auction.

(7) *Heel-toe ratio.* Violation of the heel-toe ratio requirement in § 11.2(b)(11). The horse must be dismissed from the remainder of the horse show, exhibition, sale, or auction.

(8) *Unruly or fractious horse.* A horse that cannot be inspected in accordance with § 11.21. The horse must be dismissed from the individual class for which it was to be inspected.

(9) *Suspension violation.* A violation of any suspension penalty previously issued. Suspension for an additional 6 months (180 days) for each occurrence.

(d) *Appeals.* The HIO must provide a process in its rulebook for alleged violators to appeal penalties. The process must be approved by the Department. For all appeals, the appeal must be granted and the case heard and decided by the HIO or the violator must begin serving the penalty within 60 days of the date of the violation. The HIO must submit to the Department all decisions on penalty appeals within 30 days of the completion of the appeal.

(e) *Departmental prosecution.* The Department retains the authority to initiate enforcement proceedings with respect to any violation of the Act, including violations for which penalties are assessed in accordance with this section, and to impose the penalties authorized by the Act if the Department determines that such actions are necessary to fulfill the purpose of the Act and this part. In addition, the Department reserves the right to inform the Attorney General of any violation of the Act or of this part, including violations for which penalties are assessed in accordance with this section.

Done in Washington, DC, this 23rd day of May 2011.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2011–13231 Filed 5–26–11; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Chapter I

[Docket No. RM11–26–000]

Promoting Transmission Investment Through Pricing Reform

May 19, 2011.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of inquiry.

SUMMARY: In this Notice of Inquiry, the Federal Energy Regulatory Commission (Commission) seeks comment on the scope and implementation of its transmission incentives regulations and policies under Order No. 679. It has been nearly five years since the Commission promulgated rules to implement the directives of section 1241 of the Energy Policy Act of 2005 (EPAct 2005), which added a new section 219 to the Federal Power Act (FPA). In the past five years, the Commission has received over 75 applications for transmission incentives. The requested incentives have been varied, and the demonstrations supporting the incentives applications have likewise been varied.

During this time, the electric industry has continued to evolve, and the Commission has issued corresponding regulations, policy statements, and case-by-case determinations. Given the changes in the electric industry, the Commission's experience to date applying Order No. 679, and the ongoing need to ensure that our incentives regulations and policies are encouraging the development of transmission infrastructure in a manner consistent with FPA sections 219 and 205 and 206, the Commission now issues this Notice of Inquiry.

DATES: Comments are due July 26, 2011.

ADDRESSES: You may submit comments, identified by docket number and in accordance with the requirements posted on the Commission's Web site *http://www.ferc.gov.* Comments may be submitted by any of the following methods:

- *Agency Web Site:* Documents created electronically using word processing software should be filed in native applications or print-to-PDF format, and not in a scanned format, at *http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery:* Commenters unable to file comments electronically must mail or hand deliver an original of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street, NE., Washington, DC 20426. These requirements can be found on the Commission's Web site, see, *e.g.,* the ''Quick Reference Guide for Paper Submissions,'' available at *http://www.ferc.gov/docs-filing/efiling.asp*, or via phone from FERC Online Support at 202–502–6652 or toll-free at 1–866–208–3676.

FOR FURTHER INFORMATION CONTACT:

David Borden (Technical Information), Office of Energy Policy and Innovations, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–8734, *David.Borden@ferc.gov*.

Andrew Weinstein (Legal Information), Office of General Counsel—Energy Markets, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–6230, *Andrew.Weinstein@ferc.gov*.

SUPPLEMENTARY INFORMATION:

Notice of Inquiry

1. In this Notice of Inquiry, the Federal Energy Regulatory Commission (Commission) seeks comment on the scope and implementation of its transmission incentives regulations and policies under Order No. 679.[1] It has been nearly five years since the Commission promulgated rules to implement the directives of section 1241 of the Energy Policy Act of 2005 (EPAct 2005),[2] which added a new section 219 to the Federal Power Act (FPA).[3] In the past five years, the Commission has received over 75 applications for transmission incentives. Collectively, the applicants in those cases sought incentives for investment in over $50 billion in proposed transmission infrastructure to ensure reliability or to reduce the cost of delivered power to customers by reducing transmission congestion.[4] The requested incentives have been varied, and the demonstrations supporting the incentives applications have likewise been varied.

2. During this time, the electric industry has continued to evolve, and the Commission has issued corresponding regulations, policy statements, and case-by-case determinations.[5] Given the changes in the electric industry, the Commission's experience to date applying Order No. 679, and the ongoing need to ensure that our incentives regulations and policies are encouraging the development of transmission infrastructure in a manner consistent with FPA sections 219 and 205 and 206,[6] the Commission now issues this Notice of Inquiry.

I. Brief History/Background

3. Section 1241 of EPAct 2005 added a new section 219 to the FPA. Section 219(a) of the FPA requires the Commission to establish by rule incentive-based, including performance-based, rate treatments for the transmission of electric energy in interstate commerce by public utilities for the purpose of benefiting consumers by ensuring reliability and reducing the cost of delivered power by reducing transmission congestion. Section 219(b) requires that the Rule:

- Promote reliable and economically efficient transmission and generation of electricity by promoting capital investment in the enlargement, improvement, maintenance, and operation of all facilities for the transmission of electric energy in interstate commerce, regardless of the ownership of the facilities;
- Provide a return on equity that attracts new investment in transmission facilities, including related transmission technologies;
- Encourage deployment of transmission technologies and other measures to increase the capacity and efficiency of existing transmission facilities and improve the operation of the facilities; and
- Allow the recovery of all prudently incurred costs necessary to comply with mandatory reliability standards issued pursuant to section 215 of the FPA, and all prudently incurred costs related to transmission infrastructure

[1] *Promoting Transmission Investment through Pricing Reform,* Order No. 679, 71 FR 43294 (Jul. 31, 2006), FERC Stats. & Regs. ¶ 31,222 (2006), *order on reh'g,* Order No. 679–A, 72 FR 1152 (Jan. 10, 2007), FERC Stats. & Regs. ¶ 31,236, *order on reh'g,* 119 FERC ¶ 61,062 (2007).

[2] Energy Policy Act of 2005, Public Law 109–58, §§ 1261 *et seq.,* 119 Stat. 594 (2005).

[3] 16 U.S.C. 824s.

[4] This figure is the sum of the proposed investment amounts included in transmission incentive applications submitted to the Commission pursuant to Order No. 679, as of April 2011. However, the approval of transmission rate incentives for many of those proposed projects does not mean that all of those proposed projects have gone into service or ultimately will be completed.

[5] In the past five years, the electric industry has experienced significant changes. Among others, such changes include the implementation of Order No. 890 transmission planning processes; adoption of mandatory and enforceable reliability standards; increasing diversity of the generation fleet; and increasing investment in the development of smart grid technologies.

[6] 16 U.S.C. 824(d) and 824(e) (2006).

development pursuant to section 216 of the FPA.[7]

4. Section 219(c) requires that the Rule provide for incentives to each transmitting utility or electric utility that joins a Transmission Organization and ensure that any recoverable costs associated with joining such Transmission Organization may be recovered through transmission rates charged by the utility or through the transmission rates charged by the Transmission Organization that provides transmission service to the utility. Finally, section 219(d) provides that all rates approved under the Rule are subject to the requirements of sections 205 and 206 of the FPA, which require that rates, charges, terms and conditions of service be just and reasonable and not unduly discriminatory or preferential.

5. On July 20, 2006, the Commission issued Order No. 679, Promoting Transmission Investment through Pricing Reform, which was further refined in Order No. 679–A, and a subsequent order on rehearing, issued in December 2006, and April 2007, respectively. In this series of orders, the Commission stated that Section 219 reflects Congress' determination that the Commission's traditional ratemaking policies may not be sufficient to encourage new transmission infrastructure.[8] Thus, the Commission identified instances where its policies may no longer have struck the appropriate balance in encouraging new investments and set forth several broad categories of incentive rate treatments. The Commission declined to adopt specific criteria or conditions that applicants would be required to meet in order for their projects to be considered eligible for incentive rate treatments. The Commission stated that it would not establish such criteria ''at this time,'' on the grounds that to do so ''now would limit the flexibility of the Rule.'' [9] Instead, as discussed more fully below, the Commission required that each applicant satisfy the statutory threshold set forth in section 219(a), by demonstrating that the facilities for which it seeks incentives either ensure reliability or reduce the cost of delivered power by reducing transmission congestion. Once that threshold is met, the applicant must demonstrate that there is a nexus between the incentive sought and the investment being made.

6. With respect to the statutory threshold, the Commission established rebuttable presumptions to assist in determining whether proposed facilities either ensure reliability or reduce the cost of delivered power by reducing transmission congestion, consistent with section 219(a) of the FPA. The rebuttable presumptions apply to a transmission project that (i) results from a fair and open regional planning process that considers and evaluates projects for reliability and/or congestion and is found to be acceptable to the Commission; or (ii) has received construction approval from an appropriate state commission or state siting authority.[10] If a proposed project does not qualify for the rebuttable presumption, an applicant bears the burden of otherwise demonstrating that its project satisfies the statutory criteria and therefore is eligible for incentives.

7. As mentioned above, after satisfying the statutory threshold of section 219(a), applicants for incentives must then show that there is a nexus between the incentive sought and the investment being made, i.e., that the incentives being requested are ''rationally tailored to the risks and challenges faced by a project.'' [11] In Order No. 679–A, the Commission stated that ''[i]n evaluating whether an applicant has satisfied this nexus test, the Commission will examine the total package of incentives being sought, the inter-relationship between any incentives, and how any requested incentives address the risks and challenges faced by a project.'' [12]

8. The Commission stated that the rebuttable presumptions and the nexus test are not prescriptive by design, and are intended to be applied on a case-by-case basis.[13] The Commission also stated that the ''most compelling'' candidates for incentives are ''new projects that present special risks or challenges, not routine investments made in the ordinary course of expanding the system to provide safe and reliable transmission service.'' [14]

9. The Commission also discussed the potential benefits of specific incentives for which applications could be filed under Order No. 679. These incentives included incentive adders to a base return on equity (ROE), recovery of 100 percent of prudently incurred costs of transmission facilities that are cancelled or abandoned due to factors that are beyond the control of the public utility, inclusion of 100 percent of construction work in progress (CWIP) in rate base, hypothetical capital structures, accelerated depreciation for rate recovery, and recovery of prudently incurred pre-commercial operations costs.

II. Subject of the Notice of Inquiry

10. In Order No. 679, the Commission established a policy for rate incentives to achieve the goals of section 219 to promote ''transmission infrastructure investment that will help ensure the reliability of the bulk power transmission system in the United States and reduce the cost of delivered power to customers by reducing transmission congestion.''[15] The Commission believes that there remains a need for additional transmission investment to ensure the reliable operation of the grid and reduce the cost of delivered power by reducing transmission congestion.

11. By issuing this Notice of Inquiry, the Commission is not departing from the Congressional mandate set forth in section 219.

12. Similarly, by issuing this Notice of Inquiry, the Commission is not departing from its longstanding recognition of the need to balance consumer and investor interests. For example, in Order No. 679, the Commission stated:

> The incentives adopted by this Final Rule are properly understood only in the context of the traditional regulatory principles they seek to further. The longstanding rule is that utility rate regulation must adequately balance both consumer and investor interests. It is not enough to ensure investors are properly compensated, and it is not enough to ensure that consumers are protected against excessive rates. Our policies must ensure both outcomes and, in doing so, strike the appropriate balance between these twin objectives.[16]

13. This Notice of Inquiry does not seek to overturn the need for balance between consumer and investor interests. In Order No. 679, the Commission stated that the purpose of the incentives policy ''is to benefit customers by providing real incentives to encourage new infrastructure, not simply increasing rates in a manner that has no correlation to encouraging new investment.'' [17] We will continue to balance the interests of consumers and investors and ensure that our implementation of section 219 provides

[7] Section 216 addresses designation of and siting of transmission facilities within National Interest Electric Transmission Corridors. 16 U.S.C. 824p (2006).

[8] Order No. 679, FERC Stats. & Regs. ¶ 31,222 at P 5.

[9] *Id.* P 43.

[10] *Id.* P 58.

[11] *Id.* P 26.

[12] Order No. 679–A, FERC Stats. & Regs. ¶ 31,236 at P 21.

[13] Order No. 679, FERC Stats. & Regs. ¶ 31,222 at P 22, 24.

[14] *Id.* P 23, 60.

[15] *Id.* P 1.

[16] *Id.* P 21.

[17] *Id.* P 6.

incentives to encourage new infrastructure as we evaluate future requests for incentives for investment in transmission infrastructure.[18]

14. The Commission has discretion in implementing transmission incentives policies to achieve the broad goals of section 219. Through this Notice of Inquiry, the Commission is seeking input from stakeholders on the scope and implementation of its transmission incentives policies, and on what steps the Commission could take evaluating future requests for incentives for investment in transmission infrastructure to ensure that its incentives policies appropriately encourage the development of transmission infrastructure in a manner consistent with our statutory responsibilities.

15. Immediately below, the Commission poses a number of overarching questions about our incentives policies under Order No. 679. The ensuing sections of this Notice of Inquiry pose more specific questions with respect to various aspects of the Commission's implementation of its transmission incentive policies.

(Q1) What have been the effects of the incentives policies adopted in Order No. 679 with respect to the goals set forth in section 219?

(Q2) Are the Commission's incentives policies appropriately promoting investment in transmission infrastructure in accordance with section 219?

(Q3) Some barriers to construction of new transmission facilities fall outside of the Commission's jurisdiction. How do the Commission's incentives policies affect such barriers?

(Q4) How can the Commission's rate incentives policies balance the need for regulatory certainty with the changing investment climate over time? Are there metrics the Commission should monitor to achieve this balance, and if so, what are they? Are there other factors that change over time that the Commission should consider in evaluating incentives applications? Should the Commission consider these changes over time on a generic or case-by-case basis?

(Q5) Should specific rate incentives be tailored to address specific goals set forth by Congress in section 219?

(Q6) Are there other factors or considerations which the Commission should consider as part of its transmission incentives policies, in order to be consistent with the goals of section 219?

(Q7) Have the incentives granted to transmission projects had an impact on consumer rates and service, including impacts related to reliability and the reduction of congestion?

(Q8) Have the incentives granted to transmission projects had an impact on investment patterns in the electricity industry? Do the incentives impact the allocation of investment capital among transmission, generation, and distribution facilities?

(Q9) How should the Commission best balance the promotion of transmission investment with the assurance of just and reasonable rates?

A. Section 219(a) Statutory Threshold

16. In Order No. 679, the Commission required that each applicant seeking transmission incentives in accordance with section 219 of the FPA, first satisfy the statutory threshold set forth in section 219(a) by demonstrating that a proposed project for which it seeks incentives either ensures reliability or reduces the cost of delivered power by reducing transmission congestion. The Commission has established rebuttable presumptions that a proposed transmission project satisfies the section 219(a) statutory threshold if such project: (i) Results from a fair and open regional planning process that considers and evaluates a project for reliability and/or congestion, and is found to be acceptable to the Commission; or (ii) has received construction approval from an appropriate state commission or state siting authority. In the alternative, if a proposed project does not qualify for the rebuttable presumption, an applicant can nevertheless make an independent showing that its project either ensures reliability or reduces transmission congestion and therefore is eligible for incentives.

17. The Commission seeks comment regarding the following issues:

(Q10) Do the rebuttable presumptions established in Order No. 679 serve as appropriate bases for satisfying the statutory threshold for section 219(a)?

(Q11) Are there other criteria that the Commission should adopt as additional rebuttable presumptions for satisfying the statutory threshold for section 219(a)?

(Q12) What types of information, data, or studies should the Commission consider in evaluating whether an applicant has made an independent showing that satisfies section 219(a)?

(Q13) Would it assist applicants if the Commission established a procedure that applicants may follow to make such an independent showing? If so, what should be the characteristics of that procedure?

(Q14) In some cases, when an applicant has sought incentives, the Commission has conditionally approved the request subject to the project receiving approval in a regional transmission planning process or state siting process.[19] Intervenors in various rate proceedings have raised concerns that a project scope may change in the planning and siting process. In light of this, how should the Commission balance the value of and need for the requested incentives in promoting project development and financing with the potential uncertainty surrounding project scope?

B. Additional Goals in Section 219

18. The Commission in Order No. 679 interpreted section 219 as intended to promote capital investment in a wide range of infrastructure that ensures reliability or reduces the cost of delivered power by reducing transmission congestion. This interpretation is primarily based on the language of section 219(a). In addition, section 219(b)(1) states that ''the Commission shall promote reliable and economically efficient transmission and generation of electricity by promoting capital investment in the enlargement, improvement, maintenance, and operation of all facilities for the transmission of electric energy in interstate commerce * * *'' Similarly, section 219(b)(3) encourages the ''deployment of transmission technologies and other measures to increase the capacity and efficiency of existing transmission facilities and improve the operation of the facilities.'' The Commission stated that the ''reliability benefits of operation and maintenance capital spending are obvious, and we expect applicants incurring this type of capital spending will be able to demonstrate reliability benefits and thereby be eligible for incentive treatment.'' [20]

19. To date, the vast majority of applications for transmission incentives filed with the Commission have focused on the enlargement of facilities, including construction of new transmission facilities. Few applications have focused on the improvement, maintenance, and operations of transmission facilities or on increasing their capacity or efficiency.[21]

[18] During the pendency of this proceeding, the Commission will continue to evaluate incentive requests under Order No. 679 on a case-by-case basis.

[19] As discussed above, these processes are related to satisfying the rebuttable presumptions set forth in Order No. 679.

[20] *Id.* P 56.

[21] For example, this could include software improvements that enhance scheduling and dispatch or investment in tools to enhance self-

Continued

20. The Commission requests comment on whether there is a need for the Commission to promote the other goals set forth in the statute, such as greater efficiency, including economic efficiency, and improved operations in transmission assets through specifically tailored incentives. The use of advanced transmission technologies to bring about efficiencies and/or improved operations is discussed further and separately below. Specifically, the Commission poses the following questions.

(Q15) Pursuant to section 219(b)(1), what steps could the Commission take to ''promote reliable and economically efficient transmission and generation of electricity by promoting capital investment in the enlargement, improvement, maintenance, and operation of all facilities for the transmission of electric energy in interstate commerce''?

(Q16) How would these steps affect other aspects of the Commission's rate-making policy?

(Q17) Pursuant to section 219(b)(3), what steps could the Commission take to ''increase the capacity and efficiency of existing transmission facilities and improve the operation of the facilities''?

(Q18) As indicated above, applicants must show that their project meets the threshold under section 219(a). What showing should the Commission require to support a request for incentives under section 219(b)(1) and (b)(3)?

C. Order No. 679 Nexus Test

21. Once a proposed project satisfies the section 219(a) statutory threshold, the applicant must demonstrate that there is a nexus between the incentive sought and the investment being made—i.e., that the incentives being requested are ''rationally tailored to the risks and challenges faced'' by a project.[22] In evaluating whether an applicant for incentives has satisfied the nexus test, the Commission stated that it will examine the total package of incentives being sought, the inter-relationship between any incentives, and how any requested incentives address the risks and challenges faced by a project.[23] The nexus test is not prescriptive by design and the Commission did not specify criteria for measuring the nexus. The Commission did emphasize that the ''most compelling'' candidates for incentives are ''new projects that present special risks or challenges, not routine investments made in the ordinary course of expanding the system to provide safe and reliable transmission service.'' [24]

22. As the Commission has reached case-by-case determinations on incentive applications, and faced new facts and circumstances in each case, the Commission's application of the nexus test has evolved.

23. One development with respect to the nexus test is the Commission's finding that the question of whether a project is routine or non-routine is particularly probative in evaluating whether there is a nexus between a project and the incentives sought.[25] The Commission has offered guidance on the factors that will be considered in evaluating whether a project is routine or non-routine, including: (1) The scope of a project, e.g., investment dollars, increase in transfer capability, and size of a project; 2) the effect of a project, e.g., improving reliability or reducing congestion costs; and 3) the challenges or risks faced by a project, e.g., siting, long lead times, regulatory and political risks, and financing challenges.[26]

24. Another development with respect to the nexus test involves whether that test applies to each individual project for which an applicant requests incentives, or instead applies to groups of projects. The Commission has stated that an applicant may demonstrate that several individual projects are appropriately considered as a single overall project based on their characteristics or combined purpose, and seek incentives for that single overall project.[27] The Commission has also stated that if the applicant is unable to satisfy that criterion, then the applicant may still file a single application for incentives, but the Commission will consider each individual project separately in applying the nexus test and determining whether each project is routine or non-routine.[28]

25. Thus, the nexus test has been fundamental to the Commission's implementation of Order No. 679, and the required demonstration for satisfying the nexus test has evolved over time on a case-by-case basis. The Commission is interested in comments on the following:

(Q19) Does the focus of the nexus test on the risks and challenges of a given transmission project remain appropriate for the purpose of justifying incentives? Is that focus more appropriate for some incentives than others? What other factors should the Commission consider?

(Q20) Would focusing on project characteristics or effects be a more effective means than focusing on a project's risks and challenges as the basis for granting incentives? What characteristics or effects would be appropriate for the Commission to consider for that purpose, consistent with section 219? [29]

(Q21) What risks and challenges are transmission developers facing today? Have such risks and challenges evolved since the issuance of Order No. 679, and if so how?

(Q22) Is the distinction between a routine and non-routine project in analyzing ''risks and challenges'' useful in providing guidance to the industry on how to apply the nexus test? Does this distinction appropriately differentiate between the level of difficulty in constructing various transmission projects?

(Q23) What types of criteria should the Commission consider when evaluating the ''scope of a project'' or the ''effect of a project,'' in determining whether a project is routine or non-routine? Should the Commission establish bright line criteria, such that a project meeting those criteria is non-routine regardless of the applicant, or should this evaluation depend on the circumstances of the applicant, e.g. the estimated cost of the project relative to the applicant's transmission rate base?

(Q24) Are there aspects of the Commission's accounting and ratemaking policies, including the use of formula rates, that reduce or increase the risks and challenges of a transmission project? If so, how should the Commission take into account the effect of its accounting and ratemaking policies in evaluating incentive applications?

(Q25) In Order No. 679–A, the Commission stated that ''[i]n general, we do not consider that contractual commitments or mandatory projects, such as section 215 reliability projects, disqualify a request for incentive-based rate treatment. Provided applicants are able to demonstrate they meet the requirements of section 219, including establishing the required nexus between the requested incentive and the investment, they may qualify for incentive-based rate treatments. A prior

healing grid capabilities or improved situational awareness.

[22] *Id.* P 26.

[23] Order No. 679–A, FERC Stats. & Regs. ¶ 31,236 at P 21.

[24] *Id.* P 23, 60.

[25] *Baltimore Gas and Electric Company,* 120 FERC ¶ 61,084 (2007).

[26] *Id.* P 43.

[27] *See PJM Interconnection, L.L.C.,* 133 FERC ¶ 61,273 at 45 (2010) (citing *PacifiCorp,* 125 FERC ¶ 61,076 (2008)).

[28] *Id.*

[29] For example, this could include transmission projects that are multi-state or high voltage in nature.

contractual commitment or statute may have a bearing on our nexus evaluation of individual applications.'' [30] Is the existence of a contractual commitment to build a relevant factor in considering applications for rate incentives?

(Q26) The Commission has encouraged the joint ownership of transmission facilities but declined in Order No. 679 to make it a requirement for receiving incentives.[31] Does this approach adequately account for the benefits of joint ownership? Are there other approaches to providing incentives that encourage joint ownership of transmission facilities?

D. Interrelationship of Incentives

26. In determining whether an applicant has satisfied the nexus test, the Commission evaluates the interrelationship between the requested incentives.[32] However, the Commission has stated that receiving a particular incentive does not preclude receiving other incentives.[33] The Commission seeks comment regarding whether and/or how the Commission should consider the effects of granting certain incentives in evaluating whether to grant other incentives, and at what level. The Commission seeks comment on the following:

(Q27) Are there specific criteria the Commission should use in evaluating whether and how to adjust certain incentives to account for the impacts of other incentives?

(Q28) Do certain incentives sufficiently mitigate the risks and challenges of a transmission project so as to obviate the need for granting other incentives, or warrant adjustment in the level of those incentives? For example, should granting 100 percent CWIP and recovery of the costs of abandoned plant affect the evaluation of a request for an incentive ROE adder based on a project's risks and challenges?

E. The Role of Cost Estimates

27. The Commission has generally denied proposals to limit incentives to budgeted amounts.[34] Intervenors in various transmission incentive proceedings have asserted that the Commission's incentive policies may have the unintended effect of discouraging cost containment. However, others have responded that changes in cost estimates are not due to any failure of the applicant to contain costs but are due to changes imposed on the applicant in the state siting process or other factors beyond the applicant's control that cause costs to change.

28. As noted above, the Commission created a rebuttable presumption that a project is eligible under FPA section 219 for incentive rate treatments if that project results from a fair and open regional planning process that evaluates projects for reliability and/or congestion. The submission of an estimate of project costs is part of some regional planning processes. These estimates may be used to select certain projects for development. Because the estimated and actual costs of a project may change significantly through the development and construction process, and there can be significant unknowns at the time a project is selected for development in a regional transmission planning process, the Commission seeks comment on the following:

(Q29) Should the Commission limit the application of incentives to the cost estimate utilized for including or retaining the project in the plan submitted through the regional planning process? If so, which incentives should be applied to the cost estimate, and which should be applied to all prudently incurred costs?

(Q30) How could such an approach be implemented? Would this approach work in all regions of the country? What processes for developing, evaluating, and updating cost estimates must be in place within regional transmission planning processes to facilitate such an approach?

(Q31) If a change in cost estimate is not due to the failure to contain costs but instead reflects the real cost in building the proposed transmission line, should the Commission take that consideration into account, and if so, how?

(Q32) Should new reporting requirements be in place to allow the Commission to audit compliance with a requirement to limit incentives to some project cost estimate?

F. Individual Incentives

29. Order No. 679 identified specific incentives that the Commission may grant to qualifying applicants, including: Incentive ROE adders, opportunity to recover 100 percent of prudently incurred costs of transmission facilities that are cancelled or abandoned for reasons beyond the control of the public utility, inclusion of 100 percent of prudently incurred CWIP in rate base, recovery of pre-commercial operations costs, hypothetical capital structures, accelerated depreciation, and deferred cost recovery. Below the Commission briefly explains each incentive and seeks comment on a number of questions. The Commission also poses questions immediately below on two more general matters:

(Q33) The Commission has general ratemaking policies with respect to CWIP and recovery of abandoned plant costs, as discussed below. Pursuant to Order No. 679, incentives above and beyond those general ratemaking policies may be requested on a case-by-case basis. Would it be appropriate to remove these issues from the case-by-case analysis of incentive requests, in favor of exploring changes to the Commission's general ratemaking policies? What would be the impact on ratepayers of revising these ratemaking policies, rather than authorizing higher levels of CWIP or recovery of costs of abandoned plant on a case-by-case basis?

(Q34) The Commission stated in Order No. 679 that it had not established specific eligibility criteria or conditions for incentives because it would limit the Commission's flexibility with respect to its application of the Rule. The Commission is interested in receiving comments regarding whether the establishment of criteria for eligibility for particular incentives would enhance regulatory certainty and predictability and serve to further encourage appropriate investment in transmission infrastructure. Should the Commission establish specific criteria or conditions that applicants must meet in order to be eligible for these individual incentives?

i. Incentive ROE Adder for Project Risks and Challenges

30. Under Order No. 679, the Commission allows for an incentive ROE based on a project's risks and challenges that was intended to make transmission investment more attractive where the ''risks of a particular project exceed the normal risks undertaken by a utility (and hence are not reflected in a traditional discounted cash flow (DCF) analysis).'' [35] An applicant's overall ROE, inclusive of any incentive ROE adder, is capped at the top end of the zone of reasonableness for the applicable proxy group under the Commission's traditional DCF analysis.

31. The Commission seeks comment on the application of this incentive, and whether the Commission considers the appropriate factors in evaluating

[30] Order No. 679–A, FERC Stats. & Regs. ¶ 31,236 at P 122.

[31] Order No. 679, FERC Stats. & Regs. ¶ 31,222 at P 356, 357; Order No. 679–A, FERC Stats. & Regs. ¶ 31,236 at 102.

[32] Order No. 679–A, FERC Stats. & Regs. ¶ 31,236 at P 21.

[33] *Id.*

[34] Order No. 679, FERC Stats. & Regs. ¶ 31,222 at P 121, n. 81; P 166. *See also Virginia Electric and Power Co.,* 124 FERC ¶ 61,207 at P 53 (2008).

[35] Order No. 679, FERC Stats. & Regs. ¶ 31,222 at P 27.

whether a project is entitled to an incentive ROE adder based on a project's risks and challenges. Specifically:

(Q35) What risks and challenges are appropriately addressed by the incentive ROE adder? Is it appropriate for the Commission to evaluate these risks and challenges on a project-by-project basis or on an aggregate basis for the applicant?

(Q36) Are there other considerations that the Commission should focus on when awarding an incentive ROE adder?

(Q37) Does the base ROE adequately compensate investors for the financial risk of the company, including risks associated with the particular transmission project for which incentives are sought?

(Q38) In determining the incentive ROE adder, and the requisite risks and challenges that support such an adder, should the Commission identify with specificity the types of risks and challenges that most warrant an incentive ROE adder?

(Q39) In determining the incentive ROE adder, should the Commission make a distinction between financial barriers to transmission development such as the ability to attract capital, and regulatory barriers, such as siting or environmental challenges? If so, how?

(Q40) In determining the incentive ROE adder, how should the Commission balance the impact of other risk-reducing incentives (such as CWIP and abandoned plant recovery)?

(Q41) Does regulatory assurance of cost recovery, either at the state or regional levels, mitigate the risks and challenges facing a transmission project? If so, how should the Commission give consideration to this mitigation in evaluating a request for incentive ROE adder based on a project's risks and challenges?

ii. Other Incentive ROE Adders

32. In Order No. 679, the Commission offered incentive ROE adders for the creation of a Transco or participation in a regional transmission organization (RTO) or independent system operator (ISO). Those incentive ROE adders are discussed below.

(1) Transcos

33. In Order No. 679, the Commission addressed incentives to encourage the development of transmission only companies *(i.e.,* Transcos),[36] and in particular, found it appropriate to ''provide to Transcos a ROE that both encourages Transco formation and is sufficient to attract investment after the Transco is formed.'' [37] The Commission seeks comment regarding the following questions:

(Q42) Is it appropriate to promote voluntary formation of Transcos, as defined in Order No. 679, through an ROE adder? Would other incentives promote Transco formation more effectively?

(Q43) Order No. 679 does not distinguish between Transcos that are independent of generation-owning market participants and Transcos that are affiliated with such market participants. Would such a distinction be appropriate in terms of eligibility for, or the amount of, a Transco adder?

(Q44) Further, Order No. 679 did not distinguish between Transcos that result from divestiture of a vertically-integrated utility's existing transmission system and Transcos that are created for the purpose of developing a particular new transmission facility. Would such a distinction be appropriate in terms of eligibility for, or the amount of, a Transco adder?

(2) Transmission Organizations (RTO/ISO)

34. Section 219(c) directs that the Commission ''shall to the extent within its jurisdiction, provide for incentives to each transmission utility or electric utility that joins a Transmission Organization.'' In pre- as well as post-Order No. 679 cases, the Commission typically has awarded a 50 basis-point ROE adder to utilities that either join or already are members of an RTO or ISO.[38]

35. While section 219 requires an incentive for membership in a Transmission Organization, the Commission invites comments on what level of the RTO/ISO ROE adder is appropriate. In particular, the Commission seeks comment on the following:

(Q45) Is it appropriate to offer a standard ROE adder for all utilities that join or remain members of an RTO/ISO?

(Q46) In the alternative, are there other incentives that the Commission should consider to encourage joining or remaining in an RTO/ISO?

(Q47) Should the existing 50 basis point adder be increased to better encourage the formation and continuance of RTO/ISO arrangements?

(Q48) Is the existing 50 basis point adder appropriately scaled to encourage the formation and continuance of RTO/ISO arrangements?

iii. Abandonment

36. Order No. 679 stated that transmission developers may be entitled to recover 100 percent of the prudently incurred costs related to certain transmission facilities if such facilities are later abandoned or cancelled. The genesis of the Commission's abandoned plant policy can be found in Opinion No. 295,[39] where the Commission stated that ratepayers and shareholders should equally share the costs of prudently incurred investments in abandoned or cancelled generation facilities. Thus, it was originally Commission policy that 50 percent of the prudently incurred costs would be amortized over the life of the plant as an expense, and the remaining 50 percent would be written off as a loss. This policy was later extended and made applicable to transmission projects.[40] In *Southern California Edison* (SCE),[41] the Commission granted the recovery of 100 percent of the prudently incurred costs related to certain proposed transmission facilities in the event those facilities were later cancelled or abandoned. The Commission's determination in *SCE* served as the foundation for the abandoned plant policy articulated in Order No. 679.

(Q49) How does the current incentive allowing recovery of 100 percent of prudently incurred abandoned plant costs affect the sharing of risks between investors and customers? Are there reasonable conditions or safeguards that could be imposed to ensure risks are appropriately allocated? For example, should recovery of abandoned plant costs be exclusive of carrying charges? Should carrying charges exclude any ROE incentive?

(Q50) Should abandoned plant costs be prohibited in instances where an affiliated project eliminates the need for a transmission project?

(Q51) Are there additional measures that can be taken to either limit the risk of abandonment, or mitigate the impact of allowing recovery of 100 percent of abandoned plant costs on customers?

(Q52) Some intervenors in various transmission incentives proceedings have raised concerns that the incentive of allowing 100 percent recovery of prudently-incurred abandoned plant costs could encourage applicants to pursue projects of greater risk. How

[36] Order No. 679 defines a Transco broadly. Order No. 679, FERC Stats. & Regs. ¶ 31,222 at P 201.

[37] *See Id.* P 221.

[38] *See Proposed Pricing Policy for Efficient Operation and Expansion of Transmission Grid,* 102 FERC ¶ 61,032 (2003).

[39] *New England Power Company,* 42 FERC ¶ 61,016 (1988).

[40] *Public Service Company of New Mexico,* 75 FERC ¶ 61,266, at 61,859 (1996).

[41] *Southern California Edison Company,* 112 FERC ¶ 61,014 (2005).

should the Commission consider and address this factor?

(Q53) Should the Commission allow recovery for partial abandonment of projects? If so, how should partial abandonment be defined? What criteria should the Commission consider when deciding whether a project has been partially abandoned? What would be the consequences of the Commission allowing recovery of abandoned plant cost for a portion of a project and later denying recovery of abandoned plant costs for the entire project (*e.g.,* finding that abandonment of the full project was under the control of the project developer)?

(Q54) If the recovery of abandoned plant costs were made contingent on the abandonment or cancellation of all or a substantial portion of a transmission project, how should the Commission define a ''project'' for the purpose of applying the abandoned plant incentive? The Commission has stated that several individual transmission projects may be characterized as a single project, or as several individual projects, depending on the showing made by the applicant. Should this characterization limit how an applicant may recover abandoned plant costs?

(Q55) If a project developer is granted the incentive for 100 percent recovery of abandoned plant costs, but is denied a request to recover abandoned plant costs under this incentive, then is it appropriate to recover those costs through other accounting treatments in a subsequent section 205 filing? If so, what accounting treatments would be appropriate?

(Q56) If a utility receives recovery of abandoned plant costs incentives and subsequently abandons its project, what rate of return (including incentive ROE adders), if any, should be applied to the abandoned plant costs until the costs are ultimately recovered in rates?

iv. Construction Work in Progress (CWIP) in Rate Base

37. Order No. 679 provides the opportunity for public utilities, where appropriate, to include 100 percent of prudently incurred transmission-related CWIP in rate base.[42] The Commission's general policy has been to allow only 50 percent of the non-pollution control/fuel conversion construction costs as CWIP in rate base. The remaining construction costs, including allowance for funds used during construction (AFUDC), generally would have been capitalized and included in rate base only when the plant went into commercial operation, i.e., when the plant became used and useful.[43] The Commission's policy set forth in Order No. 679 authorizes 100 percent of CWIP to be included in rate base prior to commercial operation provides utilities with additional cash flow in the form of an immediate earned return.[44] Order No. 679 also eliminated the requirement that utilities provide forward-looking cost allocation ratios based on the customers' average usage of the transmission line.

(Q57) What are the appropriate bases for evaluating a request to recover 100 percent of CWIP? Does including 100 percent of CWIP in rate base more appropriately address project specific risks and challenges or the aggregate risks and challenges associated with all projects an applicant is undertaking in a certain time period? If the aggregate risks and challenges are more appropriately addressed by including 100 percent of CWIP in rate base, how should the risks be reconciled with a Commission policy to evaluate risks and challenges on a project specific basis?

(Q58) What is the impact on ratepayers of allowing 100 percent CWIP in rate base prior to commercial operation? What kind of information should an applicant submit to make a showing that granting 100 percent CWIP will benefit consumers?

(Q59) In addition to the rate impact data required under 18 CFR 35.13(h)(31) and (32), what rate impacts tests could be considered in evaluating a request for including 100 percent of CWIP in rate base?

(Q60) Should the CWIP incentive not apply or be suspended in circumstances where an incentives project has been suspended for an indefinite period of time and there is no additional construction activity on the project?

(Q61) In the past, the Commission implemented a phasing-in of rate treatments to limit their rate impact to consumers.[45] Should the Commission consider such limits for certain incentives such as CWIP?

(Q62) If the applicant is granted an incentive ROE adder and 100 percent CWIP in rate base, should the incentive ROE adder be applied to 100 percent of CWIP included in rate base?

v. Other Incentives

1. Hypothetical Capital Structure

38. A hypothetical capital structure allows an applicant to determine its overall rate of return for revenue requirement and ratemaking purposes based on a capital structure that is usually more heavily weighted towards equity financing compared to its actual capital structure. The relatively higher cost of equity compared to the cost of debt and the heavier weighting of equity may serve to increase the overall return, enhance cash flows, lower financing costs, and improve credit ratings. In practice, the Commission has placed limitations on this incentive by requiring that the actual capital structure match the hypothetical capital structure at some point over time, such as when a project commences operations. The Commission seeks comment on the following:

(Q63) Is there a reasonable debt to equity split, or a procedure for determining such, that should be applied generally to future applications, or that can be applied generally to classifications, such as a general split for publicly owned projects and a general split for investor owned projects? Or is this best suited for case by case determination? What kind of information should an applicant provide in order to support an application for a hypothetical capital structure?

(Q64) Is there a reasonable point in time at which the actual capital structure should be required to match the hypothetical capital structure and that should be applicable generally to future applications?

2. Pre-Commercial Cost Recovery

39. In Order No. 679, the Commission permitted, as an incentive, applicants to

[42] *See* Order No. 679, FERC Stats. & Regs. ¶ 31,222 at P 29.

[43] There are two mutually exclusive ratemaking methodologies by which public utilities may recover financing costs (also referred to as ''carrying charges'') on construction capital in rates: accrue carrying charges on CWIP in the form AFUDC or earn a return on CWIP included in rate base. Under AFUDC, carrying charges are capitalized as a component of construction and recovered from ratepayers when the completed construction project goes into service. Under CWIP in rate base, carrying charges are recovered through its return on rate base while construction is underway unlike AFUDC. CWIP in rate base increases the regulated utility's cash flow during the construction period. This in turn decreases the amount of capital the regulated utility must raise to finance construction projects, and thus may reduce the cost of capital. When a regulated utility is permitted to include CWIP in rate base, it is not allowed to also accrue AFUDC on the same construction project costs.

[44] *See* Order No. 679, FERC Stats. & Regs. ¶ 31,222 at P 103 n.70 (citing 18 CFR 35.25(c)(3)).

[45] *Construction Work In Progress for Public Utilities; Inclusion of Costs in Rate Base,* Order No. 298, 48 Fed. Reg. 24,323 (June 1, 1983), FERC Stats. & Regs. ¶ 30,455 (1983), *clarification on order on reh'g,* Order No. 298–B, 48 Fed. Reg. 55,281 (December 12, 1983), FERC Stats. & Regs. ¶ 30,524 (1983). (Where the Commission limited the rate increase due to CWIP in rate base to 6 percent in the first year and an additional 6 percent in the second year, stating that ''[t]his initial limitation on CWIP in rate base ensures that, in those instances in which utilities have disproportionately large construction programs, the initial impacts of the final rule on consumers will not be severe.'').

expense pre-commercial costs and to recover them in current rates.[46] Absent this incentive, pre-commercial costs would generally be capitalized as part of CWIP, and subsequently earn a return on equity as well as a return of equity through depreciation, once a project goes into service. The incentive aspect of pre-commercial cost recovery allows applicants to expense and recover the costs through rates during the construction period which improves project cash flows and financial metrics, and mitigates the uncertainty over cost recovery of expenditures incurred prior to a project's regulatory approval and commercial operation. Further, for new market entrants with no established rate mechanism, the Commission has allowed the deferral of pre-commercial costs as a regulatory asset.[47] Where deferred recovery and regulatory asset treatment are provided, utilities defer the pre-commercial costs until they have an established rate structure in place, at which time they may file to recover the costs, including carrying charges,[48] generally over the construction period, or five years. The Commission seeks comment on the following questions:

(Q65) CWIP related costs should not be recorded as pre-commercial costs. What additional measures could be considered to prevent the inclusion of costs as pre-commercial that should appropriately be recorded as CWIP and recovered over the useful life of a project? In the case of deferred recovery, would limiting the period of time that carrying charges will be allowed help to ensure timely development of a project and guard against unreasonable delays?

(Q66) If incentives for both pre-commercial cost recovery on a deferred basis and 100 percent recovery of abandoned plant costs are granted, is there a relationship between the two incentives such that the Commission should review the types of costs that are included in the regulatory asset, the allowance of carrying charges, or the time period over which a regulatory asset is recovered in rates for pre-commercial cost recovery?

(Q67) Does the current practice of allowing carrying charges on deferred recovery of pre-commercial costs at the overall cost of capital, including incentive ROE adders, appropriately balance the sharing of risks of transmission project development between utility applicants and customers and affect the overall level of pre-commercial costs? How should this practice be changed to better allocate the risks between applicants and customers and to ensure that pre-commercial costs are reasonable?

3. Accelerated Depreciation

40. Accelerated depreciation is a regulatory incentive that allows an applicant to recover its return of capital costs more rapidly than under traditional regulatory treatment, e.g., 15 years or less. As a non-cash expense, accelerated depreciation may serve to enhance the applicant's cash flows and credit ratings. There have been very few incentive requests for accelerated depreciation as a transmission incentive. The Commission seeks comment on whether there are issues that the Commission should consider in reviewing this incentive.

4. Advanced Technology

41. In Order No. 679, the Commission required each applicant seeking incentives under the rule to submit a Technology Statement that describes the advanced technologies it considered for the subject project and, if those technologies are not to be employed in a project, an explanation for that decision.[49] The Commission recognized that in enacting FPA section 219 as part of EPAct 2005, Congress envisioned a connection to section 1223 of EPAct 2005, which required the Commission to ''encourage, as appropriate, the deployment of advanced transmission technologies.'' [50] The Commission observed that section 1223 lists 18 specific advanced transmission technologies, but also stated that this list of technologies was not intended to be exclusive and that the Commission ''expect[s] new technologies to continually evolve.'' [51]

42. The Commission's consideration of the required Technology Statements has evolved with experience in processing applications under Order No. 679. For example, the Commission has clarified that an applicant's proposal to use a technology listed in section 1223 does not compel the Commission to grant that applicant any particular incentives. The Commission has stated that it retains discretion to make such determinations on a case-by-case basis, noting that the Congressional directive in section 1223 requires the Commission to encourage the deployment of such technologies ''as appropriate.'' [52]

43. The Commission has also explained that an applicant's proposal to use advanced technologies may be relevant both as part of the Commission's nexus analysis for an incentive ROE adder based on a project's risks and challenges and as a possible basis for a separate advanced technology incentive ROE adder. In the former context, the Commission has observed that advanced technologies present ''technology-related'' risks and challenges that are appropriately considered under the Order No. 679 nexus test together with other types of risks and challenges associated with a project.[53] In the latter context, the Commission has stated it reviews record evidence to decide if the proposed technology warrants a separate adder because it reflects a new or innovative domestic use of the technology that will improve reliability, reduce congestion, or improve efficiency.[54] The Commission has explained the relationship between these issues, noting that consideration of an applicant's proposal to use advanced technologies as part of the nexus analysis does not necessarily mean that the applicant qualifies for a separate advanced technology incentive ROE adder.[55] As discussed above, the use of advanced technology may be relevant to achieving the goals of section 219, including increasing the efficiency of new and existing transmission facilities.

44. The Commission is interested in receiving comments on the following issues:

(Q68) Should the Commission change the way it determines what constitutes

[46] The Commission explained that pre-commercial costs generally include, for example, expenditures for preliminary surveys, plans and investigations, made for the purpose of determining the feasibility of utility projects, and the costs of studies and analyses mandated by regulatory bodies related to plant in service which are included in Account 183. The Commission also stated that it would entertain proposals by public utilities to expense other types of costs on a case-by-case basis. Order No. 679, FERC Stats. & Regs. ¶ 31,222 at P 122.

[47] The Commission has allowed legal fees and company formation and start-up costs to be expensed and recovered, with recovery contingent on the entity having a rate in place to recover such costs. The grant of the incentive does not create the mechanism by which to recover the costs.

[48] Applicants seeking deferred recovery of pre-commercial costs as a regulatory asset have typically requested carrying charges on the regulatory asset from the time it is established until it is fully amortized. The Commission, in practice, permits carrying charges on pre-commercial costs at the overall cost of capital, including the incentive ROE adder.

[49] Order No. 679, FERC Stats. & Regs. ¶ 31,222 at P 302.

[50] *Id.* P 290, 302.

[51] *Id.* P 290.

[52] *The Nevada Hydro Co., Inc.,* 122 FERC ¶ 61,272, at P 84 (2008); *NSTAR Electric Co.,* 127 FERC ¶ 61,052, at P 27 (2009) (*NSTAR*).

[53] *PacifiCorp,* 125 FERC ¶ 61,076, at P 51 (2008); *Tallgrass Transmission, LLC,* 125 FERC ¶ 61,248, at P 55 (2008) (*Tallgrass*).

[54] *The United Illuminating Co.,* 126 FERC ¶ 61,043, at P 14 (2009); *NSTAR,* 127 FERC ¶ 61,052 at P 27.

[55] *Tallgrass,* 125 FERC ¶ 61,248 at P 59–60.

an ''advanced'' technology that is appropriate for incentives?

(Q69) Section 1223 of EPAct 2005 defines advanced transmission technology and lists technologies that fall within that definition. How should the Commission account for what Order No. 679 identified as the evolving nature of technology?

(Q70) Does the above-noted standard—examining whether a proposal reflects a new or innovative domestic use of a technology that will improve reliability, reduce congestion, or improve efficiency—strike an appropriate balance?

(Q71) Should an applicant's level of previous experience with a technology be a factor in determining whether that technology is ''advanced'' for purposes of evaluating a request for incentives? If an applicant has previous experience using a technology that otherwise has not been widely adopted, should that applicant's proposed use of the technology be considered ''advanced''? If an applicant has no previous experience in using a technology that is otherwise widely adopted, should that applicant's proposed use of the technology be considered ''advanced''?

(Q72) Where the Commission grants an incentive ROE adder for the use of advanced technology, should that adder apply to the entire cost of a project, or just to the advanced technology?

(Q73) Should incentives for advanced technology continue to be assessed on a case-by-case basis, or would it be preferable and practical to establish generic standards for advanced technology incentives? For example, should the Commission consider identifying particular technologies or applications of technology that may be appropriately granted incentives?

(Q74) What types of incentives, e.g., incentive ROE adder, accelerated depreciation, will be most effective in encouraging the deployment of advanced technology?

Comment Procedures

45. The Commission invites interested persons to submit comments, and other information on the matters, issues and specific questions identified in this notice.

46. Comments are due July 26, 2011. Comments must refer to Docket No. RM11–26–000, and must include the commenter's name, the organization they represent, if applicable, and their address in their comments.

47. The Commission encourages comments to be filed electronically via the eFiling link on the Commission's Web site at *http://www.ferc.gov.* The Commission accepts most standard word processing formats. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.

48. Commenters unable to file comments electronically must mail or hand deliver an original copy of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street, NE., Washington, DC 20426. These requirements can be found on the Commission's Web site, *see, e.g.,* the ''Quick Reference Guide for Paper Submissions,'' available at *http://www.ferc.gov/docs-filing/efiling.asp,* or via phone from FERC Online Support at 202–502–6652 or toll-free at 1–866–208–3676.

49. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

Document Availability

50. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through FERC's Home Page (*http://www.ferc.gov*) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5 p.m. Eastern time) at 888 First Street, NE., Room 2A, Washington, DC 20426.

51. From FERC's Home Page on the Internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

52. User assistance is available for eLibrary and the FERC's website during normal business hours from FERC Online Support at 202–502–6652 (toll free at 1–866–208–3676) or e-mail at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. E-mail the Public Reference Room at *public.referenceroom@ferc.gov.*

By direction of the Commission. Commissioner Moeller is concurring with a separate statement attached.

Issued: May 19, 2011.

Kimberly D. Bose,

Secretary.

MOELLER, Commissioner, *concurring:*

Because regulatory certainty is critically important to those who invest in our nation's infrastructure, this Commission should ensure that if it decides to make changes to its incentive policies, it does so only prospectively. The law explicitly requires this Commission to ''provide a return on equity that attracts new investment in transmission facilities'' and to ''provide for incentives to each * * * utility that joins a Transmission Organization.'' [56] These directives from Congress would be frustrated were this Commission to increase regulatory uncertainty by changing long-held investor expectations.

As I have repeatedly stressed, this nation should have policies that encourage needed investment in transmission projects.[57] The new construction of transmission lines is often the lowest-cost way to improve the delivery of electricity service. By building needed transmission, our electrical service can maintain reliability at levels that are the envy of the world, while simultaneously improving consumer access to lower cost power generation—all while permitting more efficient and cost-effective renewable resources to compete on an equal basis with traditional sources of power.[58]

I look forward to reviewing the responses of the public on this Notice of Inquiry, as they will inform this Commission as it moves forward in its

[56] Section 219 of the Federal Power Act at 16 U.S.C. 824s.

[57] *Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities* 131 FERC ¶ 61,253 (2010) (Moeller, Comm'r, concurring); *NSTAR Elec. Co.,* 125 FERC ¶ 61,313 (2008) (Moeller, Comm'r, dissenting in part) (''* * * the Commission should do what it can to encourage capital investment in needed transmission infrastructure projects.''); *Commonwealth Edison Co. and Commonwealth Edison Co. of Indiana,* 125 FERC ¶ 61,250 (2008) (Moeller, Comm'r, dissenting) (''* * * now is not the time for this Commission to discourage investment in needed transmission infrastructure.''); *New York Indep. Sys.Operator, Inc.,* 129 FERC ¶ 61,045 (2009) (Moeller, Comm'r, dissenting) (''The main issue here is whether needed transmission is being built * * * I have encouraged investment in transmission infrastructure * * *''); *Southern California Edison Co.,* 129 FERC ¶ 61,013 (2009) (Moeller, Comm'r, dissenting in part) (''The transmission that is needed in this nation will not be built unless the companies that build it can attract adequate investment dollars.'');

[58] *Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities* 131 FERC ¶ 61,253 (2010) (Moeller, Comm'r, concurring).

consideration of its incentive policy. Given my interest in getting needed transmission built, I am particularly interested in any comments regarding how our incentive policies have been successful in encouraging investment, and comments that show how our policies can be improved in a way that encourages further development of needed transmission.

Philip D. Moeller,
Commissioner.

[FR Doc. 2011–13150 Filed 5–26–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 70, 71, 72, 75, and 90

RIN 1219–AB64

Lowering Miners' Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Proposed rule; extension of comment period.

SUMMARY: In response to requests from interested parties, the Mine Safety and Health Administration (MSHA) is extending the comment period on the proposed rule addressing Lowering Miners' Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors. This extension gives commenters additional time to review and comment on the proposed rule.

DATES: The comment period for the proposed rule published on October 19, 2010 (75 FR 64412), extended January 14, 2011 (76 FR 2617) and May 4, 2011 (76 FR 25277), is further extended. All comments must be received or postmarked by midnight Eastern Daylight Saving Time on June 20, 2011.

ADDRESSES: Comments must be identified with ''RIN 1219–AB64'' and may be sent by any of the following methods:

(1) *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

(2) *Facsimile:* 202–693–9441. Include ''RIN 1219–AB64'' in the subject line of the message.

(3) *Regular Mail:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209–3939.

(4) *Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia. Sign in at the receptionist's desk on the 21st floor.

MSHA will post all comments without change, including any personal information provided. Access comments electronically on *http://www.regulations.gov* and on MSHA's Web site at *http://www.msha.gov/currentcomments.asp.* Review comments in person at the Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia. Sign in at the receptionist's desk on the 21st floor.

MSHA maintains a list that enables subscribers to receive e-mail notification when the Agency publishes rulemaking documents in the **Federal Register**. To subscribe, go to *http://www.msha.gov/subscriptions/subscribe.aspx.*

FOR FURTHER INFORMATION CONTACT: Roslyn B. Fontaine, Acting Director, Office of Standards, Regulations and Variances, MSHA, at *Fontaine.Roslyn@dol.gov* (E-mail), (202) 693–9440 (Voice), or (202) 693–9441 (Fax).

SUPPLEMENTARY INFORMATION:

Extending of Comment Period

On October 19, 2010 (75 FR 64412), MSHA published a proposed rule, Lowering Miners' Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors, twice extending the comment period now set to close May 31, 2011. On May 19, 2011, MSHA posted historical information and data on respirable coal mine dust on its End Black Lung—ACT NOW! Single Source Web page. Although MSHA does not believe this information is necessary to comment on the proposed rule, MSHA is providing additional time for interested parties to submit comments. MSHA is extending the comment period from May 31, 2011 to June 20, 2011. All comments and supporting documentation must be received or postmarked by June 20, 2011.

Dated: May 24, 2011.

Joseph A. Main,

Assistant Secretary of Labor for Mine Safety and Health.

[FR Doc. 2011–13238 Filed 5–24–11; 4:15 pm]

BILLING CODE 4510–43–P

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

30 CFR Parts 1202 and 1206

[Docket No. ONRR–2011–0005]

RIN 1012–AA01

Federal Oil and Gas Valuation

AGENCY: Office of Natural Resources Revenue (ONRR), Interior.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Office of Natural Resources Revenue (ONRR) requests comments and suggestions from affected parties and the interested public before proposing changes to the existing regulations governing the valuation of oil and gas produced from Federal onshore and offshore oil and gas leases, for royalty purposes. The existing Federal oil valuation regulations have been in effect since 2000, with a subsequent amendment relating primarily to the use of index pricing in some circumstances. The existing Federal gas valuation regulations have been in effect since March 1, 1988, with various subsequent amendments relating primarily to the transportation allowance provisions. These regulations have not kept pace with significant changes that have occurred in the domestic gas market during the last 20-plus years. This notice is intended to solicit comments and suggestions for possible new methodologies to establish the royalty value of oil and gas produced from Federal leases. The ONRR plans to hold public workshops to discuss possible changes to the oil and gas valuation regulations after the written comment period closes and ONRR has had a reasonable time to review and analyze the comments. The ONRR will announce any public workshops in a future **Federal Register** notice.

Getting feedback upfront and involving all affected stakeholders in the rulemaking process are the hallmarks of good government and smart business practice. The intention of this rulemaking process is to provide regulations that would offer greater simplicity, certainty, clarity, and consistency in production valuation for mineral lessees and mineral revenue recipients; be easy to understand; decrease industry's cost of compliance; and provide early certainty to industry and ONRR that companies have paid every dollar due. The ONRR intends that the final regulations will be revenue neutral.

DATES: You must submit your comments by July 26, 2011.

ADDRESSES: You may submit comments on this advance notice by any of the following methods. Please use the Regulation Identifier Number (RIN) 1012–AA01 as an identifier in your message.

- *Federal eRulemaking Portal: http://www.regulations.gov.* In the entry titled ''Enter Keyword or ID,'' enter ONRR–2011–0005, then click search. Follow the instructions to submit public comments and view supporting and related materials available for this advanced notice of proposed rulemaking. The ONRR will post all comments.
- Mail comments to Hyla Hurst, Regulatory Specialist, Office of Natural Resources Revenue, P.O. Box 25165, MS 61013C, Denver, Colorado 80225.
- Hand-carry comments or use an overnight courier service. Our courier address is Building 85, Room A–614, Denver Federal Center, West 6th Ave. and Kipling St., Denver, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: For questions on procedural issues, contact Hyla Hurst, Regulatory Specialist, ONRR, telephone (303) 231–3495. For questions on technical issues, contact Richard Adamski, Asset Valuation, ONRR, telephone (303) 231–3410.

SUPPLEMENTARY INFORMATION:

I. Background

The Secretary of the Interior's authority to establish the value of Federal oil and gas production through regulations is contained in the mineral leasing statutes (43 U.S.C. 1334; 30 U.S.C. 189 and 359). In addition, virtually all Federal oil and gas leases expressly reserve to the Secretary the authority to establish the reasonable value of oil and gas production or provide that the royalty value of oil and gas be set by regulation.

The existing Federal oil valuation regulations have been in place since 2000, with amendments that primarily (1) affected the basis for valuation; and (2) made changes to the calculation of transportation deductions (69 FR 24959, May 5, 2004). The existing Federal gas valuation regulations have been in place since 1988, with amendments to transportation provisions (61 FR 5448, February 12, 1996) and additional amendments that primarily (1) affected the calculation of transportation deductions; and (2) made changes necessitated by judicial decisions (70 FR 11869, March 10, 2005). These regulations were written to establish value based on transactions between independent, non-affiliated parties. As ONRR continues to evaluate the effectiveness and efficiency of our regulations, we take into account the changes that have occurred in the oil and gas market over the past 20 years, our 10 years of experience with taking royalties in kind, and our experience with changes to regulations relating to valuation of gas produced from Indian leases (64 FR 43515, August 10, 1999; 75 FR 61066, October 4, 2010; and 75 FR 61069, October 4, 2010).

Further, ONRR's experience in enforcing the regulations indicates that they can be cumbersome because, to properly determine the value for royalty purposes, ONRR must analyze literally hundreds of thousands of sales, transportation, and processing transactions each month. Performing this analysis is costly and burdensome for both the Federal Government and the regulated industry and can lead to disputes regarding valuation methodologies.

Most Federal leases provide that the Secretary will determine the value of production for royalty purposes. The Department of the Interior has long held the view that the prices agreed to in arm's-length transactions are the best indication of market value. The 2000 oil valuation regulations and 1988 gas valuation regulations reflect that view. See 30 CFR 1206.152(b) (unprocessed gas) and 1206.153(b) (processed gas). If oil or gas is not sold according to an arm's-length contract, the regulations look to certain external indicia of market value. Under these ''benchmarks,'' as they are popularly known, the gross proceeds accruing to a lessee under a non-arm's-length sales contract will be accepted as value if those gross proceeds are equivalent to the gross proceeds derived from, or paid under, comparable arm's-length contracts. The regulations also prescribe criteria for evaluating comparability (30 CFR 1206.152(c)(1) and 1206.153(c)(1)).

Under the 1988 gas regulations, if this first benchmark does not apply, the regulations require that value be established by considering other information relevant in valuing like-quality gas, including ''gross proceeds under arm's-length contracts for like-quality gas in the same field or nearby fields or areas, posted prices for gas, prices received in arm's-length spot sales of gas [or] other reliable public sources of price or market information * * *'' (30 CFR 1206.152(c)(2) and 1206.153(c)(2)). If value cannot be established through such information, then the final benchmark is ''a net-back method or any other reasonable method to determine value'' (30 CFR 1206.152(c)(3) and 1206.153(c)(3)).

When oil and gas is not sold at or near the lease, unit, or communitized area, the regulations also provide for allowances for the cost of transporting production to the point of sale (30 CFR 1206.110 and 1206.111 for oil and 30 CFR 1206.156 and 1206.157 for gas). If the lessee processes gas to remove valuable products such as heavier liquid hydrocarbons, the regulations prescribe how to calculate an allowance for the costs of processing (30 CFR 1206.158 and 1206.159).

In 2007, the Royalty Policy Committee (RPC) Subcommittee on Royalty Management issued a report titled ''Mineral Revenue Collection from Federal and Indian Lands and the Outer Continental Shelf.'' The Subcommittee's report recommended clarification of the regulations governing onshore gas and transportation deductions to provide more certainty for ONRR, BLM, and industry, which should result in better compliance. More specifically, the Subcommittee recommended revisions to the gas valuation regulations and guidelines to address the cost-bundling issue and to facilitate the calculation of gas transportation and gas processing deductions. The Subcommittee also recommended the use of market indices for gas valuation in the context of non-arm's-length transactions in lieu of benchmarks, which have been used since 1988.

II. Public Comment Procedures

The ONRR may not be able to consider comments that we receive after the close of the comment period for this advance notice of proposed rulemaking, or comments that are delivered to an address other than those listed in the **ADDRESSES** section of this notice. After the comment period for this advance notice closes and ONRR has considered the comments, we plan to open a second public comment period, which we will announce in the **Federal Register**. The notice will focus on issues identified in the first public comment period and will include information about the public workshops.

A. Written Comment Guidelines

We are particularly interested in receiving comments and suggestions about the topics identified in section III, Description of Information Requested. Your written comments should: (1) Be specific; (2) explain the reason for your comments and suggestions; (3) address the issues outlined in this notice; and (4), where possible, refer to the specific provision, section, or paragraph of statutory law, case law, lease term, or

existing regulations that you are addressing.

The comments and recommendations that are most useful and have greater likelihood of influencing decisions on the content of a possible future proposed rule are: (1) Comments and recommendations supported by quantitative information or studies; and (2) comments that include citations to, and analyses of, the applicable laws, lease terms, and regulations.

B. Public Comment Policy

Our practice is to make comments, including names and addresses of respondents, available at *http://www.regulations.gov.* Individual respondents may request that we withhold their address from the rulemaking record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish us to withhold your name or address, you must state this prominently at the beginning of your comments. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

III. Description of Information Requested

We are interested in submission of proposals that will lead to improved efficiencies for both lessees and ONRR auditors. In considering potential proposed changes to the existing Federal oil and gas royalty valuation regulations at 30 CFR part 1206, subpart D, we have three goals in mind, as follows:

- Provide clear regulations that are easy to understand and that are consistent with fulfilling the Secretary's responsibility to ensure fair value for the public's resources.
- Provide methodologies that are as efficient as possible for lessees to use.
- Provide early certainty that correct payment has been made.

In August 2004, ONRR amended the Federal oil valuation regulations (now codified at 30 CFR part 1206, subpart C) to use index pricing applicable to particular regions of the country, in some circumstances, to determine the value of production for royalty purposes. This amendment to Federal oil valuation regulations followed the successful use of a published index price methodology for valuing gas produced from Indian leases that are located in an ''index zone,'' i.e., a field or area with a spot market and acceptable published indices applicable to that field or area (30 CFR 1206.171 and 1206.172). We are seeking comment on the existing use of index pricing to determine the value of production for oil royalty purpose and whether the use of index pricing should be expanded or altered. We are also exploring the circumstances under which it may be appropriate to apply index-based valuation methodologies to gas produced from Federal leases.

There appear to be circumstances in which the value of gas for royalty purposes could be established using publicly available gas index prices. In addition to the Indian gas regulations, ONRR has used index prices to determine value under the second Federal gas benchmark and to sell gas taken as royalty in kind. It appears that, in the past several years, the gas spot market has become much more widely used and is more robust and transparent, with numerous buyers and sellers engaging in, and reporting their transactions to, third-party publications. Those publications, in turn, calculate and publish geographically based index prices.

In addition, certain provisions of the current Federal oil and gas regulations have presented challenges that led to disputes between lessees and ONRR auditors, particularly in situations involving non-arm's-length sales and non-arm's-length transportation and gas processing allowances. For some Federal oil and gas production, changes in the oil and gas transportation industry have made it difficult for lessees to obtain the information they need to comply with ONRR regulations that require the use of actual costs in determining transportation allowances. Additionally, pipeline operators often bundle transportation and processing charges, including charges that the regulations do not allow lessees to deduct in calculating royalty value, such as marketing costs and costs of placing gas into marketable condition.

Accordingly, ONRR is seeking public comment and recommendations on the following specific issues:

A. Use of Index Prices To Value Oil and Gas

The ONRR is seeking comment on the existing use of index pricing to determine the value of production for oil royalty purposes and whether the use of index pricing should be expanded or altered. Additionally, the ONRR is considering the use of index pricing in valuing Federal gas for royalty purposes. Please consider the following:

- We seek input on how well index prices currently represent the value for oil and gas produced in different regions or areas of the country, such as states on the Gulf of Mexico coast (including Texas, Louisiana, Mississippi, and Alabama, as well as onshore areas within those states), the Midwest (including Oklahoma and North Dakota), the Southwest (including New Mexico and the Permian and San Juan Basin areas), the Rocky Mountain area (including Wyoming, Montana, and Colorado and Utah outside the San Juan Basin), the West Coast states (primarily California), and Alaska. Please identify what index publications you believe apply to what parts of these areas and the relative advantages and disadvantages, and strengths and weaknesses, of using each of the identified published index prices.
- We also seek input on whether value should be based on first-of-month prices, daily spot prices, or some mixture of the two when considering the use of index prices.
- In addition, we seek input on how to best value this gas for royalty purposes in situations where gas from Federal leases is produced in areas not covered by index pricing, or where limited reported spot market activity exists.
- Does the concentration of Federal production in some areas of the country create any potential problems with relying on index prices in those areas, now or in the future?
- Finally, we request comment on whether ONRR should use published index prices to value Federal oil and gas sold under non-arm's-length contracts as well as arm's-length contracts.

B. Transportation Allowances

The ONRR is examining possible alternatives to the requirement to track actual costs for determining transportation and to address the bundling issue. Please consider the following:

- If ONRR were to adopt index-based valuation, the point at which the index prices are compiled and published may or may not be the point of actual sale for particular gas, and the costs of transportation to the actual point of sale may not be relevant. However, the index pricing point would be remote from the lease or unit in virtually all circumstances, and value at the index pricing point may not reflect value at or near the lease or unit. If ONRR employed index prices to value Federal oil and gas for royalty purposes, what methods should be considered that

would adjust for location differences between the lease or unit and the index pricing and publication point?

• In the interest of simplifying the determination and verification of location adjustments, should ONRR consider prescribing either a fixed differential amount per unit volume (thousand cubic feet (Mcf) or million British thermal units (MMBtu)) or a fixed percentage to be deducted from the index value to account for location differences?

• Should ONRR apply a fixed differential amount per unit volume to all production in a particular area or that is transported through a particular pipeline? Would a flat percentage of the index value (perhaps with a cap) be preferable, either on a regional or nationwide basis?

C. Processed Gas and Processing Allowances

The ONRR is considering accounting for the value of liquid hydrocarbons contained in the gas stream by applying an adjustment or ''bump'' to the index price, applicable to residue gas when gas is processed, in lieu of valuing residue gas and extracted liquid products separately, calculating the actual processing costs, and deducting those costs from the value of the extracted liquids (the procedure required under 30 CFR 1206.153(a) and 1206.158 through 1206.159). This adjustment could be based on, or could incorporate, a number of components, including the following:

• Gas quality (either Btu content or gallons per Mcf (GPM)).

• The differential between the gas price and the oil or natural gas liquids (NGL) price similar to a ''frac spread'' or a ''processing margin.''

• Certain plant operation factors, such as shrinkage, producer processing costs, and plant operations costs.

We also seek input regarding whether such an approach could eliminate the burden of accounting for allowable costs to process gas and reduce or eliminate the potential for disputes over unbundling of gas plant charges, without reduction in royalty value. The ONRR could calculate this adjustment on a monthly basis and make it available on our website expressed in the form of a price per unit volume (MMBtu or Mcf).

ONRR could maintain current reporting requirements for processed gas and NGLs but establish a fixed processing allowance. This fixed allowance could be either on a nationwide basis for all Federal gas or on a narrower basis, such as offshore and onshore leases; offshore regions and onshore basins; or gas-plant-specific.

We seek input regarding the advantages and disadvantages of simplifying processed gas royalty reporting and payment by either of the aforementioned methods. We also are interested in other methodologies that would simplify the reporting associated with gas processing allowances or, if possible, eliminate the allowances by substituting a market-based proxy to reflect the value of liquid hydrocarbons contained in the gas stream.

D. Other Alternatives

The ONRR also is interested in receiving comments on any other alternative methodologies. If you propose a methodology different from those discussed above, please explain how the suggested methodology would meet the goals outlined above and why you believe your methodology is the best alternative.

In addition, ONRR requests your input on how the various methodologies would affect your business practices, bookkeeping, *etc.*

Dated: May 23, 2011.

Rhea Suh,

Assistant Secretary for Policy, Management and Budget.

[FR Doc. 2011–13287 Filed 5–26–11; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

30 CFR Parts 1202 and 1206

[Docket No. ONRR–2011–0004]

RIN 1012–AA00

Federal and Indian Coal Valuation

AGENCY: Office of Natural Resources Revenue (ONRR), Interior.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Office of Natural Resources Revenue (ONRR) requests comments and suggestions from affected parties and the interested public before proposing changes to the existing regulations governing the valuation of coal produced from Federal and Indian leases, for royalty purposes. The existing Federal and Indian coal valuation regulations have been in effect since March 1, 1989, with minor subsequent amendments relating primarily to the Federal Black Lung Excise Taxes, abandoned mine lands (AML) fees, state and local severance taxes, and washing and transportation allowances provisions. These existing coal valuation regulations also have not kept pace with significant changes that have occurred in the domestic coal market during the last 20-plus years. This notice is intended to solicit comments and suggestions on possible new methodologies to establish the royalty value of coal produced from Federal and Indian leases. The ONRR also plans to hold public workshops to discuss changes to the coal valuation regulations after the written comment period closes, and ONRR has had a reasonable time to review and analyze the comments. The ONRR will announce any public workshops in a future **Federal Register** notice.

Getting feedback upfront and involving all affected stakeholders in the rulemaking process are the hallmarks of good government and smart business practice. The intention of this rulemaking process is to provide regulations that would offer greater simplicity, certainty, clarity, and consistency in production valuation for mineral lessees and mineral revenue recipients; be easy to understand; decrease industry's cost of compliance; and provide early certainty to industry and ONRR that companies have paid every dollar due. The ONRR intends that the final regulations will be revenue neutral.

DATES: You must submit your comments by July 26, 2011.

ADDRESSES: You may submit comments on this advance notice by any of the following methods. Please use the Regulation Identifier Number (RIN) 1012–AA00 as an identifier in your message.

• *Federal eRulemaking Portal: http://www.regulations.gov.* In the entry titled ''Enter Keyword or ID,'' enter ONRR–2011–0004, then click search. Follow the instructions to submit public comments and view supporting and related materials available for this advanced notice of proposed rulemaking. The ONRR will post all comments.

• Mail comments to Hyla Hurst, Regulatory Specialist, Office of Natural Resources Revenue, P.O. Box 25165, MS 61013C, Denver, Colorado 80225.

• Hand-carry comments or use an overnight courier service. Our courier address is Building 85, Room A–614, Denver Federal Center, West 6th Ave. and Kipling St., Denver, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: For questions on procedural issues, contact Hyla Hurst, Regulatory Specialist, ONRR, telephone (303) 231–3495. For questions on technical issues, contact

Richard Adamski, Asset Valuation, ONRR, telephone (303) 231–3410.

SUPPLEMENTARY INFORMATION:

I. Background

The Secretary of the Interior's authority to establish the value of coal production through regulations is contained in the Indian Mineral Leasing Act of 1938, the Mineral Leasing Act, and the Mineral Leasing Act for Acquired Lands (25 U.S.C. 396d; 30 U.S.C. 189 and 359). In addition, virtually all Federal and Indian coal leases expressly reserve to the Secretary the authority to establish the reasonable value of coal production or provide that the royalty value of coal be set by regulation.

In 2007, the Royalty Policy Committee (RPC) Subcommittee on Royalty Management issued a report titled ''Mineral Revenue Collection from Federal and Indian Lands and the Outer Continental Shelf.'' The Subcommittee's report recommended ''revis(ing) and implement(ing) the regulations and guidance for calculating prices used in checking royalty compliance for solid minerals, with particular attention to non-arm's-length transactions.''

The existing Federal and Indian coal regulations have been in effect since 1989, with minor amendments to Federal Black Lung Excise Taxes, AML fees, state and local severance taxes (55 FR 35427, August 30, 1990), and washing and transportation allowances provisions (61 FR 5448, February 12, 1996). In 1996, the royalty valuation regulations for Indian leases were separated from the regulations for Federal leases because of amendments to the latter removing certain form-filing requirements for the coal washing and transportation allowances that were retained for Indian leases. The ONRR continues to evaluate the effectiveness and efficiency of its regulations, particularly with regard to non-arm's-length valuation and ramifications spurred by changes in the coal mining industry, including increasing vertical integration of mining and power production and increasing production by coal cooperatives. Further, ONRR's experience in enforcing the regulations indicates that they can be cumbersome because, to properly determine the value for royalty purposes, ONRR must analyze literally thousands of sales, transportation, and processing transactions each month. Performing this analysis is costly and burdensome for both the Federal Government and the regulated industry and can lead to disputes regarding valuation methodologies.

The 1989 coal valuation regulations were written to establish value based on transactions between independent, non-affiliated parties with opposing economic interests. The Department of the Interior has long held the view that the sales prices agreed to in arm's-length transactions are the best indication of market value. The 1989 regulations reflect that view. Under the regulations at 30 CFR part 1206, subparts F and J, the value of most Federal and Indian coal is based on the gross proceeds accruing to the lessee under the lessee's arm's-length sales contracts. See 30 CFR 1206.257(b) (for Federal leases) and 1206.456(b) (for Indian leases).

If the lessee disposes of coal under a non-arm's-length arrangement, the regulations prescribe an ordered series of ''benchmarks'' that look to outside indicia of market value. The value of the coal is based on the first applicable benchmark. Under the first of those benchmarks, the gross proceeds accruing to the lessee under its non-arm's-length contract will be accepted as value, if they are within the range of the gross proceeds derived from, or paid under, comparable arm's-length contracts for the sale or purchase of like-quality coal produced in the area, between buyers and sellers neither of whom is affiliated with the lessee. The regulations also prescribe criteria for determining comparability. Regulations at 30 CFR 1206.257(c)(2)(i) (for Federal leases) and 1206.456(c)(2)(i) (for Indian leases) prescribe identical criteria for determining comparability as follows: ''In evaluating the comparability of arm's-length contracts for the purposes of these regulations, the following factors shall be considered: Price, time of execution, duration, market or markets served, terms, quality of coal, quantity, and such other factors as may be appropriate to reflect the value of the coal * * *'' If the first benchmark does not apply, the next benchmark establishes value based on ''[p]rices reported for that coal to a public utility commission'' (30 CFR 1206.257(c)(2)(ii) and 1206.456(c)(2)(ii)). If the second benchmark does not apply, value would be established based on ''[p]rices reported for that coal to the Energy Information Administration of the Department of Energy'' (30 CFR 1206.257(c)(2)(iii) and 1206.456(c)(2)(iii)). If the third benchmark does not apply, then value is based on ''other relevant matters,'' which include, but are not limited to, ''published or publicly available spot market prices'' or ''information submitted by the lessee concerning circumstances unique to a particular lease operation or the saleability of certain types of coal'' (30 CFR 1206.257(c)(2)(iv) and 1206.456(c)(2)(iv)). If none of the four preceding benchmarks apply, then ''a net-back method or any other reasonable method shall be used to determine value'' (30 CFR 1206.257(c)(2)(v) and 1206.456(c)(2)(v)).

Under both arm's-length and non-arm's-length sales arrangements, the lessee may deduct applicable transportation and coal washing allowances. See 30 CFR 1206.257(a), 1206.258 through 1206.259, and 1206.261 through 1206.262 (for Federal leases); 30 CFR 1206.456(a), 1206.457 through 1206.458, and 1206.460 through 1206.461 (for Indian leases).

II. Public Comment Procedures

The ONRR may not be able to consider comments that we receive after the close of the comment period for this advance notice of proposed rulemaking, or comments that are delivered to an address other than those listed in the **ADDRESSES** section of this notice. After the comment period for this advance notice closes and ONRR has considered the comments, we plan to open a second public comment period, which we will announce in the **Federal Register**. The notice will focus on issues identified in the first public comment period and will include information about the public workshops.

A. Written Comment Guidelines

We are particularly interested in receiving comments and suggestions about the topics identified in section III, Description of Information Requested. Your written comments should: (1) Be specific; (2) explain the reason for your comments and suggestions; (3) address the issues outlined in this notice; and (4), where possible, refer to the specific provision, section, or paragraph of statutory law, case law, lease term, or existing regulations that you are addressing.

The comments and recommendations that are most useful and have greater likelihood of influencing decisions on the content of a possible future proposed rule are: (1) Comments and recommendations supported by quantitative information or studies; and (2) comments that include citations to, and analyses of, the applicable laws, lease terms, and regulations.

B. Public Comment Policy

Executive Order (EO) 13175 requires Federal agencies to consult with Indian tribes during the development of regulatory proposals. Section 5a of EO 13175 states that each agency shall have

an accountable process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications. Changes to the valuation of Indian coal for royalty purposes have tribal implications.

The ONRR has sent an invitation to the revenue receiving tribes and mineral owner associations inviting them to attend one of three consultation meetings. The schedule is:

1. May 15, 2011, in Albuquerque, NM, starting at 1 p.m. mountain time.
2. May 26, 2011, in Denver, CO, starting at 1 p.m. mountain time.
3. June 9, 2011, in Oklahoma City, OK, starting at 9 a.m. central time.

We will discuss ONRR's plan to amend the Federal and Indian coal product valuation regulations. The ONRR mailed invitation letters for the tribal consultations on April 21st, and ONRR believes these meetings comply with the EO 13175 consultation requirement.

Our practice is to make comments, including names and addresses of respondents, available at *http://www.regulations.gov.* Individual respondents may request that we withhold their individual address from the rulemaking record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish us to withhold your name or address, you must state this prominently at the beginning of your comments. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

III. Description of Information Requested

We are interested in submission of proposals that will lead to improved efficiencies for both lessees and ONRR auditors, including state and tribal auditors under delegated audit agreements with ONRR. In considering potential proposed changes to the existing Federal and Indian coal royalty valuation regulations, we have three goals in mind, as follows:

- Provide clear regulations that are easy to understand and that are consistent with fulfilling both the Secretary's responsibility to ensure fair value for the public's resources and the Secretary's trust responsibility to Indian mineral owners.
- Provide methodologies that are as efficient as possible for lessees to use.
- Provide early certainty that correct payment has been made.

Accordingly, ONRR is seeking public comment and recommendations on the following specific issues:

A. Alternative Valuation Methods

In the existing regulations as discussed above, value is generally based on the lessee's arm's-length gross proceeds. The gross proceeds are the total monies and other consideration accruing to the lessee for the production and disposition of the coal produced (30 CFR 1206.251 and 1206.451). As noted previously, allowable washing and transportation costs may be deducted from gross proceeds in determining royalty value. Accounting for washing and transportation costs places some accounting burden on reporters and makes the audit process more lengthy and complex. In an effort to simplify the valuation and auditing process, ONRR is considering whether there are valuation methods that would (1) Be more efficient than the current method of calculating value on gross proceeds (minus actual costs); (2) require less accounting and auditing work; and (3) still establish a value that reflects, or very closely approximates, actual market conditions. We seek input on the following questions:

- What alternatives to gross proceeds would you recommend?
- Would a dollars-per-energy content unit (e.g., dollars-per-million British thermal units ($/MMBtu)) or dollars-per-weight unit (e.g., $/ton) valuation method be reasonable? If so, how should such a value be established?
- Should such ''fixed'' royalty values be revised from time to time? If so, on what basis, and at what time or on what occasions?
- Are there published index prices that accurately reflect the actual market value of coal? If so, what are those index prices and to what areas of the country or to what types of coal do they apply?
- Does the concentration of Federal or Indian production in some areas of the country create any potential problems with relying on index prices in those areas, now or in the future?

B. Non-Arm's-Length or No-Contract Situations

The benchmarks applicable to value coal in non-arm's-length or no-sale situations have proven difficult to use in practice. In addition, the first benchmark does not allow the use of comparable arm's-length sales by the lessee or its affiliates, exacerbating the challenging process of obtaining and comparing relevant arm's-length sales contracts to value non-arm's-length sales. Furthermore, disputes arise over which sales are comparable, particularly because of the inherent ambiguity in applying the comparability factors.

The ONRR is soliciting comments on how to simplify and improve the valuation of coal disposed of in non-arm's-length transactions and no-sale situations. We seek input on the following questions:

- Should the current non-arm's-length benchmarks and their current sequential priority be retained? If not, what other methodologies might ONRR use to determine the royalty value of coal not sold at arm's length?
- Should the factors for determining the comparability of arm's-length contracts to non-arm's-length contracts, at 30 CFR 1206.257 (c)(2)(i), be amended, clarified, or removed?
- Should the royalty value of coal initially sold under non-arm's-length conditions be based on the gross proceeds received from the first arm's-length sale of that coal in situations where there is a subsequent arm's-length sale? (A variant of this approach would be to change the definition of the term ''lessee'' to include the lessee and its affiliates, partners, marketing agents, and trade and export associations, and establish royalty value based on the first sale to a buyer who is not included in the definition of ''lessee.'')
- Should the royalty value of coal sold under non-arm's-length conditions be based on a published index price? If so, which index and why?
- Should the royalty value be determined by calculating the cost to produce the coal plus a return on capital investment, if the particular coal is never sold at arm's length, or if sold by a coal cooperative of which the lessee is a member? If so, how should the return on capital investment be calculated?
- Are there any other appropriate methods for determining the royalty value of coal consumed without sale or without an arm's-length sale?

C. Transportation and Washing Allowances

The ONRR is exploring potential proposed changes to washing and transportation allowances that would streamline industry reporting and ONRR auditing processes. In particular, calculating actual transportation or washing costs under non-arm's-length transportation or washing arrangements can place a significant accounting burden on lessees and make the audit process lengthy and complex. We seek input on the following questions:

• Can the process of determining appropriate transportation and washing deductions or allowances be simplified? If so, how?

• Should ONRR allow bundled charges for coal transportation or washing?

• Should ONRR set standard cents per ton allowance amounts for washing and transportation in lieu of calculating actual costs? If so, how should such fixed allowances be determined; and when, and under what circumstances, should they be changed?

• Is coal washing an operation necessary to put coal into marketable condition for which no allowance should be permitted?

• Should transportation allowances be based on yearly averages from one region to another?

• Should the coal transportation and washing allowances be limited to a maximum percentage in a manner similar to gas transportation and processing allowances? Current coal valuation regulations provide that under no circumstances will the authorized washing allowance and transportation allowance reduce the value for royalty purposes to zero (30 CFR 1206.261(b) and 1206.460(b)). Gas transportation allowances may not exceed 50 percent of the value of the unprocessed gas, residue gas, or gas plant product, without prior written approval from ONRR (30 CFR 1206.156(c) and 1206.177(c)). The gas processing allowance deduction on the basis of an individual product may not exceed 66⅔ percent of the value of each gas plant product, reduced first for any transportation allowances related to post-processing transportation (30 CFR 1206.158(c)(2) and 1206.179(c)). If coal washing and transportation allowances should be limited to a maximum percentage of the initial value, what would be an appropriate percentage?

D. Coal Cooperatives

Coal cooperatives are a small but growing part of the coal industry. A coal cooperative is owned by its member power companies, and either mines coal itself or through a subsidiary. A cooperative provides its members with a secure source of coal at below-market prices that generally exclude a profit component. Current valuation regulations are not well suited to determining the royalty value of coal sold by cooperatives. We seek input on the following questions:

• Should the royalty value of coal sold by these cooperatives be determined based on a different method than is used for coal not sold by or through cooperatives due to the unique aspects of these cooperatives? If so, what method(s) would you propose?

• Please comment on the use of production cost and return on investment as a possible valuation method.

E. Other Issues

The existing ONRR regulations contain only general provisions that address in situ or surface gasification or liquefaction (30 CFR 1206.264 and 1206.463). Under these provisions, a lessee must propose a value, and ONRR will issue a value determination. We seek input on the following questions:

• Are there general valuation methods that would be appropriate for most or all in situ or surface gasification or liquefaction operations? If so, please describe them.

• What other new production methods is industry developing that are likely to be economically viable and used in the near- to medium-term future?

• Are there any new marketing methods for coal of which ONRR should be aware?

In the interest of possible simplification, ONRR is interested in receiving comments regarding the continued separation of Federal and Indian coal valuation regulations. We seek input on the following questions:

• Should the Federal and Indian regulations be combined?

• Should the Indian coal valuation regulations be modified to eliminate the approval and form-filing requirements for washing and transportation allowances in the current regulations at 30 CFR 1206.458(a) and 1206.461(a)?

The ONRR is also interested in receiving comments on any other alternative coal valuation methodologies. If you propose a methodology different from those discussed above, please use our example criteria and explain why you believe your methodology is the best alternative. In addition, ONRR requests input on how the various methodologies would affect industry business practices, bookkeeping, etc.

Dated: May 23, 2011.

Rhea Suh,

Assistant Secretary for Policy, Management and Budget.

[FR Doc. 2011–13284 Filed 5–26–11; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[USCG–2011–0247]

RIN 1625–AA08

Special Local Regulation; Kelley's Island Swim, Lake Erie; Kelley's Island, Lakeside, OH

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes establishing a permanent Special Local Regulation on Lake Erie, Lakeside, Ohio. This regulation is intended to restrict vessels from portions of Lake Erie during the annual Kelley's Island Swim, which takes place in the second half of July. This special local regulated area is necessary to protect swimmers from vessel traffic.

DATES: Comments and related material must be received by the Coast Guard on or before June 16, 2011.

ADDRESSES: You may submit comments identified by docket number USCG–2011–0247 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or e-mail BM1 Tracy Girard, Response Department, MSU Toledo, Coast Guard; telephone (419) 418–6036, e-mail *Tracy.M.Girard@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:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2011–0247), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via *http://www.regulations.gov*) or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *http://www.regulations.gov,* it will be considered received by the Coast Guard when the comment is successfully transmitted; a comment submitted via fax, hand delivery, or mail, will be considered as having been received by the Coast Guard when the comment is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* click on the ''submit a comment'' box, which will then become highlighted in blue. In the ''Document Type'' drop down menu, select ''Proposed Rule'' and insert ''USCG–2011–0247'' in the ''Keyword'' box. Click ''Search'' then click on the balloon shape in the ''Actions'' column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments 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 and material received during the comment period and may change the rule based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* click on the ''read comments'' box, which will then become highlighted in blue. In the ''Keyword'' box insert ''USCG–2011–0247'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Privacy Act

Anyone can search the electronic form of 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 a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one using one of the four methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Basis and Purpose

Each year an organized swimming event takes place in Lake Erie in which individuals swim the four miles between Lakeside and Kelleys Island, OH. The Captain of the Port Detroit has determined that swimmers in close proximity to watercraft and in the shipping channel pose extra and unusual hazards to public safety and property. Establishing a Special Local Regulation around the location of the race's course will help ensure the safety of persons and property at these events and help minimize the associated risks.

Discussion of Proposed Rule

This proposed rule is intended to ensure safety of the public and vessels during the annual Kelley's Island Swim. This proposed rule will become effective 30 days after the final rule is published in the **Federal Register** and will remain permanently effective. However, the proposed Special Local Regulation will only be enforced annually on the second or third week in July from 7 a.m. until 11 a.m. Vessels seeking to transit through the area of the race should contact the Captain of the Port or his or her on-scene representative. The on-scene representative may be present on any Coast Guard, state or local law enforcement, or sponsor provided vessel assigned to patrol the event. The on-scene representatives may permit vessels to transit the area when no race activity is occurring.

This proposed Special Local Regulation will encompass all navigable waters of the United States on Lake Erie, Lakeside OH, bound by a line extending from a point on land at the Lakeside dock at positions 41°32′51.96″ N; 082°45′3.15″ W and 41°32′52.21″ N; 082°45′2.19″ W and a line extending to Kelley's Island dock to positions 41°35′24.59″ N; 082°42′16.61″ W and 41°35′24.44″ N; 082°42′16.04″ W.

The Captain of the Port will notify the affected segments of the public of the enforcement of this proposed Special Local Regulation by all appropriate means. Means of notification may include publication of Notice of Enforcement (NOE) in the **Federal Register**, Broadcast Notice to Mariners, and Local Notice to Mariners.

Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS). We conclude that this proposed rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The Special Local Regulation will be relatively small and exist for a relatively short time. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Under certain

conditions, moreover, vessels may still transit through the area when permitted by the Captain of the Port.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

This proposed rule will affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in the portion Lake Erie, Lakeside, OH discussed above between 7 a.m. and 11 a.m. on the second or third week in July each year.

This proposed Special Local Regulation will not have a significant economic impact on a substantial number of small entities for the following reasons: This proposed rule, while permanent, will only be enforced for approximately 4 hours each year on the day of the swimming event.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact BM1 Tracy Girard, Response Department, MSU Toledo, Coast Guard; telephone (419) 418–6036, e-mail *Tracy.m.girard@uscg.mil.* The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

Collection of Information

This proposed rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this proposed rule elsewhere in this preamble.

Taking of Private Property

This proposed rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule will meet applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This proposed rule is not an economically significant rule and will not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves the establishment of a Special Local Regulation and is therefore categorically excluded under figure 2–1, paragraph (34)(h), of the Instruction. During the annual permitting process for this swimming

event an environmental analysis will be conducted to include the effects of this proposed Special Local Regulation. Thus, no preliminary environmental analysis checklist or Categorical Exclusion Determination (CED) are required for this proposed rulemaking action. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 100

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

2. Add § 100.921 to read as follows:

§ 100.921 Kelley's Island Swim, Lake Erie, Lakeside, OH.

(a) *Regulated Area.* The regulated area includes all U.S. navigable waters of lake Erie, Lakeside, OH, bound by a line extending from a point on land at the Lakeside dock at positions 41°32′51.96″ N; 082°45′3.15″ W and 41°32′52.21″ N; 082°45′2.19″ W and a line extending to Kelley's Island dock to positions 41°35′24.59″ N; 082°42′16.61″ W and 41°35′24.44″ N; 082° 42′16.04″ W.1′35.78″ W. (DATUM: NAD 83).

(b) *Special Local Regulations.* The regulations of § 100.901 apply. No vessel may enter, transit through, or anchor within the regulated area without the permission of the Coast Guard Patrol Commander.

(c) *Enforcement Period.* These Special Local Regulations will be enforced annually on one day from 7 a.m. until 11 a.m. during the second or third week in July.

Dated: May 11, 2011.

J.E. Ogden,

Captain, U.S. Coast Guard, Captain of the Port Detroit.

[FR Doc. 2011–13181 Filed 5–26–11; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2011–0306]

RIN 1625–AA08

Special Local Regulations for Marine Events, Bogue Sound; Morehead City, NC

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes establishing of Special Local Regulations for ''The Crystal Coast Grand Prix'' powerboat race, to be held on the waters of Bogue Sound, adjacent to the Morehead City, North Carolina on August 20–21, 2011. This Special Local Regulation is necessary to protect spectators and vessels from hazards associated with powerboat races. This proposed regulation would close a portion of the waters of Bogue Sound to vessel traffic not participating in the powerboat race while the race is ongoing.

DATES: Comments and related material must be received by the Coast Guard on or before June 27, 2011.

ADDRESSES: You may submit comments identified by docket number USCG–2011–0306 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or e-mail BOSN3 Joseph M. Edge, Coast Guard Sector North Carolina, Coast Guard; telephone 252–247–4525, e-mail *Joseph.M.Edge@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:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking [USCG–2011–0306], indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online at *http://www.regulations.gov* or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* click on the ''submit a comment'' box, which will then become highlighted in blue. In the ''Document Type'' drop down menu select ''Proposed Rule'' and insert ''USCG–2011–0306'' in the ''Keyword'' box. Click ''Search'' then click on the balloon shape in the ''Actions'' column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments 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 and material received during the comment period and may change the rule based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble

as being available in the docket, go to *http://www.regulations.gov,* click on the ''read comments'' box, which will then become highlighted in blue. In the ''Keyword'' box insert ''USCG–2011–0306'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Privacy Act

Anyone can search the electronic form of 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 a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one using one of the four methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Basis and Purpose

On August 20–21, 2011 from 10 a.m. to 4 p.m. East Coast Extreme Corporation will sponsor ''The Crystal Coast Grand Prix'' on the waters of Bogue Sound adjacent to Morehead City, North Carolina. This special local regulation is necessary to ensure the safety of vessels and spectators from hazards associated with a powerboat race. The Captain of the Port North Carolina has determined powerboat races in close proximity to watercraft and infrastructure pose significant risk to public safety and property. The likely combination of large numbers of recreation vessels, powerboats traveling at high speeds, and large numbers of spectators in close proximity to the water could easily result in serious injuries or fatalities. Establishing a special local regulation that prohibits vessels or persons from entering the race course and surrounding area will help ensure the safety of persons and property at this event and help minimize the associated risk.

Discussion of Proposed Rule

This proposed special local regulation is necessary to ensure the safety of spectators and vessels during set-up, course familiarization, testing, and during the ''Crystal Coast Grand Prix'' powerboat race. The powerboat races will occur between 10 a.m. and 4 p.m. on August 20–21, 2011.

The special local regulation will encompass the waters of Bogue Sound, adjacent to Morehead City from the southern tip of Sugar Loaf Island approximate position latitude 34°42′45″ N, longitude 076°42′48″, thence westerly to Morehead City Channel Daybeacon 7 (LLNR 38620), thence southwesterly along the channel line to Bogue Sound Light 4 (LLNR 38770), thence southerly to Causeway Channel Daybeacon 2 (LLNR 28720), thence southeasterly to Money Island Daybeacon 1 (LLNR 38645), thence easterly to Eight and One Half Marina Daybeacon 2 (LLNR 38685), thence easterly to the westernmost shoreline of Brant island approximate position latitude 34°42′36″ N, longitude 076°42′11″ W, thence northeasterly along the shoreline to Tombstone Point approximate position latitude 34°42′14″ N, longitude 076°41′20″ W, thence southeasterly to Morehead City Channel Lighted Buoy 23 (LLNR 29455), thence easterly to approximate position latitude 34°41′25″ N, longitude 076°41′22″ W, thence northerly along the shoreline to approximate position latitude 34°43′00″ N, longitude 076°41′25″, thence westerly to the North Carolina State Port Facility, thence westerly along the State Port to the southwest corner approximate position latitude 34°42′55″ N, longitude 076°42′12″, thence westerly to the southern tip of Sugar Loaf Island the point of origin. This regulated area encompasses the entire race course located on Bogue Sound near Morehead City, North Carolina. All geographic coordinates are North American Datum NAD 83.

Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under that those Orders.

Although this regulation will restrict access to the area, the effect of this rule will not be significant because the regulated area will be in effect for a limited time, from 10 a.m. to 4 p.m., on August 20–21, 2011. The Coast Guard will give advance notification via maritime advisories so mariners can adjust their plans accordingly, and the regulated area will apply only to the section of Bogue Sound adjacent to Morehead City. Coast Guard vessels enforcing this regulated area can be contacted on marine band radio VHF–FM channel 16 (156.8 MHz).

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit the specified portion of Bogue Sound from 10 a.m. to 4 p.m. on August 20–21, 2011.

This proposed rule would not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will only be in effect for six hours each day for two days total. The regulated area applies only to the section of Bogue Sound adjacent to Morehead City and traffic may be allowed to pass through the regulated area with the permission of the Coast Guard Patrol Commander. Before the enforcement period, we will issue maritime advisories so mariners can adjust their plans accordingly.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact CWO3 Joseph Edge, Waterways Management Division Chief, Coast Guard Sector North Carolina, at (252) 247–4525. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This proposed rule would not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination, under figure 2–1, paragraph 34(h) and 35(a) of the Instruction, that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A preliminary environmental analysis checklist supporting this determination is available in the docket where indicated under **ADDRESSES**. This rule involves implementation of regulations within 33 CFR part 100 that apply to organized marine events on the navigable waters of the United States that may have potential for negative impact on the safety or other interest of waterway users and shore side activities in the event area. This special local regulation is necessary to provide for the safety of the general public and event participants from potential hazards associated with movement of vessels near the event area. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U. S. C. 1233.

2. Add a temporary § 100.35T05–0306 to read as follows:

§ 100.35T05–0306 Special Local Regulation; Crystal Coast Grand Prix; Morehead City, NC.

(a) *Regulated area.* The following location is a regulated area: All waters of Bogue Sound, adjacent to Morehead City from the southern tip of Sugar Loaf Island approximate position latitude 34°42′45″ N, longitude 076°42′48″ , thence westerly to Morehead City Channel Daybeacon 7 (LLNR 38620), thence southwesterly along the channel line to Bogue Sound Light 4 (LLNR

38770), thence southerly to Causeway Channel Daybeacon 2 (LLNR 28720), thence southeasterly to Money Island Daybeacon 1 (LLNR 38645), thence easterly to Eight and One Half Marina Daybeacon 2 (LLNR 38685), thence easterly to the westernmost shoreline of Brant island approximate position latitude 34°42′36″ N, longitude 076°42′11″ W, thence northeasterly along the shoreline to Tombstone Point approximate position latitude 34°42′14″ N, longitude 076°41′20″ W, thence southeasterly to Morehead City Channel Lighted Buoy 23 (LLNR 29455), thence easterly to approximate position latitude 34°41′25″ N, longitude 076°41′22″ W, thence northerly along the shoreline to approximate position latitude 34°43′00″ N, longitude 076°41′25″ , thence westerly to the North Carolina State Port Facility, thence westerly along the State Port to the southwest corner approximate position latitude 34°42′55″ N, longitude 076°42′12″ , thence westerly to the southern tip of Sugar Loaf Island the point of origin. All coordinates reference Datum NAD 1983.

(b) *Definitions:* (1) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the U. S. Coast Guard who has been designated by the Commander, Coast Guard Sector North Carolina.

(2) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Sector North Carolina with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(3) *Participant* means all vessels participating in the ''The Crystal Coast Grand Prix'' powerboat race under the auspices of the Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Sector North Carolina.

(4) *Spectator* means all persons and vessels not registered with the event sponsor as participants or official patrol.

(c) *Special local regulations.* (1) The Coast Guard Patrol Commander may forbid and control the movement of all vessels in the vicinity of the regulated area. When hailed or signaled by an official patrol vessel, a vessel approaching the regulated area shall immediately comply with the directions given. Failure to do so may result in termination of voyage and citation for failure to comply.

(2) The Coast Guard Patrol Commander may terminate the event, or the operation of any support vessel participating in the event, at any time it is deemed necessary for the protection of life or property. The Coast Guard may be assisted in the patrol and enforcement of the regulated area by other Federal, State, and local agencies.

(3) Vessel traffic, not involved with the event, may be allowed to transit the regulated area with the permission of the Patrol Commander. Vessels that desire passage through the regulated area shall contact the Coast Guard Patrol Commander on VHF–FM marine band radio for direction. Only participants and official patrol vessels are allowed to enter the regulated area.

(4) All Coast Guard vessels enforcing the regulated area can be contacted on marine band radio VHF–FM channel 16 (156.8 MHz) and channel 22 (157.1 MHz). The Coast Guard will issue marine information broadcast on VHF–FM marine band radio announcing specific event date and times.

(d) Enforcement period: This section will be enforced from 10 a.m. to 4 p.m. on August 20–21, 2011.

Dated: May 5, 2011.

A. Popiel,

Captain, U.S. Coast Guard, Captain of the Port North Carolina.

[FR Doc. 2011–13177 Filed 5–26–11; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2011–0194]

RIN 1625–AA08

Special Local Regulations; Sabine River, Orange, TX

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary Special Local Regulation in the Port Arthur Captain of the Port Zone on the Sabine River, Orange, Texas on September 24–25, 2011. This Special Local Regulation is intended to restrict vessels from portions of the Sabine River during the annual S.P.O.R.T boat races. This Special Local Regulations is necessary to protect spectators and vessels from the hazards associated with powerboat races.

DATES: Comments and related material must be received by the Coast Guard on or before June 27, 2011.

ADDRESSES: You may submit comments identified by docket number USCG–2011–0194 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or e-mail Mr. Scott Whalen, Marine Safety Unit Port Arthur, TX, Coast Guard; telephone 409–719–5086, e-mail *scott.k.whalen@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:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2011–0194), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via *http://www.regulations.gov*) or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via www.regulations.gov, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a telephone number in the body of your document so that we can

contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* click on the ''submit a comment'' box, which will then become highlighted in blue. In the ''Document Type'' drop down menu select ''Proposed Rule'' and insert ''USCG–2011–0194'' in the ''Keyword'' box. Click ''Search'' then click on the balloon shape in the ''Actions'' column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments 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 and material received during the comment period and may change the rule based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* click on the ''read comments'' box, which will then become highlighted in blue. In the ''Keyword'' box insert ''USCG–2011–0194'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Privacy Act

Anyone can search the electronic form of 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 a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one using one of the four methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

This temporary special local regulation is necessary to ensure the safety of vessels and spectators from hazards associated with a powerboat race. The Captain of the Port has determined that powerboat races in close proximity to watercraft and infrastructure pose significant risk to public safety and property. The likely combination of large numbers of recreation vessels, powerboats traveling at high speeds, and large numbers of spectators in close proximity to the water could easily result in serious injuries or fatalities. Establishing a special local regulation around the location of the race course will help ensure the safety of persons and property at these events and help minimize the associated risks.

Discussion of Proposed Rule

This proposed temporary special local regulation is necessary to ensure the safety of spectators and vessels during the setup, course familiarization, testing and race in conjunction with the Orange, TX S.P.O.R.T. boat races. The powerboat race and associated testing will occur between 8 a.m. on September 24, 2011 and 6 p.m. on September 25, 2011. The special local regulation will be enforced daily from 8 a.m. to 6 p.m. on September 24 and 25, 2011.

The special local regulation will encompass all waters of the Sabine River adjacent to Naval Reserve Center and Orange, TX public boat ramp. The northern boundary will be from the end of Navy Pier One at 30°05′45″ N 93°43′24″ W then easterly to the rivers eastern shore. The southern boundary is a line shoreline to shoreline at latitude 30°05′33″ N. All geographic coordinates are North American Datum of 1983 [NAD 83].

All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. Entry into, transiting, or anchoring within the special local regulation area is prohibited unless authorized by the Captain of the Port or his designated on scene representative. For authorization to enter the proposed safety zone, vessels can contact the Captain of the Port's on scene representative on VHF Channel 16 or Vessel Traffic Service Port Arthur on VHF Channel 65A, by telephone at (409) 719–5070, or by facsimile at (409) 719–5090.

Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under that those Orders.

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary. The basis of this finding is that the safety zone will only be in effect for 10 hours each day and notifications to the marine community will be made through broadcast notice to mariners and Marine Safety Information Bulletin. During non-enforcement hours all vessels will be allowed to transit through the safety zone without permission of the Captain of the Port, Port Arthur or a designated representative. Additionally, scheduled breaks will be provided to allow waiting vessels to transit safely through the safety zone.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

This proposed rule would not have a significant economic impact on a substantial number of small entities for the following reasons: (1) This rule will only be enforced from 8 a.m. until 6 p.m. each day that it is effective; (2) during non-enforcement hours all vessels will be allowed to transit through the safety zone without having to obtain permission from the Captain of the Port, Port Arthur or a designated representative; and (3) vessels will be allowed to pass through the zone with permission of the Coast Guard Patrol

Commander during scheduled break periods between races and at other times when permitted by the Coast Guard Patrol Commander.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Mr. Scott Whalen, Marine Safety Unit Port Arthur, TX; telephone (409) 719–5086, e-mail *scott.k.whalen@uscg.mil.* The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This proposed rule would not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of a special local regulation. Based on our preliminary determination, there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction.

Therefore, we believe that this rule should be categorically excluded. Because this event establishes a special local regulation, paragraph (34)(h) of figure 2–1 of the Instruction applies. Thus, no further environmental documentation is required. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—REGULATED—SAFETY OF LIFE ON NAVIGABLE WATERS

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

2. Add a new temporary § 100.35T08–0194 to read as follows:

§ 100.35T08–0194 Special Local Regulations for Marine Events; Sabine River, Orange, TX.

(a) *Definitions.* As used in this section ''*Participant Vessel*'' means all vessels

officially registered with event officials to race or work in the event. These vessels include race boats, rescue boats, tow boats, and picket boats associated with the race.

(b) *Location.* The following area is a safety zone: All waters of the Sabine River, shoreline to shoreline, adjacent to the Naval Reserve Unit and the Orange public boat ramps located in Orange, TX. The northern boundary is from the end of Navy Pier One at 30°05′45″ N 93°43′24″ W then easterly to the rivers eastern shore. The southern boundary is a line shoreline to shoreline at latitude 30°05′33″ N.

(c) *Enforcement Periods.* This regulation will be enforced daily from 8 a.m. until 6 p.m. on September 24 and 25, 2011.

(d) Regulations. (1) In accordance with the general regulations in § 100 of this part, entry into this zone is prohibited to all vessels except participant vessels and those vessels specifically authorized by the Captain of the Port, Port Arthur or a designated representative.

(2) Persons or vessels requiring entry into or passage through must request permission from the Captain of the Port, Port Arthur, or a designated representative. They may be contacted on VHF Channel 13 or 16, or by telephone at (409) 723–6500.

(3) All persons and vessels shall comply with the instructions of the Captain of the Port, Port Arthur, designated representatives and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

Dated: March 22, 2011.

J.J. Plunkett,

Captain, U.S. Coast Guard, Captain of the Port, Port Arthur.

[FR Doc. 2011–13175 Filed 5–26–11; 8:45 am]

BILLING CODE 9110–04–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3050

[Docket No. RM2011–11; Order No. 736]

Periodic Reporting

AGENCY: Postal Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is noticing a recently-filed Postal Service petition to initiate an informal rulemaking proceeding to consider changes in analytical principles. Proposal Three involves changes to the method by which unused stamp and meter revenue are allocated in its Revenue, Pieces, and Weight report. This notice informs the public of the filing, addresses preliminary procedural matters, and invites public comment.

DATES: *Comments are due:* June 23, 2011.

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: On May 18, 2011, the Postal Service filed a petition pursuant to 39 CFR 3050.11 requesting the Commission to initiate an informal rulemaking proceeding to consider changes in the analytical methods approved for use in periodic reporting.[1] Proposal Three would revise the method by which unused stamp and meter revenue reflected in the Postal Service's financial accounts are allocated to single-piece First-Class, Priority, and other mail in its Revenue, Pieces, and Weight (RPW) report.

The Postal Service's Trial Balance revenue accounts are set up to identify revenue by source. One of the sources of revenue that those accounts identify is method of payment (by stamp or by meter). Stamp and meter revenue are generated by single-piece First-Class Mail and Priority Mail and, to a small extent, other products. Since the amount of stamp and metered postage purchased is always greater than the amount used, the unused portion is accounted for as a liability. Changes in the amount of this liability are tracked by revenue adjustment accounts labeled ''Postage-in-the-Hands-of-the-Public'' (PIHOP). There is a PIHOP for stamp revenue and another for meter revenue. The Postal Service currently distributes PIHOP stamp and PIHOP meter revenue adjustments to First-Class Mail and Priority Mail in proportion to total ODIS–RPW sampling revenue. Petition, Supporting Material, at 3–6.

The Postal Service believes that this method over-allocates the PIHOP revenue adjustment to Priority Mail and under-allocates it to single-piece First-Class Mail. *Id.* at 3. It also believes that there is an over-allocation of the meter PIHOP, although to a much lesser degree. *Id.* at 6–7. It estimates that in the Q2 FY 2011 RPW report, the current misallocation of PIHOP results in an underestimate of domestic Priority Mail revenue by $35 million and an overestimate of single-piece First-Class letter mail revenue by $63 million. *Id.* at 13.

The Postal Service proposes to remedy this misallocation of stamp and meter revenue to products by distributing PIHOP stamp adjustments in proportion to ODIS–RPW sampling stamp revenue and PIHOP meter adjustments in proportion to ODIS–RPW sampling meter revenue. *Id.* at 9. The details of the rather intricate process by which this revised distribution would be accomplished are described at pages 10 and 11 of the material supporting the Petition. The Postal Service asserts that, if approved, Proposal Three could be implemented immediately. *Id.* at 12.

The Petition and spreadsheets illustrating the proposed method are available for review on the Commission's Web site, *http://www.prc.gov.*

Pursuant to 39 U.S.C. 505, Curtis Kidd is designated as Public Representative to represent the interests of the general public in this proceeding. Comments are due no later than June 23, 2011.

It is ordered:

1. The Petition of the United States Postal Service Requesting Initiation of a Proceeding to Consider a Proposed Change in Analytic Principles (Proposal Three), filed May 18, 2011, is granted.

2. The Commission establishes Docket No. RM2011–11 to consider the matters raised by the Postal Service's Petition.

3. Interested persons may submit comments on Proposal Three no later than June 23, 2011.

4. The Commission will determine the need for reply comments after review of the initial comments.

5. Curtis Kidd is appointed to serve as the Public Representative to represent the interests of the general public in this proceeding.

6. The Secretary shall arrange for publication of this notice in the **Federal Register**.

[1] Petition of the United States Postal Service Requesting Initiation of a Proceeding to Consider a Proposed Change in Analytic Principles (Proposal Three), May 18, 2011 (Petition).

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2011–13158 Filed 5–26–11; 8:45 am]

BILLING CODE P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2011–0340; FRL–9312–3]

Approval and Promulgation of Air Quality Implementation Plans; Colorado; Revised Definitions; Construction Permit Program Fee Increases; Regulation 3

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve the two State Implementation Plan (SIP) revision packages submitted by the State of Colorado on August 1, 2007. EPA is proposing to approve the August 1, 2007 submittal revisions to Regulation 3, Part A, Section I where the State expanded on the definition of nitrogen dioxide to include it as a precursor to Ozone. EPA is also proposing to approve numerous housekeeping changes in the August 1, 2007 submittals. In addition, EPA proposes to take no action on several revisions to Colorado's Regulation 3 regarding New Source Review, that are contained in this submittal, where previously proposed, pending or future actions by EPA have addressed or will address these revisions. EPA is also proposing to not act on three provisions in the submittal that are not in Colorado's SIP. This action is being taken under section 110 of the Clean Air Act (CAA).

DATES: Comments must be received on or before June 27, 2011.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2011–0340 by one of the following methods:

- *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *E-mail: komp.mark@epa.gov.*
- *Fax:* (303) 312–6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).
- *Mail:* Director, Air Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129.
- *Hand Delivery:* Director, Air Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129. Such deliveries are only accepted Monday through Friday, 8 a.m. to 4:30 p.m., excluding Federal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R08–OAR–2011–0340. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA, without going through *http://www.regulations.gov* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional instructions on submitting comments, go to Section I. General Information of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8 a.m. to 4 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mark Komp, Air Program, 1595 Wynkoop Street, Mailcode: 8P–AR, Denver, Colorado 80202–1129, (303) 312–6022, *komp.mark@epa.gov.*

SUPPLEMENTARY INFORMATION:

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I. General Information
II. Background of State's Submittals
III. EPA Analysis of State's Submittals
IV. Consideration of Section 110(l) of the CAA
V. Proposed Action
VI. Statutory and Executive Order Reviews

Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

(i) The words or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.

(ii) The words *EPA, we, us* or *our* mean or refer to the United States Environmental Protection Agency.

(iii) The initials *SIP* mean or refer to State Implementation Plan.

(iv) The words *State* or Colorado mean the State of Colorado, unless the context indicates otherwise.

(v) The initials *APEN* mean or refer to Air Pollutant Emission Notice.

(vi) The initials *NSR* mean or refer to New Source Review, the initials PSD mean or refer to Prevention of Significant Deterioration and the initials *NAAQS* mean or refer to National Ambient Air Quality Standards.

(vii) The initials *NO2* mean Nitrogen Dioxide.

(viii) The initials *RACT* mean Reasonable Achievable Control Technology.

I. General Information

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

1. *Submitting CBI.* Do not submit this information to EPA through *http://regulations.gov* or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked

will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

a. Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).

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

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

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

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

f. Provide specific examples to illustrate your concerns, and suggest alternatives.

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

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

II. Background of State's Submittals

The State's August 1, 2007 submittal consisted of two revisions to the State's Regulation 3. The first revision was adopted by the State on August 17, 2006 and corrected minor issues EPA had identified regarding Colorado's New Source Review (NSR) program. The State adopted the revisions in order to ensure that the State would continue to have federal approval of its NSR program. In the definitions section of Regulation 3, Part A, Section I.B.16, Colorado adopted language to treat nitrogen dioxide as an ozone precursor. The State added in Part A, Section II.C.2.b(ii) under its Air Pollution Emission Notice (APEN) requirements that an increase of one ton per year or greater of nitrogen oxides emissions from a source with annual actual emissions less than one hundred tons and located in an ozone nonattainment area constituted a significant change. A significant change meant that a new APEN must be submitted to the State.

In the same revision, Methyl Ethyl Ketone was removed as a reportable compound from Appendix B of Regulation 3. The State added T–Butyl Acetate as a non-criteria reportable pollutant in Regulation 3, Appendix B. Minor grammatical revisions were also made throughout the revision.

The second revision adopted on December 14, 2006 contained annual emission fee increases in Part A, Section VI.D.1 of Regulation 3. The increase in fees is used to pay for the State's increased workload from the processing of APENs and permits.

III. EPA Analysis of State's Submittals

We have evaluated Colorado's August 1, 2007 submittal regarding revisions to the State's Regulation 3. We are proposing to approve the revisions, except for some specific revisions where we are taking no action. We are not acting on specific revisions because of prior actions taken by EPA on these revisions.

In the August 17, 2006 State adopted revision included in the August 1, 2007 submittal, the State corrected minor issues EPA had identified regarding Colorado's NSR program in order to ensure that the State would continue to have federal approval of the State's NSR program. EPA has proposed to approve Colorado's NSR program in a separate action on December 7, 2005 (70 FR 72744). The changes to Colorado NSR program that are part of the August 17, 2006 adopted revisions include revisions to Regulation 3, Part D, Sections: II.A.26.a.(i); II.A.26.g.(iii); and II.A.40.5. We are not taking action on these revisions within the context of today's action rather we will act on these revisions in a future action.

The August 17, 2006 adopted revisions also contains minor corrections that we have proposed to approve in a separate action on January 25, 2011 (76 FR 4271); therefore, we are not acting on those here. These corrections include amendments to Part A. II.C.2.b.(ii) and Part A. II.C.3.d.

Colorado adopted language within Regulation 3, Part A, Section I.B.16 to treat nitrogen dioxide as an ozone precursor. EPA proposed a separate action regarding approval of the adoptive language on April 19, 2011 (76 FR 21835). The four changes proposed in our April 2011 action include changes to the following regulations within Regulation 3, Part D: II.A.22.a; II.A.24.d, II.A.38.c, and II.A.42.a). However, this proposed action is limited to the State's treatment of nitrogen dioxide as an ozone precursor as it pertains to PSD. In this action we are approving the change in the definition within Part A, Section I.B.16. as it pertains to nitrogen dioxide as a precursor to ozone.

While Colorado's Cover Letter for the August 1, 2007 Submittal A identified the specific regulations the State requested that EPA approve into the SIP, the regulation compilation included several revisions that are not approved as part of the SIP. Therefore, since the State did not request action on these non-SIP regulatory changes, and they are not provisions that we approve into a SIP, EPA is not proposing any action on them. There are three provisions that are not in the SIP that we are not acting on. First, changes to Appendix B of Regulation 3 where the State removed Methyl Ethyl Ketone as a reportable compound. Second, the State added T-Butyl Acetate as a non-criteria reportable pollutant in Regulation 3, Appendix B. Third, changes made to Part C, Concerning Operating Permits (Part C. X.A.5). These revisions are not part of the EPA-approved SIP and these Appendices are not incorporated by reference into 40 CFR 52.320. Thus, because we are obligated to act on Colorado's SIP submission, we plan to not act on these revisions as a revision to the SIP.

Minor grammatical revisions made throughout the revisions are proposed for approval. These include revisions to the following provisions in Regulation 3, Part A, Section I.B.9.d. Finally, the December 14, 2006 revision containing the emission fee increases and wording change in Part A, Section VI.D.1 are proposed for approval.

IV. Consideration of Section 110(l) of the CAA

Section 110(l) of the CAA states that a SIP revision cannot be approved if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress toward attainment of the NAAQS or any other applicable requirement of the Act. The Colorado SIP revisions being approved that are the subject of this document do not interfere with attainment of the NAAQS or any other applicable requirement of the Act. In regard to the August 1, 2007 submittals, EPA proposes to approve several revisions to the State's Regulation Number 3. These portions do not relax the stringency of the Colorado SIP since they are housekeeping in nature. Therefore, the portions of the revisions proposed for approval satisfy section 110(l) requirements because they do not relax existing SIP requirements.

V. Proposed Action

In this action we are proposing to approve the change in the definition within Part A, Section I.B.16. as it pertains to nitrogen dioxide as a precursor to ozone. We are also proposing for approval the increase in the amount of the fees charged for pollutant emissions and minor wording

additions as specified in Regulation 3, Part A, Section VI.D.1.

Minor grammatical revisions made throughout the revisions, as identified above, are also being proposed for approval.

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by Reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: May 19, 2011.

Carol Rushin,

Acting Regional Administrator, Region 8.

[FR Doc. 2011–13272 Filed 5–26–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2011–0416; FRL–9312–4]

Revisions to the California State Implementation Plan, South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the South Coast Air Quality Management District (SCAQMD) portion of the California State Implementation Plan (SIP). These revisions concern oxides of nitrogen (NO_X) and oxides of sulfur (SO_X) emissions from facilities emitting 4 tons or more per year of NO_X or SO_X in the year 1990 or any subsequent year under the SCAQMD's Regional Clean Air Incentives Market (RECLAIM) program. We are approving a local rule that regulates these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by June 27, 2011.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2011–0416, by one of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions.
2. *E-mail: steckel.andrew@epa.gov.*
3. *Mail or deliver:* Andrew Steckel (Air–4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments will be included in the public docket without change and may be made available online at *http://www.regulations.gov*, including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *http://www.regulations.gov* or e-mail. *http://www.regulations.gov* is an ''anonymous access'' system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Docket: Generally, documents in the docket for this action are available electronically at *http://www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed at *http://www.regulations.gov*, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material, large maps), and some may not be publicly available in either location (*e.g.,* CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Lily Wong, EPA Region IX, (415) 947–4114, *wong.lily@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

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I. The State's Submittal

A. What rule did the State submit?

Table 1 lists the rule addressed by this proposal with the date that it was adopted by the local air agency and submitted by the California Air Resources Board (CARB).

TABLE 1—SUBMITTED RULE

Local agency	Rule No.	Rule title	Adopted	Submitted
SCAQMD	2002	Allocations for Oxides of Nitrogen (NO_X) and Oxides of Sulfur (SO_X).	11/05/10	04/05/11

On May 6, 2011, EPA determined that the submittal for SCAQMD Rule 2002 met the completeness criteria in 40 CFR Part 51 Appendix V, which must be met before formal EPA review.

B. Are there other versions of this rule?

Table 2 lists the previous version of this rule approved into the SIP.

TABLE 2—CURRENT SIP APPROVED VERSION OF RULE

Rule No.	Rule title	Adopted	Submitted	Approved FR citation
2002	Allocations for Oxides of Nitrogen (NO_X) and Oxides of Sulfur (SO_X).	01/07/2005	12/21/2005	08/29/2006, 71 FR 51120

C. What is the purpose of the submitted rule revisions?

NO_X helps produce ground-level ozone, smog and particulate matter, which harm human health and the environment. Section 110(a) of the CAA requires States to submit regulations that control NO_X emissions.

PM contributes to effects that are harmful to human health and the environment, including premature mortality, aggravation of respiratory and cardiovascular disease, decreased lung function, visibility impairment, and damage to vegetation and ecosystems. $PM_{2.5}$ can be emitted directly into the atmosphere as a solid or liquid particle (primary or direct $PM_{2.5}$) or can be formed in the atmosphere as a result of various chemical reactions from precursor emissions of NO_X, sulfur dioxide (SO_2), volatile organic compounds and ammonia (secondary $PM_{2.5}$). $PM_{2.5}$ in the South Coast Air Basin is overwhelmingly formed as a secondary pollutant. (South Coast 2007 Air Quality Management Plan, page ES–9). Therefore, the South Coast 2007 AQMP relies on reducing precursors to $PM_{2.5}$ and some directly-emitted $PM_{2.5}$ rather than fugitive dust (PM_{10}).

The RECLAIM program was initially adopted by SCAQMD in October 1993. The program established for many of the largest NO_X and SO_X facilities in the South Coast Air Basin a regional NO_X and a regional SO_X emissions cap and trade program, with the regional emissions caps declining over time until 2003. The program was designed to provide incentives for sources to reduce emissions and advance pollution control technologies by giving sources added flexibility in meeting emission reduction requirements. A NO_X or SO_X RECLAIM Trading Credit (RTC) is a limited authorization to emit one pound of NO_X or SO_X during a specified one year period. A RECLAIM source's emissions may not exceed its RTC holding in any compliance year. A RECLAIM source may comply with this requirement by installing control equipment, modifying their activities, or purchasing RTCs from other facilities.

The primary purpose of the amendments to Rule 2002 was to achieve SO_X emission reductions by lowering the SO_X emissions cap in the SO_X RECLAIM program. This is accomplished by the calculation procedures in the rule for lowering a source's SO_X RTC holdings. EPA's technical support document (TSD) has more information about this rule.

Rule 2002 submitted to EPA also includes certain amendments to the rule that occurred in 2005 that were not previously approved by EPA. These amendments lower a source's NO_X RTC holdings and result in NO_X emission reductions. EPA's TSD has more information about these provisions.

II. EPA's Evaluation and Action

A. How is EPA evaluating the rule?

Generally, SIP rules must be enforceable (see section 110(a) of the Act), must require Reasonably Available Control Technology (RACT) for each category of sources covered by a Control Techniques Guidelines (CTG) document as well as each major source in nonattainment areas (see sections 182(a)(2) and 182(f)), and must not relax existing requirements (see sections 110(l) and 193). The SCAQMD regulates an ozone nonattainment area (see 40 CFR part 81), so Rule 2002 must fulfill RACT.

Guidance and policy documents that we use to evaluate enforceability and RACT requirements consistently include the following:

1. ''State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule,'' (the NO_X Supplement), 57 FR 55620, November 25, 1992.

2. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,'' EPA, May 25, 1988 (the Bluebook).

3. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies,'' EPA Region 9, August 21, 2001 (the Little Bluebook).

B. Does the rule meet the evaluation criteria?

We believe this rule is consistent with the relevant policy and guidance regarding enforceability, RACT, and SIP relaxations. The TSD has more information on our evaluation.

C. Public Comment and Final Action

Because EPA believes the submitted rule fulfills all relevant requirements, we are proposing to fully approve it as described in section 110(k)(3) of the Act. We will accept comments from the public on this proposal for the next 30 days. Unless we receive convincing new information during the comment period, we intend to publish a final approval action that will incorporate this rule into the federally enforceable SIP.

III. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: May 19, 2011.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2011–13239 Filed 5–26–11; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 23

[Docket No. OST–2011–0101]

RIN 2105–AE10

Disadvantaged Business Enterprise: Program Improvements for Airport Concessions

AGENCY: Office of the Secretary (OST), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice of proposed rulemaking (NPRM) proposes conforming amendments to the Department of Transportation's Airport Concessions Disadvantaged Business Enterprise (ACDBE) regulation, consistent with recently issued amendments in the Department's regulation for the disadvantaged business enterprise (DBE) program in highway, transit, and airport financial assistance programs.

DATES: Comments on this proposed rule must be received by July 26, 2011.

ADDRESSES: You may submit comments (identified by the agency name and DOT Docket ID Number OST–2011–0101) by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and 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: You must include the agency name (Office of the Secretary, DOT) and Docket number (OST–2011–0101) for this notice at the beginning of your comments. You should submit two copies of your comments if you submit them by mail or courier. Note that all comments received will be posted without change to *http://www.regulations.gov* including any personal information provided and will be available to Internet users. You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477) or you may visit *http://DocketsInfo.dot.gov.*

Docket: For Internet access to the docket to read background documents and comments received, go to *http://www.regulations.gov.* Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Ave, S.E., Docket Operations, M–30, West Building Ground Floor, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, Room W94–302, 202–366–9310, *bob.ashby@dot.gov* or Wilbur Barham, Director National Airport Civil Rights Policy and Compliance, U.S. Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, Room 1030, 202–385–6210, *wilbur.barham@faa.gov.*

SUPPLEMENTARY INFORMATION: On January 28, 2011, the Department published a final rule establishing several program improvements to the Department's DBE program rule (49 CFR part 26) for financial assistance programs (76 FR 5083). This NPRM proposes conforming amendments to the Department's companion rule for the ACDBE program (49 CFR part 23) for several of the Part 26 amendments. The rationales for the proposed conforming changes to Part 23 are very similar to

those for the parallel Part 26 changes, and we refer readers to the preamble of the Part 26 final rule for information on the basis and purpose of the proposed changes.

We note that it is not necessary to propose conforming changes to Part 23 parallel to all of the Part 26 changes. For example, it is not necessary to include a Part 23 provision parallel to the change to § 26.11, concerning the frequency of reports, since existing § 23.27(b) already states the appropriate reporting frequency for Part 23 reports.

In addition, many of the Part 26 amendments apply automatically to Part 23, because of sections in Part 23 that incorporate provisions of Part 26. For example, existing § 23.23 incorporates the provisions of § 26.31, regarding directories, so the changes to § 26.31 apply in the Part 23 context without further amendment to Part 23. Existing § 23.31(a) states that, except where otherwise provided in Part 23, the certification provisions of §§ 26.61–26.91 apply to Part 23. Consequently, the amendments to §§ 26.71, 26.73, 26.81, 26.83, 26.84, and 26.85 automatically apply under Part 23 as well as Part 26. Finally, the existing § 23.25(e)(1)(iv) states that the administrative procedures applicable to contract goals in §§ 26.51–26.53 apply with respect to concession specific goals, so the amendment to § 26.51 and the amendment to § 26.53 automatically apply under Part 23 as well as Part 26.

In the list that follows, we highlight the recent amendments to Part 26 that apply automatically under Part 23. When these Part 26 sections apply under Part 23, the terms ''contractor'' or ''subcontractor'' are understood to mean ''concessionaire'' or ''subconcessionaire.''

- Section 26.31: This amendment, requiring that the DBE directory include the list of each type of work for which a firm is eligible to be certified, applies to the ACDBE program as well.
- Section 26.51: Applied in the ACDBE context, this amendment directs recipients who originally set all race-neutral goals to start setting race-conscious concession-specific goals if it appeared that the race-neutral approach was not working.
- Section 26.53: As applied to ACDBEs, this amended section sets forth the circumstances in which a prime concessionaire has good cause to terminate an ACDBE firm.
- Section 26.71: Under this amended section, the types of work an ACDBE firm can perform must be described in terms of the most specific available NAICS code for that type of work.
- Section 26.73: This amended section provides that certification of a firm may not be denied solely on the basis that it is a newly formed firm, has not completed projects or contracts at the time of its application, has not yet realized profits from its activities, or has not demonstrated a potential for success.
- Section 26.81: The requirements for Unified Certification Programs (UCPs) were amended to require the UCP to revise the print version of the Directory at least once a year.
- Section 26.83: The amended procedures for making certification decisions apply in the ACDBE context. The amendments include a new subsection that addresses the procedure for a certification decision involving an application that was withdrawn and then resubmitted.
- Section 26.84: This section was removed in the recently issued Part 26 final rule.
- Section 26.85: This section has been removed and replaced with a section describing the process of interstate certification for a DBE firm. This includes the information the applicant must provide to the other state (''State B''), what actions State B must take when it receives an application, and appropriate reasons for making a determination that there is good cause to believe that the home state's, State A, certification of the firm is erroneous or should not apply in State B.

Even though the Part 26 amendments listed above apply automatically to Part 23, it is important that these new Part 26 changes make sense in the ACDBE context. Therefore, the Department seeks comments on whether there are terms or concepts in these recently issued Part 26 amendments that need to be modified to conform to the Part 23 context.

Amended § 26.39, concerning fostering small business participation, is focused on Federally-assisted contracting and associated issues such as ''unbundling.'' For this reason, the Department is not proposing at this time to include parallel provisions in Part 23, though we seek comments on whether additional small-business-related provisions are needed in the concessions context. The changes to § 26.45, concerning project goals, likewise apply only to DOT-assisted contracting, not concessions.

In § 23.35, the Department would substitute $1.32 million for the current $750,000 as the personal net worth (PNW) standard. This parallels the revision of § 26.67, and is being proposed for the same reasons. The Part 23 PNW provision has been separate from the Part 26 PNW provision, so a specific Part 23 amendment is needed to maintain consistency between the two regulations.

The Part 26 PNW definition differs from the Part 23 PNW definition in that Part 23 includes an exemption for ''other assets that the individual can document are necessary to obtain financing or a franchise agreement for the initiation or expansion of his or her ACDBE firm (or have in fact been encumbered to support existing financing for the individual's ACDBE business), to a maximum of $3 million.'' Some background regarding the $3 million (maximum) exemption for ''other assets * * *'' can be found in the preamble to 49 CFR Part 23, issued March 22, 2005.

In determining whether to include the $3 million exclusion, the Department noted that one PNW standard for Part 23 and Part 26 would ''* * * avoid concerns about overinclusiveness in the program by ensuring that persons who would fairly be perceived as too wealthy for a program aimed at assisting 'disadvantaged' individuals do not participate''. The Department countered ''[a]t the same time, the Department is sensitive to the concern of commenters that a PNW standard at this level [$750,000] could inhibit opportunities for business owners to enter the concessions field and expand existing businesses,'' and it also said that ''[i]n the different business context of concessions, the Department will add a third exclusion.''

The Department recognized in the preamble that ''[w]ithout unduly expanding the well-accepted $750,000 standard, this approach will take into account individual circumstances and avoid the 'glass ceiling' effect of an across-the-board PNW standard about which commenters were concerned'' and ''prevent the eligibility standards from becoming too open-ended, resulting in the participation of individuals so wealthy that it would be difficult to justify their inclusion in a program aimed at disadvantaged individuals, we are adding a $3 million cap on this third exclusion * * *''

The Department is aware that the $3 million exemption from PNW for assets used as collateral for a loan has been difficult to implement. For example, issues arise in applying the exemption when part of the loan has been paid down. Also, there has been inconsistent interpretation as to the necessary documentation to support this exemption. The Department seeks comment on whether this exemption should be retained in the definition of PNW, deleted altogether, modified, or

replaced with a different but more workable provision aimed to achieve the same objective. We would also like comments on how to improve the definition of this exemption so if retained, the exemption can be implemented more effectively.

In § 23.29, we propose to adopt the key change we made to § 26.37 concerning enhanced monitoring of the actual performance of work by DBEs or ACDBEs. Airports would be responsible for reviewing documents and actual on-site performance to ensure that ACDBEs were actually performing the work committed to them during the concession award process.

This NPRM would revise § 23.57 to make its accountability provisions parallel to those of the recently amended § 26.47(c). Again, the rationale for doing so is the same as for Part 26. The Department seeks comment on whether any further modifications of the language of this provision would be useful for purposes of the ACDBE program.

Regulatory Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

This is a non-significant regulation for purposes of Executive Order 12866 and the Department of Transportation's Regulatory Policies and Procedures. The proposals involve administrative modifications to several provisions of a long-existing and well-established program, designed to improve the program's implementation. The proposals, if made final, would not alter the direction of the program, make major policy changes, or impose significant new costs or burdens.

Regulatory Flexibility Act

A number of provisions of the NPRM would reduce small business burdens or increase opportunities for small business. The personal net worth change would allow some small businesses to remain in the ACDBE program for a longer period of time. Small recipients would not be required to prepare or transmit reports concerning the reasons for overall goal shortfalls and corrective action steps to be taken. Only the 30–50 airports receiving the greatest amount of FAA financial assistance or enplaning the greatest number of passengers would have to file these reports. The NPRM would not make major policy changes that would cause recipients to expend significant resources on program modifications. For these reasons, the Department certifies that the NPRM, if made final, would not have a significant economic impact on a substantial number of small entities.

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under the Order and have determined that it does not have implications for federalism, since it merely makes administrative modifications to an existing program. It does not change the relationship between the Department and State or local governments, pre-empt State law, or impose substantial direct compliance costs on those governments.

Paperwork Reduction Act

As required by the Paperwork Reduction Act of 1995, DOT has submitted the Information Collection Requests (ICRs) below to the Office of Management and Budget (OMB). Before OMB decides whether to approve these proposed collections of information and issue a control number, the public must be provided 30 days to comment. Organizations and individuals desiring to submit comments on the collections of information in this rule should direct them to the Office of Management and Budget, Attention: Desk Officer for the Office of the Secretary of Transportation, Office of Information and Regulatory Affairs, Washington, DC 20503. OMB is required to make a decision concerning the collection of information requirements contained in this rule 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.

We will respond to any OMB or public comments on the information collection requirements contained in this rule. The Department will not impose a penalty on persons for violating information collection requirements which do not display a current OMB control number, if required. The Department intends to obtain current OMB control numbers for the new information collection requirements resulting from this rulemaking action. The OMB control number, when assigned, will be announced by separate notice in the **Federal Register.**

It is estimated that the total incremental annual burden for the information collection requirements in this rule is 13,855 hours.

The following are the information collection requirements in this rule:

Certification of Monitoring (49 CFR 23.29)

Each recipient would certify that it had conducted post-award monitoring of contracts that would be counted for ACDBE credit to ensure that ACDBEs had done the work for which credit was claimed. The certification is for the purpose of ensuring accountability for monitoring which the regulation already requires.

Respondents: 184 (*i.e.,* airports with covered concessions).

Frequency: 1,071 non-car rental concessions; 449 car rental concessions, for a total of 1520, or an average of 8.2 concessions per airport.

Estimated Burden per Response: ½ hour.

Estimated Total Annual Burden: 6,230 hours.

Accountability Mechanism (49 CFR 23.57)

If a recipient failed to meet its overall goal in a given year, it would have to determine the reasons for its failure and establish corrective steps. Of the 184 airports covered by this rule, 35 large recipients would transmit this analysis to DOT; smaller recipients would perform the analysis but would not be required to submit it to DOT. We estimate that about half of recipients (92) would be subject to this requirement in a given year.

Respondents: 92.

Estimated Average Burden per Response: 80 hours + 5 additional hours for recipients sending report to DOT.

Estimated Total Annual Burden Hours: 7535 (i.e., 7,360 [92 × 80] + 175 [35 × 5]).

List of Subjects in 49 CFR Part 23

Administrative practice and procedure, Airports, Civil rights, Government contracts, Grant programs—transportation, Minority businesses, Reporting and record keeping requirements.

Issued this 4th day of May 2011, at Washington DC.

Ray LaHood,

Secretary of Transportation.

For the reasons set forth in the preamble, the Department of Transportation proposes to amend 49 CFR part 23 as follows:

PART 23—PARTICIPATION OF DISADVANTAGED BUSINESS ENTERPRISE IN AIRPORT CONCESSIONS

1. The authority citation for Part 23 continues to read as follows:

Authority: 49 U.S.C. 47107; 42 U.S.C. 2000d; 49 U.S.C. 322; Executive Order 12138.

2. Revise § 23.29 to read as follows:

§ 23.29 What monitoring and compliance procedures must recipients follow?

As a recipient, you must implement appropriate mechanisms to ensure compliance with the requirements of this part by all participants in the program. You must include in your concession program the specific provisions to be inserted into concession agreements and management contracts, the enforcement mechanisms, and other means you use to ensure compliance. These provisions must include a monitoring and enforcement mechanism to verify that the work committed to ACDBEs is actually performed by the ACDBEs. This mechanism must include a written certification that you have reviewed records of all contracts, leases, joint venture agreements, or other concession-related agreements and monitored the work on-site in your State for this purpose. The monitoring to which this paragraph refers may be conducted in conjunction with monitoring of contract performance for other purposes (*e.g.,* closeout reviews for a contract).

3. In § 23.35, remove the number ''$750,000'' and add in its place ''$1.32 million.''

4. Revise § 23.45(i) to read as follows:

§ 23.45 What are the requirements for submitting overall goal information to FAA?

* * * * *

(i) If a new concession opportunity, the estimated average annual gross revenues of which are anticipated to be $200,000 or greater, arises at a time that falls between normal submission dates for overall goals, you must submit an appropriate adjustment to your overall goal to the FAA for approval at least six months before executing the concession agreement for the new concession opportunity.

5. Revise § 23.57(b) and (c) to read as follows:

§ 23.57 What happens if a recipient falls short of meeting its overall goals?

* * * * *

(b) If the awards and commitments shown on your Uniform Report of ACDBE Participation (found in Appendix A to this Part) at the end of any fiscal year are less than the overall goal applicable to that fiscal year, you must do the following in order to be regarded by the Department as implementing your ACDBE program in good faith:

(1) Analyze in detail the reasons for the difference between the overall goal and your awards and commitments in that fiscal year;

(2) Establish specific steps and milestones to correct the problems you have identified in your analysis and to enable you to meet fully your goal for the new fiscal year;

(3)(i) If you are an Operational Evolution Partnership Plan airport or other airport designated by the FAA, you must submit, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under paragraphs (b)(1) and (2) of this section to the FAA for approval. If the FAA approves the report, you will be regarded as complying with the requirements of this section for the remainder of the fiscal year.

(ii) As an airport not meeting the criteria of paragraph (b)(3)(i) of this section, you must retain analysis and corrective actions in your records for three years and make it available to the FAA, on request, for their review.

(4) The FAA may impose conditions on the recipient as part of its approval of the recipient's analysis and corrective actions including, but not limited to, modifications to your overall goal methodology, changes in your race-conscious/race-neutral split, or the introduction of additional race-neutral or race-conscious measures.

(5) You may be regarded as being in noncompliance with this Part, and therefore subject to the remedies in § 23.11 of this part and other applicable regulations, for failing to implement your DBE program in good faith if any of the following things occur:

(i) You do not submit your analysis and corrective actions to FAA in a timely manner as required under paragraph (b)(3) of this section;

(ii) FAA disapproves your analysis or corrective actions; or

(iii) You do not fully implement the corrective actions to which you have committed or conditions that FAA has imposed following review of your analysis and corrective actions.

(c) If information coming to the attention of FAA demonstrates that current trends make it unlikely that you, as an airport, will achieve ACDBE awards and commitments that would be necessary to allow you to meet your overall goal at the end of the fiscal year, FAA may require you to make further good faith efforts, such as modifying your race-conscious/race-neutral split or introducing additional race-neutral or race-conscious measures for the remainder of the fiscal year.

[FR Doc. 2011–13187 Filed 5–26–11; 8:45 am]

BILLING CODE 4910–9X–P

Notices

Federal Register
Vol. 76, No. 103
Friday, May 27, 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

Forest Service

Shasta Lake Management Unit, Shasta-Trinity National Forest; California; Green-Horse Habitat Restoration and Maintenance Project

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Shasta-Trinity National Forest proposes to reduce fuels on approximately 41,816 acres under the Green-Horse Habitat Restoration and Maintenance Project. Proposed treatments include mostly prescribed underburning, with some thinning, pruning, piling, and pile burning. The proposed action does not include any commercial timber harvest, new forest system or temporary road construction, or existing road reconstruction.

DATES: Comments concerning the scope of the analysis must be received by June 30, 2011. The draft environmental impact statement is expected to be completed in January of 2012 and the final environmental impact statement is expected in August of 2012.

ADDRESSES: Send written comments to Betsy Hammet, 1602 Ontario Street, Sandpoint, ID 83864. Comments may also be submitted via e-mail to *comments-pacificsouthwest-shasta-trinity@fs.fed.us* with ''Green-Horse Habitat Restoration and Maintenance'' in the subject line, or by facsimile to (530) 275–1512.

FOR FURTHER INFORMATION CONTACT: Project leader Betsy Hammet, 1602 Ontario Street, Sandpoint, ID 83864. Phone: (208) 263–1059; e-mail address: *ahammet@fs.fed.us.* Comments may also be provided during normal business hours via telephone by calling project fuels specialist Ben Newburn at (530) 339–0024; e-mail address: *bnewburn@fs.fed.us.* Individuals who use telecommunication devices for the deaf (TDD) may call (530) 242–5526.

SUPPLEMENTARY INFORMATION:

The majority of the project area is located within the Shasta Lake Unit of the Shasta-Trinity National Forest, in Shasta County, approximately 20 miles northeast of Redding, California. The project area encompasses approximately 46,336 acres. A detailed description of the proposed action and treatment map can be downloaded from the Forest Web site at *http://www.fs.fed.us/nepa/nepa_projects?forest=110514.*

Purpose and Need for Action

The project's purpose and need arose from a comparison of the existing and desired conditions within the project area. Desired conditions have been identified in the Shasta-Trinity National Forest Land and Resource Management Plan (hereafter referred to as the ''forest plan''). The purpose of the project is as follows:

- Reduce fuel accumulations in the project area and trend the area toward historic fire regime conditions.
- Reduce the risks and consequences of public health and safety concerns related to poor air quality during wildfire events.
- Protect, enhance or maintain wildlife habitat quality, in particular for threatened, endangered and Forest Service sensitive species (*e.g.,* bald eagles).
- Protect, enhance or maintain scenic values, campgrounds, trails and other recreational values.

Proposed Action

Approximately 41,637 acres are proposed for prescribed underburning. In addition, hand thinning and/or brush cutting, pruning, piling, and burning of hand piles and/or underburning would occur on approximately 92 acres 50 feet from private property boundaries and on approximately 83 acres within 300 feet surrounding bald eagle nest sites. Approximately 4.61 miles (about 4 acres) of dozer firelines would be improved or constructed. Dozer lines would be approximately 8 feet wide. Project design features are included in the proposal to ensure protection of a variety of forest resources. The proposed treatment methods and prescriptions would be accomplished using an adaptive management strategy to allow modification of treatments if necessary during implementation.

A project-level forest plan amendment is also proposed. Currently, the forest plan requires an average of 20 tons per acre of downed wood for the limited roaded motorized forest plan management prescription. Management direction for the roaded recreation prescription is an average of 10 tons of unburned dead and down material per acre on slopes less than 40 percent and where feasible, the same amount on slopes over 40 percent. Those down fuel levels contradict current Forest Service Handbook soil standards, which recommend fuel levels of less than about 6 tons per acre overall to reduce the risk of adverse effects to soils from wildfires.

The Shasta-Trinity National Forest proposes to amend the Forest Plan to require an average of 5 to 15 tons per acre for those two management prescriptions. This project-level amendment is proposed to enable the Forest Service to achieve the stated fuel reduction objectives while providing for wildlife habitat needs and protecting soil and soil productivity. The amendment would affect approximately 16,602 acres of areas with limited roaded motorized recreation management prescriptions and 9,662 acres of areas with roaded recreation management prescriptions.

Responsible Official

The responsible official for this proposal is J. Sharon Heywood, Shasta-Trinity Forest Supervisor.

Nature of Decision To Be Made

The responsible official will decide whether to implement the proposed action, no action, or other alternatives considered under analysis. She will consider the comments, responses, disclosure of environmental consequences, and applicable laws, regulations, and policies in making the decision and stating the rationale in the Record of Decision.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the environmental impact statement. Public scoping will include notices in the newspaper of record, mailings of the scoping package to interested and affected parties and posting of the project on the Shasta-Trinity National Forest project planning

webpage and notice in the Quarterly Schedule of Proposed Actions.

Comment Requested

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. The submission of timely and specific comments can affect a reviewer's ability to participate in subsequent administrative appeal or judicial review.

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 or judicial reviews.

Authority: 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21.

Dated: May 23, 2011.

J. Sharon Heywood,

Forest Supervisor, Shasta-Trinity National Forest.

[FR Doc. 2011–13235 Filed 5–26–11; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Pike & San Isabel Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Pike & San Isabel Resource Advisory Committee will meet in Pueblo, Colorado. The committee is meeting as authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) and in compliance with the Federal Advisory Committee Act. The purpose of the conference call is for project coordination and understanding.

DATES: The meeting will be held on June 9, 2011, and will begin at 9 a.m.

ADDRESSES: The conference call will be held at the Supervisor's Office of the Pike & San Isabel National Forests, Cimarron and Comanche National Grasslands (PSICC) at 2840 Kachina Dr., Pueblo, Colorado. Written comments should be sent to Barbara Timock, PSICC, 2840 Kachina Dr., Pueblo, CO 81008. Comments may also be sent via e-mail to *btimock@fs.fed.us*, or via facsimile to 719–553–1416.

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at PSICC, 2840 Kachina Dr., Pueblo, CO 81008. Visitors are encouraged to call ahead to 719–553–1415 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Barbara Timock, RAC coordinator, USDA, Pike & San Isabel National Forests, 2840 Kachina Dr., Pueblo, CO 81008; (719) 553–1415; e-mail *btimock@fs.fed.us.*

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 Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: To understand project proposals and coordination efforts, the PSI–RAC will convene a conference call. No decisions will be made during this call and the RAC will report out at the next meeting. The June 9 conference call is open to the public. The following business will be conducted: (1) Review project implementation, (2) Discuss RAC member liaison efforts, (3) Public Comment. Persons who wish to bring related matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting. Public input sessions will be provided and individuals who made written requests by June 6, 2011 will have the opportunity to address the Committee at those sessions.

Dated: May 19, 2011.

John F. Peterson,

Designated Federal Official.

[FR Doc. 2011–13202 Filed 5–26–11; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Pike & San Isabel Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Pike & San Isabel Resource Advisory Committee will meet in Pueblo, Colorado. The committee is meeting as authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) and in compliance with the Federal Advisory Committee Act. The purpose of the conference call is for project coordination and understanding.

DATES: The meeting will be held on July 6, 2011, and will begin at 9 a.m.

ADDRESSES: The conference call will be held at the Supervisor's Office of the Pike & San Isabel National Forests, Cimarron and Comanche National Grasslands (PSICC) at 2840 Kachina Dr., Pueblo, Colorado. Written comments should be sent to Barbara Timock, PSICC, 2840 Kachina Dr., Pueblo, CO 81008. Comments may also be sent via e-mail to *btimock@fs.fed.us,* or via facsimile to 719–553–1416.

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at PSICC, 2840 Kachina Dr., Pueblo, CO 81008. Visitors are encouraged to call ahead to 719–553–1415 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Barbara Timock, RAC Coordinator, USDA, Pike & San Isabel National Forests, 2840 Kachina Dr., Pueblo, CO 81008; (719) 553–1415; e-mail *btimock@fs.fed.us.*

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 Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: To understand project proposals and coordination efforts, the PSI–RAC will convene a conference call. No decisions will be made during this call and the RAC will report out at the next meeting. The July 6 conference call is open to the public. The following business will be conducted: (1) Review project implementation (2) Discuss RAC member liaison efforts, (3) Public Comment. Persons who wish to bring related matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting. Public input sessions will be provided and individuals who made written requests by July 5, 2011 will have the opportunity to address the Committee at those sessions.

Dated: May 19, 2011.

John F. Peterson,

Designated Federal Official.

[FR Doc. 2011–13230 Filed 5–26–11; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Amador County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Amador County Resource Advisory Committee will meet in Sutter Creek, California. The committee is meeting as authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) and in compliance with the Federal Advisory Committee Act. The RAC will review, discuss and vote on proposed projects.

DATES: The meeting will be held on June 16, 2011 beginning at 6 PM.

ADDRESSES: The meeting will be held at 10877 Conductor Blvd., Sutter Creek, CA. Written comments should be sent to Frank Mosbacher; Forest Supervisor's Office; 100 Forni Road; Placerville, CA 95667. Comments may also be sent via e-mail to *fmosbacher@fs.fed.us,* or via facsimile to 530–621–5297.

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at 100 Forni Road; Placerville, CA 95667. Visitors are encouraged to call ahead to 530–622–5061 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Frank Mosbacher, Public Affairs Officer, Eldorado National Forest Supervisors Office, (530) 621–5268. 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 Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. The following business will be conducted: The RAC will consider and review two new projects and consider and prioritize all the remaining projects. More information will be posted on the Eldorado National Forest Web site *@http://www.fs.fed.us/r5/eldorado.* A public comment opportunity will be made available following the business activity. Future meetings will have a formal public imput period for those following the yet to be developed public imput process.

Dated: May 23, 2011.

Michael A. Valdes,

Acting Forest Supervisor.

[FR Doc. 2011–13232 Filed 5–26–11; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Allegheny Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Allegheny Resource Advisory Committee will meet in Clarendon, Pennsylvania. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the title II of the Act. The meeting is open to the public. The purpose of the meeting is to review and familiarize committee members with the process for submitting projects for funding consideration.

DATES: The meeting will be held June 8, 2011, at 9:30 a.m.

ADDRESSES: The meeting will be held at the Mead Township Building located on Mead Blvd., in Clarendon, Pennsylvania. Written comments may be submitted as described under Supplementary Information.

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at 4 Farm Colony Drive, Warren, Pennsylvania 16365. Please call ahead to Kathy Mohney at (814) 728–6298 to facilitate entry into the building to view comments.

FOR FURTHER INFORMATION CONTACT: Kathy Mohney, RAC Coordinator, Allegheny National Forest Supervisor's Office, 4 Farm Colony Drive, Warren, Pennsylvania 16365, phone (814) 728–6298 or e-mail *kmohney@fs.fed.us.*

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 Standard Time, Monday through Friday. Requests for reasonable accomodation for access to the facility or procedings may be made by contacting the person listed For Further Information.

SUPPLEMENTARY INFORMATION: The following business will be conducted: review and familiarize committee members with the process for preparing and submitting proposals for funding consideration.

Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by June 3, 2011, to be scheduled on the agenda. Written comments and requests for time for oral comments must be sent to 4 Farm Colony Drive, Warren, Pennsylvania, 16365, or by e-mail to *kmohney@fs.fed.us,* or via facsimile to (814) 726–1462.

Dated: May 20, 2011.

Leanne M. Marten,

Forest Supervisor.

[FR Doc. 2011–13236 Filed 5–26–11; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Rural Utilities Service Telecommunications Loan and Loan Guarantee Program

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of elimination of the List of Materials.

SUMMARY: Rural Development's Rural Utilities Service (RUS) and its predecessor, the Rural Electrification Administration, (REA) have played a leading role in helping rural America gain access to advanced telecommunications systems, equipment and services. The List of Materials historically has been a very useful tool in assuring product quality and reliability. However, Rural Development is taking a fundamentally new approach to advancing state-of-the-art telecommunications technologies, consistent with our commitment to high quality rural service and the efficient use of taxpayer dollars.

DATES: Effective May 23, 2011, Rural Development will no longer accept applications for equipment to be added to the List of Materials and will cease publication of the List of Materials for Telecommunications, RUS Information Publication 344–2.

ADDRESSES: An open letter from RUS Administrator Jonathan Adelstein is available at *http://www.rurdev.usda.gov/RUSTelecomPrograms.html.* Any further information regarding this subject will also be posted on this Web site.

FOR FURTHER INFORMATION CONTACT: Mr. Gary B. Allan, Acting Director, USDA–

RUS–ASD, 1400 Independence Ave., SW., STOP 1550, Room 2844, Washington, DC 20250; *Tel:* 202–690–4493; *Fax:* 202–720–1051.

Background: Technology has changed dramatically since the start of the agency's telecommunications program in 1949. The telecommunications equipment supply sector is very different, and far more complex and diverse, today than it was over 60 years ago. Product life cycles have accelerated, innovations abound and new suppliers have entered the market.

In this new technology environment, Rural Development must operate efficiently and effectively under current budgetary constraints. Maintaining the List of Materials, which includes a product by product review, simply cannot be sustained under our current budget and with our limited staff.

To protect our loan security and compliance with continuing Buy America statutory mandates, we will transition from a listing process to an approach which ensures that construction financed by RUS meets applicable industry standards. This new approach will be incorporated into our review of individual projects and the approval of loan advances.

Although the agency is ending the publication of the list, it is not ending its insistence that infrastructure financed by taxpayers through our program conform to the highest technical standards. It is also not altering its statutory Buy America obligations. In addition to facilitating government efficiency, this new approach will give our customers increased flexibility to find and deploy technology that meets the specific needs of their customers. Our staff stands prepared to work with applicants and borrowers to help them deploy effective technology that meets the needs of the rural communities they serve.

In addition, RUS understands that many borrowers that have put contracts out to bid requiring utilization of the List of Materials. In these cases, borrowers have two choices. First, they can cancel the bid solicitation or modify the solicitation to extend the bid date or clarify the bidding terms based upon the List of Materials no longer being available. Or two, they can require that bidders still follow the List of Materials that was in effect on the date the contract was put out to bid. In the event a potential bidder does not have a copy of the List of Materials that was in effect on the date the contract was put out to bid, the bidder may contact RUS staff for assistance in determining whether certain equipment was on the approved list at the time. RUS staff stand ready to assist all customers during this transition period.

Dated: May 23, 2011.

Jonathan Adelstein,

Administrator, Rural Utilities Service.

[FR Doc. 2011–13126 Filed 5–26–11;8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Massachusetts 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 meeting of the Massachusetts State Advisory Committee to the Commission will convene at 12 p.m. (E.D.T.) on Tuesday, June 14, 2011, at the Suffolk Law School, 120 Tremont Street, Boston, MA 02108. The purpose of the meeting is for project planning.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days of the meeting. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 624 9th Street, NW., Suite 740, Washington, DC 20425. They may be faxed to (202) 376–7548, or e-mailed to *ero@usccr.gov*. Persons who desire additional information may contact the Eastern Regional Office at (202) 376–7533.

Records generated from this this meeting may be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's website, *http://www.usccr.gov,* or to contact the Eastern Regional Office at the above e-mail or street address.

Deaf or hearing-impaired persons who will attend the meeting(s) and require the services of a sign language interpreter should contact the Eastern Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.

Dated in Washington, DC, on May 23, 2011.

Peter Minarik,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 2011–13197 Filed 5–26–11; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Highly Migratory Species (HMS) Scientific Research Permits, Exempted Fishing Permits, Letters of Acknowledgment, Display Permits, and Shark Research Fishery Permits.

OMB Control Number: 0648–0471.

Form Number(s): NA.

Type of Request: Regular submission (extension with revisions of a current information collection).

Number of Respondents: 75.

Average Hours per Response: Research plans, 2 hours; permit applications and annual reports, 40 minutes; amendments to permits, 15 minutes; interim reports, 1 hour; departure calls for collection of display animals, 5 minutes; notifications for observer coverage, 10 minutes; tag applications, 2 minutes.

Burden Hours: 236.

Needs and Uses: Exempted Fishing Permits (EFPs), Scientific Research Permits (SRPs), Display Permits, Letters of Acknowledgment (LOAs), and Shark Research Permits are issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*) and/or the Atlantic Tunas Convention Act (ATCA) (16 U.S.C. 971 *et seq.*). Issuance of EFPs and related permits are necessary for the collection of Highly Migratory Species (HMS) for public display and scientific research that is exempt from regulations (*e.g.,* seasons, prohibited species, authorized gear, and minimum sizes) that may prohibit the collection of live animals or biological samples. A Display Permit is issued for the collection of HMS for the purpose of public display whereas a Shark Research Permit allows the National Marine Fisheries Service (NMFS) and commercial shark fishermen to conduct

cooperative research to collect fishery-dependent data for management of the Atlantic shark fishery.

Regulations at 50 CFR 600.745 and 50 CFR 635.32 govern scientific research activity, exempted fishing, and exempted educational activities with respect to Atlantic HMS. Since the Magnuson-Stevens Act does not consider scientific research to be ''fishing,'' scientific research is exempt from this statute, and NMFS does not issue EFPs for bona fide research activities (*e.g.,* research conducted from a research vessel and not a commercial or recreational fishing vessel) involving species that are regulated only under the Magnuson-Stevens Act (*e.g.,* most species of sharks) and not under ATCA. NMFS requests copies of scientific research plans for these activities and indicates concurrence by issuing a LOA to researchers to indicate that the proposed activity meets the definition of research and is therefore exempt from regulation.

Scientific research is not exempt from regulation under ATCA. NMFS issues SRPs for collection of species managed under this statute (*e.g.,* tunas, swordfish, billfish), which authorize researchers to collect HMS from bona fide research vessels (*e.g.,* NMFS or university research vessel.) NMFS will issue an EFP when research/collection involving Atlantic tunas, swordfish, and billfishes occurs from commercial or recreational fishing platforms.

To regulate these fishing activities, NMFS needs information to determine the justification of granting an EFP, LOA, SRP, Display or Shark Research Permit. The application requirements are detailed at 50 CFR 600.745(b)(2). Interim, annual and no-catch/fishing reports must also be submitted to the HMS Management Division within NMFS. The authority for the HMS Management Division for requiring this information is found at 50 CFR 635.32(a).

Revisions: Shark research permit application forms are now separate from those for other research permits. In addition, shark research observers are no longer required to apply for research permits.

Affected Public: Business or other for-profit organizations.

Frequency: Annually and on occasion.

Respondent's Obligation: Required to obtain or maintain benefits.

OMB Desk Officer: *OIRA_Submission@omb.eop.gov.*

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6616, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov.*

Dated: May 24, 2011.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2011–13156 Filed 5–26–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 36–2011]

Foreign-Trade Zone 277—Western Maricopa County, AZ; Application for Reorganization Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the Greater Maricopa Foreign-Trade Zone, Inc., grantee of FTZ 277, requesting authority to reorganize the zone under the alternative site framework (ASF) adopted by the Board (74 FR 1170, 1/12/09 (correction 74 FR 3987, 1/22/09); 75 FR 71069–71070, 11/22/10). The ASF is an option for grantees for the establishment or reorganization of general-purpose zones and can permit significantly greater flexibility in the designation of new ''usage-driven'' FTZ sites for operators/users located within a grantee's ''service area'' in the context of the Board's standard 2,000-acre activation limit for a general-purpose zone project. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on May 23, 2011.

FTZ 277 was approved by the Board on December 22, 2010 (Board Order 1733, 76 FR 1134, 01/07/2011). The current zone project includes the following sites: *Site 1* (230 acres)—within the 416-acre Airport Gateway at Goodyear industrial complex, Bullard Avenue and Van Buren Street, Goodyear; *Site 2* (133 acres)—within the 286-acre Surprise Pointe Business Park, Waddell Road and Litchfield Road, Surprise; *Site 3* (235 acres)—within the 1,600-acre Palm Valley 303 Industrial Park, Camelback Road and State Road 303, Goodyear; and, *Site 4* (320 acres)—within the 1,314-acre 10 West Logistics Center, Van Buren Street and Interstate 10 at 339th Avenue, Maricopa County.

The grantee's proposed service area under the ASF would be western Maricopa County, Arizona, as described in the application. If approved, the grantee would be able to serve sites throughout the service area based on companies' needs for FTZ designation. The proposed service area is adjacent to the Phoenix U.S. Customs and Border Protection port of entry.

The applicant is requesting authority to reorganize its existing zone project to include all of the existing sites as ''magnet'' sites. No usage-driven sites are being requested at this time.

In accordance with the Board's regulations, Christopher Kemp of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is July 26, 2011. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to August 10, 2011.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *http://www.trade.gov/ftz.* For further information, contact Christopher Kemp at *Christopher.Kemp@trade.gov* or (202) 482–0862.

Dated: May 23, 2011.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2011–13265 Filed 5–26–11; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 37–2011]

Foreign-Trade Zone 170—Clark County, IN; Application for Reorganization (Expansion of Service Area) Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board

(the Board) by the Ports of Indiana, grantee of Foreign-Trade Zone 170, requesting authority to reorganize the zone to expand its service area under the alternative site framework (ASF) adopted by the Board (74 FR 1170, 1/12/09 (correction 74 FR 3987, 1/22/09); 75 FR 71069–71070, 11/22/10). The ASF is an option for grantees for the establishment or reorganization of general-purpose zones and can permit significantly greater flexibility in the designation of new ''usage-driven'' FTZ sites for operators/users located within a grantee's ''service area'' in the context of the Board's standard 2,000-acre activation limit for a general-purpose zone project. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u) and the regulations of the Board (15 CFR part 400). It was formally filed on May 23, 2011.

FTZ 170 was approved by the Board on December 27, 1990 (Board Order 495, 56 FR 673, 1/8/91) and expanded on July 23, 1997 (Board Order 907, 62 FR 40796, 7/30/97) and September 24, 2004 (Board Order 1355, 69 FR 58884, 10/1/04). FTZ 170 was reorganized under the ASF on August 31, 2010 (Board Order 1704, 75 FR 55309, 9/10/2010). The zone project currently has a service area that includes Jackson, Washington, Harrison, Floyd, Clark and Scott Counties, Indiana.

The applicant is now requesting authority to expand the service area of the zone to include Jefferson, Ripley, Dearborn, Brown, Ohio and Switzerland Counties, as described in the application. If approved, the grantee would be able to serve sites throughout the expanded service area based on companies' needs for FTZ designation. The proposed expanded service area is adjacent to the Louisville, Kentucky and Cincinnati, Ohio Customs and Border Protection Ports of Entry

In accordance with the Board's regulations, Elizabeth Whiteman of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is July 26, 2011. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to August 10, 2011.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *http://www.trade.gov/ftz.* For further information, contact Elizabeth Whiteman at *Elizabeth_Whiteman@trade.gov* or (202) 482–0473.

Dated: May 23, 2011.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2011–13246 Filed 5–26–11; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 35–2011]

Proposed Foreign-Trade Zone—Eloy, AZ; Application

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of Eloy to establish a general-purpose foreign-trade zone at sites in Pinal County, Arizona, adjacent to the Phoenix U.S. Customs and Border Protection port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on May 23, 2011. The applicant is authorized to make the proposal under Arizona Statute 44–6501.

The proposed zone would be the fourth general-purpose zone serving the Phoenix U.S. Customs and Border Protection port of entry. The existing zones are as follows: FTZ 75, Phoenix, Arizona (*Grantee:* City of Phoenix, Board Order 185, 3/25/82); FTZ 221, Mesa, Arizona (*Grantee:* City of Mesa, Board Order 883, 4/25/97); and, FTZ 277, Western Maricopa County, Arizona (*Grantee:* Greater Maricopa Foreign Trade Zone, Inc.).

The proposed zone would consist of 4 sites covering approximately 918 acres in the Eloy (Pinal County), Arizona area: Proposed Site 1 (81 acres)—two parcels located at the intersection of Houser Road and Eleven Mile Corner Road, Eloy; proposed Site 2 (277 acres)—Sunshine Industrial Park, located at the intersection of Interstate 10 and Sunshine Boulevard, Eloy; proposed Site 3 (279 acres)—Toltec Business Park, located at the intersection of Houser Road and Toltec Road, Eloy; and, proposed Site 4 (293 acres)—Red Rock Industrial Park, located along Interstate 10 and the Union Pacific Railroad line opposite Sasco Road, Red Rock. The sites are owned by the City of Eloy (Site 1), Walton International Group (USA), Inc. and Walton Arizona, LLC (Site 2), Walton International Group (USA), Inc. (Site 3) and Walton International Group (USA), Inc and Walton Arizona, LLC (Site 4).

The application indicates that the need for zone services in the southern Pinal County area is not adequately served by any existing zone. Several firms have indicated an interest in using zone procedures for warehousing/distribution activities for a variety of products. Specific manufacturing approvals are not being sought at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, Christopher Kemp of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is July 26, 2011. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to August 10, 2011.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *http://www.trade.gov/ftz.*

For further information, contact Christopher Kemp at *Christopher.Kemp@trade.gov* or (202) 482–0862.

Dated: May 23, 2011.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2011–13268 Filed 5–26–11; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[A(32b)–1–2011]

Foreign-Trade Zone 203—Moses Lake, Washington, Export-Only Manufacturing Authority, SGL Automotive Carbon Fibers, LLC, (Carbon Fiber); Notice of Temporary Approval

On January 4, 2011, an application was submitted by the Port of Moses Lake Public Corporation, grantee of Foreign-Trade Zone (FTZ) 203, requesting authority on behalf of SGL Automotive Carbon Fibers, LLC (SGL) to manufacture carbon fiber under FTZ procedures solely for export within Site 3 of FTZ 203 in Moses Lake, Washington. The request was given notice in the **Federal Register** inviting public comment (Docket 4–2011, 76 FR 1599, 1/11/2011).

Section 400.32(b)(1)(ii) of the FTZ Board's regulations (15 CFR part 400) allows the Assistant Secretary for Import Administration to act for the Board in making decisions on new manufacturing authority when the activity would be for export only. Pursuant to that regulatory provision, on May 13, 2011, the Assistant Secretary for Import Administration approved authority for SGL's export-only manufacturing activity for a two-year period (until May 13, 2013), subject to the FTZ Act (19 U.S.C. 81a–81u) and the Board's regulations, including Section 400.28.

For any potential approval by the FTZ Board of authority beyond the initial two-year period, the SGL application is continuing to be processed under Docket 4–2011, including the conduct of an industry survey pursuant to 15 CFR 400.27(d)(3)(vi).

Dated: May 20, 2011.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2011–13271 Filed 5–26–11; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–843]

Certain Lined Paper Products From India: Extension of Time Limit for the Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

FOR FURTHER INFORMATION CONTACT: Stephanie Moore or George McMahon, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave, NW., Washington, DC 20230; *telephone:* (202) 482–3692 or (202) 482–1167, respectively.

Background

On September 1, 2010, the Department published in the **Federal Register** the notice of ''Opportunity to Request Administrative Review'' of this order for the period September 1, 2009, through August 31, 2010. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 75 FR 53635, (September 1, 2010). On September 30, 2010, we received timely requests for an administrative review from the Association of American School Paper Suppliers (petitioner),[1] in accordance with 19 CFR 351.213(b)(1). On October 28, 2010, we published the notice of initiation. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 75 FR 66349 (October 28, 2010). The preliminary results of review are currently due June 2, 2011.

Extension of Time Limit of Preliminary Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires that the Department make a preliminary determination within 245 days after the last day of the anniversary month of an order for which a review is requested. Section 751(a)(3)(A) of the Act further states that, if it is not practicable to complete the review within the time period specified, the administering authority may extend the 245-day period to issue its preliminary results to up to 365 days.

We determine that completion of the preliminary results of this review within the 245-day period is not practicable for the following reasons. This review requires the Department to gather and analyze a significant amount of information pertaining to each of the company's sales practices, manufacturing costs, and corporate relationships. Furthermore, on May 17, 2011, the Department initiated a sales-below-cost of production investigation of Riddhi Enterprises (Riddhi),[2] a *pro se* respondent, pursuant to an allegation submitted by petitioner on May 2, 2011. As a result, the Department will require additional time to receive and analyze Riddhi's Section D questionnaire response. Given the complexity of these issues, and in accordance with section 751(a)(3)(A) of the Act, we are extending the time period for issuing the preliminary results of this review by 120 days. Accordingly, the deadline for the completion of the preliminary results is now September 30, 2011. Unless extended, the final results continue to be due 120 days after the publication of the preliminary results, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

This notice is published pursuant to sections 751(a)(3)(A) and 777(i)(1) of the Act.

Dated: May 20, 2011.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2011–13244 Filed 5–26–11; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–824]

Polyethylene Terephthalate Film, Sheet, and Strip From India: Final Results of Antidumping Duty New Shipper Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On December 21, 2010, the Department of Commerce (the Department) issued the preliminary results of the new shipper review of polyethylene terephthalate film, sheet and strip (PET Film) from India for SRF Limited (SRF), covering the period July 1, 2009, through December 31, 2009 (POR). Based on the results of our analysis of the comments received, we continue to find that the U.S. sale of

[1] Petitioner requested that the Department conduct an administrative review of the following 35 companies: Abhinav Paper Products Pvt. Ltd.; American Scholar, Inc. and/or I–Scholar; Ampoules & Vials Mfg. Co., Ltd.; AR Printing & Packaging (India) Pvt.; Bafna Exports; Cello International Pvt. Ltd. (M/S Cello Paper Products); Corporate Stationery Pvt. Ltd.; Creative Divya; D.D International; Exel India Pvt. Ltd.; Exmart International Pvt. Ltd.; Fatechand Mahendrakumar; FFI International; Freight India Logistics Pvt. Ltd.; International Greetings Pvt. Ltd.; Kejriwal Paper Ltd., and Kejriwal Exports; Lodha Offset Limited; Magic International Pvt. Ltd.; Marigold ExIm Pvt. Ltd.; Marisa International; Navneet Publications (India) Ltd.; Orient Press Ltd.; Paperwise Inc.; Pioneer Stationery Pvt. Ltd.; Premier Exports; Rajvansh International; Riddhi Enterprises; SAB International; Sar Transport Systems; Seet Kamal International; Sonal Printers Pvt. Ltd; Super Impex; Swati Growth Funds Ltd.; V & M; and Yash Laminates.

[2] The other respondent in this administrative review is Navneet Publications (India) Ltd.

subject merchandise produced and exported by SRF was *bona fide* and not sold below normal value (NV). Therefore, the Department will instruct U.S. Customs and Border Protection (CBP) to liquidate entries subject to this review without regard to antidumping duties.

DATES: *Effective Date:* May 27, 2011.

FOR FURTHER INFORMATION CONTACT: Toni Page or Elfi Blum, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; *telephone:* (202) 482–1398 or (202) 482– 0197.

SUPPLEMENTARY INFORMATION:

Background

Since the issuance of *Polyethylene Terephthalate Film, Sheet, and Strip From India: Preliminary Results of Antidumping Duty New Shipper Review,* 75 FR 81570 (December 28, 2010) (*Preliminary Results*), the following events have occurred. On January 21, 2011, the Department issued a memorandum confirming the briefing schedule, in accordance with 19 CFR 351.309(c), as stated in the *Preliminary Results,* 75 FR at 81573. *See* Memorandum To Interested Parties From Elfi Blum, International Trade Compliance Analyst, AD/CVD Operations, Office 6: New Shipper Reviews of the Antidumping Duty and Countervailing Duty Orders on Polyethylene Terephthalate Film, Sheet, and Strip from India; Verification and Briefing Schedule for the Final Results of Review (January 21, 2011). SRF and the petitioners, Dupont Teijin Films, Mitsubishi Polyester Film, Inc., SKC, Inc., and Toray Plastics (America), Inc. (collectively, Petitioners), timely filed case briefs on January 27, 2011. SRF timely filed a rebuttal brief on February 1, 2011.

The Department obtained, from CBP, import data for entries of PET Film from India into the United States during the period December 2009 through January 2011. On February 11, 2011, the Department placed this information on the record of this review. *See* Memorandum To All Interested Parties From Toni Page, International Trade Compliance Analyst: Antidumping and Countervailing Duty New Shipper Reviews of Polyethylene Terephthalate Film, Sheet, and Strip from India: U.S. Customs Entries from December 2009 to Present (January 11, 2011). The Department issued its third supplemental questionnaire to SRF on February 11, 2011, requesting information about the company's shipments after the POR of PET film to the United States. On February 25, 2011, SRF filed its response to the Department's supplemental questionnaire.

On March 3, 2011, the Department extended the final results of new shipper review from March 21, 2011 to May 20, 2011. *See Polyethylene Terephthalate Film, Sheet and Strip From India: Extension of Time Limit for Final Results of Antidumping Duty New Shipper Review,* 76 FR 12937 (March 9, 2011).

On April 13, 2011, the Department placed additional CBP data concerning post-POR shipments of PET Film to the United States, sold by SRF, on the record of this review and requested comments from the parties. *See* Memorandum to All Interested Parties from Toni Page, International Trade Compliance Analyst: Antidumping and Countervailing Duty New Shipper Reviews of Polyethylene Terephthalate Film, Sheet, and Strip from India: U.S. Customs Entries from December 2009 to present (April 13, 2011). Petitioners and SRF filed comments on the CBP data on April 18, 2011.

Scope of the Order

The products covered by the order are all gauges of raw, pretreated, or primed polyethylene terephthalate film, sheet and strip, whether extruded or coextruded. Excluded are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer more than 0.00001 inches thick. Imports of PET Film are classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item number 3920.62.00.90. HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of the order is dispositive.

Bona Fide Analysis of U.S. Sale

In the Preliminary Results, we determined that SRF's U.S. sale was a *bona fide* transaction. *See* Memorandum from Toni Page, International Trade Analyst Regarding: *Bona Fide* Nature of the Sale in the Antidumping Duty New Shipper Review of Polyethylene Terephthalate Film, Sheet, and Strip from India: SRF Limited (December 21, 2010). The Department also stated it would continue to examine, through the remainder of the review, all factors relating to the *bona fide* analysis of the sale. We have further examined the *bona fide* nature of SRF's U.S. sale and, for these final results, we continue to find the sale to be *bona fide.* For further details, *see* Memorandum to File from Toni Page, International Trade Analyst, *Bona Fide* Analysis of SRF's Sale in the Antidumping Duty New Shipper Review of Polyethylene Terephthalate Film, Sheet, and Strip from India, dated concurrently with this notice.

Analysis of Comments Received

All issues raised in the case briefs and rebuttal brief by parties to this new shipper review are addressed in Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Deputy Assistant Secretary for Import Administration, Issues and Decision Memorandum for the Final Results of New Shipper Review of Polyethylene Terephthalate Film, Sheet, and Strip (PET Film) from India (May 20, 2011) (Issues and Decision Memorandum), which is hereby adopted by this notice. A list of the comments raised in the briefs and addressed in the Issues and Decision Memorandum is appended to this notice. The Issues and Decision Memorandum is on file in the Central Records Unit (CRU), room 7046 of the main Department building, and can be accessed directly on the Web at *http://ia.ita.doc.gov/frn.* The paper and electronic version of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on the comments received from SRF, we have made a change to the margin calculations used in the *Preliminary Results.* As discussed in Comment 1 of the accompanying Issues and Decision Memorandum, the sum of the export subsidy rates calculated in the companion countervailing duty new shipper review have been added to export price for the purpose of calculating the antidumping margin for these final results.

Final Results of New Shipper Review

In accordance with section 751(a)(2)(B)(i) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.221(b)(5), we determine that the following weighted average dumping margin exists for the period July 1, 2009, through December 31, 2009.

Manufacturer/exporter	Weighted-average margin (percent)
SRF Limited	0.00

Disclosure

The Department will disclose to parties the calculations performed in connection with these final results within five days of the date of public announcement. *See* 19 CFR 351.224(b).

Assessment and Cash Deposit Instructions

The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review to liquidate shipments of subject merchandise produced and exported by SRF and entered, or withdrawn from warehouse, for consumption on or after July 1, 2009, through December 31, 2009, without regard to antidumping duties.

The Department intends to also instruct CBP that the cash deposit rate for SRF is zero percent *ad valorem* of the entered value on shipments of the subject merchandise produced and exported by SRF, and entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this new shipper review.

Further, effective upon publication of the final results of this new shipper review, we intend to instruct CBP that importers may no longer post a bond or other security in lieu of a cash deposit on imports of PET Film from India, manufactured and exported by SRF. These cash deposit requirements, when imposed, shall remain in effect until further notice. The cash deposit rates for all companies not covered by this review are not changed by the results of this new shipper review.

Notification to Importers

This notice serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Return or Destruction of Proprietary Information

This notice serves as a reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under the APO in accordance with 19 CFR 351.305. Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice is issued and published in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Act.

Dated: May 20, 2011.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

Appendix I

List of Issues Addressed In the Issues and Decision Memorandum

Comment 1: Whether the Department Should Adjust the Export Price in the Antidumping Calculations by the Calculated Countervailing Duty Rate

Comment 2: Whether SRF's Single Sale and its U.S. Customer Are Indicative of a *Bona Fide Sale*

Comment 3: Whether the Price and Quantity of SRF's New Shipper Sale Are Indicative of a *Bona Fide* Sale

Comment 4: Whether SRF's PET Film Entry Was Re-sold for a Profit

[FR Doc. 2011–13264 Filed 5–26–11; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–825]

Polyethylene Terephthalate Film, Sheet, and Strip From India: Final Results of Countervailing Duty New Shipper Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On December 21, 2010, the Department of Commerce (the Department) issued the preliminary results of the new shipper review of polyethylene terephthalate film, sheet and strip (PET Film) from India for SRF Limited (SRF), covering the period January 1, 2009, through December 31, 2009 (POR). Based on the results of our analysis of the comments received, we continue to find that the U.S. sale of subject merchandise produced and exported by SRF was *bona fide.* Also based on our analysis of SRF's comments, we made certain revisions to the calculations of several subsidy programs. The final subsidy rate for the reviewed company is listed below in the section titled ''Final Results of New Shipper Review.'' The Department will instruct U.S. Customs and Border Protection (CBP) to assess countervailing duties at the final subsidy rate.

DATES: *Effective Date:* May 27, 2011.

FOR FURTHER INFORMATION CONTACT: Elfi Blum or Toni Page, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0197 or (202) 482–1398.

SUPPLEMENTARY INFORMATION:

Background

Since the issuance of *Polyethylene Terephthalate Film, Sheet, and Strip From India: Preliminary Results of Countervailing Duty New Shipper Review,* 75 FR 81574 (December 28, 2010) (*Preliminary Results*), the following events have occurred. SRF filed its response to the Department's second supplemental questionnaire on December 27, 2010. On January 21, 2011, the Department issued a memorandum confirming the briefing schedule, which was in accordance with 19 CFR 351.309(c) and the *Preliminary Results,* 75 FR at 81583. *See* Memorandum To Interested Parties From Elfi Blum, International Trade Compliance Analyst, AD/CVD Operations, Office 6: New Shipper Reviews of the Antidumping Duty and Countervailing Duty Orders on Polyethylene Terephthalate Film, Sheet, and Strip from India; Verification and Briefing Schedule for the Final Results of Review (January 21, 2011). SRF and the petitioners, Dupont Teijin Films, Mitsubishi Polyester Film of America, and Toray Plastics (America), Inc., timely filed case briefs on January 27, 2011. On January 31, 2011, the Department rejected SRF's case brief because it contained untimely new factual information. SRF timely re-filed its case brief on February 1, 2011. Both SRF and the petitioners timely filed their rebuttal briefs on February 1, 2011. On March 9, 2011, the Department published an extension of the final results of the new shipper review from March 21, 2011 to May 20, 2011. *See Polyethylene Terephthalate Film, Sheet and Strip From India: Extension of Time Limit for Final Results of Countervailing Duty New Shipper Review,* 76 FR 12938 (March 9, 2011).

The Department obtained, from CBP, import data for entries of PET Film from India into the United States during the period December 2009 through January 2011. On February 11, 2011, the Department placed this information on the record of this review. *See* Memorandum To All Interested Parties From Toni Page, International Trade Compliance Analyst: Antidumping and Countervailing Duty New Shipper

Reviews of Polyethylene Terephthalate Film, Sheet, and Strip from India: U.S. Customs Entries from December 2009 to Present (January 11, 2011). The Department issued its third supplemental questionnaire to SRF on February 11, 2011, requesting information about the company's shipments after the POR of PET Film to the United States. On February 25, 2011, SRF filed its response to the Department's third supplemental questionnaire.

On April 13, 2011, the Department placed additional CBP data concerning post-POR shipments of PET Film to the United States, sold by SRF, on the record of this review and requested comments from the parties. *See* Memorandum To All Interested Parties From Toni Page, International Trade Compliance Analyst: Antidumping and Countervailing Duty New Shipper Reviews of Polyethylene Terephthalate Film, Sheet, and Strip from India: U.S. Customs Entries from December 2009 to present (April 13, 2011). The petitioners and SRF filed comments on the CBP data on April 18, 2011.

Scope of the Order

The products covered by the order are all gauges of raw, pretreated, or primed polyethylene terephthalate film, sheet and strip, whether extruded or coextruded. Excluded are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer more than 0.00001 inches thick. Imports of PET Film are classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item number 3920.62.00.90. HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of the order is dispositive.

Bona Fide Analysis of SRF's U.S. Sale

In the *Preliminary Results,* we determined that SRF's U.S. sale was a *bona fide* transaction. *See* Memorandum from Toni Page, International Trade Analyst Regarding: *Bona Fide* Analysis of the Sale in the Antidumping Duty New Shipper Review of Certain Polyethylene Terephthalate Film, Sheet, and Strip from India: SRF Limited (December 21, 2010). The Department also stated it would continue to examine, through the remainder of the review, all factors relating to the *bona fide* analysis of the sale. We have further examined the *bona fide* nature of SRF's U.S. sale and, for these final results, we continue to find the sale to be *bona fide.* For further details, *see,* Memorandum to File from Toni Page, International Trade Analyst, *Bona Fide* Analysis of SRF's Sale in the Countervailing Duty New Shipper Review of Polyethylene Terephthalate Film, Sheet, and Strip from India, dated concurrently with this notice.

Analysis of Comments Received

All issues raised in the case brief and rebuttal brief by parties to this new shipper review are addressed in Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Deputy Assistant Secretary for Import Administration, Issues and Decision Memorandum for the Final Results of the Countervailing Duty New Shipper Review of Polyethylene Terephthalate Film, Sheet, and Strip (PET Film) from India (May 20, 2011) (Issues and Decision Memorandum), which is hereby adopted by this notice. The Issues and Decision Memorandum also contains a complete analysis of the programs covered by this review, the methodologies used to calculate the subsidy rates, and discusses any changes to the subsidy rates from the *Preliminary Results.* A list of the comments raised in the briefs and addressed in the Issues and Decision Memorandum is appended to this notice. The Issues and Decision Memorandum is on file in the Central Records Unit (CRU), room 7046 of the main Department building, and can be accessed directly on the Web at *http://ia.ita.doc.gov/frn.* The paper and electronic version of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received, we have revised the calculations with respect to the benefit amount calculated on certain additional Export Promotion Capital Goods Scheme (EPCGS) licenses that SRF provided in its second supplemental questionnaire response, and that we included in our benefit calculations for those programs.

We also made changes to our benefit calculation with regard to the Advance License Program. Based on our analysis of the information SRF provided in its second supplemental questionnaire response, we have made changes to the numerator and the denominator in our benefit calculation for this program.

In addition, we revised our benefit calculations with respect to two sub-programs of the Special Economic Zone (SEZ) program, the ''Discounted Land Fees in an SEZ'' and ''Exemption from Stamp Duty of all Transactions and Transfers of Immovable Property, or Documents related thereto within the SEZ (Stamp Duty).'' Based on further analysis of the information provided on the record of this review, and the comments provided by interested parties, for these final results, we determine these benefits to be non-recurring under 19 CFR 351.524(b) and (c)(2)(i). We performed the ''0.5 percent test,'' as prescribed under 19 CFR 351.524(b)(2) and found that this SEZ land concession was in excess of 0.5 percent of SRF's total export sales in the year the benefit was bestowed. Therefore, for these final results, we allocated the 75 percent discount on the lease of the SEZ land, using as the allocation period for non-recurring subsidies the AUL prescribed by the Internal Revenue Service (IRS) for renewable physical assets for the industry under consideration (as listed in the IRS's 1977 Class Life Asset Depreciation Range System, and as updated by the Department of the Treasury), in accordance with 19 CFR 351.524(d)(2)(i). We found that the amount of uncollected stamp duties on the lease of the SEZ land was less than 0.5 percent of total export sales during the year in which the benefit was received. Therefore, we allocated the benefit received from exempted stamp duty to the year it was received.

Further, we made changes to our calculation of the rupee-denominated short-term benchmark. In the *Preliminary Results* we allocated loan fees due on the respective working capital loans during the POR, by applying the individual ratios to the sanctioned credit limits, as applicable, treating each listed sanctioned credit limit as an individual loan. Based on the detailed explanation in SRF's case brief, we re-examined the information on the record and have revised our calculation of SRF's rupee-denominated short-term benchmark for these final results. We have not treated each draw down as a separate loan; as a result, we have applied the application fees only once to each loan.

These changes are discussed in more detail in the Issues and Decision Memorandum.

Final Results of New Shipper Review

In accordance with section 751(a)(2)(B)(i) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.221(b)(5), we calculated an individual *ad valorem* subsidy rate for SRF, for the POR for this new shipper review.

Manufacturer/exporter	Net subsidy rate (percent)
SRF Limited	3.04

Disclosure

The Department will disclose to parties the calculations performed in connection with these final results within five days of the date of public announcement. *See* 19 CFR 351.224(b).

Assessment and Cash Deposit Instructions

The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review to liquidate shipments of subject merchandise produced and exported by SRF and entered, or withdrawn from warehouse, for consumption on or after January 1, 2009, through December 31, 2009 at 3.04 percent *ad valorem* of the entered value.

The Department intends to also instruct CBP to collect cash deposits of the estimated countervailing duties at the rate of 3.04 percent *ad valorem* of the entered value on shipments of the subject merchandise produced and exported by SRF, entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this new shipper review.

Further, effective upon publication of the final results of this new shipper review, we intend to instruct CBP that importers may no longer post a bond or other security in lieu of a cash deposit on imports of PET Film from India, manufactured and exported by SRF. These cash deposit requirements, when imposed, shall remain in effect until further notice. The cash deposit rates for all companies not covered by this review are not changed by the results of this new shipper review.

Return or Destruction of Proprietary Information

This notice serves as a reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under the APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: May 20, 2011.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

Appendix I—List of Issues Addressed in the Issues and Decision Memorandum

Comment 1: Whether SRF's Single Sale and its U.S. Customer Are Indicative of a *Bona Fide Sale*
Comment 2: Whether the Price and Quantity of SRF's New Shipper Sale Are Indicative of a *Bona Fide* Sale
Comment 3: Whether SRF's PET Film Entry Was Re-sold for a Profit
Comment 4: Whether to Countervail SRF's Additional EPCGS Licenses
Comment 5: The Appropriate Average Useful Life of Physical Assets to be Applied
Comment 6: SEZ Land Concession
Comment 7: Exemption of Stamp Duty on Land Purchase as a Recurring Benefit
Comment 8: Countervailability of SRF's Advance Licenses
Comment 9: Countervailability of SRF's Advance Licenses Pertaining to Non-Subject Merchandise
Comment 10: Calculation of the Rupee Denominated Short-Term Benchmark Interest Rate

[FR Doc. 2011–13266 Filed 5–26–11; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (''the Department'') has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with April anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews.

DATES: *Effective Date:* May 27, 2011.

FOR FURTHER INFORMATION CONTACT: Sheila E. Forbes, Office of AD/CVD Operations, Customs Unit, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, *telephone:* (202) 482–4697.

SUPPLEMENTARY INFORMATION:

Background

The Department has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various antidumping and countervailing duty orders and findings with April anniversary dates.

All deadlines for the submission of various types of information, certifications, or comments or actions by the Department discussed below refer to the number of calendar days from the applicable starting time.

Notice of No Sales

If a producer or exporter named in this notice of initiation had no exports, sales, or entries during the period of review (''POR''), it must notify the Department within 60 days of publication of this notice in the **Federal Register.** All submissions must be made in accordance with 19 CFR 351.303 and are subject to verification in accordance with section 782(i) of the Tariff Act of 1930, as amended (''Act''). Six copies of the submission should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Further, in accordance with 19 CFR 351.303(f)(3)(ii), a copy of each request must be served on the petitioner and each exporter or producer specified.

Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews, the Department intends to select respondents based on U.S. Customs and Border Protection (''CBP'') data for U.S. imports during the POR. We intend to release the CBP data under Administrative Protective Order (''APO'') to all parties having an APO within seven days of publication of this initiation notice and to make our decision regarding respondent selection within 21 days of publication of this **Federal Register** notice. The Department invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the applicable review.

Separate Rates

In proceedings involving non-market economy (''NME'') countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is the Department's policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is

sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, the Department analyzes each entity exporting the subject merchandise under a test arising from the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China,* 56 FR 20588 (May 6, 1991), as amplified by *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China,* 59 FR 22585 (May 2, 1994). In accordance with the separate-rates criteria, the Department assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate-rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate-rate application or certification, as described below. For these administrative reviews, in order to demonstrate separate-rate eligibility, the Department requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on the Department's Web site at *http://www.trade.gov/ia* on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the ''Instructions for Filing the Certification'' in the Separate Rate Certification. Separate Rate Certifications are due to the Department no later than 60 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment of the proceeding [1] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,[2] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Status Application will be available on the Department's Web site at *http://www.trade.gov/ia* on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Status Application, refer to the instructions contained in the application. Separate Rate Status Applications are due to the Department no later than 60 calendar days of publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Status Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

For exporters and producers who submit a separate-rate status application or certification and subsequently are selected as mandatory respondents, these exporters and producers will no longer be eligible for separate-rate status unless they respond to all parts of the questionnaire as mandatory respondents.

Initiation of Reviews

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than April 30, 2012.

	Period to be reviewed
Antidumping Duty Proceedings	
India: 1-Hydroxyethylidene-1, 1-Diphosphonic Acid (HEDP) A–533–847	4/1/10–3/31/11
Aquapharm Chemicals Pvt., Ltd.	
The People's Republic of China: Certain Activated Carbon [3] A–570–904	4/1/10–3/31/11
Absorbent Carbons Pvt. Ltd.	
AmeriAsia Advanced Activated Carbon Products Co., Ltd.	
Anhui Handfull International Trading (Group) Co., Ltd.	
Anhui Hengyuan Trade Co. Ltd.	
Anyang Sino-Shon International Trading Co., Ltd.	
Baoding Activated Carbon Factory.	
Beijing Broad Activated Carbon Co., Ltd.	
Beijing Haijian Jiechang Environmental Protection Chemicals.	
Beijing Hibridge Trading Co., Ltd.	
Beijing Pacific Activated Carbon Products Co., Ltd.	
Bengbu Jiutong Trade Co., Ltd.	
Calgon Carbon (Tianjin) Co., Ltd.	
Changji Hongke Activated Carbon Co., Ltd.	
Chengde Jiayu Activated Carbon Factory.	
Cherishmet Incorporated.	
China National Building Materials and Equipment Import and Export Corp.	
China National Nuclear General Company Ningxia Activated Carbon Factory.	
China Nuclear Ningxia Activated Carbon Plant.	
Da Neng Zheng Da Activated Carbon Co., Ltd.	
Datong Carbon Corporation.	
Datong Changtai Activated Carbon Co., Ltd.	

[1] Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (*e.g.,* an ongoing administrative review, new shipper review, *etc.*) and entities that lost their separate rate in the most recently complete segment of the proceeding in which they participated.

[2] Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

	Period to be reviewed
Datong City Zouyun County Activated Carbon Co., Ltd. Datong Fenghua Activated Carbon. Datong Forward Activated Carbon Co., Ltd. Datong Fuping Activated Carbon Co., Ltd. Datong Guanghua Activated Carbon Co., Ltd. Datong Hongtai Activated Carbon Co., Ltd. Datong Huanqing Activated Carbon Co., Ltd. Datong Huaxin Activated Carbon. Datong Huibao Active Carbon Co., Ltd. Datong Huibao Activated Carbon Co., Ltd. Datong Huiyuan Cooperative Activated Carbon Plant. Datong Juqiang Activated Carbon Co., Ltd. Datong Kaneng Carbon Co. Ltd. Datong Locomotive Coal & Chemicals Co., Ltd. Datong Municipal Yunguang Activated Carbon Co., Ltd. Datong Tianzhao Activated Carbon Co., Ltd. DaTong Tri-Star & Power Carbon Plant. Datong Weidu Activated Carbon Co., Ltd. Datong Xuanyang Activated Carbon Co. Ltd. Datong Zuoyun Biyun Activated Carbon Co., Ltd. Datong Zuoyun Fu Ping Activated Carbon Co., Ltd. Dezhou Jiayu Activated Carbon Factory. Dongguan Baofu Activated Carbon. Dongguan SYS Hitek Co., Ltd. Dushanzi Chemical Factory. Fu Yuan Activated Carbon Co., Ltd. Fujian Jianyang Carbon Plant. Fujian Nanping Yuanli Activated Carbon Co., Ltd. Fujian Yuanli Active Carbon Co., Ltd. Fuzhou Taking Chemical. Fuzhou Yihuan Carbon. Great Bright Industrial. Hangzhou Hengxing Activated Carbon. Hangzhou Hengxing Activated Carbon Co., Ltd. Hangzhou Linan Tianbo Material (HSLATB). Hangzhou Nature Technology. Hebei Foreign Trade and Advertising Corporation. Hebei Shenglun Import & Export Group Company. Hegongye Ninxia Activated Carbon Factory. Heilongjiang Provincial Hechang Import & Export Co., Ltd. Hongke Activated Carbon Co., Ltd. Huaibei Environment Protection Material Plant. Huairen Huanyu Purification Material Co., Ltd. Huairen Jinbei Chemical Co., Ltd. Huaiyushan Activated Carbon Group. Huatai Activated Carbon. Huzhou Zhonglin Activated Carbon. Inner Mongolia Taixi Coal Chemical Industry Limited Company. Itigi Corp. Ltd. J&D Activated Carbon Filter Co. Ltd. Jacobi Carbons AB[2]. Jiangle County Xinhua Activated Carbon Co., Ltd. Jiangsu Taixing Yixin Activated Carbon Technology Co., Ltd. Jiangxi Hanson Import Export Co. Jiangxi Huaiyushan Activated Carbon. Jiangxi Huaiyushan Activated Carbon Group Co. Jiangxi Huaiyushan Suntar Active Carbon Co., Ltd. Jiangxi Jinma Carbon. Jianou Zhixing Activated Carbon. Jiaocheng Xinxin Purification Material Co., Ltd. Jilin Bright Future Chemicals Company, Ltd. Jilin Province Bright Future Industry and Commerce Co., Ltd. Jing Mao (Dongguan) Activated Carbon Co., Ltd. Kaihua Xingda Chemical Co., Ltd. Kemflo (Nanjing) Environmental Tech. Keyun Shipping (Tianjin) Agency Co., Ltd. Kunshan Actview Carbon Technology Co., Ltd. Langfang Winfield Filtration Co. Link Shipping Limited. Longyan Wanan Activated Carbon. Mindong Lianyi Group. Nanjing Mulinsen Charcoal. Nantong Ameriasia Advanced Activated Carbon Product Co., Ltd.	

	Period to be reviewed
Ningxia Baota Activated Carbon Co., Ltd.	
Ningxia Baota Active Carbon Plant.	
Ningxia Guanghua A/C Co., Ltd.	
Ningxia Blue-White-Black Activated Carbon (BWB).	
Ningxia Fengyuan Activated Carbon Co., Ltd.	
Ningxia Guanghua Activated Carbon Co., Ltd.	
Ningxia Guanghua Chemical Activated Carbon Co., Ltd.	
Ningxia Guanghua Cherishmet Activated Carbon Co., Ltd.	
Ningxia Haoqing Activated Carbon Co., Ltd.	
Ningxia Henghui Activated Carbon.	
Ningxia Honghua Carbon Industrial Corporation.	
Ningxia Huahui Activated Carbon Co., Ltd.	
Ningxia Huinong Xingsheng Activated Carbon Co., Ltd.	
Ningxia Jirui Activated Carbon.	
Ningxia Lingzhou Foreign Trade Co., Ltd.	
Ningxia Luyuangheng Activated Carbon Co., Ltd.	
Ningxia Mineral & Chemical Limited.	
Ningxia Pingluo County Yaofu Activated Carbon Plant.	
Ningxia Pingluo Xuanzhong Activated Carbon Co., Ltd.	
Ningxia Pingluo Yaofu Activated Carbon Factory.	
Ningxia Taixi Activated Carbon.	
Ningxia Tianfu Activated Carbon Co., Ltd.	
Ningxia Tongfu Coking Co., Ltd.	
Ningxia Weining Active Carbon Co., Ltd.	
Ningxia Xingsheng Coal and Active Carbon Co., Ltd.	
Ningxia Xingsheng Coke and Activated Carbon Co., Ltd.	
Ningxia Yinchuan Lanqiya Activated Carbon Co., Ltd.	
Ningxia Yirong Alloy Iron Co., Ltd.	
Ningxia Zhengyuan Activated.	
Nuclear Ningxia Activated Carbon Co., Ltd.	
OEC Logistic Qingdao Co., Ltd.	
Panshan Import and Export Corporation.	
Pingluo Xuanzhong Activated Carbon Co., Ltd.	
Pingluo Yu Yang Activated Carbon Co., Ltd.	
Shanghai Activated Carbon Co. Ltd.	
Shanghai Coking and Chemical Corporation.	
Shanghai Goldenbridge International.	
Shanghai Jiayu International Trading (Dezhou Jiayu and Chengde Jiayu).	
Shanghai Jinhu Activated Carbon (Xingan Shenxin and Jiangle Xinhua).	
Shanghai Light Industry and Textile Import & Export Co., Ltd.	
Shanghai Mebao Activated Carbon.	
Shanghai Xingchang Activated Carbon.	
Shanxi Blue Sky Purification Material Co., Ltd.	
Shanxi Carbon Industry Co., Ltd.	
Shanxi Dapu International Trade Co., Ltd.	
Shanxi DMD Corporation.	
Shanxi Industry Technology Trading Co., Ltd.	
Shanxi Newtime Co., Ltd.	
Shanxi Qixian Foreign Trade Corporation.	
Shanxi Qixian Hongkai Active Carbon Goods.	
Shanxi Sincere Industrial Co., Ltd.	
Shanxi Supply and Marketing Cooperative.	
Shanxi Tianli Ruihai Enterprise Co.	
Shanxi Xiaoyi Huanyu Chemicals Co., Ltd.	
Shanxi Xinhua Activated Carbon Co., Ltd.	
Shanxi Xinhua Chemical Co., Ltd. (formerly Shanxi Xinhua Chemical Factory).	
Shanxi Xinhua Protective Equipment.	
Shanxi Xinshidai Import Export Co., Ltd.	
Shanxi Xuanzhong Chemical Industry Co., Ltd.	
Shanxi Zuoyun Yunpeng Coal Chemistry.	
Shenzhen Sihaiweilong Technology Co.	
Sincere Carbon Industrial Co. Ltd.	
Sinoacarbon International Trading Co. Ltd.	
Taining Jinhu Carbon.	
Tangshan Solid Carbon Co., Ltd.	
Tianchang (Tianjin) Activated Carbon.	
Tianjin Century Promote International Trade Co., Ltd.	
Tianjin Jacobi International Trading Co. Ltd.	
Tianjin Maijin Industries Co., Ltd.	
Taiyuan Hengxinda Trade Co., Ltd.	
Tonghua Bright Future Activated Carbon Plant.	
Tonghua Xinpeng Activated Carbon Factory.	
Triple Eagle Container Line.	

	Period to be reviewed
Uniclear New-Material Co., Ltd.	
United Manufacturing International (Beijing) Ltd.	
Valqua Seal Products (Shanghai) Co.	
VitaPac (HK) Industrial Ltd.	
Wellink Chemical Industry.	
Xi Li Activated Carbon Co., Ltd.	
Xi'an Shuntong International Trade & Industrials Co., Ltd.	
Xiamen All Carbon Corporation.	
Xingan County Shenxin Activated Carbon Factory.	
Xinhua Chemical Company Ltd.	
Xuanzhong Chemical Industry.	
Yangyuan Hengchang Active Carbon.	
Yicheng Logistics.	
Yinchuan Lanqiya Activated Carbon Co., Ltd.	
Zhejiang Quizhou Zhongsen Carbon.	
Zhejiang Xingda Activated Carbon Co., Ltd.	
Zhejiang Yun He Tang Co., Ltd.	
Zhuxi Activated Carbon.	
Zuoyun Bright Future Activated Carbon Plant.	
The People's Republic of China: Certain Steel Threaded Rod [4] A–570–932	4/1/10–3/31/11
Advanced Hardware Company.	
Alloy Steel Products, Inc.	
Anhui Ningguo Zhongding Sealing Co. Ltd.	
Autocraft Industrial (Shanghai) Ltd.	
Beijing Peace Seasky International.	
Billion Land Ltd.	
Century Distribution Systems.	
Century Distribution Systems, Inc.	
Certified Products International Inc.	
Changzhou Vitian Building Material.	
China Brother Holding Group Co. Ltd. a/k/a Zhejiang Morgan Brother Technology Co., Ltd.	
China Jiangsu International Economic Technical Cooperation Corporation.	
China Jiangsu International Economic.	
Dalian American International Trading Co., Ltd.	
Dalian Fortune Machinery Co., Ltd.	
Dalian Harada Industry Co., Ltd.	
Dayang Fastener Mfg. Co. Ltd.	
EC International (Nantong) Co. Ltd.	
Eric Industrial (Hangzhou) Co. Ltd.	
Ever Industries Co.	
Fairiver Inc.	
Fastco (Shanghai) Trading Co. Ltd.	
Fasten International Co. Ltd.	
Fastwell Industry Co. Ltd.	
Flexistrut Pipe Support Co. Ltd.	
Fuller Shanghai Co. Ltd.	
Gem-Year Industrial Co., Ltd.	
Haimen Changjiang Jarments.	
Haining Chang'an Changxin.	
Haining Fast Import & Export Co. Ltd.	
Haining Light Industry Trade Co. Ltd.	
Haiyan County No. 1 Fasteners Factory.	
Haiyan Dayu Fasteners Co., Ltd.	
Haiyan Feihua Fasteners Co. Ltd.	
Haiyan Haiyu Hardware Co. Ltd.	
Haiyan Jianhe Hardware Co. Ltd.	
Haiyan Jinnui Fasteners Co. Ltd.	
Haiyan Julong Standard Part Co., Ltd.	
Haiyan Lianxiang Hardware Products.	
Haiyan Sanhuan Import & Export Co.	
Haiyan Xiyue Electrical Appliances Co., Ltd.	
Haiyan Yida Fastener Co. Ltd.	
Handan Spring Bud Pottery.	
Handan Tongda Machinery Co., Ltd.	
Handsun Industry General Co.	
Hangshou Daton Wind Power.	
Hangshou Huayan Imp. and Exp. Co. Ltd.	
Hangzhou Everbright Imp & Exp Co. Ltd.	
Hangzhou Genesis Hardware & Tool Co.	
Hangzhou Grand Imp. & Exp. Co., Ltd.	
Hangzhou Robinson Trading Co. Ltd.	
HD Supply Shanghai Distribution Center.	
Hebei Richylin Trading Co Ltd.	

	Period to be reviewed
Hiking (Qingdao) International Trade.	
Hiking Group Shandong Welltrade Intl Trade Co. Ltd.	
Honghua International Co. Ltd.	
Jiangsu Changzhou International Economic and Technical Co. Ltd.	
Jiangsu Soho International Group Corp.	
Jiangsu Yanfei Special Steel Products.	
Jiangxi Yuexin Standard Part Co. Ltd.	
Jiangyin Zhouzhuang No. 4 Dyeing.	
Jiashan Lisan Metal Products Co. Ltd.	
Jiashan Zhongsheng Metal Products.	
Jiaxing Brother Fastener Co., Ltd., IFI & Morgan Ltd. and RMB Fasteners Ltd.	
Jiaxing Brother Standard Part a/k/a Zhejiang Morgan Brother Technology Co., Ltd.	
Jiaxing China Industrial Imp & Exp Co.	
Jiaxing Pacific Trading Co. Ltd.	
Jiaxing Tsr Hardware Inc.	
Jiaxing Wonper Imp. & Exp. Co. Ltd.	
Jiaxing Xinyue Standard Part Co., Ltd.	
Jiaxing Xinyue Standard Part.	
Jinan Kinger Pipeline Corp.	
JS Fasteners Co. Ltd.	
Jun Valve Junshan Co. Ltd.	
Kewell Products Corporation.	
Kingfast Hardware (Shenzhen) Ltd.	
Lanba Fasteners Co. Ltd.	
Le Group Industries Corp Limited.	
Lianyungang Hanming Trade Co. Ltd.	
Mengyin Jingcheng Forging Products Co. Ltd.	
Nantong Harlan Machinery Co. Ltd.	
New Etco (China) Intl. Trade Co. Ltd.	
New Pole Power Systems Co. Ltd.	
Ningbiao Bolts & Nuts Manufacturing Co.	
Ningbo ABC Fasteners Co. Ltd.	
Ningbo Beilun Fastening Co. Ltd.	
Ningbo Beilun Longsheng Hardware Co. Ltd.	
Ningbo Beilun Milfast Metalworks Co. Ltd.	
Ningbo Daxie Chuofeng Industrial Development Co., Ltd.	
Ningbo Dexin Fastener Co. Ltd.	
Ningbo Dongxin High-Strength Nut Co. Ltd.	
Ningbo Etdz Holding Ltd.	
Ningbo ETDZ Jiangxing Hardware Products Co. Ltd.	
Ningbo Fastener Factory.	
Ningbo Fengya Imp. & Exp. Co. Ltd.	
Ningbo Fourway Co. Ltd.	
Ningbo Gold Ring Fitting Co. Ltd.	
Ningbo Haishu Wit Imp. & Exp. Co. Ltd.	
Ningbo Haobo Commerce Co. Ltd.	
Ningbo Huahui Import & Export Co. Ltd.	
Ningbo Jiansheng Metal Products Co.	
Ningbo Jinding Fastening Piece Co., Ltd. a/k/a Ningbo Qunli Fastener.	
Manufacture Co., Ltd.	
Ningbo Kangtai Hardware Factory.	
Ningbo Ordam Import & Export Co. Ltd. a/k/a Zhejiang Ordam Fastener Factory.	
Ningbo Pingda Imp & Exp Co. Ltd.	
Ningbo Shareway Import and Export Co. Ltd.	
Ningbo Weifeng International Enterprise.	
Ningbo Weiye Co.	
Ningbo Xinyang Weiye Import and Export Co. Ltd.	
Ningbo Yinzhou Foreign Trade Co. Ltd.	
Ningbo Yonggang Fastener Co. Ltd.	
Ningbo Zhenghai Yongding Fastener Co.	
Ningbo Zhengyu Fasteners Co., Ltd.	
Ningbo Zhongbin Fastener Mfg. Co. Ltd.	
Ningbo Zhongjiang High Strength Bolts Co. Ltd.	
Ningbo Zhongjiang Petroleum Pipes & Machinery Co. Ltd.	
Orient International Enterprise Ltd.	
Panther T & H Industry Co. Ltd.	
Patent International Logistics (Shenzhen) Co., Ltd.	
Penglai City Bohai Hardware Tool Co. Ltd.	
Pennengineering Automotive Fastener.	
Pinghu City Zhapu Screw Cap Factory/Pinghu Zhapu Nut Factory.	
Qingdao Free Trade Zone Health Intl..	
Qingdao H.R. International Trading Co.	
Qingdao Hengfeng Development Trade.	

	Period to be reviewed
Qingdao Huaqing Imp. and Exp. Co. Ltd.	
Qingdao Morning Bright Trading.	
Qingdao Top Steel Industrial Co.	
Qingdao Uni-trend Int'l Ltd.	
Roberts Co.	
R-union Enterprise Co. Ltd.	
Shaanxi Shcceed Trading Co. Ltd.	
Shanghai East Best Foreign Trade Co.	
Shanghai Foreign Trade Enterprises Pudong Co. Ltd.	
Shanghai Fortune International Co. Ltd.	
Shanghai Huiyi International Trade.	
Shanghai Jiading Foreign Trade Co. Ltd.	
Shanghai Overseas International Trading Co. Ltd.	
Shanghai Prime Machinery Co. Ltd.	
Shanghai Recky International Trading Co., Ltd.	
Shanghai Printing & Packaging.	
Shanghai Shangdian Washer Co.	
Shanghai Shenguang High Strength Bolts Co. Ltd.	
Shanghai Sunrise International Co.	
Shanghai Tianying Metal Parts Co. Ltd.	
Shanghai Topnotch Intl Co. Ltd.	
Shanghai Veris Industrial.	
Shanghai Wisechain Fastener Ltd.	
Wangzhai Group.	
Shanghai Xianglong International Trading Co., Ltd.	
Shaoxing Grace International Trade.	
Shenzhen Texinlong Trading Co.	
Shenzhen Xiguan Trading Ltd.	
Staco Co. Ltd.	
Staco Co., Ltd.	
Suntec Industries Co., Ltd.	
Suzhou Textile Silk Co. Ltd.	
Synercomp China Co. Ltd.	
T and C Fastener Co. Ltd.	
T and L Industry Co. Ltd.	
T&S Technology LLC.	
Tong Ming Enterprise.	
Tri-Star Trading Co. (Hong Kong).	
Unimax International Ltd.	
Wellful GroupWisechain Trading Ltd.	
Wujiang Foreign Trade Corporation.	
Wuxi Zontai International Corporation Ltd.	
Yancheng International Enterprise.	
Yancheng Sanwei Imp. & Exp. Co. Ltd.	
Yi Chi Hsiung Ind. Corp.	
Yixunda Industrial Products Supply.	
Yueqing Baifa Fastener Factory a/k/a Yueqing Ordam Fastener Factory.	
Yueyun Imp & Exp Co. Ltd.	
Yuyao Nanshan Development Co. Ltd.	
Zhapu Creative Standard Parts Material Co., Ltd.	
Zhejiang Guorui Industry Co., Ltd.	
Zhejiang Hailiang Co. Ltd.	
Zhejiang Henda Trading Company.	
Zhejiang Huamao International Co. Ltd.	
Zhejiang Laibao Hardware Co. Ltd.	
Zhejiang Machinery & Equipment Co. Ltd.	
Zhejiang Minmetals Sanhe.	
Zhejiang Morgan Brother Technology Co. Ltd.	
Zhejiang New Century Imp & Exp Co.	
Zhejiang New Oriental Fastener Co., Ltd.	
Zhejiang Peace Industry and Trading.	
Zhejiang Runjin Auto Parts Co. Ltd.	
Zhejiang Xingxing Optoelectron.	
Zhejiang Zhenglian Corp.	
Zhenghai Yongding Fastener Co. a/k/a Ningbo Zhenghai Youngding Fastener Co., Ltd.	
Zhongsheng Metal Products Co. Ltd. a/k/a Jiashan Zhongsheng Metal Products Co., Ltd.	
The People's Republic of China: Frontseating Service Valves[5] A–570–933	4/1/10–3/31/11
Zhejiang DunAn Hetian Metal Co., Ltd.	
Zhejiang Sanhua Co., Ltd.	
The People's Republic of China: Magnesium Metal[6] A–570–896	4/1/10–3/31/11
Tianjin Magnesium International Co., Ltd.	

	Period to be reviewed
Countervailing Duty Proceeding	
None.	
Suspension Agreements	
None.	

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine, consistent with *FAG Italia* v. *United States,* 291 F.3d 806 (Fed. Cir. 2002), as appropriate, whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures ''gap'' period, of the order, if such a gap period is applicable to the POR.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures* (73 FR 3634). Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (*e.g.,* the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

Any party submitting factual information in an AD/CVD proceeding must certify to the accuracy and completeness of that information. *See* section 782(b) of the Act. Parties are hereby reminded that revised certification requirements are in effect for company/government officials as well as their representatives in all segments of any AD/CVD proceedings initiated on or after March 14, 2011. *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings: Interim Final Rule, 76 FR 7491* (February 10, 2011) (*Interim Final Rule*) amending 19 CFR 351.303(g)(1) and (2). The formats for the revised certifications are provided at the end of the *Interim Final Rule.* The Department intends to reject factual submissions in any proceeding segments initiated on or after March 14, 2011 if the submitting party does not comply with the revised certification requirements.

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)), and 19 CFR 351.221(c)(1)(i).

Dated: May 23, 2011.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2011–13245 Filed 5–26–11; 8:45 am]

BILLING CODE 3510–DS–P

[3] If one of the above named companies does not qualify for a separate rate, all other exporters of Certain Activated Carbon from the People's Republic of China (''PRC'') who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

[4] If one of the above named companies does not qualify for a separate rate, all other exporters of Certain Steel Threaded Rod from the PRC who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

[5] If one of the above named companies does not qualify for a separate rate, all other exporters of Frontseating Service Valves from the PRC who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

[6] If the above named company does not qualify for a separate rate, all other exporters of Magnesium Metal from the PRC who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA453

Marine Mammals; File No. 15844

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Glacier Bay National Park and Reserve (Responsible Party: Susan Boudreau; Principal Investigator: Christine Gabriele), Gustavus, AK, 99826, has applied in due form for a permit to conduct research on humpback whales (*Megaptera novaeangliae*), killer whales (*Orcinus orca*) and minke whales (*Balaenoptera acutorostrata*).

DATES: Written, telefaxed, or e-mail comments must be received on or before June 27, 2011.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the *Features* box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov*, and then selecting File No. 15844 from the list of available applications.

These documents are also available 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.

Written comments on this application should be submitted to the Chief, Permits, Conservation and Education Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by e-mail to *NMFS.Pr1Comments@noaa.gov.* Please include the File No. in the subject line of the e-mail comment.

Those individuals requesting a public hearing should submit a written request

to the Chief, Permits, Conservation and Education Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Joselyd Garcia-Reyes or Kristy Beard, (301) 713–2289.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 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.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

The applicant requests a permit to conduct passive acoustics, videography, photo-identification surveys, biopsy sampling, and collect sloughed skin and/or feces to study humpback whales, killer whales and minke whale. Research would occur around southeastern Alaska especially in Glacier Bay National Park & Preserve. Up to 6300 humpback whales, 500 killer whales, and 20 minke whales could be harassed each year during photo-identification surveys. Additionally, humpback whales and the three killer whale ecotypes could be harassed up to 50 times each, to acquire 30 successful biopsy samples, per year. See the application for specific take numbers by species/stock. The purposes of the proposed research are to: (1) Study the ecology, behavior and population status of all demographic groups in humpback, killer and minke whales, (2) continue one of the longest and most complete time-series data set on humpback whale populations, and (3) document long-term trends in the abundance, spatial and temporal distribution, reproductive parameters and feeding behaviors of humpback, killer, and minke whales, which would enhance information-based resource management of these species in the waters of southeastern Alaska, primarily in and around Glacier Bay National Park and Reserve. The permit would be valid for a period of five years.

A draft environmental assessment (EA) has been prepared in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), to examine whether significant environmental impacts could result from issuance of the proposed scientific research permit. The draft EA is available for review and comment simultaneous with the scientific research permit application.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: May 23, 2011.

P. Michael Payne,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2011–13262 Filed 5–26–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA458

Mid-Atlantic Fishery Management Council (MAFMC); Meetings

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

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) and its Research Set-Aside (RSA) Committee, its Ecosystems and Ocean Planning Committee, its Executive Committee, its Surfclam, Ocean Quahog, Tilefish Committee, its Visioning Committee, and its Squid, Mackerel, Butterfish (SMB) Committee will hold public meetings.

DATES: The meetings will be held Tuesday, June 14, 2011 through Thursday, June 16, 2011. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: Danfords Hotel, 25 East Broadway, Port Jefferson, NY 11777; telephone: (631) 928–5200.

Council address: Mid-Atlantic Fishery Management Council, 800 N. State St., Suite 201, Dover, DE 19901; telephone: (302) 674–2331.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, PhD Executive Director, Mid-Atlantic Fishery Management Council; telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: On Tuesday, June 14—The RSA Committee will hold a CLOSED meeting from 12 p.m. until 2 p.m. The RSA Committee will hold an OPEN meeting from 2 p.m. until 3 p.m. The Ecosystems and Ocean Planning Committee will be held from 3 p.m. until 4 p.m. An Ocean Observatories Initiative (OOI) Public Meeting will be held from 4 p.m. until 5 p.m. A Cooperative Research Program Public Meeting will be held from 5 p.m. until 7 p.m.

On Wednesday, June 15—The Executive Committee meeting will be held from 8 a.m. until 9:30 a.m. The Council will convene at 9:30 a.m. The Surfclam, Ocean Quahog and Tilefish Committee will meet as a Committee of the Whole from 9:30 a.m. until 11 a.m. The Visioning Committee will meet as a Committee of the Whole from 11 a.m. until 12 p.m. The Squid, Mackerel, and Butterfish Committee will meet as a Committee of the Whole from 1 p.m. until 4 p.m. A request for Special Management Zones for Delaware reefs will be presented to the Council from 4 p.m. until 5 p.m. A Council listening session will be held from 5 p.m. until 6:30 p.m.

On Thursday, June 16—The Council will convene at 8 a.m. There will be a Marine Recreational Information Program (MRIP) presentation from 8 a.m. until 9 a.m. There will be a National Standard 10 presentation from the National Marine Fisheries Service from 9 a.m. until 10 a.m. The Council will hold its regular Business Session from 10 a.m. until 1 p.m. to approve the April 2011 minutes, receive Organizational Reports, an update on Office of Law Enforcement (OLE) activities, the New England Liaison Report, an update on Amendment 6 to the Monkfish FMP, the Executive Director's Report, the Science Report, Committee Reports, and conduct any continuing and/or new business.

Agenda items by day for the Council's Committees and the Council itself are:

On Tuesday, June 14—The RSA Committee will discuss the RSA Program Review. The Ecosystems and Ocean Planning Committee will receive CIE review of Northeast Fishery Science Center Ecosystem program/models and discuss Bureau of Ocean Energy Management, Regulation and Enforcement information request for areas offshore of New Jersey. There will be an OOI Public Meeting to present and discuss the Pioneer Array micro-siting process. There will be a Cooperative Research Program Public Meeting to receive an overview of the 2010–14 strategic plan and progress, receive description and comments on conservation engineering network, and receive public comments on the cooperative research program.

On Wednesday, June 15—The Executive Committee will receive an update on Scientific and Statistical Committee Ecosystem Subcommittee work, discuss Fishery Management Action Team structure and function,

discuss the purpose and need for the Council Listening Sessions, receive a Council Coordination Committee meeting overview, and discuss the Council budget. The Surfclam, Ocean Quahog and Tilefish Committee will meet as a Committee of the Whole to review and consider changes to the 2012 and 2013 quota specifications for surfclams and ocean quahogs. The Visioning Committee will meet as a Committee of the Whole to review and finalize governance structure for the project, discuss plans for initial awareness phase of project and review the approach for the data collection phase of the project The SMB Committee will meet as a Committee of the Whole to develop 2012 quota specifications and associated management measures, clarify Council intent on any Amendment 11 regulatory issues if necessary, receive an update from NERO regarding August 4, 2010 Council letter asking NMFS to pursue a Transboundary Resource Sharing Agreement with Canada for Atlantic mackerel. The Council will consider a request from the Delaware Department of Natural Resources and Environmental Control for special management zones. The Council will hold a Council Listening Session.

On Thursday, June 16—The Council will convene to receive an update on MRIP implementation and an update on Council staff involvement in 2011 MRIP projects. The Council will receive a presentation on National Standard 10 from a NMFS Official. The Council will hold its regular Business Session to approve the April 2011 minutes, receive Organizational Reports, receive an update on OLE Activities from Mitch MacDonald, receive the New England Liaison Report, receive an update on Amendment 6 to the Monkfish FMP, the Executive Director's Report, the Science Report, Committee Reports, and conduct any continuing and/or new business.

Although non-emergency issues not contained in this agenda may come before these groups for discussion, those issues may not be the subject of formal action during these meetings. 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 aid should be directed to M. Jan Saunders, (302) 526–5251, at least 5 days prior to the meeting date.

Dated: May 24, 2011.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2011–13225 Filed 5–26–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA459

International Whaling Commission; 63rd Annual Meeting; Announcement of Public Meetings

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

ACTION: Notice of meetings.

SUMMARY: This notice announces the dates, times, and locations of the public meetings being held prior to the 63rd annual International Whaling Commission (IWC) meeting.

DATES: The public meetings will be held June 14 and June 27, 2011, at 12 p.m.

ADDRESSES: The June 14 meeting will be held at Anchorage Federal Building Conference Room B, 222 West 8th Avenue, Anchorage, Alaska 99513. The June 27 meeting will be held in the NOAA Auditorium, 1301 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Ryan Wulff, 202–482–3689.

SUPPLEMENTARY INFORMATION: The Secretary of Commerce is charged with the responsibility of discharging the domestic obligations of the United States under the International Convention for the Regulation of Whaling, 1946. The U.S. Commissioner has responsibility for the preparation and negotiation of U.S. positions on international issues concerning whaling and for all matters involving the IWC. The U.S. Commissioner is staffed by the Department of Commerce and assisted by the Department of State, the Department of the Interior, the Marine Mammal Commission, and by other agencies.

Once the draft agenda for the annual IWC meeting is completed, it will be posted on the IWC Secretariat's Web site at *http://www.iwcoffice.org.*

NOAA will hold meetings prior to the annual IWC meeting to discuss the tentative U.S. positions for the upcoming IWC meeting. Because the meeting discusses U.S. positions, the substance of the meeting must be kept confidential. Any U.S. citizen with an identifiable interest in U.S. whale conservation policy may participate, but NOAA reserves the authority to inquire about the interests of any person who appears at a meeting and to determine the appropriateness of that person's participation.

Persons who represent foreign interests may not attend. These stringent measures are necessary to protect the confidentiality of U.S. negotiating positions and are a necessary basis for the relatively open process of preparing for IWC meetings.

The June 14 meeting will be held at Anchorage Federal Building Conference Room B, 222 West 8th Avenue, Anchorage, Alaska 99513, at 12 p.m. The June 27 meeting will be held in the NOAA Auditorium, 1301 East-West Highway, Silver Spring, MD 20910, at 12 p.m. Photo identification is required to enter each building.

Special Accommodations

Both meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ryan Wulff, 202–482–3689, by June 10, 2011, for the Anchorage meeting, or by June 20 for the meeting in Silver Spring.

Dated: May 24, 2011.

Rebecca J. Lent,

Director, Office of International Affairs, National Marine Fisheries Service.

[FR Doc. 2011–13258 Filed 5–26–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA460

South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The South Atlantic Fishery Management Council will hold a joint meeting of its Executive/Finance Committees; meetings of its Standard Operating, Policy and Procedures (SOPPs) Committee; Southeast Data, Assessment and Review (SEDAR) Committee; Law Enforcement

Committee; Ecosystem-Based Management Committee; King and Spanish Mackerel Committee; Golden Crab Committee; Snapper Grouper Committee; Scientific and Statistical Committee (SSC) Selection Committee (Closed Session); Advisory Panel (AP) Selection Committee (Closed Session); and a meeting of the Full Council. The Council will take action as necessary. The Council will also hold an informal public question and answer session regarding agenda items and a public comment session. See **SUPPLEMENTARY INFORMATION** for additional details.

DATES: The Council meeting will be held June 12–16, 2011. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held at the Key West Marriott Beachside Hotel, 3841 N. Roosevelt Blvd., Key West, FL 33040; telephone: (1–800) 228–9290 or (305) 296–8100; fax: (305) 293–0205. Copies of documents are available from Kim Iverson, Public Information Officer, South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer; telephone: (843) 571–4366 or toll free at (866) SAFMC–10; fax: (843) 769–4520; e-mail: *kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION:

Meeting Dates

1. Joint Executive/Finance Committees: June 12, 2011, 1:30 p.m. Until 2:30 p.m.

The Joint Executive/Finance Committees will receive a status report on the calendar year (CY) 2011 Council expenditures and activities as well as review and discuss the CY 2011 Council activities schedule and budget.

2. SOPPs Committee Meeting: June 12, 2011, 2:30 p.m. Until 3:30 p.m.

The SOPPs Committee will review changes to SOPPs in accordance with Council direction, review SSC and AP policies and make appropriate modifications, and approve changes to the Administrative Handbook as proposed by staff.

3. SEDAR Committee Meeting: June 12, 2011, 3:30 p.m. Until 4:30 p.m.

The SEDAR Committee will receive an overview of SEDAR activities as well as a report from NOAA Fisheries' Southeast Fisheries Science Center (SEFSC) on interjurisdictional stocks. In addition, the committee will receive a report from the SEDAR Steering Committee, review administrative procedure revisions, and assess SEDAR 27 (yellowtail snapper and Gulf menhaden) appointments.

4. SSC Selection Committee Meeting: June 12, 2011, 4:30 p.m. Until 5:30 p.m. (Closed Session)

The SSC Selection Committee will examine updated SSC policy, review SSC and Socio-Economic Panel (SEP) applicants and provide recommendations to the Council for appointment of SSC/SEP members.

5. AP Selection Committee: June 13, 2011, 8:30 a.m. Until 9:30 a.m. (Closed Session)

The AP Selection Committee will review updated AP policy, review AP applications and develop recommendations for AP appointments.

6. Law Enforcement Committee: June 13, 2011, 9:30 a.m. Until 10:30 a.m.

The Law Enforcement Committee will assess the recommendations and criteria from the Law Enforcement AP for the Wildlife Officer of the Year award and address other issues as necessary.

7. Ecosystem-Based Management Committee: June 13, 2011, 10:30 a.m. Until 12 noon

The Ecosystem-Based Management Committee will review the Comprehensive Ecosystem-Based Amendment 2 (CE–BA 2), modify the document as appropriate, and recommend the document for approval to the Secretary of Commerce. The Committee will also review the status of catches versus quota for octocorals and receive an update on ecosystem activities.

8. King and Spanish Mackerel Committee: June 13, 2011, 1:30 p.m. Until 3 p.m.

The Mackerel Committee will assess the status of commercial and recreational catches versus quota for species under a quota, review draft options for Mackerel Amendment 19 (prohibition of bag-limit sale), and take any actions necessary on Amendment 18 (addressing the requirements of the Magnuson-Stevens Act, including the establishment of Annual Catch Limits (ACLs) and Accountability Measures (AMs)) based on the joint meeting of the Gulf of Mexico and South Atlantic meetings.

9. Golden Crab Committee Meeting: June 13, 2011, 3 p.m. Until 5 p.m.

The Golden Crab Committee will review the status of commercial catches, review Golden Crab Amendment 5 addressing catch shares, and discuss appropriate changes to Amendment 5.

10. Snapper Grouper Committee Meeting: June 14, 2011, 8:30 a.m. Until 5 p.m. and June 15, 2011, 8:30 a.m. Until 5 p.m.

The Snapper Grouper Committee will receive a report on Oculina activities and review the status of commercial and recreational catches versus quotas for all species under quota management. The Committee will review reports from the SSC and the Snapper Grouper AP and receive an update on the status of Regulatory Amendment 9, addressing commercial trip limits and black sea bass management. The Committee will review Regulatory Amendment 11, addressing options for ending overfishing of speckled hind and warsaw grouper, including modifications to current restrictions for waters deeper than 240 feet as established in Amendment 17B. The Committee will also receive a presentation on analyses conducted by the Southeast Regional Office (SERO) regarding Amendment 11. The Committee will continue to review the Comprehensive ACL Amendment and modify the Amendment as necessary. In addition, the Committee will review Amendment 24 regarding red grouper rebuilding, modify the amendment as necessary, and is scheduled to approve the amendment for public hearing. The Committee will also review the status of several other amendments under development and provide guidance to staff: Amendment 18A regarding golden tilefish, black sea bass and data collection; Amendment 20 pertaining to the wreckfish Individual Transferable Quota (ITQ) program; Amendment 21 regarding comprehensive catch shares; and Amendment 22 regarding the long-term management of red snapper.

Note: There will be an informal public question and answer session with the Regional Administrator from the NMFS and the Council Chairman on June 14, 2011, beginning at 5:30 p.m.

Council Session: June 16, 2011, 8:30 a.m. Until 5 p.m.

From 8:30 a.m. until 9 a.m., the Council will call the meeting to order, adopt the agenda and approve the March 2011 meeting minutes.

Note: A public comment period will be held on June 16, 2011, beginning at 9 a.m., on the Comprehensive Ecosystem-Based Amendment 2 (CE–BA 2), followed by public comment regarding any other items on the Council agenda.

From 10:30 a.m. until 11 a.m., the Council will receive a report from the Snapper Grouper Committee, consider recommendations and take action as appropriate.

From 11 a.m. until 11:15 a.m., the Council will receive a report from the King and Spanish Mackerel Committee, consider recommendations and take action as appropriate.

From 11:15 a.m. until 11:45 a.m., the Council will receive a report from the Ecosystem-Based Management Committee, approve the CE–BA 2 Amendment for submission to the Secretary of Commerce, consider other Committee recommendations and take action as appropriate.

From 11:45 a.m. until 12 noon, the Council will receive a report from the Golden Crab Committee, consider recommendations and take action as appropriate.

From 1:30 p.m. until 1:45 p.m., the Council will receive a report from the SEDAR Committee, consider recommendations and take action as appropriate.

From 1:45 p.m. until 2 p.m., the Council will receive a report from the Joint Executive/Finance Committees, consider recommendations and take action as appropriate.

From 2 p.m. until 2:15 p.m., the Council will receive a report from the SOPPs Committee, approve changes to SSC and AP policies, approve changes to the Administrative Handbook, consider other Committee recommendations and take action as appropriate.

From 2:15 p.m. until 2:30 p.m., the Council will receive a report from the Law Enforcement Committee, consider recommendations from the Committee and take action as appropriate.

From 2:30 p.m. until 2:45 p.m., the Council will receive a report from the SSC Selection Committee, review recommendations from the Committee and appoint members to the SSC. The Council will also consider other Committee recommendations and take action as appropriate.

From 2:45 p.m. until 3 p.m., the Council will receive a report from the AP Selection Committee, review recommendations from the Committee and appoint members to the APs. The Council will also consider other Committee recommendations and take action as appropriate.

From 3 p.m. until 4 p.m., the Council will receive status reports from SERO, assess Experimental Fishing Permits as necessary, receive status reports from the NMFS SEFSC, receive a report regarding the Council Coordination Committee (CCC) meeting, and receive agency reports.

From 4 p.m. until 4:15 p.m., the Council will receive a legal briefing on litigation. (Closed Session)

From 4:15 p.m. until 5 p.m., the Council will review agency and liaison reports and discuss other business, including upcoming meetings.

Documents regarding these issues are available from the Council office (see **ADDRESSES**).

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subjects of formal final Council action during these meetings. 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 Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Except for advertised (scheduled) public hearings and public comment, the times and sequence specified on this agenda is subject to change.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) by May 31, 2011.

Dated: May 24, 2011.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2011–13228 Filed 5–26–11; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletion

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Additions to and Deletion from the Procurement List.

SUMMARY: The Committee is proposing to add products and services to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes a product previously furnished by such agency.

Comments Must Be Received on or Before: 6/27/2011.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or e-mail *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the products and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and services to the Government.

2. If approved, the action will result in authorizing small entities to furnish the products and services to the Government.

3. There are no known regulatory alternatives, which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products and services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

End of Certification

The following products and services are proposed for addition to Procurement List for production by the nonprofit agencies listed:

Products

Recordable DVDs and CDs

NSN: 7045–01–444–5160—Compact Disc, Recordable, Single, Silver.

NSN: 7045–00–NIB–0264—Compact Disc, Recordable, 50 CDs on Spindle, White Ink Jet Printable, Silver.

NSN: 7045–01–521–4221—Compact Disk, Recordable, 50 CDs on Spindle, Silver.

Coverage: A–List for the total Government requirement as aggregated by the Defense

Logistics Agency, Philadelphia, PA.
NSN: 7045–01–521–4250—Digital Video Disc, + Recordable Rewritable, 25 DVDs on Spindle, Silver.
NSN: 7045–01–521–4243—Digital Video Disc, – Recordable, 25 DVDs on Spindle, Silver.
NSN: 7045–01–521–4235—Digital Video Disc, + Recordable, 25 DVDs on Spindle, Silver.
NSN: 7045–01–521–4216—Compact Disc, Recordable, 25 CDs on Spindle, Silver.
Coverage: B–List for the broad Government requirement as aggregated by the Defense Logistics Agency, Philadelphia, PA.
NPA: North Central Sight Services, Inc., Williamsport, PA.
Contracting Activity: Defense Logistics Agency Troop Support, Philadelphia, PA.
NSN: 8105–00–NIB–1309—Can Liner, Low Density, Gusset Cut, Clear, 12x8x22.
NSN: 8105–00–NIB–1322—Can Liner, Low Density, Star Seal, Clear, 24x33.
NSN: 8105–00–NIB–1323—Can Liner, Low Density, Star Seal, Clear, 33x44.
NSN: 8105–00–NIB–1324—Can Liner, Low Density, Star Seal, Clear, 40x48.
NPA: Envision, Inc., Wichita, KS.
Contracting Activity: Department of Veterans Affairs, NAC, Hines, IL.
Coverage: C–List for 100% of the requirement of the Department of Veterans Affairs as aggregated by the Department of Veterans Affairs National Acquisition Center, Hines, IL.
NSN: 7920–01–343–3776—Wet Mop Wringer and Bucket Set, Yellow.
NPA: New York City Industries for the Blind, Inc., Brooklyn, NY.
Contracting Activity: General Services Administration, Fort Worth, TX.
Coverage: A–List for the Total Government Requirement as aggregated by the General Services Administration.
NSN: M.R. 305—Melamine Dinner Plate.
NSN: M.R. 306—Melamine Fruit Plate.
NSN: M.R. 307—21oz Melamine Tumbler.
NSN: M.R. 308—Bamboo Placemat.
NPA: Industries for the Blind, Inc., West Allis, WI.
Contracting Activity: Military Resale-Defense Commissary Agency, Fort Lee, VA.
Coverage: C–List for the requirements of military commissaries and exchanges as aggregated by the Defense Commissary Agency.
NSN: 8465–01–580–1312—MOLLE Component, Bandoleer Ammunition Pouch, OCP Pattern.
NPAs: The Arkansas Lighthouse for the Blind, Little Rock, AR. Mississippi Industries for the Blind, Jackson, MS.
Contracting Activity: Defense Logistics Agency Troop Support, Philadelphia, PA.
Coverage: C–List for 100% of the requirement of the Department of the Army, as aggregated by the Department of the Army Research, Development, & Engineering Command, Natick, MA.

Services

Service Type/Location: HVAC/Building Maintenance Services, White Sands Missile Range, NM.
NPA: Skookum Educational Programs, Bremerton, WA.
Contracting Activity: Dept of The Army, W6QM White Sands Doc, White Sands Missile Range, NM.
Service Type/Location: Facilities Maintenance, Yakima Training Center and Multipurpose Range Complex, Multipurpose Training Range, Yakima, WA.
NPA: Skookum Educational Programs, Bremerton, WA.
Contracting Activity: Dept of the Army, W6QM Ft Lewis, Directorate of Contracting, Fort Lewis, WA.
Service Type/Location: Custodial Services, WI092 Hammond USARC, 1935 Engineer Way, Hammond, WI.
NPA: Opportunity Partners Inc., Minnetonka, MN.
Contracting Activity: Dept of the Army, W6QM Army Res Contr Ctr North, Fort McCoy, WI.
Service Type/Locations: Administrative Support Services.
Communications Security Logistics Activity (USACSLA), Aberdeen Proving Ground, MD.
Communications Security Logistics Activity (USACSLA), Fort Huachuca, AZ.
U.S. Army Information Systems Engineering Command (USAISEC), Fort Huachuca, AZ.
NPA: DePaul Industries, Portland, OR.
Contracting Activity: Dept of the Army, W4GV FLD OFC Ft Huachuca, Fort Huachuca, AZ.
Service Type/Location: Custodial Service, Radiological and Environmental Sciences Laboratory (RESL) Lab, Bldg. IF 683, DOE, 2351 North Boulevard, Idaho Falls, ID.
NPA: Development Workshop, Inc., Idaho Falls, ID.
Contracting Activity: Department of Energy, Idaho Operations Office, Idaho Falls, ID.

Deletion

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. If approved, the action may result in authorizing small entities to furnish the product to the Government.

3. There are no known regulatory alternatives, which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the product proposed for deletion from the Procurement List.

End of Certification

The following product is proposed for deletion from the Procurement List:

Product

Inkjet Printer Cartridge

NSN: 7510–01–555–6166—compatible with Epson Part No. T041020 Tri-color.
NPA: Alabama Industries for the Blind, Talladega, AL.
Contracting Activity: General Services Administration, New York, NY.

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2011–13251 Filed 5–26–11; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the Procurement List.

SUMMARY: This action adds products and services to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes products from the Procurement List previously furnished by such agencies.

DATES: *Effective Date:* June 27, 2011.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or e-mail *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 3/25/2011 (76 FR 16733–16734); 4/1/2011 (76 FR 18188–18189); 4/8/2011 (76 FR 19750–19751); and 4/11/2011 (76 FR 19978), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and services, and impact of the additions on the current or most recent contractors, the Committee has determined that the products and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and services to the Government.

2. The action will result in authorizing small entities to furnish the products and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products and services proposed for addition to the Procurement List.

End of Certification

Accordingly, the following products and services are added to the Procurement List:

Products

NSN: 7920–01–215–6568—Towel, Highly Absorbent, Synthetic ''Shammy'' 15x15.
NSN: 7920–01–215–6569—Towel, Highly Absorbent, Synthetic ''Shammy'' 20x23.
NPA: Industries for the Blind, Inc., West Allis, WI.
Contracting Activity: General Services Administration, Fort Worth, TX.
Coverage: A-List for the Total Government Requirement as aggregated by the General Services Administration.

NSN: M.R. 850—Spinner, Salad.
NPA: Industries for the Blind, Inc., West Allis, WI.
Contracting Activity: Military Resale-Defense Commissary Agency, Fort Lee, VA.
Coverage: C-List for the requirements of military commissaries and exchanges as aggregated by the Defense Commissary Agency.

Services

Service Type/Location: Grounds Maintenance, Hannah Houses & adjacent property, 157–159 Conception St., Mobile, AL.
NPA: GWI Services, Inc., Mobile, AL.
Contracting Activity: General Services Administration/Public Buildings Service, Property Management Contracts, Atlanta, GA.

Service Type/Location: Base Operations Support Service, Department of Logistics, Fort George G. Meade, MD.
NPA: Skookum Educational Programs, Bremerton, WA.
Contracting Activity: Dept. of the Army, W6QM FT Eustis CONTR CTR, Fort Eustis, VA.

Service Type/Location: Base Operations Support Service, Department of Public Works, Fort George G. Meade, MD.
NPA: Melwood Horticultural Training Center, Upper Marlboro, MD.
Contracting Activity: Dept. of the Army, W6QM FT Eustis CONTR CTR, Fort Eustis, VA.

Deletions

On 4/1/2011 (76 FR 18188–18189), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the products listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the products to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products deleted from the Procurement List.

End of Certification

Accordingly, the following products are deleted from the Procurement List:

Products

Paper, Toilet Tissue

NSN: 8540–01–483–8992.
NPA: Outlook-Nebraska, Inc., Omaha, NE.
Contracting Activity: General Services Administration, New York, NY.

Antifoam Compound, Silicone

NSN: 6850–01–506–6533.
NPA: East Texas Lighthouse for the Blind, Tyler, TX.
Contracting Activity: Defense Logistics Agency Troop Support, Philadelphia, PA.

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2011–13252 Filed 5–26–11; 8:45 am]

BILLING CODE 6353–01–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting Notice

TIME AND DATE: Wednesday, June 1, 2011; 10 a.m.–11 a.m.

PLACE: Hearing Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Closed to the Public.

MATTER TO BE CONSIDERED:

Compliance Status Report

The Commission staff will brief the Commission on the status of compliance matters.

For a recorded message containing the latest agenda information, call (301) 504–7948.

CONTACT PERSON FOR MORE INFORMATION: Todd A. Stevenson, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504–7923.

Dated: May 24, 2011.

Todd A Stevenson,

Secretary.

[FR Doc. 2011–13321 Filed 5–25–11; 11:15 am]

BILLING CODE 6355–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Information Collection; Submission for OMB Review, Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (hereinafter the ''Corporation''), has submitted a public information collection request (ICR) entitled AmeriCorps VISTA Application and Reporting for review and approval in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, (44 U.S.C. Chapter 35). Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Kelly Daly, at (202) 606–6849 or e-mail to *vista@americorps.gov.* Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8 a.m. and 8 p.m. Eastern Time, Monday through Friday.

ADDRESSES: Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, Attn: Ms. Sharon Mar, OMB Desk Officer for the Corporation for

National and Community Service, by any of the following two methods within 30 days from the date of publication in the **Federal Register**:

(1) By fax to: (202) 395–6974, Attention: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service; and

(2) Electronically by e-mail to: *smar@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, 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;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose 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, e.g., permitting electronic submissions of responses.

Comments

A 60-day public comment Notice was published in the **Federal Register** on February 18, 2011. This comment period ended April 19, 2011. Three public comments were received from this notice that all dealt with the budget for program grants, and asked that line items being removed from the existing budget instructions be retained. The decision to remove those line items (such as supplies) stands based on General Counsel's interpretation of our legislation. Additional comments were made regarding the lack of definitions for questions/categories in our online help system. The online help system will be reviewed and descriptive text added. Description: The Corporation is seeking approval of its AmeriCorps VISTA Concept Paper, Application and Budget Instructions, Project Progress Report (PPR) and Progress Report Supplement (VPRS) which are used by potential and current AmeriCorps VISTA sponsors. The Corporation is proposing to merge two current information collection requests into one information collection request consisting of four instruments.

The information collection will otherwise be used in the same manner as the currently approved information collection requests. The Corporation also seeks to continue using the current information collections until the renewal is approved by OMB. The current information collection requests are due to expire on May 11, 2011 and September 30, 2011.

Type of Review: Renewal.
Agency: Corporation for National and Community Service.
Title: AmeriCorps VISTA Application and Instructions.
OMB Number: 3045–0038.
Agency Number: None.
Affected Public: Potential sponsors, current sponsoring organizations, current subsite organizations, and VISTAs.
Instrument: Concept Paper
Total Respondents: 3,200 for the concept paper.
Frequency: One time.
Average Time per Response: Two hours for Concept Paper
Estimated Total Burden Hours: 6,400 hours.
Total Burden Cost (capital/startup): None.
Total Burden Cost (operating/maintenance): None.
Instrument: Application and Budget Instructions
Total Respondents: 1,000 for the full application.
Frequency: Annually.
Average Time per Response: 15 hours for application.
Estimated Total Burden Hours: 15,000 hours.
Total Burden Cost (capital/startup): None.
Total Burden Cost (operating/maintenance): None.

AmeriCorps*VISTA Project Progress Reports

OMB Number: 3045–0043.
Agency Number: None.
Instrument: Project Progress Report
Total Respondents: 1,100.
Frequency: Quarterly.
Average Time per Response: 7 hours.
Estimated Total Burden Hours: 30,800 hours.
Total Burden Cost (capital/startup): None.
Total Burden Cost (operating/maintenance): None.
Instrument: VISTA Progress Report Supplement,
Total Respondents: 1,100.
Frequency: Annual.
Average Time per Response: 9 hours.
Estimated Total Burden Hours: 9,900 hours.
Total Burden Cost (capital/startup): None.
Total Burden Cost (operating/maintenance): None.

Dated: May 23, 2011.

Paul Davis,

Acting AmeriCorps VISTA Director.

[FR Doc. 2011–13288 Filed 5–26–11; 8:45 am]

BILLING CODE 6050–$$–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Comment Request.

SUMMARY: The Department of Education (the Department), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the reporting burden on the public and helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before July 26, 2011.

ADDRESSES: Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov* or mailed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. 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 Federal agencies provide interested parties an early opportunity to comment on information collection requests. The Director, Information Collection Clearance Division, Information Management and Privacy Services, Office of Management, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the

Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: May 23, 2011.

Darrin A. King,

Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

Office of Planning, Evaluation and Policy Development

Type of Review: New.

Title of Collection: Evaluation of the Effectiveness of Online Learning Courses for Secondary Students.

OMB Control Number: 1875–NEW.

Agency Form Number(s): N/A.

Frequency of Responses: Once.

Affected Public: Individuals or households.

Total Estimated Number of Annual Responses: 1,761.

Total Estimated Number of Annual Burden Hours: 220.

Abstract: Given the considerable scale at which online learning is being used in schools today, it is particularly important that policymakers have research-based guidance available about how best to deploy online learning activities. However, few rigorous studies have been completed that compare K–12 student achievement in online learning to traditional, classroom-based education. Similarly, while many articles provide advice regarding the ''best'' ways to implement online learning, few report an empirical basis for recommended practices. To fill this critical gap in knowledge, this study will provide rigorous empirical data on the effectiveness of online learning for secondary students. This study will conduct surveys of teachers and students engaged in online learning courses in two states: Florida and North Carolina. Both states have large-scale, statewide virtual school providers. In Florida, the impact of a game-based, online U.S. History course offered by the Florida Virtual School (FLVS) on student learning will be compared to a traditional FLVS U.S. History online course using an experimental design, randomly assigning students to conditions. Learning outcomes will be assessed at the end of two topical units—Civil Rights and the Industrial Revolution. In North Carolina, the impact of online learning for secondary students enrolled in five different courses offered by the North Carolina Virtual Public School will be compared with peers enrolled in similar courses in face-to-face instruction. The North Carolina study will use a quasi-experimental design using propensity score matching. State end-of-course exams for each course and the scores on the Advanced Placement U.S. History exam will be used as the primary outcome measures. In addition to the surveys of online teachers and students, a sample of North Carolina teachers teaching similar courses in face-to-face instruction will be administered a survey to collect information on instructional practices in the comparison face-to-face courses.

Copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 4629. 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 *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. 2011–13210 Filed 5–26–11; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC11–516A–000]

Commission Information Collection Activities (FERC–516A), Proposed Collection; Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice.

SUMMARY: In compliance with the requirements of section 3506(c)(2)(a) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), the Federal Energy Regulatory Commission (Commission) is soliciting public comment on the specific aspects of the information collection described below.

DATES: Comments in consideration of the collection of information are due July 26, 2011.

ADDRESSES: Commenters must send an original of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street, NE., Washington, DC 20426. Comments may be filed either on paper or on CD/DVD, and should refer to Docket No. IC11–516A–000. Documents must be prepared in an acceptable filing format and in compliance with Commission submission guidelines at *http://www.ferc.gov/help/submission-guide.asp*. eFiling and eSubscription are not available for Docket No. IC11–516A–000, due to a system issue.

All comments and FERC issuances may be viewed, printed or downloaded remotely through FERC's eLibrary at *http://www.ferc.gov/docs-filing/elibrary.asp*, by searching on Docket No. IC11–516A. For user assistance, contact FERC Online Support by e-mail at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by e-mail at *DataClearance@FERC.gov*, telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION: The information collected under the requirements of FERC–516A, ''Small Generator Interconnection Agreements'' (OMB No. 1902–2003), is used by the Commission to enforce the statutory provisions of sections 205 and 206 of the Federal Power Act (FPA), as amended by Title II, section 211 of the Public Utility Regulatory Policies Act of 1978 (PURPA)(16 U.S.C. 825d). FPA sections 205 and 206 require the Commission to remedy undue discriminatory practices within interstate electric utility operations.

The Commission amended its regulations in 2005 with Order No. 2006 to require public utilities that own, control, or operate facilities used for the transmission of electric energy in interstate commerce to amend their Open Access Transmission Tariffs (OATTs) to include a Commission-approved *pro forma* interconnection procedures document and a standard interconnection agreement for the interconnection of generating facilities having a capacity of no more than 20 MW (Small Generators).[1]

Prior to Order No. 2006, the Commission's policy had been to

[1] *Standardization of Small Generator Interconnection Agreements and Procedures,* Order No. 2006, 70 FR 34189 (May 12, 2005), FERC Stats. & Regs. ¶ 31,180 (2005).

address interconnection issues on a case-by-case basis. Although a number of transmission providers had filed interconnection procedures as part of their OATTs, many industry participants remained dissatisfied with existing interconnection policies and procedures. With an increasing number of interconnection-related disputes, it became apparent that the case-by-case approach was an inadequate and inefficient means to address interconnection issues. This prompted the Commission to adopt, in Order No. 2006, a single set of procedures for jurisdictional transmission providers and a single uniformly applicable interconnection agreement for transmission providers to use in interconnecting with Small Generators.

With the incorporation of these documents in their OATTs, there is no longer a need for transmitting utilities to file case-by-case interconnection agreements and procedures with the Commission. However, on occasion, circumstances warrant non-conforming agreements or a situation-specific set of procedures. These non-conforming documents must be filed in their entirety with the Commission for review and action.

The information collected is in response to a mandatory requirement. The Commission implements these filing requirements in the Code of Federal Regulations (CFR) under 18 CFR part 35, 35.28(f).

Action: The Commission is requesting a three-year extension of the current expiration date, with no changes to the existing collection of data.

Burden Statement: Public reporting burden for this collection is estimated as:

Number of respondents annually (1)	Number of responses per respondent (2)	Average burden hours per response (3)	Total annual burden hours (1) × (2) × (3)
238 (maintenance of documents)	1	1	238
40 (filing of conforming agreements)	1	25	1,000
Totals			1,238

The estimated burden of the continued requirement to maintain the procedures and agreement documents in transmission providers' OATTs is reflected herein as is the filing of non-conforming interconnection procedures and agreements that occur on occasion. The estimated total cost to respondents is $84,739 (rounded). [1,238 hours divided by 2,080 hours [2] per year, times $142,372 [3] equals $84,739]. The average cost per respondent is $305 (rounded).

The reporting burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclose, or provide the information including: (1) Reviewing instructions; (2) developing, acquiring, installing, and utilizing technology and systems for the purposes of collecting, validating, verifying, processing, maintaining, disclosing and providing information; (3) adjusting the existing ways to comply with any previously applicable instructions and requirements; (4) training personnel to respond to a collection of information; (5) searching data sources; (6) completing and reviewing the collection of information; and (7) transmitting, or otherwise disclosing the information.

The estimate of cost for respondents is based upon salaries for professional and clerical support, as well as direct and indirect overhead costs. Direct costs include all costs directly attributable to providing this information, such as administrative costs and the cost for information technology. Indirect or overhead costs are costs incurred by an organization in support of its mission. These costs apply to activities, which benefit the whole organization rather than any one particular function or activity.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) 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) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including 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.

Dated: May 20, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–13153 Filed 5–26–11; 8:45 am]

BILLING CODE 6717–01–P

[2] Number of hours an employee works each year.

[3] Average annual salary, benefits, and overhead per employee.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC11–588–000]

Commision Information Collection Activities (FERC–588), Proposed Collection; Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed information collection and request for comments.

SUMMARY: In compliance with the requirements of section 3506(c)(2)(a) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), the Federal Energy Regulatory Commission (Commission) is soliciting public comment on the specific aspects of the information collection described below.

DATES: Comments in consideration of the collection of information are due July 26, 2011.

ADDRESSES: Comments may be filed either electronically (eFiled) or in paper format, and should refer to Docket No. IC11–588–000. Documents must be prepared in an acceptable filing format and in compliance with Commission submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* eFiling instructions are available at: *http://www.ferc.gov/docs-filing/efiling.asp.* First time users must follow eRegister instructions at: *http://www.ferc.gov/docs-filing/eregistration.asp,* to establish a username and password before eFiling.

The Commission will send an automatic acknowledgement to the sender's e-mail address upon receipt of eFiled comments. Commenters making an eFiling should not make a paper filing. Commenters that are not able to file electronically must send an original of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street, NE., Washington, DC 20426.

Users interested in receiving automatic notification of activity in this docket may do so through eSubscription at *http://www.ferc.gov/docs-filing/esubscription.asp*. In addition, all comments and FERC issuances may be viewed, printed or downloaded remotely through FERC's eLibrary at *http://www.ferc.gov/docs-filing/elibrary.asp,* by searching on Docket No. IC11–588. For user assistance, contact FERC Online Support by e-mail at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by e-mail at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION: The information collected under the requirements of FERC–588, ''Emergency Natural Gas Transportation, Sale and Exchange Transactions'' (OMB No. 1902–0144), is used by the Commission to implement the statutory provisions of Sections 7(c) of the Natural Gas Act (NGA) (Pub. L. 75–688) (15 U.S.C. 717–717w) and provisions of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301–3432. Under the NGA, a natural gas company must obtain Commission approval to engage in the transportation, sale or exchange of natural gas in interstate commerce. However, section 7(c) exempts from certificate requirements ''temporary acts or operations for which the issuance of a certificate will not be required in the public interest.'' The NGPA also provides for non-certificated interstate transactions involving intrastate pipelines and local distribution companies.

A temporary operation, or emergency, is defined as any situation in which an actual or expected shortage of gas supply would require an interstate pipeline company, intrastate pipeline, or local distribution company, or Hinshaw pipeline to curtail deliveries of gas or provide less than the projected level of service to the customer. The natural gas companies which provide the temporary assistance to the companies which are having the ''emergency'' must file the necessary information described in Part 284, Subpart I of the Commission's Regulations with the Commission so that it may determine if their assisting transaction/operation qualifies for exemption. The assisting company may or may not be under the Commission's jurisdiction and if their assisting actions qualify for the exemption, they will not become subject to the Commission's jurisdiction for such actions.

A report within forty-eight hours of the commencement of the transportation, sale or exchange, a request to extend the sixty-day term of the emergency transportation, if needed, and a termination report are required. The data required to be filed for the forty-eight hour report is specified by 18 CFR 284.270.

Action: The Commission is requesting a three-year approval of the collection of data with no changes to the collection requirements.

Burden Statement: Public reporting burden for this collection is estimated as follows:

Data collection	Number of respondents annually (1)	Number of responses per respondent (2)	Average burden hours per response (3)	Total annual burden hours (1) × (2) × (3)
FERC–583	8	1	10	80

The estimated total cost to respondents is $5,476 (80 hours divided by 2,080 hours per employee per year times $142,372 per year average salary per employee = $5,476 (rounded)). The estimated annual cost per respondent is $685 (rounded).

The reporting burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclose, or provide the information including: (1) Reviewing instructions; (2) developing, acquiring, installing, and utilizing technology and systems for the purposes of collecting, validating, verifying, processing, maintaining, disclosing and providing information; (3) adjusting the existing ways to comply with any previously applicable instructions and requirements; (4) training personnel to respond to a collection of information; (5) searching data sources; (6) completing and reviewing the collection of information; and (7) transmitting, or otherwise disclosing the information.

The estimate of cost for respondents is based upon salaries for professional and clerical support, as well as direct and indirect overhead costs. Direct costs include all costs directly attributable to providing this information, such as administrative costs and the cost for information technology. Indirect or overhead costs are costs incurred by an organization in support of its mission. These costs apply to activities which benefit the whole organization rather than any one particular function or activity.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) 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) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including 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.

Dated: May 20, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–13154 Filed 5–26–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC11–512–000]

Commission Information Collection Activities (FERC–512); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed information collection and request for comments.

SUMMARY: In compliance with the requirements of section 3506(c)(2)(a) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), the Federal Energy Regulatory Commission (Commission) is soliciting public comment on the specific aspects of the information collection described below.

DATES: Comments in consideration of the collection of information are due July 26, 2011.

ADDRESSES: Comments may be filed either electronically (eFiled) or in paper format, and should refer to Docket No. IC11–512–000. Documents must be prepared in an acceptable filing format and in compliance with Commission submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* eFiling instructions are available at: *http://www.ferc.gov/docs-filing/efiling.asp.* First time users must follow eRegister instructions at: *http://www.ferc.gov/docs-filing/eregistration.asp,* to establish a username and password before eFiling. The Commission will send an automatic acknowledgement to the sender's e-mail address upon receipt of eFiled comments. Commenters making an eFiling should not make a paper filing. Commenters that are not able to file electronically must send an original of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street, NE., Washington, DC 20426.

Users interested in receiving automatic notification of activity in this docket may do so through eSubscription at *http://www.ferc.gov/docs-filing/esubscription.asp.* In addition, all comments and FERC issuances may be viewed, printed or downloaded remotely through FERC's eLibrary at *http://www.ferc.gov/docs-filing/elibrary.asp,* by searching on Docket No. IC11–512. For user assistance, contact FERC Online Support by e-mail at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by e-mail at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION: The information collected under the requirements of FERC–512, ''Application for Preliminary Permit'' (OMB No. 1902–0073), is used by the Commission to implement the statutory provisions of Sections 4(f), 5 and 7 of the Federal Power Act (FPA), 16 U.S.C. Sections 797, 798 & 800. The purpose of obtaining a preliminary permit is to maintain priority of the application for a license for a hydropower facility while the applicant conducts surveys to prepare maps, plans, specifications and estimates; conducts engineering, economic and environmental feasibility studies; and making financial arrangements. The conditions under which the priority will be maintained are set forth in each permit. During the term of the permit, no other application for a preliminary permit or application for a license submitted by another party can be accepted. The term of the permit is three years. The information collected under the designation FERC–512 is in the form of a written application for a preliminary permit which is used by Commission staff to determine an applicant's qualifications to hold a preliminary permit, review the proposed hydro development for feasibility and to issue a notice of the application in order to solicit public and agency comments. The Commission implements these mandatory filing requirements in the Code of Federal Regulations (CFR) under 18 CFR 4.31–.33, 4.81–.83.

Action: The Commission is requesting a three-year extension of the current expiration date, with no changes to the existing collection of data.

Burden Statement: Public reporting burden for this collection is estimated as:

Data collection	Number of respondents annually	Number of responses per respondent	Average burden hours per response	Total annual burden hours
	(1)	(2)	(3)	(1) × (2) × (3)
FERC–512	200	1	37	7,400

Estimated cost burden to respondents is $508,000; [*i.e.,* (7 hours @$200 an hour (legal) × 200) + (30 hours @$38 an hour (technical) × 200)] per year equals $508,000). The average annual cost burden per respondent is $2,540.

The reporting burden includes the total time, effort, or financial resources expended to generate, maintain, retain, or disclose or provide the information including: (1) Reviewing instructions; (2) developing, acquiring, installing, and utilizing technology and systems for the purposes of collecting, validating, verifying, processing, maintaining, disclosing and providing information; (3) adjusting the existing ways to comply with any previously applicable instructions and requirements; (4) training personnel to respond to a collection of information; (5) searching data sources; (6) completing and reviewing the collection of information; and (7) transmitting, or otherwise disclosing the information.

The estimate of cost for respondents is based upon salaries for professional and clerical support, as well as direct and indirect overhead costs. Direct costs include all costs directly attributable to providing this information, such as administrative costs and the cost for information technology. Indirect or overhead costs are costs incurred by an organization in support of its mission. These costs apply to activities which benefit the whole organization rather than anyone particular function or activity.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) 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) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including 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.

Dated: May 20, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–13152 Filed 5–26–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12532–001]

Pine Creek Mine LLC; Notice of Intent To File License Application, Filing of Pre-Application Document (PAD), Commencement of Pre-Filing Process, and Scoping; Request for Comments on the Pad and Scoping Document, and Identification of Issues and Associated Study Requests

a. *Type of Filing:* Notice of Intent to File License Application for a New License and Commencing Pre-filing Process.

b. *Project No.:* 12532–001.

c. *Dated Filed:* March 31, 2011.

d. *Submitted By:* Pine Creek Mine LLC.

e. *Name of Project:* Pine Creek Mine Hydroelectric Project.

f. *Location:* Inside the Pine Creek Mine adjacent to Morgan and Pine Creeks in Inyo County California. The project is located under lands under the jurisdiction of the National Forest Service.

g. *Filed Pursuant to:* 18 CFR part 5 of the Commission's Regulations.

h. *Potential Applicant Contact:* Jeff Francis, Pine Creek Mine LLC, (714) 719–2681, e-mail at *jfrancis@pacifica.com.*

i. *FERC Contact:* Joseph Hassell at (202) 502–8079 e-mail at *joseph.hassell@ferc.gov.*

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item o below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. With this notice, we are initiating informal consultation with: (a) The U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR part 402 and (b) the State Historic Preservation Officer, as required by section 106, National Historical Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Pine Creek Mine LLC as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act and section 106 of the National Historic Preservation Act.

m. Pine Creek Mine LLC filed with the Commission a Pre-Application Document (PAD; including a proposed process plan and schedule), pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (*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, contact FERC Online Support at *FERCONlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in paragraph h.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. With this notice, we are soliciting comments on the PAD and Commission's staff Scoping Document 1 (SD1), as well as study requests. All comments on the PAD and SD1, and study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and SD1, study requests, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of the potential application must be filed with the Commission. 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 *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. 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.

All filings with the Commission must include on the first page, the project name (Pine Creek Hydroelectric Project) and number (P–12532–001), and bear the appropriate heading: ''Comments on Pre-Application Document,'' ''Study Requests,'' ''Comments on Scoping Document 1,'' ''Request for Cooperating Agency Status,'' or ''Communications to and from Commission Staff.'' Any individual or entity interested in submitting study requests, commenting on the PAD or SD1, and any agency requesting cooperating status must do so by July 21, 2011.

p. Although our current intent is to prepare an environmental assessment (EA), there is the possibility that an Environmental Impact Statement (EIS) will be required. Nevertheless, this meeting will satisfy the NEPA scoping requirements, irrespective of whether an EA or EIS is issued by the Commission.

Scoping Meetings

Commission staff will hold two scoping meetings in the vicinity of the project at the time and place noted below. The daytime meeting will focus on resource agency, Indian tribes, and non-governmental organization concerns, while the evening meeting is primarily for receiving input from the public. We invite all interested individuals, organizations, and agencies to attend one or both of the meetings, and to assist staff in identifying particular study needs, as well as the scope of environmental issues to be addressed in the environmental document. The times and locations of these meetings are as follows:

Daytime Scoping Meeting

Date: Tuesday June 21, 2011.

Time: 1:30 to 3:30 p.m. (PDT).

Location: City of Bishop Administration Building, Council Room, 377 West Line Lane, Bishop, California 93514.

Phone: (760) 873–4873.

Evening Scoping Meeting

Date: Tuesday June 21, 2011.

Time: 6 p.m. to 8 p.m.

Location: City of Bishop Administration Building, Council Room, 377 West Line Lane, Bishop, California 93514.

Phone: (760) 873–4873.

Scoping Document 1 (SD1), which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the Commission's mailing list. Copies of SD1 will be available at the scoping meetings, or may be viewed on the web at *http://www.ferc.gov,* using the ''eLibrary'' link. Follow the directions for accessing information in paragraph n. Based on all oral and written comments, a Scoping Document 2 (SD2) may be issued. SD2 may include a revised process plan and schedule, as well as a list of issues, identified through the scoping process.

Environmental Site Review

The potential applicant and Commission staff will conduct an *Environmental Site Review* of the project on Tuesday, June 21, 2011, starting at 9:30 a.m. All participants should meet at the City of Bishop Administration building, located at 377 West Line Lane, Bishop, California. All participants are responsible for their own transportation. Anyone with questions about the site visit should contact the site review coordinator of Pine Creek Mine LLC Power at *avocet@clearnet.com* or at (714) 719–2681 on or before June 17, 2011.

Meeting Objectives

At the scoping meetings, staff will: (1) Initiate scoping of the issues; (2) review and discuss existing conditions and resource management objectives; (3) review and discuss existing information and identify preliminary information and study needs; (4) review and discuss the process plan and schedule for pre-filing activity that incorporates the time frames provided for in Part 5 of the Commission's regulations and, to the extent possible, maximizes coordination of federal, state, and tribal permitting and certification processes; and (5) discuss the appropriateness of any federal or state agency or Indian tribe acting as a cooperating agency for development of an environmental document.

Meeting participants should come prepared to discuss their issues and/or concerns. Please review the PAD in preparation for the scoping meetings. Directions on how to obtain a copy of the PAD and SD1 are included in item n. of this document.

Meeting Procedures

The meetings will be recorded by a stenographer and will be placed in the public records of the project.

Dated: May 20, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–13155 Filed 5–26–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–2048–004.

Applicants: New York Independent System Operator, Inc.

Description: New York Independent System Operator, Inc. submits tariff filing per 35: Amendment to May 12, 2011 compliance filing to be effective 5/31/2011.

Filed Date: 05/23/2011.

Accession Number: 20110523–5088.

Comment Date: 5 p.m. Eastern Time on Tuesday, May 31, 2011.

Docket Numbers: ER11–3617–000.

Applicants: PacifiCorp.

Description: PacifiCorp submits tariff filing per 35.13(a)(2)(iii: Logan City Interconnection Agreement to be effective 7/23/2011.

Filed Date: 05/23/2011.

Accession Number: 20110523–5034.

Comment Date: 5 p.m. Eastern Time on Monday, June 13, 2011.

Docket Numbers: ER11–3619–000.

Applicants: Hess Corporation.

Description: Hess Corporation submits tariff filing per 35.13(a)(2)(iii: Notice of Succession to be effective 8/1/2011.

Filed Date: 05/23/2011.

Accession Number: 20110523–5076.

Comment Date: 5 p.m. Eastern Time on Monday, June 13, 2011.

Docket Numbers: ER11–3620–000.

Applicants: Lyonsdale Biomass LLC.

Description: Lyonsdale Biomass LLC submits tariff filing per 35.12: Baseline MBR Application Filing to be effective 5/24/2011.

Filed Date: 05/23/2011.

Accession Number: 20110523–5085.

Comment Date: 5 p.m. Eastern Time on Monday, June 13, 2011.

Docket Numbers: ER11–3621–000.

Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection, L.L.C. submits tariff filing per 35.13(a)(2)(iii: Queue No. W3–130; Original Service Agreement No. 2925 to be effective 4/27/2011.

Filed Date: 05/23/2011.

Accession Number: 20110523–5104.

Comment Date: 5 p.m. Eastern Time on Monday, June 13, 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 23, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–13221 Filed 5–26–11; 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: EC11–82–000.

Applicants: California Power Holdings, LLC.

Description: Joint Application for Authorization under Section 203 of the Federal Power Act of Wayzata Opportunities Fund, LLC; California Power Holdings, LLC; and EWP Renewable Corporation.

Filed Date: 05/19/2011.

Accession Number: 20110519–5072.

Comment Date: 5 p.m. Eastern Time on Thursday, June 9, 2011.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG11–82–000.

Applicants: Evergreen Gen Lead, LLC.

Description: Self-Certification of EWG of Evergreen Gen Lead, LLC.

Filed Date: 05/19/2011.

Accession Number: 20110519–5044.

Comment Date: 5 p.m. Eastern Time on Thursday, June 9, 2011.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–3229–001.

Applicants: Alcoa Power Generating Inc.

Description: Alcoa Power Generating Inc. submits tariff filing per 35: APGI Compliance Filing for Order No. 676–E Revisions to be effective 5/19/2011.

Filed Date: 05/19/2011.

Accession Number: 20110519–5085.

Comment Date: 5 p.m. Eastern Time on Thursday, June 9, 2011.

Docket Numbers: ER11–3601–000.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc. submits tariff filing per 35.13(a)(2)(iii: Submission of Change to AEP Transco Pricing Zone Rate to be effective 4/21/2011.

Filed Date: 05/19/2011.

Accession Number: 20110519–5060.

Comment Date: 5 p.m. Eastern Time on Thursday, June 9, 2011.

Docket Numbers: ER11–3602–000.

Applicants: Panda-Brandywine, L.P.

Description: Panda-Brandywine, L.P. submits tariff filing per 35.13(a)(2)(iii: Reactive Power Tariff to be effective 6/1/2011.

Filed Date: 05/19/2011.

Accession Number: 20110519–5061.

Comment Date: 5 p.m. Eastern Time on Thursday, June 9, 2011.

Docket Numbers: ER11–3603–000.

Applicants: Allegheny Energy Supply Company, LLC.

Description: Allegheny Energy Supply Company, LLC submits tariff filing per 35: AES ER11–2874 Compliance to be effective 6/1/2011.

Filed Date: 05/19/2011.

Accession Number: 20110519–5062.

Comment Date: 5 p.m. Eastern Time on Thursday, June 9, 2011.

Docket Numbers: ER11–3604–000.

Applicants: New York Independent System Operator, Inc.

Description: New York Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: NYISO filing of proposed revisions to the ISO Agreement to be effective 7/18/2011 under ER11–3604 Filing Type: 10.

Filed Date: 05/19/2011.

Accession Number: 20110519–5075.

Comment Date: 5 p.m. Eastern Time on Thursday, June 9, 2011.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES11–33–000.

Applicants: Central Maine Power Company.

Description: Central Maine Power Company Application for Authorization to Issue Short-Term Debt.

Filed Date: 05/19/2011.

Accession Number: 20110519–5049.

Comment Date: 5 p.m. Eastern Time on Thursday, June 9, 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 20, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–13219 Filed 5–26–11; 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: EC11–72–000.

Applicants: Synergics Roth Rock Wind Energy, LLC, Synergics Roth Rock North Wind Energy, L, Gestamp Eolica S.L.

Description: Amendment to Application of Synergics Roth Rock Wind Energy, LLC, *et. al.*

Filed Date: 05/20/2011.

Accession Number: 20110520–5167.

Comment Date: 5 p.m. Eastern Time on Friday, June 3, 2011.

Docket Numbers: EC11–83–000.

Applicants: Exelon Corporation, Constellation Energy Group, Inc.

Description: Joint Application for Authorization of Disposition of Jurisdictional Assets and Merger Under Section 203 of the Federal Power Act of Constellation Energy Group, Inc. and Exelon Corporation.

Filed Date: 05/20/2011.

Accession Number: 20110520–5165.

Comment Date: 5 p.m. Eastern Time on Tuesday, July 19, 2011.

Docket Numbers: EC11–84–000.

Applicants: Montgomery L'Energia Power Partners LP, Tanner Street Generation, LLC.

Description: Joint Application for Authorization Under Section203 of the FPA of Montgomery L'Energia Power Partners LP, *et. al.*

Filed Date: 05/23/2011.

Accession Number: 20110523–5016.

Comment Date: 5 p.m. Eastern Time on Monday, June 13, 2011.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG11–83–000.

Applicants: Alta Wind IV Owner Lessor A.

Description: Notice of Self-Certification of EWG Status of Alta Wind IV Owner Lessor A.

Filed Date: 05/20/2011.

Accession Number: 20110520–5012.

Comment Date: 5 p.m. Eastern Time on Friday, June 10, 2011.

Docket Numbers: EG11–84–000.

Applicants: Alta Wind IV Owner Lessor B.

Description: Notice of Self-Certification of EWG Status of Alta Wind IV Owner Lessor B.

Filed Date: 05/20/2011.

Accession Number: 20110520–5013.

Comment Date: 5 p.m. Eastern Time on Friday, June 10, 2011.

Docket Numbers: EG11–85–000.

Applicants: Alta Wind IV Owner Lessor C.

Description: Notice of Self-Certification of EWG Status of Alta Wind IV Owner Lessor C.

Filed Date: 05/20/2011.

Accession Number: 20110520–5014.

Comment Date: 5 p.m. Eastern Time on Friday, June 10, 2011.

Docket Numbers: EG11–86–000.

Applicants: Alta Wind IV Owner Lessor D.

Description: Notice of Self-Certification of EWG Status of Alta Wind IV Owner Lessor D.

Filed Date: 05/20/2011.

Accession Number: 20110520–5015.

Comment Date: 5 p.m. Eastern Time on Friday, June 10, 2011.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–3431–001.

Applicants: New Mexico Green Initiatives, LLC.

Description: New Mexico Green Initiatives, LLC submits tariff filing per 35.17(b): NM Green Initiatives MBR Amendment to be effective 4/26/2011.

Filed Date: 05/20/2011.

Accession Number: 20110520–5152.

Comment Date: 5 p.m. Eastern Time on Friday, June 10, 2011.

Docket Numbers: ER11–3605–000.

Applicants: Glacial Energy Holdings.

Description: Glacial Energy Holdings submits Out-of-Time Motion of For Designation As A Category 1 Seller in All Regions.

Filed Date: 05/19/2011.

Accession Number: 20110519–5098.

Comment Date: 5 p.m. Eastern Time on Thursday, June 09, 2011.

Docket Numbers: ER11–3606–000.

Applicants: AEP Texas North Company.

Description: AEP Texas North Company submits tariff filing per 35.13(a)(2)(iii: TNC–ETT Amended IA, to be effective 5/19/2011.

Filed Date: 05/20/2011.

Accession Number: 20110520–5035.

Comment Date: 5 p.m. Eastern Time on Friday, June 10, 2011.

Docket Numbers: ER11–3607–000.

Applicants: AEP Texas North Company.

Description: AEP Texas North Company submits tariff filing per 35.13(a)(2)(iii: TNC–PSO–ETT IA, to be effective 5/19/2011.

Filed Date: 05/20/2011.

Accession Number: 20110520–5036.

Comment Date: 5 p.m. Eastern Time on Friday, June 10, 2011.

Docket Numbers: ER11–3608–000.

Applicants: AEP Texas North Company.

Description: AEP Texas North Company submits tariff filing per 35.13(a)(2)(iii: 20110520 TNC–SWTEC IA, to be effective 5/19/2011.

Filed Date: 05/20/2011.

Accession Number: 20110520–5039.

Comment Date: 5 p.m. Eastern Time on Friday, June 10, 2011.

Docket Numbers: ER11–3609–000.

Applicants: AEP Texas North Company.

Description: AEP Texas North Company submits tariff filing per 35.13(a)(2)(iii: 20110520 TNC–TEC IA to be effective 5/19/2011.

Filed Date: 05/20/2011.

Accession Number: 20110520–5040.

Comment Date: 5 p.m. Eastern Time on Friday, June 10, 2011.

Docket Numbers: ER11–3610–000.

Applicants: Public Service Company of Oklahoma.

Description: Public Service Company of Oklahoma submits tariff filing per 35.13(a)(2)(iii: 20110520 PSO–OGE Tall Bear FA to be effective 5/2/2011.

Filed Date: 05/20/2011.

Accession Number: 20110520–5043.

Comment Date: 5 p.m. Eastern Time on Friday, June 10, 2011.

Docket Numbers: ER11–3611–000.

Applicants: Basin Electric Power Cooperative, Inc.

Description: Basin Electric Power Cooperative submits Rate Modification in Joint Tariff.

Filed Date: 05/20/2011.

Accession Number: 20110520–5098.

Comment Date: 5 p.m. Eastern Time on Friday, June 10, 2011.

Docket Numbers: ER11–3612–000.

Applicants: Entergy Arkansas, Inc.

Description: Entergy Arkansas, Inc. submits tariff filing per 35.13(a)(2)(iii: PLUM NLR DTOA refile to be effective 5/1/2011.

Filed Date: 05/20/2011.

Accession Number: 20110520–5105.

Comment Date: 5 p.m. Eastern Time on Friday, June 10, 2011.

Docket Numbers: ER11–3613–000.

Applicants: Wabash Valley Power Association, Inc.

Description: Wabash Valley Power Association, Inc. submits tariff filing per 35.13(a)(2)(iii: Submission of Carroll

County REMC Service Agreement to be effective 7/19/2011.

Filed Date: 05/20/2011.

Accession Number: 20110520–5108.

Comment Date: 5 p.m. Eastern Time on Friday, June 10, 2011.

Docket Numbers: ER11–3614–000.

Applicants: Glacial Energy Holdings.

Description: Glacial Energy Holdings submits tariff filing per 35.1: Market-Based Rate Tariff of Glacial Energy Holdings to be effective 5/23/2011.

Filed Date: 05/20/2011.

Accession Number: 20110520–5130.

Comment Date: 5 p.m. Eastern Time on Friday, June 10, 2011.

Docket Numbers: ER11–3615–000.

Applicants: Fred Meyer Stores, Inc.

Description: Fred Meyer Stores, Inc. submits tariff filing per 35.12: Baseline new to be effective 7/22/2011.

Filed Date: 05/20/2011.

Accession Number: 20110520–5131.

Comment Date: 5 p.m. Eastern Time on Friday, June 10, 2011.

Docket Numbers: ER11–3616–000.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corporation submits tariff filing per 35.13(a)(2)(iii: 2011–05–20 CAISO Reliability Demand Response Resource Amendment to be effective 10/1/2011.

Filed Date: 05/20/2011.

Accession Number: 20110520–5140.

Comment Date: 5 p.m. Eastern Time on Friday, June 10, 2011.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES11–34–000.

Applicants: NorthWestern Corporation.

Description: NorthWestern Corporation Application for Authorization under Section 204 of the Federal Power Act and Request for Shortened Comment Period.

Filed Date: 05/20/2011.

Accession Number: 20110520–5163.

Comment Date: 5 p.m. Eastern Time on Friday, June 10, 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 23, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–13217 Filed 5–26–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER11–3589–000]

Long Island Solar Farm, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Long Island Solar Farm, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is June 9, 2011.

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 Street, NE., Washington, DC 20426.

The filings in the above-referenced proceeding 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 20, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–13220 Filed 5–26–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14143–000]

West Maui Pumped Storage Water Supply, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On April 1, 2011, West Maui Pumped Storage Water Supply, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the West Maui Pumped Storage Project, which would use effluent water from the existing West Maui sewage treatment plant, located near Kaanapali, in Maui County, Hawaii. 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 new and existing facilities: (1) A 90-foot-high, 3,800-foot-long lower dam and 50-acre reservoir; (2) a 21,000-foot-long, 57-inch-diameter penstock; (3) a 250-foot-high, 400-foot-long upper dam and 30-acre reservoir; (4) a turnout to supply project effluent water to an existing irrigation system; (5) a powerhouse with two 15-megawatt Francis type pump/generating units; (6) a 9-mile-long, 138-kilovolt transmission line; (7) a 22,000-foot-long road providing access to the penstock and upper dam; and (8) appurtenant facilities. The estimated annual generation of the West Maui Pumped Storage Project would be 110,000 megawatt-hours.

Applicant Contact: Bart M. O'Keeffe, West Maui Pumped Storage Water Supply, LLC, P.O. Box 1916, Discovery Bay, CA 94505; phone: (925) 634–1550.

FERC Contact: Jim Hastreiter; phone 503–552–2760; e-mail: *james.hastreiter@ferc.gov.*

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* 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–14143) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: May 20, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–13149 Filed 5–26–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP11–476–000]

Transwestern Pipeline Company, LLC; Notice of Request Under Blanket Authorization

Take notice that on May 9, 2011, Transwestern Pipeline Company, LLC (Transwestern), 711 Louisiana Street, Suite 900, Houston, TX 77002–2716, filed in Docket No. CP11–476–000, an application pursuant to sections 157.203, 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act (NGA) as amended, to abandon the 20-inch Gomez Lateral, and associated ancillary facilities located in Pecos, Reeves, and Ward Counties, Texas, under Transwestern's blanket certificate issued in Docket No. CP67–220–000, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also 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. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to Kelly Allen, Manager Certificates and Reporting, Transwestern Pipeline Company, LLC, 711 Louisiana Street, Suite 900, Houston, TX 77002–2716, via telephone at (281) 714–2056, fax (281) 714–2181 or e-mail: *Kelly.Allen@energytransfer.com* or Shemeika Landry, Senior Counsel, Transwestern Pipeline Company, LLC, 711 Louisiana Street, Suite 900, Houston, TX 77002–2716, via telephone at (281) 714–2051, fax (281) 714–2181 or email: *Shemeika.Landry@energytransfer.com*.

Specifically, Transwestern proposes to abandon in place or offer by sale, approximately 33.4 miles of 20-inch diameter pipeline which begins at the discharge of the Gomez Processing Plant near the city of Ft. Stockton in Pecos County, Texas and traverses in a northeasterly direction to an interconnect with Transwestern's 24-inch West Texas Lateral near the town of Peyote in Ward County, Texas. As a result of the sale of the previously attached Gomez Gathering System, Transwestern asserts that the Gomez Lateral has been rendered underutilized

and an unnecessary part of its pipeline system.

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the NGA.

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 commenter's 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 commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, 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 7 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Dated: May 20, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–13151 Filed 5–26–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD09–9–000]

Small Hydropower Development in the United States; Notice of Small/Low-Impact Hydropower Webinar

The Federal Energy Regulatory Commission (FERC) will host a Small/Low-Impact Hydropower Webinar on June 22, 2011, from 12 noon to 1 p.m. Eastern Daylight Time. The webinar will be open to the public and advance registration is required.

The purpose of this webinar is to provide guidance on what types of hydropower projects qualify as a conduit or a 5-megawatt (MW) exemption and the requirements for filing an application for these types of projects. Specifically, the webinar will provide the opportunity for participants to learn the differences between a conduit and a 5–MW exemption, find out what to do if a project does not qualify for an exemption, learn how to get more information and assistance from FERC staff, and ask questions.

To register for this webinar, please go to *https://www.ferc.gov/whats-new/registration/hydro-webinar-6–22–11-form.asp.* Registration will be open for 30 days. Once registered, you will receive a confirmation email containing information about joining the webinar a few days prior to the start of the webinar.

For more information about this webinar, please contact Shana Murray at (202) 502–8333 or *shana.murray@ferc.gov.*

Dated: May 20, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–13218 Filed 5–26–11; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–8997–2]

Environmental Impacts Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–1399 or *http://www.epa.gov/compliance/nepa/.*

Weekly Receipt of Environmental Impact Statements Filed 05/16/2011 Through 05/20/2011 Pursuant to 40 CFR 1506.9

Notice

In accordance with Section 309(a) of the Clean Air Act, EPA is required to make its comments on EISs issued by other Federal agencies public. Historically, EPA met this mandate by publishing weekly notices of availability of EPA comments, which includes a brief summary of EPA's comment letters, in the **Federal Register**. Since February 2008, EPA has included its comment letters on EISs on its Web site at: *http://www.epa.gov/compliance/nepa/eisdata.html.* Including the entire EIS comment letters on the Web site satisfies the Section 309(a) requirement to make EPA's comments on EISs available to the public. Accordingly, on March 31, 2010, EPA discontinued the publication of the notice of availability of EPA comments in the **Federal Register**.

Pursuant to 40 CFR 1506.9.

EIS No. 20110158, Draft EIS, FHWA, CA, State Route 91 Corridor Improvement Project, Proposes Widening, Including the Construction of one Mixed-Flow Lane in each Direction between State 91 and Interstate 15, Riverside and Orange County, CA, Comment Period Ends: 07/11/2011, Contact: Aaron Burton 909–383–2841.

EIS No. 20110159, Final EIS, USFS, CA, Big Pony Project, Proposes to Reduce Fire Hazard to Permanent Research Plots and to Areas within and Adjacent to Wildland Urban Interface near Tennant, Goosenest Ranger District, Klamath National Forest, Siskiyou County, CA, Review Period Ends: 06/27/2011, Contact: Wendy Coats 530–841–4470.

EIS No. 20110160, Final EIS, USACE, CA, Folsom South of U.S. 50 Specific Plan Project, Proposed land Use Development in the Specific Plan Area, City of Folsom, Sacramento County, CA, Review Period Ends: 06/27/2011, Contact: Lisa M. Gibson 916–557–5288.

EIS No. 20110161, Final Supplement, USFS, CA, Salt Timber Harvest and Fuel Hazard Reduction Project, Additional Analysis and Supplemental Information, Proposing Vegetation Management in the Salt Creek Watershed, South Fork Management Unit, Hayfork Ranger District, Shasta-Trinity National Forest, Trinity County, CA, Review Period Ends: 06/27/2011, Contact: Joshua Wilson 530–226–2422.

EIS No. 20110162, Draft EIS, FHWA, IL, U.S. 30 Transportation Improvement Project, from Illinois 136 to Illinois 40. Federal Aid Primary (FAP) Route 309, Whiteside County, IL, Comment Period Ends: 07/29/2011, Contact: Eric S. Therkidsen, P.E. 815–284–2271.

EIS No. 20110163, Final EIS, USFS, OR, Howard Elliot Johnson Fuel and Vegetation Management Project, Proposed Fuels and Vegetation Treatments Reduce the Risk of Stand Loss Due to Overly Dense Stand Condition, Crook County, OR, Review Period Ends: 06/27/2011, Contact: Marcy Anderson 541–416–6463.

EIS No. 20110164, Revised Draft EIS, BOEMRE, AK, Chukchi Sea Planning Area, Oil and Gas Lease Sale 193, Revised Information, Analyzing the Environmental Impact of Natural Gas Development and Evaluate Incomplete, Missing, and Unavailable Information, Chukchi Sea, Alaska Outer Continental Shelf, AK, Comment Period Ends: 07/11/2011, Contact: Tim Holder 703–787–1744.

EIS No. 20110165, Third Final EIS (Tiering), USFS, OR, Mt. Ashland Ski Area Expansion, To Address Matters Identified by the Ninth Circuit Court of Appeals for the Existing 2004 FEIS, Ashland Ranger District, Rogue River National Forest and Scott River Ranger District, Klamath National Forest, Jackson County, OR, Review Period Ends: 06/27/2011, Contact: Steve Johnson 541–552–2900.

EIS No. 20110166, Final EIS, USFS, CA, Fish Camp Project, Proposes to Create a Network of Landscape Area Treatments and Defensible Fuel, Sierra National Forest, Bass Lake Ranger District, Madera and Mariposa Counties, CA, Review Period Ends: 06/27/2011, Contact: Mark Lemon 559–877–2218 Ext. 3110.

Dated: 05/24/2011.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2011–13249 Filed 5–26–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9312–2]

The Effects of Mountaintop Mines and Valley Fills on Aquatic Ecosystems of the Central Appalachian Coalfield andA Field-Based Aquatic Life Benchmark for Conductivity in Central Appalachian Streams; Release of Final Reports

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: EPA publically released on April 13, 2011, two final scientific reports assessing the environmental and water quality effects of mountaintop coal mining on Appalachian streams. Both reports, prepared by EPA scientists in the Agency's Office of Research and Development, were strongly endorsed by EPA's Science Advisory Board following an extensive independent peer review. The reports provide valuable scientific information for use by Federal and state agencies responsible for the review of surface coal mining operations under the Clean Water Act. The two reports, entitled *The Effects of Mountaintop Mines and Valley Fills on Aquatic Ecosystems of the Central Appalachian Coalfields* (EPA/600/R–09/138F) and *A Field-based Aquatic Life Benchmark for Conductivity in Central Appalachian Streams* (EPA/600/R–10/023F) are available via the Internet at *http://www.epa.gov/ncea.*

DATES: These two reports were posted publically on April 13, 2011.

ADDRESSES: Both reports are available primarily via the Internet on the National Center for Environmental Assessment's home page under the Recent Additions and Publications menus at *http://www.epa.gov/ncea.* A limited number of paper copies are available from the Information Management Team, NCEA; telephone: 703–347–8561; facsimile: 703–347–8691. If you are requesting a paper copy, please provide your name, your mailing address, and the document title.

FOR FURTHER INFORMATION CONTACT: For additional information, contact the National Center for Environmental Assessment; Michael Slimak; telephone: 703–347–8524; or e-mail: *slimak.michael@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Key Conclusions

The Effects of Mountaintop Mines and Valley Fills on Aquatic Ecosystems of the Central Appalachian Coalfields

- Springs, and ephemeral, intermittent, and small perennial headwater streams are permanently lost with the removal of the mountain and from burial under mining waste;
- Concentrations of major chemical ions (a measure of salinity) are persistently elevated downstream of mining operations;
- Degraded water quality reaches levels that are acutely lethal to standard laboratory test organisms;
- Selenium concentrations are elevated, reaching concentrations that have caused toxic effects in fish and birds; and
- Aquatic communities downstream of mining operations are consistently degraded.

A Field-Based Aquatic Life Benchmark for Conductivity in Central Appalachian Streams

- Consistent with longstanding EPA methods and using site specific stream data in West Virginia and Kentucky, EPA determined that conductivity (dissolved salts) levels below 300 µS/cm are generally associated with healthy aquatic communities; and
- The Report demonstrates that elevated conductivity (a measure of salinity) is the factor most directly responsible for the loss of stream life in Appalachian streams.

Comments were solicited on the drafts of both reports beginning in April 2010. Those comments received were provided to an expert peer review panel of the Science Advisory Board (SAB). The SAB panel held a public meeting to review the draft reports from July 20–22, 2010. The SAB's peer review reports were transmitted to the EPA Administrator on March 25, 2011, and are available at: *http://yosemite.epa.gov/sab/sabproduct.nsf/WebReportsLastMonthBOARD/ACD3A1AF5C7138E785257625006C891E?OpenDocument&TableRow=2.3#2,* for the *MTM–VF Effects Assessment; and http://yosemite.epa.gov/sab/sabproduct.nsf/WebReportsLastMonthBOARD/984D6747508D92AD852576B700630F32?OpenDocument&TableRow=2.3*, for the *Conductivity Report.*

Dated: May 19, 2011.

Darrell A. Winner,

Acting Director, National Center for Environmental Assessment.

[FR Doc. 2011–13270 Filed 5–26–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9312–6]

Science Advisory Board Staff Office; Request for Nominations of Experts for SAB Libby Amphibole Asbestos Review Panel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA Science Advisory Board (SAB) Staff Office is requesting public nominations of technical experts to serve on an Asbestos expert panel under the auspices of the SAB to conduct a peer review of EPA's Draft Toxicological Review of Libby Amphibole Asbestos.

DATES: Nominations should be submitted by June 17, 2011 per instructions below.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information regarding this Notice and Request for Nominations may contact Dr. Diana Wong, Designated Federal Officer (DFO), SAB Staff Office, by telephone/voice mail at (202) 564–2049, or via e-mail at *wong.diana-M@epa.gov.* General information concerning the EPA Science Advisory Board can be found at the EPA SAB Web site at *http//www.epa.gov/sab.* For questions concerning the Libby Amphibole Asbestos Assessment, please contact Dr. Danielle DeVoney, of EPA's National Center for Environmental Assessment (NCEA), by phone (703) 347–8558, or via e-mail at *devoney.daniel@epa.gov;* or Dr. Bob Benson, of EPA Region 8, by phone (303) 312–7070, or via email at *benson.bob@epa.gov.*

SUPPLEMENTARY INFORMATION:

Background: The SAB was established pursuant to the Environmental Research, Development, and Demonstration Authorization (ERDDAA) Act, codified at 42 U.S.C. 4365 to provide independent scientific and technical advice to the EPA Administrator on the technical basis for EPA actions. The EPA's National Center for Environmental Assessment (NCEA) within the Office of Research and Development (ORD) has requested the SAB to review EPA's draft Draft Toxicological Review of Libby Amphibole Asbestos In Support of Summary Information on the Integrated Risk Information System (IRIS). The draft assessment evaluates cancer and noncancer health hazards and exposure-response of Libby amphibole asbestos. Libby amphibole asbestos, found in vermiculite ore deposits near Libby, MT, is comprised of a mixture of related mineral forms of amphibole asbestos: Primarily winchite, richtorite and tremolite with trace amounts of magnesioriebeckite, edenite, and magnesio-arfvedsonite. In response to ORD's request, the SAB Staff Office will form an expert panel to review the draft assessment. As a Federal Advisory Committee, the SAB conducts business in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App.2) and related regulations. The SAB Panel will provide advice through the chartered SAB and comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

Request For Nominations: The SAB Staff Office is seeking public nominations of nationally and internationally recognized scientists with demonstrated expertise and experience in the following areas related to asbestos, including: Mineralogy, industrial hygiene, air sampling and detection methods, exposure assessment, occupational medicine, pulmonary medicine, radiology on asbestos related disease, pulmonary pathology, epidemiology, toxicology, statistical modeling, risk assessment, and uncertainty analysis.

Process and Deadline for Submitting Nominations: Any interested person or organization may nominate qualified individuals in the areas of expertise described above for possible service on this expert Panel. Nominations should be submitted in electronic format (which is preferred over hard copy) following the instructions for ''Nominating Experts to Advisory Panels and Ad Hoc Committees Being Formed'' provided on the SAB Web site. The instructions can be accessed through the ''Nomination of Experts'' link on the blue navigational bar on the SAB Web site at *http://www.epa.gov/sab.* To receive full consideration, nominations should include all of the information requested below.

EPA's SAB Staff Office requests contact information about the person making the nomination; contact information about the nominee; the disciplinary and specific areas of expertise of the nominee; the nominee's curriculum vita; sources of recent grant and/or contract support; and a biographical sketch of the nominee indicating current position, educational background, research activities, and recent service on other national advisory committees or national professional organizations.

Persons having questions about the nomination procedures, or who are unable to submit nominations through the SAB Web site, should contact Dr. Diana Wong, DFO, as indicated above in this notice. Nominations should be submitted in time to arrive no later than June 17, 2011. EPA values and welcomes diversity. In an effort to obtain nominations of diverse candidates, EPA encourages nominations of women and men of all racial and ethnic groups.

The EPA SAB Staff Office will acknowledge receipt of nominations. The names and bio-sketches of qualified nominees identified by respondents to this **Federal Register** notice, and additional experts identified by the SAB Staff, will be posted in a List of Candidates on the SAB Web site at *http://www.epa.gov/sab.* Public comments on this List of Candidates will be accepted for 21 days. The public will be requested to provide relevant information or other documentation on nominees that the SAB Staff Office should consider in evaluating candidates.

For the EPA SAB Staff Office, a review panel includes candidates who possess the necessary domains of knowledge, the relevant scientific perspectives (which, among other factors, can be influenced by work history and affiliation), and the collective breadth of experience to adequately address the charge. In forming this expert panel, the SAB Staff Office will consider public comments on the List of Candidates, information provided by the candidates themselves, and background information independently gathered by the SAB Staff Office. Selection criteria to be used for Panel membership include: (a) Scientific and/or technical expertise, knowledge, and experience (primary factors); (b) availability and willingness to serve; (c) absence of financial conflicts of interest; (d) absence of an appearance of a lack of impartiality; and (e) skills working in committees, subcommittees and advisory panels; and, (f) for the Panel as a whole, diversity of expertise and viewpoints.

The SAB Staff Office's evaluation of an absence of financial conflicts of interest will include a review of the ''Confidential Financial Disclosure Form for Special Government Employees Serving on Federal Advisory Committees at the U.S. Environmental Protection Agency'' (EPA Form 3110–48). This confidential form allows Government officials to determine whether there is a statutory conflict between that person's public responsibilities (which includes membership on an EPA Federal advisory committee) and private interests and activities, or the

appearance of a lack of impartiality, as defined by Federal regulation. The form may be viewed and downloaded from the following URL address *http://www.epa.gov/sab/pdf/epaform3110-48.pdf.*

The approved policy under which the EPA SAB Office selects subcommittees and review panels is described in the following document: *Overview of the Panel Formation Process at the Environmental Protection Agency Science Advisory Board* (EPA–SAB–EC–02–010), which is posted on the SAB Web site at *http://www.epa.gov/sab/pdf/ec02010.pdf.*

Dated: May 23, 2011.

Anthony F. Maciorowski,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. 2011–13241 Filed 5–26–11; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Submitted to the Office of Management and Budget for Emergency Review and Approval

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995. *Comments are requested concerning:* (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, and (e) ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. 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 currently valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before June 13, 2011. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202–395–5167 or via the Internet at *Nicholas_A._Fraser@omb.eop.gov* and to the Federal Communications Commission via e-mail to *PRA@fcc.gov* and *Paul.Laurenzano@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information, contact Paul Laurenzano on (202) 418–1359.

SUPPLEMENTARY INFORMATION: The Commission is requesting emergency OMB processing of the information collection requirement(s) contained in this notice and has requested OMB approval 30 days after the collection is received at OMB.

To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–XXXX.

Title: Sections 1.1420; 1.1422; and 1.1424 Pole Attachment Access Requirements.

Form Number: N/A.

Type of Review: New Collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 1,278 respondents; 54,932 responses.

Estimated Time per Response: 1–600 hours.

Frequency of Response: Occasional third party disclosure, recordkeeping, and reporting.

Obligation to Respond: Mandatory. Statutory authority for this information collection is contained 47 U.S.C. section 224.

Total Annual Burden: 683,169 hours.

Total Annual Cost: No cost.

Nature and Extent of Confidentiality: No confidentiality regarding recordkeeping or reporting. No known confidentiality between third parties.

Privacy Impact Assessment: No impact(s).

Needs and Uses: The new rules are needed to implement the statutory mandate that communications companies (attachers) should be able to place facilities on utility poles. The new rules set a series of deadlines or ''timeline'' to govern the process by which permission is sought by attachers and granted by utility pole owners. In practice, attachers must submit detailed applications that cause the utility to survey and perform an engineering analysis on the poles where access is requested.

The post-survey pole preparation work (make-ready) triggers further paperwork burdens. These include the pole owner notifying all known entities with existing attachments and the requesting attacher of the scheduled work. Other notification occurs if the make-ready period is interrupted, and if a pole owner asserts its right to one 15-day extension of time. Pole owners both perform make ready and coordinate with existing attachers over many weeks.

Also, the Order adopts rules intended to make the timeline deadlines largely self-enforcing. Utilities are required to post a list of approved contractors. If a deadline is not met, new attachers may hire a listed, utility-approved contractor to perform pole attachment surveys or preparation in lieu of the utility using its own workers. If an attacher uses a utility-approved contractor, it must notify the utility, and invite the utility to send a representative to oversee the work. This self-enforcing mechanism removes some of the burden from the complaint process, which is often too slow to provide meaningful relief when pole access is denied or unreasonably delayed.

Finally, the Order also broadens the existing enforcement process by permitting incumbent local exchange carriers (LECs) to file complaints alleging that the attachment rates demanded by electric utilities are unreasonable. The Order also encourages incumbent LECs that benefit from lower pole attachment costs to file data at the Commission that demonstrate that the benefits are being passed on to consumers.

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison, Office of the Secretary, Office of Managing Director.

[FR Doc. 2011–13119 Filed 5–26–11; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: The Federal Communications Commission (FCC), as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act (PRA) of 1995. Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and (e) ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before July 26, 2011. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202–395–5167 or via e-mail to *Nicholas_A._Fraser@omb.eop.gov* and to the Federal Communications Commission via e-mail to *PRA@fcc.gov* and *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0881.

Title: Section 95.861—Interference.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 563.

Estimated Time per Response: 30 minutes.

Frequency of Response: Recordkeeping requirement, third party disclosure requirement, and on occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in 47 U.S.C. 151, 154(i) and 157, as amended.

Total Annual Burden: 282 hours.

Annual Cost Burden: $70,500.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: This information will be used to monitor the co- and adjacent channel interference potential of proposed systems in the 218–219 MHz service, and to identify methods being used to minimize interference, as well as to show how the proposed systems will meet the service requirements set forth in § 95.831 of the Commission's rules.

Federal Communications Commission.

Avis Mitchell,

Federal Register Liaison, Office of the Secretary, Office of Managing Director.

[FR Doc. 2011–13127 Filed 5–26–11; 8:45 am]

BILLING CODE 6712–01–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 24, 2011.

A. Federal Reserve Bank of Richmond (Adam M. Drimer, Assistant Vice President), 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. *Park Sterling Corporation,* Charlotte, North Carolina; to acquire 100 percent of the voting shares of Community Capital Corporation, and thereby indirectly acquire voting shares of CapitalBank, both in Greenwood, South Carolina.

Board of Governors of the Federal Reserve System, May 24, 2011.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2011–13200 Filed 5–26–11; 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 24, 2011.

A. Federal Reserve Bank of Philadelphia (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521:

1. Susquehanna Bancshares, Inc., Lititz, Pennsylvania; to acquire Abington Bancorp, Inc., Jenkintown, Pennsylvania, and thereby engage in operating a savings association, pursuant to section 225.28(b)(4)(ii) of Regulation Y.

Board of Governors of the Federal Reserve System, May 24, 2011.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2011–13201 Filed 5–26–11; 8:45 am]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

[Notice–R09–2011–01; Docket 2011–0006; Sequence 12]

Notice of Availability of the Final Environmental Impact Statement for Improvements to the Calexico West Land Port of Entry, Calexico, CA

AGENCY: Public Buildings Service, General Services Administration (GSA).

ACTION: Notice.

SUMMARY: The General Services Administration (GSA) announces the availability of the Final Environmental Impact Statement (EIS) for Improvements to the Calexico West Land Port of Entry (LPOE), in Calexico, California. The Final EIS provides GSA and its stakeholders an analysis of the environmental impacts resulting from ongoing operations as well as reasonable alternatives for expansion of the Calexico West LPOE.

DATES: May 27, 2011.

FOR FURTHER INFORMATION CONTACT: Ms. Maureen Sheehan, (253) 931–7548.

SUPPLEMENTARY INFORMATION:

Background: The Final EIS was prepared pursuant to the National Environmental Policy Act of 1969 (NEPA) [42 U.S.C. 4321 *et seq.*] and the Council on Environmental Quality NEPA regulations [40 CFR part 1500].

The downtown Calexico LPOE serves privately-owned vehicle (POV), bus, and pedestrian traffic into and out of the Baja California city of Mexicali. The existing LPOE does not meet the Federal inspection services' minimum standards for processing time and overall efficiency. GSA's need is to correct these operational deficiencies, provide for more thorough inspections, improve safety for employees and the public, and reduce the delays experienced by the public.

GSA has identified and assessed several design options for the renovation, replacement, and continued operation of the Calexico West Port of Entry. In addition, GSA analyzed the No Action Alternative in which GSA would continue the status quo, that is, operate the port of entry in its current configuration, with only minor repairs and alterations.

GSA will consider the Final EIS, along with other economic and technical considerations, to make a decision on the appropriate course for improvements at the Calexico West LPOE. Following this thirty (30) day notice in the **Federal Register**, GSA will issue a Record of Decision (ROD) at which time its availability will be announced in the **Federal Register** and local media.

Contact: Ms. Maureen Sheehan, NEPA Project Manager, Portfolio Management Division, Capital Investment Branch (9P2PTC), U.S. General Services Administration, 400 15th St., SW., Auburn, Washington 98001, (253) 931–7548 or via e-mail to *maureen.sheehan@gsa.gov.*

Copies of the Final EIS may be downloaded from *http://www.gsa.gov/nepalibrary.*

Dated: May 19, 2011.

Samuel R. Mazzola,

Director, Portfolio Management Division, Pacific Rim Region.

[FR Doc. 2011–13176 Filed 5–26–11; 8:45 am]

BILLING CODE 6820–YF–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Presidential Advisory Council on HIV/AIDS; Correction

AGENCY: Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice; Correction.

SUMMARY: The Department of Health and Human Services published a notice in the **Federal Register** of May 11, 2011 to announce a meeting of the Presidential Advisory Council on HIV/AIDS that will be held on Thursday, May 26, 2011, and Friday, May 27, 2011. The meeting is to be held from 10 a.m. to approximately 5 p.m. on May 26, 2011, and from 9 a.m. to approximately 3 p.m. on May 27, 2011. The meeting is scheduled to be held in the Department of Health and Human Services; Room 705A Hubert H. Humphrey Building; 200 Independence Avenue, SW.; Washington, DC 20201. The meeting dates have been changed.

FOR FURTHER INFORMATION CONTACT: Mr. Melvin Joppy, Committee Manager, Presidential Advisory Council on HIV/AIDS; *Phone:* (202) 690–5560. More detailed information about PACHA can be obtained by accessing the Council's Web site at *http://www.pacha.gov.*

Correction

In the **Federal Register** of May 11, 2011, FR Doc. 2011–11542, on page 27323, in the first column, correct the **DATES** caption to read:

DATES: Thursday, May 26, 2011, from 10 a.m. to approximately 5 p.m.

Dated: May 19, 2011.

Christopher H. Bates,

Executive Director, Presidential Advisory Council on HIV/AIDS.

[FR Doc. 2011–12936 Filed 5–26–11; 8:45 am]

BILLING CODE 4150–43–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10325, CMS–10322 and CMS–10330]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS) is publishing the following summary of proposed collections 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.

1. *Type of Information Collection Request:* Extension of a currently approved information collection; *Title of Information Collection;* Disclosure and recordkeeping requirements for Grandfathered Health Plans under the Affordable Care Act; *Use:* Section 1251 of the Patient Protection and Affordable Care Act, Public Law 111–148 (the Affordable Care Act), provides that certain plans and health insurance coverage in existence as of March 23, 2010, known as grandfathered health plans, are not required to comply with certain statutory provisions in the Act. To maintain its status as a grandfathered health plan, the interim final regulations (29 CFR 2590.715–1251(a)(3)) require the plan to maintain records documenting the terms of the plan in effect on March 23, 2010, and any other documents that are necessary to verify, explain or clarify status as a grandfathered health plan (the ''recordkeeping requirement''). In summary, the plan must make such records available for examination upon request by participants, beneficiaries, individual policy subscribers, or a State or Federal agency official. The disclosure requirement will provide participants and beneficiaries with important information about their grandfathered health plans, such as that grandfathered plans are not required to comply with certain consumer protection provisions contained in the Act. It also will provide important contact information for participants to find out which protections apply and which protections do not apply to a grandfathered health plan and what might cause a plan to change from grandfathered to non-grandfathered health plan status. The recordkeeping requirement will allow a participant, beneficiary, or Federal or State official to inspect plan documents to verify that a plan or health insurance coverage is a grandfathered health plan. The disclosure required when a change in carrier occurs will insure that the succeeding health insurance issuer has sufficient information to determine whether the standards set forth in paragraph (g)(1) of the interim final regulations are met. *Form Number:* CMS–10325 (OCN: 0938–1093), *Frequency:* Occasionally; *Affected Public:* State, Local, or Tribal governments; *Number of Respondents:* 210,000; *Number of Responses:* 20,613,000; *Total Annual Hours:* 53,200. (For policy questions regarding this collection, contact Steven Kornblit at 410–786–1847. For all other issues call (410) 786–1326.)

2. *Type of Information Collection Request:* Reinstatement of a previously approved information collection; *Title of Information Collection:* Affordable Care Act Enrollment Opportunity Notice Relating to Extension of Dependent Coverage. *Use:* The enrollment opportunity notice will be used by health plans to notify certain individuals of their right to enroll dependents who have not attained age 26 under their plan. The affected individuals are those whose coverage ended, or who were denied coverage (or were not eligible for coverage) under a group health plan or group health insurance coverage because, under the terms of the plan or coverage, the availability of dependent coverage of children ended before the attainment of age 26. *Form Number:* CMS–10322 (OCN: 0938–1089); *Frequency:* Occasionally; *Affected Public:* Individual or Households/State, Local, or Tribal governments; *Number of Respondents:* 126,315; *Number of Responses:* 25,071,000; *Total Annual Hours:* 259,066. (For policy questions regarding this collection, contact Steven Kornblit at 410–786–1847. For all other issues call (410) 786–1326.)

3. *Type of Information Collection Request:* Revision of a previously approved information collection; *Title of Information Collection:* Enrollment Opportunity Notice Relating to Lifetime Limits; Required Notice of Rescission of Coverage; and Disclosure Requirements for Patient Protection under the Affordable Care Act; *Use:* Under section 2711 of the PHS Act amended by the Affordable Care Act, the enrollment opportunity notice will be used by health plans to notify certain individuals of their right to re-enroll in their plan. The affected individuals are those whose coverage ended due to reaching a lifetime limit on the dollar value of all benefits for any individual. Under section 2712 of the PHS Act as amended by the Affordable Care Act, the rescission notice will be used by health plans to provide advance notice to certain individuals that their coverage may be rescinded. The affected individuals are those who are at risk of rescission on their health insurance coverage. Under section 2719A of the PHS Act as amended by the Affordable Care Act, the patient protection notification will be used by health plans to inform certain individuals of their right to choose a primary care provider or pediatrician and to use obstetrical/gynecological services without prior authorization. *Form Number:* CMS–10330 (OMB Control No. 0938–1094); *Frequency:* On Occasion; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 11,720; *Number of Responses:* 2,090,700; *Total Annual Hours:* 5,100. (For policy questions regarding this collection, contact Steven Kornblit at 410–786–1847. For all other issues call (410) 786–1326.)

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web site at *http://www.cms.gov/PaperworkReductionActof1995/PRAL/list.asp#TopOfPage* or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov,* or call the Reports Clearance Office at 410–786–1326.

In commenting on the proposed information collections please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in one of the following ways by *July 26, 2011:*

1. Electronically. You may submit your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) accepting comments.

2. By regular mail. You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: May 24, 2011.

Martique Jones,

Director, Regulations Development Group, Division B, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2011–13257 Filed 5–26–11; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–222, CMS–287–05, CMS–1771, and CMS–10008]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services, is publishing the following summary of proposed collections 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 function; (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.

1. *Type of Information Collection Request:* Extension of currently approved collection; *Title of Information Collection:* Independent Rural Health Center/Freestanding Federally Qualified Health Center Cost Report and Supporting Regulations 42 CFR 413.20 and 42 CFR 413.24; *Use:* Providers of service in the Medicare program are required to submit annual information to achieve reimbursement for health care services rendered to Medicare beneficiaries. The Form CMS–222 cost report is needed to determine the amount of reasonable cost due to the providers for furnishing medical services to Medicare beneficiaries; *Form Number:* CMS–222 (OMB# 0938–0107); *Frequency:* Yearly; *Affected Public:* Business or other for-profit and not-for-profit institutions; *Number of Respondents:* 5,812; *Total Annual Responses:* 5,812; *Total Annual Hours:* 290,600. (For policy questions regarding this collection contact Steve A. Raitzyk at 410–786–4599. For all other issues call 410–786–1326.)

2. *Type of Information Collection Request:* Extension without change of a currently approved collection; *Title of Information Collection:* Chain Home Office Cost Statement and supporting Regulations in 42 CFR 413.17 and 413.20; *Use:* The Form CMS–287–05 is filed annually by Chain Home Offices to report the information necessary for the determination of Medicare reimbursement to components of chain organizations. However, where providers are components of chain organizations, information included in the chain home office cost statement is in addition to that included in the provider cost report and is needed to determine whether payments are appropriate. *Form Number:* CMS–287–05 (OMB# 0938–0202); *Frequency:* Yearly; *Affected Public:* Business or other for-profit and not-for-profit institutions; *Number of Respondents:* 1,541; *Total Annual Responses:* 1,541; *Total Annual Hours:* 718,106. (For policy questions regarding this collection contact Nadia Massuda at 410–786–5834. For all other issues call 410–786–1326.)

3. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Attending Physicians Statement and Documentation of Medicare Emergency and Supporting Regulations in 42 CFR Section 424.103; *Use:* 42 CFR 424.103 (b) requires that before a nonparticipating hospital may be paid for emergency services rendered to a Medicare beneficiary, a statement must be submitted that is sufficiently comprehensive to support that an emergency existed. Form CMS–1771 contains a series of questions relating to the medical necessity of the emergency. The attending physician must attest that the hospitalization was required under the regulatory emergency definition (42 CFR 424.101) and give clinical documentation to support the claim. *Form Number:* CMS–1771 (OMB# 0938–0023); *Frequency:* Yearly; *Affected Public:* Private sector—Business or other for-profit and not-for-profit institutions; *Number of Respondents:* 100; *Total Annual Responses:* 200; *Total Annual Hours:* 50. (For policy questions regarding this collection contact Shauntari Cheely at 410–786–1818. For all other issues call 410–786–1326.)

4. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Process and Information Required To Determine Eligibility of Drugs, Biologicals, and Radiopharmaceutical Agents for Transitional Pass-Through Status Under the Hospital Outpatient Prospective Payment System (OPPS); *Use:* Section 1833(t)(6) of the Social Security Act provides for temporary additional payments or ''transitional pass-through payments'' for certain drugs and biological agents. Interested parties such as hospitals, pharmaceutical companies, and physicians can apply for transitional pass-through payment for drugs and biologicals used with services covered under the OPPS. CMS uses this information to determine if the criteria for making a transitional pass-through payment are met and if an interim Healthcare Common Procedure Coding System (HCPCS) code for a new drug or biological is necessary. *Form Number:* CMS–10008 (OMB#: 0938–0802); *Frequency:* Once; *Affected Public:* Private sector—Business or other for-profit; *Number of Respondents:* 30; *Total Annual Responses:* 480; *Total Annual Hours:* 480. (For policy questions regarding this collection contact Christina Ritter Ph.D. at 410–786–4636. For all other issues call 410–786–1326.)

To be assured consideration, comments and recommendations for the proposed information collections must be received by the OMB desk officer at the address below, no later than 5 p.m. on June 27, 2011. OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer.

Fax Number: (202) 395–6974.

E-mail: OIRA_submission@omb.eop.gov.

Dated: May 20, 2011.

Michelle Shortt,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2011–13039 Filed 5–26–11; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Title: ACF–535 LIHEAP Quarterly Allocation Estimates.

OMB No. 0970–0037.

Description: The LIHEAP Quarterly Allocation Estimates, ACF Form-535 is a one-page form that is sent to 50 State grantees and to the District of Columbia. It is also sent to Tribal Government grantees that receive over $1 million annually for the Low Income Home Energy Assistance Program (LIHEAP). Grantees are asked to complete and submit the form in the 4th quarter of each year. The data collected on the form are grantees estimates of obligations they expect to make each

quarter for the upcoming fiscal year for the LIHEAP program. This is the only method used to request anticipated distributions of the grantees LIHEAP funds. The information is used to develop apportionment requests to OMB and to make grant awards based on grantees anticipated needs. Information collected on this form is not available through any other Federal source. Submission of the form is voluntary.

Respondents: State Governments, Tribal Governments that receive over $1 million annually, and the District of Columbia.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
LIHEAP Quarterly Allocation Estimates, ACF–535	55	1	0.25	13.75

Estimated Total Annual Burden Hours: 13.75

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. E-mail address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed 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 proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2011–13216 Filed 5–26–11; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: State Developmental Disabilities Council 5-Year State Plan.

OMB No.: 0980–0162.

Description: A Plan developed by the State Council on Developmental Disabilities is required by federal statute. Each State Council on Developmental Disabilities must develop the plan, provide for approval by the State Governor, and finally submit the plan on a five-year basis. On an annual basis, the Council must review the plan and make any amendments. The State Plan will be used (1) By the Council as a planning document; (2) by the citizenry of the State as a mechanism for commenting on the plans of the Council; and (3) by the Department as a stewardship tool, for ensuring compliance with the Developmental Disabilities Assistance and Bill of Rights Act, as one basis for providing technical assistance (*e.g.,* during site visits), and as a support for management decision making.

Respondents: 55 State Developmental Disabilities Councils.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
State Developmental Disabilities Council 5-Year State Plan	55	1	367	20,185
Estimated Total Annual Burden Hours				20,185

Additional Information:

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: *infocollection@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: 202–395–7285, E-mail: *OIRA_SUBMISSION@OMB.EOP.GOV* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2011–13259 Filed 5–26–11; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0471]

Adrien E. Aiache: Debarment Order

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) (the Agency) is issuing an order under the Federal Food, Drug, and Cosmetic Act (the FD&C Act) debarring Adrien Aiache, M.D. for 5 years from providing services in any capacity to a person that has an approved or pending drug product application. FDA bases this order on findings that Dr. Aiache was convicted of a misdemeanor under Federal law for conduct relating to the regulation of a drug product under the FD&C Act and that the type of conduct underlying the conviction undermines the process for the regulation of drugs. Dr. Aiache was given notice of the proposed debarment and an opportunity to request a hearing within the timeframe prescribed by regulation. Dr. Aiache failed to respond. Dr. Aiache's failure to respond constitutes a waiver of his right to a hearing concerning this action.

DATES: This order is effective May 27, 2011.

ADDRESSES: Submit applications for termination of debarment to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Room 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Kenny Shade, Office of Regulatory Affairs (HFC–230), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–796–4640.

SUPPLEMENTARY INFORMATION:

I. Background

Section 306(b)(2)(B)(i)(I) of the FD&C Act (21 U.S.C. 335a(b)(2)(B)(i)(I)) permits FDA to debar an individual if it finds that the individual has been convicted of a misdemeanor under Federal law for conduct relating to the regulation of drug products under the FD&C Act, and if FDA finds that the type of conduct that served as the basis for the conviction undermines the process for the regulation of drugs.

On June 26, 2007, Dr. Aiache pleaded guilty to a misdemeanor offense of receipt in interstate commerce of a misbranded drug and delivery thereof in violation of 21 U.S.C. 331(c), 333(a)(1), and 352(f), and the United States District Court for the Central District of California entered judgment against him.

FDA's finding that debarment is appropriate is based on the misdemeanor conviction referenced herein. The factual basis for the conviction is as follows: Dr. Aiache was a licensed physician with an office in Beverly Hills, California. In 2003, Dr. Aiache began ordering an unapproved Botulinum Toxin Type A drug, Tri-toxin, manufactured by Toxin Research International, Inc. (TRI), instead of the approved BOTOX/BOTOX Cosmetic. From on or about September 3, 2003, and continuing to on or about October 25, 2004, Dr. Aiache placed sixteen orders for a total of thirty-four vials of TRI-toxin which he had shipped from Tucson, Arizona to California. He then administered the TRI-toxin to others for the treatment of facial wrinkles. The TRI-toxin did not come with labeling or directions on how to dilute the product for injection. The TRI-toxin label stated ''for research purposes only'' and ''not for human use,'' as did the TRI invoices. Dr. Aiache admitted in an interview on May 13, 2005, that he had injected the TRI-toxin into family members, medical staff personnel, personal friends, and himself.

As a result of his convictions, on February 2, 2011, FDA sent Dr. Aiache a notice by certified mail proposing to debar him for 5 years from providing services in any capacity to a person that has an approved or pending drug product application. The proposal was based on a finding, under section 306(b)(2)(B)(i)(I) of the FD&C Act, that Dr. Aiache was convicted of a misdemeanor under Federal law for conduct relating to the regulation of drug products under the FD&C Act, and the conduct that served as a basis for the conviction undermines the process for the regulation of drugs. The proposal also offered Dr. Aiache an opportunity to request a hearing, providing him 30 days from the date of receipt of the letter in which to file the request, and advised him that failure to request a hearing constituted a waiver of the opportunity for a hearing and of any contentions concerning this action. Dr. Aiache failed to respond within the timeframe prescribed by regulation and has, therefore, waived his opportunity for a hearing and waived any contentions concerning his debarment (21 CFR part 12).

II. Findings and Order

Therefore, the Director, Office of Enforcement, Office of Regulatory Affairs, under Section 306(b)(2)(B)(i)(I) of the FD&C Act under authority delegated to him (Staff Manual Guide 1410.35), finds that Adrien E. Aiache has been convicted of a misdemeanor under Federal law for conduct relating to the regulation of a drug product under the FD&C Act, and that the type of conduct that served as a basis for the conviction undermines the process for the regulation of drugs.

As a result of the foregoing finding, Dr. Aiache is debarred for 5 years from providing services in any capacity to a person with an approved or pending drug product application under sections 505, 512, or 802 of the FD&C Act (21 U.S.C. 355, 360b, or 382), or under section 351 of the Public Health Service Act (42 U.S.C. 262), effective (see **DATES**), (see sections 306(c)(1)(B), (c)(2)(A)(iii), and 201(dd) of the FD&C Act (21 U.S.C. 321(dd))). Any person with an approved or pending drug product application who knowingly employs or retains as a consultant or contractor, or otherwise uses the services of Dr. Aiache, in any capacity during Dr. Aiache's debarment, will be subject to civil money penalties (section 307(a)(6) of the FD&C Act (21 U.S.C. 335b(a)(6))). If Dr. Aiache provides services in any capacity to a person with an approved or pending drug product application during his period of debarment he will be subject to civil money penalties (section 307(a)(7) of the FD&C Act). In addition, FDA will not accept or review any abbreviated new drug applications submitted by or with the assistance of Dr. Aiache during his period of debarment (section 306(c)(1)(B) of the FD&C Act (21 U.S.C. 335a(c)(1)(B)).

Any application by Dr. Aiache for termination of debarment under section 306(d)(1) of the FD&C Act should be identified with Docket No. FDA–2010–N–0471 and sent to the Division of Dockets Management (see **ADDRESSES**). All such submissions are to be filed in four copies. The public availability of information in these submissions is governed by 21 CFR 10.20(j).

Publicly available submissions may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 16, 2011.

Howard Sklamberg,

Director, Office of Enforcement, Office of Regulatory Affairs.

[FR Doc. 2011–13196 Filed 5–26–11; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0629]

Stephen Lee Seldon: Debarment Order

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is issuing an order under the Federal Food, Drug, and Cosmetic Act (the FD&C Act) permanently debarring Stephen Lee Seldon, M.D. from providing services in any capacity to a person that has an approved or pending drug product application. We base this order on a finding that Dr. Seldon was convicted of felonies under Federal law for conduct relating to the regulation of a drug product under the FD&C Act. Dr. Seldon was given notice of the proposed permanent debarment and an opportunity to request a hearing within the timeframe prescribed by regulation. Dr. Seldon failed to respond. Dr. Seldon's failure to respond constitutes a waiver of his right to a hearing concerning this action.

DATES: This order is effective May 27, 2011.

ADDRESSES: Submit applications for special termination of debarment to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm.1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Kenny Shade, Office of Regulatory Affairs (HFC–230), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–796–4640.

SUPPLEMENTARY INFORMATION:

I. Background

Section 306(a)(2)(B) of the FD&C Act (21 U.S.C. 335a(a)(2)(B)) requires debarment of an individual if FDA finds that the individual has been convicted of a felony under Federal law for conduct relating to the regulation of any drug product under the FD&C Act.

On March 27, 2009, the U.S. District Court for the District of Nevada entered judgment against Dr. Seldon for mail fraud in violation of 18 U.S.C. 1341, aiding and abetting, in violation of 18 U.S.C. 2, and misbranded a drug while held for sale in violation of 21 U.S.C. 331(k) and 333(a)(2).

FDA's finding that debarment is appropriate is based on the felony convictions referenced herein for conduct relating to the regulation of a drug product. The factual basis for those convictions is as follows: Dr. Seldon was a physician licensed by the State of Nevada to practice medicine. He owned and operated a practice called A New You Medical Aesthetics (A New You) in Las Vegas, Nevada. From on or about October 15, 2003, until on or about September 16, 2005, in the State and Federal District of Nevada, and elsewhere Dr. Seldon and his wife, aided and abetted by each other, devised a scheme and artifice to fraudulently obtain money from patients by substituting cheaper, non-FDA approved product marketed by Toxin Research International, Inc. (TRI-toxin) in treatments provided to patients at A New You, while falsely and fraudulently representing to the patients that they were receiving injections of the more expensive, FDA-approved BOTOX product manufactured by Allergan, Inc.

As part of the scheme, Dr. Seldon ordered and caused to be ordered 38 vials of TRI-toxin between October 2003 and September 2004 while at the same time his practice stopped purchasing the approved BOTOX.

As part of his scheme, Dr. Seldon spoke at a seminar in Scottsdale, Arizona, in September 2004, sponsored by Toxin Research International, Inc. and claimed that he used it on patients in his practice, notwithstanding a warning on each vial that TRI-toxin was for research purposes only and not for human use.

Dr. Seldon defrauded his patients by misleading them to believe that they were receiving the FDA-approved drug BOTOX, when in fact, the patients were receiving TRI-toxin, which was not FDA-approved, thereby exposing the patients to severe health risk. Dr. Seldon also caused advertisements to be placed in local magazines offering BOTOX injections, creating the false impression that he was using the FDA-approved BOTOX. Dr. Seldon additionally caused patients to sign consent forms that fraudulently represented that he would be injecting approved BOTOX when he knew he would be injecting the patients with TRI-toxin.

As a result of his convictions, on February 22, 2011, FDA sent Dr. Seldon a notice by certified mail proposing to permanently debar him from providing services in any capacity to a person that has an approved or pending drug product application. The proposal was based on a finding, under section 306(a)(2)(B) of the FD&C Act, that Dr. Seldon was convicted of felonies under Federal law for conduct relating to the regulation of a drug product under the FD&C Act. The proposal also offered Dr. Seldon an opportunity to request a hearing, providing him 30 days from the date of receipt of the letter in which to file the request, and advised him that failure to request a hearing constituted a waiver of the opportunity for a hearing and of any contentions concerning this action. The proposal was received on February 25, 2011. Dr. Seldon failed to respond within the timeframe prescribed by regulation and has, therefore, waived his opportunity for a hearing and has waived any contentions concerning his debarment (21 CFR part 12).

II. Findings and Order

Therefore, the Director, Office of Enforcement, Office of Regulatory Affairs, under section 306(a)(2)(B) of the FD&C Act, under authority delegated to the Director (Staff Manual Guide 1410.35), finds that Stephen Lee Seldon has been convicted of a felony under Federal law for conduct relating to the regulation of a drug product under the FD&C Act.

As a result of the foregoing finding, Dr. Seldon is permanently debarred from providing services in any capacity to a person with an approved or pending drug product application under sections 505, 512, or 802 of the FD&C Act (21 U.S.C. 355, 360b, or 382), or under section 351 of the Public Health Service Act (42 U.S.C. 262), effective (see **DATES**) (see sections 306(c)(1)(B), (c)(2)(A)(ii), and 201(dd) of the FD&C Act (21 U.S.C. 321(dd))). Any person with an approved or pending drug product application who knowingly employs or retains as a consultant or contractor, or otherwise uses the services of Dr. Seldon, in any capacity during Dr. Seldon's debarment, will be subject to civil money penalties (section 307(a)(6) of the FD&C Act (21 U.S.C. 335b(a)(6))). If Dr. Seldon provides services in any capacity to a person with an approved or pending drug product application during his period of debarment he will be subject to civil money penalties (section 307(a)(7) of the FD&C Act (21 U.S.C. 335b(a)(7)). In addition, FDA will not accept or review any abbreviated new drug applications submitted by or with the assistance of Dr. Seldon during his period of debarment (section 306(c)(1)(B) of the FD&C Act).

Any application by Dr. Seldon for special termination of debarment under section 306(d)(4) of the FD&C Act should be identified with Docket No. FDA–2010–N–0629 and sent to the Division of Dockets Management (see **ADDRESSES**). All such submissions are to be filed in four copies. The public availability of information in these

submissions is governed by 21 CFR 10.20(j).

Publicly available submissions may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 16, 2011.

Howard Sklamberg,

Director, Office of Enforcement, Office of Regulatory Affairs.

[FR Doc. 2011–13198 Filed 5–26–11; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Pub. L. 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, e-mail *paperwork@hrsa.gov* or call the HRSA Reports Clearance Officer at (301) 443–1129.

Comments are invited on: (a) The proposed collection of information for the proper performance of the functions of the agency; (b) the accuracy of the agency's estimate of the burden of the proposed collection 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 on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Health Education Assistance Loan (HEAL) Program: Lender's Application for Insurance Claim Form and Request for Collection Assistance Form (OMB No. 0915–0036)—Extension

The clearance request is for an extension of two forms that are currently approved by OMB. HEAL Lenders use the Lenders Application for Insurance Claim to request payment from the Federal Government for federally insured loans lost due to borrowers' death, disability, bankruptcy, or default. The Request for Collection Assistance form issued by HEAL lenders to request federal assistance with the collection of delinquent payments from HEAL borrowers.

The annual estimate of burden is as follows:

Form	Number of respondents	Responses per respondent	Total responses	Hours per response	Total burden hours
Lender's Application for Insurance Claim Form 510	17	25	425	0.5	213
Request for Collection Assistance Form 513	17	550	9,350	0.167	1,561
Total	34				1,774

E-mail comments to *paperwork@hrsa.gov* or mail the HRSA Reports Clearance Officer, Room 10–33, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: May 23, 2011.

Jennifer L. Riggle,

Deputy Director, Office of Management.

[FR Doc. 2011–13206 Filed 5–26–11; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Health Resources and Services Administration (HRSA) publishes abstracts of information collection requests under review by the Office of Management and Budget (OMB), in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). To request a copy of the clearance requests submitted to OMB for review, e-mail *paperwork@hrsa.gov* or call the HRSA Reports Clearance Office at (301) 443–1129.

The following request has been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1995:

Proposed Project: Reconciliation Tool for the Teaching Health Center Graduate Medical Education Program—[NEW]

The Teaching Health Center Graduate Medical Education (THCGME) program, Section 340H of the Public Health Service (PHS) Act, was established by Section 5508 of Public Law 111–148. The program supports training for primary care residents (including residents in family medicine, internal medicine, pediatrics, internal medicine-pediatrics, obstetrics and gynecology, psychiatry, general dentistry, pediatric dentistry, and geriatrics) in community-based ambulatory patient care settings. The statute provides that eligible teaching health centers receive payments for both direct and indirect costs associated with training residents in community-based ambulatory patient care centers. Direct payments are designed to compensate eligible teaching health centers for those expenses directly associated with resident training, while indirect payments are intended to compensate for the additional costs of training residents in such programs. Payments are made at the beginning of the funding cycle; however, the statute provides for a reconciliation process, through which overpayments may be recouped and underpayments may be adjusted at the end of the fiscal year. This data

collection instrument will gather information relating to the numbers of residents in THCGME training programs in order to reconcile payments for both direct and indirect costs.

The Annual Estimate of Burden

Instrument name	Number of respondents	Number of responses per respondent	Total responses	Hours per response	Total burden hours
THC Reconciliation Tool	51	1	51	5	255
Total	51		51	5	255

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to the desk officer for HRSA, either by e-mail to *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974. Please direct all correspondence to the "Attention of the desk officer for HRSA."

Dated: May 23, 2011.

Jennifer Riggle,

Deputy Director, Office of Management.

[FR Doc. 2011–13209 Filed 5–26–11; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Pub. L. 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, e-mail *paperwork@hrsa.gov* or call the HRSA Reports Clearance Officer at (301) 443–1129.

Comments are invited on the: (a) Proposed collection of information for the proper performance of the functions of the agency; (b) accuracy of the agency's estimate of the burden of the proposed collection 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 on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: HIV Clinician Workforce Study (OMB No. 0915–NEW)

HRSA's HIV/AIDS Bureau (HAB) is planning to conduct a 24-month HIV clinician workforce study to provide HRSA and other state and federal agencies with national and state-level estimates of the number of primary care clinicians currently providing medical care to people living with HIV or AIDS in the United States, as well as projections of the magnitude of the expected shortage or surplus of HIV-related primary care clinicians through 2015.

The study will focus on the supply and demand of health professionals who independently manage patients with HIV/AIDS. *The study will have two main components:*

a. Design and implementation of a forecasting model to estimate and project the supply of and demand for HIV clinicians at the national and regional levels; and

b. Implementation of two surveys to collect the information needed to develop HIV-specific input parameters for the forecasting model, as well as to help address other research questions of the study.

HRSA is requesting OMB approval to conduct a HIV clinician survey and a HIV practice survey. The HIV clinician survey will focus on the individual provider of care and will include questions related to:

a. The clinician's age, gender, medical profession, and medical specialty;

b. The number of hours spent in direct patient care;

c. The size and characteristics of HIV patient load;

d. The primary practice characteristics and patient management strategies; and

e. The plans to increase or decrease number of hours spent in direct patient care, as well as plans for retirement.

The HIV practice survey will also focus on the practice administrator and will include questions related to type and size of clinic, clinic specialty and affiliation, number and acuity of patients, number and composition of staff, type of staffing model and patient management strategies, meaningful use of electronic medical record systems, as well as appointment scheduling practices and policies. HRSA also plans to conduct web/paper surveys with computer-assisted telephone interviewing follow-up.

HRSA will use claims data, supplemented with a list of members of HIV medical societies, attendees at the 2010 HIV clinical conference, and participants in regional AIDS Education and Training Center-sponsored training sessions, to identify the frame of clinicians (physicians and non-physician clinicians) in all 50 states and the District of Columbia who provide a significant amount of medical care to patients with HIV or AIDS, based on diagnostic, procedural, and drug codes associated with the claims. By using a national probability sampling strategy, the results of the clinician survey can be used to generate national and regional estimates of HIV clinician supply.

HRSA will use quantitative and qualitative methods to document and quantify the extent of the HIV clinician workforce surplus or shortage, predict the future requirements for and supply of HIV clinicians, and identify best practice models and strategies for expanding the capacity of HIV practices and providers to meet the growing demand for care.

The ultimate goal of the study will be to develop proposed action steps that HRSA and other federal and state agencies can use to enhance the capacity of the HIV clinician workforce to achieve the access targets set forth in the 2010 White House Office of HIV/AIDS Policy's National HIV/AIDS Strategy and Implementation Plan.

The annual estimate of burden of the two surveys is as follows:

Instrument	Number of respondents	Responses per respondent	Total responses	Hours per response	Total burden hours
HIV Clinician Survey	4,000	1	4,000	0.33	1,320
HIV Practice Survey	500	1	500	0.50	250
Total	4,500		4,500		1,570

E-mail comments to *paperwork@hrsa.gov* or mail the HRSA Reports Clearance Officer, Room 10–33, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Written comments should be received within 60 days of this notice.

Dated: May 23, 2011.

Jennifer Riggle,

Deputy Director, Office of Management.

[FR Doc. 2011–13212 Filed 5–26–11; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Commission on Childhood Vaccines; Notice of Meeting

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Correction.

SUMMARY: The Health Resources and Services Administration published a notice in the **Federal Register**, 76 FR 27651 (May 12, 2011), announcing the meeting of the Advisory Commission on Childhood Vaccines, June 9–10, 2011, in the Parklawn Building (and via audio conference call), Conference Rooms G & H, 5600 Fishers Lane, Rockville, MD 20857.

Correction:

In the **Federal Register**, 76 FR 27651 (May 12, 2011), please make the following corrections:

In the Date and Time section, correct to read June 9, 2011, 1 p.m. to 5 p.m., EDT; June 10, 2011, 9 a.m. to 11 a.m., EDT.

In the Place section, correct to read via audio conference call only.

The ACCV will meet on Thursday, June 9, from 1 p.m. to 5 p.m. (EDT) and on Friday, June 10 from 9 a.m. to 11 a.m. (EDT). The public can join the meeting via audio conference call only, by dialing 1–800–369–3014 on June 9 and 10 and providing the following information:

Leader's Name: Dr. Geoffrey Evans.

Password: ACCV.

Dated: May 23, 2011.

Jennifer Riggle,

Deputy Director, Office of Management.

[FR Doc. 2011–13205 Filed 5–26–11; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Council on Graduate Medical Education; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the following meeting:

Name: Council on Graduate Medical Education (COGME).

Date and Time: June 14, 2011, 1 p.m.–4 p.m. Eastern Time; June 15, 2011, 9 a.m.–Noon Eastern Time.

Place: Webinar format.

Status: The meeting will be open to the public.

Purpose: The Council on Graduate Medical Education (COGME) was authorized by Congress in 1986 to provide an ongoing assessment of physician workforce trends, training issues, and financing policies, and to recommend appropriate Federal and private sector efforts to address identified needs. The legislation calls for COGME to advise and make recommendations to the Secretary of the U.S. Department of Health and Human Services (HHS), the Senate Committee on Health, Education, Labor and Pensions, and the House of Representatives Committee on Energy and Commerce. The topic of discussion for this meeting is graduate medical education (GME) financing in a time of fiscal restraint.

Agenda: The meeting on Tuesday, June 14 will begin with opening remarks from the Chair of COGME and welcoming comments from senior management of the Health Resources and Services Administration. COGME will hear presentations by speakers on various aspects of the topic of GME financing in a time of reduced financial resources. The presentations will be followed by an opportunity for members to ask questions and make comment. Discussion will focus on the development of recommendations for a report to the Secretary and Congress. The meeting on Tuesday, June 14 will also include an election to fill the now vacant position of Vice Chair. Additional presentations will be held on Wednesday, June 15, followed by the development of plans for the completion of a COGME report on GME financing. The public will have an opportunity to provide oral comments at the end of each day's agenda. Agenda items are subject to change as priorities dictate.

SUPPLEMENTARY INFORMATION: For members of the public interested in participating in the webinar, please contact LT Cindy Eugene by e-mail at *ceugene@hrsa.gov*. Requests to attend can be made up to two days prior to the meeting. Participants will receive an e-mail response containing the link to the webinar. Requests to provide written comments should be sent to LT Cindy Eugene by e-mail.

FOR FURTHER INFORMATION CONTACT: Anyone interested in obtaining a roster of members or other relevant information should write or contact Jerilyn K. Glass, M.D., PhD, COGME Deputy Executive Secretary, Division of Medicine and Dentistry, Bureau of Health Professions, Health Resources and Services Administration, Room 9A–27, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–7271. The Web address for information on COGME and the June 14–15, 2011 meeting is *http://www.cogme.gov*.

Dated: May 23, 2011.

Jennifer Riggle,

Deputy Director, Office of Management.

[FR Doc. 2011–13199 Filed 5–26–11; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Committee on Training in Primary Care Medicine and Dentistry; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the following meeting:

Name: Advisory Committee on Training in Primary Care Medicine and Dentistry (ACTPCMD).

Date and Time: June 13, 2011, 1 p.m.–4 p.m. Eastern Time. June 14, 2011, 9 a.m.–Noon Eastern Time.

Place: Webinar format.

Status: The meeting will be open to the public.

Purpose: The Advisory Committee provides advice and recommendations on policy and program development to the Secretary of the U.S. Department of Health and Human Services (HHS), and is responsible for submitting an annual report to the Secretary and Congress concerning the activities under Sections 747 and 748 of the Public Health Service Act (PHS Act), as amended. At this meeting, the Advisory Committee will finalize its ninth report on the primary care pipeline. Reports are submitted to the Secretary, the Senate Committee on Health, Education, Labor and Pensions, and the House of Representatives Committee on Energy and Commerce.

Agenda: The meeting on Monday, June 13, will begin with opening remarks from the Advisory Committee leadership and welcoming comments from senior management of the Health Resources and Services Administration. The Advisory Committee will make final changes to its ninth report about revitalizing primary care by priming the primary care pipeline. On Tuesday, June 14, the Advisory Committee will discuss possible topics for its next report and develop plans and a timeline for completing the report. In addition, information will be provided from HRSA staff about the Committee's new legislative mandates regarding performance measures and longitudinal evaluation. The public will have an opportunity to provide oral comments at the end of each day's agenda. Agenda items are subject to change as priorities dictate.

Supplementary Information: For members of the public interested in participating in the webinar, please contact Sherrillyn Crooks, PA–C by e-mail at *scrooks@hrsa.gov.* Requests to attend can be made up to two days prior to the meeting. Participants will receive an e-mail response containing the link to the webinar. Requests to provide written comments should be sent to Sherrillyn Crooks by e-mail.

For Further Information Contact: Anyone interested in obtaining a roster of members or other relevant information should write or contact Jerilyn K. Glass, M.D., Ph.D., Advisory Committee Executive Secretary, Division of Medicine and Dentistry, Bureau of Health Professions, Health Resources and Services Administration, Room 9A–27, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–7271. The Web address for information on the Advisory Committee and the June 13–14, 2011 meeting is *http://bhpr.hrsa.gov/medicine-dentistry/actpcmd.*

Dated: May 23, 2011.

Jennifer Riggle,

Deputy Director, Office of Management.

[FR Doc. 2011–13203 Filed 5–26–11; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Part C Early Intervention Services Grant Under the Ryan White HIV/AIDS Program

AGENCY: Health Resources and Services Administration (HRSA), HHS.

ACTION: Notice of Non-Competitive One-Time Program Expansion Supplement Award of Ryan White HIV/AIDS Program, Part C Funds for the Tutwiler Clinic.

SUMMARY: HRSA will award non-competitively Ryan White HIV/AIDS Program, Part C funds to the Tutwiler Clinic, Tutwiler, Mississippi, to support comprehensive primary care services for persons living with HIV/AIDS, including primary medical care, laboratory testing, oral health care, outpatient mental health and substance abuse treatment, specialty and subspecialty care, referrals for health and support services and adherence monitoring/education services in order to ensure continuity of critical HIV medical care and treatment services, and to avoid a disruption of HIV clinical care to clients in Marks, Mississippi, and the surrounding counties.

SUPPLEMENTARY INFORMATION:

Grantee of record: Deporres Delta Ministries, Marks, Mississippi.

Intended recipient of the award: Tutwiler Clinic, Tutwiler, Mississippi.

Amount of the award: $178,579 to ensure ongoing clinical services to the target population.

Authority: Section 2651 of the Public Health Service Act, 42 U.S.C. 300ff–51.

CFDA Number: 93.918.

Project period: July 1, 2010, extended to December 31, 2011, and the period of support for this award is from July 1, 2011 to December 31, 2011.

Justification for the Exception to Competition

Critical funding for HIV medical care and treatment services to clients in the Delta area of Mississippi will be continued through a non-competitive one-time program expansion supplement award to the Tutwiler Clinic, because it has the fiscal and administrative infrastructure to administer the Part C Grant. The Tutwiler Clinic will contract with the Northwest Mississippi Regional Medical Center, Clarksdale, Mississippi, which will be taking over the clinic, providers, and staff of Deporres Delta Ministries, and continue providing medical and HIV care in Marks, Mississippi. The Northwest Mississippi Regional Medical Center is the only available provider of quality HIV services, and it has the resources the Tutwiler Clinic needs in order to provide quality HIV care. This is a temporary replacement award, as the previous grant recipient serving this population notified the Health Resources and Services Administration (HRSA) that it could not continue providing services. HRSA's HIV/AIDS Bureau identified the Tutwiler Clinic as the best qualified entity for this temporary grant. The Tutwiler Clinic, contracting with the Northwest Mississippi Regional Medical Center, can ensure comprehensive services are provided including primary medical care including antiretroviral therapies, prevention education and medication adherence teaching, mental health referrals, substance abuse, and dental services, as well as on-site medical HIV case management services. The additional funding will provide support to retain the targeted population in care, and the Tutwiler Clinic, with the Northwest Mississippi Regional Medical Center, will be able to provide critical services, with the least amount of disruption to the service population while the service area is re-competed.

This non-competitive one-time program expansion supplement award will cover the time period from July 1, 2011 through December 31, 2011. This service area will be included in the upcoming competition for the Part C HIV Early Intervention Services for project periods starting January 1, 2012.

FOR FURTHER INFORMATION CONTACT: Dora Ober, by e-mail, *dober@hrsa.gov,* or by phone, 301–443–0759.

Dated: May 23, 2011.

Mary K. Wakefield,

Administrator.

[FR Doc. 2011–13194 Filed 5–26–11; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

Published Privacy Impact Assessments on the Web

AGENCY: Privacy Office, DHS.

ACTION: Notice of Publication of Privacy Impact Assessments (PIA).

SUMMARY: The Privacy Office of the DHS is making available sixteen PIAs on various programs and systems in the Department. These assessments were approved and published on the Privacy Office's web site between January 8, 2011 and March 31, 2011.

DATES: The PIAs will be available on the DHS Web site until July 26, 2011, after which they may be obtained by contacting the DHS Privacy Office (contact information below).

FOR FURTHER INFORMATION CONTACT: Mary Ellen Callahan, Chief Privacy Officer, Department of Homeland Security, Washington, DC 20528, or e-mail: *pia@hq.dhs.gov.*

SUPPLEMENTARY INFORMATION: Between January 8, 2011 and March 31, 2011, the Chief Privacy Officer of the DHS approved and published sixteen Privacy Impact Assessments (PIAs) on the DHS Privacy Office Web site, *http://www.dhs.gov/privacy,* under the link for ''Privacy Impact Assessments.'' These PIAs cover sixteen separate DHS programs. Below is a short summary of those programs, indicating the DHS component responsible for the system, and the date on which the PIA was approved. Additional information can be found on the Web site or by contacting the Privacy Office.

System: DHS/ICE/PIA–005(b) Bond Management Information System (BMIS) Web Release 2.2 Update.

Component: U.S. Immigration and Customs Enforcement (ICE).

Date of approval: January 19, 2011.

Bond Management Information System (BMIS) is an immigration bond management database used primarily by the Office of Financial Management at U.S. ICE. The basic function of BMIS is to support the financial management of immigration bonds posted for the release of aliens in ICE custody. Among other things, ICE uses BMIS to calculate and pay interest to obligors who post cash immigration bonds. Under Internal Revenue Service rules, interest payments to certain obligors are subject to backup withholdings where a percentage of the payment is withheld as tax and sent to the IRS. To begin to implement the backup withholding rules, ICE is modifying BMIS to collect additional information about obligors to determine whether a backup withholding is required. Because ICE is expanding the scope of information collected and the purposes for which BMIS information is being used, an update to the BMIS PIA is required.

System: DHS/TSA/PIA–059 TSA Advanced Imaging Technology (AIT) Update.

Component: Transportation Security Administration (TSA).

Date of approval: January 25, 2011.

TSA has deployed AIT, including backscatter x-ray and millimeter wave devices, for operational use to detect threat objects carried on persons entering airport sterile areas. AIT creates an image of the full body that highlights objects that are on the body. To mitigate the privacy risk associated with creating an image of the individual's body, TSA isolates the TSA officer (the image operator) viewing the image from the TSA officer interacting with the individual. TSA does not store any personally identifiable information from AIT screening. A PIA on the pilot was published on January 2, 2008, updated on October 17, 2008 and updated again on July 23, 2009 as program developments warranted.

TSA plans to test, and implement as appropriate, Automatic Target Recognition software for AIT machines that display anomalies on a generic figure, as opposed to displaying the image of a specific individual's body. Since the technology uses a generic image that provides greater privacy protections for the individual being screened, systems using Automatic Target Recognition will not isolate the operator viewing the image from the individual being screened. Individuals will continue to be given the option of undergoing a physical screening as an alternative to AIT screening.

System: DHS/USCIS/PIA–034 H–1B Visa Cap Registration Notice of Proposed Rule Making (NPRM).

Component: U.S. Citizenship and Immigration Services (USCIS).

Date of approval: January 28, 2011.

USCIS is proposing to amend its regulation governing petitions by U.S. employers seeking H–1B nonimmigrant worker status for aliens subject to annual numerical limitations or exempt from numerical limitations by having earned a U.S. master's or higher degree (also referred to as the ''65,000 cap'' and ''20,000 cap'' respectively, or the ''cap'' collectively). Under the proposed rule, USCIS would establish H–1B Cap Registration, a mandatory registration process, to streamline the administration of H–1B petitions filed by employers. This PIA is being conducted because the H–1B Cap Registration NPRM proposes a change to USCIS' collection of PII.

System: DHS/OPS/PIA–009 National Operations Center (NOC) Tracker and Senior Watch Officer Logs.

Component: Office of Operations Coordination and Planning (OPS).

Date of approval: February 3, 2011.

NOC in the Office of Operations Coordination and Planning (OPS) operates the NOC Tracker Log and the Senior Watch Officer (SWO) Log. The SWO Log is a synopsis of all significant information received and actions taken during a shift by the SWO. The NOC Tracker Log is a repository of all NOC responses to threats or incidents and significant activities that require a NOC tracking number. OPS has conducted this PIA because both the SWO Log and NOC Tracker Log may contain PII associated with an administrative note or a watch desk Request for Information.

System: DHS/USCIS/PIA–035 Migrant Information Tracking System.

Component: U.S. Citizenship and Immigration Services (USCIS).

Date of approval: February 3, 2011.

USCIS developed the Migrant Information Tracking System (MITS) to serve as a centralized repository for information relating to migrants interdicted at sea. MITS facilitates USCIS' ability to record and track information pertaining to a migrant's illicit maritime migration into the United States and respond to information requests regarding interdicted migrants from Members of Congress inquiring on behalf of a family member of the migrant. USCIS conducted this PIA because MITS collects, uses, and disseminates PII.

System: DHS/ALL/PIA–034 Medical Credentials Management System.

Component: Office of Health Affairs (OHA).

Date of approval: February 10, 2011.

DHS Office of Health Affairs (OHA) is instituting a centralized medical credentialing system for DHS employees that provide health care services as part of their job and the Components' mission or incidental to their ongoing operations. The purpose of the program is to formalize a process for verifying DHS employee and/or applicant qualifications, licensure information, and relevant health care provider data. In accordance with the DHS Directive 248–01, Medical Quality Management, the Assistant Secretary for Health Affairs and Chief Medical Officer (ASHA/CMO) is responsible for developing a centralized credentials management system for approving credentials for DHS employee medical care providers. The credentialing

process will include the collection of and maintenance of information related to professional education, state license number(s), national registry certification, board certification, training and other pertinent information related to medical care practices. OHA conducted this PIA because the medical credentials management system will collect and maintain PII on DHS medical care providers.

System: DHS/USCG/PIA–015 Merchant Mariner Licensing and Documentation System (MMLD).

Component: United States Coast Guard.

Date of approval: March 1, 2011.

USCG owns and operates the MMLD System. The USCG uses MMLD to manage the issuance of credentials to Merchant Mariners and process merchant mariner applications; to produce merchant mariner credentials; to track the who of merchant mariner credentials issued by the USCG; to track the status of merchant mariners with respect to service, training, credentials, and qualifications, related to the operation of commercial vessels; to qualify merchant mariners for benefits and services administered by other agencies; and to perform merchant mariner call-ups related to national security. The records include the credential, background check, and medical status on each U.S. Mariner and World War II Merchant Mariner Veteran. USCG has conducted this PIA because MMLD collects and uses PII.

System: DHS/S&T/PIA–021 Cell All Demonstration.

Component: Science and Technology (S&T).

Date of approval: March 2, 2011.

The Cell All project is a research, development, testing and evaluation effort funded by the Homeland Security Advanced Research Projects Agency in the DHS S&T Directorate. Cell All is an environmental surveillance system that uses a typical cell phone as a platform for a sensor system to detect harmful chemical substances and transmit critical information, including location data, to first responder and other related monitoring agencies. With the sensors suite developed and fitted on a cell phone, S&T will conduct a demonstration of the prototype system using research-owned devices. While no PII will be collected during the demonstration, S&T is conducting a PIA to address the privacy impact of the transmission of location data using the prototype.

System: DHS/ALL/PIA–035 Nebraska Avenue Complex CCTV System.

Component: Management.

Date of approval: March 2, 2011.

The DHS, Office of the Chief Security Officer (OCSO), Physical Access Security Division (PHYSD) operates the Physical Access Control System (PACS). PACS is designed to coordinate access control, intrusion detection, and video surveillance at DHS Headquarters (HQ) facilities in the National Capital Region (NCR), primarily the Nebraska Avenue Complex (NAC). This PIA will focus exclusively on the video surveillance function within PACS known as the Closed-Circuit Television (CCTV) system at the NAC. The OCSO has conducted this PIA to analyze PII that the video surveillance function within PACS collects, uses, and maintains.

The NAC CCTV system is a video-only recording system installed at NAC. The NAC CCTV system does not have audio recording capability. The purpose of the system is to enable OCSO PHYSD and its Force Protection Branch personnel, including security guards, the ability to obtain current state visual information as well as information on or related to a security-related incident that is happening or has happened and to deter criminal activities.

System: DHS/USCIS/PIA–036 E–Verify Self Check Service.

Component: USCIS.

Date of approval: March 3, 2011.

USCIS Verification Division has developed a new service called E–Verify Self Check. The E–Verify Self Check service is voluntary and available to any individual who wants to check his own work authorization status prior to employment and facilitate correction of potential errors in federal databases that provide inputs into the E–Verify process. When an individual uses the E–Verify Self Check service he will be notified that either (1) his information matched the information contained in federal databases and would be deemed work-authorized, or (2) his information was not matched to information contained in federal databases which would be considered a ''mismatch.'' If the information was a mismatch, he will be given instructions on where and how to correct his records. USCIS conducted this PIA because E–Verify Self Check will collect and use PII.

System: DHS/ALL/PIA–036 DHS-wide Use of Unidirectional Social Media Applications Communications and Outreach.

Component: DHS Wide.

Date of approval: March 8, 2011.

Unidirectional social media applications encompass a range of applications, often referred to as applets or widgets that allow users to view relevant, real-time content from predetermined sources. DHS or Department intends to use unidirectional social media tools including desktop widgets, mobile apps, podcasts, audio and video streams, Short Message Service texting, and Really Simple Syndication feeds, among others, for external relations (communications and outreach) and to disseminate timely content to the public about DHS initiatives, public safety, and other official activities and one-way notifications. These dynamic communication tools broaden the Department's ability to disseminate content and provide the public multiple channels to receive and view content. The public will continue to have the option of obtaining comparable content and services through the Department's official Web sites and other official means. This PIA analyzes the Department's use of unidirectional social media applications. This PIA does not cover users sending content to the Department. Additionally, this PIA will describe the PII and the extremely limited circumstances under which the Department will have access to PII, how it will use the PII, what PII is retained and shared, and how individuals can gain access to their PII. Appendix A of this PIA will serve as a listing, to be updated periodically, of DHS unidirectional social media applications, approved by the Chief Privacy Officer, that follow the requirements and analytical understanding outlined in this PIA. The unidirectional social media applications listed in Appendix A are subject to Privacy Compliance Reviews by the DHS Privacy Office.

System: DHS/ALL/PIA–037 SharePoint.

Component: DHS Wide.

Date of approval: March 22, 2011.

DHS is developing SharePoint as a Service (SharePoint), which will be an enterprise offering available to all organizations within the Department. This platform will serve as an enterprise collaboration and communication solution, eliminating additional investments in duplicative collaborative technologies, leveraging economies of scale, and connecting separate organizations through the use of the same platform in an integrated environment. DHS is conducting this PIA because PII may be collected and stored in the SharePoint environment. This PIA sets out the minimum standard for SharePoint privacy and security requirements; DHS components may build more detailed controls and technical enhancements into their respective sites.

System: DHS/ALL/PIA038 Integrated Security Management System (ISMS).

Component: Office of Security.

Date of approval: March 23, 2011.

ISMS is a web-based case management tool designed to support the lifecycle of DHS personnel security, administrative security, and classified visit management programs. Classified visit management is an administrative process in which an individual's security clearance information is exchanged between agencies to document an individual's security clearance level. Personnel security records maintained in ISMS include suitability and security clearance investigations which contain information related to background checks, investigations, and access determinations. For administrative security and classified visit management ISMS contains records associated with security container/document tracking, classified contract administration, and incoming and outgoing classified visitor tracking. The system is a DHS enterprise-wide application that replaces the Personnel Security Activities Management System, which was decommissioned on May 31, 2010.

System: DHS/ICE/PIA–026 Federal Financial Management System (FFMS).

Component: ICE.

Date of approval: March 23, 2011.

FFMS is a web-based, workflow management and financial transaction system that provides core financial management functions for ICE and five other components within DHS: USCIS, S&T, the National Protection Programs Directorate (NPPD), Office of Health Affairs (OHA), and DHS Office of Management (MGMT). FFMS is used to create and maintain a record of each allocation, commitment, obligation, travel advance and accounts receivable issued. The system contains personally identifiable information (PII) about DHS employees, contractors/vendors, customers and members of the public that participate in DHS programs. ICE is conducting this PIA because FFMS collects and maintains PII. This PIA focuses on ICE's collection and use of PII, and each component will publish appendices to this PIA as required to describe their collection and use of PII in FFMS.

System: DHS/ICE/PIA–027 ICE Subpoena System.

Component: ICE.

Date of approval: March 29, 2011.

The ICE Subpoena System (ISS) is owned and operated by the Office of Homeland Security Investigations (HSI) within U.S. ICE, a component of the DHS. ISS automates the process of generating, logging, and tracking subpoenas and summonses that ICE issues in furtherance of its investigations into violations of customs and immigration laws. It also supports the generation of Form I–9 notices, which notify employers that ICE intends to inspect their records to determine if they have completed the required employment eligibility forms for their employees. ICE is conducting this PIA because ISS contains PII about the individuals to whom these subpoenas, summonses, and notices are directed as well as the individuals who are the subjects of these legal process documents.

System: DHS/MGMT/PIA–005 Foreign National Visitor Management System (FNVMS).

Component: Office of Security.

Date of approval: March 30, 2011.

FNVMS, a module hosted on the DHS ISMS information technology platform, is a risk assessment tool that provides the DHS with an application to log, track, and review non-U.S. Persons (foreign nationals) who visit or perform work at DHS facilities.

Dated: May 18, 2011.

Mary Ellen Callahan,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2011–13247 Filed 5–26–11; 8:45 am]

BILLING CODE 9110–9L–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2011–0255]

Notification of the Imposition of Conditions of Entry for Certain Vessels Arriving to the United States From the Union of the Comoros and the Republic of Cote d'Ivoire

AGENCY: Coast Guard, DHS.

ACTION: Notice.

SUMMARY: The Coast Guard announces that it will impose conditions of entry on vessels arriving from the countries of the Union of the Comoros and the Republic of Cote d'Ivoire.

DATES: The policy announced in this notice will become effective June 10, 2011.

ADDRESSES: This notice is part of docket USCG–2011–0255 and is available online by going to *http://www.regulations.gov,* inserting USCG–2011–0255 in the ''Keyword'' box, and then clicking ''Search.'' The material is also available for inspection and copying at the Docket Management Facility at the U.S. Department of Transportation, Room W12–140 on the Ground Floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329. This policy is also available at *http://www.homeport.uscg.mil* under the Maritime Security tab; International Port Security Program (ISPS Code); Port Security Advisory link.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call Mr. Michael Brown, International Port Security Evaluation Division, United States Coast Guard, telephone 202—372–1081. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826 or (toll free) 1–800–647–5527.

SUPPLEMENTARY INFORMATION:

Background and Purpose

Section 70110 of title 46, United States Code, enacted as part of section 102(a) of the Maritime Transportation Security Act of 2002 (Pub. L. 107–295, Nov. 25, 2002) authorizes the Secretary of Homeland Security to impose conditions of entry on vessels requesting entry into the United States arriving from ports that are not maintaining effective anti-terrorism measures. It also requires public notice of the ineffective anti-terrorism measures. The Secretary has delegated to the Coast Guard authority to carry out the provisions of this section. See Department of Homeland Security Delegation No. 0170.1, sec. 97. Previous notices have imposed or removed conditions of entry on vessels arriving from certain countries, and those conditions of entry and the countries they pertain to remain in effect unless modified by this notice.

The Coast Guard has determined that ports in the Union of the Comoros and the Republic of Cote d'Ivoire are not maintaining effective anti-terrorism measures. To make these determinations, the Coast Guard International Port Security (IPS) Program conducted an initial visit to the Union of the Comoros in November 2009, and conducted an initial visit to the Republic of Cote d'Ivoire in January 2010. In our investigations of both countries, significant deficiencies were found in the legal regime, designated authority oversight, access control, and cargo control. In September 2010, the Deputy Commandant for Operations made findings that effective anti-terrorism measures were not in place in the ports of Comoros and Cote d'Ivoire. Inclusive to these determinations is an assessment that the Union of the

Comoros and the Republic of Cote d'Ivoire present significant risk of introducing instruments of terror into international maritime commerce. The Coast Guard notified the Department of State of these determinations pursuant to 46 U.S.C. 70110(c).

The United States notified the Union of the Comoros of this determination in October 2010 and the Republic of Cote d'Ivoire in November 2010, and identified steps necessary to improve the antiterrorism measures in place at their respective ports, as required by 46 U.S.C. 70109. Neither of these countries has offered a response to our communications on these matters. To date, the United States cannot confirm that the identified deficiencies have been corrected.

Accordingly, effective June 10, 2011, the Coast Guard will impose the following conditions of entry on vessels that visited ports in the Union of the Comoros and/or the Republic of Cote d'Ivoire during their last five port calls. Vessels must:

- Implement measures per the ship's security plan equivalent to Security Level 2 while in a port in the Union of the Comoros or the Republic of Cote d'Ivoire. As defined in the ISPS Code and incorporated herein, ''Security Level 2'' refers to the ''level for which appropriate additional protective security measures shall be maintained for a period of time as a result of heightened risk of a security incident.''
- Ensure that each access point to the ship is guarded and that the guards have total visibility of the exterior (both landside and waterside) of the vessel while the vessel is in ports in the Union of the Comoros or the Republic of Cote d'Ivoire.
- Guards may be provided by the ship's crew; however, additional crewmembers should be placed on the ship if necessary to ensure that limits on maximum hours of work are not exceeded and/or minimum hours of rest are met, or provided by outside security forces approved by the ship's master and Company Security Officer. As defined in the ISPS Code and incorporated herein, ''Company Security Officer'' refers to the ''person designated by the Company for ensuring that a ship security assessment is carried out; that a ship security plan is developed, submitted for approval, and thereafter implemented and maintained and for liaison with port facility security officers and the ship security officer.''
- Attempt to execute a Declaration of Security while in a port in the Union of the Comoros or the Republic of Cote d'Ivoire;
- Log all security actions in the ship's log; and
- Report actions taken to the cognizant Coast Guard Captain of the Port prior to arrival into U.S. waters.

In addition, based on the findings of the Coast Guard boarding or examination, vessels may be required to ensure that each access point to the ship is guarded by armed, private security guards and that they have total visibility of the exterior (both landside and waterside) of the vessel while in U.S. ports. The number and position of the guards has to be acceptable to the cognizant Coast Guard Captain of the Port prior to the vessel's arrival.

With this notice, the current list of countries not maintaining effective anti-terrorism measures is as follows: Cambodia, Cameroon, Comoros, Republic of the Congo, Cote d'Ivoire, Cuba, Equatorial Guinea, Guinea-Bissau, Indonesia, Iran, Liberia, Madagascar, Sao Tome and Principe, Syria, Timor-Leste, and Venezuela. This current list is also available in the policy notice available on the Homeport system as described in the **ADDRESSES** section above.

This notice is issued under authority of 46 U.S.C. 70110(a)(3).

Dated: May 23, 2011.

Rear Admiral Brian M. Salerno,

USCG, Deputy Commandant for Operations.

[FR Doc. 2011–13174 Filed 5–26–11; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5477–N–21]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7262, Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: May 19, 2011.

Mark R. Johnston,

Deputy Assistant Secretary for Special Needs.

[FR Doc. 2011–12809 Filed 5–26–11; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Invasive Species Advisory Committee

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of public meetings of the Invasive Species Advisory Committee.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of meetings of the Invasive Species Advisory Committee (ISAC). Comprised of 30 nonfederal invasive species experts and stakeholders from across the nation, the purpose of the Advisory Committee is to provide advice to the National Invasive Species Council, as authorized by Executive Order 13112, on a broad array of issues related to preventing the introduction of invasive species and providing for their control and minimizing the economic, ecological, and human health impacts that invasive species cause. The Council is co-chaired by the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce. The duty of the Council is to provide national leadership regarding invasive species issues.

Purpose of Meeting: The meeting will be held on June 14–16, 2011 in Denver, Colorado, and will focus primarily on invaders in the intermountain West. The meeting will focus on adapting management of invasive species in the vast Rocky Mountain/High Plains region in order to gain new understanding of landscape ecology, climate change, land development, introduction pathways, and new invaders. ISAC will also consult with Western-based scientists and practitioners on problems and potential solutions, as well as evaluate on-the-ground issues firsthand, thereby determining how management methods

and practices can be adapted in the West to prevent and manage invasive species.

DATES: Meeting of the Invasive Species Advisory Committee: Tuesday, June 14, 2011 and Thursday, June 16, 2010; beginning at approximately 8 a.m., and ending at approximately 5 p.m. each day. Members will be participating in an off-site field tour on Wednesday, June 15, 2011.

ADDRESSES: The Magnolia Hotel, 818 17th Street, Denver, Colorado 80202. The general session on June 14, 2011 and June 16, 2011 will be held in the Magnolia Ballroom.

FOR FURTHER INFORMATION CONTACT: Kelsey Brantley, National Invasive Species Council Program Analyst and ISAC Coordinator, (202) 513–7243; Fax: (202) 371–1751,

Dated: May 23, 2011.

Kelsey A. Brantley,

Program Specialist, National Invasive Species Council.

[FR Doc. 2011–13226 Filed 5–26–11; 8:45 am]

BILLING CODE 4310–RK–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management, Regulation and Enforcement

Outer Continental Shelf, Alaska OCS Region, Chukchi Sea Planning Area, Oil and Gas Lease Sale 193

AGENCY: Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE), Interior.

ACTION: Notice of availability of a Revised Draft Supplemental Environmental Impact Statement (SEIS) and public hearings.

SUMMARY: BOEMRE announces the availability of a *Revised Draft SEIS, OCS Oil and Gas Lease Sale 193, Chukchi Sea, Alaska* (OCS EIS/EA BOEMRE 2010–034) for public review and comment, as well as the date, location, and time for public hearings.

BOEMRE prepared this Revised Draft SEIS pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended, 42 U.S.C. 4321 *et seq.,* the Council on Environmental Quality (CEQ) regulations that implement the procedural provisions of NEPA (40 CFR parts 1500–1508), and the July 21, 2010, remand order issued by the United States District Court for the District of Alaska. The Revised Draft SEIS augments the analysis of the Final EIS, Oil and Gas Lease Sale 193, Chukchi Sea Planning Area (OCS EIS/EA MMS 2007–026).

FOR FURTHER INFORMATION CONTACT: Ms. Sharon Warren or Mr. Mike Routhier, BOEMRE, Alaska OCS Region, 3801 Centerpoint Drive, Suite 500, Anchorage, Alaska 99503–5820. You may also contact Ms. Warren or Mr. Routhier by telephone at 907–334–5200.

SUPPLEMENTARY INFORMATION: In May 2007, BOEMRE (formerly Minerals Management Service) published the Final EIS for Oil and Gas Lease Sale 193, Chukchi Sea (OCS EISIEA MMS 2007–0026) that evaluated the potential effects of the proposed sale and three alternatives: A no action alternative and two alternatives that incorporate deferral areas of varying size along the coastward edge of the proposed sale area.

On January 31, 2008, a lawsuit challenging Oil and Gas Lease Sale 193, Chukchi Sea alleging violations pursuant to NEPA and the Endangered Species Act was filed with the U.S. District Court for the District of Alaska [*Native Village of Point Hope et al.,* v. *Salazar,* No. 1:08-cv-00004–RRB (D. Alaska)]. The sale was conducted in February 2008. BOEMRE received high bids totaling approximately $2.6 billion and 487 leases were issued.

In July 2010, the District Court remanded the matter for further NEPA analysis in accordance with its order. The District Court amended this order in August 2010. The District Court directed BOEMRE to address three concerns: (1) Analyze the environmental impact of natural gas development; (2) determine whether missing information identified by BOEMRE in the Final EIS for Chukchi Sea Lease Sale 193 was essential or relevant under 40 CFR 1502.22; and (3) determine whether the cost of obtaining the missing information was exorbitant, or the means of doing so unknown.

BOEMRE completed a Draft SEIS addressing each of these concerns, published the Draft SEIS for public comment on October 15, 2010, and provided a 45-day comment period. BOEMRE received over 150,000 comments on the Draft SEIS. Citing the Deepwater Horizon oil spill, many commenters requested an analysis that takes into account the possibility of a blowout and oil spill during exploration. After reviewing those comments, BOEMRE has determined that it is appropriate to provide analysis of a very large oil spill (VLOS) from a hypothetical exploration well blowout. The VLOS analysis is presented in the Revised Draft SEIS along with the analysis of those issues on remand.

The Final Supplemental EIS will provide the Secretary with sufficient information and analyses to make an informed decision on whether to affirm, modify, or cancel Oil and Gas Lease Sale 193, Chukchi Sea.

Revised Draft Supplemental EIS Availability: To obtain a copy of the Revised Draft SEIS, you may contact BOEMRE, Alaska OCS Region, 3801 Centerpoint Drive, Suite 500, Anchorage, Alaska 99503–5820, telephone 907–334–5200. You may also view the Revised Draft SEIS at the above address, on the BOEMRE Web site at *http://alaska.boemre.gov,* or at the Alaska Resources Library and Information Service, 3211 Providence Drive, Suite III, Anchorage, Alaska.

Public Comments: Interested parties may submit their written comments on the Revised Draft SEIS, Lease Sale 193, Chukchi Sea until July 11, 2011 *in one of the following two ways:*

1. *Mail or Delivery:* In written form enclosed in an envelope labeled ''Comments on Revised Draft SEIS, Lease Sale 193 Chukchi Sea'' to the Regional Director, Bureau of Ocean Energy Management, Regulation and Enforcement, Alaska OCS Region, 3801 Centerpoint Drive, Suite 500, Anchorage, Alaska 99503–5820.

2. *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.*

BOEMRE will consider comments received by either of the two above methods during the comment period in preparing the Final SEIS. BOEMRE encourages commenters to submit substantive comments on whether the proposed action should go forward. BOEMRE cautions that, 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 may ask BOEMRE (prominently at the beginning of your submission) to withhold your personal identifying information from public view, BOEMRE cannot guarantee that it will be able to do so. BOEMRE will not consider anonymous comments.

Public Hearings: BOEMRE will conduct public hearings at which government agencies, private-sector organizations, Alaska Native Tribes, and individuals are invited to present oral and written comments on the Revised Draft SEIS, Lease Sale 193 Chukchi Sea. Oral comments on the Revised Draft SEIS will be accepted verbatim only during the public hearing. Public hearings on the Revised Draft SEIS will be held as follows:

Tuesday June 21, 2011, Community Center, Kotzebue, Alaska.

Wednesday June 22, 2011 City Qalgi Center, Point Hope, Alaska.
Thursday June 23, 2011, Point Lay Community Center, Point Lay, Alaska.
Friday June 24, 2011, Robert James Community Center, Wainwright, Alaska.
Monday June 27, 2011, Inupiat Heritage Center, Barrow, Alaska; and
Wednesday June 29, 2011, Wilda Marston Theater, Anchorage, Alaska.

All meetings will start at 7 p.m.

Dated: May 5, 2011.

Robert P. LaBelle,

Acting Associate Director for Offshore Energy and Minerals Management.

[FR Doc. 2011–12720 Filed 5–26–11; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2011–XXXX; 12345–1234–0000–C2]

Endangered and Threatened Wildlife and Plants; Notice of Availability of a Draft Recovery Plan, First Revision, Mount Graham Red Squirrel for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability for review and public comment.

SUMMARY: We, the Fish and Wildlife Service, announce the availability of our draft recovery plan, first revision, for the Mount Graham Red Squirrel (*Tamiasciurus hudsonicus grahamensis*) under the Endangered Species Act of 1973, as amended (Act). This species is endemic to upper-elevation forests in the Pinaleño Mountains in southeastern Arizona. We request review and comment on our plan from local, State, and Federal agencies, Tribes, and the public. We will also accept any new information on the species' status throughout its range.

DATES: We must receive written comments on or before July 26, 2011. However, we will accept information about any species at any time.

ADDRESSES: If you wish to review the draft recovery plan, you may obtain a copy by visiting our Web site at *http://endangered.fws.gov/recovery/index.html#plans.* Alternatively, you may contact the Arizona Ecological Services Office, U.S. Fish and Wildlife Service, 2321 W. Royal Palm Road, Suite 103, Phoenix, AZ 85021–4951 (602–242–0210, phone). If you wish to comment on the plan, you may submit your comments in writing by any one of the following methods:

- *U.S. mail:* Field Supervisor, at the above address;
- *Hand-delivery:* Arizona Ecological Services Office at the above address;
- *Fax:* (602) 242–2513; or
- *E-mail: MGRSrecovery@fws.gov.*

For additional information about submitting comments, see the ''Request for Public Comments'' section below.

FOR FURTHER INFORMATION CONTACT: Marit Alanen, Fish and Wildlife Biologist, at the above address, phone number, or e-mail.

SUPPLEMENTARY INFORMATION:

Background

Recovery of endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of our endangered species program and the Act (16 U.S.C. 1531 *et seq.*). Recovery means improvement of the status of listed species to the point at which listing is no longer appropriate under the criteria set out in section 4(a)(1) of the Act. The Act requires the development of recovery plans for listed species, unless such a plan would not promote the conservation of a particular species.

Species' History

We listed the Mount Graham red squirrel as an endangered species under the Act on June 3, 1987 (52 FR 20994). We designated critical habitat on January 5, 1990 (55 FR 425).

We originally completed and announced a recovery plan for the species on May 3, 1993. However, given the species' current status, the recommendations in that plan are now outdated.

The Mount Graham red squirrel exists only in the upper-elevation forests of the Pinaleño Mountains in southeastern Arizona, and likely represents a relictual population of what was once a much more widely distributed taxon. Threats to the subspecies at the time of listing included its small population size and range; changes in forest age structure and density within the squirrel's habitat; loss of habitat due to development, road construction, and forest fire; and competition with the introduced Abert's squirrel. These same threats to the red squirrel's habitat continue today, compounded by the additional threats of climate change (including drought), insect infestation, and fire suppression activities. Recent research also indicates that predation, competition with Abert's squirrels, and demographic factors (mainly due to its small population size) may impact the Mount Graham red squirrel population more than expected.

Recovery Plan Goals

The objective of an agency recovery plan is to provide a framework for the recovery of a species so that protection under the Act is no longer necessary. A recovery plan includes scientific information about the species and provides criteria and actions necessary for us to be able to reclassify the species to threatened status or remove it from the Federal List of Endangered and Threatened Wildlife and Plants (List). Recovery plans help guide our recovery efforts by describing actions we consider necessary for the species' conservation, and by estimating time and costs for implementing needed recovery measures. To achieve its goals, this draft recovery plan identifies the following objectives:

- Restore and maintain sufficient Mount Graham red squirrel habitat to ensure the species' survival despite environmental stochasticity and the threat of climate change.
- Maintain a self-sustaining population of Mount Graham red squirrels sufficient to ensure the species' survival.

The draft revised recovery plan contains new downlisting and delisting criteria based on maintaining and increasing population numbers and habitat quality. The revised recovery plan focuses on protecting and managing the remaining population and habitat, restoring and creating habitat to allow for the existence of a viable and robust population, researching the conservation biology of the Mount Graham red squirrel with the objective of facilitating efficient recovery, developing support and building partnerships to facilitate recovery, and monitoring progress toward recovery and practicing adaptive management.

As the species meets reclassification and recovery criteria, we will review the species' status and consider the species for reclassification on or removal from the List.

Request for Public Comments

Section 4(f) of the Act requires us to provide public notice and an opportunity for public review and comment during recovery plan development. It is also our policy to request peer review of recovery plans (July 1, 1994; 59 FR 34270). In an appendix to the approved recovery plan, we will summarize and respond to the issues raised by the public and peer reviewers. Substantive comments may or may not result in changes to the recovery plan; comments regarding recovery plan implementation will be forwarded as appropriate to Federal or

other entities so that they can be taken into account during the course of implementing recovery actions. Responses to individual commenters will not be provided, but we will provide a summary of how we addressed substantive comments in an appendix to the approved recovery plan.

We invite written comments on the draft revised recovery plan. This plan has undergone significant revision since the original plan, incorporating the most recent scientific research specific to the Mount Graham red squirrel and input from the Technical and Stakeholder Subgroups of the Recovery Team. Therefore, we encourage commenters to review the recovery plan in its entirety.

Before we approve the plan, we will consider all comments we receive by the date specified in **DATES** above. Methods of submitting comments are in the **ADDRESSES** section above.

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 we receive will be available, by appointment, for public inspection during normal business hours at our office (see **ADDRESSES**).

Authority

We developed our draft recovery plan under the authority of section 4(f) of the Act, 16 U.S.C. 1533(f). We publish this notice under section 4(f) Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: April 18, 2011.

Joy E. Nicholopoulos,

Acting Regional Director, Southwest Region.

[FR Doc. 2011–13044 Filed 5–26–11; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R3–ES–2011–N111; 30120–1113–0000–F6]

Endangered and Threatened Wildlife and Plants; Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability of permit applications; request for comments.

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. With some exceptions, the Endangered Species Act (Act) prohibits activities with endangered and threatened species unless a Federal permit allows such activity. The Act requires that we invite public comment before issuing these permits.

DATES: We must receive any written comments on or before June 27, 2011.

ADDRESSES: Send written comments by U.S. mail to the Regional Director, *Attn:* Lisa Mandell, U.S. Fish and Wildlife Service, Ecological Services, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437–1458; or by electronic mail to *permitsR3ES@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Lisa Mandell, (612) 713–5343.

SUPPLEMENTARY INFORMATION:

Background

We invite public comment on the following permit applications for certain activities with endangered species authorized by section 10(a)(1)(A) of the Act (16 U.S.C. 1531 *et seq.*) and our regulations governing the taking of endangered species in the Code of Federal Regulations (CFR) at 50 CFR 17. Submit your written data, comments, or request for a copy of the complete application to the address shown in **ADDRESSES**.

Permit Applications

Permit Application Number: TE42196A

Applicant: Illinois River Biological Station, Illinois Natural History Survey, Havana, IL.

The applicant requests a permit to take (capture and release) pallid sturgeon (*Scaphyrinchus albus*) throughout Illinois. Activities are proposed for long-term monitoring of fish communities in the large rivers of Illinois and are for the enhancement of survival of the species in the wild.

Permit Application Number: TE43541A

Applicant: Francesca J. Cuthbert, University of Minnesota, St. Paul, MN.

The applicant requests a permit renewal to take (capture and release; capture and rear) piping plover (*Charadrius melodus*) in Michigan and Wisconsin. The research entails capture and marking of piping plovers, erecting nesting exclosures to improve nesting success, and salvaging orphaned eggs and nestlings to enhance the survival of the species in the wild.

Permit Application Number: TE43545A

Applicant: Shawna R. Kriegshauser, Lewistown, MO.

The applicant requests a permit to take (capture and release) American Burying Beetle (*Nicrophorus americanus*) within Deer Ridge Conservation Area, Lewis County, Missouri. Proposed activities are aimed at enhancement of survival of the species in the wild.

Permit Application Number: TE43555A

Applicant: Maria Gabriella Bidart-Bouzat, Bowling Green State University, Bowling Green, OH.

The applicant requests a permit renewal to take (temporarily hold) Karner Blue Butterfly (*Lycaeides melissa samuelis*) adults, eggs and larvae to test interactions with wild lupine of varying origins. Specimens will be received in conjunction with permitted reintroduction programs, and all larval specimens surviving to adults will be released to the wild following authorized activities. Research is proposed for the recovery and enhancement of survival of the species in the wild.

Permit Application Number: TE43605A

Applicant: Daniel R. Cox, Streator, IL.

The applicant requests a permit renewal to take (capture and release) Indiana bats (*Myotis sodalis*) throughout the range of the species. Proposed activities are for enhancement of survival of the species in the wild.

Permit Application Number: TE02365A

Applicant: Lynn W. Robbins, Missouri State University, Springfield, MO.

The applicant requests an amendment to permit number TE02365A to add the Ozark big-eared bat (*Corynorhinus townsendii ingens*) to the list of species covered and to add the State of Arkansas to the geographic scope of the permit. Proposed activities are for the survival and enhancement of survival of the species in the wild.

Permit Application Number: TE130900

Applicant: EnviroScience, Inc., Stow, OH.

The applicant requests an amendment to permit number TE130900 to add the states of Arkansas and Tennessee to the geographic scope of the permit and to add the following mussel species to the permit: *Arkansia wheeleri, Epioblasma florentina curtisii, Lampsilis powelli, Lampsilis streckeri, Alasmidonta*

atropupurea, Alasmidonta raveneliana, Dromus dromas, Epioblasma brevidens, Epioblasma capsaeformis, Epioblasma florentina walkeri, Epioblasma othcaloogensis, Epioblasma triquetra, Fusconaia cor, Fusconaia cuneolus, Hamiota altilis, Hemistena lata, Lampsilis virescens, Lemiox rimosus, Lexingtonia dolabelloides, Medionidus acutissimus, Obovaria retusa, Pegias fabula, Pleurobema gibberum, Pleurobema hanleyianum, Pleurobema perovatum, Ptychobrachus greenii, Ptychobrachus subtentum, Quadrula cylindrica strigillata, Quadrula fragosa, Quadrula intermedia, Quadrula sparsa, Toxolasma cylindrellus, Villosa purpurea, and *Villosa trabilis.* Proposed activities include surveys to document presence or absence of the species for the enhancement of survival of the species in the wild.

Public Comments

We seek public review and comments on these permit applications. Please refer to the permit number when you submit comments. Comments and materials we receive are available for public inspection, by appointment, during normal business hours at the address shown in the **ADDRESSES** section. 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.

National Environmental Policy Act (NEPA)

In compliance with NEPA (42 U.S.C. 4321 *et seq.*), we have made an initial determination that the proposed activities in these permits are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement (516 DM 6 Appendix 1, 1.4C(1)).

Dated: May 20, 2011.

Sean Marsan,

Acting Assistant Regional Director, Ecological Services, Region 3.

[FR Doc. 2011–13222 Filed 5–26–11; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–R–2011–N055; 40136–1265–0000–S3]

Bogue Chitto National Wildlife Refuge, LA and MS; Draft Comprehensive Conservation Plan and Environmental Assessment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the Fish and Wildlife Service (Service), announce the availability of a draft comprehensive conservation plan and environmental assessment (Draft CCP/EA) for Bogue Chitto National Wildlife Refuge (NWR) in St. Tammany and Washington Parishes, Louisiana, and Pearl River County, Mississippi, for public review and comment. In this Draft CCP/EA, we describe the alternative we propose to use to manage this refuge for the 15 years following approval of the final CCP.

DATES: To ensure consideration, we must receive your written comments by June 27, 2011.

ADDRESSES: You may obtain a copy of the Draft CCP/EA by contacting Ms. Tina Chouinard, via U.S. mail at Fish and Wildlife Service, 3006 Dinkins Lane, Paris, TN 38242. Alternatively, you may download the document from our Internet site: *http://southeast.fws.gov/planning* under ''Draft Documents.''

FOR FURTHER INFORMATION CONTACT: Ms. Tina Chouinard, at 731/432–0981 (telephone).

SUPPLEMENTARY INFORMATION:

Introduction

With this notice, we continue the CCP process for Bogue Chitto NWR. We started the process through a notice of intent in the **Federal Register** on February 20, 2009 (74 FR 7913). For more about the refuge and our CCP process, please see that notice.

Established in 1980, Bogue Chitto NWR is one of eight refuges managed as part of the Southeast Louisiana National Wildlife Refuge Complex. The refuge headquarters is approximately 9 miles northeast of the city of Slidell, Louisiana. The 36,502-acre refuge is bisected by the Pearl River in Louisiana and Mississippi. On the Mississippi side of the river, the refuge is bounded by Old River Wildlife Management Area (15,400 acres) to the north and by the State of Louisiana's Pearl River Wildlife Management Area (35,031) to the south, thereby forming an 87,000-acre block of protected forested wetlands and adjacent uplands within the Pearl River Basin.

White-tailed deer, squirrel, turkey, waterfowl, and hog hunting, as well as fishing, are offered to the public. The threatened and endangered species found on the refuge are ringed map turtle, gopher tortoise, inflated heelsplitter mussel, and gulf sturgeon.

Access is primarily by boat on the refuge's Louisiana side and road access is available on the refuge's Mississippi side. In 2002, the new Holmes Bayou walking trail was unveiled on the Louisiana side of the refuge. This 3/4-mile walking trail offers a unique journey into the interior of Bogue Chitto NWR's majestic habitat. The Pearl River Turnaround area is being developed as a site for education and interpretation, as well as a site for the annual youth fishing rodeo.

Background

The CCP Process

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee) (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, wildlife photography, and environmental education and interpretation. We will review and update the CCP at least every 15 years in accordance with the Administration Act.

Significant issues addressed in this Draft CCP/EA include: (1) Managing for invasive species and species of special concern, such as the gopher tortoise and ringed map turtle; (2) managing mixed pine upland and bottomland hardwood forests; (3) managing for land protection; (4) examining for a wilderness study area; (5) enhancing wildlife-dependent public use: And (6) increasing permanent staff.

CCP Alternatives, Including Our Proposed Alternative

We developed three alternatives for managing the refuge and chose ''Alternative B'' as the proposed alternative. A full description of each alternative is in the Draft CCP/EA. We summarize each alternative below.

Alternative A—Current Management (No Action)

The no action alternative would maintain the status quo and was developed using anticipated conditions in the area of Bogue Chitto NWR over the next 15 years. It assumes that current conservation management and land protection programs and activities by the Service and its stakeholders would continue to follow past trends. This alternative is included for the purpose of comparison to baseline conditions and is not considered to be the most effective management strategy for achieving the vision and goals of the refuge.

Under this alternative, wildlife population monitoring/surveying would be limited to current, primarily mandated species, without the benefit of additional focus on species of concern and species chosen as indicators of a healthy ecosystem. Forest management efforts for wildlife benefit would occur opportunistically. Public use programs would not change or increase with demand and would not be adapted based on their effects on refuge resources. Forestry and fire management programs would not be evaluated for efficiency and effectiveness.

The wilderness character of Holmes Island would probably not be altered appreciably under this alternative. No facilities' development would take place on the island; however, the island could still be subjected to habitat improvement projects, such as forest thinning and prescribed fire. If the island were to be thinned, depending on the logging method(s) used, this could necessitate temporary skid roads and pads for timber harvesting equipment, which could potentially, at least temporarily, compromise Holmes Island's wilderness character.

Under Alternative A, negative effects to soils, water, air, and other physical parameters would be mitigated to some extent, but not as well as benefits that could be provided with the use of strategic habitat management. The biological environment would remain protected, but certain systems could suffer if not systematically monitored using focused species as indicators. Management under Alternative A would not adversely affect socioeconomic values of the area, but the refuge would not achieve its potential for providing needed educational and wildlife-dependent recreational activities.

Alternative B—Resource-Focused Management (Proposed Alternative)

Implementing Alternative B would be the most effective management action for meeting the purposes of Bogue Chitto NWR. Monitoring and surveying would be conducted systematically, after assessing which species should be targeted based on their population status and ability to indicate health of important habitat. Restoration efforts, the fire program, and forest management would reflect best management practices determined after examination of historical regimes, soil types and elevation, and the current hydrological system. Management actions would be monitored for effectiveness and adapted to changing conditions, knowledge, and technology. A Habitat Management Plan would be developed for future habitat projects and to evaluate previous actions.

The wilderness character of Holmes Island would be ensured under this alternative, pending a final decision by the Service, the President, and the Congress on whether to adopt the refuge's recommendation that it be designated a unit of the National Wilderness Preservation System. While this would be a benefit of Alternative B, one adverse effect of including Holmes Island as a Wilderness Study Area would be to restrict management options, such as conducting forest thinning and prescribed fire on the island for the sake of wildlife habitat improvement.

Public use programs would be updated to educate visitors about the reasons for specific refuge management actions, and to provide quality experiences for refuge visitors. The refuge complex headquarters in Lacombe, Louisiana, would be equipped to provide additional information about Bogue Chitto NWR. Options and opportunities would be explored to expand visitor contact areas on the refuge. In an increasingly developing region, Alternative B would strive to achieve a balanced program of wildlife-dependent recreational activities and protection of wildlife resources.

This alternative proposes to add six new positions to current staffing dedicated primarily to Bogue Chitto NWR in order to continue to protect refuge resources, provide visitor services, and attain facilities and equipment maintenance goals.

Alternative C—User-Focused Management

Alternative C emphasizes managing the refuge for wildlife-dependent recreational uses. The majority of staff time and efforts would support public use activities, including hunting, fishing, wildlife observation, wildlife photography, and environmental education and interpretation. In general, the focus of refuge management would be on expanding public use activities to the fullest extent possible, while conducting only mandated resource protection such as conservation of threatened and endangered species, migratory birds, and archaeological resources.

All management programs for conservation of wildlife and habitat, such as monitoring, surveying, and marsh management, would support species and resources of importance for public use. Emphasis would be placed more on interpreting and demonstrating these programs than actual implementation. Providing access with trails would be maximized, as would public use facilities throughout the refuge. Federal trust species and archaeological resources would be monitored as mandated. Any negative impacts to soil, water, air, and other physical parameters would be observed only when highly visible effects manifested, because monitoring would not be based on indicator species or species of concern. With the majority of staff time and funds supporting a public use program, wildlife-dependent recreation and environmental education and interpretation could be more successful than in the other alternatives. Refuge resources would be protected from over-use so that quality public-use experiences would not be reduced. The socioeconomic value of the refuge to the surrounding area would be the highest under this alternative.

Land acquisitions within the approved acquisition boundary would be based on importance of the habitat for public use. The refuge headquarters and visitor center would be developed for public use activities.

Next Step

After the comment period ends, we will analyze the comments and address them.

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.

Authority

This notice is published under the authority of the National Wildlife Refuge System Improvement Act of 1997, Public Law 105–57.

Dated: March 22, 2011.

Mark J. Musaus,

Acting Regional Director.

[FR Doc. 2011–13214 Filed 5–26–11; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Renewal of Agency Information Collection for Verification of Indian Preference for Employment with BIA and IHS; Request for Comments

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Bureau of Indian Affairs (BIA) is seeking comments on renewal of Office of Management and Budget (OMB) approval for the collection of information for Verification of Indian Preference for Employment, 25 CFR part 5. The information collection is currently authorized by OMB Control Number 1076–0160, which expires August 31, 2011.

DATES: Interested persons are invited to submit comments on or before July 26, 2011.

ADDRESSES: You may submit comments on the information collection to Kevin Bearquiver, Deputy Director—Office of Indian Services, Bureau of Indian Affairs, 1849 C Street, NW., MS–3070, Washington, DC 20240; *Kevin.bearquiver@bia.gov*.

FOR FURTHER INFORMATION CONTACT: Kevin Bearquiver (202) 208–2874.

SUPPLEMENTARY INFORMATION:

I. Abstract

The BIA is seeking renewal of the approval for the information collection conducted under the 25 U.S.C. 43, 36 Stat. 472, *inter alia,* and implementing regulations, at 25 CFR 5, regarding verification of Indian preference for employment. The purpose of Indian preference is to encourage qualified Indian persons to seek employment with the BIA and Indian Health Service (IHS) by offering preferential treatment to qualified candidates of Indian heritage. BIA collects the information to ensure compliance with Indian preference hiring requirements. The information collection relates only to individuals applying for employment with the BIA and the IHS. The tribe's involvement is limited to verifying membership information submitted by the applicant. The collection of information allows certain persons who are of Indian descent to receive preference when appointments are made to vacancies in positions with the BIA and IHS as well as in any unit that has been transferred intact from the BIA to a Bureau or office within the Department of the Interior or the Department of Health and Human Services and that continues to perform functions formerly performed as part of the BIA and IHS. You are eligible for preference if (a) you are a member of a federally recognized Indian tribe; (b) you are a descendant of a member and you were residing within the present boundaries of any Indian reservation on June 1, 1934; (c) you are an Alaska Native; or (d) you possess one-half degree Indian blood derived from tribes that are indigenous to the United States.

II. Request for Comments

BIA requests that you send your comments on this collection to the location listed in the **ADDRESSES** section. Your comments should address: (a) The necessity of the information collection for the proper performance of the agencies, including whether the information will have practical utility; (b) the accuracy of our estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) ways we could enhance the quality, utility and clarity of the information to be collected; and (d) ways we could minimize the burden of the collection of the information on the respondents, such as through the use of automated collection techniques or other forms of information technology.

Please note that an agency may not sponsor or conduct, and an individual need not respond to, a collection of information unless it has a valid OMB Control Number. This information collection expires August 31, 2011.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section during the hours of 9 a.m.–5 p.m., Eastern Time, Monday through Friday except for legal holidays. Before including your address, phone number, e-mail address or other personally identifiable information, be advised that your entire comment—including your personally identifiable information—may be made public at any time. While you may request that we withhold your personally identifiable information, we cannot guarantee that we will be able to do so.

III. Data

OMB Control Number: 1076–0160.

Title: Verification of Indian preference for Employment in the BIA and IHS, 25 CFR 5.

Brief Description of Collection: Submission of this information by Indian applicants for jobs with BIA and IHS allows the Personnel Offices of BIA and IHS to verify that the individual meets the requirements for Indian preference in hiring. Response is required to obtain the benefit of preferential hiring.

Type of Review: Extension without change of a currently approved collection.

Respondents: Qualified Indian persons who are seeking preference in employment with the BIA and IHS.

Number of Respondents: Approximately 5,000.

Total Number of Responses: Approximately 5,000 per year.

Frequency of Response: Four times per year.

Estimated Time per Response: One-half hour.

Estimated Total Annual Burden: 2,500 hours, on average.

Estimated Cost: There are no costs, except postage and the cost to duplicate the original verification form.

Dated: May 24, 2011.

John Ashley,

Acting Chief Information Officer—Indian Affairs.

[FR Doc. 2011–13263 Filed 5–26–11; 8:45 am]

BILLING CODE 4310–4J–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Renewal of Agency Information Collection for Certificate of Degree of Indian or Alaska Native Blood (CDIB); Request for Comments

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Bureau of Indian Affairs (BIA) is seeking comments on renewal of the Office of Management and Budget (OMB) approval for the Certificate of Degree of

Indian or Alaska Native Blood (CDIB) information collection. The information collection is currently authorized by OMB Control Number 1076–0153, which expires July 31, 2011.

DATES: Interested persons are invited to submit comments on or before July 26, 2011.

ADDRESSES: You may submit comments on the information collection to Kevin Bearquiver, Deputy Director—Office of Indian Services, Bureau of Indian Affairs, 1849 C Street, NW., MS 4513, Washington, DC 20240; *Kevin.bearquiver@bia.gov.*

FOR FURTHER INFORMATION CONTACT: Kevin Bearquiver (202) 208–2874.

SUPPLEMENTARY INFORMATION:

I. Abstract

BIA is seeking renewal of the approval for the information collection conducted under the numerous laws authorizing BIA to administer program services to Indians, provided that the individual possess a minimum degree of Indian or Alaska Native blood. When applying for program services authorized by these laws, an applicant must provide acceptable documentation to prove that he or she meets the minimum required degree of Indian or Alaska Native blood. Currently, the BIA certifies an individual's degree of Indian or Alaska Native blood if the individual can provide sufficient information to prove his or her identity and prove his or her descent from an Indian ancestor(s) listed on historic documents approved by the Secretary of the Interior that include blood degree information. To obtain the CDIB, the applicant must fill out an application form and provide supporting documents. BIA is seeking renewal of OMB approval to collect the information necessary to issue CDIBs. One minor non-substantive change is being made to the CDIB application form, to clarify where the applicant should submit the form.

II. Request for Comments

BIA requests that you send your comments on this collection to the location listed in the **ADDRESSES** section. *Your comments should address:* (a) The necessity of the information collection for the proper performance of the agencies, including whether the information will have practical utility; (b) the accuracy of our estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) ways we could enhance the quality, utility and clarity of the information to be collected; and (d) ways we could minimize the burden of the collection of the information on the respondents, such as through the use of automated collection techniques or other forms of information technology.

Please note that an agency may not sponsor or conduct, and an individual need not respond to, a collection of information unless it has a valid OMB Control Number. OMB approval for this information collection expires on July 31, 2011.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section during the hours of 9 a.m.–5 p.m., Eastern Time, Monday through Friday except for legal holidays. Before including your address, phone number, e-mail address or other personally identifiable information, be advised that your entire comment—including your personally identifiable information—may be made public at any time. While you may request that we withhold your personally identifiable information, we cannot guarantee that we will be able to do so.

III. Data

OMB Control Number: 1076–0153.

Title: Certificate of Degree of Indian or Alaska Native Blood.

Brief Description of Collection: Submission of this information allows BIA to verify the applicant's Indian ancestry and to determine the applicant's degree of Indian blood. The applicant will provide information, such as birth certificates, death certificates, and probates to document the applicant's descent from an Indian ancestor(s). Response to the information collection is voluntary. BIA uses historic roll(s) or other documents that list the ancestors' name, gender, date of birth, date of death, blood degree and other identifying information to verify the applicant's descent. After the information and supporting documentation has been verified, BIA will issue a CDIB to the applicant. The applicant may use the CDIB to help document their eligibility for BIA programs and services. Other agencies may also rely on a CDIB as proof of eligibility for certain programs and services. CDIBs do not establish membership in an Indian tribe. A CDIB is not an enrollment document.

Type of Review: Extension without change of a currently approved collection.

Respondents: Individuals.

Number of Respondents: 154, 980 per year, on average.

Total Number of Responses: 154, 980 per year, on average.

Frequency of Response: Once.

Estimated Time per Response: 1.5 hours.

Estimated Total Annual Burden: 232,470 hours.

Dated: May 24, 2011.

John Ashley,

Acting Chief Information Officer—Indian Affairs.

[FR Doc. 2011–13261 Filed 5–26–11; 8:45 am]

BILLING CODE 4310–4J–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLUTC00000.L51010000.ER0000.LVRWJ09J4050; UTU–83067]

Notice of Availability of Draft Environmental Impact Statement for the Sigurd to Red Butte No. 2–345 Kilovolt Transmission Line Project, Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended, the Bureau of Land Management (BLM) has prepared a Draft Environmental Impact Statement (EIS) for the Sigurd to Red Butte No. 2–345 Kilovolt (kV) Transmission Line Project (Project) and by this notice is announcing the opening of a 45 day public comment period.

DATES: The BLM must receive written comments on the Draft EIS within 45 days following the date the Environmental Protection Agency publishes its Notice of Availability in the **Federal Register** to ensure the comments will be considered. The BLM will host public meetings/hearings in St. George, Milford, Enterprise, and Richfield, Utah, to provide an overview of the Project and take public comments on the proposed Project and the Draft EIS. The dates of public meetings/hearings or other public involvement activities will be announced at least 15 days in advance through public notices, media news releases, and/or mailings, and the BLM Web site at: *http://www.blm.gov/ut/st/en/fo/cedar_city/planning.html.*

ADDRESSES: You may submit comments on the Draft EIS by any of the following methods:

- *E-mail: utsrbproj@blm.gov.*
- *Mail:* BLM, Cedar City Field Office, 176 East D.L. Sargent Drive, Cedar City, Utah, 84721, Attention: Tamara Gertsch.
- *Web site: http://www.blm.gov/ut/st/en/fo/cedar_city/planning.html.*

FOR FURTHER INFORMATION CONTACT: For further information and/or to have your name added to our mailing list, contact Tamara Gertsch, Project Manager; telephone (307) 775–6115; e-mail *utsrbproj@blm.gov;* address BLM, Cedar City Field Office, 176 East D.L. Sargent Drive, Cedar City, Utah 84721. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: PacifiCorp, doing business as Rocky Mountain Power, has filed right-of-way applications with the BLM and United States Forest Service (USFS) proposing to construct, operate, and maintain the Project, a single-circuit, alternating-current (AC), 345 kV overhead transmission line. The transmission line would be located to connect the existing Sigurd Substation near Richfield in Sevier County with the existing Red Butte Substation near the community of Central in Washington County, Utah, a distance of approximately 160 miles depending on the route selected. The Project also includes expansion of the existing Sigurd Substation on private land to accommodate new substation equipment for interconnecting the proposed transmission line with the existing system. When completed, the Project would provide about 600 megawatts of electrical capacity to respond to anticipated load growth in Southwestern Utah. Alternative routes considered in the Draft EIS cross Federal, state, tribal, and private lands.

The requested right-of-way width on Federal lands for construction and operation of the Project is 150 feet. The Proponent proposes to predominantly use steel-pole H-frame tower structures, from 80 to 140 feet in height, with average spans between structures of 800 to 1,200 feet (5 to 7 structures per mile). Permanent and temporary access roads, a minimum of 14 feet wide, would be needed for the Project. Temporary access roads would be needed for construction only. Temporary work space would be needed during construction for material storage, conductor tensioning sites, and to accommodate vehicles and equipment.

Under Federal law, the BLM is responsible for responding to applications for rights-of-way on BLM-administered lands. Similarly, under Federal law, the USFS is responsible for responding to applications for rights-of-way on lands they administer. In accordance with NEPA, the BLM has prepared a Draft EIS for the Project. An interdisciplinary approach was used to develop the Draft EIS, in order to consider a variety of resource issues and concerns identified during internal, interagency, and public scoping. The BLM is the designated lead Federal agency for preparation of the EIS as defined at 40 CFR 1501.5. Agencies with jurisdiction by law or special expertise were invited to participate as cooperating agencies in preparation of the EIS. The following agencies have agreed to participate as cooperating agencies: USFS (Dixie and Fishlake National Forests); U.S. Army Corps of Engineers; National Park Service; State of Utah; Millard, Sevier, Beaver, Iron, and Washington counties, Utah; and the cities of St. George and Enterprise, Utah.

In response to Section 368 of the Energy Policy Act of 2005 (42 U.S.C. 15926), a Programmatic EIS was prepared by the Department of Energy and the Department of the Interior for energy corridors in 11 western states including Utah. A Final Programmatic EIS was published on November 28, 2008 (73 FR 72521). Records of Decision (ROD) on the *Programmatic Environmental Impact Statement, Designation of Energy Corridors on Federal Land in the 11 Western States (DOE/EIS–0386),* signed January 14, 2009, designated energy corridors and provided guidance, best management practices, and mitigation measures to be used where linear facilities are proposed within the corridors. Corridor designation occurred upon BLM's amendment of its relevant Resource Management Plans and upon USFS' amendment of its Land Management Plans. Designation of corridors does not require their use, nor does such designation exempt the Federal agencies from conducting a site-specific environmental review on each Project. The BLM has considered the use of the corridors in preparation of the Draft EIS. Documents pertinent to the right-of-way application and the Draft EIS for the Project may be examined at:

- BLM, Cedar City Field Office, 176 East D.L. Sargent Drive, Cedar City, Utah 84721;
- BLM, Richfield Field Office, 150 East, 900 North, Richfield, Utah 84701;
- BLM, Fillmore Field Office, 35 East, 500 North, Fillmore, Utah 84631;
- Dixie National Forest Office, 1789 North Wedgewood Lane, Cedar City, Utah 84721;
- Fishlake National Forest Office, 115 East 900 North, Richfield, Utah 84701.

Please note that public comments may be available for public review and disclosure at the above address during regular business hours (8 a.m. to 4 p.m.), Monday through Friday, except holidays.

Before including your address, phone number, e-mail address, or any 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 request in your comment that your personal identifying information be withheld from public review, the BLM cannot guarantee that they will be able to do so.

Juan Palma,

State Director.

[FR Doc. 2011–13009 Filed 5–26–11; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVL00000.L51010000. FX0000LVRWF1000810.241A; NVN–084465; 11–08807; MO# 4500020272; TAS 14X5017]

Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Wilson Creek Wind Project, Lincoln County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent.

SUMMARY: In compliance with the National Environmental Policy Act (NEPA) of 1969, as amended, and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) Schell Field Office, Nevada, intends to prepare an Environmental Impact Statement (EIS) for a right-of-way (ROW) application submitted by Wilson Creek Power Partners, LLC, for a wind energy generation project and by this notice is announcing the beginning of the scoping process to solicit public input on the identification of issues. The BLM may also determine that the proposed project would require an amendment to the Ely Resource Management Plan, in which case the EIS would support any planning amendment.

DATES: This notice initiates the public scoping process for the EIS. Comments on issues may be submitted in writing until July 26, 2011. The date(s) and location(s) of any scoping meetings will be announced at least 15 days in advance through local media, newspapers and the BLM Web site at:

http://www.blm.gov/nv/st/en/fo/ely_field_office.html. In order to be considered in the Draft EIS, all comments must be received prior to the close of the scoping period or 15 days after the last public meeting, whichever is later. The BLM will provide additional opportunities for public participation upon publication of the Draft EIS.

ADDRESSES: You may submit comments on issues related to the Proposed Wilson Creek Wind Project by any of the following methods:

- Web site: *http://www.blm.gov/nv/st/en/fo/ely_field_office.html.*
- *E-mail: wilsoncreekwind@blm.gov.*
- *Fax:* (775) 775–1918 (attention Dan Netcher).
- *Mail:* BLM Ely District Office, *Attn:* Dan Netcher, HC 33 Box 33500 Ely, NV 89301.
- *In person:* at the BLM Ely District Office and at any public scoping meetings on the proposal.

Documents pertinent to this proposal may be examined at the BLM Ely District Office, 702 North Industrial Way, Ely, Nevada.

FOR FURTHER INFORMATION CONTACT: Dan Netcher, Renewable Energy Project Manager, (775) 289–1872; or e-mail *wilsoncreekwind@blm.gov.* You may also use this contact information to request that your name be added to the project mailing list. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The applicant, Wilson Creek Power Partners, LLC, has requested a ROW authorization to construct, operate, maintain, and decommission a multi-phase wind powered generation facility on approximately 31,000 acres of BLM administered public lands in Lincoln County, Nevada. The fully constructed project would consist of 336 to 373 wind turbines to be located along the ridgeline of the Wilson Creek Range approximately 20 miles northeast of the town of Pioche, Nevada. In addition to the wind turbines, other project components are expected to include buried power collection lines and communication cables, access roads, meteorological towers, substation(s) and switchyard(s), an operation and maintenance building, a single or double-circuited 120 to 230 kilovolt overhead transmission line, and portable cement batch plants and rock crushing facilities. The project is anticipated to be developed in multiple phases, with the Wilson Creek Range and Table Mountain sites composing Phase I. Phase I would consist of up to 195 wind turbines, producing 500 megawatts (MW) of electricity, depending on the selected wind turbine manufacturer. The Atlanta Summit site would compose Phase II, and the White Rock site would compose Phase III. The later phases of the project would be considered for development if the wind resource in the Atlanta Summit and White Rock areas is found to be sufficient. Additional environmental analysis would be conducted for Phases II and III of the project and any associated land use plan amendments. The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis and guide the process for developing the EIS, including the development of alternatives. The BLM has identified the following preliminary issues: Threatened and endangered species; wildlife, particularly avian species; visual resource impacts; recreation impacts; and socioeconomic effects. Authorization of this proposal may require an amendment of the Ely Resource Management Plan (2007). By this notice, the BLM is complying with requirements in 43 CFR 1610.2(c) to notify the public of potential amendments to land use plans. If a land use plan amendment is necessary, the BLM will integrate the land use planning process with the NEPA process for this project.

The BLM will use and coordinate the NEPA commenting process to satisfy the public involvement requirements of Section 106 of the National Historic Preservation Act (16 U.S.C. 470f), as provided for in 36 CFR 800.2(d)(3). Native American Tribal consultations will be conducted in accordance with BLM policy, and tribal concerns including potential impacts on Indian trust assets will be given due consideration. Federal, State, and local agencies, along with other stakeholders that may be interested in or affected by the BLM's decision(s) are invited to participate in the scoping process and, if eligible, request or be requested by the BLM to participate as a cooperating agency.

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.

Authority: 40 CFR 1501.7 and 43 CFR 1610.2.

Mary D'Aversa,

Manager, Schell Field Office.

[FR Doc. 2011–13010 Filed 5–26–11; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCAN00000.L18200000.XZ0000]

Notice of Public Meeting: Northeast California Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 (FLPMA), and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Northeast California Resource Advisory Council will meet as indicated below.

DATES: The committee will meet Wednesday and Thursday, Aug. 24 and 25, 2011, in Susanville, California. On Aug. 24, the RAC will convene at 10 a.m. at the Bureau of Land Management Eagle Lake Field Office, 2950 Riverside Dr., Susanville, and depart immediately for a field tour. Members of the public are welcome. They must provide their own transportation, food and beverages. On Aug. 25, the council meeting begins at 8 a.m. in the Conference Room of the BLM Eagle Lake Field Office. The public is welcome.

FOR FURTHER INFORMATION CONTACT: Nancy Haug, BLM Northern California District manager, (530) 224–2160; or Joseph J. Fontana, BLM public affairs officer, (530) 252–5332.

SUPPLEMENTARY INFORMATION: The 15-member council advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management in northeast California and the northwest corner of Nevada. Agenda items at this meeting include management of wild horses and burros, stewardship contracting, alternative energy development, marijuana garden cleanup issues, status of a PG&E land transfer and the Sage Steppe Ecosystem Management Plan. The council will accept public comments at 11 a.m.

Depending on the number of persons wishing to speak, and the time available, the time for individual comments may be limited. Individuals who plan to attend and need special assistance, such as sign language interpretation and other reasonable accommodations, should contact the BLM as provided above.

Dated: May 17, 2011.

Joseph J. Fontana,

Public Affairs Officer.

[FR Doc. 2011–13234 Filed 5–26–11; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCAN01000.L10200000.XZ0000]

Notice of Public Meeting: Northwest California Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 (FLPMA), and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Northwest California Resource Advisory Council will meet as indicated below.

DATES: The meeting will be held Thursday and Friday, August 11 and 12, 2011, at the Bureau of Land Management Ukiah Field Office, 2550 North State Street, Ukiah, California. On August 11, the meeting is from noon to 5 p.m. Public comments will be accepted at 2:30 p.m. On August 12, the meeting runs from 8 a.m. to noon.

FOR FURTHER INFORMATION CONTACT: Nancy Haug, BLM Northern California District manager, (530) 221–1743; or Joseph J. Fontana, public affairs officer, (530) 252–5332.

SUPPLEMENTARY INFORMATION: The 12-member council advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management in Northwest California. At this meeting the RAC will discuss a proposed wind energy project on Walker Ridge in Lake and Colusa counties, California. All meetings are open to the public. Members of the public may present written comments to the council. Each formal council meeting will have time allocated for public comments. Depending on the number of persons wishing to speak, and the time available, the time for individual comments may be limited. Members of the public are welcome on field tours, but they must provide their own transportation and meals. Individuals who plan to attend and need special assistance, such as sign language interpretation and other reasonable accommodations, should contact the BLM as provided above.

Dated: May 17, 2011.

Joseph J. Fontana,

Public Affairs Officer.

[FR Doc. 2011–13233 Filed 5–26–11; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORV00000.L10200000.DD0000; HAG 11–0229]

Notice of Public Meeting, Southeast Oregon Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Land Policy and Management Act and the Federal Advisory Committee Act, the U.S. Department of the Interior, Bureau of Land Management (BLM) Southeast Oregon Resource Advisory Council (SEORAC) will meet as indicated below.

DATES: The meeting will be held on June 14, 2011 and June 15, 2011.

ADDRESSES: The meeting will take place at the Holiday Inn Express, 212 SE. 10th Street, Ontario, Oregon 97914.

FOR FURTHER INFORMATION CONTACT: Mark Wilkening, 100 Oregon Street, Vale, Oregon 97918, (541) 473–6218 or e-mail *mark_wilkening@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The meeting will be held on June 14 and June 15, 2011, at the Holiday Inn Express Conference Room, 212 SE. 10th Street, Ontario, Oregon. On June 14, the meeting will be held from 8 a.m. to 4 p.m. Mountain Daylight Time. On June 15, the meeting will be held from 8 a.m. to 12 p.m. Mountain Daylight Time. The meeting may include such topics as defining the SEORAC's role on the BLM Vegetation Environmental Impact Statement step-down to the Vale District treatments options; update on the Neil Hotsprings Geothermal project, an update on the proposed Owyhee Pump Storage project, a presentation by Vale District specialists to better understand the current conditions that exist in the Owyhee Canyon area, large mining operations on the Vale District, election of officers, report by the Federal managers on litigation, energy projects, and other issues affecting their districts; and other matters as may reasonably come before the Council. The public is welcome to attend all portions of the meeting and may make oral comments to the Council at 1 p.m. on June 14, 2011. Those who verbally address the SEORAC are asked to provide a *written* statement of their comments or presentation. Unless otherwise approved by the SEORAC Chair, the public comment period will last no longer than 15 minutes, and each speaker may address the SEORAC for a maximum of five minutes. If reasonable accommodation is required, please contact the BLM Vale District Office at (541) 473–6218 as soon as possible.

Larry Frazier,

Vale Assistant District Manager.

[FR Doc. 2011–13159 Filed 5–26–11; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–0511–7418; 2280–665]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before May 7, 2011. Pursuant to § 60.13 of 36 CFR Part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation. Comments may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St., NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St., NW., 8th floor, Washington, DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by June 13, 2011. 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.

J. Paul Loether,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

ARKANSAS

Drew County

Saline Cemetery, .3 mi. S. of jct. of US 278 & Allis Rd., Wilmar, 11000353

Lawrence County

Bethel Cemetery, 1.1 mi. N. of AR 117 on Cty. Rd. 225, Denton, 11000354

Lonoke County

Keo Commercial Historic District, (Cotton and Rice Farm History and Architecture in the Arkansas Delta MPS) Main & Fleming Sts., AR 232, Keo, 11000355

Searcy County

Martin, William P. and Rosa Lee, Farm, 7429 Campbell Rd., Marshall, 11000356

Sebastian County

Greenwood Gymnasium, (New Deal Recovery Efforts in Arkansas MPS) 300 E. Gary St., Greenwood, 11000357

LOUISIANA

Caddo Parish

First Presbyterian Church, 900 Jordan St., Shreveport, 11000358

MASSACHUSETTS

Franklin County

Franklin County Fairgrounds, 89 Wisdom Way, Greenfield, 11000359

MINNESOTA

St. Louis County

Ingersoll, William, Estate, (Tourism and Recreational Properties in Voyageurs National Park 1880–1950 MPS) Ingersoll's Island, Crane Lake, 11000360

Levin, Adolph, Cottage, (Tourism and Recreational Properties in Voyageurs National Park 1880–1950 MPS) Kabetogama Narrows near Ash R. Maintenance Dock, Kabetogama Lake, 11000361

Monson's Hoist Bay Resort, (Tourism and Recreational Properties in Voyageurs National Park 1880–1950 MPS) Hoist Bay, Namakan Lake, 11000362

Stevens, I.W., Lakeside Cottage, (Tourism and Recreational Properties in Voyageurs National Park 1880–1950 MPS) Williams Island, Namakan Lake, 11000363

OHIO

Clermont County

Krippendorf Estate, 4949 Tealtown Rd., Perintown, 11000364

Cuyahoga County

LaSalle Theater Building, 819–829 E. 185th St., Cleveland, 11000365

Erie County

Huron School, 325 Ohio St., Huron, 11000366

Lorain County

American Felsol Company Building, 200 W. 9th St., Lorain, 11000367

Muskingum County

Christy, Howard Chandler, Art Studio, 6020 S. River Rd., Blue Rock, 11000368

Stark County

Firestone, Charles E., House, 2814 West Dale Rd., NW., Canton, 11000369

Wayne County

Orrville Downtown Historic District, Market St. roughly between High & Main, Orrville, 11000370

SOUTH CAROLINA

Beaufort County

Fort Howell, N. side of Beach City Rd. approx. 200 ft. SW. of the jct. with Dillon Rd., Hilton Head Island, 11000371

Newberry County

Oakland Mill, 2802 Fair Ave., Newberry, 11000372

TENNESSEE

Johnson County

Maymead Farm, 1995 Roan Creek Rd., Mountain City, 11000373

[FR Doc. 2011–13116 Filed 5–26–11; 8:45 am]

BILLING CODE 4312–51–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Buy American Exception Under the American Recovery and Reinvestment Act of 2009

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of approval.

SUMMARY: This notice provides information regarding the Bureau of Reclamation (Reclamation) approval of the Buy American waiver requested by the Deschutes River Conservancy (DRC) to purchase foreign-produced ductile iron flanges also known as bolt rings used to connect high-density polyethylene (HDPE) and polyvinyl chloride (PVC) pipe as part of the American Recovery and Reinvestment Act of 2009 (ARRA) grant for Three Sisters Irrigation District (TSID) Phase III—Main Canal piping project located in Sisters, Oregon. These ductile iron flanges are not available in the United States and are necessary for the construction of the TSID project and associated construction schedule. The DRC and TSID engineers conducted market research for the domestic ductile iron flange production industry and determined there is currently no domestic availability for ductile iron flanges for use with HDPE and PVC pipe.

DATES: The effective date of the Buy American Waiver approval was May 11, 2011.

FOR FURTHER INFORMATION CONTACT: Wilson Orvis, Financial Assistance Analyst—Acquisition and Assistance Management Division, Bureau of Reclamation, Denver Federal Center, Building 56, Room 1013, P.O. Box 25007 (84–27820), Denver, CO 80225–0007. Telephone: (303) 445–2444, or via e-mail at *worvis@usbr.gov.*

SUPPLEMENTARY INFORMATION:

Background

Congress has enacted a Buy American provision which requires manufactured goods permanently incorporated into a project funded with American Recovery and Reinvestment Act of 2009 (ARRA) funds to be produced in the United States. The application of Buy American is triggered by the obligation of Federal ARRA funds to a project. Once ARRA funds are obligated to a project, then all iron, steel, and manufactured goods incorporated into the project must be produced in the United States.

Under 2 CFR 176.80(a), the head of the Federal department or agency may waive the Buy American requirements for specific products on an ARRA funded construction project when Buy American is inconsistent with the public interest; such materials and products are not produced in the United States in sufficient and reasonably available quantities and of satisfactory quality; or inclusion of domestic material will increase the cost of the overall project contract by more than 25 percent.

The waiver process is initiated by a requesting organization when it believes that a waiver is warranted pursuant to any of the three waiver provisions under 2 CFR 176.80(a). The DRC submitted a Buy American waiver request based on the waiver provision under 2 CFR 176.80(a)(1)—Nonavailability. The project requirements specified the use of ductile iron flanges that were determined through industry research conducted by DRC and TSID to not be domestically available. Based on the confirmation that these ductile iron flanges used with HDPE pipe are not currently available, Reclamation approved the Buy American waiver request.

Reclamation's publication of its Buy American decision is required pursuant to the Buy American Act, 2 CFR 176.80(b)(2).

Upon publication of this **Federal Register** notice, Reclamation is notifying the public of the decision to approve the Buy American waiver requested by the DRC to purchase foreign ductile iron flanges as part of the American Recovery and Reinvestment Act of 2009 (ARRA) grant for the TSID Phase III Main Canal piping project located in Sisters, Oregon.

Dated: May 20, 2011.

Grayford F. Payne,

Deputy Commissioner—Policy, Administration and Budget, Bureau of Reclamation.

[FR Doc. 2011–12997 Filed 5–26–11;8:45 am]

BILLING CODE 4310–MN–P

INTERNATIONAL TRADE COMMISSION

Investigation Nos. [731–TA–1186–1187] (Preliminary)

Certain Stilbenic Optical Brightening Agents From China and Taiwan

Determinations

On the basis of the record [1] developed in the subject investigation, the United States International Trade Commission (Commission) determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) (the Act), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from China and Taiwan of certain stilbenic optical brightening agents, provided for in subheadings 3204.20.80, 2933.69.6050, 2921.59.40, and 2921.59.8090 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce (Commerce) of affirmative preliminary determinations in the investigation under section 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in the investigations under section 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Background

On March 31, 2011, a petition was filed with the Commission and Commerce by Clariant Corp., Charlotte, NC, alleging that an industry in the United States is materially injured by reason of LTFV imports of certain stilbenic optical brightening agents from China and Taiwan. Accordingly, effective March 31, 2011, the Commission instituted antidumping duty investigation Nos. 731–TA–1186–1187 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of April 7, 2011 (76 FR 19383). The conference was held in Washington, DC, on April 21, 2011, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on May 16, 2011. The views of the Commission are contained in USITC Publication 4236 (May 2011), entitled *Certain Stilbenic Optical Brightening Agents from China and Taiwan: Investigation Nos. 731–TA–1186–1187 (Preliminary).*

Issued: May 23, 2011.

By order of the Commission.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2011–13185 Filed 5–26–11; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in section 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–714]

In the Matter of Certain Electronic Devices With Multi-Touch Enabled Touchpads and Touchscreens; Notice of Request for Statements on the Public Interest

Section 337 of the Tariff Act of 1930 provides that if the Commission finds a violation it shall exclude the articles concerned from the United States:

> Unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease and desist orders. 19 U.S.C. 1337(f)(1).

The Commission is interested in further development of the record on the public interest in its investigations. Accordingly, the parties are invited to file submissions of no more than five (5) pages concerning the public interest in light of the administrative law judge's Recommended Determination on Remedy and Bonding issued in this investigation on April 29, 2011. Comments should address whether issuance of a limited exclusion order and/or a cease and desist order in this investigation could affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the potential orders;

(iii) indicate the extent to which like or directly competitive articles are produced in the United States or are otherwise available in the United States, with respect to the articles potentially subject to the orders;

(iv) indicate whether Complainant, Complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to an exclusion order and a cease and desist order within a commercially reasonable time; and

(v) indicate whether the limited exclusion order and/or cease and desist

order could impact United States consumers.

Any submissions are due on June 6, 2011.

Issued: May 23, 2011.

By order of the Commission.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2011–13188 Filed 5–26–11; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–760]

In the Matter of Certain Liquid Crystal Display Devices, Products Containing Same, and Methods for Using the Same; Notice of Commission Decision Not To Review an Initial Determination Terminating the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's initial determination (''ID'') (Order No. 9) granting a joint motion to terminate the investigation.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708–2532. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on March 2, 2011, based on a complaint filed by Sharp Corporation of Japan (''Sharp'') that named as respondents: AU Optronics Corp. of Taiwan; AU Optronics Corporation America of Houston, Texas; BenQ America of Irvine, California; BenQ Corporation of Taiwan; Haier America Trading LLC, of New York, New York; Haier Group Company of China; LG Electronics Inc. of South Korea; LG Electronics U.S.A., Inc. of Englewood Cliffs, New Jersey; SANYO Electric Co. of Japan; SANYO North America Corporation of San Diego, California; TCL Corporation of China; TTE Technology, Inc. d/b/a TCL America of Indianapolis, Indiana; and VIZIO, Inc. of Irvine, California. 76 FR 11512 (Mar. 2, 2011). The complaint alleged a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation, sale for importation, and sale within the United States after importation of certain liquid crystal display (''LCD'') devices, products containing same, and methods for using same by reason of the infringement of certain claims of U.S. Patent Nos. 6,879,364; 7,304,626; 7,532,183; 7,283,192; 6,937,300; 7,057,689; and 7,838,881.

On April 21, 2011, Sharp and the AU Optronics respondents (''AUO'') filed a joint motion for termination of the investigation on the basis of settlement and licensing agreements. No other party opposed the motion. The agreements call for Sharp and AUO to terminate the investigation and to dismiss parallel district court proceedings. The other respondents make or sell products that contain accused AUO LCD components, and the settlement between Sharp and AUO thereby resolved all disputes in the investigation.

On May 3, 2011, the ALJ granted the motion as an ID (Order No. 9).

No petitions for review of the ID were filed. The Commission has determined not to review the ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: May 23, 2011.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2011–13189 Filed 5–26–11; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Application

Pursuant to 21 U.S.C. 958(i), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under 21 U.S.C. 952(a)(2), authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with 21 CFR 1301.34(a), this is notice that on March 14, 2011, Almac Clinical Services Inc. (ACSI), 25 Fretz Road, Souderton, Pennsylvania 18964, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of the following basic classes of controlled substances:

Drug	Schedule
Oxycodone (9143)	II
Hydromorphone (9150)	II
Tapentadol (9780)	II
Fentanyl (9801)	II

The company plans to import small quantities of the listed controlled substances in dosage form to conduct clinical trials.

Any bulk manufacturer who is presently, or is applying to be, registered with DEA to manufacture such basic classes of controlled substances may file comments or objections to the issuance of the proposed registration and may, at the same time, file a written request for a hearing on such application pursuant to 21 CFR 1301.43, and in such form as prescribed by 21 CFR 1316.47.

Any such comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, **Federal Register** Representative (ODL), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than June 27, 2011.

This procedure is to be conducted simultaneously with, and independent of, the procedures described in 21 CFR 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice published in the **Federal Register** on September 23, 1975, 40 FR 43745–46, all applicants for registration to import the basic class of any controlled substance in schedule I or II are, and will continue to be, required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, that the requirements for such registration pursuant to 21 U.S.C. 958(a); 21 U.S.C. 823(a); and 21 CFR 1301.34(b), (c), (d), (e), and (f) are satisfied.

Dated: May 13, 2011.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2011–13207 Filed 5–26–11; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Application

Pursuant to 21 U.S.C. 958(i), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under 21 U.S.C. 952(a)(2) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with 21 CFR 1301.34(a), this is notice that on March 8, 2010, Akorn, Inc., 1222 W. Grand Avenue, Decatur, Illinois 62522, made application to the Drug Enforcement Administration (DEA) to be registered as an importer of Remifentanil (9739), a basic class of controlled substance listed in schedule II.

The company plans to import Remifentanil in bulk for use in dosage-form manufacturing.

Any bulk manufacturer who is presently, or is applying to be, registered with DEA to manufacture such basic class of controlled substance may file comments or objections to the issuance of the proposed registration and may, at the same time, file a written request for a hearing on such application pursuant to 21 CFR 1301.43 and in such form as prescribed by 21 CFR 1316.47.

Any such comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, Federal Register Representative (ODL), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than June 27, 2011.

This procedure is to be conducted simultaneously with, and independent of, the procedures described in 21 CFR 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice published in the **Federal Register** on September 23, 1975, (40 FR 43745), all applicants for registration to import a basic class of any controlled substance in schedule I or II are, and will continue to be, required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, that the requirements for such registration pursuant to 21 U.S.C. 958(a); 21 U.S.C. 823(a); and 21 CFR 1301.34(b), (c), (d), (e), and (f) are satisfied.

Dated: May 13, 2011.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2011–13208 Filed 5–26–11; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated March 8, 2011, and published in the **Federal Register** on March 17, 2011, 76 FR 14688, Aptuit, 10245 Hickman Mills Drive, Kansas City, Missouri 64137, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of the following basic classes of controlled substances:

Drug	Schedule
Marihuana (7360)	I
Poppy Straw Concentrate (9670)	II

The company plans to import a finished pharmaceutical product containing cannabis extracts in dosage form for packaging for a clinical trial study. In addition, the company also plans to import an ointment for the treatment of wounds which contain trace amounts of the controlled substances normally found in poppy straw concentrate for packaging and labeling for clinical trials.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and 952(a), and determined that the registration of Aptuit to import the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. DEA has investigated Aptuit to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above named company is granted registration as an importer of the basic classes of controlled substances listed.

Dated: May 12, 2011.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2011–13193 Filed 5–26–11; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated January 18, 2011, and published in the **Federal Register** on February 2, 2011, 76 FR 5827, Mallinckrodt Inc., 3600 North Second Street, St. Louis, Missouri 63147, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of the following basic classes of controlled substances:

Drug	Schedule
Phenylacetone (8501)	II
Coca Leaves (9040)	II
Opium, raw (9600)	II
Poppy Straw Concentrate (9670)	II

The company plans to import the listed controlled substances for the manufacture of controlled substances in bulk for distribution to its customers.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and § 952(a), and determined that the registration of Mallinckrodt Inc., to import the basic classes of controlled substances is consistent with the public interest, and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. DEA has investigated Mallinckrodt Inc. to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above named company is granted registration as an importer of the basic classes of controlled substances listed.

Dated: May 13, 2011.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2011–13195 Filed 5–26–11; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated January 18, 2011, and published in the **Federal Register** on February 2, 2011, 76 FR 5829, AMRI Rensselaer, Inc., 33 Riverside Avenue, Rensselaer, New York 12144, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Drug	Schedule
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I
Amphetamine (1100)	II
Lisdexamfetamine (1205)	II
Methylphenidate (1724)	II
Pentobarbital (2270)	II
Meperidine (9230)	II
Fentanyl (9801)	II

The company plans to manufacture bulk controlled substances for use in product development and for distribution to its customers.

In reference to drug code 7360 (Marihuana), the company plans to bulk manufacture cannabidiol as a synthetic intermediate. This controlled substance will be further synthesized to bulk manufacture a synthetic THC (7370). No other activity for this drug code is authorized for this registration.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of AMRI Rensselaer, Inc. to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated AMRI Rensselaer, Inc. to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic classes of controlled substances listed.

Dated: May 13, 2011.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2011–13204 Filed 5–26–11; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Standard on the Control of Hazardous Energy—Lockout/Tagout

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Standard on the Control of Hazardous Energy—Lockout/Tagout,'' to the Office of Management and Budget (OMB) for review and approval for continued 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 27, 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, Occupational Safety and Health Administration (OSHA), 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: The Control of Hazardous Energy Standard specifies several information collection requirements, including those related to energy-control procedure; protective materials and hardware; and periodic inspection, training, and communication.

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 1218–0150. The current OMB approval is scheduled to expire on May 31, 2011; however, it should be noted that information collections submitted to the OMB receive a month-to-month extension while they undergo review. For additional information, see the related notice published in the **Federal Register** on February 15, 2011 (76 FR 8780).

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 1218–0150. 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: Occupational Safety and Health Administration (OSHA).

Title of Collection: Standard on the Control of Hazardous Energy—Lockout/Tagout.

OMB Control Number: 1218–0150.

Affected Public: Private Sector—Business or other for-profits.

Total Estimated Number of Respondents: 773,632.

Total Estimated Number of Responses: 82,957,470.

Total Estimated Annual Burden Hours: 2,989,421.

Total Estimated Annual Other Costs Burden: $1,642,831.

Dated: May 23, 2011.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2011–13147 Filed 5–26–11; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Underground Construction Standard

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Underground Construction Standard,'' to the Office of Management and Budget (OMB) for review and approval for continued use in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35).

DATES: Submit comments on or before June 27, 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 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, Occupational Safety and Health Administration (OSHA), 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: The DOL Information Management Team by e-mail at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: Underground construction employers are required to certify hoist inspections; post various warning signs; and keep a record of air quality test results to identify decreasing oxygen levels or potentially hazardous concentrations of air contaminants and to take corrective action prior to attaining hazardous conditions.

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 1218–0067. The current OMB approval is scheduled to expire on May 31, 2011; however, it should be noted that information collections submitted to the OMB receive a month-to-month extension while they undergo review. For additional information, see the related notice published in the **Federal Register** on February 15, 2011 (76 FR 5212).

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 1218–0067. 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: Occupational Safety and Health Administration (OSHA).

Title of Collection: Underground Construction Standard.

OMB Control Number: 1218–0067.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 323.

Total Estimated Number of Responses: 885,762.

Total Estimated Annual Burden Hours: 57,949.

Total Estimated Annual Other Costs Burden: $117,000.00.

Dated: May 23, 2011.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2011–13190 Filed 5–26–11; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Construction Standards on Posting Emergency Telephone Numbers and Floor Load Limits

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational and Safety Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Construction Standards on Posting Emergency Telephone Numbers and Floor Load Limits,'' to the Office of Management and Budget (OMB) for review and approval for continued 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 27, 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 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, Occupational and Safety Health Administration (OSHA), 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: Contact the DOL Information Management Team by e-mail at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: Regulations 29 CFR 1926.50(f) requires employers to post emergency telephone numbers at the worksite if the 911 emergency telephone service is not available, and 29 CFR Part 250(a)(2) requires employers to post the maximum safe load limits of floors located in storage areas inside buildings or other structures unless the floors are on grade.

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 1218–0093. The current OMB approval is scheduled to expire on May 31, 2011; however, it should be noted that information collections submitted to the OMB receive a month-to-month extension while they undergo review. For additional information, see the related notice published in the **Federal Register** on February 15, 2011 (76 FR 8778).

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 1218–0093. 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: Occupational and Safety Health Administration (OSHA).

Title of Collection: Construction Standards on Posting Emergency Telephone Numbers and Floor Load Limits.

OMB Control Number: 1218–0093.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 559,958.

Total Estimated Number of Responses: 559,958.

Total Estimated Annual Burden Hours: 139,078.

Total Estimated Annual Other Costs Burden: $0.

Dated: May 23, 2011.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2011–13191 Filed 5–26–11; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Housing Occupancy Certificate—Migrant and Seasonal Agricultural Worker Protection Act

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Wage and Hour Division (WHD) sponsored information collection request (ICR) titled, ''Housing Occupancy Certificate—Migrant and Seasonal Agricultural Worker Protection Act,'' (including Form WH–520) to the Office of Management and Budget (OMB) for review and approval for continued 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 27, 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 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, Wage and Hour Division (WHD), 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 the DOL Information Management Team by e-mail at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: Any person who owns or controls a facility or real property to be used for housing migrant agricultural workers cannot permit any such worker to occupy the housing unless a copy of a certificate of occupancy from the State, local, or Federal agency that conducted the housing safety and health inspection is posted at the site of the facility or real property. The certificate attests that the facility or real property meets applicable safety and health standards. The housing provider must retain the original copy of the certificate for three years and make it available for inspection. Form WH–520 is the form used when the Department of Labor's Wage and Hour Division inspects and approves such housing.

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 1235–0006. The current OMB approval is scheduled to expire on May 31, 2011; however, it should be

noted that information collections submitted to the OMB receive a month-to-month extension while they undergo review. For additional information, see the related notice published in the **Federal Register** on March 21, 2011 (76 FR 15348).

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 1235–0006. *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: Wage and Hour Division (WHD).

Title of Collection: Housing Occupancy Certificate—Migrant and Seasonal Agricultural Worker Protection Act.

OMB Control Number: 1235–0006.

Affected Public: Private Sector—Farms.

Total Estimated Number of Respondents: 100.

Total Estimated Number of Responses: 100.

Total Estimated Annual Burden Hours: 7.

Total Estimated Annual Other Costs Burden: $0.

Dated: May 23, 2011.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2011–13192 Filed 5–26–11; 8:45 am]

BILLING CODE 4510–27–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Qualification/Certification Program and Man Hoist Operators Physical Fitness

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Mine Safety and Health Administration (MSHA) sponsored information collection request (ICR) titled, ''Qualification/Certification Program and Man Hoist Operators Physical Fitness,'' to the Office of Management and Budget (OMB) for review and approval for continued 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 27, 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 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, Mine Safety and Health Administration (MSHA), 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: The Information Management Team by e-mail at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR pertains to the certification of certain persons to perform specific exams and tests. The ICR also contains procedures under which coal mine operators are required to maintain a list of certified and qualified persons, and to develop an approved training plan for hoisting engineers or host operators. Respondents use the Safety and Health Activity Certification or Hoisting Engineer Qualification Request, Form MSHA–5000–41, in order to comply with the subject information collection requirements.

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 1219–0127. The current OMB approval is scheduled to expire on May 31, 2011; however, it should be noted that information collections submitted to the OMB receive a month-to-month extension while they undergo review. For additional information, see the related notice published in the **Federal Register** on February 17, 2011 (76 FR 9376).

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 1219–0127. 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: Mine Safety and Health Administration (MSHA).

Title of Collection: Qualification/Certification Program and Man Hoist Operators Physical Fitness.

OMB Control Number: 1219–0127.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 1547.

Total Estimated Number of Responses: 8513.

Total Estimated Annual Burden Hours: 13,829.

Total Estimated Annual Costs Burden: $1,029,712.00.

Dated: May 23, 2011.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2011–13170 Filed 5–26–11; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–75,040]

Jason Incorporated, Janesville Accoustics Division, Subsidiary of Jason Partners Holdings LLC, Including On-Site Leased Workers From Accurate Quality Inspection, Imperial Design and Gill Staffing, Grand Rapids, Michigan; 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 April 26, 2011, applicable to workers of Jason Incorporated, Janesville Acoustics Division, Subsidiary of Jason Partners Holdings LLC, including on-site leased workers from Accurate Quality Inspection, Grand Rapids, Michigan. The workers produce door inserts for the automotive industry and seat backs for the automotive and furniture industries. The Department's Notice will soon be published in the **Federal Register**.

At the request of a petitioner, the Department reviewed the certification for workers of the subject firm. The company reports that workers leased from Imperial Design and Gill Staffing were employed on-site at the subject firm. The Department has determined that these workers were sufficiently under the control of Jason Incorporated, Janesville Acoustics Division, Subsidiary of Jason Partners Holdings LLC to be considered leased workers.

Based on these findings, the Department is amending this certification to include workers leased from Imperial Design and Gill Staffing working on-site at the Grand Rapids, Michigan location of Jason Incorporated, Janesville Acoustics Division, Subsidiary of Jason Partners Holdings LLC.

The amended notice applicable to TA–W–75,040 is hereby issued as follows:

''All workers of Jason Incorporated, Janesville Acoustics Division, Subsidiary of Jason Partners Holdings LLC, including on-site leased workers from Accurate Quality Inspections, Imperial Design and Gill Staffing, Grand Rapids, Michigan, who became totally or partially separated from employment on or after December 20, 2009, through April 26, 2013, 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 17th day of May, 2011

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2011–13143 Filed 5–26–11; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–71,047; TA–W–71,047A]

Amended Revised Determination on Reconsideration

UAW–Chrysler Technical Training Center, Technology Training Joint Programs Staff Including On-Site Leased Workers from Manpower, Detroit, Michigan; UAW–Chrysler Technical Training Center, Technology Training Joint Programs Staff, Including On-Site Leased Workers from Manpower, Warren, Michigan

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 Revised Determination on Reconsideration on December 22, 2010, applicable to workers of UAW–Chrysler Technical Training Center, Technology Training Joint Programs Staff, Detroit, Michigan and Warren, Michigan. Workers provide technical training such as applied industrial technology, industrial automation, industrial maintenance and welding. The Department's notice was published in the **Federal Register** on January 12, 2011 (76 FR 2147–2148).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm.

New findings show that workers leased from Manpower were employed at the Detroit, Michigan and Warren, Michigan locations of UAW–Chrysler National Training Center, Technology Training Joint Programs Staff. The Department has determined that these workers were sufficiently under the control of the subject firm to be considered leased workers. 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 increased imports. The amended notice applicable to TA–W–71,047 and TA–W–71,047A are hereby issued as follows:

All workers of UAW–Chrysler National Training Center, Technology Training Joint Programs Staff, including on-site leased workers from Manpower, Detroit, Michigan (TA–W–71,047) and Warren, Michigan (TA–W–71,047A), who became totally or partially separated from employment on or after May 27, 2008, through December 22, 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 18th day of May, 2011.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2011–13142 Filed 5–26–11; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers by (TA–W) number issued during the period of May 9, 2011 through May 13, 2011.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Under Section 222(a)(2)(A), the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially

separated, or are threatened to become totally or partially separated;

(2) The sales or production, or both, of such firm have decreased absolutely; and

(3) One of the following must be satisfied:

(A) Imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

(B) Imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased;

(C) Imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

(D) Imports of articles like or directly competitive with articles which are produced directly using services supplied by such firm, have increased; and

(4) The increase in imports contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or

II. Section 222(a)(2)(B) all of the following must be satisfied:

(1) significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) One of the following must be satisfied:

(A) There has been a shift by the workers' firm to a foreign country in the production of articles or supply of services like or directly competitive with those produced/supplied by the workers' firm;

(B) There has been an acquisition from a foreign country by the workers' firm of articles/services that are like or directly competitive with those produced/supplied by the workers' firm; and

(3) The shift/acquisition contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in public agencies and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) A significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

(3) The acquisition of services contributed importantly to such workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(c) of the Act must be met.

(1) A significant number or proportion of the workers in the workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm is a Supplier or Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, and such supply or production is related to the article or service that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(f) of the Act must be met.

(1) The workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) An affirmative determination of serious injury or threat thereof under section 202(b)(1);

(B) An affirmative determination of market disruption or threat thereof under section 421(b)(1); or

(C) An affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

(2) The petition is filed during the 1-year period beginning on the date on which—

(A) A summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3); or

(B) Notice of an affirmative determination described in subparagraph (1) is published in the **Federal Register**; and

(3) The workers have become totally or partially separated from the workers' firm within—

(A) The 1-year period described in paragraph (2); or

(B) Notwithstanding section 223(b)(1), the 1-year period preceding the 1-year period described in paragraph (2).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
74,872	Leggett & Platt, Incorporated, Consumer Products Group Business Unit	Lexington, NC	November 9, 2009.
75,149	Loparex, LLC, A subsidiary of Loparex B.V.	Cullman, AL	January 28, 2010.

Negative Determinations for Worker Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

The investigation revealed that the criterion under paragraph (a)(1), or (b)(1), or (c)(1)(employment decline or threat of separation) of section 222 has not been met.

None.

Determinations Terminating Investigations Of Petitions for Worker Adjustment Assistance

After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioner has requested that the petition be withdrawn.

TA–W No.	Subject firm	Location	Impact date
80,098	The Minster Machine Company	Beaufort, SC.	

I hereby certify that the aforementioned determinations were issued during the period of May 9, 2011 through May 13, 2011. Copies of these determinations may be requested under the Freedom of Information Act. Requests may be submitted by fax, courier services, or mail to FOIA Disclosure Officer, Office of Trade Adjustment Assistance (ETA), U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 or *tofoiarequest@dol.gov.* These determinations also are available on the Department's Web site at *http://www.doleta.gov/tradeact* under the searchable listing of determinations.

Dated: May 18, 2011.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2011–13146 Filed 5–26–11; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) number and alternative trade adjustment assistance (ATAA) by (TA–W) number issued during the period of May 9, 2011 through May 13, 2011.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Section (a)(2)(A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. The sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. Increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. There has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. The country to which the workers' firm has shifted production of the articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. There has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made for secondarily affected workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) Significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of Section 246(a)(3)(A)(ii) of the Trade Act must be met.

1. Whether a significant number of workers in the workers' firm are 50 years of age or older.

2. Whether the workers in the workers' firm possess skills that are not easily transferable.

3. The competitive conditions within the workers' industry (i.e., conditions within the industry are adverse).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

None.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production) of the Trade Act have been met.

None.

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

None.

The following certifications have been issued. The requirements of Section 222(b) (downstream producer for a firm whose workers are certified eligible to apply for TAA based on increased imports from or a shift in production to Mexico or Canada) of the Trade Act have been met.

None.

Affirmative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

80,055	Milbank Manufacturing Company	Kokomo, IN	March 16, 2010.
80,085	Hyosung USA, Inc., Utica Plant	Utica, NY	June 30, 2011.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

None.

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

None.

The following certifications have been issued. The requirements of Section 222(b) (downstream producer for a firm whose workers are certified eligible to apply for TAA based on increased imports from or a shift in production to Mexico or Canada) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

None.

Negative Determinations for Alternative Trade Adjustment Assistance

In the following cases, it has been determined that the requirements of 246(a)(3)(A)(ii) have not been met for the reasons specified.

The Department has determined that criterion (1) of Section 246 has not been met. The firm does not have a significant number of workers 50 years of age or older.

None.

The Department has determined that criterion (2) of Section 246 has not been met. Workers at the firm possess skills that are easily transferable.

None.

The Department has determined that criterion (3) of Section 246 has not been met. Competition conditions within the workers' industry are not adverse.

None.

Negative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

Because the workers of the firm are not eligible to apply for TAA, the workers cannot be certified eligible for ATAA.

The investigation revealed that criteria (a)(2)(A)(I.A.) and (a)(2)(B)(II.A.) (employment decline) have not been met.

80,077	Federal Broach And Machine Company, LLC, Turner Broach Division	Tempe, AZ.

The investigation revealed that criteria (a)(2)(A)(I.B.) (Sales or production, or both, did not decline) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

None.

The investigation revealed that criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

None.

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

The investigation revealed that criteria of Section 222(b)(2) has not been met. The workers' firm (or subdivision) is not a supplier to or a downstream producer for a firm whose workers were certified eligible to apply for TAA.

None.

Determinations Terminating Investigations Of Petitions For Worker Adjustment Assistance

After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioner has requested that the petition be withdrawn.

80,098	The Minster Machine Company	Beaufort, SC.

I hereby certify that the aforementioned determinations were issued during the period of May 9, 2011 through May 13, 2011. Copies of these determinations may be requested under the Freedom of Information Act. Request may be submitted by fax, courier services, or mail to FOIA Disclosure Officer, Office of Trade Adjustment Assistance (ETA), U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 or *tofoiarequest@dol.gov.* These determinations also are available on the Department's Web site at *http://www.doleta.gov/tradeact* under the searchable listing of determinations.

Dated: May 18, 2011.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2011–13144 Filed 5–26–11; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 6, 2011.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 6, 2011.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue, NW., Washington, DC, 20210.

Signed at Washington, DC, this 18th day of May 2011.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

APPENDIX—21 TAA PETITIONS INSTITUTED BETWEEN 5/9/11 AND 5/13/11

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
80160	Pension Systems Corporation (Company)	Sherman Oaks, CA	05/10/11	05/06/11
80161	Rockford Register Star (Workers)	Rockford, IL	05/10/11	05/04/11
80162	AEES, LP (Company)	Nashville, TN	05/10/11	05/05/11
80163	Dentsply (State/One-Stop)	Bohemia, NY	05/10/11	05/06/11
80164	Hofmann Industries (Union)	Sinking Spring, PA	05/10/11	05/06/11
80165	Kurz-Kasch (Company)	Miamisburg, OH	05/10/11	05/06/11
80166	Computer Sciences Corporation (CSC) (Workers)	El Segundo, CA	05/10/11	05/06/11
80167	SunGard (Workers)	Birmingham, AL	05/10/11	05/09/11
80168	Morbark Incorporated (State/One-Stop)	Mt. Pleasant, MI	05/10/11	05/09/11
80169	Boardman Molded Products, Inc. (Company)	Youngstown, OH	05/10/11	04/30/11
80170	Getty Images (State/One-Stop)	Los Angeles, CA	05/10/11	05/09/11
80171	Panasonic Corporation of North America (Workers)	Rolling Meadow, IL	05/10/11	05/06/11
80172	Burner Systems International (State/One-Stop)	Springfield, TN	05/10/11	05/03/11
80173	Hoquiam Plywood (Company)	Hoquiam, WA	05/11/11	05/09/11
80174	Delphi Corporation (State/One-Stop)	Auburn Hills, MI	05/11/11	05/10/11
80175	Verizon Communications (Workers)	Tampa, FL	05/11/11	05/10/11
80176	BASF Corporation (Company)	Southfield, MI	05/13/11	05/12/11
80177	Southern Textiles (Company)	Forsyth, GA	05/13/11	05/05/11
80178	Chelsea House, Inc. (Workers)	Gastonia, NC	05/13/11	05/12/11
80179	Mol-it America (State/One-Stop)	Edison, NJ	05/13/11	05/11/11
80180	JPMorgan Chase and Company (State/One-Stop)	Houston, TX	05/13/11	05/12/11

[FR Doc. 2011–13145 Filed 5–26–11; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Employment and Training Administration Program Year (PY) 2011 Workforce Investment Act (WIA) Section 167, National Farmworker Jobs Program (NFJP) Allocations

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This Notice announces allocations for PY 2011 for the WIA Title I Section 167 National Farmworker Jobs Program (NFJP) program. The NFJP allocations are distributed to the State service areas by a formula that estimates, by State, the relative demand for NFJP services. The formula factors used to allocate funds for the NFJP were published in the **Federal Register** on May 19, 1999. The notice explained the

purpose of the formula; i.e., distributing funds geographically by State service area on the basis of each area's relative share of farmworkers who are eligible for enrollment in the NFJP. The data used in the formula are comprised of a combination of data sets that were selected to yield the relative share distribution across States of eligible farmworkers. While the data factors used in the formula remain unchanged since their development in 1999, the data sets were last updated in 2005 with data from the 2000 Census, the 2003 National Agricultural Workers Survey (NAWS), and the 2002 Census of Agriculture.

DATES: The PY 2011 NFJP allocations become effective for the program year beginning on July 1, 2011.

ADDRESSES: Questions on the allocations can be submitted to the Employment and Training Administration, Office of Financial and Administrative Management, 200 Constitution Ave., NW., Room N–4702, Washington, DC 20210, Attention: Ms. Anita Harvey, (202) 693–3958 (phone), (202) 693–2859 (fax), or e-mail: *Harvey.anita@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Alina M. Walker, Program Manager (202) 693–2706 or Juan Regalado, National Monitor Advocate, at (202) 693–2661.

SUPPLEMENTARY INFORMATION: The Department of Labor (DOL or Department) is announcing final PY 2011 allocations for the NFJP. This notice provides information on the amount of funds available during PY 2011 to State service areas awarded grants through the PY 2011 Solicitation for Grant Applications (SGA) for the National Farmworker Jobs Program and the National Farmworker Jobs Program Housing Assistance SGA.

The allocations are based on the funds appropriated in the Full-Year Continuing Appropriations Act, 2011, Public Law 112–10, April 15, 2011. In appropriating these funds, Congress provided $78,253,180 for State service area grants; $5,688,600 for migrant and seasonal farmworker housing assistance grants; and $508,980 for Section 167 training and technical assistance and related activities. These amounts reflect the 0.2 percent rescission mandated by Congress which impacted all WIA programs.

Included below is the table listing the PY 2011 allocations for the NFJP State service areas, as well as the sub-allocation table for California. California is the only State service area with more than one grant; the current sub-allocation formula for California was developed in collaboration with the existing grantees. Individual grants are awarded for housing assistance as a result of the grants competition and are further distributed according to language in the appropriations law requiring that of the total amount available ($5,688,600) 70 percent be allocated to permanent housing activities ($3,981,474), and 30 percent ($1,705,346) to temporary/emergency housing activities.

Formula Allocation for the NFJP The calculation of the PY 2011 formula allocation distribution incorporates the state-by-state relative shares of eligible farmworkers developed for the PY 2005 formula allocations using the updated datasets described above, with various adjustments applied since then. The PY 2005 calculation adjusted those state-by-state relative shares by ''hold-harmless'' and ''stop-loss''/''stop-gain'' limits due to the introduction of the updated data. The following year, the PY 2006 formula allocations were proportionately based on the PY 2005 formula allocations and further adjusted by an additional $3.8 million appropriated by Congress for States whose PY 2005 allocation had been reduced as a result of the updated data used for the PY 2005 formula allocation distribution. Detailed descriptions of the formula methodology for PY 2005 and PY 2006 formula allocations were provided in the applicable **Federal Register** announcements.

The PY 2007 appropriation for the WIA Section 167 formula program was $470 less than the corresponding PY 2006 appropriation. To maintain stability of funding for the program and consistency with the PY 2006 congressional directions to the Department, the Department distributed the PY 2007 formula funding among all States in the same proportion as the distribution of the PY 2006 formula allocations. In all subsequent appropriations, including PY 2011, the Department continued to distribute the formula funding amount in the same proportion as the distribution of the prior year's formula amounts.

State Combinations We anticipate a single plan of service for operating the PY 2011 NFJP in the State service areas of Delaware and Maryland and the State service areas of Rhode Island and Connecticut. The sub-allocations for multiple sub-state service areas in California are discussed earlier in this Notice.

Signed at Washington, DC, this 23rd day May, 2011.

Jane Oates,

Assistant Secretary, Employment and Training Administration.

U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION NATIONAL FARMWORKER JOBS PROGRAM PY 2011 ALLOCATIONS TO STATES

State	Total
Total	$78,253,180
Alabama	791,926
Alaska	
Arizona	2,132,576
Arkansas	1,144,854
California	19,984,817
Colorado	999,986
Connecticut	352,413
Delaware	126,916
Dist of Columbia	
Florida	4,146,020
Georgia	1,532,229
Hawaii	330,485
Idaho	1,074,827
Illinois	1,437,203
Indiana	923,526
Iowa	1,176,640
Kansas	1,074,936
Kentucky	1,210,852
Louisiana	910,782
Maine	293,084
Maryland	362,515
Massachusetts	322,032
Michigan	1,399,272
Minnesota	1,234,045
Mississippi	1,297,176
Missouri	985,854
Montana	597,263
Nebraska	1,088,204
Nevada	179,751
New Hampshire	101,931
New Jersey	696,249
New Mexico	946,732
New York	1,656,708
North Carolina	2,690,959
North Dakota	607,492
Ohio	1,259,904
Oklahoma	1,272,692
Oregon	1,971,923
Pennsylvania	1,544,889
Puerto Rico	3,058,359
Rhode Island	38,696
South Carolina	966,905
South Dakota	620,254
Tennessee	857,418
Texas	6,673,042
Utah	289,213
Vermont	190,798
Virginia	927,817
Washington	3,090,088
West Virginia	196,339
Wisconsin	1,250,652
Wyoming	233,936

[FR Doc. 2011–13137 Filed 5–26–11; 8:45 am]

BILLING CODE P

NEIGHBORHOOD REINVESTMENT CORPORATION

Annual Board of Directors Meeting; Sunshine Act

TIME AND DATE: 1 p.m., Wednesday, June 1, 2011.

PLACE: 1325 G Street, NW., Suite 800, Boardroom, Washington, DC 20005.

STATUS: Open.

CONTACT PERSON FOR MORE INFORMATION: Erica Hall, Assistant Corporate Secretary, (202) 220–2376; *ehall@nw.org.*

AGENDA:

I. Call to Order
II. Approval of the Board of Directors Minutes
III. Approval of the Audit Committee Minutes
IV. Approval of the Finance, Budget & Program Committee Minutes
V. Approval of the Corporate Administration Committee Minutes
VI. Two Board Matters
VII. Board Elections and Appointments
VIII. Approval of the FY 2010 Audit
IX. Financial Reports
X. National Foreclosure Mitigation Counseling (NFMC)—Round 5
XI. Management Report
XII. Community Housing Capital
XIII. Strategic Plan—Update and Process
XIV. Adjournment

Erica Hall,

Assistant Corporate Secretary.

[FR Doc. 2011–13305 Filed 5–25–11; 11:15 am]

BILLING CODE 7570–02–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–27, NRC–2011–0115]

Pacific Gas and Electric Company; Humboldt Bay Independent Spent Fuel Storage Installation; License Amendment Request, Opportunity To Request a Hearing and To Petition for Leave To Intervene

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of amendment and opportunity to request a hearing and to petition for leave to intervene.

DATES: Requests for a hearing or leave to intervene must be filed by July 26, 2011.

ADDRESSES: 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.

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 Pacific Gas and Electric letter HIL–10–005 which requested the amendment is available electronically under ADAMS Accession Number ML102530291.

FOR FURTHER INFORMATION CONTACT: William Allen, Project Manager, Licensing Branch, Division of Spent Fuel Storage and Transportation, Office of Nuclear Materials and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Telephone: 301–492–3148; fax number: 301–492–3348; e-mail: *william.allen@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The Nuclear Regulatory Commission (NRC) has received, by letter dated September 8, 2010, a license amendment application from Pacific Gas and Electric Company (PG&E), requesting a modification to License No. SNM–2514 at its Humboldt Bay Independent Spent Fuel Storage Installation (ISFSI) site located in Eureka, California. License No. SNM–2514 authorizes PG&E to receive, possess, store, and transfer spent nuclear fuel and associated radioactive materials resulting from the operation of the Humboldt Bay Power Plant in an ISFSI at the power plant site for a term of 20 years. Specifically, the amendment proposes modifying License Condition 7.B to add ''process wastes'' to the chemical and/or physical form description of Greater Than Class C Waste authorized to be received at the Humboldt Bay ISFSI.

An NRC administrative review, documented in a letter to PG&E dated April 14, 2011, found the application acceptable to begin a technical review. If the NRC approves the amendment, the approval will be documented in an amendment to NRC License No. SNM–2514. However, before approving the proposed amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended, and NRC's regulations. These findings will be documented in a Safety Evaluation Report.

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, § 2.309, which is available at the NRC's Public Document Room (PDR), located at O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852 (or call the PDR at 800–397–4209 or 301–415–4737). NRC regulations are also accessible electronically from the NRC's Electronic Reading Room on the NRC Web site at *http://www.nrc.gov.*

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 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 petitioner and specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order that may be entered in the proceeding on the petitioner's interest.

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 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 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 also include a concise statement of the alleged facts or expert opinions which support the position of the petitioner and on which the petitioner intends to rely at hearing, together with references

to the specific sources and documents on which the 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 petitioner disputes and the supporting reasons for each dispute, or, if the 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 petitioner's belief. Each contention must be one that, if proven, would entitle the 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 will set the time and place for any prehearing conferences and evidentiary hearings, and the appropriate notices will be provided.

Petitions for leave to intervene must be filed no later than July 26, 2011. 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 Atomic Safety and 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 26, 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 Atomic Safety and Licensing Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by July 26, 2011.

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 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 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 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 EIE, 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 (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 July 26, 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).

Dated at Rockville, Maryland, this 17th day of May 2011.

For the Nuclear Regulatory Commission.

Michael Waters,

Chief, Licensing Branch, Division of Spent Fuel Storage and Transportation, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2011–13213 Filed 5–26–11; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Regulation S–X; SEC File No. 270–3; OMB Control No. 3235–0009.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collection of information discussed below.

Information collected and information prepared pursuant to Regulation S–X focus on the form and content of, and requirements for, financial statements filed with periodic reports and in connection with the offer and sale of securities. Investors need reasonably current financial statements to make informed investment and voting decisions.

The potential respondents include all entities that file registration statements or reports pursuant to the Securities Act of 1933 (15 U.S.C. 77a, *et seq.*), the Securities Exchange Act of 1934 (15 U.S.C. 78a, *et seq.*) or the Investment Company Act of 1940 (15 U.S.C. 80a–1, et seq.).

Regulation S–X specifies the form and content of financial statements when those financial statements are required to be filed by other rules and forms under the federal securities laws. Compliance burdens associated with the financial statements are assigned to the rule or form that directly requires the financial statements to be filed, not to Regulation S–X. Instead, an estimated burden of one hour traditionally has been assigned to Regulation S–X for incidental reading of the regulation. The estimated average burden hours are solely for purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even a representative survey or study of the costs of SEC rules or forms.

Recordkeeping retention periods are based on the disclosure required by various forms and rules other than Regulation S–X. In general, balance sheets for the preceding two fiscal years, income and cash flow statements for the preceding three fiscal years, and condensed quarterly financial statements must be filed with the Commission. Five year summary financial information is required to be disclosed by some larger registrants.

Filing financial statements, when required by the governing rule or form, is mandatory. Because these statements are provided for the purpose of disseminating information to the securities markets, they are not kept confidential.

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 control number.

The public may view the information discussed in this notice at *http://www.reginfo.gov* . Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an e-mail to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 6432 General Green Way, Alexandria, VA 22312 or send an e-mail to: *PRA_Mailbox@sec.gov* . Comments must be submitted to OMB within 30 days of this notice.

Dated: May 22, 2011.

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–13112 Filed 5–26–11; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, *Copies Available From:* US Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rule 102; SEC File No. 270–409; OMB Control No. 3235–0467.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the existing collection of information provided for in the following rule: Rule 102 of Regulation M (17 CFR 242.102).

Rule 102 prohibits distribution participants, issuers, and selling security holders from purchasing activities at specified times during a distribution of securities. Persons otherwise covered by these rules may seek to use several applicable exceptions such as an exclusion for actively traded reference securities and the maintenance of policies regarding information barriers between their affiliates.

There are approximately 895 respondents per year that require an aggregate total of 1,795 hours to comply with this rule. Each respondent makes an estimated 1 annual response. Each response takes on average approximately 2.006 hours to complete. Thus, the total compliance burden per year is 1,795 burden hours. The total compliance cost for the respondents is approximately $102,261.15, resulting in a cost of compliance for the respondent per response of approximately $114.26 (*i.e.,* $102,261.15/895 responses). These are internal labor costs and there are no other costs.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

Background documentation for this information collection may be viewed at the following link, *http://www.reginfo.gov. Comments should be directed to:* (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an e-mail to: *Shagufta_Ahmed@omb.eop.gov* ; and (ii) Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 6432 General Green Way, Alexandria, VA 22312 or *send an e-mail to: PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

May 22, 2011.

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–13118 Filed 5–26–11; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549.

Extension:

Rule 17a–22; SEC File No. 270–202; OMB Control No. 3235–0196.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget a request for approval of extension of the previously approved collection of information provided for in Rule 17a–22 (17 C.F.R. 240.17a–22) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 17a–22 requires all registered clearing agencies to file with the Commission three copies of all materials they issue or make generally available to their participants or other entities with whom they have a significant relationship, such as pledges, transfer agents, or self-regulatory organizations. Such materials include manuals, notices, circulars, bulletins, lists, and periodicals). The filings with the Commission must be made within ten days after the materials are issued or made generally available. When the Commission is not the clearing agency's appropriate regulatory agency, the clearing agency must file one copy of the material with its appropriate regulatory agency. The Commission is responsible for overseeing clearing agencies and uses the information filed pursuant to Rule 17a–22 to determine whether a clearing agency is implementing procedural or policy changes. The information filed aides the Commission in determining whether such changes are consistent with the purposes of Section 17A of the Exchange Act. Also, the Commission uses the information to determine whether a clearing agency has changed its rules without reporting the actual or prospective change to the Commission as required under Section 19(b) of the Exchange Act.

The respondents to Rule 17a–22 are registered clearing agencies. The frequency of filings made by clearing agencies pursuant to Rule 17a–22 varies but on average there are approximately 200 filings per year per active clearing agency. There are four active registered clearing agencies. The Commission staff estimates that each response requires approximately .25 hour (fifteen minutes), which represents the time it takes for a staff person at the clearing agency to properly identify a document subject to the rule, print and makes copies, and mail that document to the Commission. Thus, the total annual burden for all active clearing agencies is 200 hours (4 clearing agencies multiplied by 200 filings per clearing agency multiplied by .25 hours) and a total of 50 hours (800 responses multiplied by .25 hours, divided by 4 active clearing agencies) per year are expended by each respondent to comply with the rule.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

Background documentation for this information collection may be viewed at the following link, *http://www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an e-mail to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 6432 General Green Way, Alexandria, VA 22312 or send an e-mail to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: May 22, 2011.

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–13113 Filed 5–26–11; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: U.S. Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rule 609 and Form SIP; OMB Control No. 3235–0043; SEC File No. 270–23.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the existing collection of information provided for the following rule: Rule 609 (17 CFR 249.609) (formerly Rule 11Ab2–1) and Form SIP (17 CFR 249.1001).

On September 23, 1975, the Commission adopted Rule 11Ab2–1,[1] which under Regulation NMS has been redesignated as Rule 609 and Form SIP under the Securities Exchange Act of 1934 (''Act'') (15 U.S.C. 78a *et seq.*) to establish the procedures by which a Securities Information Processor (''SIP'') files and amends its SIP registration statement.[2] The information filed with the Commission pursuant to Rule 609 and Form SIP is designed to provide the Commission with the information necessary to make the required findings under the Act before granting the SIP's application for registration. In addition, the requirement that a SIP file an amendment to correct any inaccurate information is designed to assure that the Commission has current, accurate information with respect to the SIP. This information is also made available to members of the public.

Only exclusive SIPs are required to register with the Commission. An exclusive SIP is a SIP that engages on an exclusive basis on behalf of any national securities exchange or registered securities association, or any national securities exchange or registered securities association which engages on an exclusive basis on its own behalf, in collecting, processing, or preparing for distribution or publication, any information with respect to (i) Transactions or quotations on, or effected or made by means of, any facility of such exchange, or (ii) quotations distributed or published by means of any electronic quotation system operated by such association. The Federal securities laws require that before the Commission may approve the registration of an exclusive SIP, it must make certain findings. It takes a SIP applicant approximately 400 hours to prepare documents which include sufficient information to enable the Commission to make those findings. Currently, there are only two exclusive SIPs registered with the Commission; The Securities Industry Automation Corporation (''SIAC'') and The Nasdaq Stock Market, Inc. (''Nasdaq''). SIAC and Nasdaq are required to keep the information on file with the Commission current, which entails filing a form SIP annually to update information. Accordingly, the annual reporting and recordkeeping burden for Rule 609 and Form SIP is 400 hours; the burden of information collection is estimated to involve approximately 1 respondent application for registration making 1 response per year. This annual reporting and recordkeeping burden does not include the burden hours or cost of amending a Form SIP because the Commission has already overstated the compliance burdens by assuming that the Commission will receive one initial registration pursuant to Rule 609 on Form SIP a year.

Rule 609 and Form SIP do not impose a retention period for any recordkeeping requirements. Completing and filing Form SIP is mandatory before an entity may become an exclusive SIP. Except in cases where confidential treatment is requested by an applicant and granted by the Commission pursuant to the Freedom of Information Act and the rules of the Commission thereunder, information provided in the Form SIP will be routinely available for public inspection. Please note that 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 control number.

Background documentation for this information collection may be viewed at the following link, *http://www.reginfo.gov*. *Comments should be directed to* (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an e-mail to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 6432 General Green Way, Alexandria, VA 22312 or send an e-mail to: *PRA_Mailbox@sec.gov*. Comments must be submitted within 30 days of this notice.

May 22, 2011.

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–13117 Filed 5–26–11; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–64534; File No. SR–NASDAQ–2011–069]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Routing Fees

May 23, 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 19, 2011, The NASDAQ Stock Market LLC (''NASDAQ'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III 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 [sic] modify Rule 7050 governing pricing for NASDAQ members using the NASDAQ Options Market (''NOM''), NASDAQ's facility for executing and routing standardized equity and index options.

While fee changes pursuant to this proposal are effective upon filing, the Exchange has designated these changes to be operative on June 1, 2011.

The text of the proposed rule change is set forth below. Proposed new text is in italics and deleted text is in brackets.

* * * * *

[1] *See* Securities Exchange Act Release No. 11673 (September 23, 1975), 40 FR 45422 (October 2, 1975).

[2] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

7050. NASDAQ Options Market

The following charges shall apply to the use of the order execution and routing services of the NASDAQ Options Market for all securities.

* * * * *

(4) Fees for routing contracts to markets other than the NASDAQ Options Market shall be assessed as provided below. The current fees and a historical record of applicable fees shall be posted on the NasdaqTrader.com Web site.

Exchange	Customer	Firm	MM	Professional
BATS	0.36	0.55	0.55	0.36
BOX	0.06	0.55	0.55	0.06
CBOE	0.06	0.55	0.55	0.26
CBOE orders greater than 99 contracts in NDX, MNX ETFs, ETNs & HOLDRs	0.24	0.55	0.55	0.26
C2	*0.31*	*0.55*	*0.55*	*0.46*
ISE	0.06	0.55	0.55	0.24
ISE Select Symbols*	0.18	0.55	0.55	0.34
NYSE Arca Penny Pilot	0.50	0.55	0.55	0.50
NYSE Arca Non Penny Pilot	0.06	0.55	0.55	0.06
NYSE AMEX	0.06	0.55	0.55	0.26
PHLX (for all options other than PHLX Select Symbols)	0.06	0.55	0.55	0.26
PHLX Select Symbols**	0.30	0.55	0.55	0.46
[C2]	[$0.21]	[$0.55]	[$0.55]	[$0.46]

* These fees are applicable to orders routed to ISE that are subject to Rebates and Fees for Adding and Removing Liquidity in Select Symbols. See ISE's Schedule of Fees for the complete list of symbols that are subject to these fees.

** These fees are applicable to orders routed to PHLX that are subject to Rebates and Fees for Adding and Removing Liquidity in Select Symbols. See PHLX's Fee Schedule for the complete list of symbols that are subject to these fees.

* * * * *

The text of the proposed rule change is available on the Exchange's Web site at *http://www.nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

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 Exchange 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 these 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 aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NASDAQ is proposing to modify Rule 7050 governing fees assessed for option orders entered into NOM but routed to and executed on away markets (''Routing Fees''). Specifically, NASDAQ is proposing to amend Customer Routing Fees for orders routed to the C2 Options Exchange, Inc. (''C2'').

The Exchange currently assesses the following Routing Fees to route orders to C2: A Customer is assessed $0.21 per contract; a Firm is assessed $0.55 per contract; a Market Maker is assessed $0.55 per contract; and a Professional is assessed $0.46 per contract. The Exchange is proposing to amend the Customer Routing Fee to C2 from $0.21 per contract to $0.31 per contract. The other C2 Routing Fees for Firms, Market Makers and Professionals would remain the same.

C2 recently amended its Fees Schedule to increase its public customer taker fee from $.15 to $.25. The Exchange is proposing to amend its Customer Routing Fee to C2 to account for this increase.[3] In addition, NASDAQ Options Services LLC (''NOS''), a member of the Exchange, is the Exchange's exclusive order router. Each time NOS routes to away markets NOS is charged a $0.06 clearing fee and, in the case of certain exchanges, a transaction fee is also charged in certain symbols, which are passed through to the Exchange. The Exchange is proposing this amendment in order to recoup clearing and transaction charges incurred by the Exchange when orders are routed to C2.[4]

In addition, the Exchange proposes to amend the Routing Fees in Rule 7050 to reorder the Routing Fees, specifically to move C2 after CBOE for ease of reference. While fee changes pursuant to this proposal are effective upon filing, the Exchange has designated these changes to be operative on June 1, 2011.

2. Statutory Basis

NASDAQ believes that the proposed rule changes are consistent with the provisions of Section 6 of the Act,[5] in general, and with Section 6(b)(4) of the Act,[6] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which NASDAQ operates or controls.

The Exchange believes that this fee is reasonable because it seeks to recoup costs that are incurred by the Exchange when routing Customer orders to C2 on behalf of its members. Each destination market's transaction charge varies and there is a standard clearing charge for each transaction incurred by the Exchange. The Exchange believes that the proposed Routing Fee would enable the Exchange to recover the public customer transaction fee assessed by C2, plus clearing fees for the execution of Customer orders. The Exchange also believes that the proposed Routing Fee is equitable because it would be uniformly applied to all Customers.

NASDAQ is one of nine options market in the national market system for standardized options. Joining NASDAQ and electing to trade options is entirely voluntary. Under these circumstances, NASDAQ's fees must be competitive and low in order for NASDAQ to attract order flow, execute orders, and grow as a market. NASDAQ thus believes that its

[3] *See* Securities Exchange Act Release No. 64390 (May 4, 2011), 76 FR 27117 (May 10, 2011) (SR–C2–2011–011).

[4] The Exchange is proposing to recoup the $.25 per contract public customer transaction fee for orders routed to C2 along with the $0.06 clearing fee which is incurred by the Exchange, as explained above. *See* C2 Fees Schedule.

[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b)(4).

fees are fair and reasonable and consistent with the Exchange Act.

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 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 either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[7] and paragraph (f)(2) of Rule 19b–4[8] thereunder. 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–NASDAQ–2011–069 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–NASDAQ–2011–069. 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 such 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 No. SR–NASDAQ–2011–069 and should be submitted on or before June 17, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–13148 Filed 5–26–11; 8:45 am]

BILLING CODE 8011–01–P

[7] 15 U.S.C. 78s(b)(3)(A)(ii).

[8] 17 CFR 240.19b–4(f)(2).

[9] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 7485]

Bureau of International Security and Nonproliferation; Imposition of Nonproliferation Measures Against Foreign Persons, Including a Ban on U.S. Government Procurement

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: A determination has been made that a number of foreign entities and one foreign person have engaged in activities that warrant the imposition of measures pursuant to Section 3 of the Iran, North Korea, and Syria Nonproliferation Act. The Act provides for penalties on entities and individuals for the transfer to or acquisition from Iran since January 1, 1999, the transfer to or acquisition from Syria since January 1, 2005, or the transfer to or acquisition from North Korea since January 1, 2006, of equipment and technology controlled under multilateral control lists (Missile Technology Control Regime, Australia Group, Chemical Weapons Convention, Nuclear Suppliers Group, Wassenaar Arrangement) or otherwise having the potential to make a material contribution to the development of weapons of mass destruction (WMD) or cruise or ballistic missile systems. The latter category includes (a) Items of the same kind as those on multilateral lists but falling below the control list parameters, when it is determined that such items have the potential of making a material contribution to WMD or cruise or ballistic missile systems, (b) other items with the potential of making such a material contribution, when added through case-by-case decisions, and (c) items on U.S. national control lists for WMD/missile reasons that are not on multilateral lists.

DATES: *Effective Date:* May 23, 2011.

FOR FURTHER INFORMATION CONTACT: *On general issues:* Pamela K. Durham, Bureau of International Security and Nonproliferation, Department of State, Telephone (202) 647–4930. *For U.S. Government procurement ban issues:* Kimberly Triplett, Office of the Procurement Executive, Department of State, Telephone: (703) 875–4079.

SUPPLEMENTARY INFORMATION: Pursuant to Sections 2 and 3 of the Iran, North Korea, and Syria Nonproliferation Act (Pub. L. 109–353), the U.S. Government determined on May 12, 2011, that the measures authorized in Section 3 of the Act shall apply to the following foreign persons identified in the report submitted pursuant to Section 2(a) of the Act:

Belarusian Optical Mechanical Association (Belarus) and any successor, sub-unit, or subsidiary thereof;

BelTechExport (Belarus) and any successor, sub-unit, or subsidiary thereof;

Dalian Sunny Industries (China) [also known as: LIMMT (Dalian) Metallurgy and Minerals Co.; LIMMT (Dalian) Economic and Trade Organization; Liaoning Industry & Trade Co., Ltd.; and Dalian Industry and Trade Company Ltd.] and any successor, sub-unit, or subsidiary thereof;

Dalian Zhongbang Chemical Industries Company (China) and any successor, sub-unit, or subsidiary thereof;

Karl Lee (China) [also known as: Li Fang Wei] and any successor, sub-unit, or subsidiary thereof;

Xian Junyun Electronic (China) and any successor, sub-unit, or subsidiary thereof;

Defense Industries Organization (Iran) and any successor, sub-unit, or subsidiary thereof;

Islamic Republic of Iran Shipping Lines (IRISL) (Iran) and any successor, sub-unit, or subsidiary thereof;

Islamic Revolutionary Guard Corps Qods Force (IRGC QF) (Iran) and any successor, sub-unit, or subsidiary thereof;

Milad Jafari (Iran) and any successor, sub-unit, or subsidiary thereof;

SAD Import-Export Company (Iran) and any successor, sub-unit, or subsidiary thereof;

Shahid Bakeri Industries Group (SBIG) (Iran) and any successor, sub-unit, or subsidiary thereof;

Tangun Trading (North Korea) and any successor, sub-unit, or subsidiary thereof;

Industrial Establishment of Defense (Syria) and any successor, sub-unit, or subsidiary thereof;

Scientific Studies and Research Center (SSRC) (Syria) and any successor, sub-unit, or subsidiary thereof;

Venezuela Military Industries Company (CAVIM) (Venezuela) and any successor, sub-unit, or subsidiary thereof;

Accordingly, pursuant to the provisions of the Act, the following measures are imposed on these entities:

1. No department or agency of the United States Government may procure, or enter into any contract for the procurement of any goods, technology, or services from these foreign persons, except to the extent that the Secretary of State otherwise may have determined;

2. No department or agency of the United States Government may provide any assistance to the foreign persons, and these persons shall not be eligible to participate in any assistance program of the United States Government, except to the extent that the Secretary of State otherwise may have determined;

3. No United States Government sales to the foreign persons of any item on the United States Munitions List are permitted, and all sales to these persons of any defense articles, defense services, or design and construction services under the Arms Export Control Act are terminated; and

4. No new individual licenses shall be granted for the transfer to these foreign persons of items the export of which is controlled under the Export Administration Act of 1979 of the Export Administration Regulations, and any existing such licenses are suspended.

These measures shall be implemented by the responsible departments and agencies of the United States Government and will remain in place for two years from the effective date, except to the extent that the Secretary of State may subsequently determine otherwise. A new determination will be made in the event that circumstances change in such a manner as to warrant a change in the duration of sanctions.

Dated: May 24, 2011.

C.S. Eliot Kang,

Acting Assistant Secretary of State for International Security and Nonproliferation.

[FR Doc. 2011–13255 Filed 5–26–11; 8:45 am]

BILLING CODE 4710–27–P

DEPARTMENT OF STATE

[Public Notice: 7283]

In the Matter of the Designation of Caucasus Emirate aka Imarat Kavkaz aka Imirat Kavkaz aka Islamic Emirate of the Caucasus as a Specially Designated Global Terrorist Pursuant to Section 1(b) of Executive Order 13224, as Amended

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the group known as Caucasus Emirate, also known as Imarat Kavkaz, also known as Imirat Kavkaz, also known as Islamic Emirate of the Caucasus, poses a significant risk of committing acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that ''prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously,'' I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Dated: May 2, 2011.

Hillary Rodham Clinton,

Secretary of State.

[FR Doc. 2011–13254 Filed 5–26–11; 8:45 am]

BILLING CODE 4710–10–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Termination of Action and Further Monitoring in Connection With the EC-Beef Hormones Dispute

AGENCY: Office of the United States Trade Representative.

ACTION: Notice, termination of action, and further monitoring.

SUMMARY: In July 1999, pursuant to authority under Section 301 of the Trade Act of 1974, as amended (the Trade Act), and as authorized by the Dispute Settlement Body (DSB) of the World Trade Organization (WTO), the United States Trade Representative (Trade Representative) imposed additional duties on certain products of member states of the European Union (EU) as a result of the EU's failure to comply with the recommendations and rulings of the DSB in the *EC-Beef Hormones* dispute. In January 2009, the Trade Representative announced a determination to modify the list of products subject to additional duties by removing some products from the list of products subject to additional duties, and by adding replacement products. The January modification had an initial effective date of March 23, 2009. The Trade Representative subsequently delayed the additional duties on the replacement products in order to promote negotiations with the EU. The removal of products was not delayed. As a result, as of March 23, 2009, the additional duties applied only to a reduced list of products, consisting of those products covered in the original 1999 list that had not been subject to replacement. On May 13, 2009, the United States and the EU announced the signing of a Memorandum of Understanding (MOU) in the *EC-Beef Hormones* dispute. The MOU provides for the EU to make phased increases in market access by adopting a tariff-rate quota (TRQ) for certain beef products, in return for the United States making phased reductions in the additional duties. Under the first phase of the MOU, in August 2009 the EU opened up a TRQ in the amount of 20,000 metric tons, and the Trade Representative terminated the additional duties on the replacement products. (Those additional duties had been announced in January 2009 but had never entered into force.) The Trade Representative's action left in place a reduced list of products subject to additional duties. The MOU provides for the possibility of the United States and the EU to enter into a second phase starting in August 2012, in which the EU would increase the TRQ to 45,000 metric tons, and the United States would lift the remaining additional duties. As a result of a decision of the United States Court of Appeals for the Federal Circuit, the Trade Representative has determined to terminate the remaining additional duties in advance of the August 2012 start date of the possible second phase

of the MOU. The United States continues to have an authorization from the WTO DSB, and the right under the MOU, to suspend concessions on EU products. At this time, however, the MOU is operating successfully by providing increased market access to U.S. beef producers. In light of the currently successful implementation of the MOU, the fact that all additional duties would have to be removed in August 2012 under a possible second phase of the MOU, and to encourage continued cooperation under the MOU, the Trade Representative has determined not to take steps at this time to exercise U.S. rights to impose additional duties on EU products in connection with the *EC-Beef Hormones* dispute. The Trade Representative will continue to monitor EU implementation of the MOU and other developments affecting market access for U.S. beef products. If EU implementation and other developments do not proceed as contemplated, the Trade Representative will consider additional actions under Section 301 of the Trade Act.

DATES: *Effective Date:* The remaining additional duties imposed in connection with the *EC-Beef Hormones* dispute are terminated with respect to (a) Products that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice, (b) unliquidated entries made prior to the date of publication of this notice that were entered, or withdrawn from warehouse, for consumption after July 29, 2007, and (c) products that were entered, or withdrawn from warehouse, for consumption after July 29, 2007, where the liquidation of the entry is not final.

FOR FURTHER INFORMATION CONTACT: Roger Wentzel, Director, Agricultural Affairs, (202) 395–6127, or David Weiner, Deputy Assistant USTR for Europe, (202) 395–9679, for questions concerning the *EC-Beef Hormones* dispute or the MOU; or William Busis, Deputy Assistant USTR for Monitoring and Enforcement and Chair of the Section 301 Committee, (202) 395–3150, for questions concerning procedures under Section 301. Questions concerning customs matters may be directed to Laurie Dempsey, Branch Chief, Entry, Summary, and Drawback, Office of International Trade, U.S. Customs and Border Protection, 202–863–6509.

SUPPLEMENTARY INFORMATION:

A. Background

In 1998, the WTO DSB found that the EU's ban on beef produced from animals to which certain hormones have been administered was inconsistent with the EU's obligations under the WTO Agreement. The DSB recommended that the EU bring its measures into compliance. In July 1999, WTO arbitrators determined that the level of nullification or impairment suffered by the United States as a result of the EU's WTO-inconsistent hormone ban was $116.8 million per year. The WTO DSB authorized the United States to suspend the application to the EU and its member states of tariff concessions and related obligations under the GATT covering trade up to this amount. In a notice published on July 27, 1999, the Trade Representative announced that the United States was exercising this authorization by imposing 100 percent *ad valorem* duties on a list of certain products of certain EU member states.

Section 307(c) of the Trade Act provides for the Trade Representative to conduct a review of a Section 301 action four years after the action was taken. During 2008, the U.S. Court of International Trade held that the Trade Representative must also conduct a Section 307(c) review eight years after the action was taken. See *Gilda Industries* v. *United States,* 556 F. Supp. 2d 1366 (Ct. Int'l Trade 2008).

The first step in a Section 307(c) review is for USTR to request that the U.S. industry benefitting from the action submit a written confirmation that the action should be continued. If the U.S. industry requests continuation, the statute provides for USTR to review the effectiveness of the action. On remand from the U.S. Court of International Trade, USTR requested and received from the U.S. beef industry a written confirmation that it wanted the July 1999 action to continue, and USTR proceeded to conduct a review of the effectiveness of the July 1999 action.

In January 2009, USTR announced, and reported to the U.S. Court of International Trade, the results of the Section 307(c) review undertaken in the remand proceeding. The Trade Representative decided to modify the action taken in July 1999 by: (1) Removing some products from the list of products subject to 100 percent *ad valorem* duties since July 1999; (2) imposing 100 percent *ad valorem* duties on some new products from certain EU member States; (3) modifying the coverage with respect to particular EU member States; and (4) raising the level of duties on one of the products that was being maintained on the product list. The effective date of the modifications was to be March 23, 2009.

In March 2009, the Trade Representative decided to delay the effective date of the additional duties (items two through four above) imposed under the January 2009 modifications in order to allow additional time for reaching an agreement with the EU that would provide benefits to the U.S. beef industry. The effective date of the removal of duties under the January modifications remained March 23, 2009. Accordingly, after March 23, 2009, the additional duties imposed in July 1999 remained in place on a reduced list of products. That reduced list of products subsequently was reprinted in the Annex of the notice published on September 24, 2009. See 74 FR 48808 (September 24, 2009).

In May 2009, the United States and the EU announced the signing of an MOU in the *EC-Beef Hormones* dispute. In the first phase of the MOU, the EU is obligated to open a new TRQ in the amount of 20,000 metric tons at zero rate of duty for beef not produced with certain growth-promoting hormones. The United States in turn is obligated not to increase additional duties above those in effect as of March 23, 2009.

Under the terms of the MOU, the MOU's first phase concludes on August 3, 2012. Should the United States and the EU enter into the second phase of the MOU, the EU would be required to increase the beef TRQ to 45,000 metric tons, and the United States would be required to suspend all of the additional duties imposed in connection with the *EC-Beef Hormones* dispute.

In June 2009, the U.S. Court of International Trade rejected the results of the Section 307(c) review undertaken in the remand proceeding. The court found that the July 1999 action under Section 301 terminated as a matter of law after eight years (on July 29, 2007) because representatives of the U.S. beef industry did not submit a written request for a continuation of the action prior to July 29, 2007. *See Gilda Industries* v. *United States,* 625 F. Supp. 2d 1377 (Ct. Int'l Trade 2009). The United States appealed the decision to the U.S. Court of Appeals for the Federal Circuit.

In August 2009, the EU opened the new beef TRQ in accordance with the terms of the MOU. In September 2009, the Trade Representative implemented U.S. obligations under the first phase of the MOU by terminating the additional duties that were announced in January 2009 but had been delayed up to that time and had never entered into force. The September 2009 action left in place the additional duties that had been in effect since March 23, 2009 on a reduced list of products.

In October 2010, the U.S. Court of Appeals for the Federal Circuit affirmed the June 2009 decision of the U.S. Court

of International Trade that the July 1999 action terminated as a matter of law on July 29, 2007. *See Gilda Industries, Inc.* v. *United States,* 622 F.3d 1358 (Fed. Cir. 2010).

In March 2011, Canada and the EU entered into an MOU in connection with the *EC-Beef Hormones* dispute, in which Canada was a co-complainant with the United States. The Canada-EU MOU provides for additional amounts in the TRQ specified in the U.S.-EU MOU: 1,500 metric tons in the first phase, and 3,200 metric tons in a possible second phase starting in August 2012.

For additional background concerning the *EC-Beef Hormones* WTO dispute, the additional duties imposed in connection with the dispute, and the May 2009 MOU, see 64 FR 40638 (July 27, 1999), 73 FR 66066 (Nov. 6, 2008); 74 FR 4265 (Jan. 23, 2009), 74 FR 11613 (March 18, 2009), 74 FR 12402 (March 24, 2009), 74 FR 19263 (April 28, 2009), 74 FR 22626 (May 13, 2009), 74 FR 40864 (August 13, 2009); and 74 FR 48808 (September 24, 2009), as well as the WTO Web site (*http://www.wto.org*) under dispute numbers DS26 and DS48.

B. Termination of the Remaining Additional Duties

As a result of the decision of the U.S. Court of Appeals for the Federal Circuit, the Trade Representative has decided to terminate the additional duties imposed in connection with the *EC-Beef Hormones* dispute, effective with respect to (a) products that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice, (b) products that were entered, or withdrawn from warehouse, for consumption after July 29, 2007 where the entry is unliquidated on the date of publication of this notice, and (c) products that were entered, or withdrawn from warehouse, for consumption after July 29, 2007, where the liquidation of the entry is not final. In particular:

(i) The imposition of 100 percent *ad valorem* duties as provided in subheadings 9903.02.21, 9903.02.22, 9903.02.23, 9903.02.24, 9903.02.25, 9903.02.26, 9903.02.27, 9903.02.28, 9903.02.29, 9903.02.30, 9903.02.32, 9903.02.34, 9903.02.43, 9903.02.44, 9903.02.45, and 9903.02.46 of the Harmonized Tariff Schedule of the United States (HTSUS) is terminated with respect to (a) Products that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice, (b) unliquidated entries made prior to the date of publication of this notice that were entered, or withdrawn from warehouse, for consumption after July 29, 2007, and (c) products that were entered, or withdrawn from warehouse, for consumption after July 29, 2007, where the liquidation of the entry is not final;

(ii) The imposition of 100 percent *ad valorem* duties as provided in subheading 9903.02.83 of the HTSUS is terminated with respect to (a) products that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice, (b) unliquidated entries made prior to the date of publication of this notice that were entered, or withdrawn from warehouse, for consumption on or after March 23, 2009, and (c) products that were entered, or withdrawn from warehouse, for consumption on or after March 23, 2009, where the liquidation of the entry is not final;

(iii) The imposition of 100 percent *ad valorem* duties as provided in subheadings 9903.02.31, 9903.02.33, 9903.02.35, 9903.02.36, 9903.02.37, 9903.02.38, 9903.02.39, 9903.02.40, 9903.02.41, 9903.02.42, and 9903.02.47 of the HTSUS is terminated with respect to (a) unliquidated entries made after July 29, 2007 and before March 23, 2009, and (b) products that were entered, or withdrawn from warehouse, for consumption after July 29, 2007 and before March 23, 2009 where the liquidation of the entry is not final;

(iv) The above-listed subheadings, along with any associated superior headings or subheadings, are deleted from the HTSUS, effective on the date of publication of this notice; and

(v) As of the date of publication of this notice, products in subheadings 9903.02.21, 9903.02.22, 9903.02.23, 9903.02.24, 9903.02.25, 9903.02.26, 9903.02.27, 9903.02.28, 9903.02.29, 9903.02.30, 9903.02.32, 9903.02.34, 9903.02.43, 9903.02.44, 9903.02.45, 9903.02.46 and 9903.02.83 of the HTSUS that are entered into a Foreign Trade Zone no longer must be admitted in ''privileged foreign status,'' as defined in 19 C.F.R. 146.41.

C. Continued Monitoring and Implementation of the MOU

Until the entry into force of the possible second phase of the MOU in August 2012, the United States retains the right under the MOU to impose additional duties on the reduced list of products subject to additional duties after March 23, 2009 (reprinted in the Annex of the notice published on September 24, 2009). The United States also continues to have an authorization from the WTO DSB to suspend concessions on EU products in the amount of $116.8 million per year. At this time, however, the MOU is operating successfully by providing increased market access to U.S. beef producers. In light of the currently successful implementation of the MOU, the fact that all additional duties would have to be removed in August 2012 under a possible second phase of the MOU, and to encourage continued cooperation under the MOU, the Trade Representative has determined not to take steps at this time to exercise U.S. rights to impose additional duties on EU products in connection with the *EC-Beef Hormones* dispute.

The Trade Representative will continue to monitor EU implementation of the MOU and other developments affecting market access for U.S. beef products. If implementation of the MOU and other developments do not proceed as contemplated, the Trade Representative will proceed to consider additional actions under Section 301 of the Trade Act.

William Busis,

Chair, Section 301 Committee.

[FR Doc. 2011–13282 Filed 5–26–11; 8:45 am]

BILLING CODE 3190–W1–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed the Week Ending April 30, 2011

The following Agreements were filed with the Department of Transportation under the Sections 412 and 414 of the Federal Aviation Act, as amended (49 U.S.C. 1382 and 1384) and procedures governing proceedings to enforce these provisions. Answers may be filed within 21 days after the filing of the application.

Docket Number: DOT–OST–2011–0087.

Date Filed: April 27, 2011.

Parties: Members of the International Air Transport Association.

Subject: CSC/33/Meet/009/2011 dated 21 April 2011, Expedited Finally, Adopted Resolution 621, 681 and Recommended Practice 1665, Intended effective date: 1 October 2011.

Renee V. Wright,

Program Manager, Docket Operations, Federal Register Liaison.

[FR Doc. 2011–13182 Filed 5–26–11; 8:45 am]

BILLING CODE 4910–9XP

Department of Transportation

Office of the Secretary

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending April 30, 2011

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*).

The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: DOT–OST–2011–0088.

Date Filed: April 27, 2011.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: May 18, 2011.

Description: Application of Exec Direct Aviation Services Ltd. requesting an exemption and a foreign air carrier permit to provide charter foreign air transportation of property and mail between Jamaica and the United States via intermediary points, and to points beyond the United States.

Renee V. Wright,

Program Manager, Docket Operations, Federal Register Liaison.

[FR Doc. 2011–13184 Filed 5–26–11; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

Notice of Funding Availability for the Small Business Transportation Resource Center Program

AGENCY: Office of the Secretary of Transportation (OST), Office of Small and Disadvantaged Business Utilization (OSDBU), Department of Transportation (DOT)

ACTION: Notice of Funding Availability.

SUMMARY: The Department of Transportation (DOT), Office of the Secretary (OST), Office of Small and Disadvantaged Business Utilization (OSDBU) announces the opportunity for; (1) business centered community-based organizations; (2) transportation-related trade associations; (3) colleges and universities; (4) community colleges or; (5) chambers of commerce, registered with the Internal Revenue Service as 501C(6) or 501C(3) tax-exempt organizations, to compete for participation in OSDBU's Small Business Transportation Resource Center (SBTRC) program in the West Central Region.

OSDBU will enter into Cooperative Agreements with these organizations to outreach to the small business community in their designated region and provide financial and technical assistance, business training programs, such as, business assessment, management training, counseling, technical assistance, marketing and outreach, and the dissemination of information, to encourage and assist small businesses to become better prepared to compete for, obtain, and manage DOT funded transportation-related contracts and subcontracts at the federal, state and local levels. Throughout this notice, the term ''small business'' will refer to: 8(a), small disadvantaged businesses (SDB), disadvantaged business enterprises (DBE), women owned small businesses (WOSB), HubZone, service disabled veteran owned businesses (SDVOB), and veteran owned small businesses (VOSB). Throughout this notice, ''transportation-related'' is defined as the maintenance, rehabilitation, restructuring, improvement, or revitalization of any of the nation's modes of transportation.

Funding Opportunity Number: USDOT–OST–OSDBU–SBTRC2011–3.

Catalog of Federal Domestic Assistance (CFDA) Number: 20.910 Assistance to small and disadvantaged businesses.

Type of Award: Cooperative Agreement Grant.

Award Ceiling: $135,000.

Award Floor: $135,000.

Program Authority: DOT is authorized under 49 U.S.C. 332(b)(4), (5) &(7) to design and carry out programs to assist small disadvantaged businesses in getting transportation-related contracts and subcontracts; develop support mechanisms, including management and technical services, that will enable small disadvantaged businesses to take advantage of those business opportunities; and to make arrangements to carry out the above purposes.

DATES: Complete Proposals must be electronically submitted to OSDBU via e-mail on or before June 17, 2011, 5 p.m. Eastern Standard Time. Proposals received after the deadline will be considered non-responsive and will not be reviewed. The applicant is advised to turn on request delivery receipt notification for e-mail submissions. DOT plans to give notice of awards for the competed regions on or before June 30, 2011.

ADDRESSES: Applications must be electronically submitted to OSDBU via e-mail at *SBTRC@dot.gov.*

FOR FURTHER INFORMATION CONTACT: For further information concerning this notice, contact Mr. Arthur D. Jackson, U.S. Department of Transportation, Office of Small and Disadvantaged Business Utilization, 1200 New Jersey Avenue, SE., W56–462, Washington, DC 20590. Telephone: 1–800–532–1169. E-mail: *art.jackson@dot.gov.*

SUPPLEMENTARY INFORMATION:

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1. Introduction

1.1 Background

The United States Department of Transportation (DOT) established the Office of Small and Disadvantaged Business Utilization (OSDBU) in accordance with Public Law 95–507, an amendment to the Small Business Act and the Small Business Investment Act of 1958.

The mission of OSDBU at DOT is to ensure that the small and disadvantaged business policies and goals of the Secretary of Transportation are developed and implemented in a fair, efficient and effective manner to serve small and disadvantaged businesses throughout the country. The OSDBU also administers the provisions of Title 49, Section 332, the Minority Resource Center (MRC) which includes the duties of advocacy, outreach and financial services on behalf of small and

disadvantaged business and those certified under CFR 49 parts 23 and or 26 as Disadvantaged Business Enterprises (DBE) and the development of programs to encourage, stimulate, promote and assist small businesses to become better prepared to compete for, obtain and manage transportation-related contracts, and subcontracts.

The Regional Partnerships Division of OSDBU, through the SBTRC program allows OSDBU to partner with local organizations to offer a comprehensive delivery system of business training, technical assistance and dissemination of information, targeted towards small business transportation enterprises in their regions.

1.2 Program Description and Goals

The national SBTRC program utilizes Cooperative Agreements with chambers of commerce, trade associations, educational institutions and business-centered community based organizations to establish SBTRCs to provide business training, technical assistance and information to DOT grantees and recipients, prime contractors and subcontractors. In order to be effective and serve their target audience, the SBTRCs must be active in the local transportation community in order to identify and communicate opportunities and provide the required technical assistance. SBTRCs must already have, or demonstrate the ability to establish working relationships with the state and local transportation agencies and technical assistance agencies (*i.e.,* The U.S. Department of Commerce's Minority Business Development Centers (MBDCs), Small Business Development Centers (SBDCs), Procurement Technical Assistance Centers (PTACs), SCORE and State DOT highway supportive services contractors in their region. Utilizing these relationships and their own expertise, the SBTRCs are involved in activities such as information dissemination, small business counseling, and technical assistance with small businesses currently doing business with public and private entities in the transportation industry.

Effective outreach is critical to the success of the SBTRC program. In order for their outreach efforts to be effective, SBTRCs must be familiar with DOT's Operating Administrations, its funding sources, and how funding is awarded to DOT grantees, recipients, contractors, subcontractors, and its financial assistance programs. SBTRCs must outreach to the regional small business transportation community to disseminate information and distribute DOT-published marketing materials, such as STLP Program Information, Bonding Assistance information, SBTRC brochures and literature, Procurement Forecasts; Contracting with DOT booklets, and any other materials or resources that DOT or OSDBU may develop for this purpose. To maximize outreach, the SBTRC may be called upon to participate in regional and national conferences and seminars. Quantities of DOT publications for on-hand inventory and dissemination at conferences and seminars will be available upon request from the OSDBU office.

1.3 Description of Competition

The purpose of this Request For Proposal (RFP) is to solicit proposals from transportation-related trade associations, chambers of commerce, community based entities, colleges and universities, community colleges, and any other qualifying transportation-related non-profit organizations with the desire and ability to partner with OSDBU to establish and maintain an SBTRC.

It is OSDBU's intent to award Cooperative Agreement to one organization in the West Central Region, from herein referred to as ''region)'', competed in this solicitation. However, if warranted, OSDBU reserves the option to make multiple awards to selected partners. Proposals submitted for a region must contain a plan to service the entire region, not just the SBTRC state or local geographical area. The region's SBTRC headquarters must be established in the designated state set forth below. Submitted proposals must also contain justification for the establishment of the SBTRC headquarters in a particular city within the designated state.

SBTRC Region Competed in This Solicitation:

West Central Region:
Colorado
Nebraska
North Dakota
South Dakota
Utah
Wyoming

Program requirements and selection criteria, set forth in Sections 2 and 4 respectively, indicate, the OSDBU intends for the SBTRC to be multidimensional; that is, the selected organization must have the capacity to effectively access and provide supportive services to the broad range of small businesses within the respective geographical region. To this end, the SBTRC must be able to demonstrate that they currently have established relationships within the geographic region with whom they may coordinate and establish effective networks with DOT grant recipients and local/regional technical assistance agencies to maximize resources.

Cooperative agreement awards will be distributed to the region(s) as follows:

West Central Region: Up to $135,000 Per Year

Cooperative agreement awards by region are based upon an analysis of DBEs, Certified Small Businesses, and US DOT transportation dollars in each region. It is OSDBU's intent to maximize the benefits received by the small business transportation community through the SBTRC. Funding *may be utilized* to reimburse an on-site Project Director up to 100% of salary plus fringe benefits, an on-site Executive Director up to 20% of salary plus fringe benefits, up to 100% of a Project Coordinator, the cost of designated SBTRC space, other direct costs, and all other general and administrative expenses. Selected SBTRC partners will be expected to provide in-kind administrative support. Submitted proposals must contain an alternative funding source with which the SBTRC will fund administrative support costs. Preference will be given to proposals containing in-kind contributions for the Project Director, the Executive Director, the Project Coordinator, cost of designated SBTRC space, other direct costs, and all other general and administrative expenses.

1.4 Duration of Agreements

The cooperative agreement will be awarded for a period of 12 months (one year) with options for two (2) additional one year periods. OSDBU will notify the SBTRC of our intention to exercise an option year or not to exercise an option year 30 days in advance of expiration of the current year.

1.5 Authority

DOT is authorized under 49 U.S.C. 332(b)(4), (5) & (7) to design and carry out programs to assist small disadvantaged businesses in getting transportation-related contracts and subcontracts; develop support mechanisms, including management and technical services, that will enable small disadvantaged businesses to take advantage of those business opportunities; and to make arrangements to carry out the above purposes.

1.6 Eligibility Requirements

To be eligible, an organization must be an established, nonprofit, community-based organization,

transportation-related trade association, chamber of commerce, college or university, community college, and any other qualifying transportation-related non-profit organization which has the documented experience and capacity necessary to successfully operate and administer a coordinated delivery system that provides access for small businesses to prepare and compete for transportation-related contracts.

In addition, to be eligible, the applicant organization must:

(A) Be an established 501 C(3) or 501 C(6) tax-exempt organization and provide documentation as verification. No application will be accepted without proof of tax-exempt status;

(B) Have at least one year of documented and continuous experience prior to the date of application in providing advocacy, outreach, and technical assistance to small businesses within the region in which proposed services will be provided. Prior performance providing services to the transportation community is preferable, but not required; and

(C) Have an office physically located within the proposed city in the designated headquarters state in the region for which they are submitting the proposal that is readily accessible to the public.

2. Program Requirements

2.1 Recipient Responsibilities

(A) Assessments, Business Analyses

1. Conduct an assessment of small businesses in the SBTRC region to determine their training and technical assistance needs, and use information that is available at no cost to structure programs and services that will enable small business enterprises to become better prepared to compete for and receive transportation-related contract awards.

2. Contact other federal, state and local governmental agencies, such as the U.S. Small Business Administration, (SBA), state and local highway departments, state and local airport authorities, and transit authorities to identify relevant and current information that may support the assessment of the regional small business transportation community needs.

(B) General Management & Technical Training and Assistance

1. Utilize OSDBU's Intake Form to document each small business assisted by the SBTRC and type of service(s) provided. The completed form must be transmitted electronically to the SBTRC Program Manager on a monthly basis, accompanied by a narrative report on the activities and performance results for that period. The data gathered must be supportive by the narrative and must relate to the numerical data on the monthly reports.

2. Ensure that an array of information is made available for distribution to the small business transportation community that is designed to inform and educate the community on DOT/OSDBU services and opportunities.

3. Coordinate efforts with OSDBU's National Information Clearinghouse in order to maintain an on-hand inventory of DOT/OSDBU informational materials for general dissemination and for distribution at transportation-related conferences and other events.

(C) Business Counseling

1. Collaborate with agencies, such as the SBA, U.S. Department of Commerce's Minority Business Development Centers (MBDCs), Service Corps of Retired Executives (SCORE), Procurement Technical Assistance Centers (PTACs), and Small Business Development Centers (SBDCs), to offer a broad range of counseling services to transportation-related small business enterprises.

2. Create a technical assistance plan that will provide each counseled participant with the knowledge and skills necessary to improve the management of their own small business to expand their transportation-related contracts and subcontracts portfolio.

3. Provide a minimum of 20 hours of individual or group counseling sessions to small businesses per month.

(D) Planning Committee

1. Establish a Regional Planning Committee consisting of at least 7 members that includes representatives from the regional community and Federal, State, and local agencies. The highway, airport, and transit authorities for the SBTRC's headquarters state must have representation on the planning committee. This committee shall be established no later than 60 days after the execution of the Cooperative agreement between the OSDBU and the selected SBRTC.

2. Provide a forum for the Federal, State, and local agencies to disseminate information about upcoming procurements.

3. Hold either monthly or quarterly meetings at a time and place agreed upon by SBTRC and planning committee members.

4. Use the initial session (teleconference call) by the SBTRC explain the mission of the committee and identify roles of the staff and the members of the group.

5. Responsibility for the agenda and direction of the Planning Committee should be handled by the SBTRC Executive Director or his/her designee.

(E) Outreach Services/Conference Participation

1. Utilize the services of the Central Contractor Registration (CCR) and other sources to construct a database of regional small businesses that currently or may participate in DOT direct and DOT funded transportation related contracts, and make this database available to OSDBU, upon request.

2. Utilize the database of regional transportation-related small businesses to match opportunities identified through the planning committee forum, FedBiz Opps, a web-based system for posting solicitations and other Federal procurement-related documents on the Internet, and other sources to eligible small businesses and contact the eligible small businesses about those opportunities.

3. Develop a ''targeted'' database of firms (100–150) that have the capacity and capabilities, and are ready, willing and able to participate in DOT contracts and subcontracts immediately. This control group will receive ample resources from the SBTRC, *i.e.,* access to working capital, bonding assistance, business counseling, management assistance and direct referrals to DOT agencies at the state and local levels, and to prime contractors as effective subcontractor firms.

4. Identify regional, state and local conferences where a significant number of small businesses, with transportation related capabilities, are expected to be in attendance. Maintain and submit a list of those events to the SBTRC Program Manager for review and for posting on the OSDBU Web site on a monthly basis. Clearly identify the events designated for SBTRC participation and include recommendations for OSDBU participation.

5. Conduct outreach and disseminate information to small businesses at regional transportation-related conferences, seminars, and workshops. In the event that the SBTRC is requested to participate in an event, the SBTRC will send DOT materials, the OSDBU banner and other information that is deemed necessary for the event.

6. Submit a conference summary report to OSDBU no later than 5 business days after participation in the event or conference. The conference summary report must summarize activities, contacts, outreach results, and

recommendations for continued or discontinued participation in future similar events sponsored by that organization.

7. Upon approval by OSDBU, coordinate efforts with DOT's grantees and recipients at the state and/or local levels to sponsor or cosponsor an OSDBU transportation related conference in the region.

(F) Loan and Bond Assistance

1. Work with STLP participating banks and if not available, other lending institutions, to deliver a minimum of five (5) seminars/workshops per year on the STLP financial assistance program to the transportation-related small business community. The seminar/workshop must cover the entire STLP process, from completion of STLP loan applications and preparation of the loan package to graduation from the STLP.

2. Provide direct support, technical support, and advocacy services to potential STLP applicants to increase the probability of STLP loan approval and generate a minimum of 5 approved STLP applications per year.

3. Provide direct support, technical support, and advocacy services to potential Provide direct support, technical support, and advocacy services to potential Bonding Assistance Program (BAP) applicants to increase the probability of guaranteed bond approval and generate a minimum of 5 approved BAP applications per year from inception of the BAP program.

(G) Furnish all labor, facilities and equipment to perform the services described in this announcement.

(H) Women & Girls Program

1. Pursuant to Executive Order 13506, and 49 U.S.C. 332 (b) (4) & (7), the SBTRC shall administer the Women & Girls Internship Program in their geographical region. The SBTRC shall design and establish an internship program within the overall parameters of the program defined by USDOT/OSDBU. The program must be designed to engage female students from a variety of disciplines in the transportation industry. The SBTRC shall also be responsible for outreach activities in the implementation of this program and advertising the internship program to all colleges and universities and transportation entities in their region. Internships shall be developed in conjunction with the skill needs of the USDOT, state and local transportation agencies and appropriate private sector transportation-related participants including, S/WOBs/DBEs, and women organizations involved in transportation. Emphasis shall be placed on establishing internships with transportation-related WOBs. The SBTRC shall also develop a student mentorship program in conjunction with the internship program.

The student interns and the SBTRC shall follow the participating institution's required policies and procedures to submit and acquire academic credit for students participating in the internship program. In the event academic credit is not awarded to the student intern by the participating institution, in lieu of academic credit toward the completion of the respective degree program, the SBTRC may provide a stipend to the student from the amount awarded for stipends under a separate amendment to the Cooperative Agreement, to students placed in US DOT, the public sector and S/WOBs/DBEs. Stipends may also be provided in cases of financial hardship. All stipends must be pre-approved by the USDOT/OSDBU Program Manager. The stipend may be paid at the rate negotiated by the SBTRC and the USDOT/OSDBU Program Manager.

In advance of student selection, the SBTRC shall submit to the Program Manager the criteria developed to select student interns; describe an individual student formative goal; estimate student participation, provisions for academic credit, the duration of the internships in weeks, the names of the collaborating transportation-related public or private entity, the names of contact persons and their related contact information. In the event a stipend is requested, the SBTRC shall also submit to the Program Manager the amount of the stipend requested and the basis of the request. Criteria for selecting interns may include, but is not limited to, vocational interest in transportation-related careers, academic success, work experience and recommendations from professors.

2.2 Office of Small and Disadvantaged Business Utilization (OSDBU) Responsibilities

(A) Provide consultation and technical assistance in planning, implementing and evaluating activities under this announcement.

(B) Provide orientation and training to the applicant organization.

(C) Monitor SBTRC activities, cooperative agreement compliance, and overall SBTRC performance.

(D) Assist SBTRC to develop or strengthen its relationships with federal, state, and local transportation authorities, other technical assistance organizations, and DOT grantees.

(E) Facilitate the exchange and transfer of successful program activities and information among all SBTRC regions.

(F) Provide the SBTRC with DOT/OSDBU materials and other relevant transportation-related information for dissemination.

(G) Maintain effective communication with the SBTRC and inform them of transportation news and contracting opportunities to share with small businesses in their region.

(H) Provide all required forms to be used by the SBTRC for reporting purposes under the program.

(I) Perform an annual performance evaluation of the SBTRC. Satisfactory performance is a condition of continued participation of the organization as an SBTRC and execution of all option years.

3. Submission of Proposals

3.1 Format for Proposals

Each proposal must be submitted to DOT's OSDBU in the format set forth in the application form attached as Appendix A to this announcement.

3.2 Address; Number of Copies; Deadlines for Submission

Any eligible organization, as defined in Section 1.6 of this announcement, will submit only one proposal per region for consideration by OSDBU.

Applications must be double spaced, and printed in a font size not smaller than 12 points. Applications will not exceed 35 single-sided pages, not including any requested attachments.

All pages should be numbered at the top of each page. All documentation, attachments, or other information pertinent to the application must be included in a single submission.

Grant application packages must be submitted electronically to OSDBU at *SBTRC@dot.gov.* The applicant is advised to turn on request delivery receipt notification for email submissions.

Proposals must be received by DOT/OSDBU no later than June 17, 2011, 5 p.m., EST.

4. Selection Criteria

4.1 General Criteria

OSDBU will award the cooperative agreement on a best value basis, using the following criteria to rate and rank applications:

Applications will be evaluated using a point system (maximum number of points = 100);

- Approach and strategy (25 points)
- Linkages (25 points)
- Organizational Capability (25 points)
- Staff Capabilities and Experience (15 points)

- Cost Proposal (10 points)

(A) Approach and Strategy (25 Points)

The applicant must describe their strategy to achieve the overall mission of the SBTRC as described in this solicitation and service the small business community in their entire geographic regional area. The applicant must also describe how the specific activities outlined in Section 2.1 will be implemented and executed in the organization's regional area. OSDBU will consider the extent to which the proposed objectives are specific, measurable, time-specific, and consistent with OSDBU goals and the applicant organization's overall mission. OSDBU will give priority consideration to applicants that demonstrate innovation and creativity in their approach to assist small businesses to become successful transportation contractors and increase their ability to access DOT contracting opportunities and financial assistance programs. Applicants must also submit the estimated direct costs, other than labor, to execute their proposed strategy. OSDBU will consider the quality of the applicant's plan for conducting program activities and the likelihood that the proposed methods will be successful in achieving proposed objectives at the proposed cost.

(B) Linkages (25 Points)

The applicant must describe their established relationships within their geographic region and demonstrate their ability to coordinate and establish effective networks with DOT grant recipients and local/regional technical assistance agencies to maximize resources. OSDBU will consider innovative aspects of the applicant's approach and strategy to build upon their existing relationships and established networks with existing resources in their geographical area. The applicant should describe their strategy to obtain support and collaboration on SBTRC activities from DOT grantees and recipients, transportation prime contractors and subcontractors, the SBA, U.S. Department of Commerce's Minority Business Development Centers (MBDCs), Service Corps of Retired Executives (SCORE), Procurement Technical Assistance Centers (PTACs), Small Business Development Centers (SBDCs), State DOTs, and State highway supportive services contractors. In rating this factor, OSDBU will consider the extent to which the applicant demonstrates ability to be multidimensional. The applicant must demonstrate that they have the ability to access a broad range of supportive services to effectively serve a broad range of transportation-related small businesses within their respective geographical region. Emphasis will also be placed on the extent to which the applicant identifies a clear outreach strategy related to the identified needs that can be successfully carried out within the period of this agreement and a plan for involving the Planning Committee in the execution of that strategy.

(C) Organizational Capability (25 Points)

The applicant must demonstrate that they have the organizational capability to meet the program requirements set forth in Section 2. The applicant organization must have sufficient resources and past performance experience to successfully outreach to the small business transportation resources in their geographical area and carry out the mission of the SBTRC. In rating this factor, OSDBU will consider the extent to which the applicant's organization has recent, relevant and successful experience in advocating for and addressing the needs of small businesses. Applicants will be given points for demonstrated past transportation-related performance. The applicant must also describe technical and administrative resources it plans to use in achieving proposed objectives. In their description, the applicant must describe their facilities, computer and technical facilities, ability to tap into volunteer staff time, and a plan for sufficient matching alternative financial resources to fund the general and administrative costs of the SBTRC. The applicant must also describe their administrative and financial management staff. OSDBU will place an emphasis on capabilities of the applicant's financial management staff.

(D) Staff Capability and Experience (15 Points)

The applicant organization must provide a list of proposed personnel for the project, with salaries, fringe benefit burden factors, educational levels and previous experience clearly delineated. The applicant's project team must be well-qualified, knowledgeable, and able to effectively serve the diverse and broad range of small businesses in their geographical region. The Executive Director and the Project Director shall be deemed key personnel. Detailed resumes must be submitted for all proposed key personnel and outside consultants and subcontractors. Proposed key personnel must have detailed demonstrated experience providing services similar in scope and nature to the proposed effort. The proposed Project Director will serve as the responsible individual for the program. 100% of the Project Director's time must be dedicated to the SBTRC. Both the Executive Director and the Project Director must be located on-site. In this element, OSDBU will consider the extent to which the applicant's proposed Staffing Plan; (a) clearly meets the education and experience requirements to accomplish the objectives of the cooperative agreement; (b) delineates staff responsibilities and accountability for all work required and; (c) presents a clear and feasible ability to execute the applicant's proposed approach and strategy.

(E) Cost Proposal (10 Points)

Applicants must submit the total proposed cost of establishing and administering the SBTRC in the applicant's geographical region for a 12 month period, inclusive of costs funded through alternative matching resources. The applicant's budget must be adequate to support the proposed strategy and costs must be reasonable in relation to project objectives. The portion of the submitted budget funded by OSDBU can not exceed the ceiling outlined in Section 1.3 Description of Competition per fiscal year. Applicants are encouraged to provide in-kind costs and other innovative cost approaches.

4.2 Scoring of Applications

A review panel will score each application based upon the evaluation criteria listed above. Points will be given for each evaluation criteria category, not to exceed the maximum number of points allowed for each category. Proposals which are deemed non–responsive, do not meet the established criteria, or incomplete at the time of submission will be disqualified.

OSDBU will perform a responsibility determination of the prospective winning recipient in the region, which may include a site visit, before awarding the cooperative agreement.

4.3 Conflicts of Interest

Applicants must submit signed statements by key personnel and all organization principals indicating that they, or members of their immediate families, do not have a personal, business or financial interest in any DOT-funded transportation projects, nor any relationships with local or state transportation agencies that may have the appearance of a conflict of interest.

Appendix A

Format For Proposals for the Department of Transportation Office of Small and Disadvantaged Business Utilization's Small Business Transportation Resource Center (SBTRC) Program

Submitted proposals for the DOT, Office of Small and Disadvantaged Business Utilization's Small Business Transportation Resource Center Program must contain the following 12 sections and be organized in the following order:

1. Table of Contents

Identify all parts, sections and attachments of the application.

2. Application Summary

Provide a *summary overview* of the following:

- The applicant's proposed SBTRC region and city and key elements of the plan of action/strategy to achieve the SBTRC objectives.
- The applicant's relevant organizational experience and capabilities.

3. Understanding of the Work

Provide a narrative which contains specific project information as follows:

- The applicant will describe its understanding of the OSDBU's SBTRC program mission and the role of the applicant's proposed SBTRC in advancing the program goals.
- The applicant will describe specific outreach needs of transportation-related small businesses in the applicant's region and how the SBTRC will address the identified needs.

4. Approach and Strategy

- Describe the applicant's plan of action/strategy for conducting the program in terms of the tasks to be performed.
- Describe the specific services or activities to be performed and how these services/activities will be implemented.
- Describe innovative and creative approaches to assist small businesses to become successful transportation contractors and increase their ability to access DOT contracting opportunities and financial assistance programs.
- Estimated direct costs, other than labor, to execute the proposed strategy.

5. Linkages

- Describe established relationships within the geographic region and demonstrate the ability to coordinate and establish effective networks with DOT grant recipients and local/regional technical assistance agencies.
- Describe the strategy to obtain support and collaboration on SBTRC activities from DOT grantees and recipients, transportation prime contractors and subcontractors, the SBA, U.S. Department of Commerce's Minority Business Development Centers (MBDCs), Service Corps of Retired Executives (SCORE), Procurement Technical Assistance Centers (PTACs), Small Business Development Centers (SBDCs), State DOTs, and State highway supportive services contractors.
- Describe the outreach strategy related to the identified needs that can be successfully carried out within the period of this agreement and a plan for involving the Planning Committee in the execution of that strategy.

6. Organizational Capability

- Describe recent and relevant past successful performance in addressing the needs of small businesses, particularly with respect to transportation-related small businesses.
- Describe internal technical, financial management, and administrative resources.
- Propose a plan for sufficient matching alternative financial resources to fund the general and administrative costs of the SBTRC.

7. Staff Capability and Experience

- List proposed key personnel, their salaries and proposed fringe benefit factors.
- Describe the education, qualifications and relevant experience of key personnel. Attach detailed resumes.
- Proposed staffing plan. Describe how personnel are to be organized for the program and how they will be used to accomplish program objectives. Outline staff responsibilities, accountability and a schedule for conducting program tasks.

8. Cost Proposal

- Outline the total proposed cost of establishing and administering the SBTRC in the applicant's geographical region for a 12 month period, inclusive of costs funded through alternative matching resources. Clearly identify the portion of the costs funded by OSDBU.
- Provide a brief narrative linking the cost proposal to the proposed strategy.

9. Proof of Tax Exempt Status

10. Assurances Signature Form

Complete Standard Form 424B ASSURANCES—NON-CONSTRUCTION PROGRAMS identified as Attachment 1. SF424B may be downloaded from *http://www.grants.gov/techlib/SF424B–V1.1.pdf*.

11. Certification Signature Forms

Complete form DOTF2307–1 DRUG–FREE WORKPLACE ACT CERTIFICATION FOR A GRANTEE OTHER THAN AN INDIVIDUAL and Form DOTF2308–1 CERTIFICATION REGARDING LOBBYING FOR CONTRACTS, GRANTS, LOANS, AND COOPERATIVE AGREEMENTS identified as Attachment 2. The forms may be downloaded from *http://www.osdbu.dot.gov/financial/docs/Cert Drug-Free DOT F 2307–1.pdf* and *http://www.osdbu.dot.gov/financial/docs/Cert Lobbying DOT F 2308–1.pdf*.

12. Signed Conflict of Interest Statements

The statements must say that they, or members of their immediate families, do not have a personal, business or financial interest in any DOT-funded transportation projects, nor any relationships with local or state transportation agencies that may have the appearance of a conflict of interest.

13. Standard Form 424

Complete Standard Form 424 Application for Federal Assistance identified as Attachment 3. SF424 can be downloaded from *http://apply07.grants.gov/apply/forms/sample/SF424_2_1–V2.1.pdf*.

Please be sure that all forms have been signed by an authorized official who can legally represent the organization.

Issued in Washington, DC on May 19, 2011.

Brandon Neal,

Director, Office of Small and Disadvantaged Business Utilization, Office of the Secretary, U.S. Department of Transportation.

[FR Doc. 2011–13186 Filed 5–26–11; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2011–0047]

Renewed and Amended Memorandum of Understanding (MOU) Assigning Environmental Responsibilities to the State of Utah

AGENCY: Federal Highway Administration (FHWA), Utah Division Office, DOT.

ACTION: Notice of MOU renewal and amendments and request for comments.

SUMMARY: This notice announces that the FHWA and the Utah Department of Transportation (State) plan to renew and amend an existing MOU established pursuant to 23 U.S.C. 326 under which

the FHWA has assigned to the State the FHWA's responsibility for determining whether a project is categorically excluded from preparation of an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* (NEPA) and for carrying out certain other responsibilities for conducting environmental reviews, consultations, and related activities for Federal-aid highway projects. The proposed amendments include removal of language referring to existing programmatic agreements between the State and FHWA concerning categorical exclusions. This change is proposed to make the processing of these documents more clearly defined. The public is invited to comment on any aspect of the proposed MOU, including the scope of environmental review, consultation, and other activities which are assigned.

DATES: Please submit comments by June 27, 2011.

ADDRESSES: You may submit comments through the U.S. Document Management System (DMS) identified by Docket No. FHWA–2011–0047, or by any of the methods described below.

Web site: http://www.udot.utah.gov/go/environmental.

Fax: 1–202–493–2251.

Mail: Docket Management Facility; U.S. Department of Transportation, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

Hand Delivery: U.S. Department of Transportation, Ground Floor Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m. (EST), Monday through Friday, except Federal holidays.

Docket: For access to the docket to view a complete copy of the proposed MOU, or to read background documents or comments received, go to *http://www.regulations.gov* at any time or go to the ground floor Room U.S. Department of Transportation, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590 between 9 a.m. and 5 p.m. (EST), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Woolford, Environmental Program Manager, Federal Highway Administration, 2520 West 4700 South, Suite 9A, Salt Lake City, UT 84118. Office Hours: 7:00 a.m. to 3:30 p.m. (MST), *Edward.Woolford@DOT.gov;* Mr. Brandon Weston, Environmental Services Director, Utah Department of Transportation, 4501 South 2700 West, Salt Lake City, UT 84114, Office Hours 6:30 a.m. to 5:30 p.m. (Monday through Thursday) (MST), *brandonweston@utah.gov.*

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this notice may be downloaded using a computer, modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the Office of the Federal Register's home page at *http://www.archives.gov* and the Government Printing Office's Web site at *http://www.access.gpo.gov.* An electronic version of the proposed MOU may be downloaded by accessing the DMS docket, as described above, at *http://www.regulations.gov.*

Background

Section 6004(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Pub. L. 109–59), codified as Section 326 of amended Chapter 3 of Title 23, United States Code (23 U.S.C. 326, SAFETEA–LU), allows the Secretary of the United States Department of Transportation (USDOT Secretary), to assign, and a State to assume, responsibility for determining whether certain designated activities are included within classes of action that are categorically excluded from requirements for environmental assessments or environmental impact statements pursuant to regulations promulgated by the Council on Environmental Quality under part 1500 of Title 40, Code of Federal Regulations (CFR) (as in effect on October 1, 2003). The FHWA is authorized to act on behalf of the USDOT Secretary with respect to these matters.

In July 2008, the FHWA and the State executed a MOU, which assigned the responsibility to the State for determining certain designated activities as categorically excluded under Section 6004(a) of SAFETEA–LU. The assignments include:

1. Activities listed in 23 CFR 771.117(c); and

2. The example activities listed in 23 CFR 771.117(d).

The MOU had an initial term of 3 years and may be renewed and/or amended. The renewal/amendments are the subject of this Notice. As part of this renewal, proposed changes to the MOU, include modification to terminate an existing programmatic agreement between the State and FHWA for processing proposed projects that are candidates for categorical exclusion but that are not included on the lists described in 1–2 above.

The MOU assigns to the State the responsibility for conducting Federal environmental review, consultation, and other related activities for projects that are subject to the MOU with respect to the following Federal laws and Executive Orders:

1. Clean Air Act (CAA), 42 U.S.C. 7401–7671q (determinations of project-level conformity if required for the project).

2. Compliance with the noise regulations in 23 CFR 772.

3. Section 7 of the Endangered Species Act of 1973, 16 U.S.C. 1531–1544, and Section 1536.

4. Marine Mammal Protection Act, 16 U.S.C. 1361.

5. Anadromous Fish Conservation Act, 16 U.S.C. 757a–757g.

6. Fish and Wildlife Coordination Act, 16 U.S.C. 661–667d.

7. Migratory Bird Treaty Act, 16 U.S.C. 703–712.

8. Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801 *et seq.*

9. Section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470(f) *et seq.*

10. Section 4(f) of the Department of Transportation Act of 1966, 23 U.S.C. 138 and 49 U.S.C. 303; and 23 CFR part 774.

11. Archeological and Historic Preservation Act of 1966, as amended, 16 U.S.C. 469–469(c).

12. American Indian Religious Freedom Act, 42 U.S.C. 1996.

13. Farmland Protection Policy Act (FPPA), 7 U.S.C. 4201–4209.

14. Clean Water Act, 33 U.S.C. 1251–1377 (Section 404, Section 401, Section 319).

15. Coastal Barrier Resources Act, 16 U.S.C. 3501–3510.

16. Coastal Zone Management Act, 16 U.S.C. 1451–1465.

17. Safe Drinking Water Act (SDWA), 42 U.S.C. 300f–300j–6.

18. Rivers and Harbors Act of 1899, 33 U.S.C. 401–406.

19. Wild and Scenic Rivers Act, 16 U.S.C. 1271–1287.

20. Emergency Wetlands Resources Act, 16 U.S.C. 3921–3931.

21. TEA–21 Wetlands Mitigation, 23 U.S.C. 103(b)(6)(m), 133 (b)(11).

22. Flood Disaster Protection Act, 42 U.S.C. 4001–4128.

23. Land and Water Conservation Fund (LWCF), 16 U.S.C. 4601–4604 (known as section 6(f)).

24. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601–9675.

25. Superfund Amendments and Reauthorization Act of 1986 (SARA).

26. Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901–6992k.

27. Landscaping and Scenic Enhancement (Wildflowers), 23 U.S.C. 319.

28. Executive Orders Relating to Highway Projects (E.O. 11990, Protection of Wetlands; E.O. 11988, Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593, Protection and Enhancement of Cultural Resources; E.O. 13007, Indian Sacred Sites; E.O. 13175, Consultation and Coordination with Indian Tribal Governments; E.O. 13112, Invasive Species).

The MOU allows the State to act in the place of the FHWA in carrying out the functions described above, except with respect to government-to-government consultations with federally recognized Indian tribes. The FHWA will retain responsibility for conducting formal government-to-government consultation with federally recognized Indian tribes, which is required under some of the above-listed laws and executive orders. The State also may assist the FHWA with formal consultations, with consent of a tribe, but the FHWA remains responsible for the consultation. This assignment includes transfer to the State of Utah the obligation to fulfill the assigned environmental responsibilities on any proposed projects meeting the Criteria in Stipulation I(B) of the MOU that were determined to be CEs prior to the effective date of the proposed MOU but that have not been completed as of the effective date of the MOU.

A copy of the proposed MOU may be viewed on the DOT DMS Docket, as described above, or may be obtained by contacting the FHWA or the State at the addresses provided above. A copy may also be viewed online at the following URL: *http://www.udot.utah.gov/go/environmental.* Once the FHWA makes a decision on the proposed MOU, the FHWA will place in the DOT DMS Docket, a statement describing the outcome of the decision-making process and a copy of the final MOU, if any. Copies of the final documents also may be obtained by contacting the FHWA or the State at the addresses provided above, or by viewing the documents at *http://www.udot.utah.gov/go/environmental.*

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 326; 42 U.S.C. 4331, 4332; 23 CFR 771.117; 40 CFR 1507.3, 1508.4.

Issued on: May 23, 2011.

James C. Christian,

Division Administrator, Salt Lake City, Utah.

[FR Doc. 2011–13285 Filed 5–26–11; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No: FTA–2010–0027]

National Transit Database: Amendments to Urbanized Area Annual Reporting Manual

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of Amendments to 2011 National Transit Database Urbanized Area Annual Reporting Manual.

SUMMARY: This notice announces the adoption of certain amendments for the Federal Transit Administration's (FTA) 2011 National Transit Database (NTD) Urbanized Area Annual Reporting Manual (Annual Manual). On October 11, 2010, FTA published a notice in the **Federal Register** (73 FR 7361) inviting comments on proposed amendments to the 2011 Annual Manual. This notice provides responses to those comments, and announces the adoption of certain amendments for the 2011 Annual Manual.

DATES: *Effective Date:* May 27, 2011.

FOR FURTHER INFORMATION CONTACT: For program issues, John D. Giorgis, Office of Budget and Policy, (202) 366–5430 (telephone); (202) 366–7989 (fax); or *john.giorgis@dot.gov* (e-mail). For legal issues, Richard Wong, Office of the Chief Counsel, (202) 366–0675 (telephone); (202) 366–3809 (fax); or *richard.wong@dot.gov* (e-mail).

SUPPLEMENTARY INFORMATION:

I. Background

The National Transit Database (NTD) is the Federal Transit Administration's (FTA's) primary database for statistics on the transit industry. Congress established the NTD to ''help meet the needs of * * * the public for information on which to base public transportation service planning * * *'' (49 U.S.C 5335). Currently, over 700 transit providers in urbanized areas report to the NTD through its online reporting system. Each year, performance data from these submissions are used to apportion over $6 billion of FTA funds under the Urbanized Area Formula (Section 5307) Grants and the Fixed Guideway Modernization Grants Programs. These data are made available on the NTD website at *http://www.ntdprogram.gov* for the benefit of the public, transit systems, and all levels of government. These data are also used in the annual National Transit Summaries and Trends report, the biennial Conditions and Performance Report to Congress, and in meeting FTA's obligations under the Government Performance and Results Act. Reporting requirements are governed by a *Uniform System of Accounts* (USOA) and an Annual Reporting Manual that is issued each year. Both the USOA and the Annual Manual are available for review on the NTD Web site at *http://www.ntdprogram.gov.* Additionally, urbanized area transit systems also make monthly reports to the NTD on safety and security incidents through the NTD Safety & Security Module and on ridership and vehicle operations through the NTD Monthly Module.

In an ongoing effort to improve the NTD reporting system, to be responsive to the needs of transit providers reporting to the NTD, and to the needs of the transit data user community, FTA annually refines and clarifies reporting requirements to the NTD. This notice announces the adoption of certain amendments for the 2011 Annual Reporting Manual.

II. Comments and FTA Response to Comments

On October 11, 2010, FTA published a notice in the **Federal Register** (75 FR 192) inviting comments on proposed amendments to the 2011 Annual Manual. FTA received responses from 38 commenters.

(a) Vanpool Eligibility

FTA currently requires all vanpools reported to the NTD to have a public sponsor, a requirement that is currently interpreted as meaning that all vanpool reports to the NTD involving the private sector must be reported by the public sponsor as a ''purchased transportation'' contract. FTA proposed to replace this requirement with a new four-part test for determining that vanpools were publicly available, compliant with the Americans with Disabilities Act of 1990 (the ADA), and able to report fully-allocated costs to the NTD. FTA also proposed that all existing vanpools in the NTD would have to recertify their reporting eligibility for the 2011 Report Year, and that NTD ID's for vanpools would be assigned to vanpool sponsors.

FTA received 12 comments on the above proposal. Nine of the commenters were generally in favor of the proposal, including two industry associations, an industry supplier, a private vanpool operator, a Metropolitan Planning Organization (MPO), and four transit agencies. Three of the commenters, a large metropolitan planning organization, a large transit agency in a different city, and a mid-sized transit agency in a third city, objected to the proposal. The MPO and the large transit agency expressed concern that allowing additional vanpool reporters into the NTD could result in a ''larger base of eligible beneficiaries'' of FTA's Section 5307 funding and result in a redirection of FTA's Section 5307 funding away from ''replacing and rehabilitating transit capital assets.'' Two commenters also stated that public sponsors were best-positioned to monitor compliance with the above criteria, and that allowing additional organizations to report to the NTD increased the likelihood of non-compliant vanpools reporting to the NTD and increased the possibility of duplicate data being submitted to the NTD. On the other hand, FTA also received comments from an industry association, an industry supplier, a private vanpool operator, and a mid-sized transit agency specifically expressing support for allowing private providers of vanpool transportation to report directly to the NTD.

FTA Response: FTA has previously allowed both public and private operators of fixed-route transit systems to report to the NTD on a voluntary basis. This policy will extend the same opportunity to private operators of the vanpool mode to report to the NTD, and to allow them to report to the NTD directly. FTA reminds the commenters that NTD Data is used to apportion dollar amounts for the Urbanized Area Formula Program (UAFP) at the urbanized area level. The designated recipient for each urbanized area then makes project selections from the apportioned amounts based on the local Transportation Improvement Plan. Thus, since apportionment is done at the urbanized area level, inclusion in the National Transit Database does not create a binding claim for individual transit providers from the UAFP apportionment to the urbanized area.

In response to some of the concerns raised by the commenters, FTA will amend the final policy to retain the requirement that all vanpools in the NTD must have a public sponsor. However, this requirement will no longer be interpreted as requiring that private providers of vanpool services may only report as providers under a ''purchased transportation'' contract (''PT service'') to a public provider. Instead, private providers of vanpool transportation that are operating as subrecipients to a public sponsor will be required to follow the same NTD guidance as other modes, which requires subrecipients to either report directly to the NTD, or have the sponsor report on their behalf to the NTD through a ''consolidated reporting ID'' of multiple subrecipients. In requesting a consolidated reporting ID, the public entity takes responsibility for collecting all necessary information from the transit providers included in the consolidated reporting ID according to NTD reporting requirements, and submits a report to the NTD on behalf of those providers. Furthermore, private providers of vanpool transportation that are operating completely independently may report directly to the NTD on a voluntary basis, provided that they submit a letter to the NTD from a public sponsor indicating that the public sponsor considers the private provider's vanpool transportation services as contributing towards meeting the overall transit needs of the urbanized area.

A mid-sized transit agency objected to the proposal on the grounds that prohibiting vanpools that are restricted *a priori* to riders from a particular employer from reporting to the NTD would result in the discontinuation of this service. A large industry association also objected to this proposal, and suggested that all vanpools operated by public transportation agencies should be included in the NTD, regardless of whether the vehicles were restricted *a priori* to particular employers.

FTA Response: This proposal is based on the statutory language at 49 U.S.C. 5302(a)(10), which specifies that public transportation is ''regular and continuing general or special transportation to the public.'' Transportation that is restricted *a priori* to riders from a particular employer is not being provided ''to the public,'' and so does not meet the statutory definition of public transportation. As such, FTA cannot include these services in the National Transit Database, even when these services are provided by public transportation agencies. This is not a change in policy for the NTD, as it reflects existing law. Any transit systems that have inadvertently been reporting data to the NTD for vanpools restricted *a priori* to a particular employer must discontinue doing so. Furthermore, FTA's updated vanpool policy for the NTD refines this policy by requiring that vanpool operators actively engage in matching interested members of the public to vans in its program with available seats.

A mid-sized transit agency also requested clarification on the third part of the proposal, requiring the vanpool to be in compliance with the Americans with Disabilities Act of 1990 (the ADA).

FTA Response: The ADA requires that providers of public transportation service make reasonable accommodation for persons with disabilities. Under the Department of Transportation's implementing regulation (49 CFR 37.31) this does not require that every van in the vanpool program be accessible to persons with disabilities, the vanpool program must be prepared to make reasonable accommodations whenever the need arises. Interested parties should contact FTA's Office of Civil Rights for more information on the specific requirements of the ADA as it applies to vanpools.

FTA received several comments regarding our proposal to require all vanpools currently in the NTD to recertify for the 2011 Report Year. One private vanpool operator asked FTA to clarify its intent regarding the proposed recertification requirements. One public transit agency requested clarification of the logistics of the certification process, and whether it will be an annual process.

FTA Response: Given the updated policy regarding the inclusion of vanpools in the NTD, the intent of the recertification requirement is to ensure that all vanpools reporting to the NTD for the 2011 Report Year are in compliance with the updated policy. Each reporter to the NTD will be contacted by a validation analyst and required to submit a written self-certification of compliance with the new vanpool policy, and to upload this as an attachment to the efile of the NTD Online Reporting System. This is intended to be a one-time process for the 2011 Report Year, but eligibility questions may be reviewed by the validation analysts in future years during the course of the normal data validation process. Consistent with the NTD Rule (49 CFR Part 630), FTA may request additional supporting materials from any NTD reporter when necessary to validate the report. This process will also confirm that NTD IDs are properly assigned according to the updated NTD policies. Namely, that the ID is assigned to one of the following: (1) A sponsor that is directly operating a vanpool; (2) a sponsor that is operating a vanpool through a true ''purchase of service'' purchased transportation contract; (3) a public or private vanpool operator that

is a subrecipient to a vanpool sponsor, and is directly operating the vanpool; or (4) a private vanpool operator that is directly operating a vanpool without public assistance from the public vanpool sponsor;

One industry association and one mid-sized transit agency commented with a concern about the requirement for reporting fully-allocated costs including ''ridesharing promotion'' expenses that must be reported by vanpools, but are not required to be reported by other modes of transit. Another mid-sized transit agency and an MPO also requested clarification of what FTA meant by its requirement to report fully-allocated costs.

FTA Response: The updated requirements for vanpool reporting to the NTD state that the vanpool must actively engage in matching interested members of the public to vans with available seats. This is an essential activity for the vanpool mode of public transportation, as opposed to vanpools that do not meet the definition of public transportation at 49 U.S.C. 5302(a)(10). To the extent that third parties engage in activities to generally promote the use of public transportation or generally promote carpooling or vanpooling, then these costs do not need to be reported. However, to the extent that a third party (*e.g.* other than the operator of the vanpool and other than a public sponsor with a purchased transportation relationship with a vanpool operator) engages in the essential activity of matching interested members of the public to vans with available seats, then these costs must be reported. An essential purpose of the NTD is to allow FTA to report to Congress on the costs of public transportation services and future investment needs for public transportation. Thus, the NTD must collect fully-allocated capital and operating costs for all of the reported services, including vanpool public transportation service.

One industry association submitted a comment on an unrelated issue regarding the rules used by FTA to validate current NTD reports. One private vanpool operator submitted comments on a number of unrelated issues, including a concern about the processes used in developing the Transportation Improvement Plan, and the structure of NTD data products. One public transit agency expressed concern about the burden of current NTD data collection requirements on vanpool operators, particularly the requirement to report fuel consumption.

FTA Response: FTA thanks the commenters for their submissions. FTA will continue to review its validation procedures, data products, and data collection requirements to minimize reporting burden and to improve the accuracy and usefulness of NTD reports.

Final Policy: Based on the comments received, FTA revises and adopts its proposed policy as follows:

Vanpool programs reporting to the NTD must submit a written self-certification to the NTD for the 2011 Report Year, or else for the first year in which reporting for the vanpool is to begin, that: (1) The vanpool is open to the public and that any vans that are restricted *a priori* to particular employers and which do not participate in the public ride-matching service of the vanpool are excluded from the NTD report; (2) the vanpool is actively engaged in advertising the vanpool service to the public and in matching interested members of the public to vans with available seats; (3) that the vanpool program, whether operated by a public or private entity, is operated in compliance with the Americans with Disabilities Act of 1990 and implementing regulations at 49 CFR 37.31; and (4) that the vanpool has a record-keeping system in place to meet all NTD Reporting Requirements, consistent with other modes, including collecting and reporting fully-allocated operating and capital costs for the service. At the same time, the vanpool program must certify that it is publicly sponsored, as either (1) directly-operated by a public entity; (2) operated by a public entity via a contract for purchased transportation service with a private provider; (3) operated by a private entity as a grant recipient or subrecipient from a public entity; or (4) operated by an independent private entity with approval from a public entity that certifies that the vanpool program is helping meet the overall transportation needs of the local urbanized area.

Reporting of fully-allocated operating costs means that the vanpool must report on the total cost of the service, including any fuel, insurance, and maintenance costs paid by vanpool participants; and including any costs paid by any third-parties to support essential features of the vanpool program.

Under this policy NTD IDs for vanpool programs will be assigned according to existing NTD policies on the basis of the entity that is operating the vanpool. A vanpool operator may be a public provider directly-operating the vanpool, a public entity operating the vanpool through a purchased transportation contract with a private provider, or a private provider that is directly operating the vanpool. The operator of the vanpool is the entity sets the service area of the vanpool program, sets the vanpool participant costs and operating regulations, and generally has control of the vanpool service.

(b) New Modes

FTA proposed creating four new modes to be used in NTD reporting: Commuter Bus (CB), Bus Rapid Transit (RB), Streetcar Rail (SR), and Hybrid Rail (YR). FTA noted that many systems will make a 100% transition from one mode to the other, but proposed to offer waivers of up to two years upon request for reporters who would need time to separate their data.

FTA received 17 comments on this proposal. An industry association expressed specific support for the proposal to create the commuter bus mode. A large transit agency and an MPO expressed support for the proposal in general. Another large transit agency expressed support for the proposed two years of waivers upon request. 11 transit systems and one large industry association expressed concern that the proposal to create the *Commuter Bus* and *Bus Rapid Transit* modes would create too much additional reporting burden through additional reporting for relatively small slices of service. For example, several transit agencies cited examples where various local aspects of geography would cause one or two individual bus routes to meet the proposed definition for *Commuter Bus* of five miles of closed door service. Other concerns included the burden of making additional cost allocations and of additional passenger mile sampling. Another large transit system expressed concern that 1 out of its 5 current *Light Rail* mode routes would fall under the new *Streetcar Rail* mode, and that it would not be able to separate service data for the new *Bus Rapid Transit* Mode based on on-busway service vs. off-busway service. One large transit agency requested that the new modes be made optional. Another large transit agency requested the existing motorbus mode and the proposed *Commuter Bus* mode be allowed to file a single set of financial, asset, and resource forms. FTA did not receive any comments opposing the proposed *Hybrid Rail* mode.

FTA Response: FTA understands the concern of many of these commenters in regards to increased reporting burden. However, FTA also believes that there would be significant benefits to data users in distinguishing data for systems that primarily use motorcoaches (or ''over-the-road buses'') to provide peak service connecting outlying areas to central cities vs. data for systems that

primarily use low-floor transit buses to provide general local transit service. Additionally, given the significant interest by public transportation service planners in BRT as an alternative to light rail, and in using streetcars as urban circulators, FTA believes that there would be very significant benefits in producing separate data for these modes as well. Furthermore, these benefits would only occur if separate data is reported according to the separate modes.

In response to the concerns about addition burden, FTA notes that it has recently updated its passenger mile sampling guidance by using modern statistical procedures to significantly reduce required sample sizes. Additionally, the updated passenger mile sampling guidance relies upon stratification of services to reduce overall sample sizes. Thus, many transit systems should already be using stratification to collect separate passenger mile samples for the services that would become the separate modes.

FTA also reminds the commenters that variations in service do not constitute a separate mode, and so not all services highlighted by commenters would be reported as separate modes under this proposal. For example, although the *Heavy Rail* mode is generally characterized by use of exclusive guideway and the *Light Rail* mode is generally characterized by guideway with at-grade-crossings or mixed-traffic guideway, there are *Heavy Rail* systems in the NTD that do have at-grade-crossings. The service on those sections with at-grade-crossings is not reported as *Light Rail:* the entirety of the service is reported as *Heavy rail.* Under the same principles, a single bus route that occasionally meets the criteria of five miles of closed-door service would not constitute a separate mode for NTD reporting purposes if the bus route does not meet any of the other characteristics of the *Commuter Bus* mode, and if the vehicles and employees operating that mode are regularly interchanged with operations for the *Motorbus* mode. Similarly, service reported under the *Bus Rapid Transit* mode may include some stretches of off-busway service, provided that the preponderance of the service meets the characteristics of the *Bus Rapid Transit* mode, then the entire service should be reported as *Bus Rapid Transit* mode, including both the on-busway and off-busway portions of the service. However, just as under existing reporting requirements, only the on-busway portions of the service would be credited as *fixed-guideway service* for purposes of the formula apportionments.

A set of services that substantially share vehicles, employees, and operating policies constitute a single mode for NTD reporting purposes, and would be classified to the most-appropriate mode based on the predominant characteristics of the group of services as a whole. The whole group of services is then reported as a single mode. In order to maintain consistency of the data, it is important that modal definitions be applied using consistent principles, rather than being made optional.

One large transit agency expressed concern that part of FTA's proposed definition of the *Bus Rapid Transit* mode as including systems that ''operate their entire routes predominantly on fixed-guideways (other than on highway HOV or shoulder lanes, such as for commuter bus service)'' would exclude motorbus service provided over HOV lanes as ''fixed-guideway'' service for purposes of the formula apportionments. This large transit agency also expressed concern that FTA's proposed definition of the *Bus Rapid Transit* mode would not include certain services it was promoting as BRT service. One small transit agency requested clarification if a bus route connecting to suburban areas would qualify as commuter bus.

FTA responds: Nothing in the establishment of these new modes changes the treatment of fixed-guideway service for the apportionments. Although bus service provided to commuters over HOV lanes would not be reported under the *Bus Rapid Transit* mode, it would continue to be reported as *fixed-guideway service.* The definition of *Bus Rapid Transit* mode for use in the NTD parallels the definition of BRT used by FTA's New Starts Program. FTA is intentionally proposing a ''high bar'' for reporting service as *Bus Rapid Transit* mode to the NTD, and the proposed definition will not include all bus service that operates using one or more characteristics of BRT. However, this definition will help minimize reporting burden by minimizing the number of cases where an NTD reporter might need to split their bus service between the *Motorbus* mode and the *Bus Rapid Transit* mode in NTD reporting. Additionally, as noted previously, not every service meets the NTD modal definitions exactly. In these cases, services are reported according to the modal definition that is the ''best fit'' for the preponderance of the service. A service between two suburban areas, for example, would be classified as either *Commuter Bus* or *Motorbus* on this basis. FTA will continue to provide technical assistance, as always, to any transit agency in need of assistance in determining under what modes to report their service.

One mid-sized transit agency asked FTA to consider establishing a separate mode for deviated demand response.

FTA Response: Establishing a separate deviated demand response mode is beyond the scope of this notice, but is something that FTA may consider in proposing updates for future report years.

Final Policy: FTA adopts the following four new modes for the 2011 NTD Report Year. NTD reporters needing additional time to implement reporting for these modes may receive upon request waivers for up to two consecutive years for reporting these new modes. A set of services that substantially share vehicles, employees, and operating policies constitute a single mode for NTD reporting purposes, and would be classified to the most-appropriate mode based on the predominant characteristics of the group of services as a whole.

Bus Rapid Transit (RB): Fixed-route bus systems that either (1) operate their routes predominantly on fixed-guideways (other than on highway HOV or shoulder lanes, such as for commuter bus service) or (2) that operate routes of high-frequency service with the following elements: Substantial transit stations, traffic signal priority or pre-emption, low-floor vehicles or level-platform boarding, and separate branding of the service. High-frequency service is defined as 10-minute peak and 15-minute off-peak headways for at least 14 hours of service operations per day. This mode may include portions of service that are *fixed-guideway* and *non-fixed-guideway.*

Commuter Bus (CB): Fixed-route bus systems that are primarily connecting outlying areas with a central city through bus service that operates with at least five miles of continuous closed-door service. This service typically operates using motorcoaches (aka over-the-road buses), and usually features peak scheduling, multiple-trip tickets, and multiple stops in outlying areas with limited stops in the central city.

Streetcar Rail (SR): Rail systems operating routes predominantly on streets in mixed-traffic. This service typically operates with single-car trains powered by overhead catenaries and with frequent stops.

Hybrid Rail (YR): Rail systems primarily operating routes on the National system of railroads, but not operating with the characteristics of commuter rail. This service typically operates light rail-type vehicles as diesel

multiple-unit trains (DMU's). These trains do not meet Federal Railroad Administration standards, and so must operate with temporal separation from freight rail traffic.

(c) Definitional Clarification

FTA proposed to reclassify Aerial Tramway (TR) Mode as a rail mode in NTD data products, and to combine Monorail (MO) Mode and Automated Guideway (AG) Mode into a single Monorail/Automated Guideway (MG) Mode. Finally, FTA proposed to provide additional clarification on how to calculate the miles of rail for ''At Grade with Mixed and Cross Traffic'' and ''At Grade with Cross Traffic'' on the Transit Way Mileage (A–20) Form.

FTA received six comments on this proposal. Two industry associations and three transit agencies supported the proposal. One industry association and one transit agency had questions on how these proposals would impact formula funding. One large transit agency opposed the proposal for changing the way fixed-guideway miles were calculated as being too burdensome. One large transit agency requested clarification of the definition of *At-grade with mixed and cross traffic.*

FTA Responds: These definitional clarifications are simply administrative changes and would not impact funding under the formulas specified in current law. These formulas base funding on the basis of being *fixed-guideway,* rather than on the basis of being ''rail,'' and aerial tramway would remain a *fixed-guideway* mode. FTA believes that the clarification in how to calculate miles of rail is necessary to support data users. Currently some reporters are calculating miles of fixed-guideway classified as *At Grade with Cross Traffic* solely on the basis of the length of each intersection. FTA believes that this is not the intent of the data collection, and significantly limits the usability of the current data. In response to the question, FTA confirms that ''mixed traffic'' includes alignments where rail and rubber-tired vehicles travel in the same lanes, and alignments where pedestrians can cross freely.

Final Policy: FTA adopts the proposed definitional clarifications as originally proposed.

(d) Reporting Requirements for Small Systems

FTA proposed to align the reporting requirements for systems with nine or fewer vehicles with the reporting requirements for recipients of Section 5311 funding in the Rural NTD. This would make it much simpler for systems that receive both Section 5307 and Section 5311 funding to determine which NTD reports they must complete, and it would also provide additional data in NTD reports on these systems. These new requirements paralleling the Rural NTD would still exempt these small systems from requirements to conduct passenger mile sampling. FTA also proposed to require all urbanized area transit systems to file monthly reports to the Monthly Module and Safety & Security Module of the NTD. Furthermore, FTA proposed to extend these reduced reporting requirements to systems with 30 or fewer vehicles and no fixed-guideway service. However, any system with 30 or fewer vehicles could continue to file a full report if they wished to have passenger mile data including in the formula apportionments.

FTA received 12 comments on this proposal. Two transit agencies with between 10 and 30 vehicles support the proposal to receive reduced reporting requirements. Another transit agency with between 10 and 30 vehicles asked for clarification on how the 30 total vehicles would be calculated, and how use of this waiver would impact the formula apportionments.

FTA Responds: Waivers for systems with 30 vehicles would be calculated on the basis of the vehicles operated in maximum (peak) service (VOMS) across all modes, including fixed-route motorbus, demand response, and vanpool service. A transit agency making use of this waiver would not report passenger mile data to the NTD. As such, use of this waiver might slightly impact the apportionments to urbanized areas (UZAs) over 200,000 in population, although the apportionment to such UZAs is likely to be largely determined by data reported from transit agencies with more than 30 vehicles operating in that UZA. Additionally, a transit agency making use of this waiver would not make their passenger mile data available for meeting any of the three Small Transit Intensive Cities (STIC) apportionment benchmarks that rely upon passenger mile data. However, data from a transit agency making use of this waiver would still be used to help a UZA qualify for any of the three other STIC benchmarks that do not rely upon passenger mile data.

Two transit systems with fewer than nine vehicles objected to the proposal for increased reporting requirements from systems with nine or fewer vehicles in urbanized areas. A large transit agency that reports to the NTD on behalf of many smaller transit systems through a consolidated report requested that they continue to be allowed to submit the consolidated report, rather than requiring each small system to report directly to the NTD under these requirements.

FTA Responds: FTA confirms that these increased reporting requirements do not change the existing NTD policies regarding consolidated reporting, and consolidated reports will continue to be accepted on behalf of small operators. FTA is mindful of the increased burden of this proposal on small systems with nine or fewer vehicles. However, FTA believes that this concern is outweighed by the interest in closing the current data ''doughnut hole,'' in which the NTD is able to report data to the public on small systems in rural areas and of urbanized systems with ten or more vehicles, but not of urbanized area systems with nine or fewer vehicles. FTA will continue to seek to minimize the burden of NTD reporting on small systems through programs like consolidated reporting and by continuing to seek to minimize and automate reporting requirements. To further minimize this burden, FTA will modify its original proposal to exempt systems receiving a thirty or fewer vehicles waiver from reporting to the Monthly Module and from reporting to the Safety & Security Module.

Two State Departments of Transportation (DOT's) and two industry associations objected to the proposal to reduce reporting requirements for some systems with between 10 and 30 vehicles to a level similar to that required of rural systems. In particular, these State DOT's noted that the Rural NTD reporting requirements do not include operating expenditures by function, nor by object class—only sources of funds for operating expenditures are reported. These State DOT's argued that the reporting burden of this data is relatively low, and that this data is essential for making performance comparisons between small systems. An industry association also noted that the rural reporting requirements do not include the reporting of sampled data for passenger miles, and passenger miles are a key element of many performance benchmark comparisons.

FTA Responds: FTA is sympathetic to the desire of data users for as much data as possible, and in particular, FTA strongly supports the use of NTD data in performance benchmarking. These desires, however, must be balanced against the need to minimize the burden on the public. FTA's past experience with the NTD has shown that the requirement to allocate operating expenses across both object class (*e.g.* salaries and wages, fuel, utilities, etc.)

and across functions (*e.g.* vehicle operations, vehicle maintenance, general administration, etc.) can be a significant source of reporting burden for small transit systems. Despite the recent introduction of the new Sampling Manual, which has greatly reduced the overall burden of sampling, FTA recognizes that sampling for passenger miles can still be burdensome and labor-intensive, particularly for small transit operators. Instead, FTA would prefer to align the reporting requirements for these small systems as much as possible with the reporting requirements for rural systems, in order to minimize the confusion among reporters, and to minimize the burden to FTA on presenting final nationwide transit data to users. Additionally, these reduced reporting requirements will minimize the administrative burden to FTA of validating reports from these small transit systems. Since systems with 30 or fewer vehicles account for less than 3.5% of urbanized area transit service and less than 2% of urbanized area ridership, the overall impact on data users should be small from a national perspective. For data users primarily interested in small transit markets, FTA also notes that under this proposal, data from these small systems will not be completely lost, as some systems with thirty or fewer vehicles may choose to not benefit from this waiver in order to benefit from the reporting of passenger miles data for the formula apportionments. Additionally, some States may choose to require all transit systems in their State to file full NTD reports as a condition of receiving State funding in order to support performance benchmarking. FTA believes that these two factors will produce a somewhat suitable cadre of complete reports from small transit systems to support continuing some level of peer analysis among these small systems.

Final Policy: Based on the comments received, FTA adopts this final policy: Starting with the 2011 NTD Report, transit systems operating nine or fewer vehicles will be required to submit a report to the NTD that is aligned with the requirements for rural transit systems, and which continues to support the data required for the Urbanized Area Formula Program apportionment. Systems with nine or fewer vehicles that need additional time to comply with this requirement will be granted reporting waivers for up to two consecutive years. Additionally transit systems operating 30 or fewer vehicles in maximum service across all modes, and not operating any service over fixed-guideways, may request the same ''small systems waiver'' for reduced reporting requirements. Transit systems receiving a *small systems waiver* will be exempt from reporting to the Monthly Module and from the Safety & Security Module. Data from transit systems using this *small systems waiver* will have their data included in the formula apportionments for any factors not using passenger miles or some other unreported data element under the waiver. Any system wishing to have their passenger mile data considered in the formula apportionments must submit a full NTD report.

(e) Financial Assets and Liabilities Reporting

FTA has previously proposed, in 2009, to consolidate the reporting of bonds and loans on a single form. FTA now proposed to also include consolidated reporting of financial assets, along with financial liabilities, according to categories already established in the Uniform System of Accounts (USOA), since the reporting of liabilities without the concurrent reporting of asset does not present a full picture of the financial capacity of the transit system. FTA received 13 comments on this proposal. An industry association, two large transit agencies, and three mid-sized transit agencies all supported the proposal. Another industry association requested that FTA engage in additional consultation before adopting the proposal, and three large transit agencies expressed concern about the additional burden of this reporting. Two mid-sized transit agencies expressed concern that they already find it challenging to complete NTD reports on financial information by the current deadline of four months after the close of the fiscal year, and these new requirements will make meeting that deadline even more difficult. One of the large transit agencies and one of the mid-sized transit agencies noted that this requirement would not apply to transit systems that operate as a unit of city or local government, and so do not carry their own financial assets or liabilities. Two large transit agencies asked that the value of capital assets be included in the reporting, as well as of financial assets. One small transit agency also requested clarification of how to report funding surpluses or shortfalls.

FTA Responds: FTA believes that there continues to be great interest in the overall financial capacity and financial health of transit agencies, and so this information would be important to public transportation service planners. At this time, this reporting would not apply to those transit systems operating as a unit of city or local government, and which do not have their own financial assets and liabilities. FTA reminds the commenters that they are required to submit a ''best available'' report to the NTD by the established deadline in order to begin the validation process, but revisions may be made during the validation process. Finally, given the difficulty in valuing many transit capital assets, let alone the difficulty of liquidating those assets in order to meet financial liabilities, FTA has decided to minimize reporting burden by not including the reporting of the value of capital assets to the NTD at this time. FTA reminds the commenters that unlike in the Rural NTD, the sources of funds received reported in column c of the *F–10 Form* need not equal the sources of funds applied to operating and capital expenses on columns d and e of the *F–10 Form.* Transit systems requiring additional clarification of how to report financial surpluses or shortfalls should contact either their NTD Validation Analyst or FTA NTD Staff for further assistance.

Final Policy: FTA adopts the proposed reporting of financial asset and liabilities as originally proposed. FTA will grant waivers from this requirement for the 2011 Report Year for any reporter that needs additional time to comply with this requirement.

(f) Revision of Rules for Urbanized Area Allocations

FTA proposed to require that any transit service connecting more than one urbanized area, or a rural area and an urbanized area, must split that service on the *FFA–10 Form* among each of the geographic areas served according to some reasonable representation of the areas served. FTA received 25 comments on this proposal from a variety of industry associations and transit systems of various sizes, almost all of which were opposed to this proposal, with none clearly in favor of this proposal. Comments from several different transit agencies expressed concern that this proposal would increase reporting burden, as well as increase the burden of managing grants from FTA that were allocated through each separate urbanized area. In particular, transit systems operating commuter rail or vanpool service were concerned that these rules would cause them to split their data among a large number of areas, and that many of these areas do not currently provide funding to support these services. These commenters noted that many of these areas would not receive any benefit in the formula apportionments under current law from being credited with a

portion of these services, and the end result of this policy change might well be reductions in transit service to these areas. Additionally one industry associated and a vanpool operated noted that vanpools often connect rural areas and small UZAs with a large UZA, with the intent of meeting the air quality or congestion goals of the large UZA. Another industry association and a large transit agency also noted that current law allows transit service to be credited to the urbanized area served, and argued that transit service connecting more than one urbanized area need not necessarily be credited as serving both urbanized areas as FTA proposed. A small transit agency noted that the current rules provide for unequal treatment of small UZAs relative to large UZAs. In particular, service connecting a small UZA to a large UZA may be allocated 100% to the large UZA, but the reverse is not true—the vehicle revenue miles physically occurring in the large UZA must be allocated to the large UZA under current rules, even if the large UZA does not provide any funding to the transit agency operating the service. One large transit agency proposed that service connecting two UZAs should always be allocated to the larger of the two UZAs. Two transit agencies proposed that FTA should collect one allocation of transit service for data purposes, and a separate allocation of transit service for formula apportionment purposes. One large transit agency requested that any change be deferred until the reauthorization of SAFETEA–LU, and a mid-sized transit agency and an MPO requested that the change be deferred until the 2012 Report Year.

FTA Responds: FTA recognizes the concerns expressed by the commenters that FTA's proposed policy would further disconnect the formula apportionment from the areas that fund a service to those areas. FTA also recognizes the concern of one of the commenters that the current rules often require a transit operator from a small UZA to allocate a portion of their service to a large UZA, even if that large UZA does not provide any funding to the transit service. FTA also remains concerned that the current allocation rules are understating a certain amount of rural transit services provided by operators in urbanized areas. Thus, FTA will modify its proposed policy to respond to the concerns of the commenters, and to more closely connect the allocation of services on the *FFA–10 Form* to the jurisdiction funding the service. The modified policy will give reporting transit agencies the flexibility to allocate their data based on the geographic area being served, and to tie their allocation to the geographic area or areas funding the service. The only restriction on this flexibility will be that services funded out of FTA's rural formula program must be allocated as rural services. FTA did consider collecting separate allocations for data purposes and for formula apportionment purposes, but the additional burden of conducting two separate allocations, and then validating and publishing the data, led us to decide not to adopt that proposal. FTA believes that the benefits of this increased flexibility and of a more-representative allocation of data in the NTD merit implementing this policy with the 2011 Report Year. The modifications to our proposal based on the comments should minimize the impacts of implementation. Additionally, implementation in the 2011 Report Year will cause the remaining impacts to occur simultaneously with the implementation of new UZA definitions based on the 2010 Census, thus allowing all needed adjustments to occur at the same time. The revised allocation rules are also simpler and provide increased flexibility to reporting transit agencies, which should also ease the reporting burden of implementing the new UZA definitions from the 2010 Census.

Final Policy: Beginning with the 2011 Report Year, transit service that connects one or more urbanized areas, or transit service that connects rural areas with one or more urbanized areas, may generally be allocated by one of two methods, either: (1) Allocated entirely to the geographic area that the reporting transit agency determines is being primarily served by each service, or (2) allocated proportionally among each of the geographic areas served according to some reasonable and consistent methodology. This rule will apply regardless of whether the service connects two or more large UZAs, two or more small UZAs, some combination of small and large UZAs, or one or more UZAs of any size to rural areas. However, any transit service that benefits from grants provided by FTA's Section 5311 Other Than Urbanized Area Formula Program (OTUAFP) must be allocated entirely to rural areas (labeled as UZA–0 on the *FFA–10 Form),* regardless of whether that service benefits from grants for operating expenses or for capital expenditures from the Section 5311 Program, and regardless of whether that service benefits from capital assets funded by the Section 5307 Program. The only exception to the required rural area allocation is that if service connecting a rural area to a UZA, particularly a small UZA, is benefiting from operating assistance from both the Section 5307 Program and from the Section 5311 Program, then that service may be allocated on a pro-rated basis to the urbanized area served based on the percentage of operating expenses being funded by the Section 5307 UAFP Program (including the local matching funds for the Section 5307 funds).

(g) Special Procedures for New UZA Definitions from the 2010 Census

The Census Bureau is expected to publish new UZA definitions from the 2010 Census in spring 2012. FTA proposed that for the 2011 Report Year, reporting transit systems should complete their *FFA–10* form allocating data according to the UZA definitions from the 2000 Census according to the normal reporting schedule. Once the new UZA definitions are released, FTA then proposed to later require each reporting transit system to submit a new form addenda to allocate their service among the new UZA boundaries, and to sub-allocate their service by State for any UZA that includes portions of more than one State. FTA received 13 comments on this proposal. Two large transit systems supported the proposal, with one asking for FTA to delay requiring the form addenda until information on the new UZAs is available at the Census tract level. The remaining comments from two industry associations and nine large-to-mid-sized transit systems opposed the proposal on the grounds of imposing additional reporting burden with only a short time period for compliance. Five transit agencies asked FTA to delay implementation of the new Census UZAs until the 2012 Report Year. One industry association and one large transit agency asked FTA to seek legislative relief allowing it to delay implementation of the new Census UZAs until the 2012 Report Year.

FTA Responds: FTA understands the concerns of the commenters, and will seek to minimize the reporting burden of this proposal. However, FTA notes that it is required by law to implement data from the 2010 Census for use in the Fiscal Year 2013 apportionments, if it is available, and thus, to implement them in the 2011 NTD Report Year. FTA has already proposed to not require re-submission of the CEO Certification nor of the Independent Auditor Statement in regards to this additional data. To further reduce the reporting burden, FTA withdraws its proposal to require sub-allocation of UZA data by State in

cases where a UZA crosses State lines. Additionally, in response to the comments about the increased workload, FTA will only require the *FFA–10 Form* to be filled out once, during the additional reporting period, and will not require an *FFA–10 Form* to be filled out reflecting the UZA definitions from the 2000 Census. FTA also hopes that its new policy on urbanized area allocations will provide greater flexibility to reporting transit agencies, and so will reduce the overall effort needed to complete the *FFA–10 Form* this year and in future years. FTA will also seek to follow the recommendation of the commenter to delay release of the form addenda until the Census makes detailed maps of the new UZA boundaries available in summer 2012.

FTA will not, however, seek legislative relief from the requirement to use the new urbanized area definitions from the 2010 Census in the Fiscal Year 2013 apportionments. Many urbanized areas will show large increases of population in the 2010 Census, and will no doubt want to benefit from the 2010 Census data in the apportionment as quickly as possible. FTA does not wish to take sides among those that would benefit from a delay in the use of 2010 Census data, and those that would not. In the event that legislative change is sought by some of the commenters, and a legislative change is enacted into law, then FTA will of course modify its policy to accommodate the change in statute.

Final Policy: Based on the comments received, FTA adopts the following policy for the 2011 Report Year: NTD Reports for the 2011 Report Year will be due according to the regular deadlines, except that the *FFA–10 Form* following the UZA definitions from the 2000 Census will not be required. Following the release of detailed maps from the Census Bureau of the new UZA definitions from the 2010 Census, FTA will notify all urbanized area NTD reporters to logon to the NTD Online Reporting System and resubmit their *B–10 Form* identifying which of the new UZAs they serve and to submit a *FFA–10 Form* reflecting the new UZA definitions.

(h) Announcement of Suspension of Personal Security Reporting

FTA also announced that it was suspending indefinitely the reporting of personal security events to the Safety & Security Module of the NTD, effective with the publication of the previous notice. Although FTA did not specifically request comments on this effort to reduce reporting burden, FTA received comments from an industry association and two large transit agencies in support of this action.

FTA Responds: FTA thanks the commenters.

Issued in Washington, DC, this 24th day of May 2011.

Peter Rogoff,

Administrator.

[FR Doc. 2011–13286 Filed 5–26–11; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2011–0069]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel SANTORINI.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket MARAD–2011–0069 at *http://www.regulations.gov*. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388 (68 FR 23084, April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

DATES: Submit comments on or before June 27, 2011.

ADDRESSES: Comments should refer to docket number MARAD–2011–0069. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov*. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except Federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Joann Spittle, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue, SE., Room W21–203, Washington, DC 20590. Telephone 202–366–5979, E-mail *Joann.Spittle@dot.gov*.

SUPPLEMENTARY INFORMATION:

As described by the applicant the intended service of the vessel SANTORINI is:

Intended Commercial Use of Vessel: ''Vessel will be operated as a coastal luxury charter yacht, passengers for hire. Types of operations would include day outings, coastal cruising, visiting local ports, *etc.''*

Geographic Region: ''California, USA.''

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 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: May 19, 2011.

Christine Gurland,

Secretary, Maritime Administration.

[FR Doc. 2011–13076 Filed 5–26–11; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2011–0070]

Information Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Maritime Administration's (MARAD's) intentions to request extension of approval for three years of a currently approved information collection.

DATES: Comments should be submitted on or before July 26, 2011.

FOR FURTHER INFORMATION CONTACT: Edmond J. Fitzgerald, Office of Financial Approvals and Marine Insurance, Maritime Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. *Telephone:* 202–366–2279; or *e-mail: edmond.j.fitzgerald@dot.gov.* Copies of this collection can also be obtained from that office.

SUPPLEMENTARY INFORMATION:

Title of Collection: Application for Construction Reserve Fund (CRF) and Annual Statements.

Type of Request: Extension of currently approved information collection.

OMB Control Number: 2133–0032.

Form Numbers: None.

Expiration Date of Approval: Three years after date of approval by the Office of Management and Budget.

Summary of Collection of Information: The collection consists of an application required for all citizens who own or operate vessels in the U.S. foreign or domestic commerce and desire tax benefits under the Construction Reserve Fund (CRF) program. The annual statement sets forth a detailed analysis of the status of the CRF when each income tax return is filed.

Need and Use of the Information: The information is required in order for MARAD to determine whether the applicant is qualified for the benefits of the CRF program.

Description of Respondents: Owners or operators of vessels in the domestic or foreign commerce.

Annual Responses: 17 responses.

Annual Burden: 153 hours.

Comments: Comments should refer to the docket number that appears at the top of this document. Written comments may be submitted to the Docket Clerk, U.S. DOT Dockets, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590. Comments also may be submitted by electronic means via the Internet at *http://www.regulations.gov.* Specifically address whether this information collection is necessary for proper performance of the functions of the agency and will have practical utility, accuracy of the burden estimates, ways to minimize this burden, and ways to enhance the quality, utility, and clarity of the information to be collected. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m. EDT (or EST), Monday through Friday, except Federal Holidays. An electronic version of this document is available on the World Wide Web at *http://www.regulations.gov.*

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 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://www.regulations.gov.*

Authority: 49 CFR 1.66.

By Order of the Maritime Administrator.

Dated: May 23, 2011.

Christine Gurland,

Secretary, Maritime Administration.

[FR Doc. 2011–13160 Filed 5–26–11; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2011–0071]

Information Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Maritime Administration's (MARAD's) intention to request extension of approval for three years of a currently approved information collection.

DATES: Comments should be submitted on or before July 26, 2011.

FOR FURTHER INFORMATION CONTACT: Daniel Ladd, Maritime Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. *Telephone:* 202–366–1859; or *e-mail: daniel.ladd@dot.gov.* Copies of this collection also can be obtained from that office.

SUPPLEMENTARY INFORMATION:

Title of Collection: Title XI Obligation Guarantees.

Type of Request: Extension of currently approved information collection.

OMB Control Number: 2133–0018.

Form Numbers: MA–163, MA–163A.

Expiration Date of Approval: Three years from date of approval by the Office of Management and Budget.

Summary of Collection of Information: In accordance with the Merchant Marine Act, 1936, MARAD is authorized to execute a full faith and credit guarantee by the United States of debt obligations issued to finance or refinance the construction or reconstruction of vessels. In addition, the program allows for financing shipyard modernization and improvement projects.

Need and Use of the Information: The collected information is necessary for MARAD officials to evaluate an applicant's project and capabilities, make the required determinations, and administer any agreements executed upon approval of loan guarantees.

Description of Respondents: Individuals/businesses interested in obtaining loan guarantees for construction or reconstruction of vessels as well as businesses interested in shipyard modernization and improvements.

Annual Responses: 10.

Annual Burden: 700 hours.

Comments: Comments should refer to the docket number that appears at the top of this document. Written comments may be submitted to the Docket Clerk, U.S. DOT Dockets, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590. Comments also may be submitted by electronic means via the Internet at *http://regulations.gov/search/index.jsp.* Specifically address whether this information collection is necessary for proper performance of the functions of the agency and will have practical utility, accuracy of the burden estimates, ways to minimize this burden, and ways to enhance the quality, utility, and clarity of the information to be collected. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m. E.D.T. (or E.S.T.), Monday through Friday, except Federal holidays. An electronic version of this document is available on the World Wide Web at *http://regulations.gov.*

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 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://regulations.gov.*

Authority: 49 CFR 1.66.

By Order of the Maritime Administrator.

Dated: May 23, 2011.

Christine Gurland,

Secretary, Maritime Administration.

[FR Doc. 2011–13161 Filed 5–26–11; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2011–0064]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel EYRA.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket MARAD–2011–0064 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388 (68 FR 23084, April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

DATES: Submit comments on or before June 27, 2011.

ADDRESSES: Comments should refer to docket number MARAD–2011–0064. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Joann Spittle, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue, SE., Room W21–203, Washington, DC 20590. Telephone 202–366–5979, e-mail *Joann.Spittle@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel EYRA is:

Intended Commercial Use of Vessel: ''Sailing Charters, both short term (½ day) to longer term (4–6 weeks). This may include harbor trips, day sails, sunset cruises and offshore passages. Trips may include foreign ports in the Caribbean.''

Geographic Region: ''MA, RI, CT, NJ, DE, MD, VA, NC, SC, GA, FL, AL, MS, LA, TX, Puerto Rico.''

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 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: May 23, 2011.

Christine Gurland,

Secretary, Maritime Administration.

[FR Doc. 2011–13163 Filed 5–26–11; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2011–0063]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel OLIVIA LEE.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket MARAD–2011–0063 at *http://www.regulations.gov*. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388 (68 FR 23084, April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

DATES: Submit comments on or before June 27, 2011.

ADDRESSES: Comments should refer to docket number MARAD–2011 0063. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov*. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except

federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Joann Spittle, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue, SE., Room W21–203, Washington, DC 20590. Telephone 202–366–5979, E-mail *Joann.Spittle@dot.gov*.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel OLIVIA LEE is:

Intended Commercial Use of Vessel: ''Occasional charter with up to 6 guests plus at least one U.S. captain.''

Geographic Region: ''ME, NH, MA, RI, CT, NY, NJ, DE, MD, VA, NC, SC, GA, FL.''

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 (Volume 65, Number 70; Pages 19477–78).

Dated: May 23, 2011.

By Order of the Maritime Administrator.

Christine Gurland,

Secretary, Maritime Administrator.

[FR Doc. 2011–13165 Filed 5–26–11; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2011–0066]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel TORSK.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket MARAD–2011–0066 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388 (68 FR 23084, April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

DATES: Submit comments on or before June 27, 2011.

ADDRESSES: Comments should refer to docket number MARAD–2011–0066. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Joann Spittle, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue, SE., Room W21–203, Washington, DC 20590. Telephone 202–366–5979, e-mail *Joann.Spittle@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel TORSK is:

Intended Commercial Use of Vessel: ''Day charters—wildlife sightseeing.''

Geographic Region: ''Florida, Washington, Oregon, California, Alaska & New York.''

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 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: May 23, 2011.

Christine Gurland,

Secretary, Maritime Administration.

[FR Doc. 2011–13164 Filed 5–26–11; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2011–0065]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel INTRUDER.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket MARAD–2011–0065 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388 (68 FR 23084, April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

DATES: Submit comments on or before June 27, 2011.

ADDRESSES: Comments should refer to docket number MARAD–2011–0065. Written comments may be submitted by

hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Joann Spittle, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue, SE., Room W21–203, Washington, DC 20590. Telephone 202–366–5979, e-mail *Joann.Spittle@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel INTRUDER is:

Intended Commercial Use of Vessel: ''Charter fishing and other excursions.''

Geographic Region: ''Texas, Louisiana, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey and their respective inland tributaries.''

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 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administration.

Dated: May 23, 2011.

Christine Gurland,

Secretary, Maritime Administration.

[FR Doc. 2011–13162 Filed 5–26–11; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 55 (Sub-No. 706X)]

CSX Transportation, Inc.—Abandonment Exemption—in Erie County, NY

CSX Transportation, Inc. (CSXT), filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments* to abandon an approximately 0.56-mile rail line on its Northern Region, Albany Division, Buffalo Subdivision, known as the Erie Running Track, between milepost QCQ 5.02 near E. Ferry Street and milepost QCQ 5.58 near E. Delavan Avenue, in Buffalo, Erie County, NY The line traverses United States Postal Service Zip Codes 14211 and 14215.

CSXT has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7(c) (environmental report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on June 28, 2011, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by June 6, 2011. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by June 16, 2011, with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to CSXT's representative: Louis E. Gitomer, 600 Baltimore Ave., Suite 301, Towson, MD 21204.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

CSXT has filed a combined environmental and historic report which addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by June 3, 2011. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling OEA, at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), CSXT shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by CSXT's filing of a notice of consummation by May 27, 2012, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: May 24, 2011.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Andrea Pope-Matheson,

Clearance Clerk.

[FR Doc. 2011–13243 Filed 5–26–11; 8:45 am]

BILLING CODE 4915–01–P

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Serv. Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each OFA must be accompanied by the filing fee, which is currently set at $1,500. *See* 49 CFR 1002.2(f)(25).

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35507]

North Central Iowa Rail Corridor, LLC—Acquisition Exemption—Union Pacific Railroad Company

North Central Iowa Rail Corridor, LLC (NCIRC), a noncarrier, has filed a verified notice of exemption under 49

CFR 1150.31 to acquire approximately 27.83 miles of rail line owned by Union Pacific Railroad Company (UP), referred to as the Forest City Line. The Forest City Line extends between milepost 48.12 at Belmond, Iowa, and milepost 79.95 at Forest City, Iowa, and includes 600 feet of connecting track at Garner, Iowa, in Hancock, Winnebago, and Wright Counties, Iowa.

This transaction is related to 2 other filed verified notices of exemption, filed in: (1) Docket No. FD 35508, *Iowa Northern Railway Company—Operation Exemption—North Central Iowa Rail Corridor, LLC,* in which Iowa Northern Railway Company (IANR) seeks to operate the Forest City Line in accordance with a rail service and lease agreement with NCIRC; and (2) Docket No. FD 35511, *Iowa Northern Railway Company—Trackage Rights Exemption—Dakota, Minnesota & Eastern Railroad Corporation d/b/a Canadian Pacific,* in which IANR seeks authority to exercise certain specified overhead trackage rights from Dakota, Minnesota & Eastern Railroad Corporation d/b/a Canadian Pacific.

The transaction is expected to be consummated on or after June 10, 2011, which will be after the June 9, 2011 effective date of the exemption (30 days after the exemption was filed).

NCIRC certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier and further certifies that its projected annual revenue will not exceed $5 million.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than June 2, 2011 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35507, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on T. Scott Bannister, Iowa Northern Railway Company, 305 Second Street, SE., Suite 400, Cedar Rapids, IA 52401.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: May 23, 2011.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Andrea Pope-Matheson,

Clearance Clerk.

[FR Doc. 2011–13092 Filed 5–26–11; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35508]

Iowa Northern Railway Company—Operation Exemption—North Central Iowa Rail Corridor, LLC

Iowa Northern Railway Company (IANR), a Class III, has filed a verified notice of exemption under 49 CFR 1150.41 to operate approximately 27.83 miles of rail line owned by Union Pacific Railroad Company (UP), referred to as the Forest City Line. The Forest City Line extends between milepost 48.12 at Belmond, Iowa, and milepost 79.95 at Forest City, Iowa, and includes 600 feet of connecting track at Garner, Iowa, in Hancock, Winnebago, and Wright Counties, Iowa.

This transaction is related to 2 other verified notices of exemption, filed in: (1) Docket No. FD 35507, *North Central Iowa Rail Corridor, LLC—Acquisition Exemption—Union Pacific Railroad Company,* in which North Central Iowa Rail Corridor, LLC seeks to acquire from Union Pacific Railroad Company the Forest City Line; and (2) Docket No. FD 35511, *Iowa Northern Railway Company—Trackage Rights Exemption—Dakota, Minnesota & Eastern Railroad Corporation d/b/a Canadian Pacific,* in which IANR seeks authority to exercise certain specified overhead trackage rights from Dakota, Minnesota & Eastern Railroad Corporation d/b/a Canadian Pacific.

The transaction is expected to be consummated on or after June 10, 2011, which will be after the June 9, 2011 effective date of the exemption (30 days after the exemption was filed).

IANR certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier and further certifies that its projected annual revenues will not exceed $5 million.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than June 2, 2011 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35508, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on T. Scott Bannister, Iowa Northern Railway Company, 305 Second Street, SE., Suite 400, Cedar Rapids, IA 52401.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: May 23, 2011.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2011–13091 Filed 5–26–11; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35503]

BNSF Railway Company—Trackage Rights Exemption—Yellowstone Valley Railroad, Inc.

Yellowstone Valley Railroad, Inc. (YVRR) has agreed to grant, pursuant to a prospective written trackage rights agreement,[1] restricted local and overhead trackage rights to BNSF Railway Company (BNSF) over a rail line that it leases from BNSF between milepost 78.6, near Snowden, Mont., and milepost 43.0, at Crane, Mont., a distance of 35.6 miles.[2] YVRR states that the use of the trackage rights line by BNSF is restricted to movements of BNSF unit trains originating or terminating on the line and overhead trackage rights.

The transaction is scheduled to be consummated on or shortly after June 11, 2011, the effective date of the exemption (30 days after the exemption was filed).

[1] YVRR states that the parties currently are negotiating a trackage rights agreement. YVRR states that it will file a copy of the agreement with the Board within 10 days of its execution. *See* 49 CFR 1180.6(a)(7)(ii).

[2] YVRR indicates that this transaction is related to Docket No. AB 991X, *Yellowstone Valley Railroad, Inc.—Discontinuance Exemption—in Richland and Dawson Counties, Montana,* in which YVRR will seek to discontinue its lease operations over the BNSF-owned line between milepost 43.0, at Crane, and milepost 6.0, near Glendive, Mont. This filing has not been received by the Board. YVRR received an exemption to lease and operate 171.97 miles of BNSF rail lines in *Yellowstone Valley Railroad, Inc.—Lease and Operation Exemption—BNSF Railway Company,* Docket No. FD 34737 (STB served Sept. 1, 2005).

The purpose of the transaction is to permit BNSF to move unit trains originating or terminating on the line and to perform overhead movements over the line. YVRR will continue to serve customers on the line.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc.,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway, Inc.—Lease & Operate—California Western Railroad,* 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed by June 3, 2011 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35503, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Karl Morell, Of Counsel, Ball Janik LLP, 1455 F Street, NW., Suite 225, Washington, DC 20005.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: May 24, 2011.

By the Board.

Rachel D. Campbell,

Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2011–13237 Filed 5–26–11; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35511]

Iowa Northern Railway Company—Trackage Rights Exemption—Dakota, Minnesota & Eastern Railroad Corporation d/b/a Canadian Pacific

Pursuant to a prospective trackage rights agreement, Dakota, Minnesota & Eastern Railroad Corporation d/b/a Canadian Pacific (CP) will agree to grant overhead trackage rights to Iowa Northern Railway Company (IANR) over approximately 78.2 miles of rail line between: (1) Milepost 137.50 near Garner, Iowa, and milepost 116.70 at the connection with CP's Mason City Subdivision, a distance of approximately 20.80 miles; (2) milepost 116.70 at the connection with CP's Mason City Subdivision and milepost 107.30 near Nora Jct., Iowa at the connection with IANR, a distance of approximately 30.2 miles between Garner and Nora Jct.; and (3) milepost 116.70 at the connection with CP's Mason City Subdivision and milepost 7.9 on CP's Austin Subdivision near Plymouth Jct., Iowa at the connection with IANR, a distance of approximately 27.2 miles between Garner and Plymouth Jct.[1]

The transaction may be consummated on or after June 10, 2011, the effective date of the exemption (30 days after the exemption is filed). The primary purpose of the trackage rights agreement is to enable IANR to transport freight by rail between the connection of the Forest City Line[2] and Garner, Iowa and alternatively, Nora Jct., Iowa or Plymouth Jct., Iowa on the CP trackage.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Railway—Trackage Rights—Burlington Northern, Inc.,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease and Operate—California Western Railroad,* 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed by June 3, 2011 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35511, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on T. Scott Bannister, Iowa Northern Railway Company, 305 Second Street, SE., Suite 400, Cedar Rapids, IA 52401.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: May 23, 2011.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2011–13229 Filed 5–26–11; 8:45 am]

BILLING CODE 4915–01–P

[1] IANR has included a copy of a letter of intent from CP concerning the trackage rights agreement and states that a copy of the agreement will be provided to the Board after it is finalized and executed.

[2] The Forest City Line is located between Belmond and Forest City, Iowa, and is owned by Union Pacific Railroad Company (UP). North Central Iowa Rail Corridor (NCIRC) provided notice that it will acquire the Forest City Line from UP. *See N. Cent. Iowa Rail Corridor, LLC—Acquis. Exemption—Union Pac. R.R.,* FD 35507 (STB served May 26, 2011). IANR provided notice that it will be the exclusive rail operator of the Forest City Line. *See Iowa N. Ry.—Operation Exemption—N. Cent. Iowa Rail Corridor, LLC,* FD 35508 (STB served May 26, 2011).

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35505]

Montreal, Maine & Atlantic Railway, Ltd.—Trackage Rights Exemption—Maine Northern Railway Company

Pursuant to a written trackage rights agreement, Maine Northern Railway Company (MNR) has agreed to grant overhead trackage rights to Montreal, Maine & Atlantic Railway, Ltd. (MMA) over approximately 151 miles of rail line owned by the State of Maine (the State) between milepost 109 near Millinocket, ME. and milepost 260 near Madawaska, ME (Subject Trackage).[1] MMA states that, as of January 14, 2011, it sold the Subject Trackage, together with certain other lines in Penobscot and Aroostook Counties, ME, to the State. The State has selected MNR to operate the Subject Trackage and the other lines, and MNR plans to file a notice for a modified certificate of public convenience and necessity under 49 CFR. 1150.23 for Board authority to operate these lines.

The transaction is scheduled to be consummated by June 14, 2011. Consummation may not occur prior to June 10, 2011, the effective date of the exemption (30 days after the exemption was filed).

The purpose of the transaction is to connect the MMA lines south of Millinocket and the MMA line beyond Madawaska. The trackage will enable MMA to provide through service between St Leonard, New Brunswick, where MMA and Canadian National Railway Company (CN) interchange, and the rest of MMA's rail system,

[1] The Subject Trackage was formerly part of the Madawaska Subdivision of MMA discussed in *Montreal, Maine & Atlantic Railway, Ltd.–Discontinuance of Service and Abandonment–in Aroostook and Penobscot Counties, ME,* Docket No AB 1043 (Sub-No. 1) (STB served Dec. 27, 2010). The instant transaction is an outgrowth of that case.

including connections with the Canadian Pacific Railway Company and CN near Montreal and with the Pan Am Railways system at Northern Maine Junction, ME.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc.,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease & Operate—California Western Railroad,* 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed by June 3, 2011 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35505, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on James E. Howard, One Thompson Square, Suite 201, Charlestown, MA 02129.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov*.

Decided: May 24, 20011.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Andrea Pope-Matheson,

Clearance Clerk.

[FR Doc. 2011–13248 Filed 5–26–11; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Proposed Collection; Comment Request for Cuban Remittance Affidavit

AGENCY: Office of Foreign Assets Control, 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 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 Office of Foreign Assets Control (''OFAC'') within the Department of the Treasury is soliciting comments concerning OFAC's Cuban Remittance Affidavit information collection.

DATES: Written comments must be submitted on or before July 26, 2011 to be assured of consideration.

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

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions on the Web site for submitting comments.

Fax: Attn: Request for Comments (Cuban Remittance Affidavit) (202) 622–1657

Mail: Attn: Request for Comments (Cuban Remittance Affidavit) Office of Foreign Assets Control, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Instructions: All submissions received must include the agency name and the **Federal Register** Doc. number that appears at the end of this document. Comments received will be made available to the public via regulations.gov or upon request, without change and including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Assistant Director for Sanctions Compliance & Evaluation, tel.: 202/622–2490, Assistant Director for Licensing, tel.: 202/622–2480, Assistant Director for Policy, tel.: 202/622–4855, Office of Foreign Assets Control, or Chief Counsel (Foreign Assets Control), tel.: 202/622–2410, Office of the General Counsel, Department of the Treasury (not toll free numbers).

SUPPLEMENTARY INFORMATION:

Title: Cuban Remittance Affidavit.

OMB Number: 1505–0167.

Abstract: The information is required of persons subject to the jurisdiction of the United States who make remittances to persons in Cuba pursuant to the general licenses in section 515.570 of the Cuban Assets Control Regulations, 31 CFR part 515 (''CACR''). The information will be used by the Office of Foreign Assets Control of the Department of the Treasury (''OFAC'') to monitor compliance with regulations governing unlimited family and family inherited remittances, periodic $500 remittances, unlimited remittances to religious organizations, remittances to students in Cuba pursuant to an educational license, limited emigration remittances, and periodic remittances from blocked accounts.

Current Actions: The Cuban Remittance Affidavit is currently being revised to reflect amendments to the CACR published in the **Federal Register** on January 28, 2011, which implement policy changes announced by the President on January 14, 2011, designed to increase people-to-people contact, support civil society in Cuba, enhance the free flow of information to, from, and among the Cuban people, and help promote their independence from Cuban authorities.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 3,000,000 filers: 1,000,000 filing four times annually and 2,000,000 filing once a year.

Estimated Time per Respondent: 60 seconds per form, for an estimated four minutes per year for those filing four times annually and one minute per year for those filing once a year.

Estimated Total Annual Burden Hours: 100,000.

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 Office of Management and Budget (''OMB'') control number. Books or records relating to a collection of information must be retained for five years.

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 has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information, 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 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 24, 2011, 2011.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2011–13274 Filed 5–26–11; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8302

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 8302, Direct Deposit or Refund of $1 Million or More.

DATES: Written comments should be received on or before July 26, 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 Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–3179, or through the Internet at *Elaine.H.Christophe@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Direct Deposit or Refund of $1 Million or More.

OMB Number: 1545–1763.

Form Number: 8302.

Abstract: This form is used to request a deposit of a tax refund of $1 million or more directly into an account at any U.S. bank or other financial institution that accepts direct deposits.

Current Actions: There are no changes being made to Form 8302 at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals or households.

Estimated Number of Respondents: 400.

Estimated Time per Respondent: 2 hrs, 43 minutes.

Estimated Total Annual Burden Hours: 1088.

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 19, 2011.

Yvette B. Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2011–13124 Filed 5–26–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 12885

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 12885, Supplement to OF–612, Optional Application for Federal Employment.

DATES: Written comments should be received on or before July 26, 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 Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–3179, or through the Internet at *Elaine.H.Christophe@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Supplement to OF–612, Optional Application for Federal Employment.

OMB Number: 1545–1918.

Form Number: 12885.

Abstract: Form 12885 is used as a supplement to the OF–612 to provide additional space for capturing work history.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 24,813.

Estimated Time per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 12,406.

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 19, 2011.

Yvette B. Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2011–13129 Filed 5–26–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 99–17

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 information collection requirements related to Revenue Procedure 99–17, Mark to Market Election for Commodities Dealers and Securities and Commodities Traders.

DATES: Written comments should be received on or before July 26, 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 revenue procedure should be directed to Elaine 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: Mark to Market Election for Commodities Dealers and Securities and Commodities Traders.

OMB Number: 1545–1641.

Revenue Procedure Number: Revenue Procedure 99–17.

Abstract: This revenue procedure prescribes the time and manner for dealers in commodities and traders in securities or commodities to elect to use the mark-to-market method of accounting under sections 475(e) and (f) of the Internal Revenue Code. The collections of information in this revenue procedure are required by the IRS in order to facilitate monitoring taxpayers changing accounting methods resulting from making the elections under Code section 475(e) or (f).

Current Actions: Section 6 of Revenue Procedure 99–17 is superseded by Section 13 of Revenue Procedure 99–49.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

The reporting burden for the collections of information in section 5.01–5.04 of this revenue procedure is as follows:

Estimated Number of Respondents/ Recordkeepers: 1,000.

Estimated Time per Respondent/ Recordkeeper: 30 minutes.

Estimated Total Annual Reporting/ Recordkeeping Hours: 500.

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 19, 2011.

Yvette B. Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2011–13130 Filed 5–26–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1041–N

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)). The IRS is soliciting comments concerning Form 1041–N U.S. Income Tax Return for Electing Alaska Native Settlement Trusts.

DATES: Written comments should be received on or before July 26, 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 Joel Goldberger at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 927–9368, or through the Internet at *Joel.P.Goldberger@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: U.S. Income Tax Return for Electing Alaska Native Settlement Trusts.

OMB Number: 1545–1776.

Form Number: 1041–N.

Abstract: An Alaska Native Settlement Trust (ANST) may elect under section 646 to have the special income tax treatment of that section apply to the trust and its beneficiaries. This one-time election is made by filing

Form 1041–N which is used by the ANST to report its income, *etc.,* and to compute and pay any income tax. Form 1041–N is also used for the special information reporting requirements that apply to ANSTs.

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: 20.

Estimated Time per Respondent: 34 hrs.

Estimated Total Annual Burden Hours: 680.

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. 2011–13138 Filed 5–26–11; 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)). The IRS is soliciting comments concerning information collection requirements related to Dollar-Value LIFO Regulations; Inventory Price Index Computation Method.

DATES: Written comments should be received on or before July 26, 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 copies of regulation should be directed to Joel Goldberger, at the Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, by phone at (202) 927–9368, or on the Internet at *Joel.P.Goldberger@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Dollar-Value LIFO Regulations; Inventory Price Index Computation Method.

OMB Number: 1545–1767.

Regulation Project Number: REG–107644–98 (T.D. 8976).

Abstract: Section 1.472–2 of the Income Tax Regulations requires a taxpayer to file an application to use the LIFO inventory method. Section 1.472–3(a) requires an electing taxpayer to attach a statement with its federal income tax return for the year of election. This statement generally must be made on Form 970, Application To Use LIFO Inventory Method. Section 1.472–8(e)(5) of the existing regulations and section 1.472–8(e)(iv)(A) of the final regulations provide that a taxpayer may use the IPIC method only if its election appears on Form 970. In addition, § 1.472–8(e)(iii)(B)(*3*) of the final regulations requires a taxpayer that elects to use a representative appropriate month to indicate its election on Form 970.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection. The burden for this regulation can be found in form 970.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 1.

Estimated Time per Respondent: 1 Hour.

Estimated Total Annual Burden Hours: 1.

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 12, 2011.

Yvette B. Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2011–13136 Filed 5–26–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 12854

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 12854, Prior Government Service Information.

DATES: Written comments should be received on or before July 26, 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 forms and instructions should be directed to Joel Goldberger, at (202) 927–9368, or at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at *Joel.P.Goldberger@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Prior Government Service Information.

OMB Number: 1545–1919.

Form Number: Form 12854.

Abstract: Form 12854 is used to record prior government service, annuitant information and to advise on probationary periods.

Current Actions: There are currently no changes to this form.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 24,813.

Estimated Time per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 6,203.

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 17, 2011.

Yvette B. Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2011–13131 Filed 5–26–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8050

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 8050, Direct Deposit of Corporate Tax Refund.

DATES: Written comments should be received on or before July 26, 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 copies of the form and instructions should be directed to Joel Goldberger, (202) 927–9368, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at *Joel.P.Goldberger@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Direct Deposit of Corporate Tax Refund.

OMB Number: 1545–1762.

Form Number: 8050.

Abstract: Form 8050 is used to request the IRS to deposit a tax refund of ($1 million or more) directly into an account at any U.S. bank or other financial institution (such as a mutual fund, credit union, or brokerage firm) that accepts direct deposits.

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 or households.

Estimated Number of Respondents: 210,000.

Estimated Time per Respondent: 1 hour, 40 minutes.

Estimated Total Annual Burden Hours: 348,600.

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 12, 2011.

Yvette B. Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2011–13132 Filed 5–26–11; 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)). The IRS is soliciting comments concerning information collection requirements related to Guidance Necessary to Facilitate Electronic Tax Administration.

DATES: Written comments should be received on or before July 26, 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 regulations should be directed to Joel Goldberger at Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 927 -9368, or through the Internet at *Joel.P.Goldberger@irs.gov.*

SUPPLEMENTARY INFORMATION: *Title:* Guidance Necessary to Facilitate Electronic Tax Administration.

OMB Number: 1545–1783. *Regulation Project Number:* TD 8989.

Abstract: This document contains regulations designed to eliminate regulatory impediments to the electronic filing of Form 1040, U.S. Individual Income Tax Return. These regulations generally affect taxpayers who file Form 1040 electronically and who are required to file any of the following forms: Form 56, Notice Concerning Fiduciary Relationship; Form 2120, Multiple Support Declaration; Form 2439, Notice to Shareholder of Undistributed Long-Term Capital Gains; Form 3468, Investment Credit; and Form T (Timber), Forest Activities Schedules.

Current Actions: There are no changes being made to this existing regulation.

Type of Review: Extension of currently approved collection.

Affected Public: Business or other for-profit organizations and individuals or households.

Estimated Number of Respondents: 1.

Estimated Time per Respondent: 6 minutes.

Estimated Total Annual Burden Hours: 1.

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. 2011–13133 Filed 5–26–11; 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.

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)). The IRS is soliciting comments concerning information collection requirements related to Compensatory Stock Options Under Section 482.

DATES: Written comments should be received on or before July 26, 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 copies of regulation should be directed to Joel Goldberger, at the Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, by phone at (202) 927–9368, or on the Internet at *Joel.P.Goldberger@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Compensatory Stock Options Under Section 482.

OMB Number: 1545–1794.

Regulation Project Number: REG–106359–02 (T.D. 8989).

Abstract: This document contains final regulations that provide guidance regarding the application of the rules of section 482 governing qualified cost sharing arrangements. These regulations provide guidance regarding the treatment of stockbased compensation for purposes of the rules governing qualified cost sharing arrangements and for purposes of the comparability factors to be considered under the comparable profits method.

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.

Estimated Number of Respondents: 500.

Estimated Time per Respondent: 1 Hour.

Estimated Total Annual Burden Hours: 2000

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 17, 2011.

Yvette B. Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2011–13134 Filed 5–26–11; 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)). The IRS is soliciting comments concerning information collection requirements related to New Markets Tax Credits.

DATES: Written comments should be received on or before July 26, 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 regulation should be directed to Joel Goldberger, (202) 927–9368, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at *Joel.P.Goldberger@irs.gov.*

SUPPLEMENTARY INFORMATION: *Title:* New Markets Tax Credits.

OMB Number: 1545–1765.

Regulation Project Number: REG–119436–01 (T.D. 9171).

Abstract: These regulations finalize the rules relating to the new markets tax credit under section 45D and replace the temporary regulations which expired on December 23, 2004. A taxpayer making a qualified equity investment in a qualified community development entity that has received a new markets tax credit allocation may claim a 5-percent tax credit with respect to the qualified equity investment on each of the first 3 credit allowance dates and a 6-percent tax credit with respect to the qualified equity investment on each of the remaining 4 credit allowance dates.

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: 816.

Estimated Time per Respondents: 15 minutes.

Estimated Total Annual Burden Hours: 210.

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 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 12, 2011.

Yvette B. Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2011–13135 Filed 5–26–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Advisory Group to the Internal Revenue Service Tax Exempt and Government Entities Division (TE/GE); Meeting

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: The Advisory Committee on Tax Exempt and Government Entities (ACT) will hold a public meeting on Wednesday, June 15, 2011.

FOR FURTHER INFORMATION CONTACT: Roberta B. Zarin, Director, TE/GE Communications and Liaison; 1111 Constitution Ave., NW.; SE:T:CL—Penn Bldg; Washington, DC 20224. Telephone: 202–283–8868 (not a toll-free number). E-mail address: *Roberta.B.Zarin@irs.gov*.

SUPPLEMENTARY INFORMATION: By notice herein given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988), a

public meeting of the ACT will be held on Wednesday, June 15, 2011, from 9:30 a.m. to 12:30 p.m., at the Internal Revenue Service; 1111 Constitution Ave., NW.; Room 3313; Washington, DC. Issues to be discussed relate to Employee Plans, Exempt Organizations, and Government Entities.

Reports from five ACT subgroups cover the following topics:

Tax Exempt Bonds:

—The Role of Conduit Issuers in Tax Compliance.

Federal, State and Local Governments:

—Review of the Government Accountability Office (GAO) Report to Congressional Requesters Entitled ''Social Security Administration—Management Oversight Needed to Ensure Accurate Treatment of State and Local Government Employees.''

—Evaluation of, and Recommendations for Improvement to, the Federal, State and Local Governments (FSLG) Web site.

Indian Tribal Governments:

—Supplemental Report on the Implementation of Tribal Economic Development Bonds Under the American Recovery and Reinvestment Act of 2009.

—Survey of Issues Requiring Administrative Guidance in the Wake of Enactment of Section 906 of the Pension Protection Act of 2006.

Exempt Organizations:

—Group Exemptions: Creating a Higher Degree of Transparency, Accountability, and Responsibility.

Employee Plans:

—Recommendations Regarding Pension Outreach to the Small Business Community.

Last minute agenda changes may preclude advance notice. Due to limited seating and security requirements, attendees must call Cynthia PhillipsGrady to confirm their attendance. Ms. PhillipsGrady can be reached at (202) 283–9954.

Attendees are encouraged to arrive at least 30 minutes before the meeting begins to allow sufficient time for security clearance. Photo identification must be presented. Please use the main entrance at 1111 Constitution Ave., NW., to enter the building. Should you wish the ACT to consider a written statement, please call (202) 283–8868, or *write to*: Internal Revenue Service; 1111 Constitution Ave., NW.; SE:T:CL–Penn Bldg; Washington, DC 20224, or e-mail *Roberta.B.Zarin@irs.gov*.

Dated: May 20, 2011.

Roberta B. Zarin,

Designated Federal Official, Tax Exempt and Government Entities Division.

[FR Doc. 2011–13125 Filed 5–26–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Research Advisory Committee on Gulf War Veterans' Illnesses; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 (Federal Advisory Committee Act) that the Research Advisory Committee on Gulf War Veterans' Illnesses will meet on June 27–28, 2011. On June 27, the meeting will be held in room 230 at the Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC. On June 28, the meeting will be held in room 1143 at the Lafayette Building, 811 Vermont Avenue, NW., Washington, DC. The sessions will begin at 8 a.m. each day and adjourn at 5 p.m. on June 27 and at 12:30 p.m. on June 28. The meeting is open to the public.

The purpose of the Committee is to provide advice and make recommendations to the Secretary of Veterans Affairs on proposed research studies, research plans and research strategies relating to the health consequences of military service in the Southwest Asia theater of operations during the Gulf War.

The Committee will review VA program activities related to Gulf War Veterans' illnesses and updates on relevant scientific research published since the last Committee meeting. The session on June 27 will be devoted to presentations and discussion of background information on the Gulf War and Gulf War Veterans' illnesses, immune function and system activation in Gulf War illness, genomics modeling and etiologic factors of Gulf War illness, and possible therapies and treatments for ill Veterans. The session on June 28 will include discussion of Committee business and activities. On both days of the meeting, presentations will be made related to ongoing VA and National Institute for Health research programs.

The meeting will include time reserved for public comments at the end of each day. A sign-up sheet for five-minute comments will be available at the meeting. Individuals who speak are invited to submit a 1–2 page summary of their comments at the time of the meeting for inclusion in the official meeting record. Members of the public may also submit written statements for the Committee's review to Dr. Roberta White, Scientific Director, at *rwhite@bu.edu.* Any member of the public seeking additional information should contact Dr. White at (617) 278–4517 or Dr. William Goldberg, Designated Federal Officer, at (202) 443–5698.

Dated: May 23, 2011.

By Direction of the Secretary.

Vivian Drake,

Acting Committee Management Officer.

[FR Doc. 2011–13128 Filed 5–26–11; 8:45 am]

BILLING CODE P

FEDERAL REGISTER

Vol. 76 Friday,
No. 103 May 27, 2011

Part II

Department of Homeland Security

U.S. Customs and Border Protection

Distribution of Continued Dumping and Subsidy Offset to Affected Domestic Producers; Notice

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Distribution of Continued Dumping and Subsidy Offset to Affected Domestic Producers

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of intent to distribute offset for Fiscal Year 2011.

SUMMARY: Pursuant to the Continued Dumping and Subsidy Offset Act of 2000, this document is U.S. Customs and Border Protection's notice of intent to distribute assessed antidumping or countervailing duties (known as the continued dumping and subsidy offset) for Fiscal Year 2011 in connection with countervailing duty orders, antidumping duty orders, or findings under the Antidumping Act of 1921. This document sets forth the case name and number of each order or finding for which funds may become available for distribution, together with the list of affected domestic producers, based on the list supplied by the United States International Trade Commission (USITC) associated with each order or finding, who are potentially eligible to receive a distribution. This document also provides the instructions for affected domestic producers (and anyone alleging eligibility to receive a distribution) to file certifications to claim a distribution in relation to the listed orders or findings.

DATES: Certifications to obtain a continued dumping and subsidy offset under a particular order or finding must be received by July 26, 2011. Any certification received after July 26, 2011, will be denied, making claimants ineligible for the distribution.

ADDRESSES: Certifications and any other correspondence (whether by mail, or an express or courier service) should be addressed to the Assistant Commissioner, Office of Administration, U.S. Customs and Border Protection, Revenue Division, Attention: Melissa Kurth, 6650 Telecom Drive, Suite 100, Indianapolis, IN 46278.

FOR FURTHER INFORMATION CONTACT: For general questions regarding preparation of certifications, contact Melissa Kurth, Revenue Division, (317) 614–4462. For questions regarding legal aspects, contact Carrie Owens, Office of International Trade, Regulations and Rulings, Entry Process and Duty Refunds, (202) 325–0266.

SUPPLEMENTARY INFORMATION:

Background

The Continued Dumping and Subsidy Offset Act of 2000 (CDSOA) was enacted on October 28, 2000, as part of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (the ''Act''). The provisions of the CDSOA are contained in title X (§§ 1001–1003) of the Act.

The CDSOA, in § 1003 of the Act, amended title VII of the Tariff Act of 1930, as amended, by adding a new § 754 (codified at 19 U.S.C. 1675c) in order to provide that assessed duties received pursuant to a countervailing duty order, an antidumping duty order, or a finding under the Antidumping Act of 1921 will be distributed to affected domestic producers for certain qualifying expenditures that these producers incur after the issuance of such an order or finding. The term ''affected domestic producer'' means any manufacturer, producer, farmer, rancher or worker representative (including associations of such persons) who:

(A) Was a petitioner or interested party in support of a petition with respect to which an antidumping order, a finding under the Antidumping Act of 1921, or a countervailing duty order that has been entered,

(B) Remains in operation continuing to produce the product covered by a countervailing duty order, an antidumping duty order, or a finding under the Antidumping Act of 1921, and

(C) If a company, has not been acquired by another company or business that is related to a company that opposed the antidumping or countervailing duty investigation that led to the order or finding, *e.g.,* opposed the petition or otherwise presented evidence in opposition to the petition.

The distribution that these parties may receive is known as the continued dumping and subsidy offset.

Section 7601(a) of the Deficit Reduction Act of 2005 repealed 19 U.S.C. 1675c. According to § 7701 of the Deficit Reduction Act, the repeal takes effect as if enacted on October 1, 2005. However, § 7601(b) provided that all duties collected on an entry filed before October 1, 2007, shall be distributed as if 19 U.S.C. 1675c had not been repealed by § 7601(a). The funds available for distribution were also affected by Section 822 of the Claims Resolution Act of 2010 and Section 504 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.

Consequently, the full impact of the CDSOA repeal on amounts available for distribution may be delayed for several years. Because of the statutory constraints in the assessments of antidumping and countervailing duties, the distribution process will be continued for an undetermined period; however, the amount of money available for distribution can be expected to diminish over time. It should also be noted that amounts distributed may be subject to recovery as a result of reliquidations, court actions, administrative errors, and other reasons.

List of Orders or Findings and Affected Domestic Producers

It is the responsibility of the U.S. International Trade Commission (USITC) to ascertain and timely forward to U.S. Customs and Border Protection (CBP) a list of the affected domestic producers that are potentially eligible to receive an offset in connection with an order or finding. In this regard, it is noted that USITC has supplied CBP with the list of individual antidumping and countervailing duty cases, and the affected domestic producers associated with each case who are potentially eligible to receive an offset. This list appears at the end of this document.

A significant amount of litigation has challenged various provisions of the CDSOA, most notably the definition of the term ''affected domestic producer.'' In two decisions, the Court of Appeals for the Federal Circuit (CAFC) upheld the constitutionality of the support requirement contained in the CDSOA. In *SKF USA, Inc.* v. *United States,* 556 F. 3d 1337 (Fed. Circ. 2009), the CAFC held that the CDSOA's support requirement did not violate either the First Amendment or the Fifth Amendment. The Supreme Court of the United States denied plaintiff's petition for certiorari, 2010 U.S. Lexis 3940 (May 17, 2010). In *PS Chez Sidney, L.L.C.* v. *United States,* 2010 U.S. App. Lexis 22584 (Fed. Circ. 2010), the CAFC summarily reversed the U.S. Court of International Trade's judgment that the support requirement was unconstitutional, allowing only plaintiff's non-constitutional claims to go forward.

As a result, domestic producers who are not on the USITC list but believe they nonetheless are eligible for a CDSOA distribution under one or more antidumping and/or countervailing duty cases are required, as are all potential claimants that expressly appear on the list, to properly file their certification(s) within 60 days after this notice is published. CBP will evaluate the merits of such claims in accordance with the

relevant statutes, regulations, and decisions. Certifications that are not timely filed within the requisite 60 days will be summarily denied.

It should also be noted that the CAFC ruled in *Canadian Lumber Trade Alliance* v. *United States,* 517 F.3d 1319 (Fed. Cir. 2008), *cert. denied sub nom. United States Steel* v. *Canadian Lumber Trade Alliance,* 129 S. Ct. 344 (2008), that CBP was not authorized to distribute such antidumping and countervailing duties to the extent they were derived from goods from countries that are parties to the North American Free Trade Agreement (NAFTA). Due to this decision, CBP will no longer list cases related to NAFTA on the Preliminary Amounts Available report, and no distributions will be issued on these cases.

Regulations Implementing the CDSOA

It is noted that CBP published Treasury Decision (T.D.) 01–68 (Distribution of Continued Dumping and Subsidy Offset to Affected Domestic Producers) in the **Federal Register** (66 FR 48546) on September 21, 2001, which was effective as of that date, in order to implement the CDSOA. The final rule added a new subpart F to part 159 of title 19, Code of Federal Regulations (19 CFR part 159, subpart F (§§ 159.61–159.64)). More specific guidance regarding the filing of certifications is provided in this notice in order to aid affected domestic producers and other domestic producer alleging eligibility (''claimants'' or ''domestic producers'').

Notice of Intent To Distribute Offset

This document announces that CBP intends to distribute to affected domestic producers the assessed antidumping or countervailing duties that are available for distribution in Fiscal Year 2011 in connection with those antidumping duty orders or findings or countervailing duty orders that are listed in this document. Section 159.62(a) of title 19 (19 CFR 159.62(a)) provides that CBP will publish such a notice of intention to distribute assessed duties at least 90 calendar days before the end of a fiscal year. Failure to publish the notice at least 90 calendar days before the end of the fiscal year will not impact an affected domestic producer's obligation to file a timely certification within 60 days after the notice is published. *See, Dixon Ticonderoga* v. *United States,* 468 F.3d 1353, 1354 (Fed. Cir. 2006).

Certifications; Submission and Content

To obtain a distribution of the offset under a given order or finding, an affected domestic producer (and anyone alleging eligibility to receive a distribution) must submit a certification for each order or finding under which a distribution is sought, to CBP, indicating their desire to receive a distribution. To be eligible to obtain a distribution, certifications must be received by CBP no later than 60 calendar days after the date of publication of this notice of intent to distribute in the **Federal Register**. All certifications not received by the 60th day will not be eligible to receive a distribution.

As required by 19 CFR 159.62(b), this notice provides the case name and number of the order or finding concerned, as well as the specific instructions for filing a certification under § 159.63 to claim a distribution. Section 159.62(b) also provides that the dollar amounts subject to distribution that are contained in the Special Account for each listed order or finding are to appear in this notice. However, these dollar amounts were not available in time for inclusion in this publication. The preliminary amounts will be posted on the CBP Web site (*http://www.cbp.gov*). However, the final amounts available for disbursement may be higher or lower than the preliminary amounts.

CBP will provide general information to claimants regarding the preparation of certification(s). However, it remains the sole responsibility of the domestic producer to ensure that the certification is correct, complete, and accurate so as to demonstrate the eligibility of the domestic producer for the distribution requested. Failure to ensure that the certification is correct, complete, and accurate as provided in this notice will result in the domestic producer not receiving a distribution.

Specifically, to obtain a distribution of the offset under a given order or finding, each potential claimant must timely submit a certification containing the required information detailed below as to the eligibility of the domestic producer to receive the requested distribution and the total amount of the distribution that the domestic producer is claiming. Certifications should be submitted to the Assistant Commissioner, Office of Administration, U.S. Customs and Border Protection, Revenue Division. The certification must enumerate the qualifying expenditures incurred by the domestic producer since the issuance of an order or finding and it must demonstrate that the domestic producer is eligible to receive a distribution as an affected domestic producer or allege another basis for eligibility.

A successor to a company that was an affected domestic producer at the time of acquisition should consult 19 CFR 159.61(b)(1)(i). We note that the successor company may assume joint and several liability for the return of any overpayments arising under § 159.64(c)(3) that were previously paid to the predecessor. CBP may require the successor company to provide documents to support its eligibility to receive a distribution as set out in § 159.63(d).

A member company (or its successor) of an association that appears on the list of affected domestic producers in this notice, where the member company itself does not appear on this list, should consult 19 CFR 159.61(b)(1)(ii). Specifically, for a certification under 19 CFR 159.61(b)(1)(ii), the claimant must name the association of which it is a member and specifically establish that it was a member of the association at the time the association filed the petition with the USITC and establish that the company is a current member of the association. In order to promote accurate filings and more efficiently process the distributions, we offer the following guidance. If claimants are members of an association but the association does not file on their behalf, each association will need to provide their members with a statement which contains notarized company specific information including dates of membership, and an original signature from an authorized representative of the association. An association filing a certification on behalf of a member must also provide a power of attorney or other evidence of legal authorization from each of the domestic producers it is representing. An association filing a certification on behalf of a member is responsible for verifying the accuracy of the member's financial records, which support their claim, and is responsible for that certification. Any association filing a certification on behalf of a member is responsible for verifying the legal sufficiency and accuracy of the member's financial records, which support the claim and may be liable for repayment of any claim found to have been paid in error.

The association may file a certification in its own right to claim an offset for that order or finding, but its qualifying expenditures would be limited to those expenditures that the association itself has incurred after the date of the order or finding in connection with the particular case.

As provided in 19 CFR 159.63(a), certifications to obtain a distribution of an offset must be received by CBP no later than 60 calendar days after the date

of publication of the notice of intent in the **Federal Register**. All certifications received after the 60-day deadline will be summarily denied, making claimants ineligible for the distribution regardless of whether or not they appeared on the USITC list.

A list of all certifications received will be published on the CBP Web site shortly after the receipt deadline. This publication will not confirm acceptance or validity of the certification, but merely receipt of the certification. Due to the high volume of certifications, CBP is unable to respond to individual telephone or written inquiries regarding the status of a certification appearing on the list.

While there is no required format for a certification, CBP has developed a standard certification form to aid claimants in filing certifications. Claimants can obtain a copy of the certification form through the link as follows: *https://www.pay.gov/paygov/forms/formInstance.html?&formRevisionId=21514933&file=1302794382215.pdf.*

The certification form is available at *http://www.pay.gov* under Public Form Name entitled CDSOA. The certification form can be submitted electronically through *http://www.pay.gov* or by mail. All certifications not submitted electronically must include original signatures.

Regardless of the format for a certification, per 19 CFR 159.63(b), the certification must contain the following information:

1. The date of this **Federal Register** notice;
2. The Commerce case number;
3. The case name (producer/country);
4. The name of the domestic producer and any name qualifier, if applicable (for example, any other name under which the domestic producer does business or is also known);
5. The mailing address of the domestic producer (if a post office box, the physical street address must also appear) including, if applicable, a specific room number or department;
6. The Internal Revenue Service (IRS) number (with suffix) of the domestic producer, employer identification number, or social security number, as applicable;
7. The specific business organization of the domestic producer (corporation, partnership, sole proprietorship);
8. The name(s) of any individual(s) designated by the domestic producer as the contact person(s) concerning the certification, together with the phone number(s), mailing address, and, if available, facsimile transmission number(s) and electronic mail (e-mail) address(es) for the person(s). Correspondence from CBP will be directed to the designated contact(s) by either mail or phone or both;
9. The total dollar amount claimed;
10. The dollar amount claimed by category, as described in the section below entitled ''Amount Claimed for Distribution'';
11. A statement of eligibility, as described in the section below entitled ''Eligibility to Receive Distribution''; and
12. For certifications not submitted electronically through *http://www.pay.gov,* an original signature by an individual legally authorized to bind the producer.

Qualifying Expenditure Which May Be Claimed for Distribution

Qualifying expenditures which may be offset by a distribution of assessed antidumping and countervailing duties encompass those expenditures that are incurred by the domestic producer after issuance of an antidumping duty order or finding or a countervailing duty order, and prior to its termination, provided that such expenditures fall within certain categories. The repeal language parallels the termination of an order. Therefore, for duty orders or findings that have not been previously revoked, expenses must be incurred before October 1, 2007 to be eligible for offset. For duty orders or findings that have been revoked, expenses must be incurred before the effective date of the revocation to be eligible for offset. For example, assume for case A–331–802 certain frozen warm-water shrimp and prawns from Ecuador, that the order date is February 1, 2005 and that the revocation effective date is August 15, 2007. In this case, eligible expenditures would have to be incurred between February 1, 2005 and August 15, 2007.

For the convenience and ease of the domestic producers, CBP is providing guidance on what the agency takes into consideration when making a calculation for each of the following categories: (1) Manufacturing facilities (Any facility used for the transformation of raw material into a finished product that is the subject of the related order or finding); (2) Equipment (Goods that are used in a business environment to aid in the manufacturing of a product that is the subject of the related order or finding); (3) Research and development (Seeking knowledge and determining the best techniques for production of the product that is the subject of the related order or finding); (4) Personnel training (Teaching of specific useful skills to personnel, that will improve performance in the production process of the product that is the subject of the related order or finding); (5) Acquisition of technology (Acquisition of applied scientific knowledge and materials to achieve an objective in the production process of the product that is the subject of the related order or finding); (6) Health care benefits for employees paid for by the employer (Health care benefits paid to employees who are producing the specific product that is the subject of the related order or finding); (7) Pension benefits for employees paid for by the employer (Pension benefits paid to employees who are producing the specific product that is the subject of the related order or finding); (8) Environmental equipment, training, or technology (Equipment, training, or technology used in the production of the product that is the subject of the related order or finding, that will assist in preventing potentially harmful factors from impacting the environment); (9) Acquisition of raw materials and other inputs (Purchase of unprocessed materials or other inputs needed for the production of the product that is the subject of the related order or finding); and (10) Working capital or other funds needed to maintain production (Assets of a business that can be applied to its production of the product that is the subject of the related order or finding).

Amount Claimed for Distribution

In calculating the amount of the distribution being claimed as an offset, the certification must indicate: (1) The total amount of any qualifying expenditures previously certified by the domestic producer, and the amount certified by category; (2) The total amount of those expenditures which have been the subject of any prior distribution for the order or finding being certified under 19 U.S.C. 1675c; and (3) The net amount for new and remaining qualifying expenditures being claimed in the current certification (the total amount previously certified as noted in item ''(1)'' above minus the total amount that was the subject of any prior distribution as noted in item ''(2)'' above). In accordance with 19 CFR 159.63(b)(2)(i)–(b)(2)(iii), CBP will deduct the amount of any prior distribution from the producer's claimed amount for that case. Total amounts disbursed by CBP under the CDSOA for Fiscal Years 2001 through 2010 are available on the CBP web site.

Additionally, under 19 CFR 159.61(c), these qualifying expenditures must be related to the production of the same product that is the subject of the order or finding, with the exception of

expenses incurred by associations which must be related to a specific case.

Eligibility To Receive Distribution

As noted, the certification must contain a statement that the domestic producer desires to receive a distribution and is eligible to receive the distribution as an affected domestic producer or on another legal basis. Also, the domestic producer must affirm that the net amount certified for distribution does not encompass any qualifying expenditures for which distribution has previously been made (19 CFR 159.63(b)(3)(i)).

Furthermore, under 19 CFR 159.63(b)(3)(ii), where a domestic producer files a separate certification for more than one order or finding using the same qualifying expenditures as the basis for distribution in each case, each certification must list all the other orders or findings where the producer is claiming the same qualifying expenditures.

Moreover, as required by 19 U.S.C. 1675c(b)(1) and 19 CFR 159.63(b)(3)(iii), the certification must include information as to whether the domestic producer remains in operation at the time the certifications are filed and continues to produce the product covered by the particular order or finding under which the distribution is sought. If a domestic producer is no longer in operation, or no longer produces the product covered by the order or finding, the producer will not be considered an affected domestic producer entitled to receive a distribution.

In addition, as required by 19 U.S.C. 1675c(b)(5) and 19 CFR 159.63(b)(3)(iii), the domestic producer must state whether it has been acquired by a company that opposed the investigation or was acquired by a business related to a company that opposed the investigation. If a domestic producer has been so acquired, the producer will not be considered an affected domestic producer entitled to receive a distribution. However, CBP may not make a final decision regarding a claimant's eligibility to receive funds until certain legal issues which may affect that claimant's eligibility are resolved. In these instances, CBP may withhold an amount of funds corresponding to the claimant's alleged pro rata share of funds from distribution pending the resolution of those legal issues.

The certification must be executed and dated by a party legally authorized to bind the domestic producer and it must state that the information contained in the certification is true and accurate to the best of the certifier's knowledge and belief under penalty of law, and that the domestic producer has records to support the qualifying expenditures being claimed (see section below entitled ''Verification of Certification'').

Moreover as provided in 19 CFR 159.64(b)(3), overpayments to affected domestic producers are recoverable by CBP and CBP reserves the right to use all available collection tools to recover overpayments. Overpayments may occur for a variety of reasons such as reliquidations, court actions, and administrative errors.

Review and Correction of Certification

A certification that is submitted in response to this notice of distribution and received within 60 calendar days after the date of publication of the notice in the **Federal Register** may, at CBP's sole discretion, be subject to review before acceptance to ensure that all informational requirements are complied with and that any amounts set forth in the certification for qualifying expenditures, including the amount claimed for distribution, appear to be correct. A certification that is found to be materially incorrect or incomplete will be returned to the domestic producer within 15 business days after the close of the 60 calendar-day filing period, as provided in 19 CFR 159.63(c). In making this determination, CBP will not speculate as to the reason for the error (*e.g.,* intentional, typographical, *etc.*). CBP must receive a corrected certification from the domestic producer and/or an association filing on behalf of an association member within 10 business days from the date of the original denial letter. Failure to receive a corrected certification within 10 business days will result in denial of the certification at issue. It is the sole responsibility of the domestic producer to ensure that the certification is correct, complete, and satisfactory so as to demonstrate the eligibility of the domestic producer to the distribution requested. Failure to ensure that the certification is correct, complete, and satisfactory will result in the domestic producer not receiving a distribution.

Verification of Certification

Certifications are subject to CBP's verification. Claimants may also be required to provide copies of additional records for further review by CBP. Therefore, parties are required to maintain records supporting their claims for a period of five years after the filing of the certification (19 CFR 159.63(d)). The records must support each qualifying expenditure enumerated in the certification and they must support how the qualifying expenditures are determined to be related to the production of the product covered by the order or finding. Although CBP will accept comments and information from the public and other domestic producers, CBP retains complete discretion regarding the initiation and conduct of investigations stemming from such information.

Disclosure of Information in Certifications; Acceptance by Producer

The name of the claimant, the total dollar amount claimed by the party on the certification, as well as the total dollar amount that CBP actually disburses to that affected domestic producer as an offset, will be available for disclosure to the public, as specified in 19 CFR 159.63(e). To this extent, the submission of the certification is construed as an understanding and acceptance on the part of the domestic producer that this information will be disclosed to the public. Alternatively, a statement in a certification that this information is proprietary and exempt from disclosure will result in CBP's rejection of the certification.

List of Orders or Findings and Related Domestic Producers

The list of individual antidumping duty orders or findings and countervailing duty orders is set forth below together with the affected domestic producers associated with each order or finding who are potentially eligible to receive an offset. Those domestic producers not on the list must allege another basis for eligibility in their certification.

Dated: April 15, 2011.

Eugene Schied,

Assistant Commissioner, Office of Administration.

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
A–122–006	AA1921–49	Steel Jacks/Canada	Bloomfield Manufacturing (formerly Harrah Manufacturing) Seaburn Metal Products
A–122–047	AA1921–127	Elemental Sulphur/Canada	Duval
A–122–085	731–TA–3	Sugar and Syrups/Canada	Amstar Sugar
A–122–401	731–TA–196	Red Raspberries/Canada	Northwest Food Producers' Association Oregon Caneberry Commission Rader Farms Ron Roberts Shuksan Frozen Food Washington Red Raspberry Commission
A–122–503	731–TA–263	Iron Construction Castings/Canada	Alhambra Foundry Allegheny Foundry Bingham & Taylor Campbell Foundry Charlotte Pipe & Foundry Deeter Foundry East Jordan Foundry Le Baron Foundry Municipal Castings Neenah Foundry Opelika Foundry Pinkerton Foundry Tyler Pipe US Foundry & Manufacturing Vulcan Foundry
A–122–506	731–TA–276	Oil Country Tubular Goods/Canada	CF&I Steel Copperweld Tubing Cyclops KPC Lone Star Steel LTV Steel Maverick Tube Quanex US Steel
A–122–601	731–TA–312	Brass Sheet and Strip/Canada	Allied Industrial Workers of America American Brass Bridgeport Brass Chase Brass & Copper Hussey Copper International Association of Machinists & Aerospace Workers Mechanics Educational Society of America (Local 56) The Miller Company Olin Revere Copper Products United Steelworkers of America
A–122–605	731–TA–367	Color Picture Tubes/Canada	Industrial Union Department, AFL–CIO International Association of Machinists & Aerospace Workers International Brotherhood of Electrical Workers International Union of Electronic, Electrical, Technical, Salaried and Machine Workers Philips Electronic Components Group United Steelworkers of America Zenith Electronics
A–122–804	731–TA–422	Steel Rails/Canada	Bethlehem Steel CF&I Steel
A–122–814	731–TA–528	Pure Magnesium/Canada	Magnesium Corporation of America
A–122–822	731–TA–614	Corrosion-Resistant Carbon Steel Flat Products/ Canada.	Armco Steel Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries LTV Steel Lukens Steel National Steel Nextech Rouge Steel Co Sharon Steel Theis Precision Steel

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Thompson Steel
			US Steel
			United Steelworkers of America
			WCI Steel
			Weirton Steel
A–122–823	731–TA–575	Cut-to-Length Carbon Steel Plate/Canada	Bethlehem Steel
			California Steel Industries
			Geneva Steel
			Gulf States Steel
			Inland Steel Industries
			Lukens Steel
			National Steel
			Nextech
			Sharon Steel
			Theis Precision Steel
			Thompson Steel
			US Steel
			United Steelworkers of America
A–122–830	731–TA–789	Stainless Steel Plate in Coils/Canada	Allegheny Ludlum
			Armco Steel
			J&L Specialty Steel
			Lukens Steel
			North American Stainless
A–122–838	731–TA–928	Softwood Lumber/Canada	71 Lumber Co
			Almond Bros Lbr Co
			Anthony Timberlands
			Balfour Lbr Co
			Ball Lumber
			Banks Lumber Company
			Barge Forest Products Co
			Beadles Lumber Co
			Bearden Lumber
			Bennett Lumber
			Big Valley Band Mill
			Bighorn Lumber Co Inc
			Blue Mountain Lumber
			Buddy Bean Lumber
			Burgin Lumber Co Ltd
			Burt Lumber Company
			C&D Lumber Co
			Ceda-Pine Veneer
			Cersosimo Lumber Co Inc
			Charles Ingram Lumber Co Inc
			Charleston Heart Pine
			Chesterfield Lumber
			Chips
			Chocorua Valley Lumber Co
			Claude Howard Lumber
			Clearwater Forest Industries
			CLW Inc
			CM Tucker Lumber Corp
			Coalition for Fair Lumber Imports Executive Committee
			Cody Lumber Co
			Collins Pine Co
			Collums Lumber
			Columbus Lumber Co
			Contoocook River Lumber
			Conway Guiteau Lumber
			Cornwright Lumber Co
			Crown Pacific
			Daniels Lumber Inc
			Dean Lumber Co Inc
			Deltic Timber Corporation
			Devils Tower Forest Products
			DiPrizio Pine Sales
			Dorchester Lumber Co
			DR Johnson Lumber
			East Brainerd Lumber Co
			East Coast Lumber Company
			Eas-Tex Lumber
			ECK Wood Products
			Ellingson Lumber Co

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Elliott Sawmilling Empire Lumber Co Evergreen Forest Products Excalibur Shelving Systems Inc Exley Lumber Co FH Stoltze Land & Lumber Co FL Turlington Lbr Co Inc Fleming Lumber Flippo Lumber Floragen Forest Products Frank Lumber Co Franklin Timber Co Fred Tebb & Sons Fremont Sawmill Frontier Resources Garrison Brothers Lumber Co and Subsidiaries Georgia Lumber Gilman Building Products Godfrey Lumber Granite State Forest Prod Inc Great Western Lumber Co Greenville Molding Inc Griffin Lumber Company Guess Brothers Lumber Gulf Lumber Gulf States Paper Guy Bennett Lumber Hampton Resources Hancock Lumber Hankins Inc Hankins Lumber Co Harrigan Lumber Harwood Products Haskell Lumber Inc Hatfield Lumber Hedstrom Lumber Herrick Millwork Inc HG Toler & Son Lumber Co Inc HG Wood Industries LLC Hogan & Storey Wood Prod Hogan Lumber Co Hood Industries HS Hofler & Sons Lumber Co Inc Hubbard Forest Ind Inc HW Culp Lumber Co Idaho Veneer Co Industrial Wood Products Intermountain Res LLC International Paper J Franklin Jones Lumber Co Inc Jack Batte & Sons Inc Jasper Lumber Company JD Martin Lumber Co JE Jones Lumber Co Jerry G Williams & Sons JH Knighton Lumber Co Johnson Lumber Company Jordan Lumber & Supply Joseph Timber Co JP Haynes Lbr Co Inc JV Wells Inc JW Jones Lumber Keadle Lumber Enterprises Keller Lumber King Lumber Co Konkolville Lumber Langdale Forest Products Laurel Lumber Company Leavitt Lumber Co Leesville Lumber Co Limington Lumber Co Longview Fibre Co Lovell Lumber Co Inc

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			M Kendall Lumber Co Manke Lumber Co Marriner Lumber Co Mason Lumber MB Heath & Sons Lumber Co MC Dixon Lumber Co Inc Mebane Lumber Co Inc Metcalf Lumber Co Inc Millry Mill Co Inc Moose Creek Lumber Co Moose River Lumber Morgan Lumber Co Inc Mount Yonah Lumber Co Nagel Lumber New Kearsarge Corp New South Nicolet Hardwoods Nieman Sawmills SD Nieman Sawmills WY North Florida Northern Lights Timber & Lumber Northern Neck Lumber Co Ochoco Lumber Co Olon Belcher Lumber Co Owens and Hurst Lumber Packaging Corp of America Page & Hill Forest Products Paper, Allied-Industrial, Chemical and Energy Workers International Union Parker Lumber Pate Lumber Co Inc PBS Lumber Pedigo Lumber Co Piedmont Hardwood Lumber Co Pine River Lumber Co Pinecrest Lumber Co Pleasant River Lumber Co Pleasant Western Lumber Inc Plum Creek Timber Pollard Lumber Portac Potlatch Potomac Supply Precision Lumber Inc Pruitt Lumber Inc R Leon Williams Lumber Co RA Yancey Lumber Rajala Timber Co Ralph Hamel Forest Products Randy D Miller Lumber Rappahannock Lumber Co Regulus Stud Mills Inc Riley Creek Lumber Roanoke Lumber Co Robbins Lumber Robertson Lumber Roseburg Forest Products Co Rough & Ready RSG Forest Products Rushmore Forest Products RY Timber Inc Sam Mabry Lumber Co Scotch Lumber SDS Lumber Co Seacoast Mills Inc Seago Lumber Seattle-Snohomish Seneca Sawmill Shaver Wood Products Shearer Lumber Products Shuqualak Lumber SI Storey Lumber Sierra Forest Products

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Sierra Pacific Industries
			Sigfridson Wood Products
			Silver City Lumber Inc
			Somers Lbr & Mfg Inc
			South & Jones
			South Coast
			Southern Forest Industries Inc
			Southern Lumber
			St Laurent Forest Products
			Starfire Lumber Co
			Steely Lumber Co Inc
			Stimson Lumber
			Summit Timber Co
			Sundance Lumber
			Superior Lumber
			Swanson Superior Forest Products Inc
			Swift Lumber
			Tamarack Mill
			Taylor Lumber & Treating Inc
			Temple-Inland Forest Products
			Thompson River Lumber
			Three Rivers Timber
			Thrift Brothers Lumber Co Inc
			Timco Inc
			Tolleson Lumber
			Toney Lumber
			TR Miller Mill Co
			Tradewinds of Virginia Ltd
			Travis Lumber Co
			Tree Source Industries Inc
			Tri-State Lumber
			TTT Studs
			United Brotherhood of Carpenters and Joiners
			Viking Lumber Co
			VP Kiser Lumber Co
			Walton Lumber Co Inc
			Warm Springs Forest Products
			Westvaco Corp
			Wilkins, Kaiser & Olsen Inc
			WM Shepherd Lumber Co
			WR Robinson Lumber Co Inc
			Wrenn Brothers Inc
			Wyoming Sawmills
			Yakama Forest Products
			Younce & Ralph Lumber Co Inc
			Zip-O–Log Mills Inc
A–122–840	731–TA–954	Carbon and Certain Alloy Steel Wire Rod/Canada ..	AmeriSteel
			Birmingham Steel
			Cascade Steel Rolling Mills
			Connecticut Steel Corp
			Co-Steel Raritan
			GS Industries
			Keystone Consolidated Industries
			North Star Steel Texas
			Nucor Steel-Nebraska (a division of Nucor Corp)
			Republic Technologies International
			Rocky Mountain Steel Mills
A–122–847	731–TA–1019B	Hard Red Spring Wheat/Canada	North Dakota Wheat Commission
A–201–504	731–TA–297	Porcelain-on-Steel Cooking Ware/Mexico	General Housewares
A–201–601	731–TA–333	Fresh Cut Flowers/Mexico	Burdette Coward
			California Floral Council
			Floral Trade Council
			Florida Flower Association
			Gold Coast Uanko Nursery
			Hollandia Wholesale Florist
			Manatee Fruit
			Monterey Flower Farms
			Topstar Nursery
A–201–802	731–TA–451	Gray Portland Cement and Clinker/Mexico	Alamo Cement
			Blue Circle
			BoxCrow Cement
			Calaveras Cement
			Capitol Aggregates

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Centex Cement Florida Crushed Stone Gifford-Hill Hanson Permanente Cement Ideal Basic Industries Independent Workers of North America (Locals 49, 52, 89, 192 and 471) International Union of Operating Engineers (Local 12) National Cement Company of Alabama National Cement Company of California Phoenix Cement Riverside Cement Southdown Tarmac America Texas Industries
A–201–805	731–TA–534	Circular Welded Nonalloy Steel Pipe/Mexico	Allied Tube & Conduit American Tube Bull Moose Tube Century Tube CSI Tubular Products Cyclops Laclede Steel LTV Tubular Products Maruichi American Sharon Tube USX Western Tube & Conduit Wheatland Tube
A–201–806	731–TA–547	Carbon Steel Wire Rope/Mexico	Bridon American Macwhyte Paulsen Wire Rope The Rochester Corporation United Automobile, Aerospace and Agricultural Implement Workers (Local 960) Williamsport Wire-rope Works Wire Rope Corporation of America
A–201–809	731–TA–582	Cut-to-Length Carbon Steel Plate/Mexico	Bethlehem Steel California Steel Industries CitiSteel USA Inc Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel US Steel United Steelworkers of America
A–201–817	731–TA–716	Oil Country Tubular Goods/Mexico	IPSCO Koppel Steel Maverick Tube Newport Steel North Star Steel US Steel USS/Kobe
A–201–820	731–TA–747	Fresh Tomatoes/Mexico	Accomack County Farm Bureau Ad Hoc Group of Florida, California, Georgia, Pennsylvania, South Carolina, Tennessee and Virginia Tomato Growers Florida Farm Bureau Federation Florida Fruit and Vegetable Association Florida Tomato Exchange Florida Tomato Growers Exchange Gadsden County Tomato Growers Association South Carolina Tomato Association
A–201–822	731–TA–802	Stainless Steel Sheet and Strip/Mexico	Allegheny Ludlum Armco Bethlehem Steel Carpenter Technology Corp

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			J&L Specialty Steel
			North American Stainless
			United Steelworkers of America
A–201–827	731–TA–848	Large-Diameter Carbon Steel Seamless Pipe/Mexico.	North Star Steel
			Timken
			US Steel
			United Steelworkers of America
			USS/Kobe
A–201–828	731–TA–920	Welded Large Diameter Line Pipe/Mexico	American Cast Iron Pipe
			Berg Steel Pipe
			Bethlehem Steel
			Napa Pipe/Oregon Steel Mills
			Saw Pipes USA
			Stupp
			US Steel
A–201–830	731–TA–958	Carbon and Certain Alloy Steel Wire Rod/Mexico	AmeriSteel
			Birmingham Steel
			Cascade Steel Rolling Mills
			Connecticut Steel Corp
			Co-Steel Raritan
			GS Industries
			Keystone Consolidated Industries
			North Star Steel Texas
			Nucor Steel-Nebraska (a division of Nucor Corp)
			Republic Technologies International
			Rocky Mountain Steel Mills
A–201–831	731–TA–1027 ...	Prestressed Concrete Steel Wire Strand/Mexico	American Spring Wire Corp
			Insteel Wire Products Co
			Sivaco Georgia LLC
			Strand Tech Martin Inc
			Sumiden Wire Products Corp
A–201–834	731–TA–1085 ...	Purified Carboxymethylcellulose/Mexico	Aqualon Co a Division of Hercules Inc
A–274–804	731–TA–961	Carbon and Certain Alloy Steel Wire Rod/Trinidad & Tobago.	AmeriSteel
			Birmingham Steel
			Cascade Steel Rolling Mills
			Connecticut Steel Corp
			Co-Steel Raritan
			GS Industries
			Keystone Consolidated Industries
			North Star Steel Texas
			Nucor Steel-Nebraska (a division of Nucor Corp)
			Republic Technologies International
			Rocky Mountain Steel Mills
A–301–602	731–TA–329	Fresh Cut Flowers/Colombia	Burdette Coward
			California Floral Council
			Floral Trade Council
			Florida Flower Association
			Gold Coast Uanko Nursery
			Hollandia Wholesale Florist
			Manatee Fruit
			Monterey Flower Farms
			Pajaro Valley Greenhouses
			Topstar Nursery
A–307–803	731–TA–519	Gray Portland Cement and Clinker/Venezuela	Florida Crushed Stone
			Southdown
			Tarmac America
A–307–805	731–TA–537	Circular Welded Nonalloy Steel Pipe/Venezuela	Allied Tube & Conduit
			American Tube
			Bull Moose Tube
			Century Tube
			CSI Tubular Products
			Cyclops
			Laclede Steel
			LTV Tubular Products
			Maruichi American
			Sharon Tube
			USX
			Western Tube & Conduit
			Wheatland Tube
A–307–807	731–TA–570	Ferrosilicon/Venezuela	AIMCOR
			Alabama Silicon

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			American Alloys Globe Metallurgical Oil, Chemical and Atomic Workers (Local 389) Silicon Metaltech United Autoworkers of America (Local 523) United Steelworkers of America (Locals 2528, 3081, 5171 and 12646)
A–307–820	731–TA–931	Silicomanganese/Venezuela	Eramet Marietta Paper, Allied-Industrial, Chemical and Energy Workers International Union, Local 5–0639
A–331–602	731–TA–331	Fresh Cut Flowers/Ecuador	Burdette Coward California Floral Council Floral Trade Council Florida Flower Association Gold Coast Uanko Nursery Hollandia Wholesale Florist Manatee Fruit Monterey Flower Farms Topstar Nursery
A–337–803	731–TA–768	Fresh Atlantic Salmon/Chile	Atlantic Salmon of Maine Cooke Aquaculture US DE Salmon Global Aqua USA Island Aquaculture Maine Coast Nordic Scan Am Fish Farms Treats Island Fisheries Trumpet Island Salmon Farm
A–337–804	731–TA–776	Preserved Mushrooms/Chile	LK Bowman Modern Mushroom Farms Monterey Mushrooms Mount Laurel Canning Mushroom Canning Southwood Farms Sunny Dell Foods United Canning
A–337–806	731–TA–948	Individually Quick Frozen Red Raspberries/Chile	A&A Berry Farms Bahler Farms Bear Creek Farms David Burns Columbia Farms Columbia Fruit George Culp Dobbins Berry Farm Enfield Firestone Packing George Hoffman Farms Heckel Farms Wendell Kreder Curt Maberry Maberry Packing Mike & Jean's Nguyen Berry Farms Nick's Acres North Fork Parson Berry Farm Pickin 'N' Pluckin Postage Stamp Farm Rader RainSweet Scenic Fruit Silverstar Farms Tim Straub Thoeny Farms Townsend Tsugawa Farms Updike Berry Farms Van Laeken Farms
A–351–503	731–TA–262	Iron Construction Castings/Brazil	Alhambra Foundry Allegheny Foundry Bingham & Taylor Campbell Foundry Charlotte Pipe & Foundry

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Deeter Foundry
			East Jordan Foundry
			Le Baron Foundry
			Municipal Castings
			Neenah Foundry
			Opelika Foundry
			Pinkerton Foundry
			Tyler Pipe
			US Foundry & Manufacturing
			Vulcan Foundry
A–351–505	731–TA–278	Malleable Cast Iron Pipe Fittings/Brazil	Grinnell
			Stanley G Flagg
			Stockham Valves & Fittings
			U-Brand
			Ward Manufacturing
A–351–602	731–TA–308	Carbon Steel Butt-Weld Pipe Fittings/Brazil	Ladish
			Mills Iron Works
			Steel Forgings
			Tube Forgings of America
			Weldbend
A–351–603	731–TA–311	Brass Sheet and Strip/Brazil	Allied Industrial Workers of America
			American Brass
			Bridgeport Brass
			Chase Brass & Copper
			Hussey Copper
			International Association of Machinists & Aerospace Workers
			Mechanics Educational Society of America (Local 56)
			The Miller Company
			Olin
			Revere Copper Products
			United Steelworkers of America
A–351–605	731–TA–326	Frozen Concentrated Orange Juice/Brazil	Alcoma Packing
			B&W Canning
			Berry Citrus Products
			Caulkins Indiantown Citrus
			Citrus Belle
			Citrus World
			Florida Citrus Mutual
A–351–804	731–TA–439	Industrial Nitrocellulose/Brazil	Hercules
A–351–806	731–TA–471	Silicon Metal/Brazil	American Alloys
			Globe Metallurgical
			International Union of Electronics, Electrical, Machine and Furniture Workers (Local 693)
			Oil, Chemical and Atomic Workers (Local 389)
			Silicon Metaltech
			SiMETCO
			Textile Processors, Service Trades, Health Care Professional and Technical Employees (Local 60)
			United Steelworkers of America (Locals 5171, 8538 and 12646)
A–351–809	731–TA–532	Circular Welded Nonalloy Steel Pipe/Brazil	Allied Tube & Conduit
			American Tube
			Bull Moose Tube
			Century Tube
			CSI Tubular Products
			Cyclops
			Laclede Steel
			LTV Tubular Products
			Maruichi American
			Sharon Tube
			USX
			Western Tube & Conduit
			Wheatland Tube
A–351–817	731–TA–574	Cut-to-Length Carbon Steel Plate/Brazil	Bethlehem Steel
			California Steel Industries
			CitiSteel USA Inc
			Geneva Steel
			Gulf States Steel
			Inland Steel Industries
			Lukens Steel
			National Steel

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Nextech
			Sharon Steel
			Theis Precision Steel
			Thompson Steel
			US Steel
			United Steelworkers of America
A–351–819	731–TA–636	Stainless Steel Wire Rod/Brazil	AL Tech Specialty Steel
			Armco Steel
			Carpenter Technology
			Republic Engineered Steels
			Talley Metals Technology
			United Steelworkers of America
A–351–820	731–TA–641	Ferrosilicon/Brazil	AIMCOR
			Alabama Silicon
			American Alloys
			Globe Metallurgical
			Oil, Chemical and Atomic Workers (Local 389)
			Silicon Metaltech
			United Autoworkers of America (Local 523)
			United Steelworkers of America (Locals 2528, 3081, 5171 and 12646)
A–351–824	731–TA–671	Silicomanganese/Brazil	Elkem Metals
			Oil, Chemical and Atomic Workers (Local 3–639)
A–351–825	731–TA–678	Stainless Steel Bar/Brazil	AL Tech Specialty Steel
			Carpenter Technology
			Crucible Specialty Metals
			Electralloy
			Republic Engineered Steels
			Slater Steels
			Talley Metals Technology
			United Steelworkers of America
A–351–826	731–TA–708	Seamless Pipe/Brazil	Koppel Steel
			Quanex
			Timken
			United States Steel
A–351–828	731–TA–806	Hot-Rolled Carbon Steel Flat Products/Brazil	Acme Steel
			Bethlehem Steel
			California Steel Industries
			Gallatin Steel
			Geneva Steel
			Gulf States Steel
			Independent Steelworkers
			IPSCO
			Ispat/Inland
			LTV Steel
			National Steel
			Nucor
			Rouge Steel Co
			Steel Dynamics
			US Steel
			United Steelworkers of America
			WCI Steel
			Weirton Steel
			Wheeling-Pittsburgh Steel Corp
A–351–832	731–TA–953	Carbon and Certain Alloy Steel Wire Rod/Brazil	AmeriSteel
			Birmingham Steel
			Cascade Steel Rolling Mills
			Connecticut Steel Corp
			Co-Steel Raritan
			GS Industries
			Keystone Consolidated Industries
			North Star Steel Texas
			Nucor Steel-Nebraska (a division of Nucor Corp)
			Republic Technologies International
			Rocky Mountain Steel Mills
A–351–837	731–TA–1024	Prestressed Concrete Steel Wire Strand/Brazil	American Spring Wire Corp
			Insteel Wire Products Co
			Sivaco Georgia LLC
			Strand Tech Martin Inc
			Sumiden Wire Products Corp
A–351–840	731–TA–1089	Certain Orange Juice/Brazil	A Duda & Sons Inc
			Alico Inc
			John Barnelt

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Ben Hill Griffin Inc Bliss Citrus BTS A Florida General Partnership Cain Groves California Citrus Mutual Cedar Haven Inc Citrus World Inc Clonts Groves Inc Davis Enterprises Inc D Edwards Dickinson Evans Properties Inc Florida Citrus Commission Florida Citrus Mutual Florida Farm Bureau Federation Florida Fruit & Vegetable Association Florida State of Department of Citrus Flying V Inc GBS Groves Inc Graves Brothers Co H&S Groves Hartwell Groves Inc Holly Hill Fruit Products Co Jack Melton Family Inc K–Bob Inc L Dicks Inc Lake Pickett Partnership Inc Lamb Revocable Trust Gerilyn Rebecca S Lamb Trustee Lykes Bros Inc Martin J McKenna Orange & Sons Inc Osgood Groves William W Parshall PH Freeman & Sons Pierie Grove Raymond & Melissa Pierie Roper Growers Cooperative Royal Brothers Groves Seminole Tribe of Florida Inc Silverman Groves/Rilla Cooper Smoak Groves Inc Sorrells Groves Inc Southern Gardens Groves Corp Southern Gardens Processing Corp Southern Groves Citrus Sun Ag Inc Sunkist Growers Inc Texas Citrus Exchange Texas Citrus Mutual Texas Produce Association Travis Wise Management Inc Uncle Matt's Fresh Inc Varn Citrus Growers Inc
A–357–007	731–TA–157	Carbon Steel Wire Rod/Argentina	Atlantic Steel Continental Steel Georgetown Steel North Star Steel Raritan River Steel
A–357–405	731–TA–208	Barbed Wire and Barbless Wire Strand/Argentina ...	CF&I Steel Davis Walker Forbes Steel & Wire Oklahoma Steel Wire
A–357–802	731–TA–409	Light-Walled Rectangular Tube/Argentina	Bull Moose Tube Hannibal Industries Harris Tube Maruichi American Searing Industries Southwestern Pipe Western Tube & Conduit
A–357–804	731–TA–470	Silicon Metal/Argentina	American Alloys Elkem Metals Globe Metallurgical International Union of Electronics, Electrical, Machine and Furniture Workers (Local 693)

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Oil, Chemical and Atomic Workers (Local 389) Silicon Metaltech SiMETCO SKW Alloys Textile Processors, Service Trades, Health Care Professional and Technical Employees (Local 60) United Steelworkers of America (Locals 5171, 8538 and 12646)
A–357–809	731–TA–707	Seamless Pipe/Argentina	Koppel Steel Quanex Timken United States Steel
A–357–810	731–TA–711	Oil Country Tubular Goods/Argentina	IPSCO Koppel Steel Lone Star Steel Maverick Tube Newport Steel North Star Steel US Steel USS/Kobe
A–357–812	731–TA–892	Honey/Argentina	AH Meyer & Sons Adee Honey Farms Althoff Apiaries American Beekeeping Federation American Honey Producers Association Anderson Apiaries Arroyo Apiaries Artesian Honey Producers B Weaver Apiaries Bailey Enterprises Barkman Honey Basler Honey Apiary Beals Honey Bears Paw Apiaries Beaverhead Honey Bee Biz Bee Haven Honey Belliston Brothers Apiaries Big Sky Honey Bill Rhodes Honey Richard E Blake Curt Bronnenbery Brown's Honey Farms Brumley's Bees Buhmann Apiaries Carys Honey Farms Chaparrel Honey Charles Apiaries Mitchell Charles Collins Honey Conor Apiaries Coy's Honey Farm Dave Nelson Apiaries Delta Bee Eisele's Pollination & Honey Ellingsoa's Elliott Curtis & Sons Charles L Emmons, Sr Gause Honey Gene Brandi Apiaries Griffith Honey Haff Apiaries Hamilton Bee Farms Hamilton Honey Happie Bee Harvest Honey Harvey's Honey Hiatt Honey Hoffman Honey Hollman Apiaries Honey House Honeybee Apiaries Gary M Honl

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Rand William Honl and Sydney Jo Honl James R & Joann Smith Trust Jaynes Bee Products Johnston Honey Farms Larry Johnston Ke-An Honey Kent Honeybees Lake-Indianhead Honey Farms Lamb's Honey Farm Las Flores Apiaries Mackrill Honey Farms & Sales Raymond Marquette Mason & Sons Honey McCoy's Sunny South Apiaries Merrimack Valley Apiaries & Evergreen Honey Met 2 Honey Farm Missouri River Honey Mitchell Brothers Honey Monda Honey Farm Montana Dakota Honey Northern Bloom Honey Noye's Apiaries Oakes Honey Oakley Honey Farms Old Mill Apiaries Opp Honey Oro Dulce Peterson's "Naturally Sweet" Honey Potoczak Bee Farms Price Apiaries Pure Sweet Honey Farms Robertson Pollination Service Robson Honey William Robson Rosedale Apiaries Ryan Apiaries Schmidt Honey Farms Simpson Apiaries Sioux Honey Association Smoot Honey Solby Honey Stahlman Apiaries Steve E Parks Apiaries Stroope Bee & Honey T&D Honey Bee Talbott's Honey Terry Apiaries Thompson Apiaries Triple A Farm Tropical Blossom Honey Tubbs Apiaries Venable Wholesale Walter L Wilson Buzz 76 Apiaries Wiebersiek Honey Farms Wilmer Farms Brent J Woodworth Wooten's Golden Queens Yaddof Apiaries
A–357–814	731–TA–898	Hot-Rolled Steel Products/Argentina	Bethlehem Steel Gallatin Steel Independent Steelworkers IPSCO LTV Steel National Steel Nucor Rouge Steel Co Steel Dynamics US Steel United Steelworkers of America WCI Steel Inc Weirton Steel Wheeling-Pittsburgh Steel Corp
A–401–040	AA1921–114	Stainless Steel Plate/Sweden	Jessop Steel

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
A–401–601	731–TA–316	Brass Sheet and Strip/Sweden	Allied Industrial Workers of America American Brass Bridgeport Brass Chase Brass & Copper Hussey Copper International Association of Machinists & Aerospace Workers Mechanics Educational Society of America (Local 56) The Miller Company Olin Revere Copper Products United Steelworkers of America
A–401–603	731–TA–354	Stainless Steel Hollow Products/Sweden	AL Tech Specialty Steel Allegheny Ludlum Steel ARMCO Carpenter Technology Crucible Materials Damacus Tubular Products Specialty Tubing Group
A–401–801	731–TA–397–A	Ball Bearings/Sweden	Barden Corp Emerson Power Transmission Kubar Bearings MPB Rollway Bearings Torrington
A–401–801	731–TA–397–B	Cylindrical Roller Bearings/Sweden	Barden Corp Emerson Power Transmission MPB Rollway Bearings Torrington
A–401–805	731–TA–586	Cut-to-Length Carbon Steel Plate/Sweden	Bethlehem Steel California Steel Industries CitiSteel USA Inc Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel US Steel United Steelworkers of America
A–401–806	731–TA–774	Stainless Steel Wire Rod/Sweden	AL Tech Specialty Steel Carpenter Technology Republic Engineered Steels Talley Metals Technology United Steelworkers of America
A–401–808	731–TA–1087 ...	Purified Carboxymethylcellulose/Sweden	Aqualon Co a Division of Hercules Inc
A–403–801	731–TA–454	Fresh and Chilled Atlantic Salmon/Norway	Heritage Salmon The Coalition for Fair Atlantic Salmon Trade
A–405–802	731–TA–576	Cut-to-Length Carbon Steel Plate/Finland	Bethlehem Steel California Steel Industries CitiSteel USA Inc Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel US Steel United Steelworkers of America
A–405–803	731–TA–1084 ...	Purified Carboxymethylcellulose/Finland	Aqualon Co a Division of Hercules Inc
A–412–801	731–TA–399–A	Ball Bearings/United Kingdom	Barden Corp Emerson Power Transmission Kubar Bearings McGill Manufacturing Co MPB

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Rexnord Inc
			Rollway Bearings
			Torrington
A–412–801	731–TA–399–B	Cylindrical Roller Bearings/United Kingdom	Barden Corp
			Emerson Power Transmission
			MPB
			Rollway Bearings
			Torrington
A–412–803	731–TA–443	Industrial Nitrocellulose/United Kingdom	Hercules
A–412–805	731–TA–468	Sodium Thiosulfate/United Kingdom	Calabrian
A–412–814	731–TA–587	Cut-to-Length Carbon Steel Plate/United Kingdom ..	Bethlehem Steel
			California Steel Industries
			CitiSteel USA Inc
			Geneva Steel
			Gulf States Steel
			Inland Steel Industries
			Lukens Steel
			National Steel
			Nextech
			Sharon Steel
			Theis Precision Steel
			Thompson Steel
			US Steel
			United Steelworkers of America
A–412–818	731–TA–804	Stainless Steel Sheet and Strip/United Kingdom	Allegheny Ludlum
			Armco Steel
			Bethlehem Steel
			Butler Armco Independent Union
			Carpenter Technology Corp
			J&L Specialty Steel
			North American Stainless
			United Steelworkers of America
			Zanesville Armco Independent Organization
A–412–822	731–TA–918	Stainless Steel Bar/United Kingdom	Carpenter Technology
			Crucible Specialty Metals
			Electralloy
			Empire Specialty Steel
			Republic Technologies International
			Slater Steels
			United Steelworkers of America
A–421–701	731–TA–380	Brass Sheet and Strip/Netherlands	Allied Industrial Workers of America
			American Brass
			Bridgeport Brass
			Chase Brass & Copper
			Hussey Copper
			International Association of Machinists & Aerospace Workers
			Mechanics Educational Society of America (Local 56)
			The Miller Company
			North Coast Brass & Copper
			Olin
			Pegg Metals
			Revere Copper Products
			United Steelworkers of America
A–421–804	731–TA–608	Cold-Rolled Carbon Steel Flat Products/Netherlands	Armco Steel
			Bethlehem Steel
			California Steel Industries
			Gulf States Steel
			Inland Steel Industries
			LTV Steel
			National Steel
			Nextech
			Rouge Steel Co
			Sharon Steel
			Theis Precision Steel
			Thompson Steel
			US Steel
			United Steelworkers of America
			WCI Steel
			Weirton Steel
A–421–805	731–TA–652	Aramid Fiber/Netherlands	E I du Pont de Nemours
A–421–807	731–TA–903	Hot-Rolled Steel Products/Netherlands	Bethlehem Steel

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Gallatin Steel
			Independent Steelworkers
			IPSCO
			LTV Steel
			National Steel
			Nucor
			Rouge Steel Co
			Steel Dynamics
			US Steel
			United Steelworkers of America
			WCI Steel Inc
			Weirton Steel
			Wheeling-Pittsburgh Steel Corp
A–421–811	731–TA–1086 ...	Purified Carboxymethylcellulose/Netherlands	Aqualon Co a Division of Hercules Inc
A–423–077	AA1921–198	Sugar/Belgium	Florida Sugar Marketing and Terminal Association
A–423–602	731–TA–365	Industrial Phosphoric Acid/Belgium	Albright & Wilson
			FMC
			Hydrite Chemical
			Monsanto
			Stauffer Chemical
A–423–805	731–TA–573	Cut-to-Length Carbon Steel Plate/Belgium	Bethlehem Steel
			California Steel Industries
			CitiSteel USA Inc
			Geneva Steel
			Gulf States Steel
			Inland Steel Industries
			Lukens Steel
			National Steel
			Nextech
			Sharon Steel
			Theis Precision Steel
			Thompson Steel
			US Steel
			United Steelworkers of America
A–423–808	731–TA–788	Stainless Steel Plate in Coils/Belgium	Allegheny Ludlum
			Armco Steel
			Lukens Steel
			North American Stainless
			United Steelworkers of America
A–427–001	731–TA–44	Sorbitol/France	Lonza
			Pfizer
A–427–009	731–TA–96	Industrial Nitrocellulose/France	Hercules
A–427–078	AA1921–199	Sugar/France	Florida Sugar Marketing and Terminal Association
A–427–098	731–TA–25	Anhydrous Sodium Metasilicate/France	PQ
A–427–602	731–TA–313	Brass Sheet and Strip/France	Allied Industrial Workers of America
			American Brass
			Bridgeport Brass
			Chase Brass & Copper
			Hussey Copper
			International Association of Machinists & Aerospace Workers
			Mechanics Educational Society of America (Local 56)
			The Miller Company
			Olin
			Revere Copper Products
			United Steelworkers of America
A–427–801	731–TA–392–A	Ball Bearings/France	Barden Corp
			Emerson Power Transmission
			Kubar Bearings
			McGill Manufacturing Co
			MPB
			Rexnord Inc
			Rollway Bearings
			Torrington
A–427–801	731–TA–392–B	Cylindrical Roller Bearings/France	Barden Corp
			Emerson Power Transmission
			MPB
			Rollway Bearings
			Torrington
A–427–801	731–TA–392–C	Spherical Plain Bearings/France	Barden Corp
			Emerson Power Transmission
			Kubar Bearings

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			McGill Manufacturing Co
			Rexnord Inc
			Rollway Bearings
			Torrington
A–427–804	731–TA–553	Hot-Rolled Lead and Bismuth Carbon Steel Products/France.	Bethlehem Steel
			Inland Steel Industries
			USS/Kobe Steel
A–427–808	731–TA–615	Corrosion-Resistant Carbon Steel Flat Products/France.	Armco Steel
			Bethlehem Steel
			California Steel Industries
			Geneva Steel
			Gulf States Steel
			Inland Steel Industries
			LTV Steel
			Lukens Steel
			National Steel
			Nextech
			Rouge Steel Co
			Sharon Steel
			Theis Precision Steel
			Thompson Steel
			US Steel
			United Steelworkers of America
			WCI Steel
			Weirton Steel
A–427–811	731–TA–637	Stainless Steel Wire Rod/France	AL Tech Specialty Steel
			Armco Steel
			Carpenter Technology
			Republic Engineered Steels
			Talley Metals Technology
			United Steelworkers of America
A–427–814	731–TA–797	Stainless Steel Sheet and Strip/France	Allegheny Ludlum
			Armco Steel
			Bethlehem Steel
			Butler Armco Independent Union
			Carpenter Technology Corp
			North American Stainless
			United Steelworkers of America
			Zanesville Armco Independent Organization
A–427–816	731–TA–816	Cut-to-Length Carbon Steel Plate/France	Bethlehem Steel
			Geneva Steel
			IPSCO Steel
			National Steel
			US Steel
			United Steelworkers of America
A–427–818	731–TA–909	Low Enriched Uranium/France	United States Enrichment Corp
			USEC Inc
A–427–820	731–TA–913	Stainless Steel Bar/France	Carpenter Technology
			Crucible Specialty Metals
			Electralloy
			Empire Specialty Steel
			Republic Technologies International
			Slater Steels
			United Steelworkers of America
A–428–082	AA1921–200	Sugar/Germany	Florida Sugar Marketing and Terminal Association
A–428–602	731–TA–317	Brass Sheet and Strip/Germany	Allied Industrial Workers of America
			American Brass
			Bridgeport Brass
			Chase Brass & Copper
			Hussey Copper
			International Association of Machinists & Aerospace Workers
			Mechanics Educational Society of America (Local 56)
			The Miller Company
			Olin
			Revere Copper Products
			United Steelworkers of America
A–428–801	731–TA–391–A	Ball Bearings/Germany	Barden Corp
			Emerson Power Transmission
			Kubar Bearings
			McGill Manufacturing Co

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			MPB
			Rexnord Inc
			Rollway Bearings
			Torrington
A–428–801	731–TA–391–B	Cylindrical Roller Bearings/Germany	Barden Corp
			Emerson Power Transmission
			MPB
			Rollway Bearings
			Torrington
A–428–801	731–TA–391–C	Spherical Plain Bearings/Germany	Barden Corp
			Emerson Power Transmission
			Rollway Bearings
			Torrington
A–428–802	731–TA–419	Industrial Belts/Germany	The Gates Rubber Company
			The Goodyear Tire and Rubber Company
A–428–803	731–TA–444	Industrial Nitrocellulose/Germany	Hercules
A–428–807	731–TA–465	Sodium Thiosulfate/Germany	Calabrian
A–428–814	731–TA–604	Cold-Rolled Carbon Steel Flat Products/Germany ...	Armco Steel
			Bethlehem Steel
			California Steel Industries
			Gulf States Steel
			Inland Steel Industries
			LTV Steel
			National Steel
			Nextech
			Rouge Steel Co
			Sharon Steel
			Theis Precision Steel
			Thompson Steel
			US Steel
			United Steelworkers of America
			WCI Steel
			Weirton Steel
A–428–815	731–TA–616	Corrosion-Resistant Carbon Steel Flat Products/ Germany.	Armco Steel
			Bethlehem Steel
			California Steel Industries
			Geneva Steel
			Gulf States Steel
			Inland Steel Industries
			LTV Steel
			Lukens Steel
			National Steel
			Nextech
			Rouge Steel Co
			Sharon Steel
			Theis Precision Steel
			Thompson Steel
			US Steel
			United Steelworkers of America
			WCI Steel
			Weirton Steel
A–428–816	731–TA–578	Cut-to-Length Carbon Steel Plate/Germany	Bethlehem Steel
			California Steel Industries
			CitiSteel USA Inc
			Geneva Steel
			Gulf States Steel
			Inland Steel Industries
			Lukens Steel
			National Steel
			Nextech
			Sharon Steel
			Theis Precision Steel
			Thompson Steel
			US Steel
			United Steelworkers of America
A–428–820	731–TA–709	Seamless Pipe/Germany	Koppel Steel
			Quanex
			Timken
			United States Steel
A–428–821	731–TA–736	Large Newspaper Printing Presses/Germany	Rockwell Graphics Systems
A–428–825	731–TA–798	Stainless Steel Sheet and Strip/Germany	Allegheny Ludlum
			Armco Steel

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Bethlehem Steel
			Butler Armco Independent Union
			Carpenter Technology Corp
			J&L Specialty Steel
			North American Stainless
			United Steelworkers of America
			Zanesville Armco Independent Organization
A–428–830	731–TA–914	Stainless Steel Bar/Germany	Carpenter Technology
			Crucible Specialty Metals
			Electralloy
			Empire Specialty Steel
			Republic Technologies International
			Slater Steels
			United Steelworkers of America
A–437–601	731–TA–341	Tapered Roller Bearings/Hungary	L&S Bearing
			Timken
			Torrington
A–437–804	731–TA–426	Sulfanilic Acid/Hungary	Nation Ford Chemical
A–447–801	731–TA–340C ..	Solid Urea/Estonia	Agrico Chemical
			American Cyanamid
			CF Industries
			First Mississippi
			Mississippi Chemical
			Terra International
			WR Grace
A–449–804	731–TA–878	Steel Concrete Reinforcing Bar/Latvia	AB Steel Mill Inc
			AmeriSteel
			Auburn Steel
			Birmingham Steel
			Border Steel
			Cascade Steel Rolling Mills Inc
			CMC Steel Group
			Co-Steel Inc
			Marion Steel
			North Star Steel Co
			Nucor Steel
			Rebar Trade Action Coalition
			Riverview Steel
			Sheffield Steel
			TAMCO
			TXI–Chaparral Steel Co
A–451–801	731–TA–340D ..	Solid Urea/Lithuania	Agrico Chemical
			American Cyanamid
			CF Industries
			First Mississippi
			Mississippi Chemical
			Terra International
			WR Grace
A–455–802	731–TA–583	Cut-to-Length Carbon Steel Plate/Poland	Bethlehem Steel
			California Steel Industries
			CitiSteel USA Inc
			Geneva Steel
			Gulf States Steel
			Inland Steel Industries
			Lukens Steel
			National Steel
			Nextech
			Sharon Steel
			Theis Precision Steel
			Thompson Steel
			US Steel
			United Steelworkers of America
A–455–803	731–TA–880	Steel Concrete Reinforcing Bar/Poland	AB Steel Mill Inc
			AmeriSteel
			Auburn Steel
			Birmingham Steel
			Border Steel
			Cascade Steel Rolling Mills Inc
			CMC Steel Group
			Co-Steel Inc
			Marion Steel
			North Star Steel Co
			Nucor Steel

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Rebar Trade Action Coalition
			Riverview Steel
			Sheffield Steel
			TAMCO
			TXI–Chaparral Steel Co
A–469–007	731–TA–126	Potassium Permanganate/Spain	Carus Chemical
A–469–803	731–TA–585	Cut-to-Length Carbon Steel Plate/Spain	Bethlehem Steel
			California Steel Industries
			Geneva Steel
			Gulf States Steel
			Inland Steel Industries
			Lukens Steel
			National Steel
			Nextech
			Sharon Steel
			Theis Precision Steel
			Thompson Steel
			US Steel
			United Steelworkers of America
A–469–805	731–TA–682	Stainless Steel Bar/Spain	AL Tech Specialty Steel
			Carpenter Technology
			Crucible Specialty Metals
			Electralloy
			Republic Engineered Steels
			Slater Steels
			Talley Metals Technology
			United Steelworkers of America
A–469–807	731–TA–773	Stainless Steel Wire Rod/Spain	AL Tech Specialty Steel
			Carpenter Technology
			Republic Engineered Steels
			Talley Metals Technology
			United Steelworkers of America
A–469–810	731–TA–890	Stainless Steel Angle/Spain	Slater Steels
			United Steelworkers of America
A–469–814	731–TA–1083	Chlorinated Isocyanurates/Spain	BioLab Inc
			Clearon Corp
			Occidental Chemical Corp
A–471–806	731–TA–427	Sulfanilic Acid/Portugal	Nation Ford Chemical
A–475–059	AA1921–167	Pressure-Sensitive Plastic Tape/Italy	Minnesota Mining & Manufacturing
A–475–601	731–TA–314	Brass Sheet and Strip/Italy	Allied Industrial Workers of America
			American Brass
			Bridgeport Brass
			Chase Brass & Copper
			Hussey Copper
			International Association of Machinists & Aerospace Workers
			Mechanics Educational Society of America (Local 56)
			The Miller Company
			Olin
			Revere Copper Products
			United Steelworkers of America
A–475–703	731–TA–385	Granular Polytetrafluoroethylene/Italy	E I du Pont de Nemours
			ICI Americas
A–475–801	731–TA–393–A	Ball Bearings/Italy	Barden Corp
			Emerson Power Transmission
			Kubar Bearings
			McGill Manufacturing Co
			MPB
			Rexnord Inc
			Rollway Bearings
			Torrington
A–475–801	731–TA–393–B	Cylindrical Roller Bearings/Italy	Barden Corp
			Emerson Power Transmission
			MPB
			Rollway Bearings
			Torrington
A–475–802	731–TA–413	Industrial Belts/Italy	The Gates Rubber Company
			The Goodyear Tire and Rubber Company
A–475–811	731–TA–659	Grain-Oriented Silicon Electrical Steel/Italy	Allegheny Ludlum
			Armco Steel
			Butler Armco Independent Union
			United Steelworkers of America

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Zanesville Armco Independent Union
A–475–814	731–TA–710	Seamless Pipe/Italy	Koppel Steel
			Quanex
			Timken
			United States Steel
A–475–816	731–TA–713	Oil Country Tubular Goods/Italy	Bellville Tube
			IPSCO
			Koppel Steel
			Lone Star Steel
			Maverick Tube
			Newport Steel
			North Star Steel
			US Steel
			USS/Kobe
A–475–818	731–TA–734	Pasta/Italy	A Zerega's Sons
			American Italian Pasta
			Borden
			D Merlino & Sons
			Dakota Growers Pasta
			Foulds
			Gilster-Mary Lee
			Gooch Foods
			Hershey Foods
			LaRinascente Macaroni Co
			Pasta USA
			Philadelphia Macaroni
			ST Specialty Foods
A–475–820	731–TA–770	Stainless Steel Wire Rod/Italy	AL Tech Specialty Steel
			Carpenter Technology
			Republic Engineered Steels
			Talley Metals Technology
			United Steelworkers of America
A–475–822	731–TA–790	Stainless Steel Plate in Coils/Italy	Allegheny Ludlum
			Armco Steel
			J&L Specialty Steel
			Lukens Steel
			North American Stainless
			United Steelworkers of America
A–475–824	731–TA–799	Stainless Steel Sheet and Strip/Italy	Allegheny Ludlum
			Armco Steel
			Bethlehem Steel
			Butler Armco Independent Union
			Carpenter Technology Corp
			J&L Specialty Steel
			North American Stainless
			United Steelworkers of America
			Zanesville Armco Independent Organization
A–475–826	731–TA–819	Cut-to-Length Carbon Steel Plate/Italy	Bethlehem Steel
			CitiSteel USA Inc
			Geneva Steel
			Gulf States Steel
			IPSCO Steel
			National Steel
			US Steel
			United Steelworkers of America
A–475–828	731–TA–865	Stainless Steel Butt-Weld Pipe Fittings/Italy	Flo-Mac Inc
			Gerlin
			Markovitz Enterprises
			Shaw Alloy Piping Products
			Taylor Forge Stainless
A–475–829	731–TA–915	Stainless Steel Bar/Italy	Carpenter Technology
			Crucible Specialty Metals
			Electralloy
			Empire Specialty Steel
			Republic Technologies International
			Slater Steels
			United Steelworkers of America
A–479–801	731–TA–445	Industrial Nitrocellulose/Yugoslavia	Hercules
A–484–801	731–TA–406	Electrolytic Manganese Dioxide/Greece	Chemetals
			Kerr-McGee
			Rayovac
A–485–601	731–TA–339	Solid Urea/Romania	Agrico Chemical
			American Cyanamid

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			CF Industries
			First Mississippi
			Mississippi Chemical
			Terra International
			WR Grace
A–485–602	731–TA–345	Tapered Roller Bearings/Romania	L&S Bearing
			Timken
			Torrington
A–485–801	731–TA–395	Ball Bearings/Romania	Barden Corp
			Emerson Power Transmission
			Kubar Bearings
			MPB
			Rollway Bearings
			Torrington
A–485–803	731–TA–584	Cut-to-Length Carbon Steel Plate/Romania	Bethlehem Steel
			California Steel Industries
			CitiSteel USA Inc
			Geneva Steel
			Gulf States Steel
			Inland Steel Industries
			Lukens Steel
			National Steel
			Nextech
			Sharon Steel
			Theis Precision Steel
			Thompson Steel
			US Steel
			United Steelworkers of America
A–485–805	731–TA–849	Small-Diameter Carbon Steel Seamless Pipe/Romania.	Koppel Steel
			North Star Steel
			Sharon Tube
			Timken
			US Steel
			United Steelworkers of America
			USS/Kobe
			Vision Metals' Gulf States Tube
A–485–806	731–TA–904	Hot-Rolled Steel Products/Romania	Bethlehem Steel
			Gallatin Steel
			Independent Steelworkers
			IPSCO
			LTV Steel
			National Steel
			Nucor
			Rouge Steel Co
			Steel Dynamics
			US Steel
			United Steelworkers of America
			WCI Steel Inc
			Weirton Steel
			Wheeling-Pittsburgh Steel Corp
A–489–501	731–TA–273	Welded Carbon Steel Pipe and Tube/Turkey	Allied Tube & Conduit
			American Tube
			Bernard Epps
			Bock Industries
			Bull Moose Tube
			Central Steel Tube
			Century Tube
			Copperweld Tubing
			Cyclops
			Hughes Steel & Tube
			Kaiser Steel
			Laclede Steel
			Maruichi American
			Maverick Tube
			Merchant Metals
			Phoenix Steel
			Pittsburgh Tube
			Quanex
			Sharon Tube
			Southwestern Pipe
			UNR-Leavitt
			Welded Tube

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Western Tube & Conduit
			Wheatland Tube
A–489–602	731–TA–364	Aspirin/Turkey	Dow Chemical
			Monsanto
			Norwich-Eaton
A–489–805	731–TA–735	Pasta/Turkey	A Zerega's Sons
			American Italian Pasta
			Borden
			D Merlino & Sons
			Dakota Growers Pasta
			Foulds
			Gilster-Mary Lee
			Gooch Foods
			Hershey Foods
			LaRinascente Macaroni Co
			Pasta USA
			Philadelphia Macaroni
			ST Specialty Foods
A–489–807	731–TA–745	Steel Concrete Reinforcing Bar/Turkey	AmeriSteel
			Auburn Steel
			Birmingham Steel
			Commercial Metals
			Marion Steel
			New Jersey Steel
A–507–502	731–TA–287	Raw In-Shell Pistachios/Iran	Blackwell Land
			California Pistachio Orchard
			Keenan Farms
			Kern Pistachio Hulling & Drying
			Los Ranchos de Poco Pedro
			Pistachio Producers of California
			TM Duche Nut
A–508–604	731–TA–366	Industrial Phosphoric Acid/Israel	Albright & Wilson
			FMC
			Hydrite Chemical
			Monsanto
			Stauffer Chemical
A–533–502	731–TA–271	Welded Carbon Steel Pipe and Tube/India	Allied Tube & Conduit
			American Tube
			Bernard Epps
			Bock Industries
			Bull Moose Tube
			Central Steel Tube
			Century Tube
			Copperweld Tubing
			Cyclops
			Hughes Steel & Tube
			Kaiser Steel
			Laclede Steel
			Maruichi American
			Maverick Tube
			Merchant Metals
			Phoenix Steel
			Pittsburgh Tube
			Quanex
			Sharon Tube
			Southwestern Pipe
			UNR-Leavitt
			Welded Tube
			Western Tube & Conduit
			Wheatland Tube
A–533–806	731–TA–561	Sulfanilic Acid/India	R–M Industries
A–533–808	731–TA–638	Stainless Steel Wire Rod/India	AL Tech Specialty Steel
			Armco Steel
			Carpenter Technology
			Republic Engineered Steels
			Talley Metals Technology
			United Steelworkers of America
A–533–809	731–TA–639	Forged Stainless Steel Flanges/India	Gerlin
			Ideal Forging
			Maass Flange
			Markovitz Enterprises
A–533–810	731–TA–679	Stainless Steel Bar/India	AL Tech Specialty Steel
			Carpenter Technology

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Crucible Specialty Metals
			Electralloy
			Republic Engineered Steels
			Slater Steels
			Talley Metals Technology
			United Steelworkers of America
A–533–813	731–TA–778	Preserved Mushrooms/India	LK Bowman
			Modern Mushroom Farms
			Monterey Mushrooms
			Mount Laurel Canning
			Mushroom Canning
			Southwood Farms
			Sunny Dell Foods
			United Canning
A–533–817	731–TA–817	Cut-to-Length Carbon Steel Plate/India	Bethlehem Steel
			CitiSteel USA Inc
			Geneva Steel
			Gulf States Steel
			IPSCO Steel
			National Steel
			Tuscaloosa Steel
			US Steel
			United Steelworkers of America
A–533–820	731–TA–900	Hot-Rolled Steel Products/India	Bethlehem Steel
			Gallatin Steel
			Independent Steelworkers
			IPSCO
			LTV Steel
			National Steel
			Nucor
			Rouge Steel Co
			Steel Dynamics
			US Steel
			United Steelworkers of America
			WCI Steel Inc
			Weirton Steel
			Wheeling-Pittsburgh Steel Corp
A–533–823	731–TA–929	Silicomanganese/India	Eramet Marietta
			Paper, Allied-Industrial, Chemical and Energy Workers International Union, Local 5–0639
A–533–824	731–TA–933	Polyethylene Terephthalate Film, Sheet and Strip (PET Film)/India.	DuPont Teijin Films
			Mitsubishi Polyester Film LLC
			SKC America Inc
			Toray Plastics (America)
A–533–828	731–TA–1025 ...	Prestressed Concrete Steel Wire Strand/India	American Spring Wire Corp
			Insteel Wire Products Co
			Sivaco Georgia LLC
			Strand Tech Martin Inc
			Sumiden Wire Products Corp
A–533–838	731–TA–1061 ...	Carbazole Violet Pigment 23/India	Allegheny Color Corp
			Barker Fine Color Inc
			Clariant Corp
			Nation Ford Chemical Co
			Sun Chemical Co
A–533–843	731–TA–1096 ...	Certain Lined Paper School Supplies/India	Fay Paper Products Inc
			MeadWestvaco Consumer & Office Products
			Norcom Inc
			Pacon Corp
			Roaring Spring Blank Book Co
			Top Flight Inc
			United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO–CLC (USW)
A–538–802	731–TA–514	Cotton Shop Towels/Bangladesh	Milliken
A–549–502	731–TA–252	Welded Carbon Steel Pipe and Tube/Thailand	Allied Tube & Conduit
			American Tube
			Bernard Epps
			Bock Industries
			Bull Moose Tube
			Central Steel Tube
			Century Tube

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Copperweld Tubing
			Cyclops
			Hughes Steel & Tube
			Kaiser Steel
			Laclede Steel
			Maruichi American
			Maverick Tube
			Merchant Metals
			Phoenix Steel
			Pittsburgh Tube
			Quanex
			Sharon Tube
			Southwestern Pipe
			UNR-Leavitt
			Welded Tube
			Western Tube & Conduit
			Wheatland Tube
A–549–601	731–TA–348	Malleable Cast Iron Pipe Fittings/Thailand	Grinnell
			Stanley G Flagg
			Stockham Valves & Fittings
			U-Brand
			Ward Manufacturing
A–549–807	731–TA–521	Carbon Steel Butt-Weld Pipe Fittings/Thailand	Hackney
			Ladish
			Mills Iron Works
			Steel Forgings
			Tube Forgings of America
A–549–812	731–TA–705	Furfuryl Alcohol/Thailand	QO Chemicals
A–549–813	731–TA–706	Canned Pineapple/Thailand	International Longshoreman's and Warehouseman's Union
			Maui Pineapple
A–549–817	731–TA–907	Hot-Rolled Steel Products/Thailand	Bethlehem Steel
			Gallatin Steel
			Independent Steelworkers
			IPSCO
			LTV Steel
			National Steel
			Nucor
			Rouge Steel Co
			Steel Dynamics
			US Steel
			United Steelworkers of America
			WCI Steel Inc
			Weirton Steel
			Wheeling-Pittsburgh Steel Corp
A–549–820	731–TA–1028 ...	Prestressed Concrete Steel Wire Strand/Thailand ...	American Spring Wire Corp
			Insteel Wire Products Co
			Sivaco Georgia LLC
			Strand Tech Martin Inc
			Sumiden Wire Products Corp
A–549–821	731–TA–1045 ...	Polyethylene Retail Carrier Bags/Thailand	Aargus Plastics Inc
			Advance Polybags Inc
			Advance Polybags (Nevada) Inc
			Advance Polybags (Northeast) Inc
			Alpha Industries Inc
			Alpine Plastics Inc
			Ampac Packaging LLC
			API Enterprises Inc
			Command Packaging
			Continental Poly Bags Inc
			Durabag Co Inc
			Europackaging LLC
			Genpak LLC (formerly Continental Superbag LLC)
			Genpak LLC (formerly Strout Plastics)
			Hilex Poly Co LLC
			Inteplast Group Ltd
			PCL Packaging Inc
			Poly-Pak Industries Inc
			Roplast Industries Inc
			Superbag Corp
			Unistar Plastics LLC
			Vanguard Plastics Inc
			VS Plastics LLC

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
A–552–801	731–TA–1012 ...	Certain Frozen Fish Fillets/Vietnam	America's Catch Inc Aquafarms Catfish Inc Carolina Classics Catfish Inc Catfish Farmers of America Consolidated Catfish Companies Inc Delta Pride Catfish Inc Fish Processors Inc Guidry's Catfish Inc Haring's Pride Catfish Harvest Select Catfish (Alabama Catfish Inc) Heartland Catfish Co (TT&W Farm Products Inc) Prairie Lands Seafood (Illinois Fish Farmers Cooperative) Pride of the Pond Pride of the South Catfish Inc Prime Line Inc Seabrook Seafood Inc Seacat (Arkansas Catfish Growers) Simmons Farm Raised Catfish Inc Southern Pride Catfish LLC Verret Fisheries Inc
A–557–805	731–TA–527	Extruded Rubber Thread/Malaysia	Globe Manufacturing North American Rubber Thread
A–557–809	731–TA–866	Stainless Steel Butt-Weld Pipe Fittings/Malaysia	Flo-Mac Inc Gerlin Markovitz Enterprises Shaw Alloy Piping Products Taylor Forge Stainless
A–557–813	731–TA–1044 ...	Polyethylene Retail Carrier Bags/Malaysia	Aargus Plastics Inc Advance Polybags Inc Advance Polybags (Nevada) Inc Advance Polybags (Northeast) Inc Alpha Industries Inc Alpine Plastics Inc Ampac Packaging LLC API Enterprises Inc Command Packaging Continental Poly Bags Inc Durabag Co Inc Europackaging LLC Genpak LLC (formerly Continental Superbag LLC) Genpak LLC (formerly Strout Plastics) Hilex Poly Co LLC Inteplast Group Ltd PCL Packaging Inc Poly-Pak Industries Inc Roplast Industries Inc Superbag Corp Unistar Plastics LLC Vanguard Plastics Inc VS Plastics LLC
A–559–502	731–TA–296	Small Diameter Standard and Rectangular Pipe and Tube/Singapore.	Allied Tube & Conduit American Tube Bull Moose Tube Cyclops Hannibal Industries Laclede Steel Pittsburgh Tube Sharon Tube Western Tube & Conduit Wheatland Tube
A–559–601	731–TA–370	Color Picture Tubes/Singapore	Industrial Union Department, AFL–CIO International Association of Machinists & Aerospace Workers International Brotherhood of Electrical Workers International Union of Electronic, Electrical, Technical, Salaried and Machine Workers Philips Electronic Components Group United Steelworkers of America Zenith Electronics
A–559–801	731–TA–396	Ball Bearings/Singapore	Barden Corp Emerson Power Transmission

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Kubar Bearings
			McGill Manufacturing Co
			MPB
			Rexnord Inc
			Rollway Bearings
			Torrington
A–559–802	731–TA–415	Industrial Belts/Singapore	The Gates Rubber Company
			The Goodyear Tire and Rubber Company
A–560–801	731–TA–742	Melamine Institutional Dinnerware/Indonesia	Carlisle Food Service Products
			Lexington United
			Plastics Manufacturing
A–560–802	731–TA–779	Preserved Mushrooms/Indonesia	LK Bowman
			Modern Mushroom Farms
			Monterey Mushrooms
			Mount Laurel Canning
			Mushroom Canning
			Southwood Farms
			Sunny Dell Foods
			United Canning
A–560–803	731–TA–787	Extruded Rubber Thread/Indonesia	North American Rubber Thread
A–560–805	731–TA–818	Cut-to-Length Carbon Steel Plate/Indonesia	Bethlehem Steel
			CitiSteel USA Inc
			Geneva Steel
			Gulf States Steel
			IPSCO Steel
			National Steel
			Tuscaloosa Steel
			US Steel
			United Steelworkers of America
A–560–811	731–TA–875	Steel Concrete Reinforcing Bar/Indonesia	AB Steel Mill Inc
			AmeriSteel
			Birmingham Steel
			Border Steel
			Cascade Steel Rolling Mills Inc
			CMC Steel Group
			Co-Steel Inc
			Marion Steel
			North Star Steel Co
			Nucor Steel
			Rebar Trade Action Coalition
			Riverview Steel
			Sheffield Steel
			TAMCO
			TXI–Chaparral Steel Co
A–560–812	731–TA–901	Hot-Rolled Steel Products/Indonesia	Bethlehem Steel
			Gallatin Steel
			Independent Steelworkers
			IPSCO
			LTV Steel
			National Steel
			Nucor
			Rouge Steel Co
			Steel Dynamics
			US Steel
			United Steelworkers of America
			WCI Steel Inc
			Weirton Steel
			Wheeling-Pittsburgh Steel Corp
A–560–815	731–TA–957	Carbon and Certain Alloy Steel Wire Rod/Indonesia	AmeriSteel
			Birmingham Steel
			Cascade Steel Rolling Mills
			Connecticut Steel Corp
			Co-Steel Raritan
			GS Industries
			Keystone Consolidated Industries
			North Star Steel Texas
			Nucor Steel-Nebraska (a division of Nucor Corp)
			Republic Technologies International
			Rocky Mountain Steel Mills
A–560–818	731–TA–1097 ...	Certain Lined Paper School Supplies/Indonesia	Fay Paper Products Inc
			MeadWestvaco Consumer & Office Products
			Norcom Inc
			Pacon Corp

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Roaring Spring Blank Book Co
			Top Flight Inc
			United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO–CLC (USW)
A–565–801	731–TA–867	Stainless Steel Butt-Weld Pipe Fittings/Philippines ..	Flo-Mac Inc
			Gerlin
			Markovitz Enterprises
			Shaw Alloy Piping Products
			Taylor Forge Stainless
A–570–001	731–TA–125	Potassium Permanganate/China	Carus Chemical
A–570–002	731–TA–130	Chloropicrin/China	LCP Chemicals & Plastics
			Niklor Chemical
A–570–003	731–TA–103	Cotton Shop Towels/China	Milliken
			Texel Industries
			Wikit
A–570–007	731–TA–149	Barium Chloride/China	Chemical Products
A–570–101	731–TA–101	Greige Polyester Cotton Printcloth/China	Alice Manufacturing
			Clinton Mills
			Dan River
			Greenwood Mills
			Hamrick Mills
			M Lowenstein
			Mayfair Mills
			Mount Vernon Mills
A–570–501	731–TA–244	Natural Bristle Paint Brushes/China	Baltimore Brush
			Bestt Liebco
			Elder & Jenks
			EZ Paintr
			H&G Industries
			Joseph Lieberman & Sons
			Purdy
			Rubberset
			Thomas Paint Applicators
			Wooster Brush
A–570–502	731–TA–265	Iron Construction Castings/China	Alhambra Foundry
			Allegheny Foundry
			Bingham & Taylor
			Campbell Foundry
			Charlotte Pipe & Foundry
			Deeter Foundry
			East Jordan Foundry
			Le Baron Foundry
			Municipal Castings
			Neenah Foundry
			Opelika Foundry
			Pinkerton Foundry
			Tyler Pipe
			US Foundry & Manufacturing
			Vulcan Foundry
A–570–504	731–TA–282	Petroleum Wax Candles/China	The AI Root Company
			Candle Artisans Inc
			Candle-Lite
			Cathedral Candle
			Colonial Candle of Cape Cod
			General Wax & Candle
			Lenox Candles
			Lumi-Lite Candle
			Meuch-Kreuzer Candle
			National Candle Association
			Will & Baumer
			WNS
A–570–506	731–TA–298	Porcelain-on-Steel Cooking Ware/China	General Housewares
A–570–601	731–TA–344	Tapered Roller Bearings/China	L&S Bearing
			Timken
			Torrington
A–570–802	731–TA–441	Industrial Nitrocellulose/China	Hercules
A–570–803	731–TA–457–A	Axes and Adzes/China	Council Tool Co Inc
			Warwood Tool
			Woodings-Verona
A–570–803	731–TA–457–B	Bars and Wedges/China	Council Tool Co Inc
			Warwood Tool

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Woodings-Verona
A–570–803	731–TA–457–C	Hammers and Sledges/China	Council Tool Co Inc
			Warwood Tool
			Woodings-Verona
A–570–803	731–TA–457–D	Picks and Mattocks/China	Council Tool Co Inc
			Warwood Tool
			Woodings-Verona
A–570–804	731–TA–464	Sparklers/China	BJ Alan
			Diamond Sparkler
			Elkton Sparkler
A–570–805	731–TA–466	Sodium Thiosulfate/China	Calabrian
A–570–806	731–TA–472	Silicon Metal/China	American Alloys
			Elkem Metals
			Globe Metallurgical
			International Union of Electronics, Electrical, Machine and Furniture Workers (Local 693)
			Oil, Chemical and Atomic Workers (Local 389)
			Silicon Metaltech
			SiMETCO
			SKW Alloys
			Textile Processors, Service Trades, Health Care Professional and Technical Employees (Local 60)
			United Steelworkers of America (Locals 5171, 8538 and 12646)
A–570–808	731–TA–474	Chrome-Plated Lug Nuts/China	Consolidated International Automotive
			Key Manufacturing
			McGard
A–570–811	731–TA–497	Tungsten Ore Concentrates/China	Curtis Tungsten
			US Tungsten
A–570–814	731–TA–520	Carbon Steel Butt-Weld Pipe Fittings/China	Hackney
			Ladish
			Mills Iron Works
			Steel Forgings
			Tube Forgings of America
A–570–815	731–TA–538	Sulfanilic Acid/China	R–M Industries
A–570–819	731–TA–567	Ferrosilicon/China	AIMCOR
			Alabama Silicon
			American Alloys
			Globe Metallurgical
			Oil, Chemical and Atomic Workers (Local 389)
			Silicon Metaltech
			United Autoworkers of America (Local 523)
			United Steelworkers of America (Locals 2528, 3081, 5171 and 12646)
A–570–822	731–TA–624	Helical Spring Lock Washers/China	Illinois Tool Works
A–570–825	731–TA–653	Sebacic Acid/China	Union Camp
A–570–826	731–TA–663	Paper Clips/China	ACCO USA
			Labelon/Noesting
			TRICO Manufacturing
A–570–827	731–TA–669	Cased Pencils/China	Blackfeet Indian Writing Instrument
			Dixon-Ticonderoga
			Empire Berol
			Faber-Castell
			General Pencil
			JR Moon Pencil
			Musgrave Pen & Pencil
			Panda
			Writing Instrument Manufacturers Association, Pencil Section
A–570–828	731–TA–672	Silicomanganese/China	Elkem Metals
			Oil, Chemical and Atomic Workers (Local 3–639)
A–570–830	731–TA–677	Coumarin/China	Rhone-Poulenc
A–570–831	731–TA–683	Fresh Garlic/China	A&D Christopher Ranch
			Belridge Packing
			Colusa Produce
			Denice & Filice Packing
			El Camino Packing
			The Garlic Company
			Vessey and Company
A–570–832	731–TA–696	Pure Magnesium/China	Dow Chemical
			International Union of Operating Engineers (Local 564)
			Magnesium Corporation of America

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			United Steelworkers of America (Local 8319)
A–570–835	731–TA–703	Furfuryl Alcohol/China	QO Chemicals
A–570–836	731–TA–718	Glycine/China	Chattem
			Hampshire Chemical
A–570–840	731–TA–724	Manganese Metal/China	Elkem Metals
			Kerr-McGee
A–570–842	731–TA–726	Polyvinyl Alcohol/China	Air Products and Chemicals
A–570–844	731–TA–741	Melamine Institutional Dinnerware/China	Carlisle Food Service Products
			Lexington United
			Plastics Manufacturing
A–570–846	731–TA–744	Brake Rotors/China	Brake Parts
			Coalition for the Preservation of American Brake Drum and Rotor Aftermarket Manufacturers
			Iroquois Tool Systems
			Kelsey Hayes
			Kinetic Parts Manufacturing
			Overseas Auto Parts
			Wagner Brake
A–570–847	731–TA–749	Persulfates/China	FMC
A–570–848	731–TA–752	Crawfish Tail Meat/China	A&S Crawfish
			Acadiana Fisherman's Co-Op
			Arnaudville Seafood
			Atchafalaya Crawfish Processors
			Basin Crawfish Processors
			Bayou Land Seafood
			Becnel's Meat & Seafood
			Bellard's Poultry & Crawfish
			Bonanza Crawfish Farm
			Cajun Seafood Distributors
			Carl's Seafood
			Catahoula Crawfish
			Choplin SFD
			CJ's Seafood & Purged Crawfish
			Clearwater Crawfish
			Crawfish Processors Alliance
			Harvey's Seafood
			Lawtell Crawfish Processors
			Louisiana Premium Seafoods
			Louisiana Seafood
			LT West
			Phillips Seafood
			Prairie Cajun Wholesale Seafood Dist
			Riceland Crawfish
			Schexnider Crawfish
			Seafood International Distributors
			Sylvester's Processors
			Teche Valley Seafood
A–570–849	731–TA–753	Cut-to-Length Carbon Steel Plate/China	Acme Metals Inc
			Bethlehem Steel
			CitiSteel USA Inc
			Geneva Steel
			Gulf States Steel
			Lukens Inc
			National Steel
			US Steel
			United Steelworkers of America
A–570–850	731–TA–757	Collated Roofing Nails/China	Illinois Tool Works
			International Staple and Machines
			Stanley-Bostitch
A–570–851	731–TA–777	Preserved Mushrooms/China	LK Bowman
			Modern Mushroom Farms
			Monterey Mushrooms
			Mount Laurel Canning
			Mushroom Canning
			Southwood Farms
			Sunny Dell Foods
			United Canning
A–570–852	731–TA–814	Creatine Monohydrate/China	Pfanstiehl Laboratories
A–570–853	731–TA–828	Aspirin/China	Rhodia
A–570–855	731–TA–841	Non-Frozen Apple Juice Concentrate/China	Coloma Frozen Foods
			Green Valley Apples of California
			Knouse Foods Coop
			Mason County Fruit Packers Coop

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Tree Top
A–570–856	731–TA–851	Synthetic Indigo/China	Buffalo Color
			United Steelworkers of America
A–570–860	731–TA–874	Steel Concrete Reinforcing Bar/China	AB Steel Mill Inc
			AmeriSteel
			Auburn Steel
			Birmingham Steel
			Border Steel
			Cascade Steel Rolling Mills Inc
			CMC Steel Group
			Co-Steel Inc
			Marion Steel
			North Star Steel Co
			Nucor Steel
			Rebar Trade Action Coalition
			Riverview Steel
			Sheffield Steel
			TAMCO
			TXI–Chaparral Steel Co
A–570–862	731–TA–891	Foundry Coke/China	ABC Coke
			Citizens Gas and Coke Utility
			Erie Coke
			Sloss Industries Corp
			Tonawanda Coke
			United Steelworkers of America
A–570–863	731–TA–893	Honey/China	AH Meyer & Sons
			Adee Honey Farms
			Althoff Apiaries
			American Beekeeping Federation
			American Honey Producers Association
			Anderson Apiaries
			Arroyo Apiaries
			Artesian Honey Producers
			B Weaver Apiaries
			Bailey Enterprises
			Barkman Honey
			Basler Honey Apiary
			Beals Honey
			Bears Paw Apiaries
			Beaverhead Honey
			Bee Biz
			Bee Haven Honey
			Belliston Brothers Apiaries
			Big Sky Honey
			Bill Rhodes Honey
			Richard E Blake
			Curt Bronnenbery
			Brown's Honey Farms
			Brumley's Bees
			Buhmann Apiaries
			Carys Honey Farms
			Chaparrel Honey
			Charles Apiaries
			Mitchell Charles
			Collins Honey
			Conor Apiaries
			Coy's Honey Farm
			Dave Nelson Apiaries
			Delta Bee
			Eisele's Pollination & Honey
			Ellingsoa's
			Elliott Curtis & Sons
			Charles L Emmons, Sr
			Gause Honey
			Gene Brandi Apiaries
			Griffith Honey
			Haff Apiaries
			Hamilton Bee Farms
			Hamilton Honey
			Happie Bee
			Harvest Honey
			Harvey's Honey
			Hiatt Honey

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Hoffman Honey
			Hollman Apiaries
			Honey House
			Honeybee Apiaries
			Gary M Honl
			Rand William Honl and Sydney Jo Honl
			James R & Joann Smith Trust
			Jaynes Bee Products
			Johnston Honey Farms
			Larry Johnston
			Ke-An Honey
			Kent Honeybees
			Lake-Indianhead Honey Farms
			Lamb's Honey Farm
			Las Flores Apiaries
			Mackrill Honey Farms & Sales
			Raymond Marquette
			Mason & Sons Honey
			McCoy's Sunny South Apiaries
			Merrimack Valley Apiaries & Evergreen Honey
			Met 2 Honey Farm
			Missouri River Honey
			Mitchell Brothers Honey
			Monda Honey Farm
			Montana Dakota Honey
			Northern Bloom Honey
			Noye's Apiaries
			Oakes Honey
			Oakley Honey Farms
			Old Mill Apiaries
			Opp Honey
			Oro Dulce
			Peterson's ''Naturally Sweet'' Honey
			Potoczak Bee Farms
			Price Apiaries
			Pure Sweet Honey Farms
			Robertson Pollination Service
			Robson Honey
			William Robson
			Rosedale Apiaries
			Ryan Apiaries
			Schmidt Honey Farms
			Simpson Apiaries
			Sioux Honey Association
			Smoot Honey
			Solby Honey
			Stahlman Apiaries
			Steve E Parks Apiaries
			Stroope Bee & Honey
			T&D Honey Bee
			Talbott's Honey
			Terry Apiaries
			Thompson Apiaries
			Triple A Farm
			Tropical Blossom Honey
			Tubbs Apiaries
			Venable Wholesale
			Walter L Wilson Buzz 76 Apiaries
			Wiebersiek Honey Farms
			Wilmer Farms
			Brent J Woodworth
			Wooten's Golden Queens
			Yaddof Apiaries
A–570–864	731–TA–895	Pure Magnesium (Granular)/China	Concerned Employees of Northwest Alloys
			Magnesium Corporation of America
			United Steelworkers of America
			United Steelworkers of America (Local 8319)
A–570–865	731–TA–899	Hot-Rolled Steel Products/China	Bethlehem Steel
			Gallatin Steel
			Independent Steelworkers
			IPSCO
			LTV Steel
			National Steel

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Nucor
			Rouge Steel Co
			Steel Dynamics
			US Steel
			United Steelworkers of America
			WCI Steel Inc
			Weirton Steel
			Wheeling-Pittsburgh Steel Corp
A–570–866	731–TA–921	Folding Gift Boxes/China	Field Container
			Harvard Folding Box
			Sterling Packaging
			Superior Packaging
A–570–867	731–TA–922	Automotive Replacement Glass Windshields/China	PPG Industries
			Safelite Glass
			Viracon/Curvlite Inc
			Visteon Corporation
A–570–868	731–TA–932	Folding Metal Tables and Chairs/China	Krueger International
			McCourt Manufacturing
			Meco
			Virco Manufacturing
A–570–873	731–TA–986	Ferrovanadium/China	Bear Metallurgical Co
			Shieldalloy Metallurgical Corp
A–570–875	731–TA–990	Non-Malleable Cast Iron Pipe Fittings/China	Anvil International Inc
			Buck Co Inc
			Frazier & Frazier Industries
			Ward Manufacturing Inc
A–570–877	731–TA–1010 ...	Lawn and Garden Steel Fence Posts/China	Steel City Corp
A–570–878	731–TA–1013 ...	Saccharin/China	PMC Specialties Group Inc
A–570–879	731–TA–1014 ...	Polyvinyl Alcohol/China	Celanese Ltd
			E I du Pont de Nemours & Co
A–570–880	731–TA–1020 ...	Barium Carbonate/China	Chemical Products Corp
A–570–881	731–TA–1021 ...	Malleable Iron Pipe Fittings/China	Anvil International Inc
			Buck Co Inc
			Ward Manufacturing Inc
A–570–882	731–TA–1022 ...	Refined Brown Aluminum Oxide/China	C–E Minerals
			Treibacher Schleifmittel North America Inc
			Washington Mills Co Inc
A–570–884	731–TA–1034 ...	Certain Color Television Receivers/China	Five Rivers Electronic Innovations LLC
			Industrial Division of the Communications Workers of America (IUECWA)
			International Brotherhood of Electrical Workers (IBEW)
A–570–886	731–TA–1043 ...	Polyethylene Retail Carrier Bags/China	Aargus Plastics Inc
			Advance Polybags Inc
			Advance Polybags (Nevada) Inc
			Advance Polybags (Northeast) Inc
			Alpha Industries Inc
			Alpine Plastics Inc
			Ampac Packaging LLC
			API Enterprises Inc
			Command Packaging
			Continental Poly Bags Inc
			Durabag Co Inc
			Europackaging LLC
			Genpak LLC (formerly Continental Superbag LLC)
			Genpak LLC (formerly Strout Plastics)
			Hilex Poly Co LLC
			Inteplast Group Ltd
			PCL Packaging Inc
			Poly-Pak Industries Inc
			Roplast Industries Inc
			Superbag Corp
			Unistar Plastics LLC
			Vanguard Plastics Inc
			VS Plastics LLC
A–570–887	731–TA–1046 ...	Tetrahydrofurfuryl Alcohol/China	Penn Specialty Chemicals Inc
A–570–888	731–TA–1047 ...	Ironing Tables and Certain Parts Thereof/China	Home Products International Inc
A–570–890	731–TA–1058 ...	Wooden Bedroom Furniture/China	American Drew
			American of Martinsville
			Bassett Furniture Industries Inc
			Bebe Furniture
			Carolina Furniture Works Inc
			Carpenters Industrial Union Local 2093

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Century Furniture Industries Country Craft Furniture Inc Craftique Crawford Furniture Mfg Corp EJ Victor Inc Forest Designs Harden Furniture Inc Hart Furniture Higdon Furniture Co IUE Industrial Division of CWA Local 82472 Johnston Tombigbee Furniture Mfg Co Kincaid Furniture Co Inc L & J G Stickley Inc Lea Industries Michels & Co MJ Wood Products Inc Mobel Inc Modern Furniture Manufacturers Inc Moosehead Mfg Co Oakwood Interiors O'Sullivan Industries Inc Pennsylvania House Inc Perdues Inc Sandberg Furniture Mfg Co Inc Stanley Furniture Co Inc Statton Furniture Mfg Assoc T Copeland & Sons Teamsters, Chauffeurs, Warehousemen and Helpers Local 991 Tom Seely Furniture UBC Southern Council of Industrial Workers Local Union 2305 United Steelworkers of America Local 193U Vaughan Furniture Co Inc Vaughan-Bassett Furniture Co Inc Vermont Tubbs Webb Furniture Enterprises Inc
A–570–891	731–TA–1059 ...	Hand Trucks and Certain Parts Thereof/China	B&P Manufacturing Gleason Industrial Products Inc Harper Trucks Inc Magline Inc Precision Products Inc Wesco Industrial Products Inc
A–570–892	731–TA–1060 ...	Carbazole Violet Pigment 23/China	Allegheny Color Corp Barker Fine Color Inc Clariant Corp Nation Ford Chemical Co Sun Chemical Co
A–570–894	731–TA–1070 ...	Certain Tissue Paper Products/China	American Crepe Corp Cindus Corp Eagle Tissue LLC Flower City Tissue Mills Co and Subsidiary Garlock Printing & Converting Corp Green Mtn Specialties Inc Hallmark Cards Inc Pacon Corp Paper, Allied-Industrial, Chemical and Energy Workers International Union AFL–CIO (''PACE'') Paper Service LTD Putney Paper Seaman Paper Co of MA Inc
A–570–895	731–TA–1069 ...	Certain Crepe Paper Products/China	American Crepe Corp Cindus Corp Paper, Allied-Industrial, Chemical and Energy Workers International Union AFL–CIO (''PACE'') Seaman Paper Co of MA Inc
A–570–896	731–TA–1071 ...	Alloy Magnesium/China	Garfield Alloys Inc Glass, Molders, Pottery, Plastics & Allied Workers International Local 374 Halaco Engineering MagReTech Inc United Steelworkers of America Local 8319 US Magnesium LLC

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
A–570–899	731–TA–1091 ...	Artists' Canvas/China	Duro Art Industries ICG/Holliston Mills Inc Signature World Class Canvas LLC Tara Materials Inc
A–570–898	731–TA–1082 ...	Chlorinated Isocyanurates/China	BioLab Inc Clearon Corp Occidental Chemical Corp
A–570–901	731–TA–1095 ...	Certain Lined Paper School Supplies/China	Fay Paper Products Inc MeadWestvaco Consumer & Office Products Norcom Inc Pacon Corp Roaring Spring Blank Book Co Top Flight Inc United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO–CLC (USW)
A–570–904	731–TA–1103 ...	Certain Activated Carbon/China	Calgon Carbon Corp Norit Americas Inc
A–570–905	731–TA–1104 ...	Certain Polyester Staple Fiber/China	DAK Americas LLC Formed Fiber Technologies LLC Nan Ya Plastics Corp America Palmetto Synthetics LLC United Synthetics Inc (USI) Wellman Inc
A–570–908	731–TA–1110 ...	Sodium Hexametaphosphate (SHMP)/China	ICL Performance Products LP Innophos Inc
A–580–008	731–TA–134	Color Television Receivers/Korea	Committee to Preserve American Color Television Independent Radionic Workers of America Industrial Union Department, AFL–CIO International Brotherhood of Electrical Workers International Union of Electrical, Radio and Machine Workers
A–580–507	731–TA–279	Malleable Cast Iron Pipe Fittings/Korea	Grinnell Stanley G Flagg Stockham Valves & Fittings U-Brand Ward Manufacturing
A–580–601	731–TA–304	Top-of-the-Stove Stainless Steel Cooking Ware/Korea.	Farberware Regal Ware Revere Copper & Brass WearEver/Proctor Silex
A–580–603	731–TA–315	Brass Sheet and Strip/Korea	Allied Industrial Workers of America American Brass Bridgeport Brass Chase Brass & Copper Hussey Copper International Association of Machinists & Aerospace Workers Mechanics Educational Society of America (Local 56) The Miller Company Olin Revere Copper Products United Steelworkers of America
A–580–605	731–TA–369	Color Picture Tubes/Korea	Industrial Union Department, AFL–CIO International Association of Machinists & Aerospace Workers International Brotherhood of Electrical Workers International Union of Electronic, Electrical, Technical, Salaried and Machine Workers Philips Electronic Components Group United Steelworkers of America Zenith Electronics
A–580–803	731–TA–427	Small Business Telephone Systems/Korea	American Telephone & Telegraph Comdial Eagle Telephonic
A–580–805	731–TA–442	Industrial Nitrocellulose/Korea	Hercules
A–580–807	731–TA–459	Polyethylene Terephthalate Film/Korea	E I du Pont de Nemours Hoechst Celanese ICI Americas
A–580–809	731–TA–533	Circular Welded Nonalloy Steel Pipe/Korea	Allied Tube & Conduit

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			American Tube
			Bull Moose Tube
			Century Tube
			CSI Tubular Products
			Cyclops
			Laclede Steel
			LTV Tubular Products
			Maruichi American
			Sharon Tube
			USX
			Western Tube & Conduit
			Wheatland Tube
A–580–810	731–TA–540	Welded ASTM A–312 Stainless Steel Pipe/Korea ...	Avesta Sandvik Tube
			Bristol Metals
			Crucible Materials
			Damascus Tubular Products
			United Steelworkers of America
A–580–811	731–TA–546	Carbon Steel Wire Rope/Korea	Bridon American
			Macwhyte
			Paulsen Wire Rope
			The Rochester Corporation
			United Automobile, Aerospace and Agricultural Implement Workers (Local 960)
			Williamsport
			Wire-rope Works
			Wire Rope Corporation of America
A–580–812	731–TA–556	DRAMs of 1 Megabit and Above/Korea	Micron Technology
			NEC Electronics
			Texas Instruments
A–580–813	731–TA–563	Stainless Steel Butt-Weld Pipe Fittings/Korea	Flo-Mac Inc
			Gerlin
			Markovitz Enterprises
			Shaw Alloy Piping Products
			Taylor Forge Stainless
A–580–815	731–TA–607	Cold-Rolled Carbon Steel Flat Products/Korea	Armco Steel
			Bethlehem Steel
			California Steel Industries
			Gulf States Steel
			Inland Steel Industries
			LTV Steel
			National Steel
			Nextech
			Rouge Steel Co
			Sharon Steel
			Theis Precision Steel
			Thompson Steel
			US Steel
			United Steelworkers of America
			WCI Steel
			Weirton Steel
A–580–816	731–TA–618	Corrosion-Resistant Carbon Steel Flat Products/Korea.	Armco Steel
			Bethlehem Steel
			California Steel Industries
			Geneva Steel
			Gulf States Steel
			Inland Steel Industries
			LTV Steel
			Lukens Steel
			National Steel
			Nextech
			Rouge Steel Co
			Sharon Steel
			Theis Precision Steel
			Thompson Steel
			US Steel
			United Steelworkers of America
			WCI Steel
			Weirton Steel
A–580–825	731–TA–715	Oil Country Tubular Goods/Korea	Bellville Tube
			IPSCO
			Koppel Steel
			Lone Star Steel

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Maverick Tube
			Newport Steel
			North Star Steel
			US Steel
			USS/Kobe
A–580–829	731–TA–772	Stainless Steel Wire Rod/Korea	AL Tech Specialty Steel
			Carpenter Technology
			Republic Engineered Steels
			Talley Metals Technology
			United Steelworkers of America
A–580–831	731–TA–791	Stainless Steel Plate in Coils/Korea	Allegheny Ludlum
			Armco Steel
			J&L Specialty Steel
			Lukens Steel
			North American Stainless
			United Steelworkers of America
A–580–834	731–TA–801	Stainless Steel Sheet and Strip/Korea	Allegheny Ludlum
			Armco Steel
			Bethlehem Steel
			Butler Armco Independent Union
			Carpenter Technology Corp
			J&L Specialty Steel
			North American Stainless
			United Steelworkers of America
			Zanesville Armco Independent Organization
A–580–836	731–TA–821	Cut-to-Length Carbon Steel Plate/Korea	Bethlehem Steel
			CitiSteel USA Inc
			Geneva Steel
			Gulf States Steel
			IPSCO Steel
			National Steel
			Tuscaloosa Steel
			US Steel
			United Steelworkers of America
A–580–839	731–TA–825	Polyester Staple Fiber/Korea	Arteva Specialties Sarl
			E I du Pont de Nemours
			Intercontinental Polymers
			Wellman
A–580–841	731–TA–854	Structural Steel Beams/Korea	Northwestern Steel and Wire
			Nucor
			Nucor-Yamato Steel
			TXI–Chaparral Steel
			United Steelworkers of America
A–580–844	731–TA–877	Steel Concrete Reinforcing Bar/Korea	AB Steel Mill Inc
			AmeriSteel
			Auburn Steel
			Birmingham Steel
			Border Steel
			Cascade Steel Rolling Mills Inc
			CMC Steel Group
			Co-Steel Inc
			Marion Steel
			North Star Steel Co
			Nucor Steel
			Rebar Trade Action Coalition
			Riverview Steel
			Sheffield Steel
			TAMCO
			TXI—Chaparral Steel Co
A–580–846	731–TA–889	Stainless Steel Angle/Korea	Slater Steels
			United Steelworkers of America
A–580–847	731–TA–916	Stainless Steel Bar/Korea	Carpenter Technology
			Crucible Specialty Metals
			Electralloy
			Empire Specialty Steel
			Republic Technologies International
			Slater Steels
			United Steelworkers of America
A–580–850	731–TA–1017 ...	Polyvinyl Alcohol/Korea	Celanese Ltd
			E I du Pont de Nemours & Co
A–580–852	731–TA–1026 ...	Prestressed Concrete Steel Wire Strand/Korea	American Spring Wire Corp
			Insteel Wire Products Co
			Sivaco Georgia LLC

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Strand Tech Martin Inc
			Sumiden Wire Products Corp
A–583–008	731–TA–132	Small Diameter Carbon Steel Pipe and Tube/Taiwan.	Allied Tube & Conduit
			American Tube
			Bull Moose Tube
			Copperweld Tubing
			J&L Steel
			Kaiser Steel
			Merchant Metals
			Pittsburgh Tube
			Southwestern Pipe
			Western Tube & Conduit
A–583–009	731–TA–135	Color Television Receivers/Taiwan	Committee to Preserve American Color Television
			Independent Radionic Workers of America
			Industrial Union Department, AFL–CIO
			International Brotherhood of Electrical Workers
			International Union of Electrical, Radio and Machine Workers
A–583–080	AA1921–197	Carbon Steel Plate/Taiwan	No Petition (self-initiated by Treasury); Commerce service list identifies:
			Bethlehem Steel
			China Steel
			US Steel
A–583–505	731–TA–277	Oil Country Tubular Goods/Taiwan	CF&I Steel
			Copperweld Tubing
			Cyclops
			KPC
			Lone Star Steel
			LTV Steel
			Maverick Tube
			Quanex
			US Steel
A–583–507	731–TA–280	Malleable Cast Iron Pipe Fittings/Taiwan	Grinnell
			Stanley G Flagg
			Stockham Valves & Fittings
			U-Brand
			Ward Manufacturing
A–583–508	731–TA–299	Porcelain-on-Steel Cooking Ware/Taiwan	General Housewares
A–583–603	731–TA–305	Top-of-the-Stove Stainless Steel Cooking Ware/Taiwan.	Farberware
			Regal Ware
			Revere Copper & Brass
			WearEver/Proctor Silex
A–583–605	731–TA–310	Carbon Steel Butt-Weld Pipe Fittings/Taiwan	Ladish
			Mills Iron Works
			Steel Forgings
			Tube Forgings of America
			Weldbend
A–583–803	731–TA–410	Light-Walled Rectangular Tube/Taiwan	Bull Moose Tube
			Hannibal Industries
			Harris Tube
			Maruichi American
			Searing Industries
			Southwestern Pipe
			Western Tube & Conduit
A–583–806	731–TA–428	Small Business Telephone Systems/Taiwan	American Telephone & Telegraph
			Comdial
			Eagle Telephonic
A–583–810	731–TA–475	Chrome-Plated Lug Nuts/Taiwan	Consolidated International Automotive
			Key Manufacturing
			McGard
A–583–814	731–TA–536	Circular Welded Nonalloy Steel Pipe/Taiwan	Allied Tube & Conduit
			American Tube
			Bull Moose Tube
			Century Tube
			CSI Tubular Products
			Cyclops
			Laclede Steel
			LTV Tubular Products
			Maruichi American
			Sharon Tube
			USX

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
A–583–815	731–TA–541	Welded ASTM A–312 Stainless Steel Pipe/Taiwan	Western Tube & Conduit Wheatland Tube Avesta Sandvik Tube Bristol Metals Crucible Materials Damascus Tubular Products United Steelworkers of America
A–583–816	731–TA–564	Stainless Steel Butt-Weld Pipe Fittings/Taiwan	Flo-Mac Inc Gerlin Markovitz Enterprises Shaw Alloy Piping Products Taylor Forge Stainless
A–583–820	731–TA–625	Helical Spring Lock Washers/Taiwan	Illinois Tool Works
A–583–821	731–TA–640	Forged Stainless Steel Flanges/Taiwan	Gerlin Ideal Forging Maass Flange Markovitz Enterprises
A–583–824	731–TA–729	Polyvinyl Alcohol/Taiwan	Air Products and Chemicals
A–583–825	731–TA–743	Melamine Institutional Dinnerware/Taiwan	Carlisle Food Service Products Lexington United Plastics Manufacturing
A–583–826	731–TA–759	Collated Roofing Nails/Taiwan	Illinois Tool Works International Staple and Machines Stanley-Bostitch
A–583–827	731–TA–762	SRAMs/Taiwan	Micron Technology
A–583–828	731–TA–775	Stainless Steel Wire Rod/Taiwan	AL Tech Specialty Steel Carpenter Technology Republic Engineered Steels Talley Metals Technology United Steelworkers of America
A–583–830	731–TA–793	Stainless Steel Plate in Coils/Taiwan	Allegheny Ludlum Armco Steel J&L Specialty Steel Lukens Steel North American Stainless United Steelworkers of America
A–583–831	731–TA–803	Stainless Steel Sheet and Strip/Taiwan	Allegheny Ludlum Armco Steel Bethlehem Steel Butler Armco Independent Union Carpenter Technology Corp J&L Specialty Steel North American Stainless United Steelworkers of America Zanesville Armco Independent Organization
A–583–833	731–TA–826	Polyester Staple Fiber/Taiwan	Arteva Specialties Sarl Intercontinental Polymers Wellman
A–583–835	731–TA–906	Hot-Rolled Steel Products/Taiwan	Bethlehem Steel Gallatin Steel Independent Steelworkers IPSCO LTV Steel National Steel Nucor Rouge Steel Co Steel Dynamics US Steel United Steelworkers of America WCI Steel Inc Weirton Steel Wheeling-Pittsburgh Steel Corp
A–583–837	731–TA–934	Polyethylene Terephthalate Film, Sheet and Strip (PET Film)/Taiwan.	DuPont Teijin Films Mitsubishi Polyester Film LLC SKC America Inc Toray Plastics (America)
A–588–005	731–TA–48	High Power Microwave Amplifiers/Japan	Aydin MCL
A–588–015	AA1921–66	Television Receivers/Japan	AGIV (USA) Casio Computer CBM America Citizen Watch

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Funai Electric
			Hitachi
			Industrial Union Department
			JC Penny
			Matsushita
			Mitsubishi Electric
			Montgomery Ward
			NEC
			Orion Electric
			PT Imports
			Philips Electronics
			Philips Magnavox
			Sanyo
			Sharp
			Toshiba
			Toshiba America Consumer Products
			Victor Company of Japan
			Zenith Electronics
A–588–028	AA1921–111	Roller Chain/Japan	Acme Chain Division, North American Rockwell
			American Chain Association
			Atlas Chain & Precision Products
			Diamond Chain
			Link-Belt Chain Division, FMC
			Morse Chain Division, Borg Warner
			Rex Chainbelt
A–588–029	AA1921–85	Fish Netting of Man-Made Fiber/Japan	Jovanovich Supply
			LFSI
			Trans-Pacific Trading
A–588–038	AA1921–98	Bicycle Speedometers/Japan	Avocet
			Cat Eye
			Diversified Products
			NS International
			Sanyo Electric
			Stewart-Warner
A–588–041	AA1921–115	Synthetic Methionine/Japan	Monsanto
A–588–045	AA1921–124	Steel Wire Rope/Japan	AMSTED Industries
A–588–046	AA1921–129	Polychloroprene Rubber/Japan	E I du Pont de Nemours
A–588–054	AA1921–143	Tapered Roller Bearings 4 Inches and Under/Japan	No companies identified as petitioners at the Commission; Commerce service list identifies:
			American Honda Motor
			Federal Mogul
			Ford Motor
			General Motors
			Honda
			Hoover-NSK Bearing
			Isuzu
			Itocho
			ITOCHU International
			Kanematsu-Goshu USA
			Kawasaki Heavy Duty Industries
			Komatsu America
			Koyo Seiko
			Kubota Tractor
			Mitsubishi
			Motorambar
			Nachi America
			Nachi Western
			Nachi-Fujikoshi
			Nippon Seiko
			Nissan Motor
			Nissan Motor USA
			NSK
			NTN
			Subaru of America
			Sumitomo
			Suzuki Motor
			Timken
			Toyota Motor Sales
			Yamaha Motors
A–588–055	AA1921–154	Acrylic Sheet/Japan	Polycast Technology
A–588–056	AA1921–162	Melamine/Japan	Melamine Chemical
A–588–068	AA1921–188	Prestressed Concrete Steel Wire Strand/Japan	American Spring Wire
			Armco Steel

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Bethlehem Steel
			CF&I Steel
			Florida Wire & Cable
A–588–405	731–TA–207	Cellular Mobile Telephones/Japan	EF Johnson
			Motorola
A–588–602	731–TA–309	Carbon Steel Butt-Weld Pipe Fittings/Japan	Ladish
			Mills Iron Works
			Steel Forgings
			Tube Forgings of America
			Weldbend
A–588–604	731–TA–343	Tapered Roller Bearings Over 4 Inches/Japan	L&S Bearing
			Timken
			Torrington
A–588–605	731–TA–347	Malleable Cast Iron Pipe Fittings/Japan	Grinnell
			Stanley G Flagg
			Stockham Valves & Fittings
			U-Brand
			Ward Manufacturing
A–588–609	731–TA–368	Color Picture Tubes/Japan	Industrial Union Department, AFL–CIO
			International Association of Machinists & Aerospace Workers
			International Brotherhood of Electrical Workers
			International Union of Electronic, Electrical, Technical, Salaried and Machine Workers
			Philips Electronic Components Group
			United Steelworkers of America
			Zenith Electronics
A–588–702	731–TA–376	Stainless Steel Butt-Weld Pipe Fittings/Japan	Flo-Mac Inc
			Flowline
			Shaw Alloy Piping Products
			Taylor Forge Stainless
A–588–703	731–TA–377	Internal Combustion Industrial Forklift Trucks/Japan	Ad-Hoc Group of Workers from Hyster's Berea, Kentucky and Sulligent, Alabama Facilities
			Allied Industrial Workers of America
			Hyster
			Independent Lift Truck Builders Union
			International Association of Machinists & Aerospace Workers
			United Shop & Service Employees
A–588–704	731–TA–379	Brass Sheet and Strip/Japan	Allied Industrial Workers of America
			American Brass
			Bridgeport Brass
			Chase Brass & Copper
			Hussey Copper
			International Association of Machinists & Aerospace Workers
			Mechanics Educational Society of America (Local 56)
			The Miller Company
			North Coast Brass & Copper
			Olin
			Pegg Metals
			Revere Copper Products
			United Steelworkers of America
A–588–706	731–TA–384	Nitrile Rubber/Japan	Uniroyal Chemical
A–588–707	731–TA–386	Granular Polytetrafluoroethylene/Japan	E I du Pont de Nemours
			ICI Americas
A–588–802	731–TA–389	3.5'' Microdisks/Japan	Verbatim
A–588–804	731–TA–394–A	Ball Bearings/Japan	Barden Corp
			Emerson Power Transmission
			Kubar Bearings
			McGill Manufacturing Co
			MPB
			Rexnord Inc
			Rollway Bearings
			Torrington
A–588–804	731–TA–394–B	Cylindrical Roller Bearings/Japan	Barden Corp
			Emerson Power Transmission
			Kubar Bearings
			MPB
			Rollway Bearings
			Torrington
A–588–804	731–TA–394–C	Spherical Plain Bearings/Japan	Barden Corp

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Emerson Power Transmission
			Kubar Bearings
			Rollway Bearings
			Torrington
A–588–806	731–TA–408	Electrolytic Manganese Dioxide/Japan	Chemetals
			Kerr-McGee
			Rayovac
A–588–807	731–TA–414	Industrial Belts/Japan	The Gates Rubber Company
			The Goodyear Tire and Rubber Company
A–588–809	731–TA–426	Small Business Telephone Systems/Japan	American Telephone & Telegraph
			Comdial
			Eagle Telephonic
A–588–810	731–TA–429	Mechanical Transfer Presses/Japan	Allied Products
			United Autoworkers of America
			United Steelworkers of America
A–588–811	731–TA–432	Drafting Machines/Japan	Vemco
A–588–812	731–TA–440	Industrial Nitrocellulose/Japan	Hercules
A–588–815	731–TA–461	Gray Portland Cement and Clinker/Japan	Calaveras Cement
			Hanson Permanente Cement
			Independent Workers of North America (Locals 49, 52, 89, 192 and 471)
			International Union of Operating Engineers (Local 12)
			National Cement Co Inc
			National Cement Company of California
			Southdown
A–588–817	731–TA–469	Electroluminescent Flat-Panel Displays/Japan	The Cherry Corporation
			Electro Plasma
			Magnascreen
			OIS Optical Imaging Systems
			Photonics Technology
			Planar Systems
			Plasmaco
A–588–823	731–TA–571	Professional Electric Cutting Tools/Japan	Black & Decker
A–588–826	731–TA–617	Corrosion-Resistant Carbon Steel Flat Products/ Japan.	Bethlehem Steel
			California Steel Industries
			Geneva Steel
			Gulf States Steel
			Lukens Steel
			Nextech
			Rouge Steel Co
			Sharon Steel
			Theis Precision Steel
			Thompson Steel
			US Steel
			United Steelworkers of America
			WCI Steel
			Weirton Steel
A–588–831	731–TA–660	Grain-Oriented Silicon Electrical Steel/Japan	Allegheny Ludlum
			Armco Steel
			United Steelworkers of America
A–588–833	731–TA–681	Stainless Steel Bar/Japan	AL Tech Specialty Steel
			Carpenter Technology
			Crucible Specialty Metals
			Electralloy
			Republic Engineered Steels
			Slater Steels
			Talley Metals Technology
			United Steelworkers of America
A–588–835	731–TA–714	Oil Country Tubular Goods/Japan	IPSCO
			Koppel Steel
			Lone Star Steel Co
			Maverick Tube
			Newport Steel
			North Star Steel
			US Steel
A–588–836	731–TA–727	Polyvinyl Alcohol/Japan	Air Products and Chemicals
A–588–837	731–TA–737	Large Newspaper Printing Presses/Japan	Rockwell Graphics Systems
A–588–838	731–TA–739	Clad Steel Plate/Japan	Lukens Steel
A–588–839	731–TA–740	Sodium Azide/Japan	American Azide
A–588–840	731–TA–748	Gas Turbo-Compressor Systems/Japan	Demag Delaval
			Dresser-Rand

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			United Steelworkers of America
A–588–841	731–TA–750	Vector Supercomputers/Japan	Cray Research
A–588–843	731–TA–771	Stainless Steel Wire Rod/Japan	AL Tech Specialty Steel
			Carpenter Technology
			Republic Engineered Steels
			Talley Metals Technology
			United Steelworkers of America
A–588–845	731–TA–800	Stainless Steel Sheet and Strip/Japan	Allegheny Ludlum
			Armco Steel
			Bethlehem Steel
			Butler Armco Independent Union
			Carpenter Technology Corp
			J&L Specialty Steel
			North American Stainless
			United Steelworkers of America
			Zanesville Armco Independent Organization
A–588–846	731–TA–807	Hot-Rolled Carbon Steel Flat Products/Japan	Acme Steel
			Bethlehem Steel
			California Steel Industries
			Gallatin Steel
			Geneva Steel
			Gulf States Steel
			Independent Steelworkers
			IPSCO
			Ispat/Inland
			LTV Steel
			Nucor
			Rouge Steel Co
			Steel Dynamics
			US Steel
			United Steelworkers of America
			WCI Steel
			Weirton Steel
			Wheeling-Pittsburgh Steel Corp
A–588–847	731–TA–820	Cut-to-Length Carbon Steel Plate/Japan	Bethlehem Steel
			CitiSteel USA Inc
			Geneva Steel
			Gulf States Steel
			IPSCO Steel
			Tuscaloosa Steel
			US Steel
			United Steelworkers of America
A–588–850	731–TA–847	Large-Diameter Carbon Steel Seamless Pipe/Japan	North Star Steel
			Timken
			US Steel
			United Steelworkers of America
			USS/Kobe
A–588–851	731–TA–847	Small-Diameter Carbon Steel Seamless Pipe/Japan	Koppel Steel
			North Star Steel
			Sharon Tube
			Timken
			US Steel
			United Steelworkers of America
			USS/Kobe
			Vision Metals' Gulf States Tube
A–588–852	731–TA–853	Structural Steel Beams/Japan	Northwestern Steel and Wire
			Nucor
			Nucor-Yamato Steel
			TXI–Chaparral Steel
			United Steelworkers of America
A–588–854	731–TA–860	Tin-Mill Products/Japan	Independent Steelworkers
			United Steelworkers of America
			Weirton Steel
A–588–856	731–TA–888	Stainless Steel Angle/Japan	Slater Steels
			United Steelworkers of America
A–588–857	731–TA–919	Welded Large Diameter Line Pipe/Japan	American Cast Iron Pipe
			Berg Steel Pipe
			Bethlehem Steel
			Napa Pipe/Oregon Steel Mills
			Saw Pipes USA
			Stupp
			US Steel
A–588–861	731–TA–1016 ...	Polyvinyl Alcohol/Japan	Celenex Ltd

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
A–588–862	731–TA–1023 ...	Certain Ceramic Station Post Insulators/Japan	E I du Pont de Nemours & Co Lapp Insulator Co LLC Newell Porcelain Co Inc Victor Insulators Inc
A–588–866	731–TA–1090 ...	Superalloy Degassed Chromium/Japan	Eramet Marietta Inc
A–602–803	731–TA–612	Corrosion-Resistant Carbon Steel Flat Products/ Australia.	Armco Steel Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries LTV Steel Lukens Steel National Steel Nextech Rouge Steel Co Sharon Steel Theis Precision Steel Thompson Steel US Steel United Steelworkers of America WCI Steel Weirton Steel
A–791–805	731–TA–792	Stainless Steel Plate in Coils/South Africa	Allegheny Ludlum Armco Steel J&L Specialty Steel Lukens Steel North American Stainless United Steelworkers of America
A–791–808	731–TA–850	Small-Diameter Carbon Steel Seamless Pipe/South Africa.	Koppel Steel North Star Steel Sharon Tube Timken US Steel United Steelworkers of America USS/Kobe Vision Metals' Gulf States Tube
A–791–809	731–TA–905	Hot-Rolled Steel Products/South Africa	Bethlehem Steel Gallatin Steel Independent Steelworkers IPSCO LTV Steel National Steel Nucor Rouge Steel Co Steel Dynamics US Steel United Steelworkers of America WCI Steel Inc Weirton Steel Wheeling-Pittsburgh Steel Corp
A–791–815	731–TA–987	Ferrovanadium/South Africa	Bear Metallurgical Co Shieldalloy Metallurgical Corp
A–821–801	731–TA–340E ..	Solid Urea/Russia	Agrico Chemical American Cyanamid CF Industries First Mississippi Mississippi Chemical Terra International WR Grace
A–821–802	731–TA–539–C	Uranium/Russia	Ferret Exploration First Holding Geomex Minerals IMC Fertilizer Malapai Resources Oil, Chemical and Atomic Workers Pathfinder Mines Power Resources Rio Algom Mining Solution Mining Total Minerals

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
A–821–804	731–TA–568	Ferrosilicon/Russia	Umetco Minerals Uranium Resources AIMCOR Alabama Silicon American Alloys Globe Metallurgical Oil, Chemical and Atomic Workers (Local 389) Silicon Metaltech United Autoworkers of America (Local 523) United Steelworkers of America (Locals 2528, 3081, 5171 and 12646)
A–821–805	731–TA–697	Pure Magnesium/Russia	Dow Chemical International Union of Operating Engineers (Local 564) Magnesium Corporation of America United Steelworkers of America (Local 8319)
A–821–807	731–TA–702	Ferrovanadium and Nitrided Vanadium/Russia	Shieldalloy Metallurgical
A–821–809	731–TA–808	Hot-Rolled Carbon Steel Flat Products/Russia	Acme Steel Bethlehem Steel California Steel Industries Gallatin Steel Geneva Steel Gulf States Steel Independent Steelworkers IPSCO Ispat/Inland LTV Steel National Steel Nucor Rouge Steel Co Steel Dynamics US Steel United Steelworkers of America WCI Steel Weirton Steel Wheeling-Pittsburgh Steel Corp
A–821–811	731–TA–856	Ammonium Nitrate/Russia	Agrium Air Products and Chemicals El Dorado Chemical LaRoche Mississippi Chemical Nitram Wil-Gro Fertilizer
A–821–817	731–TA–991	Silicon Metal/Russia	Globe Metallurgical Inc SIMCALA Inc
A–821–819	731–TA1072	Pure and Alloy Magnesium/Russia	Garfield Alloys Inc Glass, Molders, Pottery, Plastics & Allied Workers International Local 374 Halaco Engineering MagReTech Inc United Steelworkers of America Local 8319 US Magnesium LLC
A–822–801	731–TA–340B ..	Solid Urea/Belarus	Agrico Chemical American Cyanamid CF Industries First Mississippi Mississippi Chemical Terra International WR Grace
A–822–804	731–TA–873	Steel Concrete Reinforcing Bar/Belarus	AB Steel Mill Inc AmeriSteel Auburn Steel Birmingham Steel Border Steel Cascade Steel Rolling Mills Inc CMC Steel Group Co-Steel Inc Marion Steel North Star Steel Co Nucor Steel Rebar Trade Action Coalition Riverview Steel Sheffield Steel

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			TAMCO
			TXI–Chaparral Steel Co
A–823–801	731–TA–340H ..	Solid Urea/Ukraine	Agrico Chemical
			American Cyanamid
			CF Industries
			First Mississippi
			Mississippi Chemical
			Terra International
			WR Grace
A–823–802	731–TA–539–E	Uranium/Ukraine	Ferret Exploration
			First Holding
			Geomex Minerals
			IMC Fertilizer
			Malapai Resources
			Oil, Chemical and Atomic Workers
			Pathfinder Mines
			Power Resources
			Rio Algom Mining
			Solution Mining
			Total Minerals
			Umetco Minerals
			Uranium Resources
A–823–804	731–TA–569	Ferrosilicon/Ukraine	AIMCOR
			Alabama Silicon
			American Alloys
			Globe Metallurgical
			Oil, Chemical and Atomic Workers (Local 389)
			Silicon Metaltech
			United Autoworkers of America (Local 523)
			United Steelworkers of America (Locals 2528, 3081, 5171 and 12646)
A–823–805	731–TA–673	Silicomanganese/Ukraine	Elkem Metals
			Oil, Chemical and Atomic Workers (Local 3–639)
A–823–809	731–TA–882	Steel Concrete Reinforcing Bar/Ukraine	AB Steel Mill Inc
			AmeriSteel
			Auburn Steel
			Birmingham Steel
			Border Steel
			Cascade Steel Rolling Mills Inc
			CMC Steel Group
			Co-Steel Inc
			Marion Steel
			North Star Steel Co
			Nucor Steel
			Rebar Trade Action Coalition
			Riverview Steel
			Sheffield Steel
			TAMCO
			TXI–Chaparral Steel Co
A–823–810	731–TA–894	Ammonium Nitrate/Ukraine	Agrium
			Air Products and Chemicals
			Committee for Fair Ammonium Nitrate Trade
			El Dorado Chemical
			LaRoche Industries
			Mississippi Chemical
			Nitram
			Prodica
A–823–811	731–TA–908	Hot-Rolled Steel Products/Ukraine	Bethlehem Steel
			Gallatin Steel
			Independent Steelworkers
			IPSCO
			LTV Steel
			National Steel
			Nucor
			Rouge Steel Co
			Steel Dynamics
			US Steel
			United Steelworkers of America
			WCI Steel Inc
			Weirton Steel
			Wheeling-Pittsburgh Steel Corp
A–823–812	731–TA–962	Carbon and Certain Alloy Steel Wire Rod/Ukraine ...	AmeriSteel
			Birmingham Steel

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Cascade Steel Rolling Mills Connecticut Steel Corp Co-Steel Raritan GS Industries Keystone Consolidated Industries North Star Steel Texas Nucor Steel-Nebraska (a division of Nucor Corp) Republic Technologies International Rocky Mountain Steel Mills
A–831–801	731–TA–340A ..	Solid Urea/Armenia	Agrico Chemical American Cyanamid CF Industries First Mississippi Mississippi Chemical Terra International WR Grace
A–834–806	731–TA–902	Hot-Rolled Steel Products/Kazakhstan	Bethlehem Steel Gallatin Steel Independent Steelworkers IPSCO LTV Steel National Steel Nucor Rouge Steel Co Steel Dymanics US Steel United Steelworkers of America WCI Steel Inc Weirton Steel Wheeling-Pittsburgh Steel Corp
A–834–807	731–TA–930	Silicomanganese/Kazakhstan	Eramet Marietta Paper, Allied-Industrial, Chemical and Energy Workers International Union, Local 5–0639
A–841–804	731–TA–879	Steel Concrete Reinforcing Bar/Moldova	AB Steel Mill Inc AmeriSteel Auburn Steel Birmingham Steel Border Steel Cascade Steel Rolling Mills Inc CMC Steel Group Co-Steel Inc Marion Steel North Star Steel Co Nucor Steel Rebar Trade Action Coalition Riverview Steel Sheffield Steel TAMCO TXI–Chaparral Steel Co
A–841–805	731–TA–959	Carbon and Certain Alloy Steel Wire Rod/Moldova	AmeriSteel Birmingham Steel Cascade Steel Rolling Mills Connecticut Steel Corp Co-Steel Raritan GS Industries Keystone Consolidated Industries North Star Steel Texas Nucor Steel-Nebraska (a division of Nucor Corp) Republic Technologies International Rocky Mountain Steel Mills
A–842–801	731–TA–340F ...	Solid Urea/Tajikistan	Agrico Chemical American Cyanamid CF Industries First Mississippi Mississippi Chemical Terra International WR Grace
A–843–801	731–TA–340G ..	Solid Urea/Turkmenistan	Agrico Chemical American Cyanamid CF Industries First Mississippi Mississippi Chemical Terra International

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			WR Grace
A–843–802	731–TA–539	Uranium/Kazakhstan	Ferret Exploration
			First Holding
			Geomex Minerals
			IMC Fertilizer
			Malapai Resources
			Oil, Chemical and Atomic Workers
			Pathfinder Mines
			Power Resources
			Rio Algom Mining
			Solution Mining
			Total Minerals
			Umetco Minerals
			Uranium Resources
A–843–804	731–TA–566	Ferrosilicon/Kazakhstan	AIMCOR
			Alabama Silicon
			American Alloys
			Globe Metallurgical
			Oil, Chemical and Atomic Workers (Local 389)
			Silicon Metaltech
			United Autoworkers of America (Local 523)
			United Steelworkers of America (Locals 2528, 3081, 5171 and 12646)
A–844–801	731–TA–340I	Solid Urea/Uzbekistan	Agrico Chemical
			American Cyanamid
			CF Industries
			First Mississippi
			Mississippi Chemical
			Terra International
			WR Grace
A–844–802	731–TA–539–F	Uranium/Uzbekistan	Ferret Exploration
			First Holding
			Geomex Minerals
			IMC Fertilizer
			Malapai Resources
			Oil, Chemical and Atomic Workers
			Pathfinder Mines
			Power Resources
			Rio Algom Mining
			Solution Mining
			Total Minerals
			Umetco Minerals
			Uranium Resources
A–851–802	731–TA–846	Small-Diameter Carbon Steel Seamless Pipe/Czech Republic.	Koppel Steel
			North Star Steel
			Sharon Tube
			Timken
			US Steel
			United Steelworkers of America
			USS/Kobe
			Vision Metals' Gulf States Tube
C–122–404	701–TA–224	Live Swine/Canada	National Pork Producers Council
			Wilson Foods
C–122–805	701–TA–297	Steel Rails/Canada	Bethlehem Steel
			CF&I Steel
C–122–815	701–TA–309–A	Alloy Magnesium/Canada	Magnesium Corporation of America
C–122–815	701–TA–309–B	Pure Magnesium/Canada	Magnesium Corporation of America
C–122–839	701–TA–414	Softwood Lumber/Canada	71 Lumber Co
			Almond Bros Lbr Co
			Anthony Timberlands
			Balfour Lbr Co
			Ball Lumber
			Banks Lumber Company
			Barge Forest Products Co
			Beadles Lumber Co
			Bearden Lumber
			Bennett Lumber
			Big Valley Band Mill
			Bighorn Lumber Co Inc
			Blue Mountain Lumber
			Buddy Bean Lumber
			Burgin Lumber Co Ltd

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Burt Lumber Company C&D Lumber Co Ceda-Pine Veneer Cersosimo Lumber Co Inc Charles Ingram Lumber Co Inc Charleston Heart Pine Chesterfield Lumber Chips Chocorua Valley Lumber Co Claude Howard Lumber Clearwater Forest Industries CLW Inc CM Tucker Lumber Corp Coalition for Fair Lumber Imports Executive Committee Cody Lumber Co Collins Pine Co Collums Lumber Columbus Lumber Co Contoocook River Lumber Conway Guiteau Lumber Cornwright Lumber Co Crown Pacific Daniels Lumber Inc Dean Lumber Co Inc Deltic Timber Corporation Devils Tower Forest Products DiPrizio Pine Sales Dorchester Lumber Co DR Johnson Lumber East Brainerd Lumber Co East Coast Lumber Company Eas-Tex Lumber ECK Wood Products Ellingson Lumber Co Elliott Sawmilling Empire Lumber Co Evergreen Forest Products Excalibur Shelving Systems Inc Exley Lumber Co FH Stoltze Land & Lumber Co FL Turlington Lbr Co Inc Fleming Lumber Flippo Lumber Floragen Forest Products Frank Lumber Co Franklin Timber Co Fred Tebb & Sons Fremont Sawmill Frontier Resources Garrison Brothers Lumber Co and Subsidiaries Georgia Lumber Gilman Building Products Godfrey Lumber Granite State Forest Prod Inc Great Western Lumber Co Greenville Molding Inc Griffin Lumber Company Guess Brothers Lumber Gulf Lumber Gulf States Paper Guy Bennett Lumber Hampton Resources Hancock Lumber Hankins Inc Hankins Lumber Co Harrigan Lumber Harwood Products Haskell Lumber Inc Hatfield Lumber Hedstrom Lumber Herrick Millwork Inc HG Toler & Son Lumber Co Inc

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			HG Wood Industries LLC Hogan & Storey Wood Prod Hogan Lumber Co Hood Industries HS Hofler & Sons Lumber Co Inc Hubbard Forest Ind Inc HW Culp Lumber Co Idaho Veneer Co Industrial Wood Products Intermountain Res LLC International Paper J Franklin Jones Lumber Co Inc Jack Batte & Sons Inc Jasper Lumber Company JD Martin Lumber Co JE Jones Lumber Co Jerry G Williams & Sons JH Knighton Lumber Co Johnson Lumber Company Jordan Lumber & Supply Joseph Timber Co JP Haynes Lbr Co Inc JV Wells Inc JW Jones Lumber Keadle Lumber Enterprises Keller Lumber King Lumber Co Konkolville Lumber Langdale Forest Products Laurel Lumber Company Leavitt Lumber Co Leesville Lumber Co Limington Lumber Co Longview Fibre Co Lovell Lumber Co Inc M Kendall Lumber Co Manke Lumber Co Marriner Lumber Co Mason Lumber MB Heath & Sons Lumber Co MC Dixon Lumber Co Inc Mebane Lumber Co Inc Metcalf Lumber Co Inc Millry Mill Co Inc Moose Creek Lumber Co Moose River Lumber Morgan Lumber Co Inc Mount Yonah Lumber Co Nagel Lumber New Kearsarge Corp New South Nicolet Hardwoods Nieman Sawmills SD Nieman Sawmills WY North Florida Northern Lights Timber & Lumber Northern Neck Lumber Co Ochoco Lumber Co Olon Belcher Lumber Co Owens and Hurst Lumber Packaging Corp of America Page & Hill Forest Products Paper, Allied-Industrial, Chemical and Energy Workers International Union Parker Lumber Pate Lumber Co Inc PBS Lumber Pedigo Lumber Co Piedmont Hardwood Lumber Co Pine River Lumber Co Pinecrest Lumber Co Pleasant River Lumber Co Pleasant Western Lumber Inc

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Plum Creek Timber Pollard Lumber Portac Potlatch Potomac Supply Precision Lumber Inc Pruitt Lumber Inc R Leon Williams Lumber Co RA Yancey Lumber Rajala Timber Co Ralph Hamel Forest Products Randy D Miller Lumber Rappahannock Lumber Co Regulus Stud Mills Inc Riley Creek Lumber Roanoke Lumber Co Robbins Lumber Robertson Lumber Roseburg Forest Products Co Rough & Ready RSG Forest Products Rushmore Forest Products RY Timber Inc Sam Mabry Lumber Co Scotch Lumber SDS Lumber Co Seacoast Mills Inc Seago Lumber Seattle-Snohomish Seneca Sawmill Shaver Wood Products Shearer Lumber Products Shuqualak Lumber SI Storey Lumber Sierra Forest Products Sierra Pacific Industries Sigfridson Wood Products Silver City Lumber Inc Somers Lbr & Mfg Inc South & Jones South Coast Southern Forest Industries Inc Southern Lumber St Laurent Forest Products Starfire Lumber Co Steely Lumber Co Inc Stimson Lumber Summit Timber Co Sundance Lumber Superior Lumber Swanson Superior Forest Products Inc Swift Lumber Tamarack Mill Taylor Lumber & Treating Inc Temple-Inland Forest Products Thompson River Lumber Three Rivers Timber Thrift Brothers Lumber Co Inc Timco Inc Tolleson Lumber Toney Lumber TR Miller Mill Co Tradewinds of Virginia Ltd Travis Lumber Co Tree Source Industries Inc Tri-State Lumber TTT Studs United Brotherhood of Carpenters and Joiners Viking Lumber Co VP Kiser Lumber Co Walton Lumber Co Inc Warm Springs Forest Products Westvaco Corp

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Wilkins, Kaiser & Olsen Inc
			WM Shepherd Lumber Co
			WR Robinson Lumber Co Inc
			Wrenn Brothers Inc
			Wyoming Sawmills
			Yakama Forest Products
			Younce & Ralph Lumber Co Inc
			Zip-O–Log Mills Inc
C–122–841	701–TA–418	Carbon and Certain Alloy Steel Wire Rod/Canada	AmeriSteel
			Birmingham Steel
			Cascade Steel Rolling Mills
			Connecticut Steel Corp
			Co-Steel Raritan
			GS Industries
			Keystone Consolidated Industries
			North Star Steel Texas
			Nucor Steel-Nebraska (a division of Nucor Corp)
			Republic Technologies International
			Rocky Mountain Steel Mills
C–122–848	701–TA–430B	Hard Red Spring Wheat/Canada	North Dakota Wheat Commission
C–201–505	701–TA–265	Porcelain-on-Steel Cooking Ware/Mexico	General Housewares
C–201–810	701–TA–325	Cut-to-Length Carbon Steel Plate/Mexico	Bethlehem Steel
			California Steel Industries
			CitiSteel USA Inc
			Geneva Steel
			Gulf States Steel
			Inland Steel Industries
			Lukens Steel
			National Steel
			Nextech
			Sharon Steel
			Theis Precision Steel
			Thompson Steel
			US Steel
			United Steelworkers of America
C–307–804	303–TA–21	Gray Portland Cement and Clinker/Venezuela	Florida Crushed Stone
			Southdown
			Tarmac America
C–307–808	303–TA–23	Ferrosilicon/Venezuela	AIMCOR
			Alabama Silicon
			American Alloys
			Globe Metallurgical
			Oil, Chemical and Atomic Workers (Local 389)
			Silicon Metaltech
			United Autoworkers of America (Local 523)
			United Steelworkers of America (Locals 2528, 3081, 5171 and 12646)
C–333–401	701–TA–E	Cotton Shop Towels/Peru	No case at the Commission; Commerce service list identifies:
			Durafab
			Kleen-Tex Industries
			Lewis Eckert Robb
			Milliken
			Pavis & Harcourt
C–351–037	104–TAA–21	Cotton Yarn/Brazil	American Yarn Spinners Association
			Harriet & Henderson Yarns
			LaFar Industries
C–351–504	701–TA–249	Heavy Iron Construction Castings/Brazil	Alhambra Foundry
			Allegheny Foundry
			Bingham & Taylor
			Campbell Foundry
			Charlotte Pipe & Foundry
			Deeter Foundry
			East Jordan Foundry
			Le Baron Foundry
			Municipal Castings
			Neenah Foundry
			Opelika Foundry
			Pinkerton Foundry
			Tyler Pipe
			US Foundry & Manufacturing
			Vulcan Foundry
C–351–604	701–TA–269	Brass Sheet and Strip/Brazil	Allied Industrial Workers of America

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			American Brass Bridgeport Brass Chase Brass & Copper Hussey Copper International Association of Machinists & Aerospace Workers Mechanics Educational Society of America (Local 56) The Miller Company Olin Revere Copper Products United Steelworkers of America
C–351–818	701–TA–320	Cut-to-Length Carbon Steel Plate/Brazil	Bethlehem Steel California Steel Industries CitiSteel USA Inc Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel US Steel United Steelworkers of America
C–351–829	701–TA–384	Hot-Rolled Carbon Steel Flat Products/Brazil	Acme Steel Bethlehem Steel California Steel Industries Gallatin Steel Geneva Steel Gulf States Steel Independent Steelworkers IPSCO Ispat/Inland LTV Steel National Steel Nucor Rouge Steel Co Steel Dynamics US Steel United Steelworkers of America WCI Steel Weirton Steel Wheeling-Pittsburgh Steel Corp
C–351–833	701–TA–417	Carbon and Certain Alloy Steel Wire Rod/Brazil	AmeriSteel Birmingham Steel Cascade Steel Rolling Mills Connecticut Steel Corp Co-Steel Raritan GS Industries Keystone Consolidated Industries North Star Steel Texas Nucor Steel-Nebraska (a division of Nucor Corp) Republic Technologies International Rocky Mountain Steel Mills
C–357–004	701–TA–A	Carbon Steel Wire Rod/Argentina	Atlantic Steel Continental Steel Georgetown Steel North Star Steel Raritan River Steel
C–357–813	701–TA–402	Honey/Argentina	AH Meyer & Sons Adee Honey Farms Althoff Apiaries American Beekeeping Federation American Honey Producers Association Anderson Apiaries Arroyo Apiaries Artesian Honey Producers B Weaver Apiaries Bailey Enterprises Barkman Honey Basler Honey Apiary

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Beals Honey Bears Paw Apiaries Beaverhead Honey Bee Biz Bee Haven Honey Belliston Brothers Apiaries Big Sky Honey Bill Rhodes Honey Richard E Blake Curt Bronnenbery Brown's Honey Farms Brumley's Bees Buhmann Apiaries Carys Honey Farms Chaparrel Honey Charles Apiaries Mitchell Charles Collins Honey Conor Apiaries Coy's Honey Farm Dave Nelson Apiaries Delta Bee Eisele's Pollination & Honey Ellingsoa's Elliott Curtis & Sons Charles L Emmons, Sr Gause Honey Gene Brandi Apiaries Griffith Honey Haff Apiaries Hamilton Bee Farms Hamilton Honey Happie Bee Harvest Honey Harvey's Honey Hiatt Honey Hoffman Honey Hollman Apiaries Honey House Honeybee Apiaries Gary M Honl Rand William Honl and Sydney Jo Honl James R & Joann Smith Trust Jaynes Bee Products Johnston Honey Farms Larry Johnston Ke-An Honey Kent Honeybees Lake-Indianhead Honey Farms Lamb's Honey Farm Las Flores Apiaries Mackrill Honey Farms & Sales Raymond Marquette Mason & Sons Honey McCoy's Sunny South Apiaries Merrimack Valley Apiaries & Evergreen Honey Met 2 Honey Farm Missouri River Honey Mitchell Brothers Honey Monda Honey Farm Montana Dakota Honey Northern Bloom Honey Noye's Apiaries Oakes Honey Oakley Honey Farms Old Mill Apiaries Opp Honey Oro Dulce Peterson's "Naturally Sweet" Honey Potoczak Bee Farms Price Apiaries Pure Sweet Honey Farms Robertson Pollination Service

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Robson Honey William Robson Rosedale Apiaries Ryan Apiaries Schmidt Honey Farms Simpson Apiaries Sioux Honey Association Smoot Honey Solby Honey Stahlman Apiaries Steve E Parks Apiaries Stroope Bee & Honey T&D Honey Bee Talbott's Honey Terry Apiaries Thompson Apiaries Triple A Farm Tropical Blossom Honey Tubbs Apiaries Venable Wholesale Walter L Wilson Buzz 76 Apiaries Wiebersiek Honey Farms Wilmer Farms Brent J Woodworth Wooten's Golden Queens Yaddof Apiaries
C–357–815	701–TA–404	Hot-Rolled Steel Products/Argentina	Bethlehem Steel Gallatin Steel Independent Steelworkers IPSCO LTV Steel National Steel Nucor Rouge Steel Co Steel Dynamics US Steel United Steelworkers of America WCI Steel Inc Weirton Steel Wheeling-Pittsburgh Steel Corp
C–401–401	701–TA–231	Cold-Rolled Carbon Steel Flat Products/Sweden	Bethlehem Steel Chaparral US Steel
C–401–804	701–TA–327	Cut-to-Length Carbon Steel Plate/Sweden	Bethlehem Steel California Steel Industries CitiSteel USA Inc Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel US Steel United Steelworkers of America
C–403–802	701–TA–302	Fresh and Chilled Atlantic Salmon/Norway	Heritage Salmon The Coalition for Fair Atlantic Salmon Trade
C–408–046	104–TAA–7	Sugar/EU	No petition at the Commission; Commerce service list identifies: AJ Yates Alexander & Baldwin American Farm Bureau Federation American Sugar Cane League American Sugarbeet Growers Association Amstar Sugar Florida Sugar Cane League Florida Sugar Marketing and Terminal Association H&R Brokerage Hawaiian Agricultural Research Center Leach Farms Michigan Farm Bureau

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Michigan Sugar Rio Grande Valley Sugar Growers Association Sugar Cane Growers Cooperative of Florida Talisman Sugar US Beet Sugar Association United States Beet Sugar Association United States Cane Sugar Refiners' Association
C–412–815	701–TA–328	Cut-to-Length Carbon Steel Plate/United Kingdom ..	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel US Steel United Steelworkers of America
C–412–821	701–TA–412	Low Enriched Uranium/United Kingdom	United States Enrichment Corp USEC Inc
C–421–601	701–TA–278	Fresh Cut Flowers/Netherlands	Burdette Coward California Floral Council Floral Trade Council Florida Flower Association Gold Coast Uanko Nursery Hollandia Wholesale Florist Manatee Fruit Monterey Flower Farms Topstar Nursery
C–421–809	701–TA–411	Low Enriched Uranium/Netherlands	United States Enrichment Corp USEC Inc
C–423–806	701–TA–319	Cut-to-Length Carbon Steel Plate/Belgium	Bethlehem Steel California Steel Industries CitiSteel USA Inc Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel US Steel United Steelworkers of America
C–423–809	701–TA–376	Stainless Steel Plate in Coils/Belgium	Allegheny Ludlum Armco Steel Lukens Steel North American Stainless United Steelworkers of America
C–427–603	701–TA–270	Brass Sheet and Strip/France	Allied Industrial Workers of America American Brass Bridgeport Brass Chase Brass & Copper Hussey Copper International Association of Machinists & Aerospace Workers Mechanics Educational Society of America (Local 56) The Miller Company Olin Revere Copper Products United Steelworkers of America
C–427–805	701–TA–315	Hot-Rolled Lead and Bismuth Carbon Steel Products/France.	Bethlehem Steel Inland Steel Industries USS/Kobe Steel
C–427–810	701–TA–348	Corrosion-Resistant Carbon Steel Flat Products/France.	Armco Steel Bethlehem Steel California Steel Industries

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Geneva Steel Gulf States Steel Inland Steel Industries LTV Steel Lukens Steel National Steel Nextech Rouge Steel Co Sharon Steel Theis Precision Steel Thompson Steel US Steel United Steelworkers of America WCI Steel Weirton Steel
C–427–815	701–TA–380	Stainless Steel Sheet and Strip/France	Allegheny Ludlum Armco Steel Bethlehem Steel Butler Armco Independent Union Carpenter Technology Corp North American Stainless United Steelworkers of America Zanesville Armco Independent Organization
C–427–817	701–TA–387	Cut-to-Length Carbon Steel Plate/France	Bethlehem Steel Geneva Steel IPSCO Steel National Steel US Steel United Steelworkers of America
C–427–819	701–TA–409	Low Enriched Uranium/France	United States Enrichment Corp USEC Inc
C–428–817	701–TA–340	Cold-Rolled Carbon Steel Flat Products/Germany ...	Armco Steel Bethlehem Steel California Steel Industries Gulf States Steel Inland Steel Industries LTV Steel National Steel Nextech Rouge Steel Co Sharon Steel Theis Precision Steel Thompson Steel US Steel United Steelworkers of America WCI Steel Weirton Steel
C–428–817	701–TA–349	Corrosion-Resistant Carbon Steel Flat Products/ Germany.	Armco Steel Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries LTV Steel Lukens Steel National Steel Nextech Rouge Steel Co Sharon Steel Theis Precision Steel Thompson Steel US Steel United Steelworkers of America WCI Steel Weirton Steel
C–428–817	701–TA–322	Cut-to-Length Carbon Steel Plate/Germany	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Nextech
			Sharon Steel
			Theis Precision Steel
			Thompson Steel
			US Steel
			United Steelworkers of America
C–428–829	701–TA–410	Low Enriched Uranium/Germany	United States Enrichment Corp
			USEC Inc
C–437–805	701–TA–426	Sulfanilic Acid/Hungary	Nation Ford Chemical
C–469–004	701–TA–178	Stainless Steel Wire Rod/Spain	AL Tech Specialty Steel
			Armco Steel
			Carpenter Technology
			Colt Industries
			Cyclops
			Guterl Special Steel
			Joslyn Stainless Steels
			Republic Steel
C–469–804	701–TA–326	Cut-to-Length Carbon Steel Plate/Spain	Bethlehem Steel
			California Steel Industries
			CitiSteel USA Inc
			Geneva Steel
			Gulf States Steel
			Inland Steel Industries
			Lukens Steel
			National Steel
			Nextech
			Sharon Steel
			Theis Precision Steel
			Thompson Steel
			US Steel
			United Steelworkers of America
C–475–812	701–TA–355	Grain-Oriented Silicon Electrical Steel/Italy	Allegheny Ludlum
			Armco Steel
			Butler Armco Independent Union
			United Steelworkers of America
			Zanesville Armco Independent Union
C–475–815	701–TA–362	Seamless Pipe/Italy	Koppel Steel
			Quanex
			Timken
			United States Steel
C–475–817	701–TA–364	Oil Country Tubular Goods/Italy	IPSCO
			Koppel Steel
			Lone Star Steel
			Maverick Tube
			Newport Steel
			North Star Steel
			US Steel
			USS/Kobe
C–475–819	701–TA–365	Pasta/Italy	A Zerega's Sons
			American Italian Pasta
			Borden
			D Merlino & Sons
			Dakota Growers Pasta
			Foulds
			Gilster-Mary Lee
			Gooch Foods
			Hershey Foods
			LaRinascente Macaroni Co
			Pasta USA
			Philadelphia Macaroni
			ST Specialty Foods
C–475–821	701–TA–373	Stainless Steel Wire Rod/Italy	AL Tech Specialty Steel
			Carpenter Technology
			Republic Engineered Steels
			Talley Metals Technology
			United Steelworkers of America
C–475–823	701–TA–377	Stainless Steel Plate in Coils/Italy	Allegheny Ludlum
			Armco Steel
			J&L Specialty Steel
			Lukens Steel
			North American Stainless
			United Steelworkers of America
C–475–825	701–TA–381	Stainless Steel Sheet and Strip/Italy	Allegheny Ludlum

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Armco Steel
			Bethlehem Steel
			Butler Armco Independent Union
			Carpenter Technology Corp
			J&L Specialty Steel
			North American Stainless
			United Steelworkers of America
			Zanesville Armco Independent Organization
C–475–827	701–TA–390	Cut-to-Length Carbon Steel Plate/Italy	Bethlehem Steel
			CitiSteel USA Inc
			Geneva Steel
			Gulf States Steel
			IPSCO Steel
			National Steel
			US Steel
			United Steelworkers of America
C–475–830	701–TA–413	Stainless Steel Bar/Italy	Carpenter Technology
			Crucible Specialty Metals
			Electralloy
			Empire Specialty Steel
			Republic Technologies International
			Slater Steels
			United Steelworkers of America
C–489–502	701–TA–253	Welded Carbon Steel Pipe and Tube/Turkey	Allied Tube & Conduit
			American Tube
			Bernard Epps
			Bock Industries
			Bull Moose Tube
			Central Steel Tube
			Century Tube
			Copperweld Tubing
			Cyclops
			Hughes Steel & Tube
			Kaiser Steel
			Laclede Steel
			Maruichi American
			Maverick Tube
			Merchant Metals
			Phoenix Steel
			Pittsburgh Tube
			Quanex
			Sharon Tube
			Southwestern Pipe
			UNR-Leavitt
			Welded Tube
			Western Tube & Conduit
			Wheatland Tube
C–489–806	701–TA–366	Pasta/Turkey	A Zerega's Sons
			American Italian Pasta
			Borden
			D Merlino & Sons
			Dakota Growers Pasta
			Foulds
			Gilster-Mary Lee
			Gooch Foods
			Hershey Foods
			LaRinascente Macaroni Co
			Pasta USA
			Philadelphia Macaroni
			ST Specialty Foods
C–507–501	N/A	Raw In-Shell Pistachios/Iran	Blackwell Land Co
			Cal Pure Pistachios Inc
			California Pistachio Commission
			California Pistachio Orchards
			Keenan Farms Inc
			Kern Pistachio Hulling & Drying Co-Op
			Los Rancheros de Poco Pedro
			Pistachio Producers of California
			TM Duche Nut Co Inc
C–507–601	N/A	Roasted In-Shell Pistachios/Iran	Cal Pure Pistachios Inc
			California Pistachio Commission
			Keenan Farms Inc
			Kern Pistachio Hulling & Drying Co-Op

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			Pistachio Producers of California
			TM Duche Nut Co Inc
C–508–605	701–TA–286	Industrial Phosphoric Acid/Israel	Albright & Wilson
			FMC
			Hydrite Chemical
			Monsanto
			Stauffer Chemical
C–533–063	303–TA–13	Iron Metal Castings/India	Campbell Foundry
			Le Baron Foundry
			Municipal Castings
			Neenah Foundry
			Pinkerton Foundry
			US Foundry & Manufacturing
			Vulcan Foundry
C–533–807	701–TA–318	Sulfanilic Acid/India	R–M Industries
C–533–818	701–TA–388	Cut-to-Length Carbon Steel Plate/India	Bethlehem Steel
			CitiSteel USA Inc
			Geneva Steel
			Gulf States Steel
			IPSCO Steel
			National Steel
			Tuscaloosa Steel
			US Steel
			United Steelworkers of America
C–533–821	701–TA–405	Hot-Rolled Steel Products/India	Bethlehem Steel
			Gallatin Steel
			Independent Steelworkers
			IPSCO
			LTV Steel
			National Steel
			Nucor
			Rouge Steel Co
			Steel Dynamics
			US Steel
			United Steelworkers of America
			WCI Steel Inc
			Weirton Steel
			Wheeling-Pittsburgh Steel Corp
C–533–825	701–TA–415	Polyethylene Terephthalate Film, Sheet and Strip (PET Film)/India.	DuPont Teijin Films
			Mitsubishi Polyester Film LLC
			SKC America Inc
			Toray Plastics (America)
C–533–829	701–TA–432	Prestressed Concrete Steel Wire Strand/India	American Spring Wire Corp
			Insteel Wire Products Co
			Sivaco Georgia LLC
			Strand Tech Martin Inc
			Sumiden Wire Products Corp
C–533–839	701–TA–437	Carbazole Violet Pigment 23/India	Allegheny Color Corp
			Barker Fine Color Inc
			Clariant Corp
			Nation Ford Chemical Co
			Sun Chemical Co
C–533–844	701–TA–442	Certain Lined Paper School Supplies/India	Fay Paper Products Inc
			MeadWestvaco Consumer & Office Products
			Norcom Inc
			Pacon Corp
			Roaring Spring Blank Book Co
			Top Flight Inc
			United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO–CLC (USW)
C–535–001	701–TA–202	Cotton Shop Towels/Pakistan	Milliken
C–549–818	701–TA–408	Hot-Rolled Steel Products/Thailand	Bethlehem Steel
			Gallatin Steel
			Independent Steelworkers
			IPSCO
			LTV Steel
			National Steel
			Nucor
			Rouge Steel Co
			Steel Dynamics
			US Steel

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C–560–806	701–TA–389	Cut-to-Length Carbon Steel Plate/Indonesia	United Steelworkers of America WCI Steel Inc Weirton Steel Wheeling-Pittsburgh Steel Corp Bethlehem Steel CitiSteel USA Inc Geneva Steel Gulf States Steel IPSCO Steel National Steel Tuscaloosa Steel US Steel
C–560–813	701–TA–406	Hot-Rolled Steel Products/Indonesia	United Steelworkers of America Bethlehem Steel Gallatin Steel Independent Steelworkers IPSCO LTV Steel National Steel Nucor Rouge Steel Co Steel Dynamics US Steel
C–560–819	701–TA–443	Certain Lined Paper School Supplies/Indonesia	United Steelworkers of America WCI Steel Inc Weirton Steel Wheeling-Pittsburgh Steel Corp Fay Paper Products Inc MeadWestvaco Consumer & Office Products Norcom Inc Pacon Corp Roaring Spring Blank Book Co Top Flight Inc United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO–CLC (USW)
C–580–602	701–TA–267	Top-of-the-Stove Stainless Steel Cooking Ware/Korea.	Farberware Regal Ware Revere Copper & Brass WearEver/Proctor Silex
C–580–818	701–TA–342	Cold-Rolled Carbon Steel Flat Products/Korea	Armco Steel Bethlehem Steel California Steel Industries Gulf States Steel Inland Steel Industries LTV Steel National Steel Nextech Rouge Steel Co Sharon Steel Theis Precision Steel Thompson Steel US Steel United Steelworkers of America WCI Steel Weirton Steel
C–580–818	701–TA–350	Corrosion-Resistant Carbon Steel Flat Products/Korea.	Armco Steel Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries LTV Steel Lukens Steel National Steel Nextech Rouge Steel Co Sharon Steel Theis Precision Steel Thompson Steel US Steel United Steelworkers of America

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C–580–835	701–TA–382	Stainless Steel Sheet and Strip/Korea	WCI Steel Weirton Steel Allegheny Ludlum Armco Steel Bethlehem Steel Butler Armco Independent Union Carpenter Technology Corp J&L Specialty Steel North American Stainless United Steelworkers of America Zanesville Armco Independent Organization
C–580–837	701–TA–391	Cut-to-Length Carbon Steel Plate/Korea	Bethlehem Steel CitiSteel USA Inc Geneva Steel Gulf States Steel IPSCO Steel National Steel Tuscaloosa Steel US Steel United Steelworkers of America
C–580–842	701–TA–401	Structural Steel Beams/Korea	Northwestern Steel and Wire Nucor Nucor-Yamato Steel TXI-Chaparral Steel United Steelworkers of America
C–580–851	701–TA–431	DRAMs and DRAM Modules/Korea	Dominion Semiconductor LLC/Micron Technology Inc Infineon Technologies Richmond LP Micron Technology Inc
C–583–604	701–TA–268	Top-of-the-Stove Stainless Steel Cooking Ware/Taiwan.	Farberware Regal Ware Revere Copper & Brass WearEver/Proctor Silex
C–791–806	701–TA–379	Stainless Steel Plate in Coils/South Africa	Allegheny Ludlum Armco Steel J&L Specialty Steel Lukens Steel North American Stainless United Steelworkers of America
C–791–810	701–TA–407	Hot-Rolled Steel Products/South Africa	Bethlehem Steel Gallatin Steel Independent Steelworkers IPSCO LTV Steel National Steel Nucor Rouge Steel Co Steel Dynamics US Steel United Steelworkers of America WCI Steel Inc Weirton Steel Wheeling-Pittsburgh Steel Corp
A–331–802	731–TA–1065 ...	Certain Frozen Warmwater Shrimp and Prawns/Ecuador.	
A–351–838	731–TA–1063 ...	Certain Frozen Warmwater Shrimp and Prawns/Brazil.	
A–533–840	731–TA–1066 ...	Certain Frozen Warmwater Shrimp and Prawns/India.	
A–549–822	731–TA–1067 ...	Certain Frozen Warmwater Shrimp and Prawns/Thailand.	
A–552–802	731–TA–1068 ...	Certain Frozen Warmwater Shrimp and Prawns/Vietnam.	
A–570–893	731–TA–1064 ...	Certain Frozen Warmwater Shrimp and Prawns/China.	Petitioners/Supporters for all six cases listed: Abadie, Al J Abadie, Anthony Abner, Charles Abraham, Steven Abshire, Gabriel J Ackerman, Dale J Acosta, Darryl L Acosta, Jerry J Sr Acosta, Leonard C

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			Acosta, Wilson Pula Sr Adam, Denise T Adam, Michael A Adam, Richard B Jr Adam, Sherry P Adam, William E Adam, Alcide J Jr Adams, Dudley Adams, Elizabeth L Adams, Ervin Adams, Ervin Adams, George E Adams, Hursy J Adams, James Arthur Adams, Kelly Adams, Lawrence J Jr Adams, Randy Adams, Ritchie Adams, Steven A Adams, Ted J Adams, Tim Adams, Whitney P Jr Agoff, Ralph J Aguilar, Rikardo Aguillard, Roddy G Alario, Don Ray Alario, Nat Alario, Pete J Alario, Timmy Albert, Craig J Albert, Junior J Alexander, Everett O Alexander, Robert F Jr Alexie, Benny J Alexie, Corkey A Alexie, Dolphy Alexie, Felix Jr Alexie, Gwendolyn Alexie, John J Alexie, John V Alexie, Larry J Sr Alexie, Larry Jr Alexie, Vincent L Jr Alexis, Barry S Alexis, Craig W Alexis, Micheal Alexis, Monique Alfonso, Anthony E Jr Alfonso, Jesse Alfonso, Nicholas Alfonso, Paul Anthony Alfonso, Randy Alfonso, Terry S Jr Alfonso, Vernon Jr Alfonso, Yvette Alimia, Angelo A Jr Allemand, Dean J Allen, Annie Allen, Carolyn Sue Allen, Jackie Allen, Robin Allen, Wayne Allen, Wilbur L Allen, Willie J III Allen, Willie Sr Alphonso, John Ancalade, Leo J Ancar, Claudene Ancar, Jerry T Ancar, Joe C Ancar, Merlin Sr Ancar, William Sr Ancelet, Gerald Ray

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			Anderson, Andrew David Anderson, Ernest W Anderson, Jerry Anderson, John Anderson, Lynwood Anderson, Melinda Rene Anderson, Michael Brian Anderson, Ronald L Sr Anderson, Ronald Louis Jr Andonie, Miguel Andrews, Anthony R Andry, Janice M Andry, Rondey S Angelle, Louis Anglada, Eugene Sr Ansardi, Lester Anselmi, Darren Aparicio, Alfred Aparicio, David Aparicio, Ernest Arabie, Georgia P Arabie, Joseph Arcement, Craig J Arcement, Lester C Arcemont, Donald Sr Arceneaux, Matthew J Arceneaux, Michael K Areas, Christopher J Armbruster, John III Armbruster, Paula D Armstrong, Jude Jr Arnesen, George Arnold, Lonnie L Jr Arnona, Joseph T Arnondin, Robert Arthur, Brenda J Assavedo, Floyd Atwood, Gregory Kenneth Au, Chow D Au, Robert Aucoin, Dewey F Aucoin, Earl Aucoin, Laine A Aucoin, Perry J Austin, Dennis Austin, Dennis J Authement, Brice Authement, Craig L Authement, Dion J Authement, Gordon Authement, Lance M Authement, Larry Authement, Larry Sr Authement, Roger J Authement, Sterling P Autin, Bobby Autin, Bruce J Autin, Kenneth D Autin, Marvin J Autin, Paul F Jr Autin, Roy Avenel, Albert J Jr Ba Wells, Tran Thi Babb, Conny Babin, Brad Babin, Joey L Babin, Klint Babin, Molly Babin, Norman J Babineaux, Kirby Babineaux, Vicki Bach, Ke Van Bach, Reo Long

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			Backman, Benny Badeaux, Todd Baham, Dewayne Bailey, Albert Bailey, Antoine III Bailey, David B Sr Bailey, Don Baker, Clarence Baker, Donald Earl Baker, James Baker, Kenneth Baker, Ronald J Balderas, Antonio Baldwin, Richard Prentiss Ballard, Albert Ballas, Barbara A Ballas, Charles J Baltz, John F Ban, John Bang, Bruce K Barbaree, Joe W Barbe, Mark A and Cindy Barber, Louie W Jr Barber, Louie W Sr Barbier, Percy T Barbour, Raymond A Bargainear, James E Barisich, George A Barisich, Joseph J Barnette, Earl Barnhill, Nathan Barrios, Clarence Barrios, Corbert J Barrios, Corbert M Barrios, David Barrios, John Barrios, Shane James Barrois, Angela Gail Barrois, Dana A Barrois, Tracy James Barrois, Wendell Jude Jr Barthe, Keith Sr Barthelemy, Allen M Barthelemy, John A Barthelemy, Rene T Sr Barthelemy, Walter A Jr Bartholomew, Mitchell Bartholomew, Neil W Bartholomew, Thomas E Bartholomew, Wanda C Basse, Donald J Sr Bates, Mark Bates, Ted Jr Bates, Vernon Jr Battle, Louis Baudoin, Drake J Baudoin, Murphy A Baudouin, Stephen Bauer, Gary Baye, Glen P Bean, Charles A Beazley, William E Becnel, Glenn J Becnel, Kent Beecher, Carold F Beechler, Ronald Bell, James E Bell, Ronald A Bellanger, Arnold Bellanger, Clifton Bellanger, Scott J Belsome, Derrell M Belsome, Karl M

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			Bennett, Cecil A Jr Bennett, Gary Lynn Bennett, Irin Jr Bennett, James W Jr Bennett, Louis Benoit, Francis J Benoit, Nicholas L Benoit, Paula T Benoit, Tenna J Jr Benton, Walter T Berger, Ray W Bergeron, Alfred Scott Bergeron, Jeff Bergeron, Nolan A Bergeron, Ulysses J Bernard, Lamont L Berner, Mark J Berthelot, Gerard J Sr Berthelot, James A Berthelot, Myron J Bertrand, Jerl C Beverung, Keith J Bianchini, Raymond W Bickham, Leo E Bienvenu, Charles Biggs, Jerry W Sr Bigler, Delbert Billington, Richard Billiot, Alfredia Billiot, Arthur Billiot, Aubrey Billiot, Barell J Billiot, Betty Billiot, Bobby J Billiot, Brian K Billiot, Cassidy Billiot, Charles Sr Billiot, Chris J Sr Billiot, E J E Billiot, Earl W Sr Billiot, Ecton L Billiot, Emary Billiot, Forest Jr Billiot, Gerald Billiot, Harold J Billiot, Jacco A Billiot, Jake A Billiot, James Jr Billiot, Joseph S Jr Billiot, Laurence V Billiot, Leonard F Jr Billiot, Lisa Billiot, Mary L Billiot, Paul J Sr Billiot, Shirley L Billiot, Steve M Billiot, Thomas Adam Billiot, Thomas Sr Billiot, Wenceslaus Jr Billiott, Alexander J Biron, Yale Black, William C Blackston, Larry E Blackwell, Wade H III Blackwell, Wade H Jr Blanchard, Albert Blanchard, Andrew J Blanchard, Billy J Blanchard, Cyrus Blanchard, Daniel A Blanchard, Dean Blanchard, Douglas Jr Blanchard, Dwayne

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			Blanchard, Elgin Blanchard, Gilbert Blanchard, Jade Blanchard, James Blanchard, John F Jr Blanchard, Katie Blanchard, Kelly Blanchard, Matt Joseph Blanchard, Michael Blanchard, Quentin Timothy Blanchard, Roger Sr Blanchard, Walton H Jr Bland, Quyen T Blouin, Roy A Blume, Jack Jr Bodden, Arturo Bodden, Jasper Bollinger, Donald E Bolotte, Darren W Bolton, Larry F Bondi, Paul J Bonvillain, Jimmy J Bonvillian, Donna M Boone, Clifton Felix Boone, Donald F II Boone, Donald F III (Ricky) Boone, Gregory T Boquet, Noriss P Jr Boquet, Wilfred Jr Bordelon, Glenn Sr Bordelon, James P Bordelon, Shelby P Borden, Benny Borne, Crystal Borne, Dina L Borne, Edward Joseph Jr Borne, Edward Sr Bosarge, Hubert Lawrence Bosarge, Robert Bosarge, Sandra Bosarge, Steve Boudlauch, Durel A Jr Boudoin, Larry Terrell Boudoin, Nathan Boudreaux, Brent J Boudreaux, Elvin J III Boudreaux, James C Jr Boudreaux, James N Boudreaux, Jessie Boudreaux, Leroy A Boudreaux, Mark Boudreaux, Paul Sr Boudreaux, Richard D Boudreaux, Ronald Sr Boudreaux, Sally Boudreaux, Veronica Boudwin, Dwayne Boudwin, Jewel James Sr Boudwin, Wayne Bouise, Norman Boulet, Irwin J Jr Boullion, Debra Bourg, Allen T Bourg, Benny Bourg, Chad J Bourg, Channon Bourg, Chris Bourg, Douglas Bourg, Glenn A Bourg, Jearmie Sr Bourg, Kent A Bourg, Mark Bourg, Nolan P

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			Bourg, Ricky J Bourgeois, Albert P Bourgeois, Brian J Jr Bourgeois, Daniel Bourgeois, Dwayne Bourgeois, Jake Bourgeois, Johnny M Bourgeois, Johnny M Jr Bourgeois, Leon A Bourgeois, Louis A Bourgeois, Merrie E Bourgeois, Randy P Bourgeois, Reed Bourgeois, Webley Bourn, Chris Bourque, Murphy Paul Bourque, Ray Bousegard, Duvic Jr Boutte, Manuel J Jr Bouvier, Colbert A II Bouzigard, Dale J Bouzigard, Edgar J III Bouzigard, Eeris Bowers, Harold Bowers, Tommy Boyd, David E Sr Boyd, Elbert Boykin, Darren L Boykin, Thomas Carol Bradley, James Brady, Brian Brandhurst, Kay Brandhurst, Ray E Sr Brandhurst, Raymond J Braneff, David G Brannan, William P Branom, Donald James Jr Braud, James M Brazan, Frank J Breaud, Irvin F Jr Breaux, Barbara Breaux, Brian J Breaux, Charlie M Breaux, Clifford Breaux, Colin E Breaux, Daniel Jr Breaux, Larry J Breaux, Robert J Jr Breaux, Shelby Briscoe, Robert F Jr Britsch, L D Jr Broussard, Dwayne E Broussard, Eric Broussard, Keith Broussard, Larry Broussard, Mark A Broussard, Roger David Broussard, Roger R Broussard, Steve P Brown, Cindy B Brown, Colleen Brown, Donald G Brown, John W Brown, Paul R Brown, Ricky Brown, Toby H Bruce, Adam J Bruce, Adam J Jr Bruce, Bob R Bruce, Daniel M Sr Bruce, Eli T Sr Bruce, Emelda L Bruce, Gary J Sr

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			Bruce, James P Bruce, Lester J Jr Bruce, Margie L Bruce, Mary P Bruce, Nathan Bruce, Robert Bruce, Russell Brudnock, Peter Sr Brunet, Elton J Brunet, Joseph A Brunet, Joseph A Brunet, Levy J Jr Brunet, Raymond Sr Bryan, David N Bryant, Ina Fay V Bryant, Jack D Sr Bryant, James Larry Buford, Ernest Bui, Ben Bui, Dich Bui, Dung Thi Bui, Huong T Bui, Ngan Bui, Nhuan Bui, Nuoi Van Bui, Tai Bui, Tieu Bui, Tommy Bui, Xuan and De Nguyen Bui, Xuanmai Bull, Delbert E Bundy, Belvina (Kenneth) Bundy, Kenneth Sr Bundy, Nicky Bundy, Ronald J Bundy, Ronnie J Buquet, John Jr Buras, Clayton M Buras, Leander Buras, Robert M Jr Buras, Waylon J Burlett, Elliott C Burlett, John C Jr Burnell, Charles B Burnell, Charles R Burnham, Deanna Lea Burns, Stuart E Burroughs, Lindsey Hilton Jr Burton, Ronnie Busby, Hardy E Busby, Tex H Busch, RC Bush, Robert A Bussey, Tyler Butcher, Dorothy Butcher, Rocky J Butler, Albert A Butler, Aline M Bychurch, Johnny Bychurch, Johnny Jr Cabanilla, Alex Caboz, Jose Santos Cacioppo, Anthony Jr Caddell, David Cadiere, Mae Quick Cadiere, Ronald J Cahill, Jack Caillouet, Stanford Jr Caison, Jerry Lane Jr Calcagno, Stephen Paul Sr Calderone, John S Callahan, Gene P Sr Callahan, Michael J

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			Callahan, Russell Callais, Ann Callais, Franklin D Callais, Gary D Callais, Michael Callais, Michael Callais, Sandy Callais, Terrence Camardelle, Anna M Camardelle, Chris J Camardelle, David Camardelle, Edward J III Camardelle, Edward J Jr Camardelle, Harris A Camardelle, Knowles Camardelle, Noel T Camardelle, Tilman J Caminita, John A III Campo, Donald Paul Campo, Kevin Campo, Nicholas J Campo, Roy Campo, Roy Sr Camus, Ernest M Jr Canova, Carl Cantrelle, Alvin Cantrelle, Eugene J Cantrelle, Otis A Sr Cantrelle, Otis Jr (Buddy) Cantrelle, Philip A Cantrelle, Tate Joseph Canty, Robert Jamies Cao, Anna Cao, Billy Cao, Billy Viet Cao, Binh Quang Cao, Chau Cao, Dan Dien Cao, Dung Van Cao, Gio Van Cao, Heip A Cao, Linh Huyen Cao, Nghia Thi Cao, Nhieu V Cao, Si-Van Cao, Thanh Kim Cao, Tuong Van Carinhas, Jack G Jr Carl, Joseph Allen Carlos, Gregory Carlos, Irvin Carmadelle, David J Carmadelle, Larry G Carmadelle, Rudy J Carrere, Anthony T Jr Carrier, Larry J Caruso, Michael Casanova, David W Sr Cassagne, Alphonse G III Cassagne, Alphonse G IV Cassidy, Mark Casso, Joseph Castelin, Gilbert Castelin, Sharon Castellanos, Raul L Castelluccio, John A Jr Castille, Joshua Caulfield, Adolph Jr Caulfield, Hope Caulfield, James M Jr Caulfield, Jean Cepriano, Salvador Cerdes, Julius W Jr

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			Cerise, Marla Chabert, John Chaisson, Dean J Chaisson, Henry Chaisson, Vincent A Chaix, Thomas B III Champagne, Brian Champagne, Harold P Champagne, Kenton Champagne, Leon J Champagne, Leroy A Champagne, Lori Champagne, Timmy D Champagne, Willard Champlin, Kim J Chance, Jason R Chancey, Jeff Chapa, Arturo Chaplin Robert G Sr Chaplin, Saxby Stowe Charles, Christopher Charpentier, Allen J Charpentier, Alvin J Charpentier, Daniel J Charpentier, Lawrence Charpentier, Linton Charpentier, Melanie Charpentier, Murphy Jr Charpentier, Robert J Chartier, Michelle Chau, Minh Huu Chauvin, Anthony Chauvin, Anthony P Jr Chauvin, Carey M Chauvin, David James Chauvin, James E Chauvin, Kimberly Kay Cheeks, Alton Bruce Cheers, Elwood Chenier, Ricky Cheramie, Alan Cheramie, Alan J Jr Cheramie, Alton J Cheramie, Berwick Jr Cheramie, Berwick Sr Cheramie, Daniel James Sr Cheramie, Danny Cheramie, David J Cheramie, David P Cheramie, Dickey J Cheramie, Donald Cheramie, Enola Cheramie, Flint Cheramie, Harold L Cheramie, Harry J Sr Cheramie, Harry Jr Cheramie, Harvey Jr Cheramie, Harvey Sr Cheramie, Henry J Sr Cheramie, James A Cheramie, James P Cheramie, Jody P Cheramie, Joey J Cheramie, Johnny Cheramie, Joseph A Cheramie, Lee Allen Cheramie, Linton J Cheramie, Mark A Cheramie, Murphy J Cheramie, Nathan A Sr Cheramie, Neddy P Cheramie, Nicky J Cheramie, Ojess M

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			Cheramie, Paris P Cheramie, Robbie Cheramie, Rodney E Jr Cheramie, Ronald Cheramie, Roy Cheramie, Roy A Cheramie, Sally K Cheramie, Terry J Cheramie, Terry Jr Cheramie, Timmy Cheramie, Tina Cheramie, Todd M Cheramie, Tommy Cheramie, Wayne A Cheramie, Wayne A Jr Cheramie, Wayne F Sr Cheramie, Wayne J Cheramie, Webb Jr Chevalier, Mitch Chew, Thomas J Chhun, Samantha Chiasson, Jody J Chiasson, Manton P Jr Chiasson, Michael P Childress, Gordon Chisholm, Arthur Chisholm, Henry Jr Christen, David Jr Christen, Vernon Christmas, John T Jr Chung, Long V Ciaccio, Vance Cibilic, Bozidar Cieutat, John Cisneros, Albino Ciuffi, Michael L Clark, James M Clark, Jennings Clark, Mark A Clark, Ricky L Cobb, Michael A Cochran, Jimmy Coleman, Ernest Coleman, Freddie Jr Colletti, Rodney A Collier, Ervin J Collier, Wade Collins, Bernard J Collins, Bruce J Jr Collins, Donald Collins, Earline Collins, Eddie F Jr Collins, Jack Collins, Jack Collins, Julius Collins, Lawson Bruce Sr Collins, Lindy S Jr Collins, Logan A Jr Collins, Robert Collins, Timmy P Collins, Vendon Jr Collins, Wilbert Jr Collins, Woodrow Colson, Chris and Michelle Comardelle, Michael J Comeaux, Allen J Compeaux, Curtis J Compeaux, Gary P Compeaux, Harris Cone, Jody Contreras, Mario Cook, Edwin A Jr Cook, Edwin A Sr

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			Cook, Joshua Cook, Larry R Sr Cook, Scott Cook, Theodore D Cooksey, Ernest Neal Cooper, Acy J III Cooper, Acy J Jr Cooper, Acy Sr Cooper, Christopher W Cooper, Jon C Cooper, Marla F Cooper, Vincent J Copeman, John R Corley, Ronald E Cornett, Eddie Cornwall, Roger Cortez, Brenda M Cortez, Cathy Cortez, Curtis Cortez, Daniel P Cortez, Edgar Cortez, Keith J Cortez, Leslie J Cosse, Robert K Coston, Clayton Cotsovolos, John Gordon Coulon, Allen J Jr Coulon, Allen J Sr Coulon, Amy M Coulon, Cleveland F Coulon, Darrin M Coulon, Don Coulon, Earline N Coulon, Ellis Jr Coursey, John W Courville, Ronnie P Cover, Darryl L Cowdrey, Michael Dudley Cowdrey, Michael Nelson Crain, Michael T Crawford, Bryan D Crawford, Steven J Creamer, Quention Credeur, Todd A Sr Credeur, Tony J Creppel, Carlton Creppel, Catherine Creppel, Craig Anthony Creppel, Freddy Creppel, Isadore Jr Creppel, Julinne G III Creppel, Kenneth Creppel, Kenneth Creppel, Nathan J Jr Creppell, Michel P Cristina, Charles J Crochet, Sterling James Crochet, Tony J Crosby, Benjy J Crosby, Darlene Crosby, Leonard W Jr Crosby, Ted J Crosby, Thomas Crum, Lonnie Crum, Tommy Lloyd Cruz, Jesus Cubbage, Melinda T Cuccia, Anthony J Cuccia, Anthony J Jr Cuccia, Kevin Cumbie, Bryan E Cure, Mike Curole, Keith J

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			Curole, Kevin P Curole, Margaret B Curole, Willie P Jr Cutrer, Jason C Cvitanovich, T Daigle, Alfred Daigle, Cleve and Nona Daigle, David John Daigle, EJ Daigle, Glenn Daigle, Jamie J Daigle, Jason Daigle, Kirk Daigle, Leonard P Daigle, Lloyd Daigle, Louis J Daigle, Melanie Daigle, Michael J Daigle, Michael Wayne and JoAnn Daisy, Jeff Dale, Cleveland L Dang, Ba Dang, Dap Dang, David Dang, Duong Dang, Khang Dang, Khang and Tam Phan Dang, Loan Thi Dang, Minh Dang, Minh Van Dang, Son Dang, Tao Kevin Dang, Thang Duc Dang, Thien Van Dang, Thuong Dang, Thuy Dang, Van D Daniels, David Daniels, Henry Daniels, Leslie Danos, Albert Sr Danos, James A Danos, Jared Danos, Oliver J Danos, Ricky P Danos, Rodney Danos, Timothy A d'Antignac, Debi d'Antignac, Jack Dantin, Archie A Dantin, Mark S Sr Dantin, Stephen Jr Dao, Paul Dao, Vang Dao-Nguyen, Chrysti Darda, Albert L Jr Darda, Gertrude Darda, Herbert Darda, J C Darda, Jeremy Darda, Tammy Darda, Trudy Dardar, Alvin Dardar, Basile J Dardar, Basile Sr Dardar, Cindy Dardar, David Dardar, Donald S Dardar, Edison J Sr Dardar, Gayle Picou Dardar, Gilbert B Dardar, Gilbert Sr Dardar, Isadore J Jr

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			Dardar, Jacqueline Dardar, Jonathan M Dardar, Lanny Dardar, Larry J Dardar, Many Dardar, Neal A Dardar, Norbert Dardar, Patti V Dardar, Percy B Sr Dardar, Rose Dardar, Rusty J Dardar, Samuel Dardar, Summersgill Dardar, Terry P Dardar, Toney M Jr Dardar, Toney Sr Dargis, Stephen M Dassau, Louis David, Philip J Jr Davis, Cliff Davis, Daniel A Davis, Danny A Davis, James Davis, John W Davis, Joseph D Davis, Michael Steven Davis, Ronald B Davis, William T Jr Davis, William Theron Dawson, JT de la Cruz, Avery T Dean, Ilene L Dean, John N Dean, Stephen DeBarge, Brian K DeBarge, Sherry DeBarge, Thomas W Decoursey, John Dedon, Walter Deere, Daryl Deere, David E Deere, Dennis H Defelice, Robin Defelice, Tracie L DeHart, Ashton J Sr Dehart, Bernard J Dehart, Blair Dehart, Clevis Dehart, Clevis Jr DeHart, Curtis P Sr Dehart, Eura Sr Dehart, Ferrell John Dehart, Leonard M DeHart, Troy DeJean, Chris N Jr DeJean, Chris N Sr Dekemel, Bonnie D Dekemel, Wm J Jr Delande, Paul Delande, Ten Chie Delatte, Michael J Sr Delaune, Kip M Delaune, Thomas J Delaune, Todd J Delcambre, Carroll A Delgado, Jesse Delino, Carlton Delino, Lorene Deloach, Stephen W Jr DeMoll, Herman J Jr DeMoll, Herman J Sr DeMoll, James C Jr DeMoll, Ralph

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			DeMoll, Robert C DeMoll, Terry R DeMolle, Freddy DeMolle, Otis Dennis, Fred Denty, Steve Deroche, Barbara H Derouen, Caghe Deshotel, Rodney DeSilvey, David Despaux, Byron J Despaux, Byron J Jr Despaux, Glen A Despaux, Ken Despaux, Kerry Despaux, Suzanna Detillier, David E DeVaney, Bobby C Jr Dickey, Wesley Frank Diep, Vu Dinger, Anita Dinger, Corbert Sr Dinger, Eric Dingler, Mark H Dinh, Chau Thanh Dinh, Khai Duc Dinh, Lien Dinh, Toan Dinh, Vincent Dion, Ernest Dion, Paul A Dion, Thomas Autry Disalvo, Paul A Dismuke, Robert E Sr Ditcharo, Dominick III Dixon, David Do, Cuong V Do, Dan C Do, Dung V Do, Hai Van Do, Hieu Do, Hung V Do, Hung V Do, Johnny Do, Kiet Van Do, Ky Hong Do, Ky Quoc Do, Lam Do, Liet Van Do, Luong Van Do, Minh Van Do, Nghiep Van Do, Ta Do, Ta Phon Do, Than Viet Do, Thanh V Do, Theo Van Do, Thien Van Do, Tinh A Do, Tri Do, Vi V Doan, Anh Thi Doan, Joseph Doan, Mai Doan, Minh Doan, Ngoc Doan, Tran Van Domangue, Darryl Domangue, Emile Domangue, Mary Domangue, Michael Domangue, Paul Domangue, Ranzell Sr

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			Domangue, Stephen Domangue, Westley Domingo, Carolyn Dominique, Amy R Dominque, Gerald R Donini, Ernest N Donnelly, David C Donohue, Holly M Dooley, Denise F Dopson, Craig B Dore, Presley J Dore, Preston J Jr Dorr, Janthan C Jr Doucet, Paul J Sr Downey, Colleen Doxey, Robert Lee Sr Doxey, Ruben A Doxey, William L Doyle, John T Drawdy, John Joseph Drury, Bruce W Jr Drury, Bruce W Sr Drury, Bryant J Drury, Eric S Drury, Helen M Drury, Jeff III Drury, Kevin Drury, Kevin S Sr Drury, Steve R Drury, Steven J Dubberly, James F Dubberly, James Michael Dubberly, James Michael Jr Dubberly, John J Dubois, Euris A Dubois, John D Jr Dubois, Lonnie J Duck, Kermit Paul Dudenhefer, Anthony Dudenhefer, Connie S Dudenhefer, Eugene A Dudenhefer, Milton J Jr Duet, Brad J Duet, Darrel A Duet, Guy J Duet, Jace J Duet, Jay Duet, John P Duet, Larson Duet, Ramie Duet, Raymond J Duet, Tammy B Duet, Tyrone Dufrene, Archie Dufrene, Charles Dufrene, Curt F Dufrene, Elson A Dufrene, Eric F Dufrene, Eric F Jr Dufrene, Eric John Dufrene, Golden J Dufrene, Jeremy M Dufrene, Juliette B Dufrene, Leroy J Dufrene, Milton J Dufrene, Ronald A Jr Dufrene, Ronald A Sr Dufrene, Scottie M Dufrene, Toby Dugar, Edward A II Dugas, Donald John Dugas, Henri J IV Duhe, Greta

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			Duhe, Robert Duhon, Charles Duhon, Douglas P Duncan, Faye E Duncan, Gary Duncan, Loyde C Dunn, Bob Duong, Billy Duong, Chamroeun Duong, EM Duong, Ho Tan Phi Duong, Kong Duong, Mau Duplantis, Blair P Duplantis, David Duplantis, Frankie J Duplantis, Maria Duplantis, Teddy W Duplantis, Wedgir J Jr Duplessis, Anthony James Sr Duplessis, Bonnie S Duplessis, Clarence R Dupre, Brandon P Dupre, Cecile Dupre, David A Dupre, Davis J Jr Dupre, Easton J Dupre, Jimmie Sr Dupre, Linward P Dupre, Mary L Dupre, Michael J Dupre, Michael J Jr Dupre, Randall P Dupre, Richard A Dupre, Rudy P Dupre, Ryan A Dupre, Tony J Dupre, Troy A Dupree, Bryan Dupree, Derrick Dupree, Malcolm J Sr Dupuis, Clayton J Durand, Walter Y Dusang, Melvin A Duval, Denval H Sr Duval, Wayne Dyer, Nadine D Dyer, Tony Dykes, Bert L Dyson, Adley L Jr Dyson, Adley L Sr Dyson, Amy Dyson, Casandra Dyson, Clarence III Dyson, Jimmy Jr Dyson, Jimmy L Sr Dyson, Kathleen Dyson, Maricela Dyson, Phillip II Dyson, Phillip Sr Dyson, William Eckerd, Bill Edens, Angela Blake Edens, Donnie Edens, Jeremy Donald Edens, Nancy M Edens, Steven L Edens, Timothy Dale Edgar, Daniel Edgar, Joey Edgerson, Roosevelt Edwards,Tommy W III Ellerbee, Jody Duane

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			Ellison, David Jr Encalade, Alfred Jr Encalade, Anthony T Encalade, Cary Encalade, Joshua C Encalade, Stanley A Enclade, Joseph L Enclade, Michael Sr and Jeannie Pitre Enclade, Rodney J Englade, Alfred Ennis, A L Jr Erickson, Grant G Erlinger, Carroll Erlinger, Gary R Eschete, Keith A Esfeller, Benny A Eskine, Kenneth Esponge, Ernest J Estaves, David Sr Estaves, Ricky Joseph Estay, Allen J Estay, Wayne Esteves, Anthony E Jr Estrada, Orestes Evans, Emile J Jr Evans, Kevin J Evans, Lester Evans, Lester J Jr Evans, Tracey J Sr Everson, George C Eymard, Brian P Sr Eymard, Jervis J and Carolyn B Fabiano, Morris C Fabra, Mark Fabre, Alton Jr Fabre, Ernest J Fabre, Kelly V Fabre, Peggy B Fabre, Sheron Fabre, Terry A Fabre, Wayne M Falcon, Mitchell J Falgout, Barney Falgout, Jerry P Falgout, Leroy J Falgout, Timothy J Fanguy, Barry G Fanning, Paul Jr Farris, Thomas J Fasone, Christopher J Fasone, William J Faulk, Lester J Favaloro, Thomas J Favre, Michael Jr Fazende, Jeffery Fazende, Thomas Fazende, Thomas G Fazzio, Anthony Fazzio, Douglas P Fazzio, Maxine J Fazzio, Steve Felarise, EJ Felarise, Wayne A Sr Fernandez, John Fernandez, Laudelino Ferrara, Audrey B Ficarino, Dominick Jr Fields, Bryan Fillinich, Anthony Fillinich, Anthony Sr Fillinich, Jack Fincher, Penny Fincher, William

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			Fisch, Burton E Fisher, Kelly Fisher, Kirk Fisher, Kirk A Fitch, Adam Fitch, Clarence J Jr Fitch, Hanson Fitzgerald, Burnell Fitzgerald, Kirk Fitzgerald, Kirk D Fitzgerald, Ricky J Jr Fleming, John M Fleming, Meigs F Fleming, Mike Flick, Dana Flores, Helena D Flores, Thomas Flowers, Steve W Flowers, Vincent F Folse, David M Folse, Heath Folse, Mary L Folse, Ronald B Fonseca, Francis Sr Fontaine, William S Fontenot, Peggy D Ford, Judy Ford, Warren Wayne Foreman, Ralph Jr Foret, Alva J Foret, Billy J Foret, Brent J Foret, Glenn Foret, Houston Foret, Jackie P Foret, Kurt J Sr Foret, Lovelace A Sr Foret, Loveless A Jr Foret, Mark M Foret, Patricia C Forrest, David P Forsyth, Hunter Forsythe, John Fortune, Michael A France, George J Francis, Albert Franklin, James K Frankovich, Anthony Franks, Michael Frauenberger, Richard Wayne Frazier, David J Frazier, David M Frazier, James Frazier, Michael Frederick, Davis Frederick, Johnnie and Jeannie Fredrick, Michael Freeman, Arthur D Freeman, Darrel P Sr Freeman, Kenneth F Freeman, Larry Scott Frelich, Charles P Frelich, Floyd J Frelich, Kent Frerics, Doug Frerks, Albert R Jr Frickey, Darell Frickey, Darren Frickey, Dirk I Frickey, Eric J Frickey, Harry J Jr Frickey, Jimmy Frickey, Rickey J

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			Frickey, Westley J Friloux, Brad Frisella, Jeanette M Frisella, Jerome A Jr Frost, Michael R Fruge, Wade P Gadson, James Gaines, Dwayne Gala, Christine Galjour, Jess J Galjour, Reed Gallardo, John W Gallardo, Johnny M Galliano, Anthony Galliano, Horace J Galliano, Joseph Sr Galliano, Logan J Galliano, Lynne L Galliano, Moise Jr Galloway, AT Jr Galloway, Jimmy D Galloway, Judy L Galloway, Mark D Galt, Giles F Gambarella, Luvencie J Ganoi, Kristine Garcia, Ana Maria Garcia, Anthony Garcia, Edward Garcia, Kenneth Garner, Larry S Gary, Dalton J Gary, Ernest J Gary, Leonce Jr Garza, Andrew Garza, Jose H Gaskill, Elbert Clinton and Sandra Gaspar, Timothy Gaspard, Aaron and Hazel C Gaspard, Dudley A Jr Gaspard, Leonard J Gaspard, Michael A Gaspard, Michael Sr Gaspard, Murry Gaspard, Murry A Jr Gaspard, Murry Sr Gaspard, Murvin Gaspard, Ronald Sr Gaspard, Ronald Wayne Jr Gaubert, Elizabeth Gaubert, Gregory M Gaubert, Melvin Gaudet, Allen J IV Gaudet, Ricky Jr Gauthier, Hewitt J Sr Gautreaux, William A Gay, Norman F Gay, Robert G Gazzier, Daryl G Gazzier, Emanuel A Gazzier, Wilfred E Gegenheimer, William F Geiling, James Geisman, Tony Gentry, Robert Gentry, Samuel W Jr George, James J Jr Gerica, Clara Gerica, Peter Giambrone, Corey P Gibson, Eddie E Gibson, Joseph Gibson, Ronald F

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			Gilden, Eddie Jr Gilden, Eddie Sr Gilden, Inez W Gilden, Wayne Gillikin, James D Girard, Chad Paul Giroir, Mark S Gisclair, Anthony J Gisclair, Anthony Joseph Sr Gisclair, August Gisclair, Dallas J Sr Gisclair, Doyle A Gisclair, Kip J Gisclair, Ramona D Gisclair, Wade Gisclair, Walter Glover, Charles D Glynn, Larry Goetz, George Goings, Robert Eugene Golden, George T Golden, William L Gollot, Brian Gollot, Edgar R Gonzales, Arnold Jr Gonzales, Mrs Cyril E Jr Gonzales, Rene R Gonzales, Rudolph S Jr Gonzales, Rudolph S Sr Gonzales, Sylvia A Gonzales, Tim J Gonzalez, Jorge Jr Gonzalez, Julio Gordon, Donald E Gordon, Patrick Alvin Gore, Henry H Gore, Isabel Gore, Pam Gore, Thomas L Gore, Timothy Ansel Gottschalk, Gregory Gourgues, Harold C Jr Goutierrez, Tony C Govea, Joaquin Graham, Darrell Graham, Steven H Granger, Albert J Sr Granich, James Granier, Stephen J Grass, Michael Graves, Robert N Sr Gray, Jeannette Gray, Monroe Gray, Shirley E Gray, Wayne A Sr Graybill, Ruston Green, Craig X Green, James W Green, James W Jr Green, Shaun Greenlaw, W C Jr Gregoire, Ernest L Gregoire, Rita M Gregory, Curtis B Gregory, Mercedes E Grice, Raymond L Jr Griffin, Alden J Sr Griffin, Craig Griffin, David D Griffin, Elvis Joseph Jr Griffin, Faye Griffin, Faye Ann Griffin, Jimmie J

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			Griffin, Nolty J Griffin, Rickey Griffin, Sharon Griffin, Timothy Griffin, Troy D Groff, Alfred A Groff, John A Groover, Hank Gros, Brent J Sr Gros, Craig J Gros, Danny A Gros, Gary Sr Gros, Junius A Jr Gros, Keven Gros, Michael A Gross, Homer Grossie, Janet M Grossie, Shane A Grossie, Tate Grow, Jimmie C Guenther, John J Guenther, Raphael Guerra, Bruce Guerra, Chad L Guerra, Fabian C Guerra, Guy A Guerra, Jerry V Sr Guerra, Kurt P Sr Guerra, Ricky J Sr Guerra, Robert Guerra, Ryan Guerra, Troy A Guerra, William Jr Guidroz, Warren J Guidry, Alvin A Guidry, Andy J Guidry, Arthur Guidry, Bud Guidry, Calvin P Guidry, Carl J Guidry, Charles J Guidry, Chris J Guidry, Clarence P Guidry, Clark Guidry, Clint Guidry, Clinton P Jr Guidry, Clyde A Guidry, David Guidry, Dobie Guidry, Douglas J Sr Guidry, Elgy III Guidry, Elgy Jr Guidry, Elwin A Jr Guidry, Gerald A Guidry, Gordon Jr Guidry, Guillaume A Guidry, Harold Guidry, Jason Guidry, Jessie J Guidry, Jessie Joseph Guidry, Jonathan B Guidry, Joseph T Jr Guidry, Keith M Guidry, Kenneth J Guidry, Kerry A Guidry, Marco Guidry, Maurin T and Tamika Guidry, Michael J Guidry, Nolan J Sr Guidry, Randy Peter Sr Guidry, Rhonda S Guidry, Robert C Guidry, Robert Joseph

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			Guidry, Robert Wayne Guidry, Roger Guidry, Ronald Guidry, Roy Anthony Guidry, Roy J Guidry, Tammy Guidry, Ted Guidry, Thomas P Guidry, Timothy Guidry, Troy Guidry, Troy Guidry, Ulysses Guidry, Vicki Guidry, Wayne J Guidry, Wyatt Guidry, Yvonne Guidry-Calva, Holly A Guilbeaux, Donald J Guilbeaux, Lou Guillie, Shirley Guillory, Horace H Guillot, Benjamin J Jr Guillot, Rickey A Gulledge, Lee Gutierrez, Anita Guy, Jody Guy, Kimothy Paul Guy, Wilson Ha, Cherie Lan Ha, Co Dong Ha, Lai Thuy Thi Ha, Lyanna Hadwall, John R Hafford, Johnny Hagan, Jules Hagan, Marianna Haiglea, Robbin Richard Hales, William E Halili, Rhonda L Hall, Byron S Hall, Darrel T Sr Hall, Lorrie A Hammer, Michael P Hammock, Julius Michael Hancock, Jimmy L Handlin, William Sr Hang, Cam T Hansen, Chris Hansen, Eric P Hanson, Edmond A Harbison, Louis Hardee, William P Hardison, Louis Hardy, John C Hardy, Sharon Harmon, Michelle Harrington, George J Harrington, Jay Harris, Bobby D Harris, Buster Harris, Jimmy Wayne Sr Harris, Johnny Ray Harris, Kenneth A Harris, Ronnie Harris, Susan D Harris, William Harrison, Daniel L Hartmann, Leon M Jr Hartmann, Walter Jr Hattaway, Errol Henry Haycock, Kenneth Haydel, Gregory Hayes, Clinton

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			Hayes, Katherine F Hayes, Lod Jr Hean, Hong Heathcock, Walter Jr Hebert, Albert Joseph Hebert, Bernie Hebert, Betty Jo Hebert, Chris Hebert, Craig J Hebert, David Hebert, David Jr Hebert, Earl J Hebert, Eric J Hebert, Jack M Hebert, Johnny Paul Hebert, Jonathan Hebert, Jules J Hebert, Kim M Hebert, Lloyd S III Hebert, Michael J Hebert, Myron A Hebert, Norman Hebert, Patrick Hebert, Patrick A Hebert, Pennington Jr Hebert, Philip Hebert, Robert A Hebert, Terry W Hedrick, Gerald J Jr Helmer, Claudia A Helmer, Gerry J Helmer, Herman C Jr Helmer, Kenneth Helmer, Larry J Sr Helmer, Michael A Sr Helmer, Rusty L Helmer, Windy Hemmenway, Jack Henderson, Brad Henderson, Curtis Henderson, David A Jr Henderson, David A Sr Henderson, Johnny Henderson, Olen Henderson, P Loam Henry, Joanne Henry, Rodney Herbert, Patrick and Terry Hereford, Rodney O Jr Hereford, Rodney O Sr Hernandez, Corey Herndon, Mark Hertel, Charles W Hertz, Edward C Sr Hess, Allen L Sr Hess, Henry D Jr Hess, Jessica R Hess, Wayne B Hewett, Emma Hewett, James Hickman, John Hickman, Marvin Hicks, Billy M Hicks, James W Hicks, Larry W Hicks, Walter R Hien, Nguyen Higgins, Joseph J III Hill, Darren S Hill, Joseph R Hill, Sharon Hill, Willie E Jr Hills, Herman W

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			Hingle, Barbara E Hingle, Rick A Hingle, Roland T Jr Hingle, Roland T Sr Hingle, Ronald J Hinojosa, R Hinojosa, Randy Hinojosa, Ricky A Hipps, Nicole Marie Ho, Dung Tan Ho, Hung Ho, Jennifer Ho, Jimmy Ho, Lam Ho, Nam Ho, Nga T Ho, O Ho, Sang N Ho, Thanh Quoc Ho, Thien Dang Ho, Tien Van Ho, Tri Tran Hoang, Dung T Hoang, Hoa T and Tam Hoang Hoang, Huy Van Hoang, Jennifer Vu Hoang, John Hoang, Julie Hoang, Kimberly Hoang, Linda Hoang, Loan Hoang, San Ngoc Hoang, Tro Van Hoang, Trung Kim Hoang, Trung Tuan Hoang, Vincent Huynh Hodges, Ralph W Hoffpaviiz, Harry K Holland, Vidal Holler, Boyce Dwight Jr Hollier, Dennis J Holloway, Carl D Hong, Tai Van Hood, Malcolm Hopton, Douglas Horaist, Shawn P Hostetler, Warren L II Hotard, Claude Hotard, Emile J Jr Howard, Jeff Howerin, Billy Sr Howerin, Wendell Sr Hubbard, Keith Hubbard, Perry III Huber, Berry T Huber, Charles A Huck, Irma Elaine Huck, Steven R Huckabee, Harold Hue, Patrick A Hughes, Brad J Hults, Thomas Hutcherson, Daniel J Hutchinson, Douglas Hutchinson, George D Hutchinson, William H Hutto, Cynthia E Hutto, Henry G Jr Huynh, Chien Thi Huynh, Dong Xuan Huynh, Dung Huynh, Dung V Huynh, Hai

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			Huynh, Hai Huynh, Hai Van Huynh, Hoang D Huynh, Hoang Van Huynh, Hung Huynh, James N Huynh, Johhny Hiep Huynh, Johnnie Huynh, Kim Huynh, Lay Huynh, Long Huynh, Mack Van Huynh, Mau Van Huynh, Minh Huynh, Minh Van Huynh, Nam Van Huynh, Thai Huynh, Tham Thi Huynh, Thanh Huynh, The V Huynh, Tri Huynh, Truc Huynh, Tu Huynh, Tu Huynh, Tung Van Huynh, Van X Huynh, Viet Van Huynh, Vuong Van Hymel, Joseph Jr Hymel, Michael D Hymel, Nolan J Sr Ingham, Herbert W Inglis, Richard M Ingraham, Joseph S Ingraham, Joyce Ipock, Billy Ipock, William B Ireland, Arthur Allen Iver, George Jr Jackson, Alfred M Jackson, Carl John Jackson, David Jackson, Eugene O Jackson, Glenn C Jr Jackson, Glenn C Sr Jackson, James Jerome Jackson, John D Jackson, John Elton Sr Jackson, Levi Jackson, Nancy L Jackson, Robert W Jackson, Shannon Jackson, Shaun C Jackson, Steven A Jacob, Ronald R Jacob, Warren J Jr Jacobs, L Anthony Jacobs, Lawrence F Jarreau, Billy and Marilyn Jarvis, James D Jaye, Emma Jeanfreau, Vincent R Jefferies, William Jemison, Timothy Michael Sr Jennings, Jacob Joffrion, Harold J Jr Johnson, Albert F Johnson, Ashley Lamar Johnson, Bernard Jr Johnson, Brent W Johnson, Bruce Warem Johnson, Carl S Johnson, Carolyn

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			Johnson, Clyde Sr Johnson, David G Johnson, David Paul Johnson, Gary Allen Sr Johnson, George D Johnson, Michael A Johnson, Randy J Johnson, Regenia Johnson, Robert Johnson, Ronald Ray Sr Johnson, Steve Johnson, Thomas Allen Jr Johnston, Ronald Joly, Nicholas J Jr Jones, Charles Jones, Clinton Jones, Daisy Mae Jones, Jeffery E Jones, Jerome N Sr Jones, John W Jones, Larry Jones, Len Jones, Michael G Sr Jones, Paul E Jones, Perry T Sr Jones, Ralph William Jones, Richard G Sr Jones, Stephen K Jones, Wayne Joost, Donald F Jordan, Dean Jordan, Hubert William III (Bert) Jordan, Hurbert W Jr Judalet, Ramon G Judy, William Roger Julian, Ida Julian, John I Sr Juneau, Anthony Sr Juneau, Bruce Juneau, Robert A Jr and Laura K Jurjevich, Leander J Kain, Jules B Sr Kain, Martin A Kalliainen, Dale Kalliainen, Richard Kang, Chamroeun Kang, Sambo Kap, Brenda Keen, Robert Steven Keenan, Robert M Kellum, Kenneth Sr Kellum, Larry Gray Sr Kellum, Roxanne Kelly, Roger B Kelly, Thomas E Kendrick, Chuck J Kennair, Michael S Kennedy, Dothan Kenney, David Jr Kenney, Robert W Kent, Michael A Keo, Bunly Kerchner, Steve Kern, Thurmond Khin, Sochenda Khui, Lep and Nga Ho Kidd, Frank Kiesel, Edward C and Lorraine T Kiff, Hank J Kiff, Melvin Kiffe, Horace Kim, Puch Kimbrough, Carson

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			Kim-Tun, Soeun King, Andy A King, Donald Jr King, James B King, Thornell King, Wesley Kit, An Kizer, Anthony J Kleimann, Robert Knapp, Alton P Jr Knapp, Alton P Sr Knapp, Ellis L Jr Knapp, Melvin L Knapp, Theresa Knecht, Frederick Jr Knezek, Lee Knight, George Knight, Keith B Knight, Robert E Koch, Howard J Kong, Seng Konitz, Bobby Koo, Herman Koonce, Curtis S Koonce, Howard N Kopszywa, Mark L Kopszywa, Stanley J Kotulja, Stejepan Kraemer, Bridget Kraemer, Wilbert J Kraemer, Wilbert Jr Kramer, David Krantz, Arthur Jr Krantz, Lori Kraver, C W Kreger, Ronald A Sr Kreger, Roy J Sr Kreger, Ryan A Krennerich, Raymond A Kroke, Stephen E Kruth, Frank D Kuchler, Alphonse L III Kuhn, Bruce A Sr Kuhn, Gerard R Jr Kuhn, Gerard R Sr Kuhns, Deborah LaBauve, Kerry LaBauve, Sabrina LaBauve, Terry LaBiche, Todd A LaBove, Carroll LaBove, Frederick P Lachica, Jacqueline Lachico, Douglas Lacobon, Tommy W Jr Lacobon, Tony C LaCoste, Broddie LaCoste, Carl LaCoste, Dennis E LaCoste, Grayland J LaCoste, Malcolm Jr LaCoste, Melvin LaCoste, Melvin W Jr LaCoste, Ravin J Jr LaCoste, Ravin Sr Ladner, Clarence J III Ladson, Earlene G LaFont, Douglas A Sr LaFont, Edna S LaFont, Jackin LaFont, Noces J Jr LaFont, Weyland J Sr LaFrance, Joseph T

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			Lagarde, Frank N Lagarde, Gary Paul Lagasse, Michael F Lai, Hen K Lai, Then Lam, Cang Van Lam, Cui Lam, Dong Van Lam, Hiep Tan Lam, Lan Van Lam, Lee Phenh Lam, Phan Lam, Qui Lam, Sochen Lam, Tai Lam, Tinh Huu Lambas, Jessie J Sr Lanclos, Paul Landry, David A Landry, Dennis J Landry, Edward N Jr Landry, George Landry, George M Landry, James F Landry, Jude C Landry, Robert E Landry, Ronald J Landry, Samuel J Jr Landry, Tracy Lane, Daniel E Lapeyrouse, Lance M Lapeyrouse, Rosalie Lapeyrouse, Tillman Joseph LaRive, James L Jr LaRoche, Daniel S Lasseigne, Betty Lasseigne, Blake Lasseigne, Floyd Lasseigne, Frank Lasseigne, Harris Jr Lasseigne, Ivy Jr Lasseigne, Jefferson Lasseigne, Jefferson P Jr Lasseigne, Johnny J Lasseigne, Marlene Lasseigne, Nolan J Lasseigne, Trent Lat, Chhiet Latapie, Charlotte A Latapie, Crystal Latapie, Jerry Latapie, Joey G Latapie, Joseph Latapie, Joseph F Sr Latapie, Travis Latiolais, Craig J Latiolais, Joel Lau, Ho Thanh Laughlin, James G Laughlin, James Mitchell Laurent, Yvonne M Lavergne, Roger Lawdros, Terrance Jr Layrisson, Michael A III Le, Amanda Le, An Van Le, Ben Le, Binh T Le, Cheo Van Le, Chinh Thanh Le, Chinh Thanh and Yen Vo Le, Cu Thi Le, Dai M

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			Le, Dale Le, David Rung Le, Du M Le, Duc V Le, Duoc M Le, Hien V Le, Houston T Le, Hung Le, Jimmy Le, Jimmy and Hoang Le, Khoa Le, Kim Le, Ky Van Le, Lang Van Le, Lily Le, Lisa Tuyet Thi Le, Loi Le, Minh Van Le, Muoi Van Le, My Le, My V Le, Nam and Xhan-Minh Le Le, Nam Van Le, Nhieu T Le, Nhut Hoang Le, Nu Thi Le, Phuc Van Le, Que V Le, Quy Le, Robert Le, Sam Van Le, Sau V Le, Son Le, Son Le, Son H Le, Son Quoc Le, Son Van Le, Su Le, Tam V Le, Thanh Huong Le, Tong Minh Le, Tony Le, Tracy Lan Chi Le, Tuan Nhu Le, Viet Hoang Le, Vui Leaf, Andrew Scott Leary, Roland LeBeauf, Thomas LeBlanc, Donnie LeBlanc, Edwin J LeBlanc, Enoch P LeBlanc, Gareth R III LeBlanc, Gareth R Jr LeBlanc, Gerald E LeBlanc, Hubert C LeBlanc, Jerald LeBlanc, Jesse Jr LeBlanc, Keenon Anthony LeBlanc, Lanvin J LeBlanc, Luke A LeBlanc, Marty J LeBlanc, Marty J Jr LeBlanc, Mickel J LeBlanc, Robert Patrick LeBlanc, Scotty M LeBlanc, Shelton LeBlanc, Terry J LeBoeuf, Brent J LeBoeuf, Emery J LeBoeuf, Joseph R LeBoeuf, Tammy Y LeBouef, Dale

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			LeBouef, Edward J LeBouef, Ellis J Jr LeBouef, Gillis LeBouef, Jimmie LeBouef, Leslie LeBouef, Lindy J LeBouef, Micheal J LeBouef, Raymond LeBouef, Tommy J LeBouef, Wiley Sr LeBourgeois, Stephen A LeCompte, Alena LeCompte, Aubrey J LeCompte, Etha LeCompte, Jesse C Jr LeCompte, Jesse Jr LeCompte, Jesse Sr LeCompte, Lyle LeCompte, Patricia F LeCompte, Todd LeCompte, Troy A Sr Ledet, Brad Ledet, Bryan Ledet, Carlton Ledet, Charles J Ledet, Jack A Ledet, Kenneth A Ledet, Mark Ledet, Maxine B Ledet, Mervin Ledet, Phillip John Ledoux, Dennis Ledwig, Joe J Lee, Carl Lee, James K Lee, Marilyn Lee, Otis M Jr Lee, Raymond C Lee, Robert E Lee, Steven J Leek, Mark A LeGaux, Roy J Jr Legendre, Kerry Legendre, Paul Leger, Andre LeGros, Alex M LeJeune, Philip Jr LeJeune, Philip Sr LeJeune, Ramona V LeJeunee, Debbie LeJuine, Eddie R LeLand, Allston Bochet Leland, Rutledge B III Leland, Rutledge B Jr LeLeaux, David Leleux, Kevin J Lemoine, Jeffery Jr Leonard, Dan Leonard, Dexter J Jr Leonard, Micheal A Lepine, Leroy L Lesso, Rudy Jr Lester, Shawn Levron, Dale T Levy, Patrick T Lewis, Kenneth Lewis, Mark Steven Libersat, Anthony R Libersat, Kim Licatino, Daniel Jr Lichenstein, Donald L Lilley, Douglas P Lim, Chhay

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			Lim, Koung Lim, Tav Seng Linden, Eric L Liner, Claude J Jr Liner, Harold Liner, Jerry Liner, Kevin Liner, Michael B Sr Liner, Morris T Jr Liner, Morris T Sr Liner, Tandy M Linh, Pham Linwood, Dolby Lirette, Alex J Sr Lirette, Bobby and Sheri Lirette, Chester Patrick Lirette, Daniel J Lirette, Dean J Lirette, Delvin J Jr Lirette, Delvin Jr Lirette, Desaire J Lirette, Eugis P Sr Lirette, Guy A Lirette, Jeannie Lirette, Kern A Lirette, Ron C Lirette, Russell (Chico) Jr Lirette, Shaun Patrick Lirette, Terry J Sr Little, William A Little, William Boyd Liv, Niem S Livaudais, Ernest J Liverman, Harry R LoBue, Michael Anthony Sr Locascio, Dustin Lockhart, William T Lodrigue, Jimmy A Lodrigue, Kerry Lombardo, Joseph P Lombas, James A Jr Lombas, Kim D Londrie, Harley Long, Cao Thanh Long, Dinh Long, Robert Longo, Ronald S Jr Longwater, Ryan Heath Loomer, Rhonda Lopez, Celestino Lopez, Evelio Lopez, Harry N Lopez, Ron Lopez, Scott Lopez, Stephen R Jr Lord, Michael E Sr Loupe, George Jr Loupe, Ted Lovell, Billy Lovell, Bobby Jason Lovell, Bradford John Lovell, Charles J Jr Lovell, Clayton Lovell, Douglas P Lovell, Jacob G Lovell, Lois Lovell, Slade M Luke, Bernadette C Luke, David Luke, Dustan Luke, Henry Luke, Jeremy Paul Luke, Keith J

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Luke, Patrick A Luke, Patrick J Luke, Paul Leroy Luke, Rudolph J Luke, Samantha Luke, Sidney Jr Luke, Terry Patrick Jr Luke, Terry Patrick Sr Luke, Timothy Luke, Wiltz J Lund, Ora G Luneau, Ferrell J Luong, Kevin Luong, Thu X Luscy, Lydia Luscy, Richard Lutz, William A Luu, Binh Luu, Vinh Luu, Vinh V Ly, Bui Ly, Hen Ly, Hoc Ly, Kelly D Ly, Nu Ly, Sa Ly, Ven Lyall, Rosalie Lycett, James A Lyons, Berton J Lyons, Berton J Sr Lyons, Jack Lyons, Jerome M Mackey, Marvin Sr Mackie, Kevin L Maggio, Wayne A Magwood, Edwin Wayne Mai, Danny V Mai, Lang V Mai, Tai Mai, Trach Xuan Maise, Rubin J Maise, Todd Majoue, Ernest J Majoue, Nathan L Malcombe, David Mallett, Irvin Ray Mallett, Jimmie Mallett, Lawrence J Mallett, Mervin B Mallett, Rainbow Mallett, Stephney Malley, Ned F Jr Mamolo, Charles H Sr Mamolo, Romeo C Jr Mamolo, Terry A Mancera, Jesus Manuel, Joseph R Manuel, Shon Mao, Chandarasy Mao, Kim Marcel, Michelle Marchese, Joe Jr Mareno, Ansley Mareno, Brent J Mareno, Kenneth L Marie, Allen J Marie, Marty Marmande, Al Marmande, Alidore Marmande, Denise Marquize, Heather Marquizz, Kip

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Marris, Roy C Jr Martin, Darren Martin, Dean J Martin, Dennis Martin, Jody W Martin, John F III Martin, Michael A Martin, Nora S Martin, Rod J Martin, Roland J Jr Martin, Russel J Sr Martin, Sharon J Martin, Tanna G Martin, Wendy Martinez, Carl R Martinez, Henry Martinez, Henry Joseph Martinez, Lupe Martinez, Michael Martinez, Rene J Mason, James F Jr Mason, Johnnie W Mason, Luther Mason, Mary Lois Mason, Percy D Jr Mason, Walter Matherne, Anthony Matherne, Blakland Sr Matherne, Bradley J Matherne, Claude I Jr Matherne, Clifford P Matherne, Curlis J Matherne, Forest J Matherne, George J Matherne, Glenn A Matherne, Grace L Matherne, James C Matherne, James J Jr Matherne, James J Sr Matherne, Joey A Matherne, Keith Matherne, Larry Jr Matherne, Louis M Sr Matherne, Louis Michael Matherne, Nelson Matherne, Thomas G Matherne, Thomas G Jr Matherne, Thomas Jr Matherne, Thomas M Sr Matherne, Wesley J Mathews, Patrick Mathurne, Barry Matte, Martin J Sr Mauldin, Johnny Mauldin, Mary Mauldin, Shannon Mavar, Mark D Mayeux, Lonies A Jr Mayeux, Roselyn P Mayfield, Gary Mayfield, Henry A Jr Mayfield, James J III Mayon, Allen J Mayon, Wayne Sr McAnespy, Henry McAnespy, Louis McCall, Marcus H McCall, R Terry Sr McCarthy, Carliss McCarthy, Michael McCauley, Byron Keith McCauley, Katrina McClantoc, Robert R and Debra

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			McClellan, Eugene Gardner McCormick, Len McCuiston, Denny Carlton McDonald, Allan McElroy, Harry J McFarlain, Merlin J Jr McGuinn, Dennis McIntosh, James Richard McIntyre, Michael D McIver, John H Jr McKendree, Roy McKenzie, George B McKinzie, Bobby E McKoin, Robert McKoin, Robert F Jr McLendon, Jonathon S McNab, Robert Jr McQuaig, Don W McQuaig, Oliver J Medine, David P Mehaffey, John P Melancon, Brent K Melancon, Neva Melancon, Rickey Melancon, Roland Jr Melancon, Roland T Jr Melancon, Sean P Melancon, Terral J Melancon, Timmy J Melanson, Ozimea J III Melerine, Angela Melerine, Brandon T Melerine, Claude A Melerine, Claude A Jr Melerine, Dean J Melerine, Eric W Jr Melerine, John D Sr Melerine, Linda C Melerine, Raymond Joseph Melford, Daniel W Sr Mello, Nelvin Men, Sophin Menendez, Wade E Menesses, Dennis Menesses, James H Menesses, Jimmy Menesses, Louis Menge, Lionel A Menge, Vincent J Mercy, Dempsey Merrick, Harold A Merrick, Kevin Sr Merritt, Darren Sr Messer, Chase Meyers, Otis J Miarm, Soeum Michel, Steven D Middleton, Dan Sr Migues, Henry Migues, Kevin L Sr Milam, Ricky Miles, Ricky David Miley, Donna J Militello, Joseph Miller, David W Miller, Fletcher N Miller, James A Miller, Larry B Miller, Mabry Allen Jr Miller, Michael E Miller, Michele K Miller, Randy A Miller, Rhonda E

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Miller, Wayne Millet, Leon B Millington, Donnie Millington, Ronnie Millis, Moses Millis, Raeford Millis, Timmie Lee Mine, Derrick Miner, Peter G Minh, Kha Minh, Phuc-Truong Mitchell, Ricky Allen Mitchell, Todd Mitchum, Francis Craig Mixon, G C Mobley, Bryan A Mobley, Jimmy Sr Mobley, Robertson Mock, Frank Sr Mock, Frankie E Jr Mock, Jesse R II Mock, Terry Lyn Molero, Louis F III Molero, Louis Frank Molinere, Al L Molinere, Floyd Molinere, Roland Jr Molinere, Stacey Moll, Angela Moll, Jerry J Jr Moll, Jonathan P Moll, Julius J Moll, Randall Jr Mollere, Randall Mones, Philip J Jr Mones, Tino Moody, Guy D Moore, Carl Stephen Moore, Curtis L Moore, Kenneth Moore, Richard Moore, Willis Morales, Anthony Morales, Clinton A Morales, Daniel Jr Morales, Daniel Sr Morales, David Morales, Elwood J Jr Morales, Eugene J Jr Morales, Eugene J Sr Morales, Kimberly Morales, Leonard L Morales, Phil J Jr Morales, Raul Moran, Scott Moreau, Allen Joseph Moreau, Berlin J Sr Moreau, Daniel R Moreau, Hubert J Moreau, Mary Moreau, Rickey J Sr Morehead, Arthur B Jr Moreno, Ansley Morgan, Harold R Morici, John Morris, Herbert Eugene Morris, Jesse A Morris, Jesse A Sr Morris, Preston Morrison, Stephen D Jr Morton, Robert A Morvant, Keith M Morvant, Patsy Lishman

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Moschettieri, Chalam Moseley, Kevin R Motley, Michele Mouille, William L Mouton, Ashton J Moveront, Timothy Mund, Mark Murphy, Denis R Muth, Gary J Sr Myers, Joseph E Jr Na, Tran Van Naccio, Andrew Nacio, Lance M Nacio, Noel Nacio, Philocles J Sr Naquin, Alton J Naquin, Andrew J Sr Naquin, Antoine Jr Naquin, Autry James Naquin, Bobby J and Sheila Naquin, Bobby Jr Naquin, Christine Naquin, Dean J Naquin, Donna P Naquin, Earl Naquin, Earl L Naquin, Freddie Naquin, Gerald Naquin, Henry Naquin, Irvin J Naquin, Jerry Joseph Jr Naquin, Kenneth J Jr Naquin, Kenneth J Sr Naquin, Linda L Naquin, Lionel A Jr Naquin, Mark D Jr Naquin, Marty J Sr Naquin, Milton H IV Naquin, Oliver A Naquin, Robert Naquin, Roy A Naquin, Vernon Navarre, Curtis J Navero, Floyd G Jr Neal, Craig A Neal, Roy J Jr Neely, Bobby H Nehlig, Raymond E Sr Neil, Dean Neil, Jacob Neil, Julius Neil, Robert J Jr Neil, Tommy Sr Nelson, Billy J Sr Nelson, Deborah Nelson, Elisha W Nelson, Ernest R Nelson, Faye Nelson, Fred H Sr Nelson, Gordon Kent Sr Nelson, Gordon W III Nelson, Gordon W Jr Nelson, John Andrew Nelson, William Owen Jr Nelton, Aaron J Jr Nelton, Steven J Nettleton, Cody Newell, Ronald B Newsome, Thomas E Newton, Paul J Nghiem, Billy Ngo, Chuong Van Ngo, Duc

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Ngo, Hung V Ngo, Liem Thanh Ngo, Maxie Ngo, The T Ngo, Truong Dinh Ngo, Van Lo Ngo, Vu Hoang Ngoc, Lam Lam Ngu,Thoi Nguyen, Amy Nguyen, An Hoang Nguyen, Andy Dung Nguyen, Andy T Nguyen, Anh and Thanh D Tiet Nguyen, Ba Nguyen, Ba Van Nguyen, Bac Van Nguyen, Bao Q Nguyen, Bay Van Nguyen, Be Nguyen, Be Nguyen, Be Nguyen, Be Em Nguyen, Bich Thao Nguyen, Bien V Nguyen, Binh Nguyen, Binh Cong Nguyen, Binh V Nguyen, Binh Van Nguyen, Binh Van Nguyen, Binh Van Nguyen, Bui Van Nguyen, Ca Em Nguyen, Can Nguyen, Can Van Nguyen, Canh V Nguyen, Charlie Nguyen, Chien Nguyen, Chien Van Nguyen, Chin Nguyen, Chinh Van Nguyen, Christian Nguyen, Chuc Nguyen, Chung Nguyen, Chung Van Nguyen, Chuong Hoang Nguyen, Chuong V Nguyen, Chuyen Nguyen, Coolly Dinh Nguyen, Cuong Nguyen, Dai Nguyen, Dan T Nguyen, Dan Van Nguyen, Dan Van Nguyen, Dang Nguyen, Danny Nguyen, David Nguyen, Day Van Nguyen, De Van Nguyen, Den Nguyen, Diem Nguyen, Dien Nguyen, Diep Nguyen, Dinh Nguyen, Dinh V Nguyen, Dong T Nguyen, Dong Thi Nguyen, Dong X Nguyen, Duc Nguyen, Duc Van Nguyen, Dung Nguyen, Dung Anh and Xuan Duong Nguyen, Dung Ngoc

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Nguyen, Dung Van
			Nguyen, Dung Van
			Nguyen, Duoc
			Nguyen, Duong V
			Nguyen, Duong Van
			Nguyen, Duong Xuan
			Nguyen, Francis N
			Nguyen, Frank
			Nguyen, Gary
			Nguyen, Giang T
			Nguyen, Giang Truong
			Nguyen, Giau Van
			Nguyen, Ha T
			Nguyen, Ha Van
			Nguyen, Hai Van
			Nguyen, Hai Van
			Nguyen, Han Van
			Nguyen, Han Van
			Nguyen, Hang
			Nguyen, Hanh T
			Nguyen, Hao Van
			Nguyen, Harry H
			Nguyen, Henri Hiep
			Nguyen, Henry-Trang
			Nguyen, Hien
			Nguyen, Hien V
			Nguyen, Hiep
			Nguyen, Ho
			Nguyen, Ho V
			Nguyen, Hoa
			Nguyen, Hoa
			Nguyen, Hoa N
			Nguyen, Hoa Van
			Nguyen, Hoang
			Nguyen, Hoang
			Nguyen, Hoang T
			Nguyen, Hoi
			Nguyen, Hon Xuong
			Nguyen, Huan
			Nguyen, Hung
			Nguyen, Hung
			Nguyen, Hung
			Nguyen, Hung M
			Nguyen, Hung Manh
			Nguyen, Hung Van
			Nguyen, Hung-Joseph
			Nguyen, Huu Nghia
			Nguyen, Hy Don N
			Nguyen, Jackie Tin
			Nguyen, James
			Nguyen, James N
			Nguyen, Jefferson
			Nguyen, Jennifer
			Nguyen, Jimmy
			Nguyen, Jimmy
			Nguyen, Joachim
			Nguyen, Joe
			Nguyen, John R
			Nguyen, John Van
			Nguyen, Johnny
			Nguyen, Joseph Minh
			Nguyen, Kenny Hung Mong
			Nguyen, Kevin
			Nguyen, Khai
			Nguyen, Khanh
			Nguyen, Khanh and Viet Dinh
			Nguyen, Khanh Q
			Nguyen, Khiem
			Nguyen, Kien Phan
			Nguyen, Kim
			Nguyen, Kim Mai
			Nguyen, Kim Thoa
			Nguyen, Kinh V

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Nguyen, Lai
			Nguyen, Lai
			Nguyen, Lai Tan
			Nguyen, Lam
			Nguyen, Lam Van
			Nguyen, Lam Van
			Nguyen, Lam Van
			Nguyen, Lan
			Nguyen, Lang
			Nguyen, Lang
			Nguyen, Lanh
			Nguyen, Lap Van
			Nguyen, Lap Van
			Nguyen, Le
			Nguyen, Lien and Hang Luong
			Nguyen, Lien Thi
			Nguyen, Linda Oan
			Nguyen, Linh Thi
			Nguyen, Linh Van
			Nguyen, Lintt Danny
			Nguyen, Lluu
			Nguyen, Loc
			Nguyen, Loi
			Nguyen, Loi
			Nguyen, Long Phi
			Nguyen, Long T
			Nguyen, Long Viet
			Nguyen, Luom T
			Nguyen, Mai Van
			Nguyen, Man
			Nguyen, Mao-Van
			Nguyen, Mary
			Nguyen, Mary
			Nguyen, Melissa
			Nguyen, Minh
			Nguyen, Minh
			Nguyen, Minh
			Nguyen, Minh
			Nguyen, Minh
			Nguyen, Minh Ngoc
			Nguyen, Minh Van
			Nguyen, Moot
			Nguyen, Mui Van
			Nguyen, Mung T
			Nguyen, Muoi
			Nguyen, My Le Thi
			Nguyen, My Tan
			Nguyen, My V
			Nguyen, Nam Van
			Nguyen, Nam Van
			Nguyen, Nam Van
			Nguyen, Nam Van
			Nguyen, Nancy
			Nguyen, Nancy
			Nguyen, Nghi
			Nguyen, Nghi Q
			Nguyen, Nghia
			Nguyen, Nghiep
			Nguyen, Ngoc Tim
			Nguyen, Ngoc Van
			Nguyen, Nguyet
			Nguyen, Nhi
			Nguyen, Nho Van
			Nguyen, Nina
			Nguyen, Nuong
			Nguyen, Peter
			Nguyen, Peter Thang
			Nguyen, Peter V
			Nguyen, Phe
			Nguyen, Phong
			Nguyen, Phong Ngoc
			Nguyen, Phong T
			Nguyen, Phong Xuan

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Nguyen, Phu Huu Nguyen, Phuc Nguyen, Phuoc H Nguyen, Phuoc Van Nguyen, Phuong Nguyen, Phuong Nguyen, Quang Nguyen, Quang Nguyen, Quang Dang Nguyen, Quang Dinh Nguyen, Quang Van Nguyen, Quoc Van Nguyen, Quyen Minh Nguyen, Quyen T Nguyen, Quyen-Van Nguyen, Ran T Nguyen, Randon Nguyen, Richard Nguyen, Richard Nghia Nguyen, Rick Van Nguyen, Ricky Tinh Nguyen, Roe Van Nguyen, Rose Nguyen, Sam Nguyen, Sandy Ha Nguyen, Sang Van Nguyen, Sau V Nguyen, Si Ngoc Nguyen, Son Nguyen, Son Thanh Nguyen, Son Van Nguyen, Song V Nguyen, Steve Nguyen, Steve Q Nguyen, Steven Giap Nguyen, Sung Nguyen, Tai Nguyen, Tai The Nguyen, Tai Thi Nguyen, Tam Nguyen, Tam Minh Nguyen, Tam Thanh Nguyen, Tam V Nguyen, Tam Van Nguyen, Tan Nguyen, Ten Tan Nguyen, Thach Nguyen, Thang Nguyen, Thanh Nguyen, Thanh Nguyen, Thanh Nguyen, Thanh Phuc Nguyen, Thanh V Nguyen, Thanh Van Nguyen, Thanh Van Nguyen, Thanh Van Nguyen, Thanh Van Nguyen, Thao Nguyen, Thi Bich Hang Nguyen, Thiet Nguyen, Thiet Nguyen, Tho Duke Nguyen, Thoa D Nguyen, Thoa Thi Nguyen, Thomas Nguyen, Thu Nguyen, Thu and Rose Nguyen, Thu Duc Nguyen, Thu Van Nguyen, Thuan Nguyen, Thuan Nguyen, Thuong Nguyen, Thuong Van

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Nguyen, Thuy
			Nguyen, Thuyen
			Nguyen, Thuyen
			Nguyen, Tinh
			Nguyen, Tinh Van
			Nguyen, Toan
			Nguyen, Toan Van
			Nguyen, Tommy
			Nguyen, Tony
			Nguyen, Tony
			Nguyen, Tony
			Nguyen, Tony D
			Nguyen, Tony Hong
			Nguyen, Tony Si
			Nguyen, Tra
			Nguyen, Tra
			Nguyen, Tracy T
			Nguyen, Tri D
			Nguyen, Trich Van
			Nguyen, Trung Van
			Nguyen, Tu Van
			Nguyen, Tuan
			Nguyen, Tuan A
			Nguyen, Tuan H
			Nguyen, Tuan Ngoc
			Nguyen, Tuan Q
			Nguyen, Tuan Van
			Nguyen, Tung
			Nguyen, Tuyen Duc
			Nguyen, Tuyen Van
			Nguyen, Ty and Ngoc Ngo
			Nguyen, Van H
			Nguyen, Van Loi
			Nguyen, Vang Van
			Nguyen, Viet
			Nguyen, Viet
			Nguyen, Viet V
			Nguyen, Viet Van
			Nguyen, Vinh Van
			Nguyen, Vinh Van
			Nguyen, Vinh Van
			Nguyen, VT
			Nguyen, Vu Minh
			Nguyen, Vu T
			Nguyen, Vu Xuan
			Nguyen, Vui
			Nguyen, Vuong V
			Nguyen, Xuong Kim
			Nhan, Tran Quoc
			Nhon, Seri
			Nichols, Steve Anna
			Nicholson, Gary
			Nixon, Leonard
			Noble, Earl
			Noland, Terrel W
			Normand, Timothy
			Norris, Candace P
			Norris, John A
			Norris, Kenneth L
			Norris, Kevin J
			Nowell, James E
			Noy, Phen
			Nunez, Conrad
			Nunez, Jody
			Nunez, Joseph Paul
			Nunez, Randy
			Nunez, Wade Joseph
			Nyuyen, Toan
			Oberling, Darryl
			O'Blance, Adam
			O'Brien, Gary S
			O'Brien, Mark
			O'Brien, Michele

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Ogden, John M Oglesby, Henry Oglesby, Phyllis O'Gwynn, Michael P Sr Ohmer, Eva G Ohmer, George J Olander, Hazel Olander, Rodney Olander, Roland J Olander, Russell J Olander, Thomas Olano, Kevin Olano, Owen J Olano, Shelby F Olds, Malcolm D Jr Olinde, Wilfred J Jr Oliver, Charles O'Neil, Carey Oracoy, Brad R Orage, Eugene Orlando, Het Oteri, Robert F Oubre, Faron P Oubre, Thomas W Ourks, SokHoms K Owens, Larry E Owens, Sheppard Owens, Timothy Pacaccio, Thomas Jr Padgett, Kenneth J Palmer, Gay Ann P Palmer, John W Palmer, Mack Palmisano, Daniel P Palmisano, Dwayne Jr Palmisano, Kim Palmisano, Larry J Palmisano, Leroy J Palmisano, Robin G Pam, Phuong Bui Parfait, Antoine C Jr Parfait, Jerry Jr Parfait, John C Parfait, Joshua K Parfait, Mary F Parfait, Mary S Parfait, Olden G Jr Parfait, Robert C Jr Parfait, Robert C Sr Parfait, Rodney Parfait, Shane A Parfait, Shelton J Parfait, Timmy J Parker, Clyde A Parker, Franklin L Parker, Paul A Parker, Percy Todd Parks, Daniel Duane Parks, Ellery Doyle Jr Parrett, Joseph D Jr Parria, Danny Parria, Gavin C Sr Parria, Gillis F Jr Parria, Gillis F Sr Parria, Jerry D Parria, Kip G Parria, Lionel J Sr Parria, Louis III Parria, Louis J Sr Parria, Louis Jr Parria, Michael Parria, Ronald Parria, Ross

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Parria, Troy M Parrish, Charles Parrish, Walter L Passmore, Penny Pate, Shane Paterbaugh, Richard Patingo, Roger D Paul, Robert Emmett Payne, John Francis Payne, Stuart Peatross, David A Pelas, James Curtis Pelas, Jeffery Pellegrin, Corey P Pellegrin, Curlynn Pellegrin, James A Jr Pellegrin, Jordey Pellegrin, Karl Pellegrin, Karl J Pellegrin, Randy Pellegrin, Randy Sr Pellegrin, Rodney J Sr Pellegrin, Samuel Pellegrin, Troy Sr Peltier, Clyde Peltier, Rodney J Pena, Bartolo Jr Pena, Israel Pendarvis, Gracie Pennison, Elaine Pennison, Milton G Pequeno, Julius Percle, David P Perez, Allen M Perez, David J Perez, David P Perez, Derek Perez, Edward Jr Perez, Henry Jr Perez, Joe B Perez, Tilden A Jr Perez, Warren A Jr Perez, Warren A Sr Perez, Wesley Perrin, Dale Perrin, David M Perrin, Edward G Sr Perrin, Errol Joseph Jr Perrin, Jerry J Perrin, Kenneth V Perrin, Kevin Perrin, Kline J Sr Perrin, Kurt M Perrin, Michael Perrin, Michael A Perrin, Murphy P Perrin, Nelson C Jr Perrin, Pershing J Jr Perrin, Robert Perrin, Tim J Perrin, Tony Persohn, William T Peshoff, Kirk Lynn Pete, Alfred F Jr Pete, Alfred F Sr Pfleeger, William A Pham, An V Pham, Anh My Pham, Bob Pham, Cho Pham, Cindy Pham, David Pham, Dung

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			Pham, Dung Phuoc
			Pham, Dung Phuoc
			Pham, Duong Van
			Pham, Gai
			Pham, Hai
			Pham, Hai Hong
			Pham, Hien
			Pham, Hien C
			Pham, Hiep
			Pham, Hieu
			Pham, Huan Van
			Pham, Hung
			Pham, Hung V
			Pham, Hung V
			Pham, Huynh
			Pham, John
			Pham, Johnny
			Pham, Joseph S
			Pham, Kannin
			Pham, Nga T
			Pham, Nhung T
			Pham, Osmond
			Pham, Paul P
			Pham, Phong-Thanh
			Pham, Phung
			Pham, Quoc V
			Pham, Steve Ban
			Pham, Steve V
			Pham, Thai Van
			Pham, Thai Van
			Pham, Thanh
			Pham, Thanh
			Pham, Thanh V
			Pham, Thinh
			Pham, Thinh V
			Pham, Tommy V
			Pham, Tran and Thu Quang
			Pham, Ut Van
			Phan, Anh Thi
			Phan, Banh Van
			Phan, Cong Van
			Phan, Dan T
			Phan, Hoang
			Phan, Hung Thanh
			Phan, Johnny
			Phan, Lam
			Phan, Luyen Van
			Phan, Nam V
			Phan, Thong
			Phan, Tien V
			Phan, Toan
			Phan, Tu Van
			Phat, Lam Mau
			Phelps, John D
			Phillips, Bruce A
			Phillips, Danny D
			Phillips, Gary
			Phillips, Harry Louis
			Phillips, James C Jr
			Phillips, Kristrina W
			Phipps, AW
			Phonthaasa, Khaolop
			Phorn, Phen
			Pickett, Kathy
			Picou, Calvin Jr
			Picou, Gary M
			Picou, Jennifer
			Picou, Jerome J
			Picou, Jordan J
			Picou, Randy John
			Picou, Ricky Sr
			Picou, Terry
			Pierce, Aaron

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			Pierce, Dean Pierce, Elwood Pierce, Imogene Pierce, Stanley Pierce, Taffie Boone Pierre, Ivy Pierre, Joseph Pierre, Joseph C Jr Pierre, Paul J Pierre, Ronald J Pierron, Jake Pierron, Patsy H Pierron, Roger D Pinell, Ernie A Pinell, Harry J Jr Pinell, Jody J Pinell, Randall James Pinnell, Richard J Pinnell, Robert Pitre, Benton J Pitre, Carol Pitre, Claude A Sr Pitre, Elrod Pitre, Emily B Pitre, Glenn P Pitre, Herbert Pitre, Jeannie Pitre, Leo P Pitre, Robert Jr Pitre, Robin Pitre, Ryan P Pitre, Ted J Pittman, Roger Pizani, Bonnie Pizani, Craig Pizani, Jane Pizani, Terrill J Pizani, Terry M Pizani, Terry M Jr Plaisance, Arthur E Plaisance, Burgess Plaisance, Darren Plaisance, Dean J Sr Plaisance, Dorothy B Plaisance, Dwayne Plaisance, Earl J Jr Plaisance, Errance H Plaisance, Evans P Plaisance, Eves A III Plaisance, Gideons Plaisance, Gillis S Plaisance, Henry A Jr Plaisance, Jacob Plaisance, Jimmie J Plaisance, Joyce Plaisance, Keith Plaisance, Ken G Plaisance, Lawrence J Plaisance, Lucien Jr Plaisance, Peter A Sr Plaisance, Peter Jr Plaisance, Richard J Plaisance, Russel P Plaisance, Russell P Sr Plaisance, Thomas Plaisance, Thomas J Plaisance, Wayne P Plaisance, Whitney III Plork, Phan Poche, Glenn J Jr Poche, Glenn J Sr Pockrus, Gerald Poiencot, Russell Jr

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			Poillion, Charles A Polito, Gerald Polkey, Gary J Polkey, Richard R Jr Polkey, Ronald Polkey, Shawn Michael Pollet, Lionel J Sr Pomgoria, Mario Ponce, Ben Ponce, Lewis B Poon, Raymond Pope, Robert Popham, Winford A Poppell, David M Porche, Ricky J Portier, Bobby Portier, Chad Portier, Corinne L Portier, Penelope J Portier, Robbie Portier, Russel A Sr Portier, Russell Potter, Hubert Edward Jr Potter, Robert D Potter, Robert J Pounds, Terry Wayne Powers, Clyde T Prejean, Dennis J Price, Carl Price, Curtis Price, Edwin J Price, Franklin J Price, George J Sr Price, Norris J Sr Price, Steve J Jr Price, Timmy T Price, Wade J Price, Warren J Prihoda, Steve Primeaux, Scott Pritchard, Dixie J Pritchard, James Ross Jr Prosperie, Claude J Jr Prosperie, Myron Prout, Rollen Prout, Sharonski K Prum, Thou Pugh, Charles D Jr Pugh, Charles Sr Pugh, Cody Pugh, Deanna Pugh, Donald Pugh, Nickolas Punch, Alvin Jr Punch, Donald J Punch, Todd M Punch, Travis J Purata, Maria Purse, Emil Purvis, George Quach, Duc Quach, James D Quach, Joe Quach, Si Tan Quinn, Dora M Racca, Charles Racine, Sylvan P Jr Radulic, Igor Ragas, Albert G Ragas, Gene Ragas, John D Ragas, Jonathan Ragas, Richard A

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			Ragas, Ronda S Ralph, Lester B Ramirez, Alfred J Jr Randazzo, John A Jr Randazzo, Rick A Rando, Stanley D Ranko, Ellis Gerald Rapp, Dwayne Rapp, Leroy and Sedonia Rawlings, John H Sr Rawlings, Ralph E Rawls, Norman E Ray, Leo Ray, William C Jr Raynor, Steven Earl Readenour, Kelty O Reagan, Roy Reason, Patrick W Reaux, Paul S Sr Reaves, Craig A Reaves, Laten Rebert, Paul J Sr Rebert, Steve M Jr Rebstock, Charles Recter, Lance Jr Rector, Warren L Redden, Yvonne Regnier, Leoncea B Remondet, Garland Jr Renard, Lanny Reno, Edward Reno, George C Reno, George H Reno, George T Reno, Harry Revell, Ben David Reyes, Carlton Reyes, Dwight D Sr Reynon, Marcello Jr Rhodes, Randolph N Rhoto, Christopher L Ribardi, Frank A Rich, Wanda Heafner Richard, Bruce J Richard, David L Richard, Edgar J Richard, James Ray Richard, Melissa Richard, Randall K Richardson, James T Richert, Daniel E Richo, Earl Sr Richoux, Dudley Donald Jr Richoux, Irvin J Jr Richoux, Judy Richoux, Larry Richoux, Mary A Riego, Raymond A Riffle, Josiah B Rigaud, Randall Ryan Riggs, Jeffrey B Riley, Jackie Sr Riley, Raymond Rinkus, Anthony J III Rios, Amado Ripp, Norris M Robbins, Tony Robert, Dan S Roberts, Michael A Robertson, Kevin Robeson, Richard S Jr Robichaux, Craig J Robin, Alvin G

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			Robin, Cary Joseph Robin, Charles R III Robin, Danny J Robin, Donald Robin, Floyd A Robin, Kenneth J Sr Robin, Ricky R Robinson, Johnson P III Robinson, Walter Roccaforte, Clay Rodi, Dominick R Rodi, Rhonda Rodrigue, Brent J Rodrigue, Carrol Sr Rodrigue, Glenn Rodrigue, Lerlene Rodrigue, Reggie Sr Rodrigue, Sonya Rodrigue, Wayne Rodriguez, Barry Rodriguez, Charles V Sr Rodriguez, Gregory Rodriguez, Jesus Rodriguez, Joseph C Jr Roeum, Orn Rogers, Barry David Rogers, Chad Rogers, Chad M Rogers, Kevin J Rogers, Nathan J Rojas, Carlton J Sr Rojas, Curtis Sr Rojas, Dennis J Jr Rojas, Dennis J Sr Rojas, Gordon V Rojas, Kerry D Rojas, Kerry D Jr Rojas, Randy J Sr Rojas, Raymond J Jr Roland, Brad Roland, Mathias C Roland, Vincent Rollins, Theresa Rollo, Wayne A Rome, Victor J IV Romero, D H Romero, Kardel J Romero, Norman Romero, Philip J Ronquille, Glenn Ronquille, Norman C Ronquillo, Earl Ronquillo, Richard J Ronquillo, Timothy Roseburrough, Charles R Jr Ross, Dorothy Ross, Edward Danny Jr Ross, Leo L Ross, Robert A Roth, Joseph F Jr Roth, Joseph M Jr Rotolo, Carolyn Rotolo, Feliz Rouse, Jimmy Roussel, Michael D Jr Roy, Henry Lee Jr Rudolph, Chad A Ruiz, Donald W Ruiz, James L Ruiz, Paul E Ruiz, Paul R Russell, Bentley R Russell, Casey

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			Russell, Daniel Russell, James III Russell, Julie Ann Russell, Michael J Russell, Nicholas M Russell, Paul Rustick, Kenneth Ruttley, Adrian K Ruttley, Ernest T Jr Ruttley, JT Ryan, James C Sr Rybiski, Rhebb R Ryder, Luther V Sadler, Stewart Sagnes, Everett Saha, Amanda K Saling, Don M Saltalamacchia, Preston J Saltalamacchia, Sue A Salvato, Lawrence Jr Samanie, Caroll J Samanie, Frank J Samsome, Don Sanamo, Troy P Sanchez, Augustine Sanchez, Jeffery A Sanchez, Juan Sanchez, Robert A Sanders, William Shannon Sandras, R J Sandras, R J Jr Sandrock, Roy R III Santini, Lindberg W Jr Santiny, James Santiny, Patrick Sapia, Carroll J Jr Sapia, Eddie J Jr Sapia, Willard Saturday, Michael Rance Sauce, Carlton Joseph Sauce, Joseph C Jr Saucier, Houston J Sauls, Russell Savage, Malcolm H Savant, Raymond Savoie, Allen Savoie, Brent T Savoie, James Savoie, Merlin F Jr Savoie, Reginald M II Sawyer, Gerald Sawyer, Rodney Scarabin, Clifford Scarabin, Michael J Schaffer, Kelly Schaubhut, Curry A Schellinger, Lester B Jr Schexnaydre, Michael Schirmer, Robert Jr Schjott, Joseph J Sr Schlindwein, Henry Schmit, Paul A Jr Schmit, Paul A Sr Schmit, Victor J Jr Schouest, Ellis J III Schouest, Ellis Jr Schouest, Juston Schouest, Mark Schouest, Noel Schrimpf, Robert H Jr Schultz, Troy A Schwartz, Sidney Scott, Aaron J

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			Scott, Audie B Scott, James E III Scott, Milford P Scott, Paul Seabrook, Terry G Seal, Charles T Seal, Joseph G Seaman, Garry Seaman, Greg Seaman, Ollie L Jr Seaman, Ollie L Sr Seang, Meng Sehon, Robert Craig Sekul, Morris G Sekul, S George Sellers, Isaac Charles Seng, Sophan Serigne, Adam R Serigne, Elizabeth Serigne, James J III Serigne, Kimmie J Serigne, Lisa M Serigne, Neil Serigne, O'Neil N Serigne, Richard J Sr Serigne, Rickey N Serigne, Ronald Raymond Serigne, Ronald Roch Serigne, Ross Serigny, Gail Serigny, Wayne A Serpas, Lenny Jr Sessions, William O III Sessions, William O Jr Sevel, Michael D Sevin, Carl Anthony Sevin, Earline Sevin, Janell A Sevin, Joey Sevin, Nac J Sevin, O'Neil and Symantha Sevin, Phillip T Sevin, Shane Sevin, Shane Anthony Sevin, Stanley J Sevin, Willis Seymour, Janet A Shackelford, David M Shaffer, Curtis E Shaffer, Glynnon D Shay, Daniel A Shilling, Jason Shilling, L E Shugars, Robert L Shutt, Randy Sifuentes, Esteban Sifuentes, Fernando Silver, Curtis A Jr Simon, Curnis Simon, John Simon, Leo Simpson, Mark Sims, Donald L Sims, Mike Singley, Charlie Sr Singley, Glenn Singley, Robert Joseph Sirgo, Jace Sisung, Walter Sisung, Walter Jr Skinner, Gary M Sr Skinner, Richard Skipper, Malcolm W

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			Skrmetta, Martin J Smelker, Brian H Smith, Brian Smith, Carl R Jr Smith, Clark W Smith, Danny Smith, Danny M Jr Smith, Donna Smith, Elmer T Jr Smith, Glenda F Smith, James E Smith, Margie T Smith, Mark A Smith, Nancy F Smith, Raymond C Sr Smith, Tim Smith, Walter M Jr Smith, William T Smithwick, Ted Wayne Smoak, Bill Smoak, William W III Snell, Erick Snodgrass, Sam Soeung, Phat Soileau, John C Sr Sok, Kheng Sok, Montha Sok, Nhip Solet, Darren Solet, Donald M Solet, Joseph R Solet, Raymond J Solorzano, Marilyn Son, Kim Son, Sam Nang Son, Samay Son, Thuong Cong Soprano, Daniel Sork, William Sou, Mang Soudelier, Louis Jr Soudelier, Shannon Sour, Yem Kim Southerland, Robert Speir, Barbara Kay Spell, Jeffrey B Spell, Mark A Spellmeyer, Joel F Sr Spencer, Casey Spiers, Donald A Sprinkle, Avery M Sprinkle, Emery Shelton Jr Sprinkle, Joseph Warren Squarsich, Kenneth J Sreiy, Siphan St Amant, Dana A St Ann, Mr and Mrs Jerome K St Pierre, Darren St Pierre, Scott A Staves, Patrick Stechmann, Chad Stechmann, Karl J Stechmann, Todd Steele, Arnold D Jr Steele, Henry H III Steen, Carl L Steen, James D Steen, Kathy G Stein, Norris J Jr Stelly, Adlar Stelly, Carl A Stelly, Chad P Stelly, Delores

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			Stelly, Sandrus J Sr Stelly, Sandrus Jr Stelly, Toby J Stelly, Veronica G Stelly, Warren Stephenson, Louis Stevens, Alvin Stevens, Curtis D Stevens, Donald Stevens, Glenda Stewart, Chester Jr Stewart, Derald Stewart, Derek Stewart, Fred Stewart, Jason F Stewart, Ronald G Stewart, William C Stiffler, Thanh Stipelcovich, Lawrence L Stipelcovich, Todd J Stockfett, Brenda Stokes, Todd Stone-Rinkus, Pamela Strader, Steven R Strickland, Kenneth Strickland, Rita G Stuart, James Vernon Stutes, Rex E Sulak, Billy W Sun, Hong Sreng Surmik, Donald D Swindell, Keith M Sylve, Dennis A Sylve, James L Sylve, Nathan Sylve, Scott Sylvesr, Paul A Ta, Ba Van Ta, Chris Tabb, Calvin Taliancich, Andrew Taliancich, Ivan Taliancich, Joseph M Taliancich, Srecka Tan, Ho Dung Tan, Hung Tan, Lan T Tan, Ngo The Tang, Thanh Tanner, Robert Charles Taravella, Raymond Tassin, Alton J Tassin, Keith P Tate, Archie P Tate, Terrell Tauzier, Kevin M Taylor, Doyle L Taylor, Herman R Taylor, Herman R Jr Taylor, J P Jr Taylor, John C Taylor, Leander J Sr Taylor, Leo Jr Taylor, Lewis Taylor, Nathan L Taylor, Robert L Taylor, Robert M Teap, Phal Tek, Heng Templat, Paul Terluin, John L III Terrebonne, Adrein Scott Terrebonne, Alphonse J

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			Terrebonne, Alton S Jr Terrebonne, Alton S Sr Terrebonne, Carol Terrebonne, Carroll Terrebonne, Chad Terrebonne, Chad Sr Terrebonne, Daniel J Terrebonne, Donavon J Terrebonne, Gary J Sr Terrebonne, Jimmy Jr Terrebonne, Jimmy Sr Terrebonne, Kline A Terrebonne, Lanny Terrebonne, Larry F Jr Terrebonne, Scott Terrebonne, Steven Terrebonne, Steven Terrebonne, Toby J Terrel, Chad J Sr Terrell, C Todd Terrio, Brandon James Terrio, Harvey J Jr Terry, Eloise P Tesvich, Kuzma D Thac, Dang Van Thach, Phuong Thai, Huynh Tan Thai, Paul Thai, Thomas Thanh, Thien Tharpe, Jack Theriot, Anthony Theriot, Carroll A Jr Theriot, Clay J Jr Theriot, Craig A Theriot, Dean P Theriot, Donnie Theriot, Jeffery C Theriot, Larry J Theriot, Lynn Theriot, Mark A Theriot, Roland P Jr Theriot, Wanda J Thibodaux, Jared Thibodeaux, Bart James Thibodeaux, Brian A Thibodeaux, Brian M Thibodeaux, Calvin A Jr Thibodeaux, Fay F Thibodeaux, Glenn P Thibodeaux, Jeffrey Thibodeaux, Jonathan Thibodeaux, Josephine Thibodeaux, Keith Thibodeaux, Tony J Thibodeaux, Warren J Thidobaux, James V Sr Thiet, Tran Thomas, Alvin Thomas, Brent Thomas, Dally S Thomas, Janie G Thomas, John Richard Thomas, Kenneth Ward Thomas, Monica P Thomas, Ralph L Jr Thomas, Ralph Lee Jr Thomas, Randall Thomas, Robert W Thomas, Willard N Jr Thomassie, Gerard Thomassie, Nathan A Thomassie, Philip A

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			Thomassie, Ronald J Thomassie, Tracy Joseph Thompson, Bobbie Thompson, David W Thompson, Edwin A Thompson, George Thompson, James D Jr Thompson, James Jr Thompson, John E Thompson, John R Thompson, Randall Thompson, Sammy Thompson, Shawn Thong, R Thonn, John J Jr Thonn, Victor J Thorpe, Robert Lee Jr Thurman, Charles E Tiet, Thanh Duc Tilghman, Gene E Tillett, Billy Carl Tillman, Lewis A Jr Tillman, Timothy P and Yvonne M Tillotson, Pat Tinney, Mark A Tisdale, Georgia W Tiser, Oscar Tiser, Thomas C Jr Tiser, Thomas C Sr To, Cang Van To, Du Van Todd, Fred Noel Todd, Patricia J Todd, Rebecca G Todd, Robert C and Patricia J Todd, Vonnie Frank Jr Tompkins, Gerald Paul II Toney, George Jr Tong, Hai V Tony, Linh C Toomer, Christina Abbott Toomer, Christy Toomer, Frank G Jr Toomer, Jeffrey E Toomer, Kenneth Toomer, Lamar K Toomer, Larry Curtis and Tina Toomer, William Kemp Torrible, David P Torrible, Jason Touchard, Anthony H Touchard, John B Jr Touchard, Paul V Jr Touchet, Eldridge III Touchet, Eldridge Jr Toups, Anthony G Toups, Bryan Toups, Jeff Toups, Jimmie J Toups, Kim Toups, Manuel Toups, Ted Toups, Tommy Toureau, James Tower, H Melvin Townsend, Harmon Lynn Townsend, Marion Brooks Tra, Hop T Trabeau, James D Trahan, Allen A Jr Trahan, Alvin Jr Trahan, Druby Trahan, Dudley

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			Trahan, Elie J Trahan, Eric J Trahan, James Trahan, Karen C Trahan, Lynn P Sr Trahan, Ricky Trahan, Ronald J Trahan, Tracey L Trahan, Wayne Paul Tran, Allen Hai Tran, Andana Tran, Anh Tran, Anh Tran, Anh N Tran, Bay V Tran, Bay Van Tran, Binh Tran, Binh Van Tran, Ca Van Tran, Cam Van Tran, Chau V Tran, Chau Van Tran, Chau Van Tran, Chi T Tran, Christina Phuong Tran, Chu V Tran, Cuong Tran, Cuong Tran, Danny Duc Tran, Den Tran, Dien Tran, Dinh M Tran, Dinh Q Tran, Doan Tran, Dung Van Tran, Duoc Tran, Duoc Tran, Duong Tran, Eric Tran, Francis Tran, Francis Tran, Giang Tran, Giao Tran, Ha Mike Tran, Hai Tran, Hien H Tran, Hiep Phuoc Tran, Hieu Tran, Hoa Tran, Hoa Tran, Hue T Tran, Huey Tran, Hung Tran, Hung Tran, Hung Tran, Hung P Tran, Hung Van Tran, Hung Van Tran, Hung Viet Tran, James N Tran, John Tran, Johnny Dinh Tran, Joseph Tran, Joseph T Tran, Khan Van Tran, Khanh Tran, Kim Tran, Kim Chi Thi Tran, Lan Tina Tran, Le and Phat Le Tran, Leo Van Tran, Loan Tran, Long

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			Tran, Long Van Tran, Luu Van Tran, Ly Tran, Ly Van Tran, Mai Thi Tran, Mary Tran, Miel Van Tran, Mien Tran, Mike Tran, Mike Dai Tran, Minh Huu Tran, Muoi Tran, My T Tran, Nam Van Tran, Nang Van Tran, Nghia and T Le Banh Tran, Ngoc Tran, Nhanh Van Tran, Nhieu T Tran, Nhieu Van Tran, Nho Tran, Peter Tran, Phu Van Tran, Phuc D Tran, Phuc V Tran, Phung Tran, Quan Van Tran, Quang Quang Tran, Quang T Tran, Quang Van Tran, Qui V Tran, Quy Van Tran, Ran Van Tran, Sarah T Tran, Sau Tran, Scotty Tran, Son Tran, Son Van Tran, Steven Tuan Tran, Tam Tran, Te Van Tran, Than Tran, Thang Van Tran, Thanh Tran, Thanh Tran, Thanh Van Tran, Theresa Tran, Thi Tran, Thich Van Tran, Thien Tran, Thien Van Tran, Thiet Tran, Tommy Tran, Tony Tran, Tri Tran, Trinh Tran, Trung Tran, Trung Van Tran, Tu Tran, Tuan Tran, Tuan Tran, Tuan Minh Tran, Tuong Van Tran, Tuyet Thi Tran, Van T Tran, Victor Tran, Vinh Tran, Vinh Q Tran, Vinh Q Tran, Vui Kim Trang, Tan Trapp, Tommy Treadaway, Michael

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			Tregle, Curtis Treloar, William Paul Treuil, Gary J Trevino, Manuel Treybig, E H ''Buddy'' Jr Triche, Donald G Trieu, Hiep and Jackie Trieu, Hung Hoa Trieu, Jasmine and Ly Trieu, Lorie and Tam Trieu, Tam Trinh, Christopher B Trinh, Philip P Trosclair, Clark K Trosclair, Clark P Trosclair, Eugene P Trosclair, James J Trosclair, Jerome Trosclair, Joseph Trosclair, Lori Trosclair, Louis V Trosclair, Patricia Trosclair, Randy Trosclair, Ricky Trosclair, Wallace Sr Truong, Andre Truong, Andre V Truong, Be Van Truong, Benjamin Truong, Dac Truong, Huan Truong, Kim Truong, Nhut Van Truong, Steve Truong, Tham T Truong, Thanh Minh Truong, Them Van Truong, Thom Truong, Timmy Trutt, George W Sr Trutt, Wanda Turlich, Mervin A Turner, Calvin L Tyre, John Upton, Terry R Valentino, J G Jr Valentino, James Vallot, Christopher A Vallot, Nancy H Valure, Hugh P Van Alsburg, Charles Van Gordstnoven, Jean J Van Nguyen, Irving Van, Than Van, Vui Vanacor, Kathy D Vanacor, Malcolm J Sr Vanicor, Bobbie VanMeter, Matthew T VanMeter, William Earl Varney, Randy L Vath, Raymond S Veasel, William E III Vegas, Brien J Vegas, Percy J Vegas, Terry J Vegas, Terry J Jr Vegas, Terry Jr Vela, Peter Verdin, Aaron Verdin, Av Verdin, Bradley J Verdin, Brent A

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			Verdin, Charles A Verdin, Charles E Verdin, Coy P Verdin, Curtis A Jr Verdin, Delphine Verdin, Diana A Verdin, Ebro W Verdin, Eric P Verdin, Ernest Joseph Sr Verdin, Jeff C Verdin, Jeffrey A Verdin, Jessie J Verdin, John P Verdin, Joseph Verdin, Joseph A Jr Verdin, Joseph Cleveland Verdin, Joseph D Jr Verdin, Joseph S Verdin, Joseph W Jr Verdin, Justilien G Verdin, Matthew W Sr Verdin, Michel A Verdin, Paul E Verdin, Perry Anthony Verdin, Rodney Verdin, Rodney P Verdin, Rodney P Verdin, Skylar Verdin, Timmy J Verdin, Toby Verdin, Tommy P Verdin, Tony J Verdin, Troy Verdin, Vincent Verdin, Viness Jr Verdin, Wallace P Verdin, Webb A Sr Verdin, Wesley D Sr Verdine, Jimmy R Vermeulen, Joseph Thomas Verret, Darren L Verret, Donald J Verret, Ernest J Sr Verret, James A Verret, Jean E Verret, Jimmy J Sr Verret, Johnny R Verret, Joseph L Verret, Paul L Verret, Preston Verret, Quincy Verret, Ronald Paul Sr Versaggi, Joseph A Versaggi, Salvatore J Vicknair, Brent J Sr Vicknair, Duane P Vicknair, Henry Dale Vicknair, Ricky A Vidrine, Bill and Kathi Vidrine, Corey Vidrine, Richard Vila, William F Villers, Joseph A Vincent, Gage Tyler Vincent, Gene Vincent, Gene B Vincent, Robert N Vise, Charles E III Vizier, Barry A Vizier, Christopher Vizier, Clovis J III Vizier, Douglas M Vizier, Tommie Jr

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			Vo, Anh M Vo, Chin Van Vo, Dam Vo, Dan M Vo, Dany Vo, Day V Vo, Duong V Vo, Dustin Vo, Hai Van Vo, Hanh Xuan Vo, Hien Van Vo, Hoang The Vo, Hong Vo, Hung Thanh Vo, Huy K Vo, Johnny Vo, Kent Vo, Lien Van Vo, Man Vo, Mark Van Vo, Minh Hung Vo, Minh Ngoc Vo, Minh Ray Vo, Mong V Vo, My Dung Thi Vo, My Lynn Vo, Nga Vo, Nhon Tai Vo, Nhu Thanh Vo, Quang Minh Vo, Sang M Vo, Sanh M Vo, Song V Vo, Tan Thanh Vo, Tan Thanh Vo, Thanh Van Vo, Thao Vo, Thuan Van Vo, Tien Van Vo, Tom Vo, Tong Ba Vo, Trao Van Vo, Truong Vo, Van Van Vo, Vi Viet Vodopija, Benjamin S Vogt, James L Voisin, Eddie James Voisin, Joyce Voison, Jamie Von Harten, Harold L Vona, Michael A Vongrith, Richard Vossler, Kirk Vu, Hung Vu, John H Vu, Khanh Vu, Khoi Van Vu, Quan Quoc Vu, Ruyen Viet Vu, Sac Vu, Sean Vu, Tam Vu, Thiem Ngoc Vu, Thuy Vu, Tom Vu, Tu Viet Vu, Tuyen Jack Vu, Tuyen Viet Wade, Calvin J Jr Wade, Gerard Waguespack, David M Sr Waguespack, Randy P II

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			Wainwright, Vernon Walker, Jerry Walker, Rogers H Wallace, Dennis Wallace, Edward Wallace, John A Wallace, John K Wallace, Trevis L Waller, Jack Jr Waller, John M Waller, Mike Wallis, Craig A Wallis, Keith Walters, Samuel G Walton, Marion M Wannage, Edward Joseph Wannage, Fred Jr Wannage, Frederick W Sr Ward, Clarence Jr Ward, Olan B Ward, Walter M Washington, Clifford Washington, John Emile III Washington, Kevin Washington, Louis N Wattigney, Cecil K Jr Wattigney, Michael Watts, Brandon A Watts, Warren Webb, Bobby Webb, Bobby N Webb, Josie M Webre, Donald Webre, Dudley A Webster, Harold Weeks, Don Franklin Weems, Laddie E Weinstein, Barry C Weiskopf, Rodney Weiskopf, Rodney Sr Weiskopf, Todd Welch, Amos J Wells, Douglas E Wells, Stephen Ray Wendling, Steven W Wescovich, Charles W Wescovich, Wesley Darryl Whatley, William J White, Allen Sr White, Charles White, Charles Fulton White, David L White, Gary Farrell White, James Hugh White, Perry J White, Raymond White, Robert Sr Wicher, John Wiggins, Chad M Sr Wiggins, Ernest Wiggins, Harry L Wiggins, Kenneth A Wiggins, Matthew Wilbur, Gerald Anthony Wilcox, Robert Wiles, Alfred Adam Wiles, Glen Gilbert Wiles, Sonny Joel Sr Wilkerson, Gene Dillard and Judith Wilkinson, William Riley Williams, Allen Jr Williams, Andrew Williams, B Dean

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			Williams, Clyde L Williams, Dale A Williams, Emmett J Williams, Herman J Jr Williams, J T Williams, John A Williams, Johnny Paul Williams, Joseph H Williams, Kirk Williams, Leopold A Williams, Mark A Williams, Mary Ann C Williams, Melissa A Williams, Nina Williams, Oliver Kent Williams, Parish Williams, Roberto Williams, Ronnie Williams, Scott A Williams, Steven Williams, Thomas D Williamson, Richard L Sr Willyard, Derek C Willyard, Donald R Wilson, Alward Wilson, Hosea Wilson, Joe R Wilson, Jonathan Wilson, Katherine Wiltz, Allen Wing, Melvin Wiseman, Allen Wiseman, Clarence J Jr Wiseman, Jean P Wiseman, Joseph A Wiseman, Michael T Jr Wiseman, Michael T Sr Wolfe, Charles Woods, John T III Wright, Curtis Wright, Leonard Wright, Randy D Yeamans, Douglas Yeamans, Neil Yeamans, Ronnie Yoeuth, Peon Yopp, Harold Yopp, Jonathon Yopp, Milton Thomas Young, James Young, Taing Young, Willie Yow, Patricia D Yow, Richard C Zanca, Anthony V Sr Zar, Ashley A Zar, Carl J Zar, John III Zar, Steve Zar, Steven Zar, Troy A Zerinque, John S Jr Zirlott, Curtis Zirlott, Jason D Zirlott, Jeremy Zirlott, Kimberly Zirlott, Milton Zirlott, Perry Zirlott, Rosa H Zito, Brian C Zuvich, Michael A Jr Ad Hoc Shrimp Trade Action Committee Bryan Fishermens' Co-Op Inc

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			Louisiana Shrimp Association South Carolina Shrimpers Association Vietnamese-American Commerical Fisherman's Union 3–G Enterprize dba Griffin's Seafood A & G Trawlers Inc A & T Shrimping A Ford Able Seafood A J Horizon Inc A&M Inc A&R Shrimp Co A&T Shrimping AAH Inc AC Christopher Sea Food Inc Ace of Trade LLC Adriana Corp AJ Boats Inc AJ Horizon Inc AJ's Seafood Alario Inc Alcide J Adams Jr Aldebaran Inc Aldebran Inc Alexander and Dola Alfred Englade Inc Alfred Trawlers Inc Allen Hai Tran dba Kien Giang Al's Shrimp Co Al's Shrimp Co LLC Al's Shrimp Co LLC Al's Whosale & Retail Alton Cheeks Amada Inc Amber Waves Amelia Isle American Beauty American Beauty Inc American Eagle Enterprise Inc American Girl American Seafood Americana Shrimp Amvina II Amvina II Amy D Inc Amy's Seafood Mart An Kit Andy Boy Andy's SFD Angel Annie Inc Angel Leigh Angel Seafood Inc Angela Marie Inc Angela Marie Inc Angelina Inc Anna Grace LLC Anna Grace LLC Annie Thornton Inc Annie Thornton Inc Anthony Boy I Anthony Boy I Anthony Fillinich Sr Apalachee Girl Inc Aparicio Trawlers Inc dba Marcosa Apple Jack Inc Aquila Seafood Inc Aquillard Seafood Argo Marine Arnold's Seafood Arroya Cruz Inc Art & Red Inc Arthur Chisholm A–Seafood Express Ashley Deeb Inc

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			Ashley W 648675 Asian Gulf Corp Atlantic Atocha Troy A LeCompte Sr Atwood Enterprises B & B Boats Inc B & B Seafood B&J Seafood BaBe Inc Baby Ruth Bailey, David B Sr—Bailey's Seafood Bailey's Seafood of Cameron Inc Bait Inc Bait Inc Baker Shrimp Bama Love Inc Bama Sea Products Inc Bao Hung Inc Bao Hung Inc Bar Shrimp Barbara Brooks Inc Barbara Brooks Inc Barisich Inc Barisich Inc Barnacle-Bill Inc Barney's Bait & Seafood Barrios Seafood Bay Boy Bay Islander Inc Bay Sweeper Nets Baye's Seafood 335654 Bayou Bounty Seafood LLC Bayou Caddy Fisheries Inc Bayou Carlin Fisheries Bayou Carlin Fisheries Inc Bayou Shrimp Processors Inc BBC Trawlers Inc BBS Inc Beachcomber Inc Beachcomber Inc Bea's Corp Beecher's Seafood Believer Inc Bennett's Seafood Benny Alexie Bergeron's Seafood Bertileana Corp Best Sea-Pack of Texas Inc Beth Lomonte Inc Beth Lomonte Inc Betty B Betty H Inc Bety Inc BF Millis & Sons Seafood Big Daddy Seafood Inc Big Grapes Inc Big Kev Big Oak Seafood Big Oak Seafood Big Oaks Seafood Big Shrimp Inc Billy J Foret—BJF Inc Billy Sue Inc Billy Sue Inc Biloxi Freezing & Processing Binh Duong BJB LLC Blain & Melissa Inc Blanca Cruz Inc Blanchard & Cheramie Inc Blanchard Seafood Blazing Sun Inc Blazing Sun Inc

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			Blue Water Seafood
			Bluewater Shrimp Co
			Bluffton Oyster Co
			Boat Josey Wales
			Boat Josey Wales LLC
			Boat Monica Kiff
			Boat Warrior
			Bob-Rey Fisheries Inc
			Bodden Trawlers Inc
			Bolillo Prieto Inc
			Bon Secour Boats Inc
			Bon Secour Fisheries Inc
			Bon Secur Boats Inc
			Bonnie Lass Inc
			Boone Seafood
			Bosarge Boats
			Bosarge Boats
			Bosarge Boats Inc
			Bottom Verification LLC
			Bowers Shrimp
			Bowers Shrimp Farm
			Bowers Valley Shrimp Inc
			Brad Friloux
			Brad Nicole Seafood
			Bradley John Inc
			Bradley's Seafood Mkt
			Brava Cruz Inc
			Brenda Darlene Inc
			Brett Anthony
			Bridgeside Marina
			Bridgeside Seafood
			Bridget's Seafood Service Inc
			Bridget's Seafood Service Inc
			BRS Seafood
			BRS Seafood
			Bruce W Johnson Inc
			Bubba Daniels Inc
			Bubba Tower Shrimp Co
			Buccaneer Shrimp Co
			Buchmer Inc
			Buck & Peed Inc
			Buddy Boy Inc
			Buddy's Seafood
			Bumble Bee Seafoods LLC
			Bumble Bee Seafoods LLC
			Bundy Seafood
			Bundy's Seafood
			Bunny's Shrimp
			Burgbe Gump Seafood
			Burnell Trawlers Inc
			Burnell Trawlers Inc/Mamacita/Swamp Irish
			Buster Brown Inc
			By You Seafood
			C & R Trawlers Inc
			CA Magwood Enterprises Inc
			Cajun Queen of LA LLC
			Calcasien Point Bait N More Inc
			Cam Ranh Bay
			Camardelle's Seafood
			Candy Inc
			Cao Family Inc
			Cap Robear
			Cap'n Bozo Inc
			Capn Jasper's Seafood Inc
			Capt Aaron
			Capt Adam
			Capt Anthony Inc
			Capt Bean (Richard A Ragas)
			Capt Beb Inc
			Capt Bill Jr Inc
			Capt Brother Inc
			Capt Bubba
			Capt Buck

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			Capt Carl Capt Carlos Trawlers Inc Capt Chance Inc Capt Christopher Inc Capt Chuckie Capt Craig Capt Craig Inc Capt Crockett Inc Capt Darren Hill Inc Capt Dennis Inc Capt Dickie Inc Capt Dickie V Inc Capt Doug Capt Eddie Inc Capt Edward Inc Capt Eli's Capt Elroy Inc Capt Ernest LLC Capt Ernest LLC Capt GDA Inc Capt George Capt H & P Corp Capt Havey Seafood Capt Henry Seafood Dock Capt Huy Capt JDL Inc Capt Jimmy Inc Capt Joe Capt Johnny II Capt Jonathan Capt Jonathan Inc Capt Joshua Inc Capt Jude 520556 13026 Capt Ken Capt Kevin Inc Capt Ko Inc Capt Koung Lim Capt Larry Seafood Market Capt Larry's Inc Capt LC Corp Capt LD Seafood Inc Capt Linton Inc Capt Mack Inc Capt Marcus Inc Capt Morris Capt Opie Capt P Inc Capt Pappie Inc Capt Pat Capt Paw Paw Capt Pete Inc Capt Peter Long Inc Capt Pool Bear II's Seafood Capt Quang Capt Quina Inc Capt Richard Capt Ross Inc Capt Roy Capt Russell Jr Inc Capt Ryan Inc Capt Ryan's Capt Sam Capt Sang Capt Scar Inc Capt Scott Capt Scott 5 Capt Scott Seafood Capt Sparkers Shrimp Capt St Peter Capt T&T Corp Capt Thien Capt Tommy Inc Capt Two Inc

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Capt Van's Seafood Capt Walley Inc Capt Zoe Inc Captain Allen's Bait & Tackle Captain Arnulfo Inc Captain Blair Seafood Captain Dexter Inc Captain D's Captain Homer Inc Captain Jeff Captain JH III Inc Captain Joshua Captain Larry'O Captain Miss Cammy Nhung Captain Regis Captain Rick Captain T/Thiet Nguyen Captain Tony Captain Truong Phi Corp Captain Vinh Cap't-Brandon Captian Thomas Trawler Inc Carlino Seafood Carly Sue Inc Carmelita Inc Carolina Lady Inc Carolina Sea Foods Inc Caroline and Calandra Inc Carson & Co Carson & Co Inc Cary Encalade Trawling Castellano's Corp Cathy Cheramie Inc CBS Seafood & Catering LLC CBS Seafood & Catering LLC Cecilia Enterprise Inc CF Gollot & Son Sfd Inc CF Gollott and Son Seafood Inc Chackbay Lady Chad & Chaz LLC Challenger Shrimp Co Inc Chalmette Marine Supply Co Inc Chalmette Net & Trawl Chapa Shrimp Trawlers Chaplin Seafood Charlee Girl Charles Guidry Inc Charles Sellers Charles White Charlotte Maier Inc Charlotte Maier Inc Chef Seafood Ent LLC Cheramies Landing Cherry Pt Seafood Cheryl Lynn Inc Chez Francois Seafood Chilling Pride Inc Chin Nguyen Co Chin Nguyen Co Chinatown Seafood Co Inc Chines Cajun Net Shop Chris Hansen Seafood Christian G Inc Christina Leigh Shrimp Co Christina Leigh Shrimp Company Inc Christina Leigh Shrimp Company Inc Cieutat Trawlers Cinco de Mayo Inc Cindy Lynn Inc Cindy Mae Inc City Market Inc CJ Seafood CJs Seafood

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Clifford Washington Clinton Hayes—C&S Enterprises of Brandon Inc Cochran's Boat Yard Colorado River Seafood Colson Marine Comm Fishing Commercial Fishing Service CFS Seafoods Cong Son Cong-An Inc Country Girl Inc Country Inc Courtney & Ory Inc Cowdrey Fish Cptn David Crab-Man Bait Shop Craig A Wallis, Keith Wallis dba W&W Dock & 10 boats Cristina Seafood CRJ Inc Cruillas Inc Crusader Inc Crustacean Frustration Crystal Gayle Inc Crystal Light Inc Crystal Light Inc Curtis Henderson Custom Pack Inc Custom Pack Inc Cyril's Ice House & Supplies D & A Seafood D & C Seafood Inc D & J Shrimping LLC D & M Seafood & Rental LLC D Ditcharo Jr Seafoods D G & R C Inc D S L & R Inc D&T Marine Inc Daddys Boys DaHa Inc/Cat'Sass DAHAPA Inc Dale's Seafood Inc Dang Nguyen Daniel E Lane Danny Boy Inc Danny Max David & Danny Inc David C Donnelly David Daniels David Ellison Jr David Gollott Sfd Inc David W Casanova's Seafood David White David's Shrimping Co Davis Seafood Davis Seafood Davis Seafood Inc Dawn Marie Deana Cheramie Inc Deanna Lea Dean's Seafood Deau Nook Debbe Anne Inc Deep Sea Foods Inc/Jubilee Foods Inc Delcambre Seafood Dell Marine Inc Dennis Menesses Seafood Dennis' Seafood Inc Dennis Shrimp Co Inc Desperado DFS Inc Diamond Reef Seafood Diem Inc Dinh Nguyen

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Dixie General Store LLC Dixie Twister Dominick's Seafood Inc Don Paco Inc Donald F Boone II Dong Nquyen Donini Seafoods Inc Donna Marie Donovan Tien I & II Dopson Seafood Dorada Cruz Inc Double Do Inc Double Do Inc Doug and Neil Inc Douglas Landing Doxey's Oyster & Shrimp Dragnet II Dragnet Inc Dragnet Seafood LLC Dubberly's Mobile Seafood Dudenhefer Seafood Dugas Shrimp Co LLC Dunamis Towing Inc Dupree's Seafood Duval & Duval Inc Dwayne's Dream Inc E & M Seafood E & T Boating E Gardner McClellan E&E Shrimp Co Inc East Coast Seafood East Coast Seafood East Coast Seafood East Coast Seafood Edisto Queen LLC Edward Garcia Trawlers EKV Inc El Pedro Fishing & Trading Co Inc Eliminator Inc Elizabeth Nguyen Ellerbee Seafoods Ellie May Elmira Pflueckhahn Inc Elmira Pflueckhahn Inc Elvira G Inc Emily's SFD Emmanuel Inc Ensenada Cruz Inc Enterprise Enterprise Inc Equalizer Shrimp Co Inc Eric F Dufrene Jr LLC Erica Lynn Inc Erickson & Jensen Seafood Packers Ethan G Inc Excalibur LLC F/V Apalachee Warrior F/V Atlantis I F/V Capt Walter B F/V Captain Andy F/V Eight Flags F/V Mary Ann F/V Miss Betty F/V Morning Star F/V Nam Linh F/V Olivia B F/V Phuoc Thanh Mai II F/V Sea Dolphin F/V Southern Grace F/V Steven Mai F/V Steven Mai II Famer Boys Catfish Kitchens Family Thing

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Father Dan Inc Father Lasimir Inc Father Mike Inc Fiesta Cruz Inc Fine Shrimp Co Fire Fox Inc Fisherman's Reef Shrimp Co Fishermen IX Inc Fishing Vessel Enterprise Inc Five Princesses Inc FKM Inc Fleet Products Inc Flower Shrimp House Flowers Seafood Co Floyd's Wholesale Seafood Inc Fly By Night Inc Forest Billiot Jr Fortune Shrimp Co Inc FP Oubre Francis Brothers Inc Francis Brothers Inc Francis III Frank Toomer Jr Fran-Tastic Too Frederick-Dan Freedom Fishing Inc Freeman Seafood Frelich Seafood Inc Frenchie D–282226 Fripp Point Seafood G & L Trawling Inc G & O Shrimp Co Inc G & O Trawlers Inc G & S Trawlers Inc G D Ventures II Inc G G Seafood G R LeBlanc Trawlers Inc Gail's Bait Shop Gale Force Inc Gambler Inc Gambler Inc Garijak Inc Gary F White Gator's Seafood Gay Fish Co Gay Fish Co GeeChee Fresh Seafood Gemita Inc Gene P Callahan Inc George J Price Sr Ent Inc Georgia Shrimp Co LLC Gerica Marine Gilden Enterprises Gillikin Marine Railways Inc Gina K Inc Gisco Inc Gisco Inc Glenda Guidry Inc Gloria Cruz Inc Go Fish Inc God's Gift God's Gift Shrimp Vessel Gogie Gold Coast Seafood Inc Golden Gulf Coast Pkg Co Inc Golden Phase Inc Golden Text Inc Golden Text Inc Golden Text Inc Goldenstar Gollott Brothers Sfd Co Inc Gollott's Oil Dock & Ice House Inc Gonzalez Trawlers Inc

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Gore Enterprises Inc Gore Enterprizes Inc Gore Seafood Co Gore Seafood Inc Gove Lopez Graham Fisheries Inc Graham Shrimp Co Inc Graham Shrimp Co Inc Gramps Shrimp Co Grandma Inc Grandpa's Dream Grandpa's Dream Granny's Garden and Seafood Green Flash LLC Greg Inc Gregory Mark Gaubert Gregory Mark Gaubert Gregory T Boone Gros Tete Trucking Inc Guidry's Bait Shop Guidry's Net Shop Gulf Central Seaood Inc Gulf Crown Seafood Co Inc Gulf Fish Inc Gulf Fisheries Inc Gulf Island Shrimp & Seafood II LLC Gulf King Services Inc Gulf Pride Enterprises Inc Gulf Seaway Seafood Inc Gulf Shrimp Gulf South Inc Gulf Stream Marina LLC Gulf Sweeper Inc (Trawler Gulf Sweeper) Gypsy Girl Inc H & L Seafood Hack Berry Seafood Hagen & Miley Inc Hailey Marie Inc Hanh Lai Inc Hannah Joyce Inc Hardy Trawlers Hardy Trawlers Harrington Fish Co Inc Harrington Seafood & Supply Inc Harrington Shrimp Co Inc Harrington Trawlers Inc Harris Fisheries Inc Hazel's Hustler HCP LLC Heather Lynn Inc Heavy Metal Inc Hebert Investments Inc Hebert's Mini Mart LLC Helen E Inc Helen Kay Inc Helen Kay Inc Helen W Smith Inc Henderson Seafood Henry Daniels Inc Hermosa Cruz Inc Hi Seas of Dulac Inc Hien Le Van Inc High Hope Inc Hoang Anh Hoang Long I, II Holland Enterprises Holly Beach Seafood Holly Marie's Seafood Market Hombre Inc Home Loving Care Co Hondumex Ent Inc Hong Nga Inc Hongri Inc

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Houston Foret Seafood Howerin Trawlers Inc HTH Marine Inc Hubbard Seafood Hurricane Emily Seafood Inc Hutcherson Christian Shrimp Inc Huyen Inc Icy Seafood II Inc ICY Seafood Inc Icy Seafood Inc Ida's Seafood Rest & Market Ike & Zack Inc Independent Fish Company Inc Inflation Inc Integrity Fisheries Inc Integrity Fishing Inc International Oceanic Ent Interstate Vo LLC Intracoastal Seafood Inc Iorn Will Inc Irma Trawlers Inc Iron Horse Inc Isabel Maier Inc Isabel Maier Inc Isla Cruz Inc J & J Rentals Inc J & J Trawler's Inc J & R Seafood J Collins Trawlers J D Land Co Jackie & Hiep Trieu Jacob A Inc Jacquelin Marie Inc Jacquelin Marie Inc James D Quach Inc James E Scott III James F Dubberly James Gadson James J Matherne Jr James J Matherne Sr James Kenneth Lewis Sr James LaRive Jr James W Green Jr dba Miss Emilie Ann James W Hicks Janet Louise Inc Jani Marie JAS Inc JBS Packing Co Inc JBS Packing Inc JCM Jean's Bait Jeff Chancey Jemison Trawler's Inc Jenna Dawn LLC Jennifer Nguyen—Capt T Jensen Seafood Pkg Co Inc Jesse LeCompte Jr Jesse LeCompte Sr Jesse Shantelle Inc Jessica Ann Inc Jessica Inc Jesus G Inc Jimmy and Valerie Bonvillain Jimmy Le Inc Jim's Cajen Shrimp Joan of Arc Inc JoAnn and Michael W Daigle Jody Martin Joe Quach Joel's Wild Oak Bait Shop & Fresh Seafood John A Norris John J Alexie John Michael E Inc

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			John V Alexie Johnny & Joyce's Seafood Johnny O Co Johnny's Seafood John's Seafood Joker's Wild Jones—Kain Inc Joni John Inc (Leon J Champagne) Jon's C Seafood Inc Joseph Anthony Joseph Anthony Inc Joseph Garcia Joseph Martino Joseph Martino Corp Joseph T Vermeulen Josh & Jake Inc Joya Cruz Inc JP Fisheries Julie Ann LLC Julie Hoang Julie Shrimp Co Inc (Trawler Julie) Julio Gonzalez Boat Builders Inc Justin Dang JW Enterprise K & J Trawlers K&D Boat Company K&S Enterprises Inc Kalliainen Seafoods Inc KAM Fishing Kandi Sue Inc Karl M Belsome LLC KBL Corp KDH Inc Keith M Swindell Kellum's Seafood Kellum's Seafood Kelly Marie Inc Ken Lee's Dock LLC Kenneth Guidry Kenny-Nancy Inc Kentucky Fisheries Inc Kentucky Trawlers Inc Kevin & Bryan (M/V) Kevin Dang Khang Dang Khanh Huu Vu Kheng Sok Shrimping Kim & James Inc Kim Hai II Inc Kim Hai Inc Kim's Seafood Kingdom World Inc Kirby Seafood Klein Express KMB Inc Knight's Seafood Inc Knight's Seafood Inc Knowles Noel Camardelle Kramer's Bait Co Kris & Cody Inc KTC Fishery LLC L & M L & N Friendship Corp L & O Trawlers Inc L & T Inc L&M LA–3184 CA La Belle Idee La Macarela Inc La Pachita Inc LA–6327–CA LaBauve Inc LaBauve Inc

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Lade Melissa Inc Lady Agnes II Lady Agnes III Lady Amelia Inc Lady Anna I Lady Anna II Lady Barbara Inc Lady Carolyn Inc Lady Catherine Lady Chancery Inc Lady Chelsea Inc Lady Danielle Lady Debra Inc Lady Dolcina Inc Lady Gail Inc Lady Katherine Inc Lady Kelly Inc Lady Kelly Inc Lady Kristie Lady Lavang LLC Lady Liberty Seafood Co Lady Lynn Ltd Lady Marie Inc Lady Melissa Inc Lady Shelly Lady Shelly Lady Snow Inc Lady Stephanie Lady Susie Inc Lady T Kim Inc Lady TheLna Lady Toni Inc Lady Veronica Lafitte Frozen Foods Corp Lafont Inc Lafourche Clipper Inc Lafourche Clipper Inc Lamarah Sue Inc Lan Chi Inc Lan Chi Inc Lancero Inc Lanny Renard and Daniel Bourque Lapeyrouse Seafood Bar Groc Inc Larry G Kellum Sr Larry Scott Freeman Larry W Hicks Lasseigne & Sons Inc Laura Lee Lauren O Lawrence Jacobs Sfd Lazaretta Packing Inc Le & Le Inc Le Family Inc Le Family Inc Le Tra Inc Leek & Millington Trawler Privateeer Lee's Sales & Distribution Leonard Shrimp Producers Inc Leoncea B Regnier Lerin Lane Li Johnson Liar Liar Libertad Fisheries Inc Liberty I Lighthouse Fisheries Inc Lil Aly Lil Arthur Inc Lil BJ LLC Lil Robbie Inc Lil Robbie Inc Lil Robin Lil Robin Lilla

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Lincoln Linda & Tot Inc Linda Cruz Inc Linda Hoang Shrimp Linda Lou Boat Corp Linda Lou Boat Corp Lisa Lynn Inc Lisa Lynn Inc Little Andrew Inc Little Andy Inc Little Arthur Little David Gulf Trawler Inc Little Ernie Gulf Trawler Inc Little Ken Inc Little Mark Little William Inc Little World LJL Inc Long Viet Nguyen Longwater Seafood dba Ryan H Longwater Louisiana Gulf Shrimp LLC Louisiana Lady Inc Louisiana Man Louisiana Newpack Shrimp Co Inc Louisiana Pride Seafood Inc Louisiana Pride Seafood Inc Louisiana Seafood Dist LLC Louisiana Shrimp & Packing Inc Louisiana Shrimp and Packing Co Inc Lovely Daddy II & III Lovely Jennie Low Country Lady (Randolph N Rhodes) Low County Lady Luchador Inc Lucky Lucky I Lucky Jack Inc Lucky Lady Lucky Lady II Lucky Leven Inc Lucky MV Lucky Ocean Lucky Sea Star Inc Lucky Star Lucky World Lucky's Seafood Market & Poboys LLC Luco Drew's Luisa Inc Lupe Martinez Inc LV Marine Inc LW Graham Inc Lyle LeCompte Lynda Riley Inc Lynda Riley Inc M & M Seafood M V Sherry D M V Tony Inc M&C Fisheries M/V Baby Doll M/V Chevo's Bitch M/V Lil Vicki M/V Loco-N Motion M/V Patsy K #556871 M/V X L Mabry Allen Miller Jr Mad Max Seafood Madera Cruz Inc Madison Seafood Madlin Shrimp Co Inc Malibu Malolo LLC Mamacita Inc Man Van Nguyen

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Manteo Shrimp Co Marco Corp Marcos A Maria Elena Inc Maria Sandi Mariachi Trawlers Inc Mariah Jade Shrimp Company Marie Teresa Inc Marine Fisheries Marisa Elida Inc Mark and Jace Marleann Martin's Fresh Shrimp Mary Bea Inc Master Brandon Inc Master Brock Master Brock Master Dylan Master Gerald Trawlers Inc Master Hai Master Hai II Master Henry Master Jared Inc Master Jhy Inc Master John Inc Master Justin Inc Master Justin Inc Master Ken Inc Master Kevin Inc Master Martin Inc Master Mike Inc Master NT Inc Master Pee-Wee Master Ronald Inc Master Scott Master Scott II Master Seelos Inc Master T Master Tai LLC Master Tai LLC Mat Roland Seafood Co Maw Doo Mayflower McQuaig Shrimp Co Inc Me Kong Melerine Seafood Melody Shrimp Co Mer Shrimp Inc Michael Lynn Michael Nguyen Michael Saturday's Fresh Every Day South Carolina Shrimp Mickey Nelson Net Shop Mickey's Net Midnight Prowler Mike's Seafood Inc Miley's Seafood Inc Militello and Son Inc Miller & Son Seafood Inc Miller Fishing Milliken & Son's Milton J Dufrene and Son Inc Milton Yopp—Capt'n Nathan & Thomas Winfield Minh & Liem Doan Mis Quynh Chi II Miss Adrianna Inc Miss Alice Inc Miss Ann Inc Miss Ann Inc Miss Ashleigh Miss Ashleigh Inc Miss Barbara Miss Barbara Inc

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Miss Bernadette A Inc
			Miss Bertha (M/V)
			Miss Beverly Kay
			Miss Brenda
			Miss Candace
			Miss Candace Nicole Inc
			Miss Carla Jean Inc
			Miss Caroline Inc
			Miss Carolyn Louise Inc
			Miss Caylee
			Miss Charlotte Inc
			Miss Christine III
			Miss Cleda Jo Inc
			Miss Courtney Inc
			Miss Courtney Inc
			Miss Cynthia
			Miss Danielle Gulf Trawler Inc
			Miss Danielle LLC
			Miss Dawn
			Miss Ellie Inc
			Miss Faye LLC
			Miss Fina Inc
			Miss Georgia Inc
			Miss Hannah
			Miss Hannah Inc
			Miss Hazel Inc
			Miss Hilary Inc
			Miss Jennifer Inc
			Miss Joanna Inc
			Miss Julia
			Miss Kandy Tran LLC
			Miss Kandy Tran LLC
			Miss Karen
			Miss Kathi Inc
			Miss Kathy
			Miss Kaylyn LLC
			Miss Khayla
			Miss Lil
			Miss Lillie Inc
			Miss Liz Inc
			Miss Loraine
			Miss Loraine Inc
			Miss Lori Dawn IV Inc
			Miss Lori Dawn V Inc
			Miss Lori Dawn VI Inc
			Miss Lori Dawn VII Inc
			Miss Lorie Inc
			Miss Luana D Shrimp Co
			Miss Luana D Shrimp Co
			Miss Madeline Inc
			Miss Madison
			Miss Marie
			Miss Marie Inc
			Miss Marilyn Louis Inc
			Miss Marilyn Louise
			Miss Marilyn Louise Inc
			Miss Marissa Inc
			Miss Martha Inc
			Miss Martha Inc
			Miss Mary T
			Miss Myle
			Miss Narla
			Miss Nicole
			Miss Nicole Inc
			Miss Plum Inc
			Miss Quynh Anh I
			Miss Quynh Anh I LLC
			Miss Quynh Anh II LLC
			Miss Redemption LLC
			Miss Rhianna Inc
			Miss Sambath
			Miss Sandra II
			Miss Sara Ann

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Miss Savannah Miss Savannah II Miss Soriya Miss Suzanne Miss Sylvia Miss Than Miss Thom Miss Thom Inc Miss Tina Inc Miss Trinh Trinh Miss Trisha Inc Miss Trisha Inc Miss Verna Inc Miss Vicki Miss Victoria Inc Miss Vivian Inc Miss WillaDean Miss Winnie Inc Miss Yvette Inc Miss Yvonne Misty Morn Eat Misty Star MJM Seafood Inc M'M Shrimp Co Inc Mom & Dad Inc Mona-Dianne Seafood Montha Sok and Tan No Le Moon River Inc Moon Tillett Fish Co Inc Moonlight Moonlight Mfg Moore Trawlers Inc Morgan Creek Seafood Morgan Rae Inc Morning Star Morrison Seafood Mother Cabrini Mother Teresa Inc Mr & Mrs Inc Mr & Mrs Inc Mr Coolly Mr Fox Mr Fox Mr G Mr Gaget LLC Mr Henry Mr Natural Inc Mr Neil Mr Phil T Inc Mr Sea Inc Mr Verdin Inc Mr Williams Mrs Judy Too Mrs Tina Lan Inc Ms Alva Inc Ms An My Angel II My Blues My Dad Whitney Inc My Girls LLC My Thi Tran Inc My Three Sons Inc My V Le Inc My-Le Thi Nguyen Myron A Smith Inc Nancy Joy Nancy Joy Inc Nancy Joy Inc Nanny Granny Inc Nanny Kat Seafood LLC Napolean Seafoods Napoleon II Napoleon Seafood

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Napoleon SF Naquin's Seafood Nautilus LLC Nelma Y Lane Nelson and Son Nelson Trawlers Inc Nelson's Quality Shrimp Company Nevgulmarco Co Inc New Deal Comm Fishing New Way Inc Nguyen Day Van Nguyen Express Nguyen Int'l Enterprises Inc Nguyen Shipping Inc NHU UYEN Night Moves of Cut Off Inc Night Shift LLC Night Star North Point Trawlers Inc North Point Trawlers Inc Nuestra Cruz Inc Nunez Seafood Oasis Ocean Bird Inc Ocean Breeze Inc Ocean Breeze Inc Ocean City Corp Ocean Emperor Inc Ocean Harvest Wholesale Inc Ocean Pride Seafood Inc Ocean Seafood Ocean Select Seafood LLC Ocean Springs Seafood Market Inc Ocean Wind Inc Oceanica Cruz Inc Odin LLC Old Maw Inc Ole Holbrook's Fresh Fish Market LLC Ole Nelle One Stop Bait & Ice Open Sea Inc Orage Enterprises Inc Orn Roeum Shrimping Otis Cantrelle Jr Otis M Lee Jr Owens Shrimping Palmetto Seafood Inc Papa Rod Inc Papa T Pappy Inc Pappy's Gold Parfait Enterprises Inc Paris/Asia Parramore Inc Parrish Shrimping Inc Pascagoula Ice & Freezer Co Inc Pat-Lin Enterprises Inc Patricia Foret Patrick Sutton Inc Patty Trish Inc Paul Piazza and Son Inc Paw Paw Allen Paw Paw Pride Inc Pearl Inc dba Indian Ridge Shrimp Co Pei Gratia Inc Pelican Point Seafood Inc Penny V LLC Perlita Inc Perseverance I LLC Pete & Queenie Inc Phat Le and Le Tran Phi Long Inc Phi-Ho LLC

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Pip's Place Marina Inc Plaisance Trawlers Inc Plata Cruz Inc Poc-Tal Trawlers Inc Pointe-Aux-Chene Marina Pontchautrain Blue Crab Pony Express Poppee Poppy's Pride Seafood Port Bolivar Fisheries Inc Port Marine Supplies Port Royal Seafood Inc Poteet Seafood Co Inc Potter Boats Inc Price Seafood Inc Prince of Tides Princess Ashley Inc Princess Celine Inc Princess Cindy Inc Princess Lorie LLC Princess Mary Inc Prosperity PT Fisheries Inc Punch's Seafood Mkt Purata Trawlers Inc Pursuer Inc Quality Seafood Quang Minh II Inc Queen Lily Inc Queen Mary Queen Mary Inc Quinta Cruz Inc Quoc Bao Inc Quynh NHU Inc Quynh Nhu Inc R & J Inc R & K Fisheries LLC R & L Shrimp Inc R & P Fisheries R & R Bait/Seafood R & S Shrimping R & T Atocha LLC R&D Seafood R&K Fisheries LLC R&R Seafood RA Lesso Brokerage Co Inc RA Lesso Seafood Co Inc Rachel-Jade Ralph Lee Thomas Jr Ralph W Jones Ramblin Man Inc Ranchero Trawlers Inc Randall J Pinell Inc Randall J Pinell Inc Randall K and Melissa B Richard Randall Pinell Randy Boy Inc Randy Boy Inc Rang Dong Raul L Castellanos Raul's Seafood Raul's Seafood Rayda Cheramie Inc Raymond LeBouef RCP Seafood I II III RDR Shrimp Inc Reagan's Seafood Rebecca Shrimp Co Inc Rebel Seafood Regulus Rejimi Inc Reno's Sea Food Res Vessel

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Reyes Trawlers Inc Rick's Seafood Inc Ricky B LLC Ricky G Inc Riffle Seafood Rigolets Bait & Seafood LLC Riverside Bait & Tackle RJ's Roatex Ent Inc Robanie C Inc Robanie C Inc Robanie C Inc Robert E Landry Robert H Schrimpf Robert Johnson Robert Keenan Seafood Robert Upton or Terry Upton Robert White Seafood Rockin Robbin Fishing Boat Inc Rodney Hereford Jr Rodney Hereford Sr Rodney Hereford Sr Roger Blanchard Inc Rolling On Inc Romo Inc Ronald Louis Anderson Jr Rosa Marie Inc Rose Island Seafood RPM Enterprises LLC Rubi Cruz Inc Ruf-N-Redy Inc Rutley Boys Inc Sadie D Seafood Safe Harbour Seafood Inc Salina Cruz Inc Sally Kim III Sally Kim IV Sam Snodgrass & Co Samaira Inc San Dia Sand Dollar Inc Sandy N Sandy O Inc Santa Fe Cruz Inc Santa Maria I Inc Santa Maria II Santa Monica Inc Scavanger Scooby Inc Scooby Inc Scottie and Juliette Dufrene Scottie and Juliette Dufrene Sea Angel Sea Angel Inc Sea Bastion Inc Sea Drifter Inc Sea Durbin Inc Sea Eagle Sea Eagle Fisheries Inc Sea Frontier Inc Sea Gold Inc Sea Gulf Fisheries Inc Sea Gypsy Inc Sea Hawk I Inc Sea Horse Fisheries Sea Horse Fisheries Inc Sea King Inc Sea Pearl Seafood Company Inc Sea Queen IV Sea Trawlers Inc Sea World Seabrook Seafood Inc Seabrook Seafood Inc

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Seafood & Us Inc Seaman's Magic Inc Seaman's Magic Inc Seaside Seafood Inc Seaweed 2000 Seawolf Seafood Second Generation Seafood Shark Co Seafood Inter Inc Sharon—Ali Michelle Inc Shelby & Barbara Seafood Shelby & Barbara Seafood Shelia Marie LLC Shell Creek Seafood Inc Shirley Elaine Shirley Girl LLC Shrimp Boat Patrice Shrimp Boating Inc Shrimp Express Shrimp Man Shrimp Networks Inc Shrimp Trawler Shrimper Shrimper Shrimpy's Si Ky Lan Inc Si Ky Lan Inc Si Ky Lan Inc Sidney Fisheries Inc Silver Fox Silver Fox LLC Simon Sims Shrimping Skip Toomer Inc Skip Toomer Inc Skyla Marie Inc Smith & Sons Seafood Inc Snowdrift Snowdrift Sochenda Soeung Phat Son T Le Inc Son's Pride Inc Sophie Marie Inc Soul Mama Inc Souther Obsession Inc Southern Lady Southern Nightmare Inc Southern Star Southshore Seafood Spencers Seafood Sprig Co Inc St Anthony Inc St Daniel Phillip Inc St Dominic St Joseph St Joseph St Joseph II Inc St Joseph III Inc St Joseph IV Inc St Martin St Martyrs VN St Mary Seafood St Mary Seven St Mary Tai St Michael Fuel & Ice Inc St Michael's Ice & Fuel St Peter St Peter 550775 St Teresa Inc St Vincent Andrew Inc St Vincent Gulf Shrimp Inc St Vincent One B St Vincent One B Inc

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			St Vincent SF St Vincent Sfd Inc Start Young Inc Steamboat Bills Seafood Stella Mestre Inc Stephen Dantin Jr Stephney's Seafood Stipelcovich Marine Wks Stone-Co Farms LP Stone-Co Farms LP Stormy Sean Inc Stormy Seas Inc Sun Star Inc Sun Swift Inc Sunshine Super Coon Inc Super Cooper Inc Swamp Irish Inc Sylvan P Racine Jr—Capt Romain T & T Seafood T Brothers T Cvitanovich Seafood LLC Ta Do Ta T Vo Inc Ta T Vo Inc Tana Inc Tanya Lea Inc Tanya Lea Inc Tanya Lea Inc Tasha Lou T–Brown Inc Tee Frank Inc Tee Tigre Inc Tercera Cruz Inc Terrebonne Seafood Inc Terri Monica Terry Luke Corp Terry Luke Corp Terry Luke Corp Terry Lynn Inc Te-Sam Inc Texas 1 Inc Texas 18 Inc Texas Lady Inc Texas Pack Inc Tex-Mex Cold Storage Inc Tex-Mex Cold Storage Inc Thai & Tran Inc Thai Bao Inc Thanh Phong The Boat Phat Tai The Fishermans Dock The Last One The Light House Bait & Seafood Shack LLC The Mayporter Inc The NGO The Seafood Shed Thelma J Inc Theresa Seafood Inc Third Tower Inc Thomas Winfield—Capt Nathan Thompson Bros Three C's Three Dads Three Sons Three Sons Inc Three Sons Inc Thunder Roll Thunderbolt Fisherman's Seafood Inc Thy Tra Inc Thy Tra Inc Tidelands Seafood Co Inc Tiffani Claire Inc

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			Tiffani Claire Inc Tiger Seafood Tikede Inc Timmy Boy Corp Tina Chow Tina T LLC Tino Mones Seafood TJ's Seafood Toan Inc Todd Co Todd's Fisheries Tom LE LLC Tom Le LLC Tom N & Bill N Inc Tommy Bui dba Mana II Tommy Cheramie Inc Tommy Gulf Sea Food Inc Tommy's Seafood Inc Tonya Jane Inc Tony-N Tookie Inc Tot & Linda Inc T–Pops Inc Tran Phu Van Tran's Express Inc Travis—Shawn Travis—Shawn Trawler Azteca Trawler Becky Lyn Inc Trawler Capt GC Trawler Capt GC II Trawler Dalia Trawler Doctor Bill Trawler Gulf Runner Trawler HT Seaman Trawler Joyce Trawler Kristi Nicole Trawler Kyle & Courtney Trawler Lady Catherine Trawler Lady Gwen Doe Trawler Linda B Inc Trawler Linda June Trawler Little Brothers Trawler Little Gavino Trawler Little Rookie Inc Trawler Mary Bea Trawler Master Alston Trawler Master Jeffery Inc Trawler Michael Anthony Inc Trawler Mildred Barr Trawler Miss Alice Inc Trawler Miss Jamie Trawler Miss Kelsey Trawler Miss Sylvia Inc Trawler Mrs Viola Trawler Nichols Dream Trawler Raindear Partnership Trawler Rhonda Kathleen Trawler Rhonda Lynn Trawler Sandra Kay Trawler Sarah Jane Trawler Sea Wolf Trawler Sea Wolf Trawler SS Chaplin Trawler The Mexican Trawler Wallace B Trawler Wylie Milam Triple C Seafood Triple T Enterprises Inc Triplets Production Tropical SFD Troy A LeCompte Sr True World Foods Inc

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			T's Seafood
			Tu Viet Vu
			TVN Marine Inc
			TVN Marine Inc
			Two Flags Inc
			Tyler James
			Ultima Cruz Inc
			UTK Enterprises Inc
			V & B Shrimping LLC
			Valona Sea Food
			Valona Seafood Inc
			Van Burren Shrimp Co
			Vaquero Inc
			Varon Inc
			Venetian Isles Marina
			Venice Seafood Exchange Inc
			Venice Seafood LLC
			Vera Cruz Inc
			Veronica Inc
			Versaggi Shrimp Corp
			Victoria Rose Inc
			Viet Giang Corp
			Vigilante Trawlers Inc
			Village Creek Seafood
			Villers Seafood Co Inc
			Vina Enterprises Inc
			Vincent L Alexie Jr
			Vincent Piazza Jr & Sons Seafood Inc
			Vin-Penny
			Vivian Lee Inc
			Von Harten Shrimp Co Inc
			VT & L Inc
			Vu NGO
			Vu-Nguyen Partners
			W L & O Inc
			Waccamaw Producers
			Wait-N-Sea Inc
			Waller Boat Corp
			Walter R Hicks
			Ward Seafood Inc
			Washington Seafood
			Watermen Industries Inc
			Watermen Industries Inc
			Waymaker Inc
			Wayne Estay Shrimp Co Inc
			WC Trawlers Inc
			We Three Inc
			We Three Inc
			Webster's Inc
			Weems Bros
			Weems Bros
			Weems Bros
			Weems Bros
			Weems Bros
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			Weems Bros
			Weems Bros
			Weems Bros Seafood
			Weems Bros Seafood Co
			Weiskopf Fisheries LLC
			Wendy & Eric Inc
			Wescovich Inc
			West Point Trawlers Inc
			Westley J Domangue
			WH Blanchard Inc
			Whiskey Joe Inc
			White and Black

Commerce Case No.	Commission Case No.	Product/country	Petitioners/supporters
			White Bird White Foam White Gold Wilcox Shrimping Inc Wild Bill Wild Eagle Inc William E Smith Jr Inc William Lee Inc William O Nelson Jr William Patrick Inc William Smith Jr Inc Willie Joe Inc Wind Song Inc Wonder Woman Woods Fisheries Inc Woody Shrimp Co Inc Yeaman's Inc Yen Ta Yogi's Shrimp You & Me Shrimp Ysclaskey Seafood Zirlott Trawlers Inc Zirlott Trawlers Inc

[FR Doc. 2011–11238 Filed 5–27–11; 8:45 am]

BILLING CODE P

FEDERAL REGISTER

Vol. 76 Friday,
No. 103 May 27, 2011

Part III

Department of Agriculture

Animal and Plant Health Inspection Service

7 CFR Part 319
Importation of Plants for Planting; Establishing a Category of Plants for Planting Not Authorized for Importation Pending Pest Risk Analysis; Final Rule

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. APHIS–2006–0011]

RIN 0579–AC03

Importation of Plants for Planting; Establishing a Category of Plants for Planting Not Authorized for Importation Pending Pest Risk Analysis

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations to establish a new category of regulated articles in the regulations governing the importation of nursery stock, also known as plants for planting. This category will list taxa of plants for planting whose importation is not authorized pending pest risk analysis. If scientific evidence indicates that a taxon of plants for planting is a quarantine pest or a host of a quarantine pest, we will publish a notice that will announce our determination that the taxon is a quarantine pest or a host of a quarantine pest, cite the scientific evidence we considered in making this determination, and give the public an opportunity to comment on our determination. If we receive no comments that change our determination, the taxon will subsequently be added to the new category. We will allow any person to petition for a pest risk analysis to be conducted to consider whether to remove a taxon that has been added to the new category. After the pest risk analysis is completed, we will remove the taxon from the category and allow its importation subject to general requirements, allow its importation subject to specific restrictions, or prohibit its importation. We will consider applications for permits to import small quantities of germplasm from taxa whose importation is not authorized pending pest risk analysis, for experimental or scientific purposes under controlled conditions. This new category will allow us to take prompt action on evidence that the importation of a taxon of plants for planting poses a risk while continuing to allow for public participation in the process.

DATES: *Effective Date:* June 27, 2011.

FOR FURTHER INFORMATION CONTACT: Dr. Arnold Tschanz, Senior Plant Pathologist, Plants for Planting Policy, Risk Management and Plants for Planting Policy, RPM, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1236; (301) 734–0627.

SUPPLEMENTARY INFORMATION:

Background

Under the Plant Protection Act (PPA) (7 U.S.C. 7701 *et seq.*), the Secretary of Agriculture is authorized to take such actions as may be necessary to prevent the introduction and spread of plant pests and noxious weeds within the United States. The Secretary has delegated this responsibility to the Administrator of the Animal and Plant Health Inspection Service (APHIS).

The regulations in 7 CFR part 319 prohibit or restrict the importation of certain plants and plant products into the United States to prevent the introduction of plant pests that are not already established in the United States or plant pests that may be established but are under official control to eradicate or contain them within the United States. The regulations in ''Subpart—Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products,'' §§ 319.37 through 319.37–14 (referred to below as the regulations), restrict, among other things, the importation of living plants, plant parts, seeds, and plant cuttings for planting or propagation. These regulations are intended to ensure that imported nursery stock does not serve as a host for plant pests, such as insects or pathogens, that can cause damage to U.S. agricultural and environmental resources.

The regulations in 7 CFR part 360, ''Noxious Weed Regulations,'' contain prohibitions and restrictions on the movement of noxious weeds or plant products listed in that part into or through the United States and interstate. Plants are designated as noxious weeds when the plants themselves can cause damage to U.S. agricultural and environmental resources, meaning they can only be moved under a permit containing conditions to prevent their introduction into the environment. The importation of some plants is subject to both the nursery stock regulations and the noxious weed regulations.

On July 23, 2009, we published in the **Federal Register** (74 FR 36403–36414, Docket No. APHIS–2006–0011) a proposal [1] to amend the nursery stock regulations. We proposed to change the nursery stock regulations to refer instead to ''plants for planting,'' a term that is consistent with the International Plant Protection Convention's (IPPC) Glossary of Phytosanitary Terms.[2] (In this document, we will use the term ''plants for planting'' to refer to all the articles subject to what have been called the nursery stock regulations, as we did in the proposal.)

We proposed to create a new category of plants for planting whose importation is not authorized pending the completion of a pest risk analysis. We referred to the category as the ''not authorized pending pest risk analysis'' (NAPPRA) category. We proposed that the NAPPRA category would include two lists: A list of taxa that we have judged, on the basis of scientific evidence, to be potential quarantine pest plants, and therefore potential noxious weeds; and a list of taxa that we have judged, on the basis of scientific evidence, to be potential hosts of quarantine pests.[3] We proposed to define a *quarantine pest* as a plant pest or noxious weed that is of potential economic importance to the United States and not yet present in the United States, or present but not widely distributed and being officially controlled.

We proposed to add taxa of plants for planting to the NAPPRA category based on scientific evidence that indicates that their importation poses a risk of introducing a quarantine pest into the United States, rather than on a comprehensive pest risk analysis (PRA). Additionally, we proposed to establish the NAPPRA lists on a Web site and notify the public of our determination that taxa of plants for planting are potential quarantine pests or potential hosts of quarantine pests, and thus should be added to the NAPPRA lists, by publishing notices in the **Federal Register**.

Finally, we proposed to allow any person to request that APHIS conduct a PRA on any plant taxon listed in the NAPPRA category. We proposed that, after completing the PRA, we would initiate rulemaking either to allow the importation of the taxon subject to the restrictions described in the risk management section of the PRA or, if the risk associated with the importation of the taxon cannot be feasibly mitigated, to prohibit its importation.

[1] To view the proposed rule, its supporting documentation, and the comments we received, go to *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2006-0011*.

[2] The Glossary of Phytosanitary Terms is International Standard for Phytosanitary Measures (ISPM) Number 5. To view this and other ISPMs on the Internet, go to *http://www.ippc.int/* and click on the ''Adopted Standards'' link under the ''Core activities'' heading.

[3] We use the term ''taxon'' (plural: taxa) to refer to any grouping within botanical nomenclature, such as family, genus, species, or cultivar.

We also proposed to make several other changes to definitions in the plants for planting regulations and to expand the scope of the plants for planting regulations to include nonvascular green plants.

We solicited comments concerning our proposal for 90 days ending October 21, 2009. We received 256 comments by that date. They were from producers, researchers, importers, conservation societies, environmental advocacy groups, representatives of State and foreign governments, other Federal agencies, and the general public.

Based on these comments, we are making the following changes to the proposal:

- In order to make the regulations more specific and to avoid confusion, rather than using the terms ''potential quarantine pest'' and ''potential host of a quarantine pest,'' we are simply referring to taxa as quarantine pests or hosts of a quarantine pest.
- We are clarifying that seed of taxa of plants for planting whose importation is not authorized pending pest risk analysis is not eligible to be imported without a phytosanitary certificate under the small lots of seed program in § 319.37–4(d).
- We are not including the proposed provision under which we would have specified a proposed effective date in the notices announcing our determination that a taxon should be added to the NAPPRA category, as we will enforce any restrictions that must be implemented immediately through Federal import quarantine orders.
- We are requiring requests to remove a taxon from the NAPPRA lists to be made in accordance with § 319.5, which requires submission of information regarding the taxon by a foreign national plant protection organizations (NPPO), in order to ensure that we have enough information to conduct a PRA.
- We are providing for the removal of a taxon from the NAPPRA list if the scientific evidence we used as a basis for adding the taxon to the lists is shown to be in clear error. We are also making some minor editorial changes, which are discussed below.

The comments are discussed below by topic.

Support for the Proposed Rule

Two hundred and four of the commenters supported the proposed rule. They cited various reasons for their support. Many spoke of the damage that certain plants cause in the natural environment, giving dozens of examples including mile-a-minute weed, purple loosestrife, yellow starthistle, leafy spurge, Japanese stilt grass, wavyleaf basketgrass, water hyacinth, and spotted knapweed.

The commenters stated that many of these plants, as well as many other harmful plants, have been introduced through the nursery trade, meaning that they would have been subject to evaluation and, potentially, prevented from being imported under NAPPRA. One commenter noted that the nursery trade naturally seeks to sell plants that grow vigorously, resist insect pests, and propagate easily, traits that are often associated with plants that harm agricultural and environmental resources.

Other commenters supported using the NAPPRA category to address the risk associated with plants for planting that are hosts of quarantine pests, citing previous introductions of harmful pests through the importation of plants for planting. These commenters gave many examples as well, including emerald ash borer, chestnut blight, laurel wilt, Dutch elm disease, pine pitch canker, dogwood anthracnose, Port Orford cedar root disease, white pine blister rust, and sudden oak death (*Phytophthora ramorum*).

Many commenters who supported the rule cited the costs that State and local governments and communities must bear in controlling quarantine pest plants and plant pests; in their view, the most cost-effective way to avoid additional control costs in the future is to prevent the importation of damaging quarantine pest plants and plant pests, and they supported the NAPPRA category as a means by which to do that. One commenter cited a study showing that the Australian weed risk assessment (WRA) system provides economic benefits [4] and stated that, while the proposed rule did not go as far as the Australian screening system, the regulatory mechanisms are similar enough that creating a NAPPRA list will generate economic benefits to the United States, in addition to significant environmental and agricultural benefits. Some commenters stated that landscaping efforts should concentrate on using native species, making the importation of plants for planting unnecessary.

Some of the commenters noted that preventing the importation of certain taxa of plants for planting might lead to restrictions on taxa that ultimately prove to be safe, or that can be imported safely under certain conditions, but stated that the risk posed by importation of taxa of plants for planting that are quarantine pests or hosts of quarantine pests should be addressed immediately for the good of the wider environment. One commenter stated that maintaining strict importation standards while not impeding trade is a delicate balance, and it appears that the NAPPRA category can maintain that balance when applied judiciously.

One commenter noted that strengthening the plants for planting regulations was recommended by both the National Plant Board's 1999 Safeguarding Review and 2006 Peer Review Reports.[5]

Comments Supporting Broad Prohibitions or Restrictions on the Importation of Plants for Planting

Under the regulations, most plants for planting may currently be imported into the United States if they are accompanied by a phytosanitary certificate and a permit and if they are inspected at a U.S. Department of Agriculture (USDA) plant inspection station listed in § 319.37–14. Responding to the NAPPRA proposal, some commenters urged us to impose broad prohibitions or restrictions on the importation of plants for planting.

Five commenters recommended that we prohibit the importation of plants that have not previously been imported until those plants are tested rigorously and found to pose no ecological threat to existing species. One of these commenters stated that, given the level of uncertainty about risks that new organisms pose and the unpleasant surprises from species thought to be benign in the past, this should result in effectively blocking importation of all new plant species. Nothing can be guaranteed to be safe, this commenter stated, so it should be banned. This commenter also recommended that testing to prove safety be paid for by industry, rather than the U.S. Government.

Another of these commenters echoed the point that new organisms pose an uncertain risk, and urged us to prohibit the importation of harmful species that are already present in the United States until they can be tested and found to be safe. This commenter stated that a recent study [6] has shown that genotypes

[4] Keller R.P., Lodge, D.M., and Finnoff, D.C. 2007. Risk assessment for invasive species produces net bioeconomic benefits. Proceedings of the National Academy of Sciences 104:203–207.

[5] The Safeguarding Review is available on the Web at *http://nationalplantboard.org/policy/safeguard.html;* the peer review report is available at *http://nationalplantboard.org/docs/PR%20Report%207-17-06.pdf.*

[6] Rosenthal, D.M., Ramakrishnan, A.P., and Cruzan, M.B. 2008. Evidence for multiple sources of invasion and intraspecific hybridization in *Brachypodium sylvaticum* (Hudson) Beauv. in North America. Molecular Ecology 17:4657–4669.

from different regions can hybridize, forming plants of great vigor that are even more difficult to control.

One commenter recommended that we prohibit the importation of all plants that have not previously been imported until a PRA has been completed to determine what level of risk the plants pose and what means may be available to mitigate that risk.

One commenter recommended that we add all imported plants for planting to the NAPPRA category and only allow the importation of plants for planting if they were produced under conditions designed to prevent their infestation by quarantine pests (clean stock programs, growth from tissue culture or seed, pre- or post-entry quarantine, *etc.*).

Three commenters recommended prohibiting all importation of plants for planting. One commenter cited a recent research paper [7] that examines the factors that result in the escape of plants from their original plantings and concludes that the single most important factor is propagule pressure. In other words, the longer a taxon has been held in one place and the more plants there are, the more likely it is to escape cultivation. Once taxa escape cultivation, some proportion of them are likely to be noxious weeds. The commenter concluded that we cannot make a determination that it is safe to import a taxon, as no taxon is safe.

One commenter stated that all importation of plants for planting should be prohibited because some pests associated with plants for planting may have no natural enemies. This commenter also stated that local plants are where they are due to natural selection, and interfering with this process by introducing new plants may harm the environment.

Another commenter stated that it is not possible to accurately assess the risks of introducing new pathogens on imported plants. The commenter cited three reasons for this belief:

- Native plant diseases are poorly known in most regions of the world, and many disease-causing agents have very minor effects on their native hosts. Thus, the knowledge needed to assess risk by plant species or region is not available.
- Quarantine inspections can miss the presence of a pathogen that colonizes a plant as an endophyte (a plant pathogen that is asymptomatic for at least part of its life), but when the same pathogen encounters naive hosts or new climatic conditions the effects can be devastating. The commenter cited a research paper demonstrating this,[8] and another providing conifer canker and needle diseases as examples.[9] Thus, the commenter stated, even careful screening of imported plants is unlikely to prevent pathogen introductions.
- Plant pathogens are often complexes of closely related cryptic species or strains. This means that basing a determination of risk on the knowledge that a particular pathogen is already present in the United States is often erroneous, because pathogens known by the same name are often different. The commenter cited the ''aggressive strain'' of Dutch elm disease, which eventually was recognized as a separate species, as an example. Thus, the commenter stated, we cannot assume we will know the behavior of any pathogen once it is released into a new environment.

The commenter allowed that it may be possible to safely move small amounts of tissue-cultured plants that have been tested for the presence of endophytic organisms (*i.e.,* organisms that live at least part of their lives within plants without causing apparent disease), but stated that all other forms of plant movement present unacceptable risk.

A few commenters specifically disagreed with the comments calling for broad prohibitions and restrictions on the importation of plants for planting; these commenters instead expressed support for the approach in the proposed rule. Two of the commenters opposed automatically adding all taxa not already established in the United States to the NAPPRA category. Two stated that the benefits from importing plants for planting can outweigh the risk of unwanted pests as long as programs are in place to prevent pest introduction; that the majority of all plants for planting, including seeds, cuttings, bare roots, and bulbs, had their origins as imported materials brought into the United States each growing season; and that each year, hundreds of millions of propagules are safely imported into the United States to support the demands of the U.S. public for decorative planting materials, without harmful impact on the U.S. environment.

Another commenter stated that the NAPPRA concept, if applied with care and discretion, strikes a balance among the competing requests to impose broad restrictions on the importation of plants for planting and to allow the importation of plants for planting subject only to the existing general restrictions.

We are making no changes to the proposed rule in response to the comments requesting that we impose broad prohibitions and restrictions on the importation of plants for planting, beyond the general requirements in the current regulations. The NAPPRA category is designed to allow us to address the risk associated with plants for planting on a taxon-by-taxon basis; adding broad prohibitions or restrictions to the regulations would be beyond the scope of the proposed rule.

We agree that there is uncertainty about the risk associated with any imported plants for planting when those plants have not been thoroughly studied. Our process for placing restrictions on the importation of a taxon of plants for planting has typically involved the preparation of a comprehensive PRA. This approach required us to evaluate the uncertainty regarding all aspects of the risk associated with the importation of the taxon before any action could be taken. The NAPPRA category that we are adding to the plants for planting regulations in this final rule gives us a streamlined, transparent means to respond to new scientific evidence indicating that a taxon of plants for planting is a quarantine pest or a host of a quarantine pest, thus directly addressing risk while giving us the necessary time to evaluate uncertainty. We will make every effort to respond to scientific evidence as it becomes available.

It should be noted that the NAPPRA category is not the final step we plan to take to ensure that the regulations provide an appropriate level of protection against the risk associated with imported plants for planting. Rather, the NAPPRA category is part of an ongoing effort to revise the plants for planting regulations and to change the way we respond to risks. As noted in the proposed rule, establishing the NAPPRA category is just one of the changes discussed in an advanced notice of proposed rulemaking (ANPR) published in the **Federal Register** on December 10, 2004 (69 FR 71736–71744, Docket No. 03–069–1).[10] We appreciate

[7] Pysek, P., Krivanek, M., and Jarosik, V. 2009. Planting intensity, residence time and species traits determine invasion success of alien woody species. Ecology 90:2734–2744.

[8] Palm, M.E. 2001. Systmatics and impact of invasive fungi on agriculture in the United States. BioScience 51(2):141–147.

[9] Wingfield *et al.* 2001. Worldwide movement of exotic forest fungi, especially in the tropics and the southern hemisphere. BioScience 51:134–140.

[10] The ANPR, as well as the comments we received on the ANPR, can be viewed on Regulations.gov at *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2004-0024.* The ANPR contains a detailed discussion of the

the issues that the commenters raised and will keep them in mind as we consider future rulemaking. For example, the issues cited by one commenter regarding the lack of information that we would need to assess risk by plant species or region highlight the need to gather more and better data regarding pests that could potentially be associated with plants for planting. Once we gather such data, of course, the data could be used to add taxa to the NAPPRA category. The NAPPRA category will also allow us to respond quickly to any new information that allows us to better predict which taxa of plants for planting can damage U.S. agricultural and environmental resources.

Although we do not agree with the recommendation that we add all taxa of plants for planting to the NAPPRA category, we agree with the commenter who stated that plants for planting that are hosts of quarantine pests could be allowed to be imported if they are produced under standard conditions designed to prevent their infestation by quarantine pests, such as pest-free growth in tissue culture. We are developing a proposed rule that would provide for various measures to help facilitate the importation of taxa on the NAPPRA lists or the lists of prohibited articles in § 319.37–2. This effort is discussed in more detail later in this document under the heading ''Risk-Mitigating Production Practices.''

One commenter asked how we will address uncertainty. Although the proposed rule indicated that the decision to restrict the importation of taxa of plants for planting will be made on the basis of scientific evidence indicating that the importation of the taxa poses a risk, the commenter stated that, often, that there is insufficient scientific evidence to make a conclusion as to the level of risk posed by a particular plant, a particular plant pest, or origin in a particular country. The commenter asked whether a lack of available scientific evidence will be a factor for adding plant taxa to the NAPPRA list.

One commenter stated generally that NAPPRA should address the risk of new or little-known insects and pathogens, as scientific data is not always available, especially in new environments.

Along the same lines, another commenter stated that, for many quarantine pests, there will not be sufficient scientific data to predict their impact after introduction to the United States. In fact, the commenter stated, many quarantine pests are unknown to science until they become pests in a new environment. The commenter stated that it is important that USDA does not underestimate risk when evaluating candidate taxa to appear on the NAPPRA list as quarantine pests or hosts of quarantine pests, as there is often no way of determining the damage a pest will incur to a new ecosystem before the introduction occurs.

As stated earlier, we will only add a taxon to the NAPPRA category if there is scientific evidence indicating that the taxon is a quarantine pest or a host of a quarantine pest. Adding taxa to the NAPPRA category for which we lack scientific evidence, based on uncertainty, would result in the effective imposition of broad restrictions on the importation of all plants that are not well-known. As discussed earlier, our goal in establishing the NAPPRA category is to provide a process for imposing restrictions that directly address the risk associated with specific taxa of plants for planting, based on scientific evidence.

General Opposition to the Proposed Rule

Several commenters expressed general opposition to the proposed rule on the basis that it would impose additional restrictions that might not be justified on the importation of plants for planting. Many commenters characterized the proposed NAPPRA category as a prohibition on the importation of plants for planting, with exceptions only for plants that were assessed and determined to be safe. One commenter expressed concern that the ultimate goal of our regulatory efforts was to prohibit the importation of all plants for planting unless the plants have been screened and found to be safe.

Some commenters raised specific concerns with respect to the implications of a broad prohibition on the importation of plants for planting. One commenter stated that invasive plants have many ways of arriving in the United States and that few of them can be documented as ornamental species that were introduced through horticulture. Two commenters stated that any slowing or complication of the process of importation of seeds and plant material only encourages the illegal and undocumented shipping of that material. One commenter stated that a broad prohibition on plants for planting would affect plants that are only weeds in certain situations and are clearly valuable in others, such as many food crops. One commenter stated that the costs associated with testing every taxon of plants for planting to determine whether each is safe would be prohibitive. One commenter stated that no specific plants were cited in the proposed rule as being invasive or as vectors of pests.

Some commenters opposed the proposed NAPPRA category on the grounds that it would hamper the conservation of plant material. One commenter stated that conservation of plant material is an extremely time-sensitive process, and any slowing of the process could result in the loss of important germplasm or even species. The commenter stated that this would be absolutely fatal for material with short viability or for emergency conservation measures. One commenter stated that seeds were essential for preservation of biodiversity in agricultural systems; another suggested that we should continue to allow the importation of organic seed and other quality seed. One commenter stated that some species may not be able to survive outside greenhouse conditions, meaning there would be no need to prohibit their importation into the United States.

As one of the commenters noted, we are not imposing any additional restrictions on specific taxa of plants for planting in this final rule. Rather, this final rule provides a process by which we can impose restrictions on specific taxa. When we determine that a taxon of plants for planting is a quarantine pest or a host of a quarantine pest, we will publish a notice in the **Federal Register** to inform the public of our determination and make available a data sheet that details the scientific evidence that we used in making the determination. At that point, any interested party will have the opportunity to comment on the proposed addition of the taxon to one of the NAPPRA lists, supporting or opposing the addition. We will particularly welcome comments on the scientific evidence supporting our determination, which will be detailed in the data sheet accompanying the notice.

Although one commenter stated that few quarantine pest plants had been introduced through the horticultural trade, several commenters who supported the proposed rule provided examples of ornamental species imported for horticulture that had become quarantine pest plants. In any case, as discussed, we are not imposing broad prohibitions or restrictions on ornamental species imported for horticulture, or on any other taxa imported for any other use.

Because only specific taxa of plants for planting will be added to the

history of the nursery stock regulations that is helpful for understanding their original intent and current state.

NAPPRA lists, we do not expect that this final rule will result in a large increase in illegal importation of plants for planting. We have existing inspection, investigation, and enforcement processes that work to prevent the importation of plants for planting whose importation is prohibited in § 319.37–2. We will use those processes to ensure that NAPPRA taxa are not illegally imported in the same way that we currently do for taxa whose importation is prohibited. We are also providing for plants for planting listed as NAPPRA to be imported for experimental or scientific purposes under controlled conditions, so scientific research can be conducted on them.

Conservation of plant material will continue as it has under the current regulations, unless a taxon of the plant material in question is determined to be a quarantine pest or a host of a quarantine pest and the taxon is subsequently added to one of the NAPPRA lists. As one commenter noted, a taxon requiring conservation is unlikely to be added to the NAPPRA lists as a quarantine pest, since any plant that has difficulty surviving in field conditions is likely incapable of reproducing enough to cause potentially economically important damage to agricultural or environmental resources. For that reason, a taxon that could not survive outside a greenhouse would also be unlikely to be added to the NAPPRA lists.

With respect to the concerns about seed, we note that the NAPPRA list of taxa that are hosts of quarantine pests allows the importation of seed unless we specify that seed is regulated. We would only regulate the seed of hosts of a quarantine pest if the pest in question could be introduced and established in the United States through the importation of seed.

Some commenters expressed specific concerns about the impact of a prohibition on the importation of plants for planting except those that have been determined to be safe for U.S. biodiversity and the importation of plants with beneficial uses. One commenter cited the discovery of important genetic variability in *Sophora toromiro,* now extinct in the wild, in the hands of a Chilean nurseryman and other individuals outside of botanic gardens, as indicating the importance of not restricting public access to biological diversity.

In addition, the proposed rule discussed some comments we received on the May 2004 ANPR that addressed biodiversity. We summarized these comments as stating that any further restrictions on the importation of plants for planting would adversely impact the overall biodiversity of plants in the United States. We stated in the proposed rule that the purpose of establishing the NAPPRA category, as with all our restrictions on the importation of plants for planting, is to prevent damage to agricultural and other resources caused by plants that are plant pests or that are hosts of plant pests. Preventing this damage, we stated, helps to ensure that the current biodiversity of the United States is not adversely affected.

One commenter stated that there is no evidence that pests or invasive species reduce biodiversity; rather, in all cases, they have increased biodiversity. The commenter asked us to provide peer-reviewed scientific evidence that biodiversity has decreased at any time because of imports.

We appreciate the opportunity to clarify our statement. There are multiple types of biodiversity that ecologists and other scientists consider when evaluating biodiversity. Total biodiversity, the type to which we believe the commenter refers, involves a simple count of the number of species present in a country or in an area within a country. Site-specific biodiversity may take into account the relative distribution of taxa within a site, a larger area, or even a country.

We regulate the importation of taxa of plants for planting that are quarantine pests or that are hosts of quarantine pests based on the damage they could cause to U.S. agricultural and environmental resources. Sometimes, the damage a quarantine pest causes can reduce site-specific biodiversity. For example, if an imported quarantine pest plant damaged previously thriving species and reduced their numbers while rapidly propagating throughout their former habitat, the total number of species at that site would have increased, but the diversity of their distribution would have decreased substantially.

Similarly, the emerald ash borer may kill virtually all of the ash trees in areas in which the beetle occurs. Although the total biodiversity within the United States was increased by one species with the introduction and establishment of the emerald ash borer, the distribution of hardwood trees in U.S. forests where the emerald ash borer occurs is markedly less diverse.

We will only add a plant taxon to the NAPPRA category if it is a quarantine pest or a host of a quarantine pest. Preventing the introduction of quarantine pests or hosts of quarantine pests into the United States helps to avert the damage that would occur if they were introduced. Sometimes, as discussed, that damage can reduce biodiversity, meaning that preserving existing biodiversity is one beneficial effect associated with preventing damage from quarantine pests.

With respect to the general concerns about restricting access to biodiversity, as we will only add specific taxa to the NAPPRA category based on our determination that the taxa are quarantine pests or hosts of quarantine pests, we do not believe that biodiversity and importation of plants with beneficial effects will be widely affected. The importation of most taxa of plants for planting will continue to be allowed.

One commenter stated that the proposed rule did not seem to be entirely in accordance with ISPM No. 1, ''Phytosanitary Principles for the Protection of Plants and the Application of Phytosanitary Measures in International Trade.'' (Countries that are signatories to the IPPC, including the United States, commit to promulgating regulations that are consistent with the various ISPMs, unless a country supports a deviation from the ISPMs with a technical justification.) The commenter specifically cited the principles of necessity, managed risk, minimal impact, and technical justification that are discussed in that document. The commenter stated that it would be difficult to provide specific comments on this issue, as the list of plants added to the new category is not known.

We are not adding any taxa of plants for planting to the NAPPRA category in this rulemaking; this rulemaking only sets up the NAPPRA category. Members of the public will have the opportunity to comment on all additions to the NAPPRA category.

We have reviewed the principles cited by the commenter from ISPM No. 1 and found the proposed rule to be in accordance with those principles.

Necessity: ISPM No. 1 states that contracting parties (*i.e.,* signatories to the IPPC) may apply phytosanitary measures only where such measures are necessary to prevent the introduction and/or spread of quarantine pests. We will only add taxa to the NAPPRA category when it is necessary to do so to prevent the introduction of quarantine pests, either taxa of plants for planting that are quarantine pests themselves or taxa that are hosts of quarantine pests.

Managed risk and minimal impact: ISPM No. 1 states that contracting parties should apply phytosanitary measures based on a policy of managed

risk, recognizing that risk of the spread and introduction of pests always exists when importing plants, plant products and other regulated articles. It also states that contracting parties should apply phytosanitary measures with minimal impact. However, no mitigation measures are available for taxa of plants for planting that are quarantine pests other than not authorizing their importation, or allowing their importation only under a permit with conditions designed to prevent their escape into the wider environment. We recognize that mitigation measures may be available for some taxa of plants for planting that are hosts of quarantine pests, but we would need time to develop them and present them in a comprehensive PRA; during that time, we would list such taxa as NAPPRA, to prevent the introduction of quarantine pests into the United States. This is consistent with the World Trade Organization (WTO) Agreement on Sanitary and Phytosanitary Measures (SPS Agreement), which is the document that recognizes the IPPC as a standard-setting body for plant health issues.

In Article 5 of the WTO SPS Agreement, paragraph 7 states: ''In cases where relevant scientific evidence is insufficient, a Member may provisionally adopt sanitary or phytosanitary measures on the basis of available pertinent information, including that from the relevant international organizations as well as from sanitary or phytosanitary measures applied by other Members. In such circumstances, Members shall seek to obtain the additional information necessary for a more objective assessment of risk and review the sanitary or phytosanitary measure accordingly within a reasonable period of time.'' The NAPPRA process allows us to act on the basis of available pertinent information and provides for review of the measure, meaning that NAPPRA is consistent with the WTO SPS Agreement and thus with the governing principles of international plant health regulation.

Technical justification. ISPM No. 1, quoting the IPPC, states that contracting parties shall technically justify phytosanitary measures ''* * * on the basis of conclusions reached by using an appropriate pest risk analysis or, where applicable, another comparable examination and evaluation of available scientific information.'' A data sheet detailing the scientific evidence we use in making a determination that a taxon of plants for planting is a quarantine pest or a host of a quarantine pest will be made available along with the **Federal Register** notice announcing our determination. Commenters will be free to address the adequacy of the scientific information we use in order to make such a determination in their comments.

Definition of Quarantine Pest

We proposed to add a definition of the term *quarantine pest* to the regulations in § 319.37–1. As mentioned earlier, the proposed definition read: ''A plant pest or noxious weed of potential economic importance to the United States and not yet present in the United States, or present but not widely distributed and being officially controlled.'' This definition was based on the definition of *quarantine pest* in the IPPC Glossary of Phytosanitary Terms.

In the proposal, we noted that the PPA definition of ''noxious weed'' includes references to the weed's impact on agriculture, natural resources, public health, and the environment, among other things, while the IPPC definition of *quarantine pest* itself refers only to economic importance. However, Appendix 2 to the IPPC Glossary explains that the term ''economic importance'' is to be understood as having a broad meaning encompassing potential damage to the natural environment as well.

Several commenters recommended that we explicitly include in the definition of *quarantine pest* references to the potential environmental and public health importance of the pest. While acknowledging that Appendix 2 to the Glossary contains references to these areas, these commenters stated that the definition would be more easily understood if it incorporated references to the environment and public health.

Another commenter stated that APHIS should consider revisions to the regulations that allow for protection of natural ecosystems, unless the responsibility to manage and regulate imports that could have damaging impacts to natural systems in the United States is under the jurisdiction of another agency. The commenter stated that natural ecosystems in the United States are integral to American agriculture, supporting livestock grazing and meat production and providing habitat for native pollinators, which are becoming increasingly important to agricultural crop production with the continued decline of European honeybees.

We appreciate the commenters' concerns. However, we have determined that it is not necessary to include references to the potential environmental or public health importance of a quarantine pest in the definition of *quarantine pest.* As stated in the proposal, the term ''economic importance'' has a broad meaning. Clearly, a pest that caused damage to the wider environment (including natural ecosystems) would be of economic importance, and we have regulated pests as quarantine pests that pose a threat primarily to the environment rather than to agricultural resources; the Asian longhorned beetle and *P. ramorum* are two examples.

We would also consider the potential public health impacts of a pest, as such impacts would necessarily have an effect on the economy. For example, we list giant hogweed (*Heracleum mantegazzianum*) as a noxious weed in part because its leaves and stem produce a clear sap that photosensitizes the skin of humans, leading to photodermatitis, which results in painful and lasting blisters. Sap that comes into contact with the eyes can cause temporary or permanent blindness. Another noxious weed, kodomillet (*Paspalum scrobiculatum*), clogs irrigation and drainage ditches and is toxic to animals and humans. Such noxious weeds clearly affect public health, and thus have economic impacts.

The definition of *quarantine pest* incorporates the terms *plant pest,* as it has been defined in § 319.37–1, and *noxious weed,* a definition of which this final rule adds to § 319.37–1. The definition of *plant pest* refers to damage to any plant or plant product and thus encompasses damage to environmental resources as well as agricultural resources. As commenters noted, the definition of *noxious weed* refers to damage to crops (including plants for planting or plant products), livestock, poultry, or other interests of agriculture, irrigation, navigation, the natural resources of the United States, the public health, or the environment. This definition also encompasses environmental and public health concerns. By incorporating the definitions of *plant pest* and *noxious weed* into the definition of *quarantine pest,* we make clear our intentions to regulate to protect the environment and, where applicable, public health as well as agriculture.

We proposed to remove the definition of *plant pest* from the regulations in the proposed rule, as we proposed to use the term *quarantine pest* exclusively elsewhere in the regulations. However, to ensure that the meaning of the term *plant pest* within the definition of *quarantine pest* is understood, and to make it clear that damage to environmental resources as well as agricultural resources is considered in

determining whether a pest qualifies as a quarantine pest, we are retaining the definition of *plant pest* in this final rule.

We have long considered the effects of quarantine pests on the environment and on public health in making regulatory decisions. For example, we prepare our PRAs for fruits and vegetables in accordance with guidelines that consider the environmental impacts of introducing quarantine pests associated with those commodities into the United States. Environmental impacts that we consider for such quarantine pests include ecological disruptions, reduced biodiversity, effects on threatened or endangered species, and the likelihood that the introduction of the species would stimulate chemical or biological control programs. Our guidelines for preparing a WRA, which are available on the Web at *http://www.aphis.usda.gov/plant_health/plant_pest_info/weeds/downloads/wra.pdf,* also specifically consider the environmental impacts of the taxon that is being evaluated; the environmental impacts include several ecosystem-related considerations, including natural system processes, community composition, and community structure, as well as potential impacts on human health, such as allergies or changes in air or water quality (for example, due to toxins).

The definition of *quarantine pest* that we are adding to the regulations in this final rule thus does not represent a change from our current policy, and we will continue to consider environmental and public health consequences associated with the introduction and establishment of quarantine pests.

Definition of Official Control and Scope of the NAPPRA Category

As noted, we proposed to define a *quarantine pest* as a plant pest or noxious weed that is not yet present in the United States, or present but not widely distributed and being officially controlled. We proposed to add a definition of *official control* to the regulations in § 319.37–1 as well; it was based on the definition of that term in the IPPC Glossary. The definition we proposed read as follows: ''The active enforcement of mandatory phytosanitary regulations and the application of mandatory phytosanitary procedures with the objective of eradication or containment of quarantine pests.''

Several commenters stated that taxa of plants for planting that are present in the United States should be eligible for designation as quarantine pests and thus evaluated to determine whether those plants should be added to the NAPPRA list of quarantine pest plants.

One commenter stated that the proposal should not be limited to addressing certain species based on their history of importation; such a limitation, in the commenter's view, has no scientific basis. Another commenter stated that species already introduced into the United States are among those that pose the highest risk, both because they have already entered the United States and because many plants that establish in the United States are inherently invasive.

Some commenters stated that all plants present in the United States should be included in the scope of the NAPPRA category because the risk associated with plants already present in the United States can change unexpectedly. Another commenter stated that we do not know the potential that many plant species have for invasiveness in the face of further fragmentation and climate change. Similarly, two commenters stated that the economic importance of each plant present in the United States should be evaluated.

One commenter who supported adding plants that are present in the United States to the NAPPRA lists cited Russian olive's recent spread into ecosystems in the western United States as indicating that taxa already present in the United States are likely to cause problems.

We agree with these commenters that plant taxa that are already present in the United States may cause damage to agricultural and environmental resources within the United States. Our definition of *quarantine pest* does not prevent us from restricting the importation of taxa of plants for planting that are already in the United States, if those taxa are not widely distributed and under official control. (For simplicity, the rest of this discussion will refer to ''under official control'' without mentioning the distribution criterion, except where it needs to be emphasized.) However, the purpose of the NAPPRA category is to address the risk associated with the importation of taxa of plants for planting. Restrictions on the interstate movement of plants for planting (as well as other commodities) to prevent the spread of quarantine pests within the United States are found in 7 CFR parts 301, 302, 318, and 360.

It is important to note that determining that a plant taxon is invasive is not the same as determining whether it is a quarantine pest. For a plant taxon to be classified as a quarantine pest, that plant taxon must be a noxious weed of potential economic importance to the United States, based on the damage it causes to agricultural and environmental resources, and must not be present in the United States, or present but under official control. The spread of a plant in a new habitat, which is commonly characterized as ''invasiveness,'' would not be sufficient by itself to cause us to determine that a plant should be considered for designation as a quarantine pest.

For plants for planting that are present in the United States, we have determined that the best use of APHIS' limited resources for evaluation of taxa of plants for planting, and for ensuring that plants for planting whose importation is not authorized are not imported, is to limit the scope of the NAPPRA category to plant taxa that are under official control. There are several reasons for this. One is that if a taxon of plants for planting spreads quickly enough and causes enough damage to be a quarantine pest, and the taxon is not under official control within the United States, that taxon would likely expand its range to all suitable areas within the United States even if we were to add it to the NAPPRA list. Adding the taxon to the NAPPRA list might result in fewer introductions of the taxon to areas where the taxon is not yet present, but would not ultimately prevent its spread to those areas. Given that we have limited resources to evaluate an immense number of taxa that could potentially be imported, it is appropriate to focus our efforts where they will be most effective at preventing damage to U.S. agricultural and environmental resources.

Another reason for requiring plant taxa to be under official control before adding them to NAPPRA is that the imposition of official control on the movement of a taxon within the United States is a good indication that the taxon is of economic importance, although some taxa may be placed under official control and found not to be sufficiently economically important to continue official control upon later evaluation. If a pest is present and plant health authorities determine that it is of such economic importance that they impose official controls, the pest would become a quarantine pest. This again helps to focus our evaluation efforts.

Finally, not authorizing the importation of a plant taxon while allowing the free movement of that plant taxon within the United States would be inconsistent with APHIS' commitment to the WTO principle of nondiscrimination between domestic and import requirements, as it would

treat the importation of the plant taxon differently from its interstate movement.

It should be noted that, under this final rule, we may add to the NAPPRA category a taxon of plants for planting that is already present in the United States and not under official control if that taxon is a host of a quarantine pest that is not present in the United States, or one that is present but not widely distributed and under official control; the importation of such a taxon would pose a risk of introducing a quarantine pest.

One commenter stated that the importation of any taxon should be restricted if its harmful impacts on the United States outweigh its benefits, regardless of whether the taxon is present in the United States. This commenter stated that inclusion of such plants is supported by the proposed definition of *quarantine pest* if the definition of *official control* is interpreted to include State and local mandates aimed at eradication or containment. The commenter further stated that mandates at the State and local levels are often the most responsive to new pests inflicting damage on the ground before the pest becomes widespread.

Another commenter stated that requiring plant taxa to be under official control in order to qualify as quarantine pests strains local agencies. If a plant is infrequently present, and believed to be of concern, but the local agencies do not have the money to place the plant taxon under official control, the commenter stated, then the best response is not to exacerbate the problem by permitting the taxon's importation. The commenter expressed concern that regions with more limited financial support for official control measures will be subjected to more pests and invasions than those with the resources to designate many pests as under control. Substituting ''official designation'' or being ''recognized risk'' as a problem plant, the commenter stated, should suffice for WTO standards without requiring impossible expenditure.

We agree that State and local governments are invaluable partners in identifying and responding to new pests. We work closely with State and local governments to share information about pest problems, develop phytosanitary controls, and enforce restrictions on the intra- and interstate movement of plants for planting.

We are developing a process by which a State will be able to request that APHIS recognize its regulations and procedures as official control for the purposes of Federal regulation; we will grant recognition if an evaluation of the regulations and procedures indicates that they are effective and justified based on the economic importance of the pest. Such regulations and procedures could include both control and eradication programs and designation of a plant taxon as subject to movement restrictions. We plan to publish a notice in the **Federal Register** to provide information about this process once its development is complete. We believe this process will address the second commenter's concerns.

With respect to the first commenter's first point, we will only add plants for planting that are present in the United States to the NAPPRA list if they are under official control, for reasons discussed earlier.

One commenter stated that the regulations should clearly state that quarantine pests: (1) Do not necessarily have to be under official control if they are already present but not yet widespread; and (2) may be later placed under official control as a condition of being listed as a quarantine pest following a PRA.

A pest already present in the United States would not be considered to be a quarantine pest unless it was not widely distributed and under official control. A pest must meet both conditions in order to be considered a quarantine pest.

In practical terms, if a pest is present in the United States but not yet widely distributed, it is much more likely to be designated as a quarantine pest than a pest that is widely distributed, as official control is more likely to be effective for a pest that is not widely distributed. Thus, while we are not taking the commenter's suggestion to make pests that are not under official control eligible to be quarantine pests, most pests that are of economic importance and whose distribution is limited would be eligible for designation as a quarantine pest, assuming that we determine that official control is justified in response to its presence.

As the commenter alludes, one means by which we might determine that a pest is of economic importance is through the completion of a PRA. If we complete a PRA that determines that a pest is of economic importance to the United States, and we determine that enforcing mandatory regulations to control or eradicate the pest is practical and justified by the importance of the pest, we would designate that pest as a quarantine pest. We could then prohibit or restrict its importation, as appropriate, under the plants for planting regulations.

One commenter asked how introductions of plants for planting that are discovered in the field would be covered under the proposed rule. The commenter expressed specific concern about the accidental introduction of taxa of plants for planting that become plant pests, such as mile-a-minute weed (*Persicaria perfoliata*) and Japanese stilt grass (*Microstegium vimineum*), and taxa of plants for planting that are plant pests and whose introduction pathway is unknown, such as wavyleaf basketgrass (*Oplismenus hirtellus* ssp. *Undulatifolius*).

If we discover an introduction of a taxon of plants for planting that may be a quarantine pest, we will evaluate it. If the taxon is under official control and is of economic importance, we will publish a notice proposing to add the taxon to the NAPPRA lists. If the taxon is not under official control, we will further evaluate whether the taxon should be under official control; if the taxon is of sufficient economic importance, we will take appropriate regulatory action, which would normally be adding it to the list of noxious weeds in 7 CFR part 360. We will also recognize State and local official control programs, if they exist, in considering whether to list a pest plant in the NAPPRA category. The NAPPRA category does not restrict our ability to take appropriate action if we find a quarantine pest within the United States; it simply provides us with a tool to address the risk associated with the importation of certain taxa of plants for planting.

One commenter encouraged APHIS to consider ways to address potentially invasive species that are present in the United States but have not yet begun to spread, through means other than the plants for planting regulations if necessary.

We consider preventing the importation of species under official control to be a powerful tool to address such species. As noted earlier, we also work with State and local governments to share information about pest problems and to develop phytosanitary controls for emerging pests. We will consider whether there are other appropriate ways to achieve this goal, and we welcome any suggestions on how to accomplish this that the public can provide.

One commenter supported using a quarantine pest list to place taxa on the NAPPRA list and asked whether the APHIS actionable pest list would be used for this purpose as well.

The APHIS actionable pest list is used at ports of entry to determine whether a pest found on imported plant material

(whether plants for planting, fruits and vegetables, or any other plant material) requires regulatory action, such as treatment or re-exportation. Pests are added to the actionable pest list based on their potential to cause damage within the United States if introduced. We will use this list as a source of taxa to be evaluated for addition to the NAPPRA category.

Several commenters addressed the issue of when a plant taxon should be considered to be ''present in the United States,'' as part of the proposed definition of *official control.* Several commenters recommended that APHIS collect the full taxonomic identity of all imported plants and immediately begin developing a database of those plants that have already been imported. Some commenters stated that we should make this information publicly available.

We agree that we need better data on the plants that have been imported into the United States. We are exploring many means for obtaining that data. Currently, under § 319.37–4, a phytosanitary certificate must accompany almost all imported plants for planting. Under § 319.37–4, the phytosanitary certificate must identify the genus of the article it accompanies. When the regulations place restrictions on individual species or cultivars within a genus, the phytosanitary certificate must also identify the species or cultivar of the article it accompanies. Otherwise, identification of the species is strongly preferred, but not required. For articles that are not required to be accompanied by a phytosanitary certificate, we require alternate means of taxonomic identification. We are using the taxonomic and volume information collected under these requirements to begin building a database of imported plants for planting. We are also exploring other potential sources of data on this topic. If we get the necessary data, we will consider making it publicly available.

Some commenters suggested specific thresholds to determine whether a taxon of plants for planting is present within the United States.

One group of commenters recommended that any taxon that does not have at least a 50-year record of cultivation outside its native range be placed automatically on the NAPPRA list. The commenters suggested that if records of historical cultivation of a taxon are not readily available through standard sources, the taxon should be placed on the NAPPRA list. The commenters recommended that we allow any party proposing to import a taxon added to the lists because no records of historical cultivation were available to request reevaluation by supplying records of cultivation for over 50 years.

Another commenter stated that a species without a long record of cultivation outside its native range should be treated cautiously even if it has not yet become invasive, given the potential lag time between introduction and invasion.

The commenters appear to proceed from the assumption that all taxa of plants for planting are quarantine pests. As discussed earlier in this document, we have not found this to be the case. Taking the commenters' recommendations would stop the importation of most taxa of plants for planting, including all taxa that have not previously been imported and most taxa that are currently being imported, without scientific evidence to indicate that any specific taxa among them are quarantine pests or hosts of quarantine pests. Our goal in establishing the NAPPRA category is to provide a process for imposing restrictions that directly address the risk associated with specific plants for planting, not to establish broad prohibitions or restrictions on the importation of plants for planting.

Some commenters (describing taxa already present in the United States as ''precedented'') stated that taxa of which at least 1,000 propagules (any plant material used for propagation) have been imported into the United States in 1 or multiple shipments and that are still extant within the United States should be considered precedented.

We would generally consider taxa of plants for planting that meet the threshold suggested by the commenters to be present in the United States. However, there may be cases in which fewer than 1,000 propagules of a taxon have been imported, but the propagules that have been planted have resulted in the taxon's widespread distribution. Such a taxon would be considered to be present in the United States for the purpose of determining whether it is a quarantine pest. In addition, we currently lack data that would allow us to determine whether 1,000 propagules of a taxon have been imported into the United States, or whether those propagules still existed in the United States, if the taxon has not entered wider cultivation. When we publish a notice in the **Federal Register** indicating that we have determined that a taxon of plants for planting is a quarantine pest, we will welcome any data on previous importation of the taxon that the public can provide.

Two commenters recommended that we add to the regulations a definition of ''in cultivation,'' apparently as a proxy for determining whether a plant taxon is present in the United States and not under official control. These commenters recommended that we define taxa as ''in cultivation'' if they currently are, or have in the past been, grown intentionally by one or more persons in the United States. The commenters stated that previously grown taxa should be defined as ''in cultivation'' because it is common for a species to be brought into cultivation by a specialist gardener, die out, and then be re-imported while the gardener learns how to grow it. The commenters noted that the fact that a species died out despite being grown carefully by a specialist is extremely strong evidence that the species is not invasive.

The commenters recommended that, when a taxon is selected for potential inclusion in the NAPPRA lists, the public should be given the opportunity to state whether or not that taxon is in cultivation. If after inclusion in the NAPPRA list it is discovered that a taxon was already in cultivation in the United States, the commenters recommended that such information, if verified by APHIS, should be grounds for removal of the taxon from the NAPPRA list. The commenters noted that APHIS could then conduct a PRA on that taxon if there are concerns that it might be invasive.

We have determined that it is not necessary to add a definition of ''in cultivation'' to the regulations. The definitions of *quarantine pest* and *official control* more precisely indicate that, when determining whether a taxon of plants for planting is a quarantine pest, we consider whether the taxon is present in the United States, regardless of whether it is in cultivation or in the wild. However, we agree with the commenters that the fact that a taxon died out in cultivation would be useful evidence in evaluating whether that taxon could qualify as a quarantine pest. Every time we make a determination that a taxon of plants for planting is a quarantine pest, we will publish a notice in the **Federal Register** informing the public of our determination and requesting public comments. Commenters will have an opportunity to provide information indicating that the taxon is in cultivation, which would indicate that the taxon is present in the United States, and thus not eligible for addition to the NAPPRA category unless it is under official control. If commenters indicate that the taxon was at one point in cultivation but died out, that would indicate that the taxon would be unlikely to cause economically significant damage, and

we would consider that to be evidence against adding the taxon to the NAPPRA category.

We will typically consult several sources in determining whether a plant is present in the United States, including the PLANTS database (at *http://plants.usda.gov/*) and the GRIN database (at *http://www.ars-grin.gov/cgi-bin/npgs/html/index.pl*) and various flora and plant catalogues. These resources indicate whether there is a known, active presence of a plant in the United States, both in cultivation and in the wild.

Another commenter stated that the presence of a plant in a limited number of places does not mean that a particular importation is safe from carrying pests, or being a pest. The presence in the United States of a specimen brought through one pathway, or present in a botanic garden, for example, provides minimal evidence that the same species, imported in quantity from a different country, is safe from carrying pests or becoming a pest. The commenter stated that evidence from such individual specimens tells us very little about the risk of importing them in quantity since they may not have both sexes, sufficient self-incompatibility alleles, or time and habitat to show whether breeding and invasion would occur.

This commenter also stated that, if any presence is sufficient to exclude a taxon from designation as a quarantine pest, it would encourage poor taxonomy to circumvent the rules. An importer could search the catalog of botanic gardens to see if any close relatives are present and classify the importation under that taxon. Unless an expert could recognize the difference during the permitting process or importation, this commenter stated, another species could be allowed for importation based upon the evidence of a single specimen or just a few.

We agree with this commenter that the presence of a plant taxon in the United States does not necessarily provide information about whether it is a pest. Unless the plant is also under official control, though, it would not be eligible for consideration as a quarantine pest. However, as noted earlier, we could still add the taxon to NAPPRA if it was a host of a quarantine pest.

It is worth noting that we typically would not have a record of a plant's cultivation if only a single specimen or very few plants of that taxon were present in the United States, and if a plant was imported under a false taxonomic designation, we would almost certainly have no record at all of its importation and cultivation. Thus, if evidence indicated that such a plant taxon was a pest of potential economic importance to the United States, we would publish a notice in the **Federal Register** announcing our determination that the taxon was a quarantine pest.

Also, our regulations require the phytosanitary certificate accompanying imported plants for planting to contain correct taxonomic information. If we determine that the phytosanitary certificate under which the plants for planting were imported had included incorrect information, we would refuse entry for the consignment of plants for planting, the importer would be subject to civil or criminal penalties under the PPA for violating the regulations, and we would notify the NPPO of the exporting country of this non-conformance with our regulations and the IPPC.

This commenter went on to state that it is worrisome that the simple presence of a few plants in the United States could prevent APHIS from conducting a PRA or WRA, which would strongly incentivize questionable behavior to allow importations. The commenter stated that there have been rumors for years of environmentalists arranging to find endangered species near a project they wish to block, or developers happening to have endangered species disappear before officially noticed. The commenter expressed concern that a similar problem would arise with respect to plants for planting: To allow for a potentially lucrative import pathway, one would merely need to find a presence of the species in the United States not under official control. This could be due to an illegal importation or other release. Upon identifying the minimum standard of some individuals reproducing in the wild, the commenter stated, the whole risk assessment is at risk of collapse.

The existence of some individuals of a plant taxon in the United States does not make it impossible for APHIS to conduct a PRA and WRA on the taxon; APHIS still has the option of conducting a PRA and WRA and determining that the plant taxon should be placed under official control, either as a noxious weed or as a host of a quarantine pest. With respect to adding taxa to the NAPPRA category, which the commenter may have been concerned about as well, the existence of a few individuals of a taxon within the United States would not prevent us from adding that taxon to the NAPPRA category if we also determine that the taxon poses such a risk that it must be placed under official control.

One commenter stated that we should evaluate for addition to the NAPPRA lists all taxa that do not have a long history of being imported pest-free from a specific country and that are not characterized by stable production conditions. The commenter stated that such criteria will allow APHIS to better predict risk when considering plants that have a history of importation.

We will take the information the commenter suggests into account when deciding which taxa to evaluate for inclusion in the NAPPRA category, as such taxa are more likely to be quarantine pests than taxa that have long histories of safe importation and stable production conditions. We will also take such information into account as we continue the process of revising our plants for planting regulations.

As noted earlier, we based the proposed definition of *official control* on the definition of that term in the IPPC Glossary. The only change we made to the IPPC definition was to omit the provisions relating to regulated non-quarantine pests, because the plants for planting regulations do not presently include provisions for regulating non-quarantine pests.

One commenter stated that, while the concept of regulated non-quarantine pest has not yet been formally applied in the United States, the National Plant Board's 1999 Safeguarding Review urged implementation of the concept and provided specific phytosanitary issues for which the concept could be relevant. Indeed, the commenter stated, the use of provisions for regulated non-quarantine pests is being actively discussed as an alternative regulatory approach to full deregulation of plant pathogens that are now classified as quarantine pests. The commenter urged APHIS to take the proactive step of defining ''regulated non-quarantine pest'' at this time, consistent with the IPPC definition.

We believe it would be confusing to include in our definition of *official control* a reference to a type of pest that would not otherwise be referred to in the regulations. If, in the future, we propose to amend the plants for planting regulations to address regulated non-quarantine pests, we would amend this definition to include regulated non-quarantine pests, consistent with the IPPC Glossary definition.

We will continue to consider regulating non-quarantine pests as a potential means to manage the risk associated with plants for planting and other plant products. Our decision not to include this language in the definition of *official control* in this final rule should not be construed to indicate that we have decided against using the

regulated non-quarantine pest regulatory approach in the future.

Definition of Plants for Planting

We proposed to add a definition of *plants for planting* to the regulations in § 319.37–1. The proposed definition read as follows: ''Plants intended to remain planted, to be planted or replanted.''

Several commenters stated that the proposed definition is less clear than the definition of *plant* in the PPA, which reads as follows: ''Any plant (including any plant part) for or capable of propagation, including a tree, a tissue culture, a plantlet culture, pollen, a shrub, a vine, a cutting, a graft, a scion, a bud, a bulb, a root, and a seed.'' These commenters asked that we use this definition in § 319.37–1.

We already define *plant* in § 319.37–1 using the definition of *plant* in the PPA. We proposed to define *plants for planting* in § 319.37–1 to make the plants for planting regulations consistent with the IPPC Glossary of Phytosanitary Terms. The definition of *plants for planting* refers to the definition of *plant;* any plant for planting is by definition a plant. Thus, all the information in the PPA definition of *plant* is already in the regulations. We are making no changes in response to these comments.

Definition of Noxious Weed

We proposed to add a definition of *noxious weed* to the regulations in § 319.37–1. The proposed definition read as follows: ''Any plant or plant product that can directly or indirectly injure or cause damage to crops (including plants for planting or plant products), livestock, poultry, or other interests of agriculture, irrigation, navigation, the natural resources of the United States, the public health, or the environment.''

One commenter stated that every species can be considered to ''indirectly injure the environment'' by some criterion and noted that some invasion biologists consider the mere presence of any plant deemed ''non-native'' to be ''harm'' to the environment. The commenter asked how economic harm and economic benefit would be evaluated and balanced. The commenter also asked how ecological harm would be defined and what scientific basis there would be for the definition. As examples of potentially problematic cases, the commenter stated that wheat and maize ''harm'' the environment because their cultivation destroys thousands of square miles of formerly diverse prairie ecosystem and replaces them with monotypic ''crop deserts'' with increased erosion and high loads of toxins. The commenter also noted that hydrilla harms navigation by interfering with small boats, but benefits fisheries and birds.

The proposed definition of *noxious weed* is almost identical to the definition of *noxious weed* in the PPA, except that a reference to ''nursery stock'' in the PPA definition was changed to ''plants for planting,'' to be consistent with our other proposed changes to the regulations. The proposed definition thus reflects our statutory authority.

We proposed to use the term *noxious weed* in the plants for planting regulations only with respect to the NAPPRA category; the regulations for plants that we regulate as noxious weeds are in 7 CFR part 360. The regulations governing the NAPPRA category, as established in this final rule, allow us to ensure that the importation of plant taxa that are quarantine pests (and thus noxious weeds) is not authorized. We will only list in the NAPPRA category quarantine pest plants that are of potential economic importance to the United States and not yet present in the United States, or present but not widely distributed and being officially controlled. Wheat and maize are thus not problematic with respect to the NAPPRA category, as they are widely distributed in the United States and not under official control. Hydrilla (*Hydrilla verticillata*) is listed as a Federal noxious weed in 7 CFR part 360 and may only be imported under a permit containing conditions to prevent its dissemination in the United States.

With respect to the commenter's concern about defining ''ecological harm,'' when evaluating plant taxa for inclusion on the NAPPRA list of quarantine pest plants, we would evaluate whether the taxon has the potential to cause the injury or damage described in the proposed definition of *noxious weed,* based on scientific evidence. If we determine that the damage is of potential economic importance, thus making the taxon a quarantine pest, we will publish a notice in the **Federal Register** announcing our determination and making a data sheet detailing the scientific evidence that we evaluated in making that determination available for public comment. At that point, the public will have the opportunity to comment on our determination.

After a taxon is listed in the NAPPRA category as a quarantine pest, a WRA would be conducted. If the WRA found that the taxon itself did not need to be listed as a noxious weed, a PRA would be conducted in order to fully analyze the potential of the taxon to serve as a host of a quarantine pest. (A WRA is a type of PRA that focuses on the risk associated with the plant itself. When we refer to a PRA in this document and in the regulations, we mean an analysis of both whether the taxon should be regulated as a noxious weed under the regulations in 7 CFR part 360 and whether it should be regulated as a host of a quarantine pest, as appropriate.) Any subsequent rulemaking to prohibit the importation of the taxon, or to allow its importation subject to restrictions, would include a detailed evaluation of the costs and benefits of importing the taxon.

Definition of Taxon (Taxa)

We proposed to add a definition of *taxon (taxa)* to the regulations in § 319.37–1; it was based on the definition of that term in the IPPC Glossary. The proposed definition read as follows: ''Any grouping within botanical nomenclature, such as family, genus, species, or cultivar.'' The proposed rule referred to adding taxa of plants for planting to the NAPPRA category.

One commenter recommended that we use scientifically valid taxonomic levels for evaluating quarantine pests. For pests, the commenter stated, this could include sub-species designations such as pathogen genotypes that can vary highly in impacts and can also hybridize with established non-native or native microorganisms. For pest hosts, the commenter stated, some pests can impact many species above the generic classification. For example, a pathogenic disease strain was introduced to Hawaii that infects 23 different plant species present in Hawaii, including 5 native species, one of which is critically endangered. These species are spread over 12 genera within the myrtle family. Because the pest is not under official control, the commenter stated, it does not qualify as a quarantine pest, although there are likely other genotypes not yet present in the United States that could increase the threat to Hawaii and further jeopardize trade with other Pacific Rim countries.

Several commenters expressed concern that we might add large groups of plants for planting to the NAPPRA category without adequate scientific justification. One stated that the level of rigor required to regulate should increase with each increasing level of nomenclature. Two stated that we should add new taxa to the NAPPRA category at the species level rather than at the genus level, as plant genera are far too variable for broad bans to be

meaningful, and regulation at the genus or higher level will discredit the system in the eyes of plant enthusiasts.

One commenter asked what would prevent us from including an entire family in the NAPPRA category, such as the Solanaceae. The commenter stated that such an action could easily be justified on the basis that doing so will ''help prevent [the introduction of] a quarantine pest.'' The commenter stated that banning large groups of plants would lead to a situation in which the importation of most plants for planting is banned in practice.

One commenter stated that we should not base determinations of invasiveness on relatives of a species. The commenter gave the example of the genus *Lonicera,* in which *Lonicera japonica, L. maackii, L. tatarica,* and *L. xylosteum* (in decreasing order of invasiveness) might be weedy, but their weediness would not be evidence sufficient to designate the other 180–200 species in the genus as weedy.

We agree with the first commenter that we should regulate at the appropriate taxonomic level, and we will take the considerations the commenter mentioned into account.

We will provide scientific evidence that supports our determination that it is necessary to add a taxon of plants for planting to the NAPPRA category, including providing evidence that the taxonomic grouping we are adding to the NAPPRA category is appropriate. As with the rest of our scientific evidence, the public will be able to comment on whether the taxonomic level at which we have determined it is necessary to regulate is appropriate. If public comments lead us to determine that the taxonomic grouping specified in the initial **Federal Register** notice is not appropriate, we will not add the taxon to the NAPPRA category. (In that case, we might publish a second notice in which we address a different taxonomic grouping.)

In adding plants that are quarantine pests and plants that are hosts of quarantine pests to the NAPPRA category, we expect to continue our current practices with respect to regulating at different taxonomic levels. Most noxious weeds are regulated at the species level, although higher and lower taxonomic levels have been regulated as noxious weeds based on scientific evidence. For example, *Striga* spp. are all listed as parasitic weeds in 7 CFR part 360, while only the Mediterranean clone of the species *Caulerpa taxifolia* is listed as an aquatic weed. We would only add taxa higher than the species level to the NAPPRA category as quarantine pests if most of the species in a genus had been shown to be quarantine pests; we would not regulate the entire *Lonicera* genus in the example given by one commenter.

Most hosts of quarantine pests are regulated at the genus level, given the wider range of species within a genus that can be hosts of quarantine pests; again, we have regulated both higher and lower taxonomic levels as hosts of quarantine pests based on scientific evidence.

We would not typically add families of plants for planting to the NAPPRA category, although some families have been regulated as hosts of quarantine pathogens. (For example, the importation of Rutaceae is prohibited due to various citrus pathogens.) If we did determine that it was necessary to add an entire family to the NAPPRA category, we would provide scientific evidence supporting our determination.

Initiating an Evaluation of a Plant Taxon for Addition to the NAPPRA Category; Public Requests

In the proposal, we did not describe the conditions under which we would begin an evaluation of a plant taxon to determine whether it should be added to the NAPPRA category, stating only that the addition of a taxon would be based on scientific evidence.

One commenter asked what the triggering mechanism would be for adding a taxon. The commenter asked whether a taxon would be considered for listing any time an exporting country, or a U.S. importer of plants for planting, notified APHIS that it wanted to import those plants for planting. The commenter also asked how the NAPPRA category would apply to plant explorers bringing in small numbers of plants for planting from globally dispersed locations in order to propagate them on a trial basis. Other commenters asked generally for more information on the Plant Protection and Quarantine (PPQ) program's process for initiating an evaluation.

We appreciate the opportunity to provide more information on the NAPPRA listing process. We would initiate an evaluation of a taxon of plants for planting for addition to the NAPPRA category whenever we become aware of a quarantine pest risk associated with the importation of a taxon of plants for planting. This could include interceptions of imported plants for planting that are infested with quarantine pests, literature reviews and scientific references, and results from scientific screening systems and predictive models. We would not automatically initiate an evaluation upon receiving a request for an import permit or upon becoming aware that plant explorers want to import small quantities of a taxon.

Several commenters stated that members of the public should be allowed to suggest that species be added to the NAPPRA category. Some commenters asked that we accept recommendations from specific groups of people, including ecologists who study invasive plant species, scientists in general, and local natural resource managers. One commenter stated that we should allow the public to suggest species to add to the NAPPRA category in the absence of an immediate importation request, since local weed management areas and invasive plant councils may elect to prevent movement of species that they expect will be problematic into their areas.

We agree with these commenters that the public should be allowed to suggest species to be evaluated for addition to the NAPPRA category. To facilitate public input, we have established an e-mail drop box on our plants for planting Web site, *http://www.aphis.usda.gov/import_export/plants/plant_imports/Q37_nappra.shtml,* that will allow the public to submit taxa for evaluation. We will also accept suggestions that are mailed to APHIS at Risk Management and Plants for Planting Policy, ATTN: NAPPRA List Candidates, RPM, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1236. (This address will also be available on the plants for planting Web site.)

The Web site also recommends that members of the public who suggest taxa to be evaluated for addition to the NAPPRA category include certain information, if available, with their suggestion, to facilitate evaluation of the taxon. The basic information we would need to evaluate a taxon is the taxon's scientific name and author and its common name(s). If the taxon was to be evaluated to determine whether it is a host of a quarantine pest, the scientific name and author and the common name(s) of the pest would also be necessary.

Beyond that, helpful information for a taxon to be evaluated as a quarantine pest plant would include:

- Whether the taxon is present in the United States, and if so, where;
- If the taxon is present in the United States, information regarding any official control efforts,
- The taxon's habitat suitability in the United States (predicted ecological range);
- Dispersal potential (biological characteristics associated with invasiveness);

• Potential economic impacts (*e.g.,* potential to reduce crop yields, lower commodity values, or cause loss of markets for U.S. goods);

• Potential environmental impacts (*e.g.,* impacts on ecosystem processes, natural community composition or structure, human health, recreation patterns, property values, or use of chemicals to control the taxon);

• Potential pathways for the taxon's movement into and within the United States; and

• The likelihood of survival and spread of the taxon within each pathway.

Helpful information for a taxon to be evaluated as a host of a quarantine pest would include:

• If the pest is a pathogen, whether it could be introduced and established in the United States through the importation of seed or other types of propagative material;

• The pest's habitat suitability in the United States (predicted ecological range);

• Whether the pest is present in the United States, and if so, where;

• If the pest is present in the United States, information regarding any official control efforts,

• Means by which the pest infests plants;

• The host range of the pest;

• The plant parts the pest infests;

• Potential economic impacts (*e.g.,* potential to reduce crop yields, lower commodity values, or cause loss of markets for U.S. goods);

• Potential environmental impacts (*e.g.,* impacts on ecosystem processes, natural community composition or structure, human health, recreation patterns, property values, or use of chemicals to control the pest);

• Other potential pathways for the pest's movement into and within the United States; and

• The likelihood of survival and spread of the pest within each pathway.

For each type of suggestion, we would need references to support any information supplied, and the contact information of the person who made the suggestion, so we could follow up if necessary.

Information To Be Made Available on the Internet

Several commenters encouraged us to make various information and documents from the NAPPRA process available on the Internet. One commenter generally stated that making NAPPRA information available in public media such as Web sites would help disseminate information and could be used to encourage input from other stakeholders. Another stated that we should make available documentation that includes the justification for placing a plant in the NAPPRA category for every item.

We agree with these commenters. We will provide public notice of every determination we make that a plant taxon should be added to the NAPPRA category, along with a data sheet that details the scientific evidence that we evaluated in making our determination, including references for that scientific evidence. The plants for planting Web site mentioned earlier has a great deal of background information on our regulation of plants for planting. We also make the Plants for Planting Manual, which summarizes all of APHIS' prohibitions and restrictions on the importation of plants for planting, available on the Web at *http://www.aphis.usda.gov/import_export/plants/manuals/online_manuals.shtml.* (This manual was known as the Nursery Stock Manual; its name has been changed to reflect the changes we are making to the regulations in this final rule.)

In addition to the information available on the Internet, we suggest that anyone interested in receiving notifications on NAPPRA-related issues join the PPQ Stakeholder Registry, at *https://web01.aphis.usda.gov/PPQStakeWeb2.nsf.* People who sign up for the Stakeholder Registry and select the category ''PI—Plants'' will receive e-mail notifications whenever we publish a notice adding a taxon to the NAPPRA category, as well as notifications regarding other aspects of the plants for planting regulations. We encourage interested parties to sign up for the Stakeholder Registry.

Specific types of information that commenters requested that we make publicly available are addressed below.

Several commenters asked that we publicly disclose the taxa that we evaluate for addition to the NAPPRA category and that we provide details on all assessments completed, whether a taxon is added to the NAPPRA category or not.

As discussed, we will publish notices in the **Federal Register** for each taxon that we evaluate and determine to be a quarantine pest or a host of a quarantine pest, meaning that publicly disclosing through other means the fact that those taxa are being evaluated is unnecessary. Similarly, when we determine that we should add a plant taxon to the NAPPRA list, we will provide a data sheet that details the scientific evidence we evaluated in making our determination. Thus, public disclosure of evaluated taxa and the details of our evaluation is part of the process for taxa that are evaluated and found to be quarantine pests or hosts of quarantine pests.

Publicly listing taxa that have been evaluated for addition to the NAPPRA category and found not to be quarantine pests or hosts of quarantine pests, and providing details regarding those evaluations, could create an incorrect impression that APHIS has conducted a comprehensive evaluation of the risk posed by these taxa and found that they can be safely imported under the general restrictions of the plants for planting regulations. Rather, we would have evaluated as little as one item of scientific evidence and found that it did not indicate that the importation of the taxon poses a risk of introducing a quarantine pest. Such evaluations are contingent on the data available when the analysis is conducted. New scientific evidence might lead us to add to the NAPPRA category a taxon that we had previously evaluated and found not to be a NAPPRA candidate, which could create public confusion if we had recorded our earlier evaluation on a Web site and members of the public had interpreted that to mean that importation of the taxon was safe. We would only make the statement that a plant taxon's importation is safe after completion of a PRA in order to comprehensively examine the risk associated with that taxon.

Listing taxa that we have evaluated and determined not to be hosts of quarantine pests, in particular, would be cumbersome. Because a single taxon of plants for planting can potentially be a host for multiple plant pests, some of which may be quarantine pests, a list showing which plants have been evaluated for various pests would quickly become difficult both to update and to read. A list showing that a taxon was evaluated as a host of several quarantine pests would give an even stronger impression that APHIS had completed an overall evaluation of the risk posed by the taxon, which would not be true unless we had completed a PRA; in that case, the importation of the taxon would be addressed through the rulemaking process, if necessary, rather than through the NAPPRA process.

In addition, documenting our evaluation process and making the details of our evaluations publicly available would be resource-intensive. The evaluation of a taxon that we decide not to list could consist of (for example) reading a report on a pest's damage overseas and then finding that the pest is also present in the United States and not under official control, meaning that it would not be a quarantine pest and

thus not a candidate for addition to the NAPPRA category. Another example would be noting the inclusion of a taxon on a State or local weed list and then not finding any further references to substantiate the damage it causes, or finding that the taxon is not under official control. This process is somewhat fluid and not amenable to documentation in the way that a comprehensive, systematic PRA is. Documenting this process would also require resources that would be better spent evaluating taxa of plants for planting to determine whether they are NAPPRA candidates.

In addition, the list of taxa that could be evaluated for inclusion in the NAPPRA category is enormous, particularly as we are explicitly welcoming public suggestions for additions to the NAPPRA category. It would take a great deal of resources to document our evaluations of taxa that we determine are not NAPPRA candidates at a particular time.

For these reasons, we do not plan to make publicly available the taxa that we evaluate and the details of our evaluations when those evaluations do not result in a determination that the taxon should be added to the NAPPRA category.

Five commenters asked that we provide a public timetable for completion of evaluations. Four commenters stated that members of the public should be guaranteed a timely response when submitting suggestions for taxa to evaluate for the NAPPRA category.

We will respond to public suggestions to confirm that we have received them. We will strive to complete all evaluations of taxa identified as NAPPRA candidates in a timely manner. However, providing a specific timetable for completion of evaluations would be difficult. As discussed earlier, we are accepting public suggestions for NAPPRA candidates. Our evaluation of those suggestions will be dependent to some extent on the quality and quantity of scientific evidence submitted by the public. In addition, the evaluation of any taxon may take more or less time depending on the availability of scientific information and whether any questions about the scientific information need to be resolved.

Scientific Evidence To Be Used To Add Taxa to the NAPPRA Category

In the Background section of the proposed rule, we stated that we planned to use scientific evidence to determine whether to add a taxon of plants for planting to the NAPPRA category.

One commenter stated that taxa should be determined to be quarantine pest plants only on the basis of scientific evidence, not guessing or anecdotal evidence. One commenter asked generally whether we would base our decisionmaking on more than one scientific source. One commenter stated that data on invasiveness should be based upon more than one source or data from more than one country, and those countries should have corresponding climatic patterns in large regions of the United States. One commenter recommended that reports from professional societies be tested by means of a high scientific standard.

It is important to note that we will not automatically determine that a taxon should be added to the NAPPRA category simply because some scientific evidence indicates that the taxon is a quarantine pest or a host of a quarantine pest. In each individual case, we will evaluate the evidence in order to ensure that it provides sound scientific evidence that a taxon should be added to the NAPPRA category. In some cases, we might consult multiple sources in an effort to determine whether scientific evidence we have received is valid; for example, when presented with an anecdotal report that a pest damages agricultural or environmental resources, we would seek corroboration in other scientific literature. However, some single sources of evidence would be sufficient—for example, reports published in peer-reviewed journals of a quarantine pest infesting a taxon of plants for planting in field conditions.

With regard to taxa of plants for planting that are quarantine pests, we would be certain to consider data from one source and one country if the data were rigorous and published in a peer-reviewed journal. We would not consider such data if they were obtained in a climatic region that did not correspond to one of the climatic regions in the United States, although it is worth noting that the United States has a wide range of climate and ecological zones, including some found only in Hawaii.

In general, with regard to the scientific evidence we would use to determine that a taxon is a quarantine pest or a host of a quarantine pest, it is important to remember that, for each taxon to be added to NAPPRA, we will publish a notice in the **Federal Register** that makes available a data sheet that details the scientific evidence that we evaluated in making our determination, including references for that scientific evidence. We will also solicit public comment on our determination. Members of the public will have this opportunity to comment on the scientific evidence we used. If comments present information that leads us to determine that importation of the taxon does not pose a risk of introducing a quarantine pest into the United States, APHIS will not add the taxon to the NAPPRA list.

Scientific Evidence To Be Used To Make the Determination That a Taxon of Plants for Planting Is a Quarantine Pest

In the proposed rule, we described several specific sources of scientific evidence that we anticipate using to make the determination that a taxon of plants for planting is a potential quarantine pest that should be added to the NAPPRA list.

Three commenters recommended that we use a taxon's history of invasiveness as evidence for placing a taxon on the NAPPRA list. One commenter stated that, consistently, one of the best predictors of invasiveness (weediness) has been invasiveness in other countries of similar habitats. Although it is true that what is invasive in one country is not guaranteed to invade another, this is an excellent source of early warning. From reading the proposed rule, the commenter stated, it was not clear whether this would carry much weight in implying risk. The commenter encouraged us to use other countries' lists of invaders as scientific evidence.

One commenter cited several studies supporting the assertion that the invasiveness of a species anywhere outside its native range is the most accurate predictor of likely invasion in a new range. The third commenter stated that statistical analysis has shown that, if a species has caused damage in one region it is more likely to cause damage in another region than species not known to have caused damage.

A fourth commenter stated that the NAPPRA category should be restricted to plants that have already demonstrated the capacity to invade stable natural environments. The commenter stated that when the habitats of native plants are eradicated by human intervention, even as we do not expect the native plants to adapt to the radically changed environment, neither should we expect a blank vacuum to remain.

It is important to mention again that the spread of a plant in a new habitat, which is commonly characterized as ''invasiveness'' (or ''weediness''), would not be sufficient by itself to cause us to determine that a plant is a quarantine pest; we would need evidence of the potential economic importance of a taxon of plants for planting, from the damage it has caused to agricultural and

environmental resources, in order to determine that it could qualify as a quarantine pest.

Because of that, evidence of the damage a taxon of plants for planting has caused in other habitats would be the best evidence for determining that the taxon could be a quarantine pest for the United States. Therefore, to the extent that they discuss damage caused by plant taxa, we agree with the first three of these commenters. The sources of information described in the proposal are intended to provide us with evidence regarding taxa of plants for planting that have caused damage in other areas and that would be potentially economically important within the United States.

We also agree that evidence of damage caused in a relatively undisturbed natural environment could carry more weight in determining that a taxon is a quarantine pest than damage caused in previously disturbed environments. However, we might consider the latter in the absence of the former, depending on the details of the damage caused. In addition, it is important to note that agricultural environments are disturbed from their natural state, but if a taxon of plants for planting causes damage to agricultural resources, it could be designated as a quarantine pest.

In response to the first commenter, the proposed rule listed national and international pest alerts, reports, and quarantine lists among the sources of scientific evidence we would use in evaluating taxa for addition to the NAPPRA category, and we still plan to use those sources. We also listed as potential sources of scientific evidence reports from regional plant protection organizations, such as the North American Plant Protection Organization and the European and Mediterranean Plant Protection Organization, and from professional societies such as the Weed Science Society of America (WSSA).

Two commenters recommended that we use information from State and local invasive species councils as scientific evidence. Another commenter stated that each State has prominent native plant organizations that may prove useful in providing information on various imported plant taxa.

A fourth commenter stated that the standard of evidence used for invasive plant species lists is apparently that ''someone, somewhere, claims that the species is present outside its 'natural' range.'' The commenter stated that such lists are based entirely on anecdote and that not one of the lists includes an objective definition of ''invasive'' or objective criteria for determining that a plant is ''invasive.'' The commenter stated that such lists include many species that are actually endangered in their home ranges, calling into question the accuracy of the designation of a plant on such a list as invasive. The commenter also stated that invasive plant councils are corrupted by herbicide industry representatives, funding, and advertising. The commenter stated that such lists have no place in any assessment of invasiveness.

We will evaluate each type of evidence we have available to us regarding the potential a taxon has to become a quarantine pest in order to ensure that it provides sound scientific evidence that a taxon should be added to the NAPPRA category. We will certainly take into account information from State and local invasive species councils and from native plant organizations about the damage caused by various taxa. At the same time, given such information, we would likely seek to corroborate it with other scientific evidence describing the damage the taxon causes before adding it to the NAPPRA category. (It is also worth noting that many taxa of concern for those groups may not be under official control and thus would not be considered quarantine pests.) If a list of invasive plants includes a plant that is endangered in its home range, that might indicate that the list was not very rigorous, and we would likely conclude that it is not useful as a source for information about potential quarantine pest plants.

On the other hand, if a list of plant taxa that could cause damage of economic importance to the United States was constructed with sufficient rigor, we would use it as a source of NAPPRA candidates. The WSSA list is a good example.[11]

In the proposed rule, we stated that we anticipate using published international weed references as sources of scientific evidence to make the determination that a taxon of plants for planting is a quarantine pest. We cited two examples: *Invasive Plant Species of the World: A Reference Guide to Environmental Weeds* (Weber, Ewald. 2003; CABI Publishing, Cambridge, MA) and *Noxious Weeds of Australia* (W.T. Parsons and E.G. Cuthbertson, 1992; Inkata Press, Melbourne and Sydney, Australia).

One commenter stated that weed references are of notoriously poor scientific quality and primarily based on anecdote; many species are included on the basis of a single person's say-so. This commenter stated that these lists are produced by persons with economic self-interest in weed control and are padded with many species included simply to create the impression of a large problem. The commenter stated that, in these lists, there is no rigorous operational definition of terms and no objective criteria for measuring ''weediness.'' The commenter also stated that in no case do these weed lists give any consideration to the underlying causes of the weed infestation; disturbance, poor agricultural practices, and environmental degradation are most often the cause of ''infestation,'' yet these are ignored. For example, the commenter stated, one may overgraze a meadow until the only species left is one that is unpalatable to livestock, after which that species is classified as a ''weed.''

We will not add taxa of plants for planting to NAPPRA based on whether they are perceived to be weeds, but based on their status as a quarantine pest. This requires scientific evidence that the plants could cause economically important harm to U.S. agricultural and environmental resources, as well as requiring that the taxa are either not present in the United States or present but under official control.

Whenever we would use any weed reference as a source of scientific evidence, we would check the original references cited to substantiate the claim and consider the circumstances in which the taxon caused damage. If the reference was anecdotal, we would seek additional data for corroboration before making a determination that a taxon is a quarantine pest. As noted, evidence that a taxon causes damage in relatively undisturbed natural environments could carry more weight than evidence that a taxon causes damage in disturbed environments.

We also stated in the proposed rule that we anticipate using scientific screening systems and predictive models, such as the WSSA's prioritization model, that seek to identify weeds of global significance that pose a threat to the United States, as sources of scientific evidence to make the determination that a taxon of plants for planting is a quarantine pest.

One commenter asked us to accept the Hawaii-Pacific Weed Risk Assessment[12] screening system as a legitimate source of evidence for potential quarantine

[11] Parker, C., Caton, B.P., and Fowler, L. 2007. Ranking non-indigenous weed species by their potential to invade the United States: The Parker model. *Weed Science* 55:386–397.

[12] For more information about the Hawaii-Pacific Weed Risk Assessment, go to *http://www.botany.hawaii.edu/faculty/daehler/wra/*.

pests. The commenter stated that this science-based tool has been used successfully in Hawaii for evaluating potential invasiveness of alien plant species for many years.

We agree that the Hawaii-Pacific Weed Risk Assessment can serve as a useful source of NAPPRA candidate taxa. In addition to considering the invasiveness of a taxon, the system considers whether a taxon will have ''significant ecological or economic impacts,'' and can thus help identify quarantine pest plants. We will consider taxa that system identifies as high risk in the same way we will consider taxa from other screening systems.

A few commenters questioned the possibility of predicting whether a plant taxon will be invasive in a new habitat.

Three commenters stated that there is no possible risk assessment tool that can be developed to test plant invasiveness in every habitat in every ecological region of the country. Under this rule, one of these commenters stated, we would be without many major horticultural crops, such as impatiens and lantana, because they would not pass a screening exam. Another of these commenters stated that it is very easy to predict that a species will not become a weed, and there are numerous horticultural societies that devote large amounts of personal time to discussing methods of cultivation and propagation of numerous genera.

As discussed earlier in this document, we will not add plants to NAPPRA solely because those plants are not in cultivation within the United States. When we begin implementing the NAPPRA category by adding taxa to it, the importation of most plants for planting will still be subject only to the general requirements for a phytosanitary certificate, a permit, and inspection at a plant inspection station. We will only restrict the importation of a taxon when scientific evidence indicates that the taxon is a quarantine pest or a host of a quarantine pest. As noted, for quarantine pests, the primary evidence necessary to make that determination for taxa not present in the United States would be documentation of damage caused by the taxon. When we publish a notice in the **Federal Register** announcing our determination that a taxon of plants for planting is a quarantine pest, commenters will have an opportunity to comment on the scientific evidence we used as a basis for our determination.

It is not necessary for a model to determine whether a taxon of plants for planting would be a quarantine pest in every area of the United States in order for us to add that taxon to the NAPPRA category. Evidence that the taxon would be a quarantine pest in one area would be sufficient to take action to address the risk associated with the taxon's importation. Any restrictions on movement within the United States that could prevent the taxon from being a quarantine pest would be addressed in the PRA conducted to remove the taxon from the NAPPRA list.

One commenter provided a detailed examination of the potential problems associated with predicting invasiveness using a model. The commenter stated:

- Modeling the natural environment is difficult, given our limited knowledge about the species present in the world, the ecology of these species, and how they interact.
- The intrinsic properties of individual species are not predictive, and adaptive evolution means that species change over time.
- History of invasiveness is not useful as a predictor, since some species that are invasive in one place are not invasive in others, and the success of an invasion is dependent on extrinsic forces as well as the intrinsic characteristics of a species.
- Time lags between introduction and establishment or spread make it difficult to establish how invasion has occurred, and the time lag often obscures climatic or anthropogenic disturbances that enabled the invasion.
- Predictive models for assessing introduced species have data problems; fail to factor in anthropogenic disturbance, introduction effort, adequate lag time, and suitability of habitat; and fail to operationally define ''invasion.''

The commenter stated that the use of models predicting invasiveness to add taxa to the NAPPRA category will hamstring scientific research and valuable conservation efforts.

As noted earlier, determining that a plant taxon is invasive is not the same as determining whether it is a quarantine pest. The spread of a plant in a new habitat, which is commonly characterized as ''invasiveness,'' would not be sufficient by itself to cause us to determine that a plant is a quarantine pest; we would need evidence of its potential economic importance, from the damage it has caused.

We agree with the commenter that uncertainty still exists regarding whether a species that causes damage in one area will cause damage in another. However, as demonstrated in the risk document, ''Foundation Document Demonstrating the Risk Basis for Establishing the Regulatory Category 'Not Authorized Pending Pest Risk Analysis' (NAPPRA) Associated with the Importation of Plants for Planting,'' that accompanied the proposed rule,[13] the risk associated with the importation of plants for planting is higher than that of other articles whose importation is regulated by APHIS. Accordingly, we proposed to implement the NAPPRA category as part of an effort to provide a more appropriate level of protection against the risks associated with the importation of plants for planting. Although the level of risk associated with any individual plant taxon that has demonstrated the ability to cause damage outside its native range may be more or less uncertain, such plants are more likely to be quarantine pests than plants that do not have such a history. Therefore, we will use the NAPPRA category to prevent the importation of plants with a history of damaging agricultural and environmental resources until a PRA can be completed.

It should be noted that the WSSA model that we plan to use incorporates the damage done by the taxon in its evaluation.

Several commenters urged us to go further in our use of scientific screening systems and predictive models and screen all taxa of plants for planting imported into the United States for their damaging characteristics. Some of these commenters stated that screening of all unprecedented non-native taxa proposed for importation into the United States should be USDA's responsibility and ultimate goal. Some commenters stated that USDA should declare an explicit timetable for implementation of a screening model. One commenter stated that, in the long term, all new species imported to the U.S. should undergo a screening process rather than just the NAPPRA-listed species. This commenter stated that, as the vast majority of introduced species are not invasive, this approach would safeguard U.S. resources with negligible economic impacts.

Many of these commenters mentioned the Australian weed risk assessment (AWRA) system as a model. This system starts from a baseline of prohibiting importation of plants for planting. Plants for planting are rated via a scoring system based on the characteristics of the plants. Importation is allowed if the AWRA system shows the taxa to be safe to import, and prohibited if the AWRA system indicates that they should be rejected. The AWRA can also result in a rating of ''evaluate,'' in which case further

[13] The foundation document is available on the Regulations.gov Web site at the address listed in footnote 1.

evaluation must be conducted before importation may be allowed.

Another commenter supported the use of the WSSA system to identify noxious weed threats, but noted that the proposed rule referred to various weed screening systems used for various purposes. This commenter asked that APHIS clarify that the NAPPRA proposal does not, and is not intended to, establish mandatory pre-importation screening for weediness. The commenter also recommended that APHIS clarify that, while APHIS may consider information presented as a result of screening or prioritization models developed elsewhere for various purposes, the NAPPRA rule does not constitute establishment of a weediness screening methodology or a *de facto* acceptance of information resulting from models developed and implemented elsewhere for various purposes.

The last commenter is correct. The plants for planting regulations currently allow the importation of all taxa of plants for planting subject to general restrictions, unless specifically restricted or prohibited. We did not propose to change this. Rather, the NAPPRA category will allow us to restrict the importation of plants for planting that are quarantine pests or hosts of quarantine pests in a timely manner. We plan to use the information from the WSSA screening system to identify taxa for evaluation as quarantine pests, not to determine which taxa are safe to import and to exclude all other taxa from importation.

The AWRA proceeds from the Australian regulatory system, under which all importation of plants for planting is prohibited unless specifically authorized. Thus, it is not directly applicable to the U.S. regulatory situation.

Some commenters stated that there is a full WRA approach under development by the Plant Epidemiology and Risk Analysis Laboratory of PPQ's Center for Plant Health Science and Technology. The commenters stated that this approach is based on the AWRA and is being compared for accuracy against that standard. As long as the methodology developed is as or more accurate than the Australian methodology, the commenters expressed support for the use of this system to determine whether species placed in the NAPPRA category will be rejected and placed on the noxious weed list or permitted for import (possibly with conditions), assuming that the tool is consistently applied under the conditions that generated the accuracy assessment.

The commenters are correct that we are developing a new WRA methodology. The new methodology is based on the style and general approach of the AWRA, but the structure of the assessment and the means used to evaluate risk are not based on those in the AWRA. The new methodology also takes into account lessons learned from other systems like the one in use in New Zealand and the Hawaii-Pacific Weed Risk Assessment tool mentioned earlier.

It is also important to clarify that we do not plan to employ our WRA methodology in the same way Australia does; as the commenters describe, the WRA methodology we are developing would initially be used to determine whether taxa that have been added to the NAPPRA list can be imported safely, or whether they need to be added to the list of noxious weeds in 7 CFR part 360. (If the WRA performed on a taxon of plants for planting that was added to the NAPPRA category as quarantine pests determines that it does not need to be added to the noxious weed list, we would conduct a PRA to determine whether there are any quarantine pests for which it could serve as a host.)

When we have finished our development work on this new WRA methodology, we plan to have the methodology published in a peer-reviewed journal, taking into account the opinions of the peer reviewers. We will make the methodology available to interested parties as well.

One commenter stated that, in developing and applying the risk analysis, it is critical that a lack of evidence of risk is not interpreted as evidence of a lack of risk. In other words, the commenter stated, if not enough is known to evaluate the answers to several of the risk analysis questions, the default assumption should be that the risk exists in this taxon. The Australian and some other assessment systems have this built in by requiring a minimum number of questions be answered for an assessment to be valid. If the default assumption in the absence of evidence is that a species does not possess the risk trait in question, a serious problem will result. This would perversely encourage the importation of the species about which we know the least and are the least prepared to evaluate and respond to the risks. The commenter stated that if the default is to assume safety (as is the current case in what the commenter characterized as the lax regulatory environment), it creates incentives for plant importers to seek out species that are too little known to be properly evaluated and the risk to the stakeholders is not abated by these rules.

By ''the risk analysis,'' we assume the commenter means the new WRA methodology we are developing. (The current WRA guidelines do not have a series of questions, but rather assess various aspects of a plant taxon's potential impact in the United States.) If this assumption is correct, we will take the commenter's advice into account as we develop our new WRA methodology. If we determine that we do not have enough evidence to assess certain characteristics of a taxon, that would factor into the uncertainty of the results of the WRA; high levels of uncertainty would likely result in keeping a taxon on the NAPPRA list.

In the proposed rule, we stated that we would consider using other work that is being done in the area of scientific screening systems and predictive models as scientific evidence in determining whether a taxon of plants for planting is a quarantine pest. We mentioned that several university scientists are also studying invasiveness prediction, and some have published articles on various models. In a footnote, we cited ''Predicting Invasions of Woody Plants in North America'' (Reichard and Hamilton, 1997) [14] as an example.

One commenter stated that the method described in Reichard and Hamilton (1997) yields an unacceptable rate of false positives and considers mere establishment to be ''invasion.''

We cited the article in question as an example of work being done in the area, in the context of stating that we would consider using other scientific screening systems and predictive models. The commenter's concerns provide useful information in determining whether and how to use the results of the method presented in Reichard and Hamilton (1997), and we will consider it as we implement the NAPPRA category.

The risk document that accompanied the proposed rule analyzed current trends in the importation of plants for planting and the general risks associated with plants for planting. In this document, Appendix 3 listed imported plants that are invasive in the United States.

One commenter expressed concern regarding this list, indicating that it should not be representative of the level of stringency to be applied to criteria for inclusion in the NAPPRA category. The commenter stated that Appendix 3

[14] Reichard, S.H., and Hamilton, W.H. 1997. Predicting invasions of woody plants introduced into North America. Conservation Biology 11:193–203.

appears to be a careless compilation of wish lists from organizational Web sites and unscientific agenda-pushers with far too much reliance on anecdotal material. The commenter stated that Appendix 3 includes plants that have merely escaped cultivation and occur only occasionally in niches opened by human intervention. The commenter stated that Appendix 3 also contains plants that are included in the APHIS Nursery Stock Manual for plant imports, indicating that they are either not already present here or present and not being controlled, and therefore are not invasive in the United States.

We did not intend the list in Appendix 3 to be read as a list of taxa that would potentially be added to the NAPPRA list. The list was simply one piece of evidence illustrating the potential damage associated with the pathway of imported plants for planting; it was intended to be taken in the context of assessing the overall risk associated with the pathway, which was the goal of the foundation document. We would need to verify that the damage a taxon causes is economically important and that the plant taxon is either not present in or under official control within the United States before we would add a taxon to the NAPPRA category.

Scientific Evidence To Be Used To Make the Determination That a Taxon of Plants for Planting Is a Host of a Quarantine Pest

We stated in the proposed rule that, in order to determine that a taxon of plants for planting is a potential host of a quarantine pest, the following criteria would need to be fulfilled:

1. The plant pest in question would have to be determined to be a quarantine pest, according to the definition of *quarantine pest* that we are proposing to add to the regulations; and

2. The taxon of plants for planting would have to be determined to be a potential host of that quarantine pest. However, reports of the host status of a taxon of plants for planting that are based on the taxon's role as a laboratory or experimental host may be discounted if we determine that they are not relevant to the actual conditions under which the taxon would be grown and imported.

One commenter stated that the phrase ''potential host of a quarantine pest'' is vague and overly broad, stating that virtually any plant could be included.

The phrase ''potential host of a quarantine pest'' was intended to indicate that we have not conducted a comprehensive PRA reviewing the available evidence regarding the risk associated with a taxon of plants for planting, but rather have acted on evidence indicating a risk. However, we agree that the term ''potential host of a quarantine pest,'' as well as the term ''potential quarantine pest,'' is unnecessarily vague. The action we are taking in the NAPPRA category—not authorizing the importation of taxa of plants for planting due to the risk they pose—is commensurate with a determination that these taxa are quarantine pests or hosts of quarantine pests; as the commenter states, most plants are technically ''potential'' hosts of quarantine pests. Therefore, we have changed the proposed regulatory text to refer to determining that taxa are quarantine pests or hosts of quarantine pests, rather than potential quarantine pests or potential hosts of quarantine pests, and to refer to taxa that pose a risk rather than to taxa that may pose a risk or pose a potential risk.

One commenter made several recommendations with regard to the determination of host status. The commenter asked that we clarify, or at least provide examples of, the conditions we consider to be relevant versus those we consider not to be relevant to the actual conditions under which the taxon would be grown and imported. The commenter stated that these will not be simple questions to answer in practical terms. For example, it seems evident that a pathogen known to be root-borne but not to infect other portions of the plant would not pose a threat if imports are limited to unrooted cuttings, but many pathogens are poorly known, which makes it difficult to evaluate whether they are truly limited to particular plant parts. The commenter stated that, in the case of *P. ramorum,* knowledge of the plant parts infected has grown slowly and often as the result of experience with nursery infestations—that is, too late for effective prevention. The commenter suggested that, at a minimum, we include in NAPPRA those laboratory hosts that co-occur with natural hosts in areas suspected of harboring the pathogen, including nurseries.

We consider laboratory conditions to be relevant if they are similar in pest density and environmental conditions to the natural conditions under which a taxon would be exposed to a pest. Often, laboratory experiments to determine host status use excessive amounts of inoculum or numbers of pests that a plant would rarely encounter in natural conditions. Laboratory experiments sometimes also hold environmental conditions at levels conducive to infection or infestation for long periods of time in order to see whether infection or infestation is theoretically possible, when those conditions would not prevail for such a long time in nature. A taxon of plants for planting that was shown to be a host in such conditions, or other conditions that depart substantially from what could be expected to occur in the conditions under which the taxon would be grown and imported, would not be considered to be a host of a quarantine pest for the purposes of the NAPPRA category.

The example of *P. ramorum* is an instructive one. If the NAPPRA category had been available to us when initial scientific evidence was being developed regarding *P. ramorum,* we would likely have added all plant parts, except seed, of any host of *P. ramorum* to the NAPPRA category, given the fact that *Phytophthora* spp. cause disease in stems, roots, and leaves, depending on the infected plant species and their inoculum, and given the fact that its inoculum is soil- and water-borne, and possibly airborne. These facts indicate that *P. ramorum* would infect host species in the natural environment. (It should be noted that adding any plant to NAPPRA as a host of a quarantine pest would prevent the importation of the entire plant, except seed, unless seed is specified as not authorized.)

The commenter also asked about the level of proof that APHIS will require in determining that a plant taxon is a ''natural'' host. Again in the case of *P. ramorum,* APHIS initially insisted that Koch's postulates be completed and accepted by the agency before recognizing a plant taxon to be a host of that pathogen. This approach resulted in continued movement of *P. ramorum* on hosts that had been identified by symptoms or other methods but for which this often-difficult test had not yet been completed. The commenter suggested that APHIS recognize such suspected hosts, perhaps calling them ''associated'' hosts as it does with *P. ramorum;* and include them in the NAPPRA category at least until further study can clarify their relationship to the pathogen under consideration.

Our intention is to recognize plant taxa as hosts if they are observed and determined to be hosts in the environment in which they are growing. The ''associated hosts'' listed in our domestic regulations to prevent the spread of *P. ramorum* within the United States (in 7 CFR 301.92–2) have not been confirmed as hosts through completion of Koch's postulates, but they are all taxa that have been observed and determined to be hosts of *P. ramorum* in the environment in which they are growing. Therefore, we would add such taxa to the NAPPRA category.

In general, we will not require confirmatory tests such as Koch's postulates to be performed before adding a taxon to the NAPPRA category as a host of a quarantine pest if the taxon has been observed to be a host of a quarantine pathogen.

In the proposed rule, we also described several sources of scientific evidence that we anticipated using to make the determination that a taxon of plants for planting is a host of a quarantine pest that should be added to the NAPPRA category.

One commenter encouraged us to use other countries' lists of pests and pest hosts in this evaluation.

We agree with this commenter. In the proposed rule, we stated that we would use national and international pest alerts, reports, and quarantine lists as sources.

Another commenter, noting that we proposed to use national and international pest alerts, reports, and quarantine lists as scientific evidence, asked how such reports will be substantiated prior to adding plant taxa to the NAPPRA list. The commenter also asked whether the foreign country that is implicated will be notified by the USDA and given an opportunity to verify a report before a plant taxon is added to the NAPPRA list.

If we receive a report of pest presence from a foreign NPPO, we would consider that report to be sufficient to add a taxon to the NAPPRA list, assuming the pest met the criteria for being designated as a quarantine pest. If the report came from another source, we would check on who made the report, who reviewed the report, and the data underlying the report before making a determination on whether to add a taxon to the NAPPRA list. We would reserve the option to contact the affected country to get further information, but if the data provided sufficient certainty, we would not need to do so. Affected countries, like other interested parties, will have an opportunity to comment on the notices we publish announcing our determination that a taxon is a host of a quarantine pest.

This commenter also noted we proposed to use reports and quarantine lists from State and local governments as sources. The commenter stated that State and local governments are not required to meet international standards for pest reporting and are not subject to the same level of scrutiny as an NPPO.

We will use reports from State and local governments as data on emerging quarantine pests; we will make the final determination with regard to whether a pest is a quarantine pest. In making the final determination, we will review the standards used to compile the report or quarantine list and, if necessary, seek additional data for corroboration of the damage the pest could cause and whether the pest is under official control in the United States.

One commenter encouraged us to use information from State exotic plant pest councils.

We agree with the commenter's recommendation. As with reports and quarantine lists from State and local governments, we would use them as potential sources of information on potentially damaging pests. However, as with other such sources of evidence, we would likely seek additional data for corroboration of the damage the pest could cause and whether the pest is under official control in the United States.

General Level of Protection

We stated in the proposed rule that we were proposing to establish the NAPPRA category in order to provide a more appropriate level of phytosanitary protection against the introduction of quarantine pests through the importation of plants for planting.

Several commenters asked that we articulate a general level of protection against the risk of introduction of quarantine pests that we would seek to achieve through use of the NAPPRA category. One commenter also asked that we specify the level of uncertainty associated with various levels of risk that would lead us to action. Another asked that we make public our criteria for determining that the importation of a taxon should be prohibited, allowed subject to special restrictions, or allowed subject to general requirements, and that we take comment on those criteria.

The ultimate standard by which we will evaluate taxa for addition to the NAPPRA category is whether they are quarantine pests or hosts of quarantine pests, based on the definition of *quarantine pest* that we are adding to the regulations. We will evaluate each individual taxon that comes to our attention to determine whether it meets this criterion. The unique biological characteristics of each evaluated taxon and, if applicable, the quarantine pests associated with it will inform our decisions. Therefore, it is not possible for us to specify an overall level of protection or general criteria that would apply to all our decisionmaking.

Availability of Information Used as a Basis for Adding Taxa to the NAPPRA Category

Along with publishing a notice in the **Federal Register** announcing our determination that a plant taxon should be added to the NAPPRA category, we proposed to make available a data sheet that would detail the scientific evidence that we evaluated in making our determination, including references for that scientific evidence.

Two commenters addressed the issue of the availability of the scientific evidence detailed in the data sheet. One stated that all the information used to make these decisions must be readily available to anyone interested in evaluating it. The quality of the scientific evidence that supports the inclusion of a species into the NAPPRA category, and any other category restricting importation for that matter, is critical. Unfortunately, in the commenter's experience, such evidence is often flawed or incomplete. The commenter commended the use of international databases and peer-reviewed articles but cautioned that even these should be studied carefully; details should not be omitted or simplified. Sometimes, the commenter noted, the information comes from documents that are not readily accessible to the public (*e.g.,* in other languages, in restricted databases, *etc.*). The commenter stated that being able to locate this information easily should help maintain transparency in the process.

Another commenter stated that, in order for financial stakeholders, such as nurseries, greenhouses, retailers, forestry operations, seed exchanges, *etc.,* to review and comment on the scientific evidence regarding a quarantine pest plant placed in the NAPPRA category, they must have access to the scientific evidence referred to in the data sheet. The commenter stated that several problems arise when trying to review evidence in academic journals. Academic journals are not free, and it can be expensive to access paper copies or Web archives. University libraries do not always have paper copies of a given journal available for review, or complete collections of a given journal, and sometimes interlibrary loan services are not available to allow access. The commenter stated that without access to academic journals, any academic journal evidence used to place a plant on the NAPPRA category as a quarantine pest plant is effectively withheld from the public.

This commenter stated that electronic access to academic journals should be granted to financial stakeholders in order to provide a review and comment process that is fair and open to all parties. For example, the USDA could provide free electronic access to

journals for use by financial stakeholders at its Web site.

The commenter further stated that access to electronic journals should not be biased in any way toward only those journals which emphasize the negative aspects of a plant but should also include those which show positive aspects as well. For instance, journals which deal with other aspects of plants besides their potential harm, such as their use in food, medicinal, culinary, utilitarian, ethno-botanical, fiber, bio-fuel, ornamental horticulture, bioremediation, species preservation, and other contexts, should be made available to stakeholders. The ready availability of such information, the commenter stated, would ensure that some plants are not unduly labeled as plant pests when in reality they may hold enormous beneficial gains for the United States that outweigh their negative aspects.

We agree with the general principle that as much information as possible regarding plants for planting should be freely available. Our data sheets will provide specific citations so that members of the public can review the evidence we use in making our determinations. We agree with the first commenter that all evidence we use should be reviewed carefully, and we will take all details of the evidence into account. We will welcome comments on our interpretation of the scientific evidence we use.

However, we will not be able to provide free access to all the evidence we use in making the determination that a taxon of plants for planting is a quarantine pest or a host of a quarantine pest. Many journals (and many other sources of scientific evidence) have copyright restrictions that make it illegal for us to simply post the documents from which we draw evidence. In such cases, we will add taxa to the NAPPRA lists based this scientific evidence, even though we cannot make that evidence available. Not doing so, and thus allowing a risk of introducing a quarantine pest into the United States to go unaddressed, would be contrary to our mission to protect U.S. agricultural and environmental resources from damage caused by quarantine pests.

We note that there are several factors that may mitigate this burden. Most journals make abstracts of their articles freely available on the Web. In addition, while a university may not have paper copies of all relevant journals, most have access to electronic repositories of journal information. Persons with access to a university library can sometimes access these repositories from their homes.

Finally, it should be noted that we will evaluate taxa to determine whether they should be added to the NAPPRA category based on whether they are quarantine pests or hosts of quarantine pests, not based on the benefits that may be gained by their importation. The purpose of establishing the NAPPRA category is to allow us to respond more quickly to evidence indicating that there is a risk associated with the importation of specific taxa of plants for planting. Evaluating the benefits of importing a taxon of plants for planting before adding it to the NAPPRA list would make it difficult to respond to scientific evidence in a timely manner, as it would require a comprehensive review of the literature of the type described by the second commenter. If we conduct a PRA and determine that it is appropriate to remove a taxon from the NAPPRA category, we will consider the taxon's potential benefits as part of any subsequent rulemaking to prohibit the importation of the taxon, or to allow its importation subject to restrictions.

Restrictions Within the United States

We proposed that plants for planting in the NAPPRA category would not be authorized for importation into any part of the United States.

One commenter asked how we would handle a taxon of plants that could be a weed in one part of the United States yet would not be invasive in another part, thereby being a potentially valuable ornamental plant.

We will use the NAPPRA category to prevent the importation of a taxon of plants for planting when scientific evidence indicates that the importation of that taxon poses a risk of introducing a quarantine pest anywhere in the United States. The potential benefits of the taxon, and any areas within the United States where the taxon would not be a quarantine pest, would be addressed in any subsequent rulemaking to remove the taxon from the NAPPRA list and prohibit its importation or allow its importation subject to restrictions.

Three commenters specifically asked about how the NAPPRA category would protect Hawaii. One commenter stated that Hawaii's location and extreme geography combine to create a large variety of ecosystems not found on the mainland United States. These ecosystems include many species found nowhere else on earth, many of which are threatened or endangered.

One commenter specifically stated that, in Hawaii, imported plants for planting have driven many native species to extinction or endangerment, leaving the State with the highest number of extinctions and highest number of listings of endangered species among the 50 States. Two commenters stated that plants that do no harm in the rest of the United States may have devastating effects in Hawaii, citing as an example the fact that several species in the *Melastomataceae* family have become severe pests in Hawaii's forests, requiring millions of dollars annually in control costs, but do not cause problems in other parts of the United States.

One of the commenters recommended that we take Hawaii's diverse ecosystems into account in evaluating whether a taxon should be added to the NAPPRA category.

Another commenter suggested that we develop a ''NAPPRA Hawaii'' category in which certain plants would not be authorized for importation into Hawaii or for interstate movement from the mainland United States based on the risk they pose to Hawaii's ecosystems and agriculture. The commenter stated that APHIS' restrictions on the interstate movement of fresh fruit and flowers from Hawaii to the United States provide a precedent for such a category.

We plan to take Hawaii's unique circumstances into account when evaluating taxa for addition to the NAPPRA category. A plant that would be a quarantine pest in Hawaii, but might not be a quarantine pest elsewhere in the United States, would be a candidate for addition to the NAPPRA category. As discussed earlier, we would base any determination to add such a plant to the NAPPRA category on scientific evidence indicating that the plant was a quarantine pest, and we would take public comment on our determination.

With regard to the second commenter's suggestion, while the importation of plants that pose a threat to Hawaii will be not authorized through the NAPPRA category, restricting the movement of plants for planting within the United States is outside the scope of the proposed rule. The primary means for regulating the interstate movement of plants for planting that are quarantine pests is the noxious weed regulations in 7 CFR part 360; any plant designated as a noxious weed may be moved interstate only with a permit. The public is free to petition APHIS to designate plants that may be quarantine pests in Hawaii as noxious weeds; more information on the petition process is available at *http://www.aphis.usda.gov/plant_health/plant_pest_info/weeds/index.shtml.* The interstate movement of some nursery stock is also restricted in our domestic quarantine programs in 7 CFR part 301.

We will consider the commenter's suggestion when we develop a regulatory mechanism to restrict the interstate movement of plants and plant products that are not harmful in the continental United States but that could be harmful in Hawaii's unique environments.

Notifications

Several commenters addressed notifying the public when we publish notices to add taxa to the NAPPRA category. One commenter stated that PPQ must continue to involve both the private and public sectors in evaluations. This commenter recommended that notifications on the PPQ Web site be extremely timely and transparent for private industry and State and local governmental agencies alike. Another commenter recommended that PPQ also notify its established stakeholder registry of proposals to add a plant to the NAPPRA list, or to remove a plant based on completion of a risk analysis that demonstrates that the plant can be imported safely. A third asked that every means be used to ensure that members of the plant industry are well-informed to ensure proper engagement from those directly affected.

We agree with these commenters. We will continue to involve all the governmental agencies and groups mentioned by commenters, as well as the rest of the general public, in the addition of taxa to the NAPPRA category and in the revision of the plants for planting regulations in general. We will link to the **Federal Register** notices that we publish to add taxa to the NAPPRA category on our plants for planting Web site, as well as any PRAs and rules published to remove taxa from the NAPPRA category. We will also notify subscribers to the PPQ Stakeholder Registry regarding actions related to the plants for planting regulations.

One commenter, a representative of a foreign NPPO, asked how we will provide notification of a proposed addition to the NAPPRA category, *e.g.,* through the WTO notification process or through another mechanism.

When we publish a notice that is relevant to international trade in the **Federal Register**, we always notify the WTO through the formal notification process. We will continue to do this for NAPPRA-related notices.

Importation of Taxa During Evaluation and During the Comment Period; Restricting the Importation of Taxa That Have Already Been Imported Into the United States

To add taxa to the NAPPRA category, we proposed to publish in the **Federal Register** a notice announcing our determination that a taxon of plants for planting is either a quarantine pest or a host of a quarantine pest. This notice would make available a data sheet that would detail the scientific evidence that we evaluated in making our determination, including references for that scientific evidence. We proposed to provide for a public comment period of a minimum of 60 days on our proposed addition to the list and specify a proposed effective date for the addition of the taxon to the NAPPRA category.

Proposed paragraph (b)(2) of § 319.37–2a described how we proposed to respond to comments on the notices. We proposed to issue a notice after the close of the public comment period indicating that the taxon will be added to the list of taxa not authorized for importation pending pest risk analysis if:

- No comments were received on the data sheet;
- The comments on the data sheet revealed that no changes to the data sheet were necessary; or
- Changes to the data sheet were made in response to public comments, but the changes did not affect our determination that the taxon poses a potential risk of introducing a quarantine pest into the United States.

If comments presented information that leads us to determine that the taxon does not pose a potential risk of introducing a quarantine pest into the United States, the proposed rule stated that APHIS would not add the taxon to the NAPPRA list. We proposed to issue a notice giving public notice of this determination after the close of the comment period.

Four commenters stated that we should prevent the importation of taxa of plants for planting that are under consideration for addition to the NAPPRA category.

Several commenters stated that importation of any taxon considered for addition to the NAPPRA category should be prohibited during the 60-day public comment period and subsequently until we publish the notice announcing a final decision regarding whether to add the taxon to the NAPPRA category.

One commenter recommended that we prohibit the importation of plants for planting at the time the notice is published, or earlier if possible. In the absence of clear language indicating their status, the commenter assumed that APHIS will continue to allow importation until rulemaking is completed that adds these species to the NAPPRA category. The commenter stated that this seems unwise and continues to subject the United States to unnecessary risk of pest introduction and potential harm from establishment. After all, the commenter asked, if the agency has scientific evidence indicating potential harm, why continue to let unrestricted importation while the rulemaking process proceeds for several months? Without the authority to suspend importation of suspect species as soon as APHIS obtains credible scientific evidence, the commenter stated, the United States will be subjected to months, perhaps years, of unnecessary risk awaiting the initiation and conclusion of rulemaking.

One commenter expressed support for continued opportunities for stakeholder and public input during the comment period.

We appreciate the opportunity to clarify this aspect of how the NAPPRA process will work. When we find evidence that the importation of plants for planting that are currently being imported poses a risk of introducing a quarantine pest, we stop their importation through the issuance of a Federal import quarantine order, also referred to as a Federal order.

An example of a Federal order used to restrict the importation of plants for planting is our Federal order prohibiting the importation of citrus seed from certain countries to prevent the introduction of citrus greening (Huanglongbing disease of citrus) and citrus variegated chlorosis. This Federal order was effective January 29, 2008, and was superseded by an interim rule published in the **Federal Register** and effective on April 6, 2010 (75 FR 17289–17295, Docket No. APHIS–2008–0052). The Federal order can be viewed at *http://www.aphis.usda.gov/import_export/plants/plant_imports/federal_order/downloads/hlb_cvc.pdf.*

After this final rule becomes effective, if a taxon of plants for planting is currently being imported and we determine that the taxon should be added to the NAPPRA category because it is a host of a quarantine pest, we will issue a Federal order to stop its importation. We will also publish a notice announcing our determination that the taxon is a host of a quarantine pest and making available a data sheet that details the scientific evidence that we evaluated in making our determination, including references for that scientific evidence. We will solicit

comments from the public. If comments present information that leads us to determine that the importation of the taxon does not pose a risk of introducing a quarantine pest into the United States, APHIS would rescind the Federal order and not add the taxon to the NAPPRA list.

For example, if this final rule had been effective when we determined that we needed to prevent the importation of citrus seed from countries where citrus greening and citrus variegated chlorosis are present, we would have issued a Federal order and prepared a data sheet summarizing the scientific evidence that led us to make the determination that citrus seed from those countries is a host of a quarantine pest. We would then have published a notice in the **Federal Register** announcing our determination that such seed is a host of a quarantine pest and giving the public an opportunity to comment. Because the process for publishing a notice is simpler and less time-consuming than the process for publishing an interim rule, the NAPPRA process would likely have allowed for earlier public input on the risk posed by the importation of citrus seed from countries where citrus greening or citrus variegated chlorosis exists. Meanwhile, the Federal order would have continued to protect the United States from the risk associated with the importation of citrus seed from those countries while we evaluated the public comments we received and determined whether to confirm the addition of the taxon to the NAPPRA category. (If we determined, based on evidence submitted by commenters, that we should not add the taxon to the NAPPRA category, we would rescind the Federal order.)

An example of a Federal order used to stop the importation of a taxon of plants for planting that is a quarantine pest is the Federal order prohibiting the importation of *Lygodium microphyllum* and *L. flexuosum.* This Federal order was effective May 30, 2008, and was superseded by an interim rule published in the **Federal Register** and effective on October 19, 2009 (74 FR 53397–53400, Docket No. APHIS–2008–0097) that added these two species to the noxious weed list in 7 CFR part 360. The Federal order can be viewed at *http://www.aphis.usda.gov/plant_health/plant_pest_info/weeds/downloads/federalorder-lygodiums.pdf.*

We published a Federal order to stop the importation of those *Lygodium* species because we became aware of commercial interest in importing *L. microphyllum,* at the same time that the State of Florida requested that we restrict the importation of both species to support its official control efforts. We do not anticipate that we will often issue Federal orders preventing the importation of taxa of plants for planting that are quarantine pests. If taxa of plants for planting have been or are being imported into the United States, they are present in the United States and thus not eligible for designation as quarantine pests unless they are under official control, as *L. microphyllum* was.

We will continue to authorize the importation of taxa of plants for planting if they are being considered for NAPPRA. If we have not yet made a determination that the importation of a taxon poses a risk of introducing a quarantine pest, we would not have a solid reason to prevent its importation.

In this final rule, we are not including the provision that we will specify a proposed effective date for the addition of the taxon to the NAPPRA category; our ability to use a Federal order to impose import restrictions immediately, if appropriate, makes this provision unnecessary.

If we do not use a Federal order to enforce restrictions on the importation of a taxon immediately, and the comments we receive on the initial notice do not cause us to change our determination that the taxon should be added to the NAPPRA category, the taxon will be added to the NAPPRA category when we publish the notice after the comment period confirming the taxon's addition.

With respect to the concerns one commenter expressed about the length of the rulemaking process, the process of adding taxa to the NAPPRA lists, which involves publishing **Federal Register** notices supported by data sheets, is expected to be more timely than the current process, which typically involves proposed rules and final rules supported by a comprehensive PRA. A similar process has resulted in much-expedited approval for authorizing the importation of fruits and vegetables under the regulations in § 319.56–4, and we expect that the NAPPRA process will work in a similarly expedited fashion to address the risk associated with specific taxa of plants for planting.

Three commenters stated that the proposed NAPPRA category would allow APHIS to take action not only when evidence indicates that a taxon of plants for planting is a quarantine pest or a host of a quarantine pest, but also when conditions under which imported plants are produced have changed in ways that make those plants pose a higher pest risk. The commenters stated that such situations may include:

- Plants are being imported from new sources;
- Plants are being produced using unexpected horticultural methods that may pose additional risk (such as, being collected from the wild rather than grown in a confined area); and
- New pests are discovered in a production area.

The commenters are correct in stating that the NAPPRA category will allow us to address the third situation. However, we will only add taxa imported from a new source to the NAPPRA category if there is scientific evidence that indicates that the importation of the taxon from that new source poses a risk of introducing a quarantine pest. This would normally be due to the presence of a quarantine pest for which the taxon is a host in the new area of production. In the case of the second situation, normally we would restrict the importation of a taxon if a quarantine pest of that taxon is present in the area of export, regardless of whether commercial production practices mitigated the risk that the taxon would be infested by the quarantine pest. Consideration of appropriate means to mitigate risk associated with a quarantine pest is part of the PRA, not part of the evaluation process for adding a taxon to the NAPPRA category.

Two commenters stated that a 6-month ''investigative period'' for removal from the NAPPRA list or for a listing decision one way or another, to ensure the rigor of the process, perhaps would make the effort more amenable to small businesses or individual collectors and growers.

We assume the commenters are referring to the comment period on the notice announcing our determination that a taxon of plants for planting is either a quarantine pest or a host of a quarantine pest or to the comment period on any proposed rule we might publish following a PRA conducted for a NAPPRA-listed taxon. In the past, we have found 60 days to be an adequate period for soliciting comments. However, if members of the public find that they need more time, they may request an extension of the comment period to allow for more investigation on their part.

One commenter asked whether APHIS would delay publication of notices to amass a group of taxa to be added to the NAPPRA category or would instead publish a notice every time an individual species comes to the agency's attention. The commenter stated that, given current resource allocations to the agency, it seems unlikely and cost-inefficient to publish a notice to add species to NAPPRA every time a

deleterious species comes to the agency's attention.

We will publish notices whenever we determine that a taxon of plants for planting is a quarantine pest or a host of a quarantine pest. In some cases this would result in a group of taxa being added to the NAPPRA category at once, as several taxa may be the subject of determinations at one time. We will not delay publication of a notice in order to include some minimum number of taxa in the notice.

Two commenters recommended that we not add taxa that are in trade (i.e., currently being imported) to the NAPPRA lists unless or until such action is justified based on a PRA. The commenters expressed concern that adding taxa that are currently being imported to the NAPPRA lists without first conducting a PRA would be economically disruptive to companies importing these taxa and could even prompt retaliatory reactions among trading partners.

Another commenter stated that taxa should be eligible for addition to the NAPPRA list even if they are currently being imported; USDA should not allow ''grandfathering'' in of a plant taxon (*e.g., Rhododendron*) if that plant has since proven to be a host of quarantine pests or a quarantine pest itself.

One commenter asked how we would address emerging quarantine pests for currently admissible taxa.

We appreciate that imposing restrictions on current trade causes economic impacts on companies importing the affected taxa. However, we agree with the second commenter; when scientific evidence indicates that a taxon of plants for planting is a quarantine pest or a host of a quarantine pest, we need to act promptly to prevent the importation of that taxon, to protect U.S. agricultural and environmental resources. It should be noted again that taking such actions is consistent with our commitments under the WTO and IPPC; therefore, trading partners should not take retaliatory action in response to restrictions placed on the trade of plants for planting through the NAPPRA category.

Conducting a PRA on a taxon after the taxon has been added to the NAPPRA list will allow us to consider all the evidence related to a taxon (including all the quarantine pests for which it can serve as a host), as well as any conditions under which the taxon can be imported safely. However, promptly addressing the risk associated with importation of a taxon that is a quarantine pest or a host of a quarantine pest is essential to achieving a more appropriate level of protection against the risk posed by the importation of plants for planting.

For taxa that are hosts of quarantine pests and that have been imported previously, there may be conditions under which the taxa could be imported that would mitigate the risk associated with the quarantine pest. In such a case, our Federal order could establish mitigations for those countries exporting significant amounts, assuming the pest was well-understood and appropriate mitigations were readily available.[15] We would not authorize pending pest risk analysis the importation of the taxon from countries that are currently not exporting the taxon to the United States and in which the quarantine pest is present. We would follow this action with a **Federal Register** notice announcing our determination that the taxon is a host of a quarantine pest.

In the summary of our initial regulatory flexibility analysis in the Background section of the proposed rule, we stated that the ''NAPPRA regulations would initially list taxa of plants for planting that, to our knowledge, have not yet been imported into the United States but present a potential risk.''

One commenter stated that the word ''initially'' in the quote is disturbing. The commenter asked whether this meant that APHIS may in the future choose to include in the NAPPRA list other plants that are already in the United States and whether APHIS may in the future choose to include in the NAPPRA list other plants that do not present a risk. The commenter also asked what assurance the public has that APHIS will not in the future ''reinterpret'' this as giving APHIS the authority to establish a list of taxa whose importation is authorized while prohibiting the importation of all other taxa.

We appreciate the opportunity to clarify. As this discussion has indicated, when necessary, we do plan to use the NAPPRA category to restrict the importation of taxa of plants for planting that have previously been imported into the United States; the quote in the initial regulatory flexibility analysis was in error.

With regard to the commenter's other concerns, we will only add a taxon of plants for planting that is already in the United States to the NAPPRA category if scientific evidence indicates that it is a quarantine pest (*i.e.,* that it causes damage and is not present in the United States or is present but under official control) or a host of a quarantine pest. In addition, we will only add taxa to the NAPPRA list based on scientific evidence, which we will detail in a data sheet that we will make available to the public for comment. As the regulations specify both of these points in detail—the NAPPRA category can be used only for quarantine pests or hosts of quarantine pests, and we must make a data sheet available that details the scientific evidence that we evaluated in making our determination that a taxon of plants for planting is a quarantine pest or a host of a quarantine pest, including references for that scientific evidence—we would need to change the regulations themselves in order to follow the hypothetical policy about which the commenter is concerned. We are committed to following the process set out in this final rule.

One commenter asked what procedure a prospective importer will have to follow for taxa not currently being imported but not on a NAPPRA list. The commenter assumed that such taxa will be allowed to be imported under current APHIS protocols and procedures.

The commenter is correct. We did not propose any changes to the general restrictions on the importation of plants for planting, and we are not making any in this final rule.

Clarification of What Imports Are Not Authorized

Several commenters stated that we should clarify that the importation of any number of propagules of taxa in the NAPPRA category, not only imports of more than 12 propagules, are not authorized unless otherwise determined through a PRA. One commenter noted that some single releases are sufficient to cause significant harm, as infestations by gypsy moth, *Caulerpa taxifolia,* and other plant pests are believed to have arisen from single releases in the United States.

The commenters appear to be referring to the regulations in § 319.37–3, which do not require an import permit for most lots of 12 or fewer articles. However, the importation of any taxon in the NAPPRA category is not authorized. We would not allow any importation of a taxon listed in the NAPPRA category, regardless of the size of the lot of articles intended for importation, subject to the general restrictions of the plants for planting regulations; we would only allow their importation under a Departmental

[15] An example of a Federal order that provides such mitigations is our Federal order to restrict the importation of various taxa in order to prevent the introduction of Asian longhorned beetle and citrus longhorned beetle. This order can be found on the Internet at *http://www.aphis.usda.gov/import_export/plants/plant_imports/federal_order/downloads/citrus_alb_2009_16_1.pdf.*

permit in accordance with § 319.37–2(c).

Based on these comments, we reviewed the regulations to determine whether any further clarification was necessary with regard to the fact that the importation of articles in the NAPPRA category is not authorized. While we did not determine that any changes to the permit regulations are necessary, we did find one area that needs to be clarified.

Paragraph (d) of § 319.37–4 authorizes the importation of small lots of seed without a phytosanitary certificate provided that the shipment meets certain conditions. One of these conditions, found in paragraph (d)(2), is that the seed is not of any prohibited genera listed in § 319.37–2; is not of any noxious weed species listed in part 360; does not require an additional declaration on a phytosanitary certificate in accordance with § 319.37–5; does not require treatment in accordance with § 319.37–6; is not restricted under the regulations in 7 CFR parts 330 and 340; and meets the requirements of 7 CFR part 361. This requirement is intended to ensure that seed imported under the small lots of seed program is free of quarantine pests. As the importation of some seed will not be authorized under the NAPPRA category, paragraph (d)(2) of § 319.37–4 should indicate that seed imported without a phytosanitary certificate under the small lots of seed program must not be listed in the NAPPRA category in § 319.37–2a. Accordingly, in this final rule, we are amending paragraph (d)(2) of § 319.37–4 to indicate that small lots of seed imported under that paragraph must not be listed as not authorized for importation pending pest risk analysis, as provided in § 319.37–2a.

Process for Removing a Taxon From the NAPPRA Lists

In paragraph (e) of proposed § 319.37–2a, we proposed to provide that any person may request that APHIS remove a taxon from the list of taxa whose importation is not authorized pending pest risk analysis. We stated that we would encourage persons who submit such a request to provide as much information as possible regarding the taxon and, if the taxon is a potential host of a quarantine pest, any quarantine pests that may be associated with it, as it is likely that providing such information would allow us to complete a PRA more promptly than we would otherwise be able to.

One commenter asked whether ''any person'' included foreign governments or foreign exporters.

Several commenters stated that we should only allow requests for PRAs for taxa listed in NAPPRA to come from an exporting country, rather than from any person. These commenters stated that such an approach would be consistent with the process of requesting PRAs for the importation of fruits and vegetables and that such an approach would allow APHIS to focus attention on PRAs for the highest-priority taxa.

One commenter stated that the process to remove a taxon from the NAPPRA list should be sensible and not out of reach, financially and materially, for the common plant collector or small nursery owner.

We have determined that it is necessary to limit requests for PRAs to remove taxa from the NAPPRA category to taxa for which the NPPOs of exporting countries are willing to supply information. Although we will allow any person (including common plant collectors and small nursery owners) to make requests to conduct a PRA to remove a taxon from the NAPPRA category, we will still need information from exporting NPPOs in order to complete a PRA.

Accordingly, we are changing proposed paragraph (e) in § 319.37–2a to indicate that requests to remove a taxon from the NAPPRA list must be made in accordance with § 319.5. This section, headed ''Requirements for submitting requests to change the regulations in 7 CFR part 319,'' allows anyone to submit a request to change the regulations in 7 CFR part 319, but requires the submission of information from an NPPO before a PRA will be prepared.

Section 319.5 requires the NPPO to submit various information that only an NPPO could verify, including:

- A description and/or map of the specific location(s) of the areas in the exporting country where the plants, plant parts, or plant products are produced;
- Scientific name (including genus, species, and author names) and taxonomic classification of arthropods, fungi, bacteria, nematodes, virus, viroids, mollusks, phytoplasmas, spiroplasmas, *etc.,* attacking the crop; and
- Plant part attacked by each pest, pest life stages associated with each plant part attacked, and location of pest (in, on, or with commodity).

We need this information in order to evaluate all the pests that could be associated with a taxon. While a plant taxon may be added to the NAPPRA category based on evidence that it is a host of a quarantine pest, there may be additional quarantine pests for which the taxon can serve as a host, and it may also be a quarantine pest itself. Similarly, a taxon that is added to the NAPPRA category as a quarantine pest may itself also be a host of a quarantine pest. The PRA process will examine all of these possibilities in determining whether there exist conditions under which the taxon in question may be imported safely.

We recognize that an NPPO with little interest in exporting the taxon would likely consider providing such information to be a low priority. We encourage importers who submit requests to remove a taxon from the NAPPRA category to work with foreign NPPOs in determining whether to submit a request. Although we recognize that requiring the involvement of a foreign NPPO may make it difficult to prepare a PRA for some taxa that we add to the NAPPRA list, we have no other way to obtain and verify the information we will need to conduct the PRA. In addition, if the PRA finds that the importation of the taxon can be allowed subject to certain restrictions, the NPPO would need to be involved in order to monitor and certify that producers were complying with the restrictions.

One commenter recommended that we encourage persons who request that we prepare a PRA to provide any relevant information regarding how the taxon is grown and potential safeguards that may mitigate any risk, and recommended that we take such practices into full account in our decisionmaking.

The regulations in § 319.5 require the submission of such information by the foreign NPPO. Accordingly, the change discussed earlier addresses this comment.

Once a request has been submitted to remove a taxon of plants for planting from one of the NAPPRA lists, we proposed to conduct a PRA to determine the risk associated with the importation of that taxon. Upon completion of the PRA, we proposed to determine whether the importation of the taxon should be prohibited; allowed subject to special restrictions, such as a systems approach, treatment, or postentry quarantine; or allowed subject to the general requirements of the plants for planting regulations. We stated that we would then conduct rulemaking accordingly.

One commenter asked whether there are any fees associated with making a request to remove a taxon from the NAPPRA list.

There are no fees charged for such requests.

Five commenters asked us to provide a timetable for completion of a PRA once a request has been submitted to

remove a taxon from the NAPPRA list. Four commenters stated that we should complete PRAs in a timely manner. One of these commenters stated that, ideally, PRAs should be completed in no more than 1 to 2 years. One commenter stated that the proposed new category may create serious barriers to trade, in particular if the procedure for conducting a PRA is heavy and the capacity to deal with the issue limited.

We strive to complete all PRAs in a timely manner. However, the length of time it takes to complete a PRA is dependent on several factors, some of which are not in APHIS' control:

- The availability of data on the taxon;
- The timeliness with which the foreign NPPO responds to our requests for information; and
- Competition for APHIS' limited resources available for developing PRAs.

These factors mean that we cannot provide a timetable for preparation of a PRA in response to a request to remove a taxon from the NAPPRA category. However, if a foreign country wishes to be able to conduct trade in a taxon with the United States, we would expect that its NPPO would provide information to APHIS in a timely manner, thus helping to reduce any barriers to trade imposed by the PRA process.

One commenter stated that seeking to complete a PRA in a timely manner will likely lead to situations when a determination is required in the absence of adequate information. In these cases, the commenter recommended that we be cautious in our decisionmaking. The commenter also recommended that we require the importing firm to prepare an economic environmental impact statement that considers the possible economic and environmental impacts of the proposed importation.

Once a plant taxon has been added to the NAPPRA category, its importation is no longer authorized, meaning that we can wait for data necessary to complete a PRA to become available, if necessary, without endangering U.S. agricultural and environmental resources.

At this point, only APHIS prepares environmental documents for proposed importations under the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), and only APHIS conducts economic analyses of the potential costs and benefits of allowing the importation of a taxon. We may consider allowing petitioners to fund the preparation of environmental documents in the future.

One commenter, noting that the proposed rule stated that it has been a challenge for us to follow up on the available scientific evidence by initiating PRAs, questioned whether we would be able to adequately handle the tasks of data sheet and PRA preparation that are associated with the NAPPRA category.

We expect that we will be able to prepare data sheets in response to evidence that a plant taxon is a quarantine pest or a host of a quarantine pest much more quickly than PRAs, as data sheets do not require a comprehensive examination of the available information about a taxon. As discussed earlier, challenges remain in completing PRAs, although we strive to complete them as quickly as possible. However, implementing this final rule will allow us to address risk associated with the importation of plants for planting much more quickly than we were able to when we used a comprehensive PRAs as the basis for imposing restrictions on the importation of taxa of plants for planting.

Several commenters requested that we provide links to PRAs conducted on taxa that we have added to the NAPPRA category.

We will include those PRAs as part of the rulemaking docket on Regulations.gov (*http://www.regulations.gov*) when we conduct rulemaking based on the conclusions of the PRAs. In addition, interested parties can sign up for the PPQ Stakeholder Registry to receive e-mail notification when we make a PRA on a taxon listed in NAPPRA publicly available.

One commenter, a representative of a seed industry organization, stated that basing importations of plants and seeds for planting on PRAs and formal rulemaking procedures will likely result in lengthy timeframes for decisionmaking by APHIS unless proper procedures are established and adequate resources are devoted to implement the proposed rule. The commenter stated that the same problems and constraints currently being experienced by APHIS in authorizing the importation of fruits and vegetables could easily occur with plants for planting once this rule becomes effective. The commenter stated that the seed industry fears that the capacity for APHIS to conduct additional PRAs will not be adequate; disagreements over pest lists (in particular for the hosts of quarantine pests) will cause delays; and PRAs and needs for rulemaking may not receive fair consideration for proper priority in a system already severely clogged with backlogs and high-priority trade agendas.

The commenter recommended that APHIS address the resource issues and priority-setting processes that will be necessary for the effective administration of this rule. In addition, to avoid unnecessary formal notice-and-comment rulemaking, the commenter recommended that APHIS develop and implement a procedure for issuing permits rather than developing formal rules for taxa for which the risk can be managed using mitigations that have already been approved for similar purposes. This approach is now in use in the fruits and vegetables regulations for low-risk commodities in which risk can be appropriately reduced with measures that have already been approved for the same pest(s). Under this approach, if the PRA determines that approved risk mitigation measures will adequately reduce the risk, APHIS would publish a notice in the **Federal Register** that it will issue a permit rather than go through formal notice-and-comment rulemaking. The commenter stated that this approach would reduce the decisionmaking process from 1 to 2 years down to 6 months or less.

It should be noted again that the importation of most plants for planting will not be affected by the implementation of the NAPPRA category, which will only list specific taxa as quarantine pests or hosts of quarantine pests, based on scientific evidence.

As noted earlier, the timetable for completion of a PRA depends on many factors, some of which are outside APHIS' control. However, it is important to note that continuing to allow the entry of taxa that are quarantine pests or hosts of quarantine pests would expose the agricultural and environmental resources of the United States to continued risk while a PRA is developed. Adding such taxa to the NAPPRA category provides a more appropriate balance between managing risk and allowing trade.

We agree with the commenter's suggestion to develop a streamlined approach to mitigate the risk associated with taxa listed as NAPPRA and to authorize their importation. We plan to propose such an approach in the future. This is further discussed later in this document under the heading ''Risk-Mitigating Production Practices.'' However, such a streamlined approach will not necessarily affect the amount of time it takes to conduct a PRA, but rather the amount of time it takes to authorize importation of a taxon under certain conditions once a PRA has been completed.

One commenter stated that we should consider waiving the requirement to conduct a PRA if the agency has determined that clear scientific evidence exists to counter the earlier

evidence that supported listing the taxon, without proceeding through the full PRA process.

We would not remove a taxon from the NAPPRA category simply because some scientific evidence exists that indicates that the importation of a taxon may be safe. The NAPPRA category is designed to allow us to quickly address risk; the PRA process is designed to take into account all the evidence regarding the risk associated with the importation of a particular taxon. That said, if we receive information indicating that the evidence we used to place a taxon on the NAPPRA list was in error (for example, involving a taxonomic misidentification), we would remove the taxon from the NAPPRA list.

To accommodate such removals, we are adding to the proposed regulations in § 319.37–2a a new paragraph (e)(4). This paragraph indicates that APHIS may also remove a taxon from the NAPPRA list when APHIS determines that the evidence used to add the taxon to the list was erroneous. We are giving the example of a taxonomic misidentification to ensure that the nature of the error is clear to readers of the regulations—the error would need to be a clear error, and not simply a disputable data point in the original evidence.

One commenter stated that any rule regarding the prohibition or restriction of a species should not be considered ''final,'' and, as long as new information becomes available, there should be room to continue the process of refining any list. Another commenter stated that, because relevant information about a taxon that we add to the NAPPRA category may arise after the comment period on the initial **Federal Register** notice has closed, we should devise a mechanism to acquire and post comments in perpetuity.

We agree that the public should have a means to send us additional information about any taxon that we have added to the NAPPRA category. We will provide an e-mail address for submitting such information on the plants for planting Web site at *http://www.aphis.usda.gov/import_export/plants/plant_imports/Q37_nappra.shtml.* Any comments on the scientific information made available in the initial **Federal Register** notice would be helpful in preparing any subsequent PRA we may conduct. It is important to note, however, that unless the scientific evidence on which we based our determination was shown to be in error, we would need to conduct a PRA to remove a taxon from the NAPPRA category.

Importation of NAPPRA Taxa Under Departmental Permits

The regulations in paragraph (c) of § 319.37–2 provide that articles listed as prohibited articles in paragraphs (a) and (b) of § 319.37–2 may nevertheless be imported if they are imported under a permit for prohibited articles, referred to in the regulations as a Departmental permit. Such articles must be imported by the USDA for experimental or scientific purposes and imported at the Plant Germplasm Quarantine Center or at a plant inspection station and must be labeled with the permit number. The permit must specify conditions for importation that are adequate to prevent the introduction of plant pests into the United States. These provisions allow for the importation of small amounts of germplasm free of quarantine pests, because scientific and experimental research must be done on plants for planting in order to understand their biology and develop effective mitigation strategies for any risks their importation may pose.

To allow for the same research to be done on NAPPRA-listed plants for planting, we proposed to amend § 319.37–2(c) to indicate that it would also apply to articles whose importation is not authorized pending pest risk analysis, as listed in accordance with proposed § 319.37–2a.

One commenter stated that small quantities of germplasm of NAPPRA-listed taxa should be allowed for import with minimal pre-import restrictions, though post-entry restrictions, utilizing a limited quarantine period with demonstrated tests for major pathogens before release for breeding, trialing, or commercialization, would be practical. The commenter suggested that evaluation of NAPPRA-listed taxa be performed by the companies wishing to import novel materials. This process would be under the guidance of APHIS and would take place in an environment with a minimal chance of escape.

Another commenter stated that a permit system should also encompass taxon trialing for breeding and development, with the possibility of eventual commercialization subject to appropriate review, limitations, or safeguards. The commenter stated that this exception should apply to USDA, as proposed, as well as to other permittees specifically approved to import, for specific purposes, taxa on the NAPPRA lists.

This commenter also urged us to expedite review and finalization of its Departmental permit revisions, which the commenter stated will form an integral part of the overall implementation of the proposed NAPPRA category.

Although allowing such importation is outside the scope of this final rule, we do plan to publish a proposed rule that would revise the Departmental permit provisions. This proposal would give us the authority to allow private companies and individuals to import both prohibited taxa and taxa whose importation is not authorized pending pest risk analysis for analytical, experimental, therapeutic, or developmental purposes, if the results of growth and testing of the taxon in controlled conditions support doing so. We agree with the second commenter that this revision is important to the implementation of NAPPRA.

One commenter stated that, after testing of taxa that have already been imported into the United States, plants should be exempted at the species level, where appropriate, rather than at the cultivar level; once a species has been tested and found to pose little risk of being an invasive pest or harboring a quarantine pest, no further screening is needed. Taxa already safely imported in significant commercial quantities should be exempt from further screening. Botanical gardens, universities, and private companies are all capable of screening. Such screening should be modeled after post-entry quarantine conditions developed to intercept pests. Part of the restriction imposed could include a requirement to monitor for signs of invasiveness before wide-scale commercial introduction could occur.

We will only restrict importation through the NAPPRA category of taxa that are quarantine pests or hosts of quarantine pests; other taxa, including those that have already been imported into the United States, will continue to be subject only to the general importation restrictions for plants for planting. Thus, taxa that are safely imported in commercial quantities would not be added to the NAPPRA category, unless new scientific evidence indicated that they are quarantine pests or hosts of quarantine pests. Nevertheless, we will take the commenter's advice about research into account as we develop our revision of the Departmental permit regulations.

We are making one change related to importation under Departmental permit in this final rule. In § 319.37–2, paragraphs (a) and (b) specifically indicate that the taxa listed there may not be imported except in accordance with paragraph (c) of that section. To ensure that readers of the NAPPRA regulations are aware that importation under Departmental permit is an option

for NAPPRA taxa, we are changing the introductory text of proposed paragraph (a) of § 319.37–2a to indicate that importation of NAPPRA taxa is not authorized pending the completion of a PRA, except as provided in § 319.37–2(c).

Seed

Some commenters specifically addressed seed-related issues.

One commenter requested that we not impose all-encompassing restrictions on the importation of plants for planting, especially seeds. The commenter stated that seeds are essential for preservation of diversity within our agricultural systems, and that major companies benefit from further restrictions on seeds.

The NAPPRA category will only be used to prevent the importation of taxa of plants for planting that we determine to be quarantine pests or hosts of quarantine pests, based on scientific evidence. The importation of seed from taxa that are quarantine pests will not be authorized under NAPPRA, as such importation could introduce a quarantine pest. For taxa that are hosts of quarantine pests, the importation of seed will be permitted unless specifically restricted by APHIS based on scientific evidence that the associated pest can be introduced and established in the United States through the importation of seed. Even when a taxon is determined to be a host of a quarantine pest, its seed can often be imported safely, depending on the biology of the pest. As discussed earlier, preventing the importation of quarantine pests will help to prevent damage to U.S. agricultural and environmental resources.

One commenter, expecting that the largest impact of the NAPPRA category will be on seeds that are a potential pathway for introduction of plant pathogens, recommended that APHIS develop criteria to objectively assess the risk of seeds as a pathway for introduction of plant pathogens. The commenter stated that extreme care needs to be taken in regard to what hosts of seed-transmitted pathogens are placed on this list. Many plant pathogens, for example, have broad host ranges; a pathogen might transmit through its principal hosts but not through secondary hosts. The commenter stated that literature review must be thorough and research results must be verified and reported in additional papers in peer-reviewed journals to qualify to be listed as hosts.

The commenter also stated that there are also many reports in the scientific literature of seeds as vectors of certain pathogens, and pathogen spores found as contaminants on seed; however, very little analysis has occurred to assess the risk such seeds pose. Some reports of seed transmission have been based on laboratory experiments and not on actual field or environmental observations, or have documented seed transmission at very low levels without commenting on the resultant probabilities for inciting an infection in a new environment. Such reports, once in the literature, are very difficult to refute or put into proper context, and many NPPOs justify actions to prohibit or severely restrict imports of seed based on these faulty or incomplete scientific reports. The commenter concluded that careful analysis needs to be done on the pathogen in question, its relationship to the seed (is the seed a pathway), and under what conditions could there be enough viable inoculum associated with seed to pose a risk of disease expression and establishment.

The NAPPRA category is intended to allow us to respond in a timely manner to scientific evidence indicating that a taxon of plants for planting is (in this case) a host of a quarantine pest. We will use the best information we have available to determine whether the importation of seed from a taxon could result in the introduction and establishment of a quarantine pest pathogen.

The Background section of the proposed rule stated that we would not authorize the importation of certain seed based on evidence that the quarantine pest is seedborne. In this document, we are clarifying that evidence that the presence of a pathogen on or in seed would not necessarily cause us to determine that the importation of that seed should not be authorized pending pest risk analysis. Depending on the biology of a pathogen, contamination of seed may not be sufficient to introduce and establish the pathogen in the United States. For example, a pathogen may be present in seed from an infected plant, but plants grown from that seed may not be infected with the pathogen. We would need specific evidence that the importation of the seed is a viable pathway for the introduction and establishment of a quarantine pest in order to add seed from a taxon to the NAPPRA category.

If we become aware of such evidence, we will publish a notice announcing our determination that the importation of seed from the taxon could result in the introduction and establishment of a quarantine pest, and we will solicit public comment on that determination. Commenters will have the opportunity to offer additional information.

Requiring evidence that the importation of seed could result in the introduction of a quarantine pest to be verified and reported in additional papers in peer-reviewed journals would expose the United States to risk from such pests while this research is conducted. If we took the commenter's recommendation, we would not restrict the importation of seed from a taxon unless there was a peer-reviewed publication to confirm our evidence, even if the initial publication was in a peer-reviewed journal or an authoritative reference and even if no additional evidence was available for years or decades afterward, which is not rare in research on plants for planting.

We stated in the proposed rule that reports of the host status of a taxon of plants for planting that are based on the taxon's role as a laboratory or experimental host may be discounted if we determine that they are not relevant to the actual conditions under which the taxon would be grown and imported. Laboratory results alone may thus be discounted. However, if we did have evidence of environmental transmission of a pathogen, or laboratory results that are relevant to the conditions under which the taxon would be grown or imported, we would add the taxon to NAPPRA to address the risk of importing a quarantine pest. When a PRA is done to comprehensively assess the risk posed by the importation of seed from the taxon, it will take into account all available evidence.

We disagree with the commenter's prediction that the largest impact of the NAPPRA category is likely to be on the importation of seed. The importation of seed from most taxa listed as hosts of quarantine pests will continue to be allowed—for example, seed from hosts of insect quarantine pests.

One commenter stated that some hand-pollinated commercial F1 hybrid vegetable seed production is located in certain parts of the world where quarantine pathogens may be present. (''F1'' refers to the seed (and subsequent plant) produced by fertilizing one taxon with pollen from another taxon, the offspring of which produce a new, uniform seed variety with specific characteristics from both parents.) The commenter stated that, unless supported by careful risk analysis, seed of some species could be improperly listed, which would result in potentially severe economic impacts.

We are establishing the NAPPRA category to prevent the importation of plants for planting that could introduce

quarantine pests. Accordingly, we will add to the NAPPRA list seeds that are hosts of a seed-transmitted pathogen and that are from an area where the pathogen is located. Depending on the mechanism of transmission for the quarantine pathogen, standard production practices might not mitigate the risk of transmission in hand-pollinated commercial F1 hybrid vegetable seed. We would take into account local production practices when preparing a PRA to determine the conditions under which such seed could be imported.

As mentioned earlier, paragraph (d) of § 319.37–4 authorizes the importation of small lots of seed without a phytosanitary certificate provided that the shipment meets certain conditions. Three commenters stated that the importation of seed in small lots under § 319.37–4(d) should continue to be authorized even for taxa listed as NAPPRA, and that the activities of seed societies should not be further regulated.

Both commenters stated that specialist gardening societies and other plant collectors who use the small lots of seed program can provide information to APHIS about the potential invasiveness of newly imported plants and plants that are already in the United States, given their knowledge of plants and cultivation and their hands-on experience in and equipment for cultivating rare and unusual plants.

One of the commenters stated that exempting seed from NAPPRA restrictions would protect plant societies from financial harm and would help ensure the cooperation of plant collectors, which would make the United States more safe from invasive pests. This commenter stated that, for members of plant societies, much of the enjoyment comes from growing something unusual and challenging. One of the main incentives for paying to join a plant society is to participate in rare seed exchanges among members, many of whom are located outside the United States. The most unusual, difficult-to-grow plants are by definition things that are not already established in the United States, either because they have not been seen before or because they are difficult to maintain in cultivation. Without those seed exchanges, the commenter stated, many of the societies would lose membership and could easily become financially unviable (most of them barely break even as it is). The commenter expressed concern that careless application of new plant import regulations could cripple the plant societies by interfering in the seed exchanges that help to fund them.

Both of these commenters stated that small quantities of seed are much less likely to carry diseases or pests than live plants, and the private collectors who use the small lots of seed program generally grow their plants in conditions that minimize the chance of them escaping into the wild. They are also very aggressive about eliminating plants that show signs of disease, because they do not want trouble spreading to the rest of their collections.

We appreciate the commenters' suggestions. We acknowledge that seed societies practice responsible cultivation of unfamiliar taxa, and we value their efforts to gain additional information about those taxa. However, it is important to note that only seed that is subject to the general requirements in the plants for planting regulations, with no additional restrictions, is currently eligible for importation under the small lots of seed program in § 319.37–4(d). Seed may be imported under the small lots of seed program only if it is not of any prohibited genera listed in § 319.37–2; is not of any noxious weed species listed in part 360; does not require an additional declaration on a phytosanitary certificate in accordance with § 319.37–5; does not require treatment in accordance with § 319.37–6; is not restricted under the regulations in 7 CFR parts 330 and 340; and meets the requirements of 7 CFR part 361. Because seed whose importation is not authorized pending pest risk analysis would be restricted due to the risk of introduction of a quarantine pest via the seed, we need to include seed whose importation is restricted under the NAPPRA category in this list as well. Even a small number of seeds could introduce a quarantine pest into the United States, and depending on the biology of the quarantine pest it could spread quickly once introduced. (The importation of seed from taxa that are quarantine pests also would not be authorized, though we believe that responsible plant societies would not be interested in importing such seed.)

It is important to remember that seed of most taxa will continue to be allowed to be imported after the implementation of the NAPPRA category. (For example, taxa of plants for planting that are difficult to maintain in cultivation, and thus prized by members of plant societies, would not likely be added to the NAPPRA category unless their importation could result in the introduction and establishment of a quarantine pest.) The importation of seed will be restricted under NAPPRA only if scientific evidence leads us to determine that the taxon is itself a quarantine pest or that its seed is a host of a quarantine pest. As noted earlier, seed from most hosts of quarantine pests will not be restricted under NAPPRA. The importation of most taxa will continue to be allowed subject to general restrictions, and the importation of small quantities of most seed taxa will continue to be allowed under the small lots of seed program.

We agree that it is important to be careful in implementing the NAPPRA category. We also agree that plant collectors and other such enthusiasts are valuable sources of information on the behavior of imported plants for planting, and we hope that they will provide us with any information they have about taxa on which we solicit comments.

One of these commenters stated that, if APHIS is concerned about leakage from the small lots of seed program into the general nursery trade, it could put restrictions on the types of commercial use allowed for seeds imported through that program.

The use of such seed is not the concern; the risk of introducing a quarantine pest is the concern, which needs to be addressed by ensuring that the importation of seed from a taxon that is a quarantine pest or whose seed can introduce and establish a quarantine pest is not authorized.

These commenters also emphasized the fact that plant societies have information that is useful for our regulatory efforts. One commenter stated that, given that private plant collectors are the people most likely to notice potential invasiveness from a newly imported species, or one that has been in cultivation in the United States for some time, the Government can, and should, partner with them as an early warning system for assessing the potential invasiveness of both newly imported plants and those that are already in the United States. The commenter also suggested that APHIS create a Web site for collecting invasiveness reports from private gardeners and plant societies. APHIS could then use this information to prioritize its plant risk evaluations.

We agree that plant societies can be valuable partners in gathering data on risks associated with plants for planting. We will discuss with any interested plant societies the best way to share information about the potential damage caused by plants for planting. We are open to creating a Web site but want to ensure that any collaboration mechanism we develop will be as

effective as possible for the greatest number of interested parties.

If we finalize our forthcoming proposed rule that would revise our Departmental permit regulations to allow nongovernmental entities to import NAPPRA taxa under permit, we will be able to work with plant societies interested in importing NAPPRA taxa to study these taxa and gain more information about their risk. We look forward to working closely with plant societies to gather information about and address the risk associated with the importation of plants for planting.

Expanding the Scope of Plants for Planting Regulated in the Nursery Stock Subpart

The definition of *regulated plant* in § 319.37–1 reads: ''Any gymnosperm, angiosperm, fern, or fern ally. Gymnosperms include cycads, conifers, and gingko. Angiosperms include any flowering plant. Fern allies include club mosses, horsetails, whisk ferns, spike mosses, and quillworts.'' Based on comments we received at a May 2005 meeting, we proposed to amend the definition of *regulated plant* to include nonvascular green plants, such as mosses and green algae. The proposed definition read: ''A vascular or nonvascular plant. Vascular plants include gymnosperms, angiosperms, ferns, and fern allies. Gymnosperms include cycads, conifers, and gingko. Angiosperms include any flowering plant. Fern allies include club mosses, horsetails, whisk ferns, spike mosses, and quillworts. Nonvascular plants include mosses, liverworts, hornworts, and green algae.''

Several commenters stated that all macroalgae and colonial microalgae, rather than just green algae, should be included under the definition of *regulated plant.* These commenters stated that red (Rhodophyta) and brown algae (Phaeophyceae; kelps, *Fucus* spp., etc.) need the same level of evaluation as green algae, as evidenced by the recent spread and discovery of the brown alga wakame, *Undaria pinnatifida,* in San Francisco Bay, as well as the continuing spread and damage caused by the colonial microalga *Didymosphenia geminatoa* (Didymo or ''rock snot'').

In most classification systems red and brown algae, other macroalgae, and colonial microalgae are not included in the plant kingdom. Therefore, at this time, we do not believe it would be appropriate to add them to the definition of *regulated plant.*

Relationship of the Current Regulations to the NAPPRA Category

Taxa of plants for planting whose importation is prohibited are listed in the regulations in § 319.37–2. Specific restrictions on the importation of various taxa of plants for planting are found elsewhere in the regulations, mostly in §§ 319.37–5, 319.37–6, 319.37–7, and 319.37–8. We proposed to establish the process for adding taxa of plants for planting to the NAPPRA lists in a new § 319.37–2a.

A few commenters asked about the relationship between the list of prohibited taxa in § 319.37–2 and the proposed lists of taxa whose importation is not authorized pending pest risk analysis (i.e., the NAPPRA lists). One asked us to clarify that the NAPPRA lists are not replacing the lists of prohibited and restricted taxa. This commenter also suggested that we move any taxa that are prohibited but for which a PRA has not been conducted to the NAPPRA list. Another commenter asked whether the prohibited taxa will automatically be placed on the NAPPRA lists and whether the prohibited taxa would then remain on NAPPRA until a PRA has been conducted. A third commenter asked whether an importer could request a taxon to be moved from the list of prohibited taxa to the NAPPRA list, saying that doing so would give importers a means to comment on the designation of a taxon as prohibited.

The NAPPRA lists are not replacing the list of prohibited taxa, or the separate lists of taxa for which there are specific requirements for importation. While the NAPPRA lists exist to prevent the importation of taxa of plants for planting that pose a risk but for which a PRA has not been conducted, the risks associated with all the prohibited taxa in § 319.37–2 were analyzed when the taxa were added to the list. We may decide to reevaluate some of these taxa in light of current scientific evidence; in order to remove any taxon from the list of prohibited taxa, we would need to conduct a PRA and subsequent rulemaking.

In response to the third commenter's concern, we have in the past conducted PRAs for taxa that are listed on the prohibited list based on public requests, and we will continue to do so. Members of the public are free to contact us and request a PRA for any taxon on the prohibited list. Requests must be made in accordance with § 319.5.

Prohibited taxa will not automatically be added to the NAPPRA lists. However, we may decide to list some taxa as both prohibited and NAPPRA to make it easier for readers to determine whether the taxa can be imported. For example, the importation of *Cedrus* spp. from Europe is prohibited because Douglas fir canker and seedling disease, both quarantine pathogens, are present in Europe, and *Cedrus* spp. is a host of those pathogens. If we receive evidence that one of those pathogens has spread to Asia, we would add *Cedrus* spp. to the NAPPRA list for Asia and for other countries not exporting *Cedrus* spp. to the United States, because there is a risk that the pathogen could spread to those countries before they decide in the future to export *Cedrus* spp. However, if someone reading the NAPPRA list on the plants for planting Web site saw that the importation of *Cedrus* spp. from Asia was not authorized pending pest risk analysis, that person might not think to check the list of prohibited articles in § 319.37–2 in order to determine that the importation of *Cedrus* spp. is prohibited from Europe, and thus might apply for an import permit for *Cedrus* spp. grown in Denmark. For ease of reading, we would add *Cedrus* spp. from Europe to the NAPPRA list as well. In general, taxa that are listed as prohibited taxa from certain countries would also be listed as NAPPRA from those countries when their importation from new countries is not authorized under NAPPRA.

We are planning a proposed rule to completely reorganize the plants for planting regulations. As currently planned, one goal of this proposal would be to make it much easier to determine at a glance what restrictions and prohibitions apply to the importation of a taxon.

We stated in the economic analysis accompanying the proposed rule that, under the new NAPPRA program, we would prohibit the importation of a plant taxon that has been scientifically shown to be a quarantine pest or a host of a quarantine pest prior to its importation.

One commenter stated that if a taxon has already been scientifically shown to be a pest or host of a pest, it should already have been assessed and appropriate action should be taken. The commenter stated that the NAPPRA program does nothing new and does not ''increase protection'' at all—it only increases bureaucratic workload, as the USDA already has the power (as well as emergency powers) to restrict the entry of organisms that are known to be pests. The commenter stated that the NAPPRA category was thus duplicative of existing powers and regulations, going against the instruction in Executive Order 12866 to avoid duplicative regulations.

The commenter is correct that, in situations that we judge to pose an emergency, we can take action immediately to stop the importation into the United States of a taxon whose importation poses a risk of introducing a quarantine pest. However, in the past, we have relied on the comprehensive PRA and rulemaking processes for reviewing the scientific literature and inviting the public to comment on restrictions we are contemplating for specific taxa of plants for planting. The NAPPRA category allows us to be transparent and engage the public by publishing notices, making available the scientific justification for our decisions, and requesting comments, while avoiding the burden of conducting a comprehensive PRA and completing rulemaking before putting restrictions in place, which previously had been our common practice. The NAPPRA category thus does not duplicate current efforts but provides us with a way to more efficiently utilize our limited resources, to employ transparent processes in reaching and communicating our decisions, and to allow for public participation in the process.

We proposed to use the NAPPRA process to list as not authorized for importation both taxa of plants for planting that are quarantine pest plants (*i.e.,* noxious weeds) and taxa that are hosts of quarantine pests.

Four commenters asked about the relationship of the NAPPRA list of taxa of plants for planting that are quarantine pest plants and the list of noxious weeds. One recommended that we add plants for planting that are not approved for importation to the noxious weed list.

We appreciate the opportunity to clarify our plans with regard to taxa of plants for planting listed in the NAPPRA category as quarantine pests. If we conduct a WRA for a taxon listed in NAPPRA as a quarantine pest, and the WRA concludes that the importation or interstate movement of a taxon of plants for planting should only be allowed under a permit specifying controlled conditions intended to prevent its escape, we would propose to add the taxon to the list of noxious weeds in 7 CFR part 360. If the WRA does not conclude that the taxon should be added to the noxious weed list, we would also conduct a PRA for the taxon; if the PRA indicates that the importation of the taxon should be prohibited or only allowed subject to specific restrictions because the taxon is a host for a quarantine pest or pests, we would amend the plants for planting regulations accordingly. We would not add taxa of plants for planting on the NAPPRA lists to the noxious weed list unless the results of our WRA supported a decision to do so.

One commenter asked how APHIS would ensure that taxa listed in NAPPRA as quarantine pests are not imported as pure lots of seed or as contaminants of seed lots.

With respect to pure lots of seed, such importation will not be authorized under the final rule. We will add the NAPPRA list of quarantine pest plants and hosts of quarantine pests, including regulated plant parts, to the Plants for Planting Manual (previously known as the Nursery Stock Manual) for the benefit of our port inspectors and the public.

With regard to contaminants of other seed lots, it could be operationally difficult to exclude such contamination until we provide adequate identification criteria to our inspectors. Seeds of taxa listed in NAPPRA as quarantine pest plants may be difficult to distinguish from seed of taxa that are not subject to any specific importation restrictions, meaning that it would be difficult to determine which contaminated lots of seed could nevertheless be imported and which would need to be destroyed or reexported. As noted earlier, this final rule is part of an ongoing, broader effort to revise the plants for planting regulations and other procedures to better address the risks associated with plants for planting. After we have implemented the final rule, we will continue to examine the potential pathway for importation of nonauthorized taxa represented by contamination of seed lots and determine the best way to mitigate the risk associated with it.

Economic Issues

One commenter stated that the costs of implementation of the proposed rule must be reasonable, since they are most likely going to be transferred to the retail sector and ultimately the consumer.

There are no direct costs associated with the implementation of the rule. Initially, we will use current resources to inspect shipments of taxa to determine whether any NAPPRA-listed plant for planting are present and to conduct PRAs and WRAs. Listing taxa as NAPPRA would, in the worst case, only cause retailers to be unable to earn revenues associated with risky plants that they will not be able to import. However, this impact will likely be minuscule as the plants propagated and grown in the United States will remain available. There is some burden associated with requesting removal of a taxon from the NAPPRA list. However, as it is optional to request removal of a taxon from the NAPPRA category, we do not anticipate that a retailer or other importer would make such a request unless the benefits outweighed the costs, given that most taxa in the world would be allowed to be imported subject to the general restrictions in the plants for planting regulations.

One commenter stated that, in discussions of the costs of invasive species, costs and risks are generally inflated, and unnecessary controls are instituted on the basis of these inflated risks and costs. The commenter also stated that most ''invasive species'' are not economically harmful or environmentally harmful, meaning that control costs are unnecessary.

Using the NAPPRA category will not involve us making a determination that a taxon of plants for planting is invasive, but rather that it is a quarantine pest or a host of a quarantine pest. As the definition of *quarantine pest* requires that the pest be of potential economic importance, part of what we will consider in making the determination that a taxon is a quarantine pest or a host of a quarantine pest will be the specific damage the taxon, or the quarantine pest for which it is a host, causes to U.S. agricultural and environmental resources. In the absence of such damage, a taxon would not be designated as a quarantine pest. We believe this addresses the commenter's concern.

In the Background section of the proposed rule, we stated that the increased diversity and volume of plants currently being imported was what led us to determine that the current regulations need to be enhanced to provide a level of phytosanitary protection commensurate with the risks posed by the importation of plants for planting.

One commenter stated that, if in fact there is an increased diversity and volume of plants currently being imported, this is a clear indication of the will of the American people, and that the people have determined by their actions that our nation's economic interests and environmental well-being are served by increased imports. The commenter stated that the American people would not import plants if this were not in their best interest to do so.

Importing a taxon of plants for planting that is a quarantine pest or that is a host of a quarantine pest may provide revenues to the importer and a desired ornamental plant for the consumer (for example), but the plant may also end up causing widespread damage to U.S. agricultural or environmental resources, or the plant

may be infested with a pest that causes such damage. As individual importers and consumers may not be aware of the risks associated with the importation of such plants for planting, and often do not bear the cost and burden of remedying the resulting negative impacts to the community as a whole, we regulate the importation of plants for planting to help avert such damage and its associated costs.

One commenter stated that the economic analysis prepared for the proposed rule considered the costs associated with the introduction of quarantine pests but not the potential economic benefits from importing new species. The commenter stated that many multimillion-dollar crops such as amaranth, milk thistle (*Silybum marianum*), and St. John's wort were formerly considered weeds, meaning their importation would not have been authorized under NAPPRA. The commenter stated that many countries now forbid the export of living organisms because they recognize the economic value of such species and claim sovereignty over their biodiversity. The commenter recommended that we consider potential benefits as well as potential costs associated with species added to the NAPPRA lists.

We appreciate the commenter's suggestion. As we are not adding any specific taxa to the NAPPRA lists in this final rule, any discussion of the economic benefits associated with importing taxa that we add to the NAPPRA in the future would be speculative. On the other hand, the examples of damage caused by the introduction of pests into the United States via the importation of plants for planting can be easily quantified, which is why we included that discussion.

If we receive a request to remove a taxon of plants for planting from the NAPPRA list, we would conduct a PRA to more fully examine the risks associated with the importation of the taxon. If the PRA indicates that the importation of the taxon should be prohibited or allowed subject to restrictions, we will initiate rulemaking to amend the regulations accordingly. We will include with the proposed rule an economic analysis that takes into account both the potential benefits associated with the importation of the taxon and the costs of control actions that may become necessary if it is imported. (If the PRA indicates that the taxon can be safely imported subject to the general restrictions in the plants for planting regulations, we will publish a notice indicating that we have determined that the taxon can be removed from the NAPPRA list and making the PRA available for comment.)

As discussed earlier, the fact that a plant taxon is called a weed would not be enough of a reason to add it to the NAPPRA list. We would need evidence of its economic importance, based on the damage it causes. It would also need to be either not present in the United States or present but not widely distributed and under official control. Amaranth is a common food crop in Latin America and has been grown in the United States for decades without record of causing economically important damage. Milk thistle is listed as a noxious weed by three States, so we would likely have considered restricting its importation had the NAPPRA category been in place when milk thistle was first imported. St. John's wort is native to the United States and so would not have been eligible for consideration as a quarantine pest. Of the three plant taxa the commenter cites, then, only one would have actually been considered for listing in NAPPRA, consistent with the fact that the importation of most taxa will continue to be allowed when we implement the NAPPRA category.

In discussing the expected benefits of implementing the proposed NAPPRA category, the economic analysis accompanying the proposed rule discussed the costs associated with control of invasive species in the United States. One publication cited in this discussion was Pimentel *et al.* (2000),[16] which estimates that nonindigenous plant pathogens cause $21 billion in U.S. crop losses each year and that growers spend approximately $500 million annually on fungicides to combat these pathogens.

One commenter stated that Pimentel *et al.* (2000) has been shown to be pseudoscientific and an example of serious misrepresentation, as many of the costs are grossly overinflated and have no actual economic basis whatsoever. The commenter cited as an example the methodology that Pimentel *et al.* (2000) used to determine economic losses associated with cats. While, as the commenter noted, cats are not plants, the commenter stated that it is important to note this as an example of the poor quality of Pimentel *et al.*'s data and reasoning.

We have found no evidence from reliable sources that would suggest that Pimentel *et al.* (2000), as well as the subsequent updated publication Pimentel *et al.* (2005),[17] has been shown to be ''pseudoscientific'' or ''an example of a serious misrepresentation'' of the costs. The updated Pimentel *et al.* (2005) study has been cited in more than 500 scientific journal articles and research reports. Pimentel *et al.* (2000) and (2005) are comprehensive studies of the annual costs associated with the presence of invasive species in the United States. The costs are compiled from more than 140 various studies, publications, journal articles, and agency reports. The costs associated with invasive species, as reported in Pimentel *et al.* (2000) and (2005), include plants, mammals, fish, birds, reptiles, arthropods, mollusks, weeds, and plant pathogens, to name a few. Pimentel *et al.* (2005) estimated the cost of environmental damages associated with invasive alien pests into the United States at $120 billion annually; however, only the costs associated with invasive plant pests were considered pertinent to the NAPPRA proposal. An Ecological Society of America report (Lodge *et al.* (2006) [18]) finds that the Pimentel *et al.* (2005) may actually underestimate the net costs of invasive species to society by examining ''only a small subset of harmful species,'' and contends that the net costs are actually much higher than they appear in Pimentel *et al.* (2005).

The commenter provided no comments specific to the Pimentel *et al.* (2000) estimate of the damage associated with invasive species. APHIS finds no basis for the assertion that Pimentel *et al.* (2000) displays poor quality in its data and reasoning.

One commenter specifically addressed the estimate Pimentel *et al.* (2000) provide for damage from invasive species. Pimentel *et al.* (2000) state that weeds (both native and non-native) cause an overall crop reduction of 12 percent per year out of the more than $267 billion potential value of all U.S. crops, which leads to a $32 billion figure. Following this, Pimentel *et al.* (2000) asserts, based on the results of a single survey, that 73 percent of weeds in crop fields are nonindigenous, yielding an estimate of $23.4 billion lost to non-native weeds. (Another

[16] Pimentel, D., Lach, L., Zuniga, R., and Morrison, D. 2000. Environmental and economic costs of nonindigenous species in the United States. BioScience 50:53–65.

[17] Pimentel, D., Zuniga, R., and Morrison, D. 2005. Update on the environmental and economic costs associated with non-indigenous species in the United States. Ecological Economics 52:273–288. The economic analysis accompanying this final rule uses the updated estimates of damage from invasive species in Pimentel *et al.* (2005).

[18] Lodge, D. M., Williams, S., MacIsaac, H. J., Hayes, K. R., Leung, B., Reichard, S., Mack, R. N., Moyle, P. B., Smith, M., Andow, D. A., Carlton, J. T., McMichael, A. 2006. Biological invasions: Recommendations for U.S. policy and management. Ecological Applications 16:2035–2054.

commenter stated that costs of crop reductions from pests include native pests, and so overstate the impact from introduced pests; the first commenter's summary of Pimentel *et al.* (2000) is correct.)

The commenter stated that, in the interest of good science, more representative of reality, a number of statistical surveys should be done multiple times within the year, in many different regions of the country, on different crops, and in different years. Data collection of this nature would better elucidate the actual influence of both native and non-native weeds by including: Different weed life cycles which influence crop growth at different times, different climates and conditions in the United States, certain crops which may naturally compete with weeds better than others, and the distribution of weeds under different climatic conditions.

We agree with the commenter that it would be preferable to have more data available regarding the cost of the damage associated with non-native weeds in general. However, Pimentel *et al.* (2000) and the updated Pimentel *et al.* (2005) nevertheless provide a general estimate of the scope of the problem. As discussed earlier, this final rules does not impose broad restrictions or prohibitions on the importation of taxa of plants for planting, but rather allows us to impose restrictions on specific taxa based on scientific evidence that they can damage U.S. agricultural and environmental resources. The Pimentel *et al.* (2000) estimate indicates the magnitude of the costs incurred due to damage from plant species, even though it may not be an exact figure.

The commenter went on to note that Pimentel *et al.* (2000) then add $3 billion spent on weed controls to the earlier estimate of $23.4 billion in lost crop yields, for a total of $26.4 billion. However, the commenter stated, the study does not take into account the costs that native weeds inflict by replacing non-native weeds; thus still contributing to crop losses and requiring associated control methods. To their credit, Pimentel *et al.* (2000) acknowledge the fact that native weeds would replace non-native varieties. On the other hand, Pimentel *et al.* (2000) state that any potential overestimation of the impact of non-native weeds would be canceled out by other potential losses such as environmental and public health damages resulting from herbicide and pesticide application. The environmental and public health damages due to herbicide and pesticide application are certainly valid concerns. Nevertheless, the commenter stated, it is not logical to imply that the risks of pesticides and herbicides would be much less or not exist if native weeds only were found within crop fields. Crop fields with only native weeds present would still require the application of herbicide and pesticides to control non-crop plants and other pests. Thus, the $26.4 billion figure reported by Pimentel *et al.* (2000) attributed to non-native weeds may still be incurred anyway, even if native weeds only were found in crop fields. The commenter added that this point was made in the study by Costello and McAusland (2003),[19] who criticized Pimentel *et al.* (2000) for overestimating the true marginal cost of the noninvasive species surveyed.

Costello and McAusland (2003) indeed contend that the estimates found in Pimentel *et al.* (2000) tend to overstate the marginal costs of non-native species with respect to agricultural activity, in that costs of the spread of native species are not deducted from the estimated monetary costs associated with biological invasions in the United States. However, Costello and McAusland (2003) also argue that the estimates found in Pimentel *et al.* (2000), as well as the estimates from the U.S. Congress' Office of Technology Assessment on which much of Pimentel *et al.* (2000)'s analysis is based, may be viewed as underestimates, as they ''tend to overlook damage to nonmonetized assets such as functioning ecosystems; these estimates may be viewed as lower bounds on the total costs associated with invasives.'' Costello and McAusland (2003) argue that the practice of determining measures based solely on agricultural damage can produce ''misleading indicators of how restrictions to trade affect total losses arising from exotic species introductions.'' In their view, treating damages arising in agriculture as a proxy for overall costs related to invasive species may also mislead us with regard to not only the magnitude of these costs but other qualitative effects that trade policy has on the problem of invasive species. As discussed earlier, preventing damage to U.S. environmental resources is a goal of the NAPPRA category, along with preventing damage to U.S. agricultural resources. In this context, Costello and McAusland (2003) indicate that Pimentel *et al.* (2000) underestimate the total costs associated with invasive species.

The economic analysis also cited the National Plant Board's 1999 estimate of the cost of damage caused by invasive plant pests, which was $41 billion annually in lost production and in prevention and control expenses. The two commenters who addressed Pimentel *et al.* (2000) did not provide any comments with respect to this other estimate. It remains clear to us that the invasive plant pests cause large-scale damage to U.S. agricultural and environmental resources, meaning the actions taken to prevent the introduction of quarantine pests via the importation of individual taxa of plants for planting into the United States will provide substantial economic benefits.

Other Measures To Address the Risk of Importing Plants for Planting

Commenters also suggested several measures to address the risk associated with imported plants for planting that are beyond the scope of the proposed rule. We will consider these comments as we continue our ongoing revision of the plants for planting regulations. The measures suggested by commenters are discussed below.

Mandatory Treatment

Four commenters recommended that we require treatment of plants upon arrival. Two of these commenters stated that mandatory disinfection should be considered. One stated that the invasiveness of plant pests and pathogens is a problem that could be handled by the application of a general fungicide or insecticide upon entry or from the deliverer. Another recommended treatment of high-risk horticultural plants or plant products.

Another commenter recommended that we consider requiring all imported plants to undergo a disinfestation treatment regardless of whether pests have been detected in the shipment, but added that research into effective and environmentally safe treatments is greatly needed.

When the plants for planting regulations were established, we required fumigation with methyl bromide for all shipments of imported plants. While this addressed the risk associated with insect pests that infested plants for planting, it had no effect on pathogens that infected plants for planting; no disinfectant treatment for plants for planting is available. Treatment does not address plants that are quarantine pests, either, since any plant that survived the treatment would still be a quarantine pest.

[19] Costello, C. and McAusland, C. 2003. Protectionism, trade, and measures of damage from exotic species introductions. Am. J. Agricult. Econ. 85:964–975.

In part due to the fact that plants for planting are now imported in large quantities for immediate sale to U.S. consumers, imported plants for planting are no longer routinely fumigated with methyl bromide or otherwise treated as a condition of entry; the adverse effects of fumigating plants for planting with methyl bromide are quite severe, which means that importing plants for planting for immediate sale to U.S. consumers would be impractical if fumigation were required.

We will not resume routine fumigation with methyl bromide. Under the Montreal Protocol and Subchapter VI of the Clean Air Act (42 U.S.C. 7671–7671p), the United States is obligated to minimize its use of substances such as methyl bromide that deplete stratospheric ozone. In addition, Article 2 of the WTO SPS Agreement requires that any restrictions APHIS imposes on the importation of plants for planting to be based on scientific principles and not maintained without sufficient scientific evidence; as mentioned previously, routine fumigation was conducted regardless of whether there was evidence that the plants for planting offered for importation could serve as a pathway for the introduction of a quarantine pest.

We would consider imposing a routine disinfestation requirement in the future if a treatment becomes available that is effective and does not have the potential for significant impacts on the human environment, and if we determine that such a requirement is necessary to achieve a more appropriate level of protection against the risk posed by the importation of plants for planting.

Inspections

We received several comments on the inspection of imported plants for planting at ports of entry before they are allowed to enter the United States.

Two commenters expressed support for additional staffing of inspection stations and plant pathology laboratories that, in their view, would be required to implement the proposed rule.

Implementing the proposed rule will not require increased resources for inspection; it will simply require current inspectors to be able to identify the taxa that we list as NAPPRA and ensure that they are not imported into the United States. We will communicate changes in the list of NAPPRA taxa in the same manner we currently communicate changes in the restrictions or prohibitions that are in the regulations governing the importation of plants for planting, by developing identification aids and updating our manuals.

Two commenters stated generally that increasing the intensity of inspections should be considered; one added that plant inspection stations should be upgraded.

A third commenter opposed the proposed rule and stated that, instead of implementing it, we should implement several measures to increase the intensity and effectiveness of inspection. The commenter stated that there simply must be more actual inspections of imported plants and plant products, which is the best way to stop imported pests is at the port of entry. The commenter stated that inspectors must be trained in plant identification, entomology, plant pathology, and nematology.

The commenter stated that an inspection must consist of more than just checking paperwork. The commenter stated that, in the USDA export certification manual, nursery stock for export is to be inspected at a 100-percent rate if practical; the commenter stated that 100 percent of imported nursery stock should also be inspected upon arrival, not just a small percentage as is being presently done by USDA. For example, the commenter stated, Costello and McAusland (2003) referred to a joint report from APHIS and the U.S. Forest Service that states: ''Containerized cargo is usually packed tightly in the trailer and often stacked to the roof, preventing inspection of all but a small percentage of the shipment visible at the tailgate (i.e. open doors).'' The commenter stated that incomplete inspections, at ports of entry, open the United States to risks which could otherwise be curtailed. The commenter stated that if a complete inspection cannot be done at the port, a complete inspection of all imported plants should be done as they are unloaded at their final destination (and not just the small portion visible at a tailgate). This, the commenter stated, will not only screen for quarantine pests but will also catch illegal taxa.

The commenter also suggested performing laboratory tests on high-risk plants, requiring post-entry quarantines to be conducted in covered greenhouses, and performing followup checks on imported plants not in post-entry quarantine.

We appreciate the commenters' suggestions. However, several factors limit our ability to increase the intensity of our inspections. Limited resources play a role, as the importation of plants for planting continues to increase while our resources for inspecting imported plants for planting are expected to remain steady or decrease in the coming years. In addition, as discussed in the foundation document that accompanied the proposed rule, inspection is approaching, or may have reached, the limits of its operational efficacy due to the increased volume and diversity of importations. If more resources become available for inspection of imported plants for planting, we will certainly consider means by which we can make inspections more intense and effective. The NAPPRA category will allow us to direct inspectors' attention to taxa of plants for planting that are quarantine pests or hosts of quarantine pests and thus maximize the effectiveness of the current inspection process.

Several factors make the third commenter's suggestions impractical. Inspecting 100 percent of imported nursery stock would delay release of perishable commodities, especially if resources to conduct inspections were not increased, thus potentially making many shipments of imported plants for planting worthless. In addition, past a certain point, inspecting additional plants does little to increase the probability of detecting a pest; to maximize the effectiveness of our limited resources, we inspect according to statistical plans that are designed to find pests at low levels of infestation with a high level of confidence. If a quarantine pest that can be detected through inspection is present in a shipment of plants for planting, it is likely to have infested plants in the shipment at a high rate, meaning that these inspections are highly likely to find any available visual evidence of infestation by quarantine pests.

These statistical plans demand that the sampling we take is truly random, meaning that we inspect plants from all areas in a container or box, not just those at the top or on the sides. The quote the commenter cited from Costello and McAusland (2003) was drawn in turn from a PRA that discussed the importation of solid wood packing material (SWPM). That PRA is specific to challenges in inspecting SWPM, and in this context discusses the challenge of removing or devanning cargo in order to facilitate inspection of SWPM. This challenge does not apply to inspection of plants for planting. Inspectors select random samples of plants for planting from all areas within containerized shipments of plants for planting in order to ensure that our inspections are effective. Removing individual plants from various areas within a container is easier than removing the SWPM, since the SWPM typically fills the container and

provides a structure for the contents of the container.

As the commenter noted, the nursery stock export manual states that the inspection level should be as close to 100 percent as practical; in practice, with plants for planting shipments containing thousands of articles, 100 percent inspection is rarely practical for either import or export of plants for planting. The nursery stock export manual also provides a minimum level of sampling and statistical plans for conducting sampling of fewer than 100 percent of the articles in a shipment of plants for planting, consistent with the inspections we conduct for imported plants for planting.

Laboratory tests, requirements for post-entry quarantine in covered greenhouses, and followup checks on imported plants not in post-entry quarantine, if implemented as general restrictions as the commenter suggests, would vastly increase the difficulties and potentially the cost associated with the importation of plants for planting. Requiring laboratory tests of high-risk plants would further delay the importation of perishable commodities. In addition, without having identified quarantine pathogens that might be associated with the plants, it would be impossible to test for them. For most taxa, there is no easy-to-administer test or suite of tests that encompasses all major known pathogens, and even such a test or suite of tests would miss emerging pathogens for which reliable, cost-effective diagnostic methods have not yet been developed but that have been observed on plants for planting.

Our inspectors are well-trained in plant identification, entomology, plant pathology, and nematology. In addition, if they find any plant pests that are beyond their expertise, they have additional resources to call upon in order to make a final determination regarding whether to allow a shipment of plants for planting to enter the United States. If our inspectors find a pest in a shipment, we will hold the shipment back from entering U.S. commerce until and unless we can verify that the damage or symptoms are not caused by a quarantine pest.

Moreover, the increased inspections the commenter recommends would not address all the problems that will be addressed by implementation of the NAPPRA category. As discussed in the proposed rule, inspection as a sole mitigation measure may not always provide an adequate level of protection against quarantine pests, particularly if a pest is rare, small in size, borne within the plant, or an asymptomatic plant pathogen.

Requiring that post-entry quarantine occur in covered greenhouses would greatly increase the cost of importing any plants in post-entry quarantine and would only reduce the risk associated with plants that are already required to be imported into post-entry quarantine, not any other plants that pose a risk of introducing quarantine pests into the United States. Followup checks on plants for planting imported into the United States would be virtually impossible to conduct given the lack of a traceability infrastructure for plants and the diversity of destinations for imported plants for planting.

In summary, the commenter's suggestions would not adequately address the risk associated with the importation of plants for planting, and we continue to find the implementation of the NAPPRA category to be necessary to provide a more appropriate level of protection. This strategy is consistent with the National Plant Board's Safeguarding Review, referred to earlier in this document, which stated: ''While port of entry inspection must continue to play an important role in the exclusion of invasive plant pests, the historic view that this activity can function as the focal point for exclusion must be abandoned. A new risk based management strategy that requires compliance and mitigation of pest risk at origin can both reduce risk and enable expedited entry.''

One commenter, noting our discussion in the proposed rule of the limits of inspection, stated that the ineffectiveness of inspection in the cases cited above indicated that USDA is failing to do its job, and that the proposal constituted a plan to divert manpower and resources from inspection to a completely spurious risk assessment program.

Inspection will continue to be a key component of our efforts to prevent the introduction of quarantine pests via imported plants for planting. One way we will gain information about quarantine pest threats is when inspectors find quarantine pests infesting shipments of plants for planting offered for importation at a port of entry. Acknowledging the limitations of visual inspection does not constitute a failure of visual inspection; rather, it indicates that safeguards in addition to visual inspection are necessary to protect U.S. agricultural and environmental resources against the introduction of quarantine pests. The NAPPRA category is one additional safeguard in this effort.

In addition, we are not diverting resources from inspection to risk assessment as part of this proposal; our inspections will continue at the same level as they have in the past.

With regard to the term ''asymptomatic plant pathogen,'' this commenter also asked how an organism can be considered pathogenic if there are no symptoms associated with infection.

Many plant pathogens are asymptomatic at various points in their life cycles. *Phytophthora* spp. pathogens are one example. We would not expect a visual inspection to be effective at detecting a pathogen if the pathogen is at an asymptomatic stage of its life cycle.

Identification

One commenter was unable to determine whether specific and positive species identification is required for all imported plants for planting. The commenter stated that a challenge to all APHIS inspectors is that many importations are currently not required to be properly labeled. As such, determining which ones are risky based only upon a generic designation, or the designation of the primary species but not those used as packing, decoration, or additional materials, becomes impossible for a responsible inspector. Rather than put such an unfair burden on the hard-working inspectors, the commenter stated, the regulations should require that all species be properly identified. It is true that some species are hard to properly identify even by experts, the commenter stated, but certainly proper identity to the best general consensus would be acceptable and still allow for the variability that occurs in taxonomy.

We appreciate the commenter's concerns. In the regulations, the introductory text of § 319.37–4(a) sets out the identification requirements for imported plants for planting. The identification requirements are as follows:

> The phytosanitary certificate must identify the genus of the article it accompanies. When the regulations in [the plants for planting regulations] place restrictions on individual species or cultivars within a genus, the phytosanitary certificate must also identify the species or cultivar of the article it accompanies. Otherwise, identification of the species is strongly preferred, but not required. Intergeneric and interspecific hybrids must be designated by placing the multiplication sign ''x'' between the names of the parent taxa. If the hybrid is named, the multiplication sign may instead be placed before the name of an intergeneric hybrid or before the epithet in the name of an interspecific hybrid.

Thus, we require identification to the species or cultivar level when such identification is necessary for the

inspector to make a decision. Because species are listed as NAPPRA in accordance with the plants for planting regulations, the phytosanitary certificate accompanying any shipment containing plants from genera in which species are listed as NAPPRA will be required to identify the species or cultivars of the plants in that shipment.

Any taxon of plants for planting included in a shipment, including packing, decoration, or additional material, must be accounted for in its accompanying documentation, and our inspectors inspect them all for the presence of quarantine pests.

One commenter asked whether identification problems could be a weakness in the proposal. The commenter proposed a hypothetical situation in which, if the commenter wished to bring a plant into the country that was or might be considered a risk, he would label it with the name of a plant on APHIS' safe list with similar characteristics. Secondly, the commenter would send through plant inspections only small seedlings or cuttings. The commenter would assume that the quality of APHIS taxonomists was such that they might well not be able to tell the difference between the high-risk plant he was trying to import and the safe plant whose name he used. If caught, the commenter stated, such a hypothetical miscreant could blame his taxonomist.

With a few, limited exceptions, all imported plants for planting must be accompanied by a phytosanitary certificate with the identification information given above. It is important to note that the phytosanitary certificate is not issued by the exporter or importer but by the NPPO of the exporting country, which is responsible under the IPPC for ensuring that the phytosanitary certificate is accurate, complete, and current with respect to its description of the articles it accompanies. Although the exporter may supply identification information, the NPPO of the exporting country must verify it.

Nevertheless, we do receive phytosanitary certificates with incorrect identification information. In those cases, we would hold the NPPO of the exporting country responsible, along with the exporter and importer. Both civil and criminal penalties are available should we discover such a violation.

We should also note that the NAPPRA category does not establish a ''safe list.'' Taxa of plants for planting will be listed as NAPPRA when we make the determination that they are quarantine pests or hosts of quarantine pests, based on scientific evidence. Most taxa will continue to be allowed to be imported subject to general restrictions, one of which is the phytosanitary certificate requirement mentioned here.

Postentry Quarantine

One commenter recommended, as an action to take beyond the implementation of the NAPPRA category, that we require additional plant types to be cleared through postentry quarantine facilities that have been upgraded to ensure that pests cannot escape during the quarantine period.

In general, postentry quarantine, as provided for in § 319.37–7, is an important tool in mitigating the risk associated with the importation of certain plants for planting. It is not clear whether the commenter is referring to additional plant types as in cuttings, whole plants, etc., or additional plant taxa. That said, postentry quarantine will be a mitigation that is available to us when we determine, as part of a comprehensive PRA, what mitigations may be necessary in order to allow the importation of taxa on the NAPPRA lists. We will consider the commenter's suggestion to require postentry quarantine more broadly as we continue our ongoing revision of the plants for planting regulations.

Risk-Mitigating Production Practices

Several commenters suggested that we consider working with industry to develop and implement production practices that mitigate the overall risk associated with the importation of plants for planting. Many referred to such practices as ''best management practices'' (BMPs), consistent with our discussion in the December 2004 ANPR mentioned earlier in this document. Commenters cited mitigations including:

- Using lower-risk plant materials such as seeds, cuttings, and tissue culture;
- Pest detection, testing, and tracking mechanisms;
- Growing plants in greenhouses or laboratory settings;
- Certifying plants as clean before shipment; and
- Micropropagation *in vitro.*

Commenters cited differing means by which APHIS could use BMPs as a regulatory tool. Many stated that importation of taxa that are listed as NAPPRA or that are prohibited could be allowed to be imported if produced in accordance with certain BMPs. One stated that the regulations should embrace novel approaches such as industry codes of conduct, self-regulating programs operating under APHIS-established guidelines, and certification or accreditation of commercial operations or institutions that can demonstrate both capacity and commitment to compliance. Another recommended that we allow exceptions to the ban on the importation of vegetative material from taxa listed as hosts of quarantine pests if the nature of the pest(s) of concern meant that the pest could be mitigated by production practices—for example, by production *in vitro.* Similarly, a third commenter recommended that we conduct PRAs for low-risk types of plants for planting, such as seed, tissue culture, and cuttings, and apply less stringent import restrictions for them, to encourage the importation of these types of plants for planting. A fourth recommended that we proceed with the development of a regulatory systems approach as the second phase of the revision of the plants for planting regulations.

We agree with these commenters. While adding such provisions to the regulations would be beyond the scope of the proposed rule, we are working to develop provisions for the use of various risk-mitigating measures in combination that would help facilitate the importation of taxa on the NAPPRA lists and of prohibited and other restricted taxa. We have been working with industry to develop risk-mitigating measures that, if followed, would ensure that plants for planting produced in accordance with them are free of quarantine pests.

In order to determine that plants for planting that were produced in accordance with certain practices or certain types of plants for planting are low risk, we would need to conduct a risk evaluation. This would not necessarily be a full PRA; it may be a pest list and a risk management document, to determine that the risk-mitigating measures are generally effective against the quarantine pests that could infest or infect the plants for planting. We would make the risk evaluation available to the public.

Other Strategies

One commenter recommended that the United States develop a National Weed Strategy Act, the key provisions of which would include:

- An electronic system to determine the provenance of exotic species that are introduced into the United States and into the individual States;
- A list of species whose importation into the United States is not allowed;
- Protocols for purposeful importation and introduction of exotic species, including a quarantine insurance bond, paid by the importer,

which would cover the cost of control efforts in case any become necessary;

• A national biosecurity fund, from the proceeds associated with quarantine insurance bonds, that would fund risk assessment, control and eradication, outreach, and other activities;

• Protocols for accidental introductions, including a negligence scale to assess accidental introductions and liability standards for assessing appropriate fines; and

• Model State-level biosecurity laws to allow for Federal-State cooperation.

Another commenter also stated that the importer of plants for planting should become a property owner who must compensate and remove any introduction of an invasive plant species, pathogen, or insect.

As recognized by the commenter, the recommendations with respect to a National Weed Strategy Act would require new legislation. The implementation of many of these recommendations would be highly disruptive to current commerce in plants for planting. Implementing the NAPPRA category is a crucial part of our broader effort to achieve a more appropriate level of protection against the risk posed by the importation of plants for planting within existing statutory authority.

We do have a list of taxa whose importation is prohibited; we are establishing in this final rule a process to list taxa whose importation is not authorized pending pest risk analysis.

Miscellaneous Changes

The first sentence of paragraph (a) in § 319.37 states that no person shall import or offer for entry into the United States any prohibited article, except as otherwise provided in § 319.37–2(c). To ensure that the regulations clearly indicate that NAPPRA taxa are not allowed to be imported, we are amending this sentence so that it also indicates that no person shall import or offer for entry into the United States any article whose importation is not authorized pending pest risk analysis, except as otherwise provided in § 319.37–2(c).

We proposed to change the definition of *restricted article* in § 319.37–1 to refer to plants for planting and to the NAPPRA category. That definition indicates that any articles regulated in §§ 319.8 through 319.24 or 319.41 through 319.74–4 and any articles regulated in 7 CFR part 360 are not restricted articles. However, citrus fruit, whose importation is regulated in § 319.28, are also not restricted articles. Therefore, we are making an additional change to the definition of *restricted articles* by indicating that articles regulated in § 319.28 are also not restricted articles.

We are also changing proposed paragraph (e)(2)(i)(C) of § 319.37–2a to clearly indicate that, if we publish a notice indicating that importation of a taxon on the NAPPRA list should be allowed subject to the general restrictions in the regulations, the PRA published along with the notice would have determined that the importation of the taxon does not pose a risk of introducing a quarantine pest into the United States.

Therefore, for the reasons given in the proposed rule and in this document, we are adopting the proposed rule as a final rule, with the changes discussed in this document.

Executive Orders 12866 and 13563 and Regulatory Flexibility Act

This final rule has been determined to be significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by the Office of Management and Budget.

We have prepared an economic analysis for this rule. The economic analysis provides a cost-benefit analysis, as required by Executive Orders 12866 and 13563, which direct agencies to assess the costs and benefits of available regulatory alternatives and to select regulatory approaches that maximize benefits, reduce costs, harmonize rules across agencies, and promote flexibility. The economic analysis also analyzes the potential economic effects of this action on small entities, as required by the Regulatory Flexibility Act.

The final rule will amend the importation of plants for planting regulations to establish a new category of regulated articles. This category will list taxa of plants for planting whose importation is not authorized pending pest risk analysis. This action is necessary to increase our safeguards against the risk of introduction of plant pests or pest plants (noxious weeds) that are associated with the importation of plants for planting and protect domestic agriculture and environmental resources. The final rule will establish the NAPPRA regulatory category and process. The rule will not establish any broad restrictions or prohibitions but will only target specific taxa; most taxa of plants for planting will continue to be allowed to be imported subject to the current general restrictions. The expected benefits of using the NAPPRA process to respond to risks far outweigh any expected costs of implementing the regulation.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Executive Order 13175

This rule has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this rule will not have substantial and direct effects on Tribal governments and will not have significant Tribal implications.

Paperwork Reduction Act

The proposed rule did not propose to add any information collection or recordkeeping requirements. However, this final rule adds a requirement that requests to remove a taxon from the NAPPRA category be made in accordance with § 319.5. This section requires the submission of information that is necessary for us to conduct a PRA. We estimate that this information collection will require approximately 5.6 hours per response. We made this change based on requests from commenters to allow only NPPOs to request that taxa be removed from the NAPPRA list; § 319.5 requires the submission of information available only from an NPPO. We also determined that we need all the information in § 319.5 in order to successfully conduct a PRA for the importation of taxa of plants for planting, just as we need such information to conduct a PRA for the importation of fruits and vegetables.

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), we published a notice in the **Federal Register** on May 3, 2011 (76 FR 24848–24850, Docket No. APHIS–2006–0011), announcing our intention to initiate this information collection and soliciting comments on it. We are asking the Office of Management and Budget (OMB) to approve our use of this information collection for 3 years. When OMB notifies us of its decision, we will publish a document in the **Federal Register** providing notice of the assigned OMB control number or, if

approval is denied, providing notice of what action we plan to take.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the E-Government Act to promote the use of the Internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes. For information pertinent to E-Government Act compliance related to this rule, please contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

List of Subjects in 7 CFR Part 319

Coffee, Cotton, Fruits, Imports, Logs, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, we are amending 7 CFR part 319 as follows:

PART 319—FOREIGN QUARANTINE NOTICES

■ 1. The authority citation for part 319 continues to read as follows:

Authority: 7 U.S.C. 450, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Subpart—Plants for Planting [1] [2]

■ 2. The heading of the subpart consisting of §§ 319.37 through 319.37–14 is revised to read as set forth above.

§ 319.37 [Amended]

■ 3. Section 319.37 is amended as follows:

■ a. In paragraph (a), in the first sentence, by adding the words ''or any article whose importation is not authorized pending pest risk analysis in accordance with § 319.37–2a'' after the word ''article''.

■ b. In paragraph (b), by removing the words ''plant pests'' and adding the words ''quarantine pests'' in their place; and by removing the words ''plant pest'' and adding the words ''quarantine pest'' in their place.

■ 4. Section 319.37–1 is amended as follows:

■ a. By adding, in alphabetical order, new definitions of *noxious weed, official control, planting, plants for planting, quarantine pest,* and *taxon* (*taxa*).

■ b. By removing the definition of *nursery stock.*

■ c. In the definition of *clean well water,* by removing the words ''plant pathogens or other plant pests'' and adding the words ''quarantine pests'' in their place.

■ d. In the definition of *phytosanitary certificate of inspection,* by removing the words ''injurious plant diseases, injurious insect pests, and other plant pests'' and adding the words ''quarantine pests'' in their place.

■ e. In the definition of *prohibited article,* by removing the words ''nursery stock, plant, root, bulb, seed, or other plant product'' and adding the words ''plant for planting'' in their place.

■ f. By revising the definitions of *regulated plant* and *restricted article* to read as set forth below.

§ 319.37–1 Definitions.

* * * * *

Noxious weed. Any plant or plant product that can directly or indirectly injure or cause damage to crops (including plants for planting or plant products), livestock, poultry, or other interests of agriculture, irrigation, navigation, the natural resources of the United States, the public health, or the environment.

* * * * *

Official control. The active enforcement of mandatory phytosanitary regulations and the application of mandatory phytosanitary procedures with the objective of eradication or containment of quarantine pests.

* * * * *

Planting. Any operation for the placing of plants in a growing medium, or by grafting or similar operations, to ensure their subsequent growth, reproduction, or propagation.

Plants for planting. Plants intended to remain planted, to be planted or replanted.

* * * * *

Quarantine pest. A plant pest or noxious weed that is of potential economic importance to the United States and not yet present in the United States, or present but not widely distributed and being officially controlled.

Regulated plant. A vascular or nonvascular plant. Vascular plants include gymnosperms, angiosperms, ferns, and fern allies. Gymnosperms include cycads, conifers, and gingko. Angiosperms include any flowering plant. Fern allies include club mosses, horsetails, whisk ferns, spike mosses, and quillworts. Nonvascular plants include mosses, liverworts, hornworts, and green algae.

Restricted article. Any plant for planting, excluding any prohibited articles listed in § 319.37–2(a) or (b) of this subpart, any articles whose importation is not authorized pending pest risk analysis under § 319.37–2a of this subpart, and excluding any articles regulated in §§ 319.8 through 319.28 or 319.41 through 319.74–4 of this part and any articles regulated in part 360 of this chapter.

* * * * *

Taxon (taxa). Any grouping within botanical nomenclature, such as family, genus, species, or cultivar.

* * * * *

§ 319.37–2 [Amended]

■ 5. Section 319.37–2 is amended as follows:

■ a. In paragraph (a), in the third column of the heading of the table, by removing the words ''Plant pests'' and adding the words ''Quarantine pests'' in their place.

■ b. In paragraph (c) introductory text, by adding the words '', and any article listed in accordance with § 319.37–2a of this subpart as an article whose importation is not authorized pending pest risk analysis,'' after the word ''section''.

■ 6. A new § 319.37–2a is added to read as follows:

§ 319.37–2a Taxa of regulated plants for planting whose importation is not authorized pending pest risk analysis.

(a) *Determination by the Administrator.* The importation of certain taxa of plants for planting poses a risk of introducing quarantine pests into the United States. Therefore, the importation of these taxa is not authorized pending the completion of a pest risk analysis, except as provided in § 319.37–2(c). Lists of these taxa may be found on the Internet at *http://www.aphis.usda.gov/import_export/plants/plant_imports/Q37_nappra.shtml.* There are two lists of taxa whose importation is not authorized pending pest risk analysis: A list of taxa of plants for planting that are quarantine pests, and a list of taxa of plants for planting that are hosts of quarantine pests. For taxa of plants for planting that have been determined to be quarantine pests, the list includes the

[1] The Plant Protection and Quarantine Programs also enforces regulations promulgated under the Endangered Species Act of 1973 (Pub. L. 93–205, as amended) which contain additional prohibitions and restrictions on importation into the United States of articles subject to this subpart (See 50 CFR parts 17 and 23).

[2] One or more common names of articles are given in parentheses after most scientific names (when common names are known) for the purpose of helping to identify the articles represented by such scientific names; however, unless otherwise specified, a reference to a scientific name includes all articles within the category represented by the scientific name regardless of whether the common name or names are as comprehensive in scope as the scientific name.

names of the taxa. For taxa of plants for planting that are hosts of quarantine pests, the list includes the names of the taxa, the foreign places from which the taxa's importation is not authorized, and the quarantine pests of concern.

(b) *Addition of taxa.* A taxon of plants for planting may be added to one of the lists of taxa not authorized for importation pending pest risk analysis under this section as follows:

(1) *Data sheet.* APHIS will publish in the **Federal Register** a notice that announces our determination that a taxon of plants for planting is either a quarantine pest or a host of a quarantine pest. This notice will make available a data sheet that details the scientific evidence APHIS evaluated in making the determination that the taxon is a quarantine pest or a host of a quarantine pest. The data sheet will include references to the scientific evidence that APHIS used in making the determination. In our notice, we will provide for a public comment period of a minimum of 60 days on our addition to the list.

(2) *Response to comments.* (i) APHIS will issue a notice after the close of the public comment period indicating that the taxon will be added to the list of taxa not authorized for importation pending pest risk analysis if:

(A) No comments were received on the data sheet;

(B) The comments on the data sheet revealed that no changes to the data sheet were necessary; or

(C) Changes to the data sheet were made in response to public comments, but the changes did not affect APHIS' determination that the taxon poses a risk of introducing a quarantine pest into the United States.

(ii) If comments present information that leads us to determine that the taxon does not pose a risk of introducing a quarantine pest into the United States, APHIS will not add the taxon to the list of plants for planting whose importation is not authorized pending pest risk analysis. APHIS will issue a notice giving public notice of this determination after the close of the comment period.

(c) *Criterion for listing a taxon of plants for planting as a quarantine pest.* A taxon will be added to the list of taxa whose importation is not authorized pending pest risk analysis if scientific evidence causes APHIS to determine that the taxon is a quarantine pest.

(d) *Criteria for listing a taxon of plants for planting as a host of a quarantine pest.* A taxon will be added to the list of taxa whose importation is not authorized pending pest risk analysis if scientific evidence causes APHIS to determine that the taxon is a host of a quarantine pest. The following criteria must be fulfilled in order to make this determination:

(1) The plant pest in question must be determined to be a quarantine pest; and

(2) The taxon of plants for planting must be determined to be a host of that quarantine pest.

(e) *Removing a taxon from the list of taxa not authorized pending pest risk analysis.* (1) Requests to remove a taxon from the list of taxa not authorized pending pest risk analysis must be made in accordance with § 319.5 of this part. APHIS will conduct a pest risk analysis in response to such a request. The pest risk analysis will examine the risk associated with the importation of that taxon.

(2) If the pest risk analysis supports a determination that importation of the taxon be prohibited or allowed subject to special restrictions, such as a systems approach, treatment, or postentry quarantine, APHIS will publish a proposed rule making the pest risk analysis available to the public and proposing to take the action recommended by the pest risk analysis.

(3) If the pest risk analysis supports a determination that importation of the taxon be allowed subject to the general restrictions of this subpart, APHIS will publish a notice announcing our intent to remove the taxon from the list of taxa whose importation is not authorized pending pest risk analysis and making the pest risk analysis supporting the taxon's removal available for public review.

(i) APHIS will issue a notice after the close of the public comment period indicating that the importation of the taxon will be subject only to the general restrictions of this subpart if:

(A) No comments were received on the pest risk analysis;

(B) The comments on the pest risk analysis revealed that no changes to the pest risk analysis were necessary; or

(C) Changes to the pest risk analysis were made in response to public comments, but the changes did not affect the overall conclusions of the analysis and the Administrator's determination that the importation of the taxon does not pose a risk of introducing a quarantine pest into the United States.

(ii) If information presented by commenters indicates that the pest risk analysis needs to be revised, APHIS will issue a notice after the close of the public comment period indicating that the importation of the taxon will continue to be listed as not authorized pending pest risk analysis while the information presented by commenters is analyzed and incorporated into the pest risk analysis. APHIS will subsequently publish a new notice announcing the availability of the revised pest risk analysis.

(4) APHIS may also remove a taxon from the list of taxa whose importation is not authorized pending pest risk analysis when APHIS determines that the evidence used to add the taxon to the list was erroneous (for example, involving a taxonomic misidentification).

§ 319.37–4 [Amended]

■ 7. In § 319.37–4, paragraph (d)(2) is amended by adding the words ''; is not listed as not authorized pending pest risk analysis, as provided in § 319.37–2a'' after the citation ''§ 319.37–2''.

§ 319.37–5 [Amended]

■ 8. In § 319.37–5, paragraph (i) introductory text is amended by removing the words ''plant diseases'' and adding the words ''quarantine pests'' in their place.

§ 319.37–7 [Amended]

■ 9. Section 319.37–7 is amended as follows:

■ a. In paragraph (c)(2)(iii), by removing the words ''exotic pests'' and adding the words ''quarantine pests'' in their place.

■ b. In paragraph (c)(2)(iv), by removing the words ''plant pests that are not known to exist in the United States and'' and adding the words ''quarantine pests'' in their place.

■ c. In paragraph (d)(5), by removing the words ''an injurious plant disease, injurious insect pest, or other plant pest'' and adding the words ''a quarantine pest'' in their place.

■ d. In paragraphs (f)(1) and (f)(2), by removing the words ''plant pests'' each time they occur and adding the words ''quarantine pests'' in their place.

■ e. In paragraphs (f)(1) and (f)(2), by removing the words ''plant pest(s)'' each time they occur and adding the words ''quarantine pest(s)'' in their place.

§ 319.37–8 [Amended]

■ 10. Section 319.37–8 is amended as follows:

■ a. In paragraph (e)(2) introductory text, by removing the words ''disease and pests'' and adding the words ''quarantine pests'' in their place.

■ b. In paragraph (e)(2)(ii), by removing the words ''plant pests and diseases'' and adding the words ''quarantine pests'' in their place; and by removing the words ''injurious plant diseases, injurious insect pests, and other plant pests'' and adding the words ''quarantine pests'' in their place.

■ c. In paragraph (e)(2)(iv)(B), by adding the word ''quarantine'' before the word ''pests''.
■ d. In paragraph (e)(2)(vii),'' by removing the words ''plant pests'' and adding the words ''quarantine pests'' in their place.
■ e. In paragraph (e)(2)(viii), by removing the words ''plant pests and diseases'' and adding the words ''quarantine pests'' in their place.
■ f. In paragraph (e)(2)(xi)(B), by removing the words ''plant pests'' and adding the words ''quarantine pests'' in their place.
■ g. In paragraphs (f)(3)(i), (f)(3)(vii), (f)(3)(viii), and (f)(4), by removing the words ''injurious plant diseases, injurious insect pests, and other plant pests'' each time they occur and adding the words ''quarantine pests'' in their place.

■ 11. Section 319.37–12 is revised to read as follows:

§ 319.37–12 Prohibited articles and articles whose importation is not authorized pending pest risk analysis accompanying restricted articles.

A restricted article for importation into the United States may not be packed in the same container as an article whose importation into the United States is prohibited by this subpart or in the same container as an article whose importation is not authorized pending pest risk analysis under § 319.37–2a of this subpart.

§ 319.37–13 [Amended]

■ 12. Section 319.37–13 is amended as follows:

■ a. In paragraph (b), by removing the words ''injurious plant disease, injurious insect pest, or other plant pest, new to or not theretofore known to be widely prevalent or distributed within and throughout the United States'' and adding the words ''quarantine pests'' in their place; and by removing the words ''injurious plant diseases, injurious insect pests, or other plant pests'' and adding the words ''quarantine pests'' in their place.

■ b. In paragraph (c), by removing the words ''pests and Federal noxious weeds'' and adding the words ''quarantine pests'' in their place.

Done in Washington, DC, this 18th day of May 2011.

Ann Wright,

Deputy Under Secretary for Marketing and Regulatory Programs.

[FR Doc. 2011–13054 Filed 5–26–11; 8:45 am]

BILLING CODE 3410–34–P

FEDERAL REGISTER

Vol. 76 Friday,
No. 103 May 27, 2011

Part IV

Department of Health and Human Services

Centers for Disease Control and Prevention

Privacy Act of 1974; System of Records; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Privacy Act of 1974; System of Records

AGENCY: National Institute for Occupational Health and Safety, Centers for Disease Control and Prevention, Department of Health and Human Services.

ACTION: Notification of proposed altered system of records.

SUMMARY: The Department of Health and Human Services (HHS) proposes to alter System of Records, 09–20–0147, "Occupational Health Epidemiological Studies and EEOICPA Program Records, HHS/CDC/NIOSH" In accordance with the requirements of the Privacy Act, the Centers for Disease Control and Prevention (CDC) is publishing notice of the amendment of the categories of individuals covered by the system of records; the categories of records; the authorities; and the purposes for maintenance of the system of records. In addition, we are proposing to add new routine uses. The purpose of these modifications is to provide notice that the National Institute for Occupational Safety and Health (NIOSH) is complying with the Privacy Act in executing its responsibilities under the James Zadroga 9/11 Health and Compensation Act of 2010 found at Title XXXIII of the Public Health Service Act, 42 U.S.C. 300mm—300mm-61 (Title XXXIII). To reflect these changes, NIOSH is also revising the name of the system of records to "Occupational Health Epidemiological Studies, EEOICPA Program Records and WTC Health Program Records, HHS/CDC/NIOSH." The entire resulting system of records notice, as amended, appears below.

DATES: Comments must be received on or before June 27, 2011. In order to comply with the tight statutory deadline for implementation of the Zadroga Act, the changes in this system of records notice are effective immediately, except for the new routine uses, which will become effective 30 days from the date of publication unless CDC receives comments that require alterations to this notice. HHS has requested a waiver of the OMB review period in accordance with Appendix 1 of Circular A–130.

ADDRESSES: You may submit written comments, identified by the Privacy Act System of Records Number 09–20–0147, to the following address: HHS/CDC Senior Official for Privacy (SOP), Office of the Chief Information Security Officer (OCISO), 4770 Buford Highway—M/S: F–35, Atlanta, GA 30341.

You may also submit written comments electronically to *http://www.regulations.gov.* Comments must be identified by Docket No. CDC–2011–0006. Please follow directions at *http://www.regulations.gov* to submit comments.

All relevant comments received will be posted publicly to *http://www.regulations.gov* without change, including any personal or proprietary information provided. An electronic version of the draft is available to download at *http://www.regulations.gov.*

Written comments, identified by Docket No. CDC–2011–0006, and/or *Privacy Act System of Records Number 09–20–0147,* will be available for public inspection Monday through Friday, except for legal holidays, from 9 a.m. until 3 p.m., Eastern Daylight Time, at 4770 Buford Highway—M/S: F–35, Atlanta, GA 30341. Please call ahead to (770) 488–8660, and ask for a representative from Office of the Chief Information Security Officer (OCISO) to schedule your visit. Comments may also be viewed at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Beverly E. Walker, Chief Privacy Officer, Centers for Disease Control and Prevention, 4770 Buford Highway—M/S: F–35, Atlanta, Georgia 30341, (770) 488–8660. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: CDC proposes to alter an existing system of records: 09–20–0147, "Occupational Health Epidemiological Studies and EEOICPA Program Records, HHS/CDC/NIOSH," last published at 76 FR 4463, January 25, 2011, to address World Trade Center Health Program records needed to carry out the James Zadroga 9/11 Health and Compensation Act of 2010, Title XXXIII of the Public Health Service Act (42 U.S.C. 300mm—300mm-61) (the Act). Under the WTC Health Program, the WTC Program Administrator is responsible for enrolling qualified individuals who responded to the New York City, Shanksville, PA, and Pentagon disaster sites and to qualified survivors of the New York City attacks; and to provide monitoring and treatment to eligible individuals for WTC related and WTC associated health conditions. Previously, a health screening program for responders began in 2002 and was extended funding by Congress and implemented as a screening and care program under cooperative agreements with certain multidisciplinary clinical centers experienced with the WTC responder population. The program was again expanded in 2008 to provide initial health evaluations, diagnostic and treatment services for residents, students, and others in the community affected by the September 11, 2001, terrorist attacks in New York City. The Zadroga Act establishes the WTC Health Program within HHS, and so the program will assume the functions and goals of the cooperative agreement programs. Individuals who are eligible and qualified as WTC responders or screening-eligible and certified-eligible WTC survivors may receive an initial health evaluation, medical monitoring and treatment under the new WTC Health Program. Under this new authority, NIOSH will, for the first time, be directly responsible for applications for eligibility and provide for medical care under contracts. The changes to the system of records will enable NIOSH's WTC Health Program to fulfill its new responsibilities under Title XXXIII.

The following amendments are made to this system of records:

System Name is changed to the "Occupational Health Epidemiological Studies, EEOICPA Program Records and WTC Health Program Records, HHS/CDC/NIOSH."

The System Location is being changed to add a new location for the WTC Health Program Records.

Categories of individuals covered by the system of records is expanded by including the individuals enrolled or claiming eligibility in the WTC Health program, and by deleting the term "working" when describing the affected population, so as to include WTC survivors as well. Categories of records is amended by adding the a description of records relating to eligibility and qualification for enrollment in the WTC Health program and records related to provision of treatment of enrollees for WTC related and WTC associated health conditions under the WTC Health Program.

The authority and purpose for maintenance of the system of records are amended to include the new authority in the James Zadroga Health and Compensation Act of 2010, Public Health Service Act, Title XXXIII, "World Trade Center Health Program" (42 U.S.C. 300mm—300mm-61), and to explain this additional purpose.

We have added one routine use of general applicability regarding litigation. We are taking the opportunity to use standard language recommended by OMB for use in litigation that applies to all records of this system of records. We are also adding one routine use of

general applicability regarding disclosure to contractors.

Two new routine uses are added that apply only to the WTC Health Program records. The first permits disclosure of information to enable coordination of benefits with federal, state, local or other workers compensation programs, or with public or private health plans, for which the beneficiary might also be eligible.

One of the provisions of the Zadroga Act is that individuals who received medical monitoring and treatment benefits from the existing medical monitoring and treatment program prior to July 1, 2011, continue to be qualified for the new program. However, such an individual is not qualified to enroll in the new WTC Health program if the individual's name is on the terrorist watch list. In order to implement this provision, NIOSH is publishing a second new routine use that would permit disclosure of certain personal identifying information to the Department of Justice and its contractors to provide terrorist screening support in accordance with this statutory obligation.

The routine uses of the original system of records notice continue to be in effect. We have reorganized the routine uses to make clear which ones apply to which programs, and which are of general applicability.

The storage and retrieval section is amended to make clear that records are retrieved by individual health care identifier number.

The Retention and disposal section is changed to add a new retention and disposal period for WTC Health Program records.

The System manager(s) and address section is amended to add a new system manager and address for the WTC Health Program records.

CDC filed a modified or altered system of records report with the Chair of the House Committee on Oversight and Government Reform and the Chair of the Senate Committee on Homeland Security & Governmental Affairs. CDC has also filed a report with the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), and has requested waiver of OMB's usual review period in accordance with Appendix I of OMB Circular A–130.

A forthcoming rulemaking implementing the provisions of the Zadroga Act will appear in the **Federal Register**.

SYSTEM NAME:

Occupational Health Epidemiological Studies and EEOICPA Program Records and WTC Health Program Records, HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

WTC Health Program, NIOSH, Century Center Boulevard, Building 2400, Mail Stop E–74, Atlanta, GA 30329.

Division of Surveillance, Hazard Evaluation, and Field Studies (DSHEFS), National Institute for Occupational Safety and Health (NIOSH), Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, OH 45226.

Division of Respiratory Disease Studies (DRDS), National Institute for Occupational Safety and Health (NIOSH), 1095 Willowdale Road, Morgantown, WV 20505–2888.

Pittsburgh Research Laboratory, NIOSH, 626 Cochrans Mill Road, Pittsburgh, PA 15156.

Spokane Research Laboratory, NIOSH, 315 E. Montgomery Avenue, Spokane, WA 99207.

Office of Compensation Analysis and Support (OCAS), NIOSH, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

and

Federal Records Center, 3150 Bertwynn Drive, Dayton, OH 45439.

Data are also occasionally located at contractor sites as studies are developed, data collected, and reports written. A list of contractor sites where individually identifiable data are currently located is available upon request to the system manager.

Also, occasionally data may be located at the facilities of collaborating researchers where analyses are performed, data collected and reports written. A list of these facilities is available upon request to the system manager. Data may be located only at those facilities that have an adequate data security program and the collaborating researcher must return the data to NIOSH or destroy individual identifiers at the conclusion of the project.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

That segment of the population exposed to physical and/or chemical agents or other workplace hazards that may damage the human body in any way. Some examples are: (1) Organic carcinogens; (2) inorganic carcinogens; (3) mucosal or dermal irritants; (4) fibrogenic materials; (5) acute toxic agents including sensitizing agents; (6) neurotoxic agents; (7) mutagenic (male and female) and teratogenic agents; (8) bio-accumulating non-carcinogen agents; (9) chronic vascular disease-causing agents; and (10) ionizing radiation. Also included are those individuals in the general population who have been selected as control groups. Workers employed by the Department of Energy and its predecessor agencies and their contractors are also included, as are cancer–related claimants under the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA). Individuals enrolled in or otherwise claiming eligibility and qualification for enrollment in the WTC Health Program created under Title XXXIII of the Public Health Service Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Physical exams, sputum cytology results, questionnaires, urine test records, X-rays, medical history, pulmonary function test records, medical disability forms, blood test records, hearing test results, smoking history, occupational histories, previous and current employment records, union membership records, driver's license data, demographic information, exposure history information and test results are examples of the records in this system. The specific types of records collected and maintained are determined by the needs of the individual study. Also included are records of cancer-related claimants under EEOICPA." Also included are applications for enrollment in the WTC Health Program and, once enrolled, screening and medical records, and financial records related to payment and reimbursements for care under the WTC program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301, "Research and Investigation" (42 U.S.C. 241); Occupational Safety and Health Act, Section 20, "Research and Related Activities" (29 U.S.C. 669); the Federal Mine Safety and Health Act of 1977, Section 501, "Research" (30 U.S.C. 951) and the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) (42 U.S.C.S. 7384, *et seq.*); and the Public Health Service Act, Title XXXIII, "World Trade Center Health Program" (42 U.S.C. 300mm—300mm-61).

PURPOSE(S):

Studies carried out under this system are to evaluate mortality and morbidity of occupationally related diseases and injuries, to determine their causes, and to lead toward prevention of occupationally related diseases and

injuries in the future. EEOICPA records are maintained to enable NIOSH to fulfill its dose reconstruction responsibilities under the Act. WTC Health Program records in this system are maintained and used to enable NIOSH to fulfill WTC Program Administrator responsibilities make determinations about eligibility and qualification, provide for medical care, pay for that care, and coordinate with other health benefit programs under Title XXXIII of the Public Health Service Act, 42 U.S.C. 300mm—300mm-61.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In the event of litigation where the defendant is: (a) The Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Department of Justice has agreed to represent such employee, for example, in defending a claim against the Public Health Service based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, disclosure may be made to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

Records may be disclosed to the Department of Justice when (1) HHS, or any component thereof; or (2) any employee of HHS in his or her official capacity; or (3) any employee of HHS in his or her individual capacity where the Department of Justice or HHS has agreed to represent the employee; or (4) the United States, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by HHS to be relevant and necessary to the litigation; provided, however, that in each case it has been determined that the disclosure is compatible with the purpose for which the records were collected.

Records may be disclosed to a contractor performing or working on a contract for HHS and who has a need to have access to the information in the performance of its duties or activities for the HHS in accordance with law and with the contract. The contractor is required to comply with the applicable provisions of the Privacy Act.

Records subject to the Privacy Act are disclosed to private firms for data entry, scientific support services, nosology coding, computer systems analysis and computer programming services. The contractors promptly return data entry records after the contracted work is completed. The contractors are required to maintain Privacy Act safeguards.

Certain diseases or exposures may be reported to State and/or local health departments where the State has a legally constituted reporting program for communicable diseases and which provides for the confidentiality of the information.

Disclosure of records or portions of records may be made to a Member of Congress or a Congressional staff member submitting a verified request involving an individual who is entitled to the information and has requested assistance from the Member or staff member. The Member of Congress or Congressional staff member must provide a copy of the individual's written request for assistance.

Disclosure may be made to NIOSH collaborating researchers (e.g., NIOSH contractors, grantees, cooperative agreement holders, or other Federal or State scientists) in order to accomplish the research purpose for which the records are collected. The collaborating researchers must agree in writing to comply with the confidentiality provisions of the Privacy Act and NIOSH must have determined that the researchers' data security procedures will protect confidentiality.

The Following Routine Uses Apply Only to Epidemiological Studies:

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice and to the Department of Labor, Office of the Solicitor, where appropriate, to enable the Departments to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigation proceedings that NIOSH is authorized to request are: (1) Enforcement of a subpoena issued to an employer to provide relevant information; and (2) administrative search warrants to obtain access to places of employment and relevant information therein and related contempt citations against an employer for failure to comply with a warrant obtained by the Institute; and (3) injunctive relief against employers or mine operators to obtain access to relevant information.

Portions of records (name, Social Security number if known, date of birth, and last known address) may be disclosed to one or more of the sources selected from those listed in Appendix I, as applicable. This may be done for obtaining a determination regarding an individual's health status and last known address. If the sources determine that the individual is dead, NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, State or local agency. If the individual is alive, NIOSH may obtain information on health status from disease registries or on last known address in order to contact the individual for a health study or to inform him or her of health findings. This information on health status enables NIOSH to evaluate whether excess occupationally related mortality or morbidity is occurring.

Disclosure of epidemiologic study records pertaining to uranium workers may be made to the Department of Justice to be used in determining eligibility for compensation payments to the uranium workers or their survivors.

Records may be disclosed by CDC in connection with public health activities to the Social Security Administration for sources of locating information to accomplish the research or program purposes for which the records were collected.

The Following Routine Uses Apply Only to EEOICPA Program Records:

Disclosure of dose reconstructions, epidemiologic study records and employment and medical information pertaining to Department of Energy employees and other cancer-related claimants covered under the Energy Employees Occupational Illness Compensation Program Act may be made to the Department of Labor to be used in determining eligibility for compensation payments to such claimants and in defending its determinations under the Act.

Disclosure of personal identifying information associated with cancer-related claims under the Energy Employees Occupational Illness Compensation Program Act may be made to the Department of Energy, other federal agencies, other government or private entities and to private-sector employers to permit these entities to retrieve records required to reconstruct radiation doses and to enable NIOSH to evaluate petitions for inclusion in the Special Exposure Cohort.

Completed dose reconstruction reports for cancer-related claims under the Energy Employees Occupational Illness Compensation Program Act may be released to the Department of Energy

and the Department of Labor to permit these entities to fulfill EEOICPA and HHS dose reconstruction regulation requirements to notify claimants of their dose reconstruction results.

Disclosure of personal identifying information associated with cancer-related claims under the Energy Employees Occupational Illness Compensation Program Act may be made to identified witnesses as designated by the Office of Compensation Analysis and Support to assist NIOSH in obtaining information required to complete the dose reconstruction process and to enable NIOSH to evaluate petitions for inclusion in the Special Exposure Cohort.

Records may also be disclosed when deemed desirable or necessary, to the Department of Justice, and/or the Department of Labor, to enable those Departments to effectively represent the Department of Health and Human Services and/or the Department of Labor in litigation involving the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA).

The Following Routine Uses Apply Only to WTC Health Program Records:

Disclosure to the Department of Justice and its contractors provide terrorist screening support in accordance with NIOSH's statutory obligation to determine whether an individual is on the "terrorist watch list" as specified in Section 3311 and Section 3321 of the Zadroga Act and is eligible and qualified to be enrolled or certified in the WTC Health Program as specified by statute. Disclosure will be limited to only the information that is necessary to determine eligibility and qualification under the statute. The Department of Justice and its contractors will only use the information for the purpose of determining eligibility and qualification for the WTC Health Program and will not retain the information for longer than is necessary to accomplish that purpose. Personal identifying information needed for this screening process will be destroyed or returned to NIOSH once it is determined that an individual is not on the "terrorist watch list."

Disclosure of personally identifying information to applicable entities for the purpose of reducing or recouping WTC Health Program payments made to individuals under a workers' compensation law or plan of the United States, a State, or locality, or other work-related injury or illness benefit plan of the employer of such worker or public or private health plan as required under Title XXXIII of the Public Health Service Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manager files, card files, electronic computer tapes, disks, files and printouts, microfilm, microfiche, and other files as appropriate.

RETRIEVABILITY:

Name, assigned identification number, or social security number

SAFEGUARDS:

1. *Authorized Users:* A database software security package is utilized to control unauthorized access to the system. Access is granted to only a limited number of physicians, scientists, statisticians, and designated support staff or contractors, as authorized by the system manager to accomplish the stated purposes for which the data in this system have been collected.

2. *Physical Safeguards:* Hard copy records are kept in locked cabinets in locked rooms. Guard service in buildings provides screening of visitors. The limited access, secured computer room contains fire extinguishers and an overhead sprinkler system. Computer workstations and automated records are located in secured areas. Electronic anti-intrusion devices are in operation at the Federal Records Center.

3. *Procedural Safeguards:* Data sets are password protected and/or encrypted. Protection for computerized records both on the mainframe and the NIOSH Local Area Network (LAN) includes programmed verification of valid user identification code and password prior to logging on to the system, mandatory password changes, limited log-ins, virus protection, and user rights/file attribute restrictions. Password protection imposes user name and password log-in requirements to prevent unauthorized access. Each user name is assigned limited access rights to files and directories at varying levels to control file sharing. There are routine daily backup procedures and secure off-site storage is available for backup tapes. Additional safeguards may be built into the program by the system analyst as warranted by the sensitivity of the data.

Employees and contractor staff who maintain records are instructed to check with the system manager prior to making disclosures of data. When individually identified data are being used in a room, admittance at either government or contractor sites is restricted to specifically authorized personnel. Privacy Act provisions are included in contracts, and the Project Director, contract officers and project officers oversee compliance with these requirements. Upon completion of the contract, all data will be either returned to CDC or destroyed, as specified by the contract.

4. *Implementation Guidelines:* The safeguards outlined above are in accordance with the HHS Information Security Program Policy and FIPS Pub 200, "Minimum Security Requirements for Federal Information and Information Systems." Data maintained on CDC's Mainframe and the NIOSH LAN are in compliance with OMB Circular A–130, Appendix III. Security is provided for information collection, processing, transmission, storage, and dissemination in general support systems and major applications. Security is provided for information collection, processing, transmission, storage, and dissemination in general support systems and major applications. The CDC LAN currently operates under a Microsoft Windows Server and is in compliance with applicable security standards.

RETENTION AND DISPOSAL:

Records are retained and disposed of according to the provisions of the CDC Electronic Records Control Schedule for NIOSH records. Research records are maintained in the agency for three years after the close of the study. Records transferred to the Federal Records Center when no longer needed for evaluation and analysis are destroyed after 75 years for epidemiologic studies, unless needed for further study. Records from health hazard evaluations will be retained at least 20 years. EEOICPA program records are transferred to the Federal Records Center 15 years after the case file becomes inactive and are destroyed after 75 years. WTC Health Program records are transferred to the Federal Records Center 15 years after the case file becomes inactive and are destroyed after 75 years. Any records provided to the Department of Justice for the purpose of screening individuals against the "terrorist watch list" will be destroyed (and not retained by the Department of Justice) once it is determined that an individual is not on the "terrorist watch list."

Paper files that have been scanned to create electronic copies are disposed of after the copies are verified. Disposal methods include erasing computer tapes and burning or shredding paper materials.

SYSTEM MANAGER(S) AND ADDRESS:

Director, WTC Health Program, NIOSH, Century Center Boulevard,

Building 2400, Mail Stop E–74, Atlanta, GA 30329.

Program Management Officer, Division of Surveillance, Hazard valuations, and Field Studies (DSHEFS), National Institute for Occupational Safety and Health (NIOSH), Robert A. Taft Laboratories, Rm. 40A, 4676 Columbia Parkway, Cincinnati, OH 45226.

Director, Division of Respiratory Disease Studies (DRDS), National Institute for Occupational Safety and Health (NIOSH), Bldg. ALOSH, Rm. H2920, 1095 Willowdale Road, Morgantown, WV 26505–2888.

Director, Pittsburgh Research Laboratory, NIOSH, 626 Cochrans Mill Road, Pittsburgh, PA 15156.

Director, Spokane Research Laboratory, NIOSH, 315 E. Montgomery Avenue, Spokane, WA 99207.

Director, Office of Compensation and Support (OCAS), NIOSH, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, OH 45226

Policy coordination is provided by: Director, National Institute for Occupational Safety and Health (NIOSH), Bldg. HHH, Rm. 715H, 200 Independence Avenue, SW., Washington, DC 20201.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the system manager at the above address. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either: (1) Submit a notarized request to verify their identity; or (2) certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a $5,000 fine.

An individual who requests notification of or access to medical records shall, at the time the request is made, designate in writing a responsible representative who is willing to review the record and inform the subject individual of its contents at the representative's discretion. A subject individual will be granted direct access to a medical record if the system manager determines direct access is not likely to have adverse effect on the subject individual.

The following information must be provided when requesting notification: (1) Full name; (2) the approximate date and place of the study, if known; and (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An accounting of disclosures that have been made of the record, if any, may be requested.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, reasonably identify the record and specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

For research studies, vital status information is obtained from Federal, State and local governments and other available sources selected from those listed in Appendix I, but information is obtained directly from the individual and employer records, whenever possible. EEOICPA records are obtained from the individual subject and the employer's records. WTC Health Program Records are obtained from individual applicants and enrollees, from medical providers who have treated eligible individuals, and from data centers that are repositories of demographic and clinical information about WTC responders and survivors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix I—Potential Sources for Determination of Health Status, Vital Status and/or Last Known Address:

Military records

Appropriate State Motor Vehicle Registration Departments

Appropriate State Driver's License Departments

Appropriate State Government Division of:

Assistance Payments (Welfare), Social Services, Medical Services, Food Stamp Program, Child Support, Board of Corrections, Aging, Indian Affairs, Worker's Compensation, Disability Insurance

Retail Credit Association follow-up

Veterans Administration files

Appropriate employee union or association records

Appropriate company pension or employment records

Company group insurance records

Appropriate State Vital Statistics Offices

Life insurance companies

Railroad Retirement Board

Area nursing homes

Area Indian Trading Posts

Mailing List Correction Cards (U.S. Postal Service)

Letters and telephone conversations with former employees of the same establishment as cohort member

Appropriate local newspaper (obituaries)

Social Security Administration

Internal Revenue Service

National Death Index

Centers for Medicare & Medicaid Services

Pension Benefit Guarantee Corporation

State Disease Registries

Commercial Telephone Directories

Dated: May 25, 2011.

James D. Seligman,

Chief Information Officer, Centers for Disease Control and Prevention.

[FR Doc. 2011–13470 Filed 5–26–11; 11:15 am]

BILLING CODE 4163–18–P

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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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