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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WHEN: Tuesday, July 12, 2011
9 a.m.-12:30 p.m.

WHERE: Office of the Federal Register
Conference Room, Suite 700
800 North Capitol Street, NW.
Washington, DC 20002

RESERVATIONS: (202) 741-6008



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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 246

RIN 0584-AE04

Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Exclusion of Combat Pay From WIC Income Eligibility Determinations

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Final rule.

SUMMARY: This final rule incorporates into the regulations governing the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) a statutory provision set forth in Section 734(b) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2010 (Pub. L. 111–80). The provision excludes combat pay from inclusion in the WIC income eligibility determination for deployed service members. It also makes conforming nomenclature changes throughout part 246 of WIC regulations to include the name change for what was formerly known as the Food Stamp Program to its new name—the Supplemental Nutrition Assistance Program (SNAP), as set forth in the Food, Conservation and Energy Act of 2008 (Pub. L. 110–246).

DATES: *Effective Date:* This rule is effective July 18, 2011.

FOR FURTHER INFORMATION CONTACT: Debra R. Whitford, Director, Supplemental Food Programs Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Room 520, Alexandria, Virginia 22302; (703) 305–2746; *e-mail:* Debbie.Whitford@fns.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

Combat Pay Exclusion

Section 734(b) of Public Law 111–80, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2010 (the Act), enacted on October 21, 2009, amended Section 17(d)(2) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)) to exclude from the WIC income eligibility determination, combat pay that is received by or from a member of the United States (U.S.) Armed Services that is received in addition to basic pay as a result of the service member's deployment or service in a designated combat zone. In addition, the pay must not have been received prior to serving in a combat zone. Combat pay includes any additional pay received pursuant to Chapter 5 of Title 37 of the United States Code, or otherwise designated by the Secretary to be appropriate for exclusion as combat pay.

This provision was effective on October 21, 2009. On November 5, 2009, the Food and Nutrition Service directed WIC State and local agencies to implement this income exclusion immediately. This final rule amends 7 CFR 246.7, Certification of Participants, to reflect that combat pay is excluded from the WIC income eligibility determination process.

Food Stamp Program Name Change

Section 4001 of Public Law 110–246, the Food, Conservation, and Energy Act of 2008 (FCEA), which was enacted on June 18, 2008, amended and renamed the Food Stamp Act of 1977, 7 U.S.C. 2011, *et seq.*, as the Food and Nutrition Act of 2008. FCEA changed the name of the program from the “Food Stamp Program” to the “Supplemental Nutrition Assistance Program” or “SNAP”. This change in name reflects the fact that participants no longer receive stamps or coupons to make food purchases.

Additionally, the new name reflects a focus on the nutritional aspect of the program. SNAP not only provides food assistance to low-income people, but also promotes nutrition to improve their health and well-being.

Accordingly, this rule makes the following name changes in 7 CFR part 246 to make the Federal WIC regulations consistent with the name changes set forth in the FCEA:

Previous name	New name
“Food Stamp Program”.	“Supplemental Nutrition Assistance Program (SNAP).”
“Food Stamp Act of 1977”.	“Food and Nutrition Act of 2008.”
“food stamp”	“SNAP.”
“food coupons”	“SNAP benefits” or “benefits.”
“Food stamps”	“SNAP benefits” or “benefits.”

Notice and Comment

In accordance with the Secretary's Statement of Policy (36 FR 13804), it is found and determined with good cause that it is unnecessary to engage in the Notice and Comment provisions of 5 U.S.C. 553 normally required before the adoption of final regulations in an FNS-sponsored program. The exclusion of combat pay from consideration as income under the WIC Program is implemented in this final rule in accordance with Section 734(b) of the Act. The nondiscretionary nature of Section 734(b) means that notice and comment would serve no useful purpose in the promulgation of these regulations. The name changes related to SNAP are technical amendments designed to make the WIC portion of 7 CFR consistent with its SNAP counterparts.

Executive Order 12866 and Executive Order 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

This final rule has been designated a “significant regulatory action,” under section 3(f) of Executive Order 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget.

Regulatory Impact Analysis

This rule has been designated as significant by the Office of Management and Budget; therefore, a Regulatory

Impact Analysis (RIA) is required, as summarized below. The complete RIA is available upon request from the Food and Nutrition Service by contacting Debra R. Whitford, Director, Supplemental Food Programs Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Room 520, Alexandria, Virginia 22302; (703) 305-2746; e-mail Debbie.Whitford@fns.usda.gov.

Need for Action

The final rule amends the WIC regulations to implement the exclusion of combat pay from income eligibility determination as mandated in Public Law 111-80, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010, and changes references to the Food Stamp Program to its new name—the Supplemental Nutrition Assistance Program.

Benefits

The benefit of this provision will extend eligibility to deployed service members who might otherwise not be eligible due to the inclusion of combat pay when determining income eligibility to receive WIC benefits.

Costs

The provisions of this final rule will have an insignificant effect upon the administrative burden to the Department or to State agencies. Applicants who were previously found ineligible due to being over the WIC income eligibility limits may now be found eligible when combat pay is excluded from the income eligibility determination. This, in turn, may increase the number of persons served, resulting in a small cost increase to the WIC Program. We estimate that the rule will increase WIC costs by less than \$1 million per year, or about \$4 million from FY 2010 when State agencies began implementing the combat pay exclusion through FY 2014.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601-612) requires Agencies to analyze the impact of rulemaking on small entities and consider alternatives that would minimize any significant impacts on a substantial number of small entities. Pursuant to that review, it is certified that this rule would not have a significant impact on small entities.

The provisions of this rulemaking are applicable to all State and local agencies that administer the WIC Program.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and Tribal governments and the private sector. Under Section 202 of the UMRA, FNS generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with “Federal mandates” that may result in expenditures by State, local, or Tribal governments in the aggregate, or to the private sector, of \$100 million or more in any one year. When such a statement is needed for a rule, Section 205 of the UMRA generally requires FNS to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective or least burdensome alternative that achieves the objectives of the rule.

This final rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local or Tribal governments or the private sector of \$100 million or more in any one year. Thus, the rule is not subject to the requirements of Sections 202 and 205 of the UMRA.

Executive Order 12372

WIC is listed in the Catalog of Federal Domestic Assistance under No. 10.557. For the reasons set forth in the final rule at 7 CFR part 3015, Subpart V and related Notice (48 FR 29115, June 24, 1983), this program is included in the scope of Executive Order 12372 that requires intergovernmental consultation with State and local officials.

Federalism Summary Impact Statement

Executive Order 13132 requires Federal agencies to consider the impact of their regulatory actions on State and local governments. Where such actions have federalism implications, agencies are directed to provide a statement for inclusion in the preamble to the regulations describing the agency’s considerations in terms of the three categories called for under Section 6(b)(2)(B) of Executive Order 13132. FNS has considered the impact of this rule on State and local governments and has determined that this rule does not have federalism implications. Therefore, under Section 6(b) of the Executive Order, a federalism summary impact statement is not required.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any

State or local laws, regulations, or policies that conflict with its provisions or that would otherwise impede its full implementation. This rule is not intended to have retroactive effect unless so specified in the Dates paragraph of the preamble to the final rule. Prior to any judicial challenge to the application of the provisions of this rule, all applicable administrative procedures must be exhausted.

In WIC, the administrative procedures are as follows: (1) State and local agencies, farmers, farmers’ markets, and roadside stands—State agency hearing procedures issued pursuant to 7 CFR 246.18; (2) Applicants and participants—State agency hearing procedures pursuant to 7 CFR 246.18; (3) sanctions against State agencies (but not claims for repayment assessed against a State agency) pursuant to 7 CFR 246.19—administrative appeal in accordance with 7 CFR 246.16, and (4) procurement by State or local agencies—administrative appeal to the extent required by 7 CFR 3016.36.

Civil Rights Impact Analysis

FNS has reviewed this rule in accordance with Departmental Regulations 4300-4, “Civil Rights Impact Analysis,” and 1512-1, “Regulatory Decision Making Requirements.” After a careful review of the rule’s intent and provisions, FNS has determined that this rule is not intended to limit or reduce in any way the ability of protected classes of individuals to receive benefits in the WIC Program. Federal WIC regulations specifically prohibit State agencies that administer the WIC Program, and their cooperators, from engaging in actions that discriminate against any individual in any of the protected classes (see 7 CFR 246.8 for the nondiscrimination policy in the WIC Program). Where State agencies have options, and they choose to implement a certain provision, they must implement it in such a way that it complies with the WIC Program regulations set forth at § 246.8. This rule simply excludes combat pay given to United States Armed Service members that is received in addition to basic pay as a result of the service member’s deployment or service in a designated combat zone from income eligibility determination for WIC, and codifies the name change for what was formerly known as the Food Stamp Program to its new name—SNAP.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

E.O. 13175 requires Federal agencies to consult and coordinate with Tribes

on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects 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. In late 2010 and early 2011, USDA engaged in a series of consultative sessions to obtain input by Tribal officials or their designees concerning the impact of this rule on the Tribe or Indian Tribal governments, or whether this rule may preempt Tribal law. Reports from these consultations will be made part of the USDA annual reporting on Tribal Consultation and Collaboration. USDA will respond in a timely and meaningful manner to all Tribal government requests for consultation concerning this rule and will provide additional venues, such as webinars and teleconferences, to periodically host collaborative conversations with Tribal officials or their designees concerning ways to improve this rule in Indian country.

The policies contained in this rule would not have Tribal implications that preempt Tribal law.

Paperwork Reduction Act

This rule does not constitute a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35).

E-Government Act Compliance

FNS is committed to complying with the E-Government Act of 2002 to promote the use of the Internet and other information technologies to provide increased opportunities to provide for citizen access to government information and services, and for other purposes. State plan amendments regarding the implementation of the provision contained in this rule, as is the case with the entire State Plan, may be transmitted electronically by the State agency to FNS. Also, State agencies may provide WIC Program information, as well as their financial reports, to FNS electronically.

List of Subjects in 7 CFR Part 246

Food assistance programs, Food donations, Grant programs—Social programs, Indians, Nutrition education, Public assistance programs, WIC.

For reasons discussed above, 7 CFR part 246 is amended as follows:

PART 246—SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC)

■ 1. The authority citation for part 246 continues to read as follows:

Authority: 7 U.S.C. 1786.

■ 2. Part 246 of this chapter is amended as follows:

- a. Remove the words “Food Stamp Program” and “the Food Stamp Program” and add in their place, the word “SNAP” each time they appear in this part;
 - b. Remove the words “Food Stamp Act of 1977” and add in their place, the words “Food and Nutrition Act of 2008” each time they appear in this part;
 - c. Remove the words “food stamp” and add in their place, the word “SNAP” each time it appears in this part; and
 - d. Remove the words “food stamps” wherever they appear and add in their place, the words “SNAP benefits”.
- 3. In § 246.2, a definition of *Supplemental Nutrition Assistance Program (SNAP)* is added, to read as follows:

§ 246.2 Definitions.

* * * * *

Supplemental Nutrition Assistance Program (SNAP), formerly known as the Food Stamp Program, is the program authorized by the Food and Nutrition Act of 2008 (7 U.S.C. 2011, *et. seq.*), in which eligible households receive benefits that can be used to purchase food items from authorized retail stores and farmers’ markets.

* * * * *

■ 4. In § 246.7, a new paragraph (d)(2)(iv)(D)(35) is added, to read as follows:

§ 246.7 Certification of participants.

* * * * *

(d) * * *

(2) * * *

(iv) * * *

(D) * * *

(35) Combat pay received by the household member under Chapter 5 of Title 37 or as otherwise designated by the Secretary.

* * * * *

Dated: June 8, 2011.

Kevin Concannon,
Under Secretary, Food, Nutrition, and Consumer Services.

[FR Doc. 2011-14904 Filed 6-15-11; 8:45 am]

BILLING CODE 3410-30-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2011-0010; Airspace Docket No. 11-AAL-1]

Amendment of Federal Airways; Alaska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; delay of effective date.

SUMMARY: This action changes the effective date for the amendment of all Anchorage, AK, Federal Airways that are affected by the relocation of the Anchorage VHF Omnidirectional Range (VOR) navigation aid. The FAA is taking this action due to a failed flight inspection.

DATES: The effective date of the rule published on April 28, 2011 (76 FR 23687), is delayed until further notice.

FOR FURTHER INFORMATION CONTACT: Ken McElroy, Airspace, Regulations and ATC Procedures Group, Office of Mission Support Services, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; *telephone:* (202) 267-8783.

SUPPLEMENTARY INFORMATION:

Background

Federal Register Document FAA-2011-0010, Airspace Docket No. 11-AAL-1, published in the **Federal Register** on April 28, 2011 (76 FR 23687), proposed the amendment of all Anchorage Federal Airways affected by the relocation of the Anchorage VOR navigation aid. Although satisfactory flight inspection reports were filed in April 2011, these reports were in error. These Federal airways are being impacted by flight inspection delays due to the relocation of the navigation aid, thereby delaying the effective date of June 30, 2011, until further notice. This will allow better coordination for the charting of the airspace.

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 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 United States Code. Subtitle I, section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in subtitle VII, part A, subpart I, section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies federal airways in Alaska.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Delay of Effective Date

The effective date of the final rule, Airspace Docket 11–AAL–1, as published in the **Federal Register** on April 28, 2011 (76 FR 23687), is hereby delayed from June 30, 2011, until further notice.

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

Issued in Washington, DC, on June 8, 2011.

Gary A. Norek,

Acting Manager, Airspace, Regulations and ATC Procedures Group.

[FR Doc. 2011–14711 Filed 6–15–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30786; Amdt. No. 3429]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff

Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective June 16, 2011. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 16, 2011.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

*Availability—*All SIAPs are available online free of charge. Visit <http://nfdc.faa.gov> to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT:

Harry J. Hodges, Flight Procedure Standards Branch (AFS–420) Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (*Mail Address:* P.O. Box

25082 Oklahoma City, OK 73125)
telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (FDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of Title 14 of the Code of Federal Regulations.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAP and the corresponding effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP as modified by FDC/P–NOTAMs.

The SIAPs, as modified by FDC P–NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and,

where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

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. It, therefore—(1) Is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities

under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC on May 27, 2011.

Ray Towles,

Deputy Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal regulations, Part 97, 14 CFR part 97, is amended by amending Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33 and 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

* * * *Effective Upon Publication*

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
30-Jun-11 ...	NY	New York	La Guardia	1/0495	5/13/11	RNAV (RNP) Z RWY 4, Orig
30-Jun-11 ...	NY	White Plains	Westchester County	1/0496	5/13/11	RNAV (RNP) Z RWY 16, Orig
30-Jun-11 ...	FL	Miami	Miami Intl	1/0524	5/17/11	RNAV (RNP) Y RWY 26L, Orig-A
30-Jun-11 ...	NY	New York	La Guardia	1/0893	5/13/11	RNAV (RNP) Z RWY 22, Orig-A
30-Jun-11 ...	NY	White Plains	Westchester County	1/0894	5/13/11	RNAV (RNP) Z RWY 34, Orig-A
30-Jun-11 ...	ME	Sanford	Sanford Rgnl	1/0969	5/6/11	VOR RWY 7, Amdt 4
30-Jun-11 ...	ME	Sanford	Sanford Rgnl	1/0970	5/6/11	ILS OR LOC RWY 7, Amdt 4
30-Jun-11 ...	TX	Dallas—Fort Worth	Dallas/Fort Worth Intl	1/0977	5/9/11	RNAV (RNP) Z RWY 13R, Orig-B
30-Jun-11 ...	TX	Dallas—Fort Worth	Dallas/Fort Worth Intl	1/0979	5/9/11	RNAV (RNP) Z RWY 31L, Orig-B
30-Jun-11 ...	TX	Dallas—Fort Worth	Dallas/Fort Worth Intl	1/1072	5/9/11	RNAV (RNP) Z RWY 31R, Amdt 1A
30-Jun-11 ...	AK	Soldotna	Soldotna	1/3576	5/19/11	RNAV (GPS) RWY 7, Orig
30-Jun-11 ...	AK	Soldotna	Soldotna	1/3577	5/19/11	RNAV (GPS) RWY 25, Orig
30-Jun-11 ...	VA	Danville	Danville Rgnl	1/4009	4/25/11	ILS OR LOC RWY 2, Amdt 4
30-Jun-11 ...	TX	Midland	Midland Airpark	1/7099	4/28/11	VOR OR GPS A, Amdt 2
30-Jun-11 ...	TX	Midland	Midland Airpark	1/7100	4/28/11	VOR/DME OR GPS RWY 25, Amdt 3A
30-Jun-11 ...	NH	Portsmouth	Portsmouth Intl At Pease	1/7109	4/25/11	VOR RWY 16, Amdt 5A
30-Jun-11 ...	NH	Portsmouth	Portsmouth Intl At Pease	1/7110	4/25/11	VOR RWY 34, Orig-C
30-Jun-11 ...	TX	Lufkin	Angelina County	1/8830	5/13/11	ILS OR LOC RWY 7, Amdt 2A
30-Jun-11 ...	SC	Bamberg	Bamberg County	1/9179	5/2/11	RNAV (GPS) RWY 23, Orig
30-Jun-11 ...	SC	Bamberg	Bamberg County	1/9180	5/2/11	RNAV (GPS) RWY 5, Orig
30-Jun-11 ...	OK	Norman	University of Oklahoma Westheimer.	1/9651	5/6/11	Takeoff Minimums and Obstacle DP, Orig
30-Jun-11 ...	NH	Manchester	Manchester	1/9793	5/13/11	RNAV (RNP) Z RWY 17, Orig
30-Jun-11 ...	IL	Chicago	Chicago Midway Intl	1/9795	5/6/11	RNAV (RNP) Y RWY 13C, Amdt 1
30-Jun-11 ...	CO	Rifle	Garfield County Rgnl	1/9796	5/9/11	RNAV (RNP) Z RWY 8, Amdt 1
30-Jun-11 ...	CO	Rifle	Garfield County Rgnl	1/9797	5/9/11	RNAV (RNP) Y RWY 26, Amdt 1
30-Jun-11 ...	CO	Rifle	Garfield County Rgnl	1/9798	5/9/11	RNAV (RNP) Z RWY 26, Amdt 1
30-Jun-11 ...	OH	Columbus	Port Columbus Intl	1/9799	5/9/11	RNAV (RNP) Z RWY 10L, Orig-A
30-Jun-11 ...	OH	Columbus	Port Columbus Intl	1/9800	5/9/11	RNAV (RNP) Z RWY 28R, Orig
30-Jun-11 ...	OH	Columbus	Port Columbus Intl	1/9801	5/9/11	RNAV (RNP) Z RWY 28L, Orig
30-Jun-11 ...	OH	Columbus	Port Columbus Intl	1/9802	5/9/11	RNAV (RNP) Z RWY 10R, Orig
30-Jun-11 ...	CO	Hayden	Yampa Valley	1/9803	5/9/11	RNAV (RNP) Z RWY 10, Amdt 1
30-Jun-11 ...	CO	Gunnison	Gunnison—Crested Butte Rgnl	1/9804	5/9/11	RNAV (RNP) RWY 6, Orig
30-Jun-11 ...	LA	New Orleans	Louis Armstrong New Orleans Intl.	1/9805	5/6/11	RNAV (RNP) Z RWY 10, Orig
30-Jun-11 ...	CO	Gunnison	Gunnison—Crested Butte Rgnl	1/9806	5/9/11	RNAV (RNP) RWY 24, Orig
30-Jun-11 ...	LA	New Orleans	Louis Armstrong New Orleans Intl.	1/9807	5/6/11	RNAV (RNP) Z RWY 28, Orig
30-Jun-11 ...	TX	Corpus Christi	Corpus Christi Intl	1/9809	5/6/11	RNAV (RNP) Z RWY 13, Orig
30-Jun-11 ...	TX	Lubbock	Lubbock Preston Smith Intl	1/9810	5/9/11	RNAV (RNP) Z RWY 35L, Orig
30-Jun-11 ...	TX	Corpus Christi	Corpus Christi Intl	1/9811	5/6/11	RNAV (RNP) Z RWY 35, Orig
30-Jun-11 ...	TX	Lubbock	Lubbock Preston Smith Intl	1/9812	5/9/11	RNAV (RNP) Z RWY 17R, Orig
30-Jun-11 ...	TX	Corpus Christi	Corpus Christi Intl	1/9813	5/6/11	RNAV (RNP) Z RWY 31, Orig

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
30-Jun-11 ...	LA	New Orleans	Louis Armstrong New Orleans Intl.	1/9814	5/6/11	RNAV (RNP) Z RWY 19, Orig
30-Jun-11 ...	TX	Amarillo	Rick Husband Amarillo Intl	1/9815	5/6/11	RNAV (RNP) Z RWY 31, Orig
30-Jun-11 ...	TX	Amarillo	Rick Husband Amarillo Intl	1/9822	5/6/11	RNAV (RNP) Z RWY 13, Orig
30-Jun-11 ...	TX	Amarillo	Rick Husband Amarillo Intl	1/9823	5/6/11	RNAV (RNP) Z RWY 22, Orig
30-Jun-11 ...	TX	Amarillo	Rick Husband Amarillo Intl	1/9824	5/6/11	RNAV (RNP) Z RWY 4, Orig
30-Jun-11 ...	OK	Tulsa	Tulsa Intl	1/9825	5/9/11	RNAV (RNP) Z RWY 26, Orig
30-Jun-11 ...	OK	Tulsa	Tulsa Intl	1/9826	5/9/11	RNAV (RNP) Z RWY 18R, Orig
30-Jun-11 ...	WY	Jackson	Jackson Hole	1/9832	5/2/11	RNAV (RNP) Y RWY 1, Orig-A
30-Jun-11 ...	WY	Jackson	Jackson Hole	1/9833	5/2/11	RNAV (RNP) Z RWY 1, Orig-B
30-Jun-11 ...	WY	Jackson	Jackson Hole	1/9835	5/2/11	RNAV (RNP) Z RWY 19, Orig-A
30-Jun-11 ...	NJ	Atlantic City	Atlantic City Intl	1/9836	5/13/11	RNAV (RNP) Z RWY 13, Orig
30-Jun-11 ...	NJ	Atlantic City	Atlantic City Intl	1/9837	5/13/11	RNAV (RNP) Z RWY 31, Orig
30-Jun-11 ...	OR	North Bend	Southwest Rgnl	1/9838	5/2/11	RNAV (RNP) Z RWY 4, Orig
30-Jun-11 ...	MT	Bozeman	Gallatin Field	1/9840	5/2/11	RNAV (RNP) RWY 30, Orig
30-Jun-11 ...	MT	Bozeman	Gallatin Field	1/9841	5/2/11	RNAV (RNP) Z RWY 12, Orig
30-Jun-11 ...	TN	Nashville	Nashville Intl	1/9849	5/11/11	RNAV (RNP) Z RWY 31, Orig
30-Jun-11 ...	TN	Nashville	Nashville Intl	1/9850	5/11/11	RNAV (RNP) Z RWY 20R, Orig
30-Jun-11 ...	MT	Missoula	Missoula Intl	1/9851	5/6/11	RNAV (RNP) RWY 29, Orig
30-Jun-11 ...	HI	Honolulu	Honolulu Intl	1/9852	5/9/11	RNAV (RNP) Z RWY 4R, Orig
30-Jun-11 ...	HI	Honolulu	Honolulu Intl	1/9853	5/9/11	RNAV (RNP) RWY 26L, Orig-B
30-Jun-11 ...	MD	Baltimore	Baltimore/Washington Intl Thurgood Marshal.	1/9854	5/10/11	RNAV (RNP) Z RWY 15R, Orig-A
30-Jun-11 ...	HI	Honolulu	Honolulu Intl	1/9855	5/9/11	RNAV (RNP) Z RWY 8L, Orig-A
30-Jun-11 ...	TN	Nashville	Nashville Intl	1/9856	5/11/11	RNAV (RNP) Z RWY 2C, Orig
30-Jun-11 ...	TN	Nashville	Nashville Intl	1/9857	5/11/11	RNAV (RNP) Z RWY 2L, Orig
30-Jun-11 ...	TN	Nashville	Nashville Intl	1/9858	5/11/11	RNAV (RNP) Z RWY 2R, Orig
30-Jun-11 ...	CA	Ontario	Ontario Intl	1/9859	5/6/11	RNAV (RNP) Z RWY 26L, Orig-B
30-Jun-11 ...	TN	Nashville	Nashville Intl	1/9860	5/11/11	RNAV (RNP) Z RWY 20L, Orig
30-Jun-11 ...	CA	Ontario	Ontario Intl	1/9861	5/6/11	RNAV (RNP) Z RWY 26R, Orig-B
30-Jun-11 ...	MD	Baltimore	Baltimore/Washington Intl Thurgood Marshal.	1/9862	5/10/11	RNAV (RNP) Z RWY 10, Amdt 1
30-Jun-11 ...	MD	Baltimore	Baltimore/Washington Intl Thurgood Marshal.	1/9863	5/10/11	RNAV (RNP) Z RWY 28, Orig-A
30-Jun-11 ...	MD	Baltimore	Baltimore/Washington Intl Thurgood Marshal.	1/9864	5/10/11	RNAV (RNP) Z RWY 33L, Amdt 1
30-Jun-11 ...	CA	Ontario	Ontario Intl	1/9865	5/6/11	RNAV (RNP) Z RWY 8L, Orig-B
30-Jun-11 ...	CA	San Francisco	San Francisco Intl	1/9867	5/11/11	RNAV (RNP) Y RWY 28R, Orig-B
30-Jun-11 ...	CA	San Francisco	San Francisco Intl	1/9870	5/11/11	RNAV (RNP) Y RWY 10R, Orig
30-Jun-11 ...	CA	Monterey	Monterey Peninsula	1/9878	5/6/11	RNAV (RNP) Z RWY 28L, Orig
30-Jun-11 ...	CA	San Jose	Norman Y. Mineta San Jose Intl.	1/9884	5/6/11	RNAV (RNP) Z RWY 30L, Amdt 1
30-Jun-11 ...	CA	San Jose	Norman Y. Mineta San Jose Intl.	1/9886	5/6/11	RNAV (RNP) Z RWY 12L, Orig
30-Jun-11 ...	CA	San Jose	Norman Y. Mineta San Jose Intl.	1/9889	5/6/11	RNAV (RNP) Z RWY 12R, Amdt 1
30-Jun-11 ...	CA	San Jose	Norman Y. Mineta San Jose Intl.	1/9890	5/6/11	RNAV (RNP) Z RWY 30R, Orig-A
30-Jun-11 ...	AZ	Scottsdale	Scottsdale	1/9912	5/6/11	RNAV (RNP) Y RWY 3, Orig-A
30-Jun-11 ...	AZ	Scottsdale	Scottsdale	1/9914	5/6/11	RNAV (RNP) Z RWY 3, Orig
30-Jun-11 ...	AZ	Scottsdale	Scottsdale	1/9918	5/6/11	RNAV (RNP) RWY 21, Orig
30-Jun-11 ...	CA	Bishop	Eastern Sierra Rgnl	1/9920	5/11/11	RNAV (RNP) RWY 30, Orig
30-Jun-11 ...	GA	Atlanta	Dekalb—Peachtree	1/9924	5/13/11	RNAV (RNP) Z RWY 20L, Orig
30-Jun-11 ...	PA	Philadelphia	Philadelphia Intl	1/9926	5/13/11	RNAV (RNP) Z RWY 9R, Orig
30-Jun-11 ...	PA	Philadelphia	Philadelphia Intl	1/9927	5/13/11	RNAV (RNP) Z RWY 9L, Orig
30-Jun-11 ...	FL	Sebring	Sebring Rgnl	1/9934	5/13/11	RNAV (RNP) RWY 18, Orig
30-Jun-11 ...	FL	Tampa	Tampa Intl	1/9935	5/13/11	RNAV (RNP) Y RWY 19L, Amdt 1

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 97**

[Docket No. 30785; Amdt. No. 3428]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

SUMMARY: This establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective June 16, 2011. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 16, 2011.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

Availability—All SIAPs and Takeoff Minimums and ODPs are available

online free of charge. Visit <http://www.nfdc.faa.gov> to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT:

Harry J. Hodges, Flight Procedure Standards Branch (AFS-420), Flight Technologies and Programs Divisions, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) Telephone: (405) 954-4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or revoking SIAPs, Takeoff Minimums and/or ODPS. The complete regulators description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA Forms are FAA Forms 8260-3, 8260-4, 8260-5, 8260-15A, and 8260-15B when required by an entry on 8260-15A.

The large number of SIAPs, Takeoff Minimums and ODPS, in addition to their complex nature and the need for a special format make publication in the **Federal Register** expensive and impractical. Furthermore, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPS, but instead refer to their depiction on charts printed by publishers of aeronautical materials. The advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA forms is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs and the effective dates of the, associated Takeoff Minimums and ODPS. This amendment also identifies the airport and its location, the procedure, and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as contained in the transmittal. Some SIAP and Takeoff Minimums and

textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPS, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPS contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPS, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPS, and safety in air commerce, I find that notice and public procedures before adopting these SIAPs, Takeoff Minimums and ODPS are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

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. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC, on May 27, 2011.

Ray Towles,

Deputy Director, Flight Standards Service.

Adoption Of The Amendment

Accordingly, pursuant to the authority delegated to me, Title 14,

Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures and/or Takeoff Minimums and/or Obstacle Departure Procedures effective at 0902 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 30 JUN 2011

St. Paul Island, AK, St. Paul Island, ILS OR LOC/DME RWY 36, Amdt 3A
Talladega, AL, Talladega Muni, ILS or LOC/DME RWY 3, Orig
Talladega, AL, Talladega Muni, RNAV (GPS) RWY 3, Amdt 1
Talladega, AL, Talladega Muni, RNAV (GPS) RWY 21, Amdt 1
Telluride, CO, Telluride Rgnl, LOC/DME RWY 9, Amdt 2
Telluride, CO, Telluride Rgnl, Takeoff Minimums and Obstacle DP, Amdt 2
Telluride, CO, Telluride Rgnl, VOR/DME–A, Amdt 1
Venice, FL, Venice Muni, RNAV (GPS) RWY 13, Amdt 1
Venice, FL, Venice Muni, RNAV (GPS) RWY 31, Amdt 1
Atlanta, GA, Dekalb-Peachtree, RNAV (RNP) RWY 2R, Amdt 1
Cornelia, GA, Habersham County, NDB RWY 6, Amdt 2
Cornelia, GA, Habersham County, RNAV (GPS) RWY 6, Amdt 1
Cornelia, GA, Habersham County, RNAV (GPS) RWY 24, Amdt 1
Thomson, GA, Thomson-McDuffie County, ILS OR LOC/NDB RWY 10, Amdt 1
Thomson, GA, Thomson-McDuffie County, NDB RWY 10, Amdt 1
Thomson, GA, Thomson-McDuffie County, RNAV (GPS) RWY 10, Orig
Thomson, GA, Thomson-McDuffie County, RNAV (GPS) RWY 28, Orig
Thomson, GA, Thomson-McDuffie County, VOR/DME–A, Amdt 4
Centerville, IA, Centerville Muni, NDB OR GPS RWY 16, Amdt 1B, CANCELLED
Centerville, IA, Centerville Muni, NDB OR GPS RWY 34, Amdt 1B, CANCELLED
Creston, IA, Creston Muni, RNAV (GPS) RWY 16, Amdt 1
Creston, IA, Creston Muni, RNAV (GPS) RWY 34, Amdt 1
Mason City, IA, Mason City Muni, RNAV (GPS) RWY 18, Amdt 2
Mason City, IA, Mason City Muni, RNAV (GPS) RWY 30, Amdt 1
Mason City, IA, Mason City Muni, RNAV (GPS) RWY 36, Amdt 1
Dixon, IL, Dixon Muni-Charles R. Walgreen Field, Takeoff Minimums and Obstacle DP, Amdt 3

Burlington, KS, Coffey County, GPS RWY 18, Orig, CANCELLED
Burlington, KS, Coffey County, GPS RWY 36, Orig, CANCELLED
Burlington, KS, Coffey County, RNAV (GPS) RWY 18, Orig
Burlington, KS, Coffey County, RNAV (GPS) RWY 36, Orig
Lawrence, MA, Lawrence Muni, ILS OR LOC Y RWY 5, Amdt 4
Lawrence, MA, Lawrence Muni, ILS OR LOC Z RWY 5, Orig
Lawrence, MA, Lawrence Muni, NDB RWY 5, Amdt 6
Lawrence, MA, Lawrence Muni, RNAV (GPS) RWY 5, Orig
Lawrence, MA, Lawrence Muni, RNAV (GPS) RWY 23, Orig
Lawrence, MA, Lawrence Muni, VOR RWY 23, Amdt 11
Frederick, MD, Frederick Muni, Takeoff Minimums and Obstacle DP, Amdt 3
Augusta, ME, Augusta State, Takeoff Minimums and Obstacle DP, Amdt 3
Minneapolis, MN, Flying Cloud, RNAV (GPS) RWY 28L, Amdt 1
Rochester, MN, Rochester Intl, RNAV (GPS) RWY 2, Amdt 2
Rochester, MN, Rochester Intl, RNAV (GPS) RWY 20, Amdt 1
Rochester, MN, Rochester Intl, VOR/DME RWY 20, Amdt 14
Two Harbors, MN, Richard B Helgeson, GPS RWY 24, Orig, CANCELLED
Two Harbors, MN, Richard B Helgeson, RNAV (GPS) RWY 6, Orig
Two Harbors, MN, Richard B Helgeson, RNAV (GPS) RWY 24, Orig
Olive Branch, MS, Olive Branch, LOC/DME RWY 36, Orig
Kenansville, NC, Duplin County, GPS RWY 5, Orig-B, CANCELLED
Kenansville, NC, Duplin County, GPS RWY 23, Orig-B, CANCELLED
Kenansville, NC, Duplin County, LOC/NDB RWY 23, Amdt 1
Kenansville, NC, Duplin County, RNAV (GPS) RWY 5, Orig
Kenansville, NC, Duplin County, RNAV (GPS) RWY 23, Orig
Salisbury, NC, Rowan County, ILS OR LOC RWY 20, Amdt 1
Salisbury, NC, Rowan County, NDB RWY 20, Amdt 1
Salisbury, NC, Rowan County, RNAV (GPS) RWY 2, Amdt 1
Salisbury, NC, Rowan County, RNAV (GPS) RWY 20, Amdt 1
Salisbury, NC, Rowan County, Takeoff Minimums and Obstacle DP, Amdt 1
Hillsboro, ND, Hillsboro Muni, RNAV (GPS) RWY 16, Amdt 1
Hillsboro, ND, Hillsboro Muni, RNAV (GPS) RWY 34, Amdt 1
Beatrice, NE, Beatrice Muni, RNAV (GPS) RWY 14, Amdt 1
Beatrice, NE, Beatrice Muni, RNAV (GPS) RWY 18, Amdt 2
Beatrice, NE, Beatrice Muni, RNAV (GPS) RWY 32, Amdt 1
Beatrice, NE, Beatrice Muni, RNAV (GPS) RWY 36, Amdt 2
Beatrice, NE, Beatrice Muni, VOR RWY 14, Amdt 18
Beatrice, NE, Beatrice Muni, VOR RWY 18, Amdt 2

Beatrice, NE, Beatrice Muni, VOR RWY 36, Amdt 9
Central City, NE, Central City Muni-Larry Reineke Field, RNAV (GPS) RWY 16, Orig
Central City, NE, Central City Muni-Larry Reineke Field, RNAV (GPS) RWY 34, Orig
Central City, NE, Central City Muni-Larry Reineke Field, Takeoff Minimums and Obstacle DP, Orig
Millville, NJ, Millville Muni, ILS OR LOC RWY 10, Amdt 2
Brockport, NY, Ledgesdale Airpark, RNAV (GPS) RWY 28, Amdt 1
Schenectady, NY, Schenectady County, GPS RWY 22, Orig-D, CANCELLED
Schenectady, NY, Schenectady County, GPS RWY 28, Orig-B, CANCELLED
Schenectady, NY, Schenectady County, ILS OR LOC RWY 4, Amdt 5
Schenectady, NY, Schenectady County, NDB RWY 22, Amdt 16
Schenectady, NY, Schenectady County, RNAV (GPS) RWY 4, Orig
Schenectady, NY, Schenectady County, RNAV (GPS) RWY 10, Orig
Schenectady, NY, Schenectady County, RNAV (GPS) RWY 22, Orig
Schenectady, NY, Schenectady County, RNAV (GPS) RWY 28, Orig
Watertown, NY, Watertown Intl, RNAV (GPS) RWY 10, Orig
Watertown, NY, Watertown Intl, RNAV (GPS) RWY 28, Orig
Beaver Falls, PA, Beaver County, RNAV (GPS) RWY 10, Orig
Beaver Falls, PA, Beaver County, RNAV (GPS) RWY 28, Orig
Beaver Falls, PA, Beaver County, VOR RWY 28, Amdt 10
Lehigh, PA, Jake Arner Memorial, RNAV (GPS) RWY 8, Amdt 1A
Lehigh, PA, Jake Arner Memorial, RNAV (GPS) RWY 26, Amdt 1A
Philadelphia, PA, Philadelphia Intl, CONVERGING ILS RWY 17, Amdt 6
Philadelphia, PA, Philadelphia Intl, ILS OR LOC RWY 17, Amdt 8
Philadelphia, PA, Philadelphia Intl, RNAV (GPS) RWY 17, Amdt 3
Philadelphia, PA, Philadelphia Intl, RNAV (GPS) RWY 35, Amdt 3
York, PA, York, NDB RWY 17, Amdt 7
York, PA, York, RNAV (GPS) RWY 17, Amdt 2
York, PA, York, RNAV (GPS) RWY 35, Amdt 1
Gettysburg, SD, Gettysburg Muni, RNAV (GPS) RWY 13, Amdt 1
Gettysburg, SD, Gettysburg Muni, RNAV (GPS) RWY 31, Amdt 1
Mobridge, SD, Mobridge Muni, NDB RWY 12, Amdt 2, CANCELLED
Mobridge, SD, Mobridge Muni, RNAV (GPS) RWY 30, Amdt 1
Mobridge, SD, Mobridge Muni, Takeoff Minimums and Obstacle DP, Amdt 1
Spearfish, SD, Black Hills-Clyde Ice Field, GPS RWY 12, Orig-D, CANCELLED
Spearfish, SD, Black Hills-Clyde Ice Field, NDB–A, Amdt 1
Spearfish, SD, Black Hills-Clyde Ice Field, RNAV (GPS) RWY 13, Orig
Spearfish, SD, Black Hills-Clyde Ice Field, RNAV (GPS) RWY 31, Orig
Sturgis, SD, Sturgis Muni, GPS RWY 29, Orig-A, CANCELLED

Sturgis, SD, Sturgis Muni, RNAV (GPS) RWY 11, Orig
 Sturgis, SD, Sturgis Muni, RNAV (GPS) RWY 29, Orig
 Sturgis, SD, Sturgis Muni, Takeoff Minimums and Obstacle DP, Amdt 1
 Dyersburg, TN, Dyersburg Rgnl, RNAV (GPS) RWY 4, Amdt 2
 Dyersburg, TN, Dyersburg Rgnl, RNAV (GPS) RWY 22, Amdt 1
 Dyersburg, TN, Dyersburg Rgnl, VOR-A, Amdt 18
 Dyersburg, TN, Dyersburg Rgnl, VOR/DME RWY 4, Amdt 4
 Memphis, TN, General Dewitt Spain, GPS RWY 17, Orig-A, CANCELLED
 Memphis, TN, General Dewitt Spain, RNAV (GPS) RWY 17, Orig
 Morristown, TN, Moore-Murrell, NDB RWY 5, Amdt 5
 Morristown, TN, Moore-Murrell, RNAV (GPS) RWY 5, Orig
 Morristown, TN, Moore-Murrell, RNAV (GPS) RWY 23, Orig
 Morristown, TN, Moore-Murrell, SDF RWY 5, Amdt 5
 Waverly, TN, Humphreys County, RNAV (GPS) RWY 3, Orig
 Waverly, TN, Humphreys County, RNAV (GPS) RWY 21, Orig
 Wendover, UT, Wendover, RNAV (GPS) RWY 8, Orig
 Wendover, UT, Wendover, RNAV (GPS)-C, Orig
 Waynesboro, VA, Eagle's Nest, RNAV (GPS) RWY 6, Orig
 Waynesboro, VA, Eagle's Nest, RNAV (GPS) RWY 24, Orig
 Highgate, VT, Franklin County State, RNAV (GPS) RWY 1, Amdt 3
 Highgate, VT, Franklin County State, RNAV (GPS) RWY 19, Amdt 1
 Highgate, VT, Franklin County State, Takeoff Minimums and Obstacle DP, Amdt 1
 Highgate, VT, Franklin County State, VOR/DME RWY 19, Amdt 5
 Springfield, VT, Hartness State (Springfield), Takeoff Minimums and Obstacle DP, Amdt 3
 Ladysmith, WI, Rusk County, NDB RWY 32, Amdt 3
 Ladysmith, WI, Rusk County, RNAV (GPS) RWY 14, Orig
 Ladysmith, WI, Rusk County, RNAV (GPS) RWY 32, Orig
 Marshfield, WI, Marshfield Muni, NDB RWY 5, Amdt 14
 Marshfield, WI, Marshfield Muni, NDB RWY 16, Amdt 10
 Milwaukee, WI, General Mitchell Intl, ILS OR LOC RWY 19R, Amdt 11
 Milwaukee, WI, General Mitchell Intl, RNAV (GPS) RWY 19R, Amdt 1
 Milwaukee, WI, General Mitchell Intl, RNAV (GPS) Y RWY 19R, Orig, CANCELLED
 Sparta, WI, Sparta/Fort McCoy, NDB RWY 29, Amdt 4
 Sparta, WI, Sparta/Fort McCoy, RNAV (GPS) RWY 11, Amdt 1
 Sparta, WI, Sparta/Fort McCoy, Takeoff Minimums and Obstacle DP, Amdt 2

On MAY 04, 2011 (76 FR 25233) the FAA published an Amendment in Docket No. 30779, Amdt 3422 to Part 97 of the Federal Aviation Regulations under section 97.33. The following entries, published in TL 11-11 effective for 30 JUNE 2011, are hereby rescinded:

Anchorage, AK, Merrill Field, RNAV (GPS)-A, Amdt 1
 Anchorage, AK, Merrill Field, Takeoff Minimums and Obstacle DP, Amdt 1
 Big Lake, AK, Big Lake, RNAV (GPS) RWY 7, Amdt 1
 Big Lake, AK, Big Lake, RNAV (GPS) RWY 25, Amdt 1
 Big Lake, AK, Big Lake, Takeoff Minimums and Obstacle DP, Amdt 2
 Big Lake, AK, Big Lake, VOR RWY 7, Amdt 7
 Galena, AK, Edward G. Pitka Sr, VOR/DME RWY 7, Amdt 7B
 Galena, AK, Edward G. Pitka Sr, VOR/DME RWY 25, Amdt 10B
 Kenai, AK, Kenai Muni, ILS OR LOC RWY 19R, Amdt 4
 Kenai, AK, Kenai Muni, RNAV (GPS) RWY 1L, Amdt 2
 Kenai, AK, Kenai Muni, RNAV (GPS) RWY 19R, Amdt 2
 Kenai, AK, Kenai Muni, VOR RWY 19R, Amdt 19
 Kenai, AK, Kenai Muni, VOR/DME RWY 1L, Amdt 8
 Wasilla, AK, Wasilla, Takeoff Minimums and Obstacle DP, Amdt 1

On MAY 16, 2011 (76 FR 28172) the FAA published an Amendment in Docket No. 30781, Amdt 3424 to Part 97 of the Federal Aviation Regulations under section 97.33. The following entries, published in TL 11-12 effective for 30 JUNE 2011, are hereby rescinded:

Anchorage, AK, Ted Stevens Anchorage Intl, ILS OR LOC/DME RWY 7L, ILS RWY 7L (SA CAT I), ILS RWY 7L (CAT II), Amdt 2
 Anchorage, AK, Ted Stevens Anchorage Intl, ILS RWY 15, Amdt 5
 Anchorage, AK, Ted Stevens Anchorage Intl, RNAV (GPS) RWY 7L, Amdt 2
 Anchorage, AK, Ted Stevens Anchorage Intl, RNAV (GPS) RWY 15, Amdt 2
 Anchorage, AK, Ted Stevens Anchorage Intl, Takeoff Minimum and Obstacle DP, Amdt 6
 Anchorage, AK, Ted Stevens Anchorage Intl, VOR RWY 7R, Amdt 13A, CANCELLED
 Kodiak, AK, Kodiak, ILS OR LOC/DME Y RWY 25, Amdt 1A
 Kodiak, AK, Kodiak, VOR Y RWY 25, Amdt 1A
 Soldotna, AK, Soldotna, NDB RWY 7, Amdt 2
 Soldotna, AK, Soldotna, NDB RWY 25, Amdt 3
 Soldotna, AK, Soldotna, VOR-A, Amdt 7

On MAY 26, 2011 (76 FR 30536) the FAA published an Amendment in Docket No. 30783, Amdt 3426 to Part 97 of the Federal Aviation Regulations under section 97.33. The following entries, published in TL 11-13 effective for 30 JUNE 2011, are hereby rescinded:

Valdez, AK, Valdez Pioneer Field, LDA/DME-H, Orig-A

[FR Doc. 2011-13955 Filed 6-15-11; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 121 and 135

[Docket No. 28471; Amendment Nos. 121-355 and 135-125]

RIN 2120-AF08

Training and Qualification Requirements for Check Airmen and Flight Instructors; Technical Amendment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; technical amendment.

SUMMARY: The FAA is amending its regulations regarding separate requirements for check airmen who check only in flight simulators and flight instructors who instruct only in flight simulators. This document corrects minor technical errors in the codified text of those regulations.

DATES: Effective June 16, 2011.

FOR FURTHER INFORMATION CONTACT: Eric Friedman, Air Transportation Division, AFS-200, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: 202-493-5259; e-mail: eric.friedman@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

On June 17, 1996, the FAA published a final rule entitled, "Training and Qualification Requirements for Check Airmen and Flight Instructors" (61 FR 30734).

In that final rule the FAA established separate requirements for check airmen who check only in flight simulators and flight instructors who instruct only in flight simulators. To ensure an equivalent level of safety, the affected check airmen and flight instructors must accomplish the following: Recency of experience requirements, including completion of an approved line-observation program within each 12-

month period; and required training, including recurrent ground and flight training. Additionally this rule allowed check airman and flight instructors to obtain all of their flight training in simulators, as opposed to the then current scheme in which initial and transition flight training must include an in-flight element.

Technical Amendment

This technical amendment makes two revisions to the final rule: (1) The language in § 121.412(f)(2) incorrectly uses the term “check airman” when the term “flight instructor” should have been used; and (2) the language in § 135.338(f)(2) incorrectly uses the term “check airman” when the term “flight instructor” should have been used. Accordingly, this technical amendment revises §§ 121.412(f)(2) and 135.338(f)(2).

Because the changes in this technical amendment result in no substantive change, we find good cause exists under 5 U.S.C. 553(d)(3) to make the amendment effective in less than 30 days.

List of Subjects

14 CFR Part 121

Air carriers, Aircraft, Airmen, Alcohol abuse, Aviation safety, Charter flights, Drug abuse, Drug testing, Reporting and recordkeeping requirements, Safety, and Transportation.

14 CFR Part 135

Air taxis, Aircraft, Airmen, Alcohol abuse, Aviation safety, Drug abuse, Drug testing, and Reporting and recordkeeping requirements.

The Amendments

In consideration of the foregoing, the Federal Aviation Administration amends chapter I of title 14, Code of Federal Regulations as follows:

PART 121—OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

■ 1. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 40119, 41706, 44101, 44701–44702, 44705, 44709–44711, 44713, 44716–44717, 44722, 46105.

■ 2. Amend § 121.412 by revising paragraph (f)(2) to read as follows:

§ 121.412 Qualifications: Flight instructors (airplane) and flight instructors (simulator).

* * * * *

(f) * * *

(2) Satisfactorily complete an approved line-observation program within the period prescribed by that

program preceding the performance of any flight instructor duty in a flight simulator.

* * * * *

PART 135—OPERATING REQUIREMENTS: COMMUTER AND ON DEMAND OPERATIONS AND RULES GOVERNING PERSONS ON BOARD SUCH AIRCRAFT

■ 3. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. 106(g), 41706, 40113, 44701–44702, 44705, 44709, 44711–44713, 44715–44717, 44722, 45101–45105.

■ 4. Amend § 135.338 by revising paragraph (f)(2) to read as follows:

§ 135.338 Qualifications: Flight instructors (aircraft) and flight instructors (simulator).

* * * * *

(f) * * *

(2) Satisfactorily complete an approved line-observation program within the period prescribed by that program preceding the performance of any flight instructor duty in a flight simulator.

* * * * *

Issued in Washington, DC, on June 10, 2011.

Dennis R. Pratte,

Acting Director, Office of Rulemaking.

[FR Doc. 2011–14999 Filed 6–15–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2011–0433]

RIN 1625–AA00

Safety Zone; Waterway Closure, Atchafalaya River From Mile Marker 117 (Morgan City Railroad Bridge) to Mile Marker 0 (Simmesport, LA)

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone closing the Atchafalaya River to all commercial traffic from MM 117 (Morgan City Railroad Bridge) to MM 0 (Simmesport, LA). This temporary safety zone is needed to protect the general public, vessels and tows from destruction, and the levee system from destruction, loss or injury due to hazards associated with rising flood water.

DATES: *Effective Date:* this rule is effective in the CFR from June 16, 2011 until 11:59 p.m. July 31, 2011. This rule is effective with actual notice for purposes of enforcement beginning 12:01 a.m. May 16, 2011 through 11:59 p.m. July 31, 2011.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2011–0433 and are available online by going to <http://www.regulations.gov>, inserting USCG–2011–0433 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 Lieutenant (LT) Russell Pickering, Coast Guard; telephone 985–380–5334, e-mail russell.t.pickering@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 publishing a NPRM would be impracticable since immediate action is needed to protect the general public, levee system, vessels and tows from the hazards associated with rising flood water on the Atchafalaya River.

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**. Publishing a NPRM and delaying its effective date would be impracticable since immediate action is needed to protect the general public, levee system, vessels and tows from destruction, loss or injury due to the

hazards associated with rising flood water in the Atchafalaya River.

Basis and Purpose

Captain of the Port Morgan City, Louisiana has determined that there is a need to establish a temporary safety zone due to high water. This temporary safety zone is needed to protect the general public, levee system, vessels and tows from destruction, loss or injury from flood waters and associated hazards.

Discussion of Rule

The Coast Guard is establishing a temporary Safety Zone in the Atchafalaya River for all commercial traffic from MM 117 (Morgan City Railroad Bridge) to MM 0 (Simmesport, LA). Vessels and tows may not enter this zone unless authorized by the Captain of the Port Morgan City or designated representative.

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.

Although this regulation will restrict access to the area, the effect of the rule will not be significant because vessels requiring entry into or passage through the Safety Zone may request permission from the Captain of the Port Morgan City, or a designated representative and entry will be evaluated on a case-by-case basis to minimize impact and protect the general public, levee system, vessels and tows from destruction, loss or injury due to the hazards associated with rising flood water. Notifications to the marine community will be made through broadcast notices to mariners and Local Notices to Mariners and Marine Safety Information Bulletins.

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 through the Safety Zone from May 16, 2011 through July 31, 2011. This temporary safety zone is not expected to have a significant economic impact on a substantial number of small entities because vessels and tows requiring entry into or passage through the temporary safety zone may request permission from the Captain of the Port Morgan City, or a designated representative. If you are a small business entity and are significantly affected by this regulation, please contact LT Russell Pickering, Marine Safety Unit Morgan City, at (985) 380–5334.

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 M16475.1D, 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) (g.), of the Instruction. This rule involves an emergency situation and will be in effect for over one week, but is not expected to result in any significant adverse environmental impact as described in NEPA.

An environmental analysis checklist and a categorical exclusion determination will be provided and made available at the docket as indicated in the ADDRESSES section.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (Water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05-1, 6.04-1, 6.04-6, and 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. A new temporary § 165.T08-0433 is added to read as follows:

§ 165.T08-0433 Safety Zone; Waterway Closure, Atchafalaya River from Mile Marker 117 (Morgan City Railroad Bridge) to Mile Marker 0 (Simmesport, LA).

(a) *Location.* This temporary safety zone is located on the specified waters of the Atchafalaya River between MM 117 (Morgan City Railroad Bridge) and MM 0 (Simmesport, LA).

(b) *Effective date.* This rule is effective May 16, 2011 through July 31, 2011 and enforceable with actual notice upon signature, May 16, 2011.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port Morgan City.

(2) Vessels requiring entry into or passage through the Safety Zone must request permission from the Captain of the Port Morgan City, or a designated representative. They may be contacted on VHF Channel 13 or 16, or by telephone at 985-380-5370.

(3) All persons and vessels shall comply with the instructions of the Captain of the Port Morgan City and designated on-scene patrol personnel. On-scene patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

Dated: May 16, 2011.

J.C. Burton,

Captain, U.S. Coast Guard, Captain of the Port Morgan City, Louisiana.

E.M. Stanton,

Captain, U.S. Coast Guard Captain of the Port New Orleans, Louisiana.

[FR Doc. 2011-14922 Filed 6-15-11; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2011-0228]

RIN 1625-AA00

Safety Zone, Brandon Road Lock and Dam to Lake Michigan Including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, and Calumet-Saganashkee Channel, Chicago, IL

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a permanent safety zone from Brandon Road Lock and Dam to Lake Michigan. This safety zone will cover 77 miles of navigable waterways in the Chicago area and is intended to restrict vessels from entering certain segments of the navigable waters of the Des Plaines River, the Chicago Sanitary and Ship Canal, branches of the Chicago River, and the Calumet-Saganashkee Channel. This safety zone is necessary to protect the waters, waterway users and vessels from hazards associated with a myriad of actions designed to control the spread of aquatic nuisance species. Because the Asian Carp Regional Coordinating Committee (ACRCC) may take such actions at any time and in any segment of the waterways covered by this safety zone, this safety zone will provide the Captain of the Port, Sector Lake Michigan, the ability to take targeted and expeditious action to protect vessels and persons from the hazards associated with any Federal and state efforts to control aquatic nuisance species.

DATES: This rule is effective July 18, 2011.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket USCG-2011-0228 and are available online at <http://www.regulations.gov>. This material is also available for inspection or copying at two locations: 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 and the U.S. Coast Guard Sector Lake Michigan, 2420 South Lincoln Memorial Drive, Milwaukee, WI 53207, between 8 a.m.

and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call BM1 Adam Kraft, Prevention Department, Coast Guard Sector Lake Michigan, Milwaukee, WI at (414) 747-7148 or e-mail him at Adam.D.Kraft@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 April 27, 2011, we published a Notice of Proposed Rule Making (NPRM) entitled Safety Zones; Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, and Calumet-Saganashkee Channel, Chicago, IL, in the *Federal Register* (76 FR 23524). We received zero letters commenting on the proposed rule. No public meeting was requested, and none was held.

Background and Purpose

In 2007, the Department of the Interior through the Fish and Wildlife Service listed the Asian Carp and the Silver Carp as Injurious Wildlife Species. Based upon testing conducted by the United States Army Corps of Engineers (USACE), the Asian carp are believed to be migrating toward the Great Lakes through the Chicago Sanitary and Ship Canal and connected tributaries. Scientists are concerned that if these aquatic nuisance species reach the Great Lakes in sufficient numbers that they might devastate the Great Lakes commercial and sport fishing industries.

The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, as amended by the National Invasive Species Act of 1996, authorized the USACE to conduct a demonstration project to identify an environmentally sound method for preventing and reducing the dispersal of non-indigenous aquatic nuisance species through the Chicago Sanitary and Ship Canal.

Subsequently, the USACE put in place an electric barrier to prevent and reduce the dispersal of Asian carp in the Chicago Sanitary and Ship Canal. Specifically, a demonstration dispersal barrier (Barrier I) was constructed and has been in operation since April 2002. It is located approximately 30 miles from Lake Michigan and creates an electric field in the water by pulsing low voltage DC current through steel cables

secured to the bottom of the canal. A second barrier (Barrier IIA) was constructed 800 to 1300 feet downstream of Barrier I. Barrier IIA is currently operating at two volts per inch, 15 Hertz, and 6.5ms. Construction on Barrier IIB was completed in early 2011. Operational and safety testing was conducted on Barrier IIB in February 2011 and is being analyzed. The completion of Barrier IIB should allow for maintenance operations with reduced need for the use of other aquatic nuisance species countermeasures.

In addition to the aforementioned electric dispersal barriers, the ACRCC has been conducting fish sampling in the Chicago Area Waterway System. The purpose of this sampling is to detect the potential presence of Asian Carp and other aquatic nuisance species within the waters covered by this safety zone. Upon detection of the presence of Asian Carp or other aquatic nuisance species within any segment of the waterways covered by this safety zone, the ACRCC will take action designed to control the spread of aquatic nuisance species within the area of detection. The various types of actions that the ACRCC might take are outlined in the Asian Carp Control Strategy Framework, which can be found on the ACRCC's Web site: <http://asiancarp.org>.

Because of the ACRCC's testing and countermeasure activity, the Captain of the Port, Sector Lake Michigan, put in place a Temporary Interim Rule (TIR) on May 1, 2010. This TIR established a 77 mile long safety zone from Brandon Road Lock to Lake Michigan in Chicago, IL. The purpose of that safety zone was to provide the Captain of the Port, Sector Lake Michigan, with the ability to take targeted and expeditious action to protect vessels and persons from the hazards associated with the aquatic nuisance testing and the countermeasure activities detailed in the ACRCC's Asian Carp Control Strategy Framework. Although that TIR expired on March 1, 2011, the ACRCC will continue their testing and countermeasure activities. Thus, the Captain of the Port, Sector Lake Michigan, still finds it necessary to have the ability to take targeted and expeditious actions in the affected waterways to protect vessels and persons from the ACRCC's expected actions. For this reason, the Captain of the Port, Sector Lake Michigan, is establishing a permanent safety zone along the same waterways covered in the previously published TIR. Like the safety zone established in the TIR, this safety zone will only be enforced when testing and countermeasure activity

require the Captain of the Port, Sector Lake Michigan to enforce the safety zone.

Discussion of Comments and Changes

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

Regulatory Analysis

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.

We expect the economic impact of this rule to be minimal. This determination is based on the following: (1) While this rule establishes a safety zone that is 77 miles long, the Captain of the Port, Sector Lake Michigan, will enforce the safety zone only in relatively small segments. The Captain of the Port, Sector Lake Michigan, will have the flexibility to enforce the safety zone in only the segments of the safety zone affected by the application of piscicide, targeted fishing operations or other countermeasures to address the problem of aquatic nuisance species invasion; and (2) The Captain of the Port, Sector Lake Michigan, will make every effort to reduce the closure time of the enforced segments of the safety zone.

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 and operators of vessels intending to transit or anchor in any enforced segment of the 77 mile

safety zone. This rule will not have a significant impact on a substantial number of small entities because only small segments of the safety zone will be enforced at any one time. Also, enforcement periods will be relatively short. Furthermore, in certain instances vessels may pass around an enforced segment of the zone. Finally, transit through an enforced segment of the zone may be permitted by the Captain of the Port, Sector Lake Michigan, or his or her on-scene representative when deemed practical.

On April 27, 2011, the Coast Guard published a Notice of Proposed Rule Making (NPRM) entitled Safety Zones; Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, and Calumet-Saganashkee Channel, Chicago, IL, in the **Federal Register** (76 FR 23524). The Coast Guard received zero public submissions commenting on the impact to small entities by this rule. There have been no changes made to the rule as proposed.

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 rule so that they can 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.

On April 27, 2011, the Coast Guard published a Notice of Proposed Rule Making (NPRM) entitled Safety Zones; Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, and Calumet-Saganashkee Channel, Chicago, IL, in the **Federal Register** (76 FR 23524). The Coast Guard received zero public submissions commenting on the impact to small entities by this rule. There have been no changes made to the rule as proposed.

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 would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

On April 27, 2011, the Coast Guard published a Notice of Proposed Rule Making (NPRM) entitled Safety Zones; Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, and Calumet-Saganashkee Channel, Chicago, IL, in the **Federal Register** (76 FR 23524). The Coast Guard received zero public submissions commenting on the impact to small entities by this rule. There have been no changes made to the rule as proposed.

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.

On April 27, 2011, the Coast Guard published a Notice of Proposed Rule Making (NPRM) entitled Safety Zones; Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, and Calumet-Saganashkee Channel, Chicago, IL, in the **Federal Register** (76 FR 23524). The Coast Guard received zero public submissions commenting on the impact to small entities by this rule. There have been no changes made to the rule as proposed.

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.

On April 27, 2011, the Coast Guard published a Notice of Proposed Rule Making (NPRM) entitled Safety Zones; Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, and Calumet-Saganashkee Channel, Chicago, IL, in the **Federal Register** (76 FR 23524). The Coast Guard received zero public submissions commenting on the impact

to small entities by this rule. There have been no changes made to the rule as proposed.

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.

On April 27, 2011, the Coast Guard published a Notice of Proposed Rule Making (NPRM) entitled Safety Zones; Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, and Calumet-Saganashkee Channel, Chicago, IL, in the **Federal Register** (76 FR 23524). The Coast Guard received zero public submissions commenting on the impact to small entities by this rule. There have been no changes made to the rule as proposed.

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.

On April 27, 2011, the Coast Guard published a Notice of Proposed Rule Making (NPRM) entitled Safety Zones; Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, and Calumet-Saganashkee Channel, Chicago, IL, in the **Federal Register** (76 FR 23524). The Coast Guard received zero public submissions commenting on the impact to small entities by this rule. There have been no changes made to the rule as proposed.

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.

On April 27, 2011, the Coast Guard published a Notice of Proposed Rule Making (NPRM) entitled Safety Zones; Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, and Calumet-Saganashkee Channel, Chicago, IL, in the **Federal Register** (76 FR 23524). The Coast Guard received zero public submissions commenting on the impact to small entities by this rule. There have been no changes made to the rule as proposed.

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.

On April 27, 2011, the Coast Guard published a Notice of Proposed Rule Making (NPRM) entitled Safety Zones; Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, and Calumet-Saganashkee Channel, Chicago, IL, in the **Federal Register** (76 FR 23524). The Coast Guard received zero public submissions commenting on the impact to small entities by this rule. There have been no changes made to the rule as proposed.

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023-01 and Commandant Instruction M16475.1D, 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 that this action is one of the category of actions which do not individually or cumulatively have

significant effect on the human environment. Therefore, this rule is categorically excluded, under section 2.B.2 Figure 2-1, paragraph (34)(g), of the Instruction and neither an environmental assessment nor an environmental impact statement is required. This rule involves the establishing of a safety zone. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**. The Coast Guard's responsibilities to assess environmental impacts extend only to the creation of the safety zone and do not include the application of piscicide or any other countermeasures to combat invasive species.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05-1, 6.04-1, 6.04-6, and 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.930 to read as follows:

§ 165.930 Safety Zone, Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, and Calumet-Saganashkee Channel, Chicago, IL.

(a) *Location.* The safety zone consists of the following areas:

(1) *Des Plaines River.* All U.S. waters of the Des Plaines River located between mile marker 286.0 (Brandon Road Lock and Dam) and mile marker 290.0 (point at which the Des Plaines River connects with the Chicago Sanitary and Ship Canal).

(2) *Chicago Sanitary and Ship Canal.* All U.S. waters of the Chicago Sanitary and Ship Canal between mile marker 290.0 (point at which the Chicago Sanitary and Ship Canal connects to the Des Plaines River) and mile marker 321.8 (point at which the Chicago Sanitary and Ship Canal Connects to the South Branch Chicago River).

(3) *South Branch Chicago River.* All U.S. waters of the South Branch Chicago River between mile marker 321.8 (point at which the South Branch Chicago River connects to the Chicago Sanitary

and Ship Canal) and mile marker 325.6 (point at which the South Branch Chicago River connects to the Chicago River (Main Branch) and North Branch Chicago River).

(4) *Chicago River (Main Branch).* All U.S. waters of the Chicago River (Main Branch) between mile marker 325.6 (point at which the Chicago River connects to the South Branch Chicago River) and 100 yards extending past the end of the Chicago River covering the area of the Federal channel within Chicago Harbor.

(5) *North Branch Chicago River.* All U.S. waters of the North Branch Chicago River between mile marker 325.6 (point at which the North Branch Chicago River connects to the Chicago River (Main Branch) and the South Branch Chicago River) and mile marker 331.4 (end of navigation channel).

(6) *Calumet-Saganashkee Channel.* All U.S. waters of the Calumet-Saganashkee Channel between mile marker 303.5 (point at which the Calumet-Saganashkee Channel connects to the Chicago Sanitary and Ship Canal) and mile marker 333.0; all U.S. waters of the Calumet-Saganashkee Channel between mile marker 333.0 and Lake Michigan (Calumet Harbor).

(b) *Effective Period.* This rule is effective July 18, 2011.

(c) *Enforcement.* (1) The Captain of the Port, Sector Lake Michigan, may enforce this safety zone in whole, in segments, or by any combination of segments. The Captain of the Port, Sector Lake Michigan, may suspend the enforcement of any segment of this safety zone for which notice of enforcement had been given.

(2) The safety zone established by this section will be enforced, pursuant to paragraph (c)(1) of this section, only upon notice by the Captain of the Port, Sector Lake Michigan. Suspension of any previously announced period of enforcement will also be provided by the Captain of the Port, Sector Lake Michigan. All notices of enforcement and notices of suspension of enforcement will clearly describe any segments of the safety zone affected by the notice. At a minimum, notices of enforcement and notices of suspension of enforcement will identify any affected segments by reference to mile markers. When possible, the Captain of the Port, Sector Lake Michigan, will also identify enforced segments of this safety zone by referencing readily identifiable geographical points. In addition to providing the geographical bounds of any enforced segment of this safety zone, notices of enforcement will also provide the date(s) and time(s) at which enforcement will commence or suspend.

(3) The Captain of the Port, Sector Lake Michigan, will publish notices of enforcement and notices of suspension of enforcement in accordance with 33 CFR 165.7(a) and in a manner that provides as much notice to the public as possible. The primary method of notification will be through publication in the **Federal Register**. The Captain of the Port, Sector Lake Michigan, will also provide notice through other means, such as Broadcast Notice to Mariners, local Notice to Mariners, local news media, distribution in leaflet form, and on-scene oral notice. Additionally, the Captain of the Port, Sector Lake Michigan, may notify representatives from the maritime industry through telephonic and email notifications.

(d) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, mooring, laying up, or anchoring within any enforced segment of the safety zone is prohibited unless authorized by the Captain of the Port, Sector Lake Michigan, or his or her designated representative.

(2) The “designated representative” of the Captain of the Port, Sector Lake Michigan, is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port, Sector Lake Michigan, to act on his or her behalf. The designated representative of the Captain of the Port, Sector Lake Michigan, will be aboard a Coast Guard, Coast Guard Auxiliary, or other designated vessel or will be on shore and will communicate with vessels via VHF radio, loudhailer, or by phone. The Captain of the Port, Sector Lake Michigan, or his or her designated representative may be contacted via VHF radio Channel 16 or the Coast Guard Sector Lake Michigan Command Center at 414-747-7182.

(3) To obtain permission to enter or operate within an enforced segment of the safety zone established by this section, Vessel operators must contact the Captain of the Port, Sector Lake Michigan, or his or her designated representative. Vessel operators given permission to operate in an enforced segment of the safety zone must comply with all directions given to them by the Captain of the Port, Sector Lake Michigan, or his or her designated representative.

(4) When a segment of the safety zone is being enforced, it will be closed to all vessel traffic, except as may be permitted by the Captain of the Port, Sector Lake Michigan, or his or her designated representative. As soon as operations permit, the Captain of the Port, Sector Lake Michigan, will issue a notice of suspension of enforcement as

specified in paragraph (c) of this section.

(5) All persons entering any enforced segment of the safety zone established in this section are advised that they do so at their own risk.

Dated: June 3, 2011.

L. Barndt,

Captain, U.S. Coast Guard Captain of the Port, U.S. Coast Guard Sector Lake Michigan.

[FR Doc. 2011-14925 Filed 6-15-11; 8:45 am]

BILLING CODE 9110-04-P

GENERAL SERVICES ADMINISTRATION

41 CFR Part 302-16

[FTR Amendment 2011-02; FTR Case 2011-306; Docket Number 2011-0013, Sequence 1]

RIN 3090-AJ17

Federal Travel Regulation (FTR); Miscellaneous Expense Allowance (MEA)

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

ACTION: Final rule.

SUMMARY: GSA is amending the Federal Travel Regulation (FTR) by increasing the set lump-sum rate amount to be paid for the miscellaneous expenses allowance (MEA), when the employee chooses not to provide documentation of miscellaneous expenses.

DATES: *Effective date:* This final rule is effective on July 18, 2011.

FOR FURTHER INFORMATION CONTACT: The Regulatory Secretariat (MVCB), 1275 First Street, NE., Washington, DC 20417, (202) 501-4755, for information pertaining to status or publication schedules. For clarification of content, contact Rick Miller, Office of Governmentwide Policy, Travel Management Policy, at (202) 501-3822 or e-mail at rodneymiller@gsa.gov. Please cite FTR Amendment 2011-02; FTR case 2011-306.

SUPPLEMENTARY INFORMATION:

A. Background

Pursuant to 5 U.S.C. 5738, the Administrator of General Services is authorized to prescribe regulations necessary to implement laws regarding Federal employees when assigned a temporary change of station or when otherwise officially relocated. The overall implementing authority is the Federal Travel Regulation (FTR) (41 CFR Chapters 300-304).

Pursuant to 5 U.S.C. 5724a(f), an employee who is transferred in the

interest of the Government is entitled to reimbursement for certain miscellaneous expenses. The purpose of the miscellaneous expense allowance (MEA) is to defray various contingent costs associated with discontinuing a residence at one location and establishing a residence at a new location. The costs covered include items such as fees for disconnecting and connecting appliances, cutting and fitting rugs, draperies, and curtains moved from one residence to another, utility fees or deposits that are not offset by eventual refunds, forfeiture of medical, dental, and other non-transferrable contracts, and the cost of automobile registration and driver's licenses.

The FTR provides that a MEA may be paid in one of two alternative amounts. A transferring employee without an immediate family is automatically entitled to a lump-sum of one week's basic gross pay, up to \$500, and an employee with an immediate family is entitled to a lump-sum of two weeks' basic gross pay, up to \$1000. If additional amounts are justified, with supporting documentation, MEA may be reimbursed up to a maximum of one or two weeks basic pay depending on whether or not the employee has an immediate family, not to exceed the maximum rate payable for a position at GS-13, Step 10, of the General Schedule provided in 5 U.S.C. 5332. Since the establishment of MEA in 1966, the lump-sum has only been increased twice. The last increase was on February 19, 2002.

This final rule will revise section 302-16.102 of the FTR by increasing the lump sums from \$500 to \$650 for employees with no immediate family and from \$1000 to \$1300, for employees who have an immediate family. These figures are based upon an increase in the Consumer Price Index.

This final rule also makes one clerical correction to section 302-16.104.

B. Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review

under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

C. Regulatory Flexibility Act

This final rule will not have 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.* This final rule is also exempt from Regulatory Flexibility Act per 5 U.S.C. 553(a)(2), because it applies to agency management or personnel. However, this final rule is being published to provide transparency in the promulgation of Federal policies.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FTR do not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

E. Small Business Regulatory Enforcement Fairness Act

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

List of Subjects in 41 CFR Part 302–16

Government employees, Relocation, Travel, and Transportation expenses.

Dated: May 5, 2011.

Martha Johnson,

Administrator of General Services.

For the reasons set forth in the preamble, pursuant to 5 U.S.C. 5721–5738, 41 CFR part 302–16 is amended to read as follows:

PART 302–16—ALLOWANCE FOR MISCELLANEOUS EXPENSES

■ 1. The authority citation for 41 CFR part 302–16 continues to read as follows:

Authority: 5 U.S.C. 5738; 20 U.S.C. 905(a); E.O. 11609, 36 FR 13747; 3 CFR 1971–1975 Comp., p. 586.

§ 302–16.102 [Amended]

■ 2. Amend § 302–16.102 by—

■ a. Removing “\$500” in paragraph (a) and adding “\$650” in its place.

■ b. Removing “\$1,000” in paragraph (b) and adding “\$1,300” in its place.

§ 302–16.104 [Amended]

■ 3. Amend § 302–16.104 by removing “§ 302–16.101” and adding “§ 302–16.102” in its place.

[FR Doc. 2011–14890 Filed 6–15–11; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2011–0002]

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated in the table below.

ADDRESSES: The final BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–4064, or (e-mail) luis.rodriquez1@dhs.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that

publication. The Deputy Federal Insurance and Mitigation Administrator has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community.

The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act. This final rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

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 final rule involves no policies that have federalism implications under Executive Order 13132.

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

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

■ 1. The authority citation for part 67 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.

§ 67.11 [Amended]

■ 2. The tables published under the authority of § 67.11 are amended as follows:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
Conway County, Arkansas, and Incorporated Areas Docket No.: FEMA-B-1087			
Arkansas River	Approximately 1.0 mile downstream of State Highway 9 ...	+295	Unincorporated Areas of Conway County.
Caney Creek	Approximately 1.0 mile upstream of Lock & Dam No. 9 Approximately 1,300 feet downstream of the confluence with Park Creek.	+303 +306	Unincorporated Areas of Conway County.
Cherokee Creek	Approximately 0.6 mile upstream of State Highway 9 Just downstream of Union Pacific Railroad	+325 +311	Unincorporated Areas of Conway County.
Point Remove Creek	Just downstream of Green Lane At the confluence with the Arkansas River	+319 +299	Unincorporated Areas of Conway County.
	Approximately 2.0 miles upstream of Old Cherokee Road	+301	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES**Unincorporated Areas of Conway County**

Maps are available for inspection at 117 South Moose Street, Morrilton, AR 72110.

Washington County, Florida, and Incorporated Areas Docket No.: FEMA-B-1097			
Alligator Creek	At the upstream side of County Road 166	+76	Unincorporated Areas of Washington County.
Bear Bay Creek	Approximately 3.2 miles upstream of County Road 166 At the confluence with Pine Log Creek	+81 +44	Unincorporated Areas of Washington County.
Botheration Creek	Approximately 3.9 miles upstream of the confluence with Pine Log Creek. At the confluence with Pine Log Creek	+76 +32	Unincorporated Areas of Washington County.
Brock Mill Branch	Approximately 200 feet downstream of the county boundary. At the confluence with Jones Rice Mill Branch	+90 +54	Unincorporated Areas of Washington County.
Flat Creek	Approximately 100 feet downstream of State Road 77 At the confluence with Hard Labor Creek	+109 +50	Unincorporated Areas of Washington County.
Hard Labor Creek	Approximately 9.7 miles upstream of the confluence with Hard Labor Creek. At State Road 277	+160 +43	Unincorporated Areas of Washington County.
Helms Branch	Approximately 15.6 miles upstream of the confluence with Holmes Creek. At the confluence with Alligator Creek	+114 +78	City of Chipley, Unincorporated Areas of Washington County.
Johnson Branch	Approximately 3.2 miles upstream of the confluence with Alligator Creek. At Roche Avenue	+89 +37	City of Vernon, Unincorporated Areas of Washington County.
Jones Rice Mill Branch	Approximately 3.8 miles upstream of the confluence with Holmes Creek. At the upstream side of State Road 277	+101 +54	Unincorporated Areas of Washington County.
Pine Log Creek	Approximately 5.9 miles upstream of the confluence with Holmes Creek. Approximately 1.9 miles upstream of the confluence with the East River. At the confluence with Bear Bay Creek	+146 +21 +44	Town of Ebro, Unincorporated Areas of Washington County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
Piney Branch	At State Road 77	+40	Unincorporated Areas of Washington County.
	Approximately 6.6 miles upstream of the confluence with Holmes Creek.	+193	
Pippen Mill Creek	At Roche Avenue	+37	City of Vernon, Unincorporated Areas of Washington County.
	Approximately 5.4 miles upstream of the confluence with Holmes Creek.	+95	
Reedy Creek	At the confluence with Hard Labor Creek	+59	Town of Wausau, Unincorporated Areas of Washington County.
	Approximately 3.8 miles upstream of the confluence with Hard Labor Creek.	+105	
Unnamed Tributary 1 to Alligator Creek.	Approximately 765 feet upstream of State Road 277	+68	Unincorporated Areas of Washington County.
Unnamed Tributary 2 to Alligator Creek.	Approximately 1.4 miles upstream of State Road 277	+121	City of Chipley, Unincorporated Areas of Washington County.
	Approximately 0.4 mile upstream of the confluence with Alligator Creek.	+72	
Unnamed Tributary 3 to Alligator Creek.	Approximately 2.2 miles upstream of the confluence with Alligator Creek.	+111	City of Chipley, Unincorporated Areas of Washington County.
	At the confluence with Alligator Creek	+76	
Unnamed Tributary to Helms Branch.	Approximately 2 miles upstream of the confluence with Alligator Creek.	+102	City of Chipley, Unincorporated Areas of Washington County.
	Approximately 300 feet downstream of Brickyard Road	+117	
Unnamed Tributary to Holmes Creek.	Approximately 0.6 mile upstream of Brickyard Road	+131	City of Vernon, Unincorporated Areas of Washington County.
	Approximately 0.4 mile upstream of the confluence with Holmes Creek.	+36	
Unnamed Tributary to Holmes Creek East Branch.	Approximately 2.2 miles upstream of the confluence with Holmes Creek.	+52	City of Vernon, Unincorporated Areas of Washington County.
	At the confluence with Unnamed Tributary to Holmes Creek.	+42	
	Approximately 1.3 miles upstream of the confluence with Unnamed Tributary to Holmes Creek.	+55	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES**City of Chipley**

Maps are available for inspection at City Hall, 1442 Jackson Avenue, Chipley, FL 32428.

City of Vernon

Maps are available for inspection at 2808 Yellow Jacket Drive, Vernon, FL 32462.

Town of Ebro

Maps are available for inspection at the Town Hall, 6629 Dog Track Road, Ebro, FL 32437.

Town of Wausau

Maps are available for inspection at the Town Hall, 1607 2nd Avenue, Wausau, FL 32463.

Unincorporated Areas of Washington County

Maps are available for inspection at the Washington County Clerk's Office, 1293 Jackson Avenue, Chipley, FL 32428.

**Delaware County, Indiana, and Incorporated Areas
Docket No.: FEMA-B-1064**

Muncie Creek	Just downstream of McCulloch Boulevard	+939	City of Muncie, Unincorporated Areas of Delaware County.
	Just downstream of Norfolk Southern Railroad	+959	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
West Fork White River	Approximately 2,200 feet downstream of I-69	+873	City of Muncie, Town of Daleville, Town of Yorktown, Unincorporated Areas of Delaware County.
	Approximately 17,780 feet upstream of County Road 700	+992	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Muncie

Maps are available for inspection at City Hall, 300 North High Street, Muncie, IN 47334.

Town of Daleville

Maps are available for inspection at the Town Hall, 8019 Walnut Street, Daleville, IN 47334.

Town of Yorktown

Maps are available for inspection at the Town Hall, 9800 West Smith Street, Yorktown, IN 47396.

Unincorporated Areas of Delaware County

Maps are available for inspection at the Delaware County Building, 100 West Main Street, Muncie, IN 47305.

Allen County, Kentucky, and Incorporated Areas Docket No.: FEMA-B-1078

Barren River Lake	Entire shoreline of Barren River Lake from just upstream of Barren River Dam to approximately 0.5 mile upstream of Brownsfield Road.	+590	Unincorporated Areas of Allen County.
Barren River Tributary 20 (backwater effects from Barren River Lake).	From the confluence with Barren River Lake to approximately 0.8 mile upstream of the confluence with Barren River Lake.	+590	Unincorporated Areas of Allen County.
Barren River Tributary 23 (backwater effects from Barren River Lake).	From the confluence with Barren River Lake to approximately 0.4 mile upstream of the confluence with Barren River Lake.	+590	Unincorporated Areas of Allen County.
Barren River Tributary 26 (backwater effects from Barren River Lake).	From the confluence with Barren River Lake to approximately 1,900 feet upstream of the confluence with Barren River Lake.	+590	Unincorporated Areas of Allen County.
Barren River Tributary 28 (backwater effects from Barren River Lake).	From the confluence with Barren River Lake to approximately 0.4 mile upstream of the confluence with Barren River Lake.	+590	Unincorporated Areas of Allen County.
Barren River Tributary 29 (backwater effects from Barren River Lake).	From the confluence with Barren River Lake to approximately 0.4 mile upstream of the confluence with Barren River Lake.	+590	Unincorporated Areas of Allen County.
Bear Creek (backwater effects from Barren River Lake).	From the confluence with Rhoden Creek Lake to approximately 0.7 mile upstream of the confluence with Rhoden Creek.	+590	Unincorporated Areas of Allen County.
Hurricane Creek (backwater effects from Barren River Lake).	From the confluence with Barren River Lake to approximately 0.7 mile upstream of the confluence with Barren River Lake.	+590	Unincorporated Areas of Allen County.
Hurricane Creek Tributary 3 (backwater effects from Barren River Lake).	From the confluence with Hurricane Creek to approximately 1,000 feet upstream of the confluence with Hurricane Creek.	+590	Unincorporated Areas of Allen County.
	From the confluence with Barren River Lake to approximately 1,900 feet upstream of the confluence with Barren River Lake.	+590	
Hurricane Creek Tributary 4 (backwater effects from Barren River Lake).	From the confluence with Barren River Lake to approximately 0.4 mile upstream of the confluence with Barren River Lake.	+590	Unincorporated Areas of Allen County.
Manley Branch (backwater effects from Barren River Lake).	From the confluence with Barren River Lake to approximately 1 mile upstream of the confluence with Barren River Lake.	+590	Unincorporated Areas of Allen County.
Manley Branch Tributary 3 (backwater effects from Barren River Lake).	From the confluence with Barren River Lake to approximately 0.8 mile upstream of the confluence with Barren River Lake.	+590	Unincorporated Areas of Allen County.
Rhoden Creek (backwater effects from Barren River Lake).	From the confluence with Barren River Lake to approximately 1.4 miles upstream of the confluence with Barren River Lake.	+590	Unincorporated Areas of Allen County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
Trace Creek (backwater effects from Barren River Lake).	From the confluence with Barren River Lake to approximately 1 mile upstream of the confluence with Barren River Lake.	+590	Unincorporated Areas of Allen County.
Walnut Creek (backwater effects from Barren River Lake).	From the confluence with Barren River Lake to approximately 1.1 miles upstream of the confluence with Barren River Lake.	+590	Unincorporated Areas of Allen County.
Walnut Creek Tributary 7 (backwater effects from Barren River Lake).	From the confluence with Walnut Creek Lake to approximately 1.1 miles upstream of the confluence with Walnut Creek.	+590	Unincorporated Areas of Allen County.

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Unincorporated Areas of Allen County

Maps are available for inspection at 201 West Main Street, Scottsville, KY 42164.

Boyle County, Kentucky, and Incorporated Areas Docket No.: FEMA-B-1117

Balls Branch (backwater effects from Clarks Run).	From the confluence with Clarks Run to approximately 0.7 mile upstream of the confluence with Clarks Run.	+875	Unincorporated Areas of Boyle County.
Clarks Run	Approximately 1.2 miles upstream of Goggin Road	+849	City of Danville, Unincorporated Areas of Boyle County.
	Approximately 0.6 mile downstream of Alum Springs Cross Pike.	+965	
Dix River Tributary 2 (backwater effects from Herrington Lake).	From the confluence with Herrington Lake to approximately 1,158 feet upstream of the confluence with Herrington Lake.	+760	Unincorporated Areas of Boyle County.
Herrington Lake	Entire shoreline	+760	Unincorporated Areas of Boyle County.
Spears Creek	Approximately 0.6 mile upstream of the confluence with Herrington Lake.	+788	City of Danville, Unincorporated Areas of Boyle County.
	Approximately 780 feet upstream of the North Danville Bypass.	+919	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Danville

Maps are available for inspection at City Hall, 455 West Main Street, Danville, KY 40422.

Unincorporated Areas of Boyle County

Maps are available for inspection at the Boyle County Courthouse, 321 West Main Street, Danville, KY 40422.

St. James Parish, Louisiana, and Incorporated Areas Docket No.: FEMA-B-1091

Mississippi River	Approximately 0.9 mile downstream of State Highway 3213.	+27	Town of Gramercy, Town of Lutchter, Unincorporated Areas of St. James Parish.
	Approximately 1.2 miles upstream of State Highway 3213	+28	
Storage Areas from the Gulf (D2G model).	Approximately 1,079 feet south of State Highway 643	+1	Unincorporated Areas of St. James Parish.
	Approximately 60 feet south of the intersection of Sidney Road and Missouri Pacific Railroad, along the east side of the rail line.	+14	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
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ADDRESSES

Town of Gramercy

Maps are available for inspection at 120 North Montz Avenue, Gramercy, LA 70052.

Town of Litcher

Maps are available for inspection at 2500 Louisiana Avenue, Litcher, LA 70071.

Unincorporated Areas of St. James Parish

Maps are available for inspection at 5800 Highway 44, Convent, LA 70723.

Worcester County, Massachusetts (All Jurisdictions)
Docket Nos.: FEMA-B-1053 and FEMA-B-1139

Big Bummet River	Just downstream of State Highway 140	+385	Town of Shrewsbury.
	At the Town of Grafton corporate limits	+385	
Blackstone River	Approximately 1,750 feet downstream of Saint Paul Street	+159	City of Worcester, Town of Grafton, Town of Millbury, Town of Millville, Town of Northbridge, Town of Sutton, Town of Uxbridge.
	Approximately 250 feet downstream of Millbury Street	+444	
Cold Spring Brook	At the confluence with the Blackstone River	+323	Town of Sutton.
	Approximately 150 feet downstream of State Highway 122A.	+325	
Cronin Brook	At the confluence with the Blackstone River	+298	Town of Grafton.
	Approximately 1,100 feet downstream of Follette Street	+302	
Goodridge Brook	Approximately 150 feet upstream of State Highway 70	+258	Town of Clinton.
	Approximately 250 feet downstream of Parker Road	+258	
Leesville Pond	Entire shoreline	+486	City of Worcester.
Middle River	Approximately 250 feet downstream of Millbury Street	+444	City of Worcester.
	Approximately 100 feet downstream of McKeon Road	+452	
Mill River	Approximately 3,900 feet downstream of Colonial Drive	+196	Town of Blackstone.
	Approximately 1,300 feet downstream of Colonial Drive	+198	
Mumford River	At the confluence with the Blackstone River	+225	Town of Uxbridge.
	Approximately 300 feet downstream of Mendon Street	+226	
Quinsigamond River	At the confluence with the Blackstone River	+293	Town of Grafton.
	At Pleasant Street	+293	
Ramshorn Pond	Entire shoreline	+632	Town of Sutton.
Riverdale Milles Sluice Gates and Tail Race.	Approximately 600 feet upstream of the confluence with the Blackstone River.	+256	Town of Northbridge.
	Approximately 100 feet upstream of Riverdale Street	+259	
Singletary Brook	At the confluence with the Blackstone River	+393	Town of Millbury.
	Approximately 300 feet downstream of Rhodes Street	+394	
Singletary Pond	Entire shoreline	+559	Town of Sutton.
Sudbury River	Approximately 1,200 feet downstream of Fruit Street	+264	Town of Westborough.
	Approximately 3,000 feet upstream of Fruit Street	+276	
Summet Brook (backwater effects from Big Bummet Brook).	Approximately 2,800 feet upstream of the confluence with Big Bummet Brook, at the corporate limits.	+363	Town of Shrewsbury.
	Approximately 0.6 mile upstream of the confluence with Big Bummet Brook.	+363	
Unnamed Tributary (backwater effects from Cronin Brook).	Approximately 1,100 feet upstream of the confluence with Cronin Brook, at the corporate limits.	+331	Town of Millbury.
	Approximately 2,200 feet upstream of the confluence with Cronin Brook.	+331	
West River	At the confluence with the Blackstone River	+224	Town of Uxbridge.
	Approximately 200 feet upstream of Henry Street	+225	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Worcester

Maps are available for inspection at City Hall, 455 Main Street, Worcester, MA 01608.

Town of Blackstone

Maps are available for inspection at the Town Hall, 15 Saint Paul Street, Blackstone, MA 01504.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
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Town of Clinton

Maps are available for inspection at the Town Hall, 242 Church Street, Clinton, MA 01510.

Town of Grafton

Maps are available for inspection at the Town Hall, 30 Providence Road, Grafton, MA 01519.

Town of Millbury

Maps are available for inspection at the Town Hall, 127 Elm Street, Millbury, MA 01527.

Town of Millville

Maps are available for inspection at the Town Hall, 8 Central Street, Millville, MA 01529.

Town of Northbridge

Maps are available for inspection at the Northbridge Town Hall, 7 Main Street, Whitinsville, MA 01588.

Town of Shrewsbury

Maps are available for inspection at the Town Hall, 100 Maple Avenue, Shrewsbury, MA 01545.

Town of Sutton

Maps are available for inspection at the Town Hall, 4 Uxbridge Road, Sutton, MA 01590.

Town of Uxbridge

Maps are available for inspection at the Town Hall, 21 South Main Street, Uxbridge, MA 01569.

Town of Westborough

Maps are available for inspection at the Town Hall, 34 West Main Street, Westborough, MA 01581.

Marshall County, Mississippi, and Incorporated Areas
Docket No.: FEMA-B-1098

Byhalia Creek	Approximately 200 feet downstream of U.S. Route 178	+332	Town of Byhalia.
	Approximately 900 feet upstream of the railroad	+334	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES**Town of Byhalia**

Maps are available for inspection at 161 Highway 309 South, Byhalia, MS 38611.

Howell County, Missouri, and Incorporated Areas
Docket No.: FEMA-B-1105

Burton Branch	Approximately 2,200 feet upstream of Davis Lane	+1022	City of West Plains, Unincorporated Areas of Howell County.
Drainage Ditch Number 1	Approximately 3,700 feet upstream of Davis Lane	+1031	Unincorporated Areas of Howell County.
	Approximately 315 feet upstream of the City of Willow Springs corporate limits.	+1255	
	Approximately 3,400 feet upstream of the City of Willow Springs corporate limits.	+1279	
Drainage Ditch Number 4	Approximately 1,300 feet upstream of U.S. Route 60/63 ...	+1197	City of Willow Springs, Unincorporated Areas of Howell County.
Eleven Point River	Approximately 525 feet upstream of County Road 3280 ...	+1225	City of Willow Springs, Unincorporated Areas of Howell County.
	Approximately 1,500 feet downstream of the City of Willow Springs corporate limits.	+1183	
Jam Up Creek	Approximately 425 feet upstream of the City of Willow Springs corporate limits.	+1289	Unincorporated Areas of Howell County.
	At County Road 3160	+1098	
Mustion Creek	Approximately 100 feet upstream of County Road 3890 ...	+1099	Unincorporated Areas of Howell County.
	Approximately 330 feet downstream of the City of West Plains corporate limits.	+997	
	Approximately 160 feet downstream of the City of West Plains corporate limits.	+998	
South Fork Howell Creek	Just upstream of Katherine Street	+1025	Unincorporated Areas of Howell County.
	Approximately 400 feet upstream of Katherine Street	+1027	

* National Geodetic Vertical Datum.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
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+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of West Plains

Maps are available for inspection at 1910 Holiday Lane, West Plains, MO 65775.

City of Willow Springs

Maps are available for inspection at 900 West Main Street, Willow Springs, MO 65793.

Unincorporated Areas of Howell County

Maps are available for inspection at 101 Courthouse, West Plains, MO 65775.

Johnson County, Missouri, and Incorporated Areas Docket No.: FEMA-B-1105

Clear Fork	Approximately 550 feet downstream of County Road 751	+701	City of Knob Noster, Unincorporated Areas of Johnson County.
	Approximately 1,750 feet upstream of U.S. Route 50	+724	
Hughes Branch	Approximately 550 feet downstream of County Road 75 ...	+737	Unincorporated Areas of Johnson County.
	Approximately 100 feet upstream of State Highway 132 ...	+745	
	Approximately 200 feet upstream of State Street	+769	
	Approximately 2,000 feet upstream of State Street	+778	
Tributary 2	Approximately 50 feet downstream of State Highway 132	+749	Unincorporated Areas of Johnson County.
	Approximately 300 feet upstream of State Highway 132 ...	+750	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Knob Noster

Maps are available for inspection at 218 North State Street, Knob Noster, MO 65336.

Unincorporated Areas of Johnson County

Maps are available for inspection at 122 Hout Street, Warrensburg, MO 64093.

Ste. Genevieve County, Missouri, and Incorporated Areas Docket No.: FEMA-B-1126

Mississippi River	At the easternmost portion of the county near the confluence with the Kaskaskia River.	+392	City of Ste. Genevieve, Unincorporated Areas of Ste. Genevieve County.
	Approximately 2 miles upstream of the confluence with Isle du Bois Creek.	+404	
Old Mississippi River Channel ..	Approximately 0.66 mile downstream of the confluence with Walnut Creek.	+391	City of St. Mary, Unincorporated Areas of Ste. Genevieve County.
	Approximately 2.75 miles upstream of the confluence with Walnut Creek.	+392	
St. Laurent Branch	At the confluence with St. Laurent Creek	+391	City of St. Mary, Unincorporated Areas of Ste. Genevieve County.
	Just upstream of Mulberry Street	+391	
St. Laurent Creek	At the confluence with the Old Mississippi River Channel	+391	City of St. Mary, Unincorporated Areas of Ste. Genevieve County.
	At the confluence with St. Laurent Branch	+391	
Walnut Creek	At the confluence with the Old Mississippi River Channel	+392	City of St. Mary.
	Approximately 1,940 feet upstream of the Old Mississippi River Channel.	+392	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
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ADDRESSES**City of Ste. Genevieve**

Maps are available for inspection at 165 South 4th Street, Ste. Genevieve, MO 63670.

City of St. Mary

Maps are available for inspection at 782 3rd Street, St. Mary, MO 63673.

Unincorporated Areas of Ste. Genevieve County

Maps are available for inspection at 165 South 4th Street, Ste. Genevieve, MO 63670.

**Cameron County, Pennsylvania (All Jurisdictions)
Docket No.: FEMA-B-1126**

Bennett Branch Sinnemahoning Creek.	Approximately 0.60 mile downstream of Sterling Run Road.	+809	Township of Gibson.
	Approximately 0.55 mile downstream of Sterling Run Road.	+814	
Driftwood Branch Sinnemahoning Creek.	Approximately 1,835 feet downstream of Castle Garden Road.	+905	Township of Gibson.
	Approximately 980 feet downstream of Castle Garden Road.	+905	
Driftwood Branch Sinnemahoning Creek.	Approximately 1.28 miles downstream of the confluence with Sinnemahoning Portage Creek.	+1000	Township of Portage.
	Approximately 1.18 miles downstream of the confluence with Sinnemahoning Portage Creek.	+1001	
Sinnemahoning Creek	Approximately 980 feet downstream of Castle Garden Road.	+809	Township of Gibson.
	Approximately 90 feet upstream of the confluence with Boyer Run.	+809	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES**Township of Gibson**

Maps are available for inspection at the Gibson Township Municipal Building, 7657 Bridge Street, Driftwood, PA 15834.

Township of Portage

Maps are available for inspection at the Portage Township Municipal Building, 523 Sizer Run, Emporium, PA 15832.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: June 9, 2011.

Sandra K. Knight,

Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2011-14896 Filed 6-15-11; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency****44 CFR Part 67**

[Docket ID FEMA-2011-0002]

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or

remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated in the table below.

ADDRESSES: The final BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472,

(202) 646-4064, or (e-mail) luis.rodriquez1@dhs.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Federal Insurance and Mitigation Administrator has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for

each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act. This final rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601-612, a regulatory flexibility analysis is not required.

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 final rule involves no policies that have federalism implications under Executive Order 13132.

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

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

■ 1. The authority citation for part 67 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.

§ 67.11 [Amended]

■ 2. The tables published under the authority of § 67.11 are amended as follows:

State	City/town/county	Source of flooding	Location	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified
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City of Alexandria, Virginia Docket No.: FEMA-B-1089

Virginia	City of Alexandria	Backlick Run	Approximately 0.4 mile downstream of South Van Dorn Street.	+80
			Approximately 600 feet upstream of South Van Dorn Street.	+95
Virginia	City of Alexandria	Cameron Run	Just upstream of the confluence with Hooffs Run.	+12
			Approximately 1,750 feet upstream of I-495 (Capital Beltway).	+25
Virginia	City of Alexandria	Holmes Run	Approximately 450 feet downstream of I-395.	+81
			Just downstream of I-395	+90
Virginia	City of Alexandria	Hooffs Run	At the confluence with Cameron Run	+12
			Approximately 260 feet upstream of East Linden Street.	+18
Virginia	City of Alexandria	Old Cameron Run Channel.	At the confluence with Hooffs Run	+12
			Approximately 270 feet upstream of Mill Road/Andrews Lane.	+13
Virginia	City of Alexandria	Strawberry Run	Just upstream of Eisenhower Avenue	+35
			Approximately 650 feet upstream of Fort Williams Parkway.	+138
Virginia	City of Alexandria	Taylor Run	Approximately 300 feet downstream of Mill Road.	+25
			Approximately 0.7 mile upstream of Janneys Lane.	+148
Virginia	City of Alexandria	Timber Branch	Just upstream of Timber Branch Parkway	+70
			Approximately 350 feet upstream of West Braddock Road.	+134
Virginia	City of Alexandria	Tributary 1 to Cameron Run.	Approximately 200 feet upstream of the confluence with Cameron Run.	+46
			Approximately 0.5 mile upstream of the confluence with Cameron Run.	+66
Virginia	City of Alexandria	Tributary 1 to Taylor Run	At the confluence with Taylor Run	+25

State	City/town/county	Source of flooding	Location	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified
Virginia	City of Alexandria	Tributary 2 to Taylor Run	Approximately 1,000 feet upstream of the confluence with Taylor Run. At the confluence with Taylor Run Just downstream of Key Drive	+29 +82 +164

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Alexandria

Maps are available for inspection at 301 King Street, Alexandria, VA 22314.

Town of Ennis, Montana
Docket No.: FEMA-B-1083

Montana	Town of Ennis	Moore's Creek	Approximately 5,450 feet downstream of 1st Street. Approximately 650 feet upstream of Moore's Creek Road.	+4915 +5030
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* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Town of Ennis

Maps are available for inspection at 328 West Main Street, Ennis, MT 59729.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
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Pima County, Arizona, and Incorporated Areas
Docket No.: FEMA-B-1069

Ponding Areas (AH Zones) ...	Extensive ponding areas north of I-10 Frontage Road (northern wash lowest elevation) (FIRM panels affected: 0420 and 1010).	+1947	Town of Marana, Unincorporated Areas of Pima County.
	Extensive ponding areas north of I-10 Frontage Road (northern wash highest elevation) (FIRM panels affected: 0420 and 1010).	+1952	
	Extensive ponding areas north of I-10 Frontage Road (southern wash lowest elevation) (FIRM panels affected: 1010, 1030, 1035, 1045, 1065, and 1655).	+1948	
	Extensive ponding areas north of I-10 Frontage Road (southern wash highest elevation) (FIRM panels affected: 1010, 1030, 1035, 1045, 1065, and 1655).	+2184	
Sheet Flow Areas (AO Zones).	Extensive sheet flow areas in the vicinity of Central Arizona Project Canal (lowest depth) (FIRM panels affected: 0420, 0440, 0445, 1010, 1030, 1035, 1045, 1055, 1060, 1065, 1070, and 1655).	#1	Town of Marana, Unincorporated Areas of Pima County.
	Extensive sheet flow areas in the vicinity of Central Arizona Project Canal (highest depth) (FIRM panels affected: 0420, 0440, 0445, 1010, 1030, 1035, 1045, 1055, 1060, 1065, 1070, and 1655).	#4	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
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Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES**Town of Marana**

Maps are available for inspection at the Engineering Department, 11555 West Civic Center Drive, Marana, AZ 85653.

Unincorporated Areas of Pima County

Maps are available for inspection at the Pima County Flood Control District Offices, 97 East Congress Street, 3rd Floor, Tucson, AZ 85701.

Christian County, Illinois, and Incorporated Areas
Docket No.: FEMA-B-1105

Sangamon River	Approximately 1,350 feet downstream of 1725 East Road extended.	+574	Unincorporated Areas of Christian County.
	Approximately 200 feet upstream of Meridan Road extended.	+587	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES**Unincorporated Areas of Christian County**

Maps are available for inspection at the Christian County Courthouse, 101 South Main Street, Taylorville, IL 62568.

Macon County, Illinois, and Incorporated Areas
Docket No.: FEMA-B-1126

Friends Creek	Approximately 130 feet upstream of IL-48	+645	Village of Argenta.
	Approximately 1,440 feet upstream of IL-48	+646	
Long Creek	At Baltimore Avenue	+619	City of Decatur.
	At IL-121	+627	
Long Creek Tributary	At the confluence with Long Creek	+619	City of Decatur.
	Approximately 600 feet upstream of Lost Bridge Road	+620	
Sand Creek	At South Shores Drive (County Highway 31)	+619	Unincorporated Areas of Macon County.
	Approximately 20 feet upstream of the railroad	+619	
Sangamon River	Approximately 1.1 miles downstream of the confluence with Stevens Creek.	+602	City of Decatur, Unincorporated Areas of Macon County.
	Approximately 1,400 feet upstream of Nesbit Bridge	+625	
South Spring Creek	At the confluence with the Sangamon River	+608	City of Decatur.
	Approximately 1,100 feet downstream of Heritage Road	+649	
Spring Creek	Approximately 200 feet upstream of the confluence with Stevens Creek.	+620	Unincorporated Areas of Macon County.
	Approximately 0.6 mile upstream of Spring Creek Tributary	+659	
Spring Creek Tributary	At the confluence with Spring Creek	+657	Unincorporated Areas of Macon County.
	At the downstream side of Mound Road	+659	
Stevens Creek	Approximately 400 feet upstream of the confluence with the Sangamon River.	+603	Unincorporated Areas of Macon County, Village of Forsyth.
	Approximately 150 feet upstream of I-72	+645	
Stevens Creek Tributary A	At the confluence with Stevens Creek	+619	Unincorporated Areas of Macon County.
	Approximately 1,230 feet upstream of Trump Hill Lane	+619	
Stevens Creek Tributary B	At the confluence with Stevens Creek	+629	Unincorporated Areas of Macon County.
	Approximately 985 feet upstream of the confluence with Stevens Creek.	+630	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES**City of Decatur**

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
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Maps are available for inspection at City Hall, 1 Gary K. Anderson Plaza, Decatur, IL 62523.

Unincorporated Areas of Macon County

Maps are available for inspection at the Macon County Courthouse, 141 South Main Street, Decatur, IL 62523.

Village of Argenta

Maps are available for inspection at the Village Hall, 330 North Warren, Argenta, IL 62501.

Village of Forsyth

Maps are available for inspection at the Village Hall, 301 South Route 51, Forsyth, IL 62535.

Piatt County, Illinois, and Incorporated Areas Docket No.: FEMA-B-1105

North East Tributary	Approximately 200 feet downstream of State Street	+652	City of Monticello, Unincorporated Areas of Piatt County.
	At the downstream side of State Street	+656	
North Unnamed Creek	Approximately 1,000 feet downstream of Front Street	+646	City of Monticello, Unincorporated Areas of Piatt County.
	Approximately 940 feet upstream of Market Street	+650	
Sangamon River	Approximately 2.52 miles downstream of the abandoned railroad bridge in the City of Monticello.	+644	City of Monticello, Unincorporated Areas of Piatt County.
	At the downstream side of the railroad	+649	
Unnamed Tributary to Sangamon River.	At the confluence with the Sangamon River	+645	City of Monticello, Unincorporated Areas of Piatt County.
	Approximately 610 feet upstream of County Farm Road	+645	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Monticello

Maps are available for inspection at City Hall, 210 North Hamilton Street, Monticello, IL 61856.

Unincorporated Areas of Piatt County

Maps are available for inspection at the Piatt County Courthouse, 101 West Washington Street, Monticello, IL 61856.

Henry County, Kentucky, and Incorporated Areas Docket No.: FEMA-B-1100

Aaron Branch (backwater effects from Kentucky River).	From the confluence with Pot Ripple Creek to approximately 0.5 mile upstream of the confluence with Pot Ripple Creek.	+488	Unincorporated Areas of Henry County.
Boiling Branch (backwater effects from Kentucky River).	From the confluence with Sulphur Creek to approximately 0.5 mile upstream of the confluence with Sulphur Creek.	+481	Unincorporated Areas of Henry County.
Cane Run (backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 0.5 mile upstream of Ford Lane.	+476	Unincorporated Areas of Henry County.
Drennon Creek (backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 0.8 mile upstream of the confluence with Drennon Creek Tributary 9.	+480	Unincorporated Areas of Henry County.
Drennon Creek Tributary 49 (backwater effects from Kentucky River).	From the confluence with Drennon Creek to approximately 680 feet upstream of the confluence with Drennon Creek.	+480	Unincorporated Areas of Henry County.
Emily Run (backwater effects from Kentucky River).	From the confluence with Drennon Creek to approximately 708 feet upstream of Drennon Road.	+480	Unincorporated Areas of Henry County.
Greens Fork (backwater effects from Kentucky River).	From the confluence with Sulphur Creek to approximately 1,360 feet upstream of the confluence with Sulphur Creek.	+481	Unincorporated Areas of Henry County.
Gullion Creek Tributary 1 (backwater effects from Kentucky River).	From the confluence with Gullion Run to approximately 470 feet upstream of Gullion Branch Road.	+474	Unincorporated Areas of Henry County.
Gullion Run (backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 885 feet upstream of the confluence with Gullion Creek Tributary 1.	+474	Unincorporated Areas of Henry County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
Hances Branch (backwater effects from Kentucky River).	From the confluence with Sixmile Creek to approximately 1,335 feet upstream of Six Mile Creek Road.	+487	Unincorporated Areas of Henry County.
Joes Branch (backwater effects from Kentucky River).	From the confluence with Sixmile Creek to approximately 785 feet upstream of Six Mile Creek Road.	+487	Unincorporated Areas of Henry County.
Kentucky River	Approximately 0.9 mile downstream of the confluence with Gullion Run.	+473	Unincorporated Areas of Henry County.
	Approximately 5.0 miles upstream of the confluence with Stevens Creek West.	+498	
Longs Branch (backwater effects from Kentucky River).	From the confluence with Sixmile Creek to approximately 1,280 feet upstream of the confluence with Sixmile Creek.	+487	Unincorporated Areas of Henry County.
Martini Run (backwater effects from Kentucky River).	From the confluence with Drennon Creek to approximately 1,490 feet upstream of Drennon Road.	+480	Unincorporated Areas of Henry County.
Pot Ripple Creek (backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 0.8 mile upstream of the confluence with Aaron Branch.	+488	Unincorporated Areas of Henry County.
Sixmile Creek (backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 1,410 feet upstream of the confluence with Longs Branch.	+487	Unincorporated Areas of Henry County.
Stevens Creek West (backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 1.1 miles upstream of the confluence with the Kentucky River.	+494	Unincorporated Areas of Henry County.
Sulphur Creek (backwater effects from Kentucky River).	From the confluence with Drennon Creek to approximately 1,200 feet upstream of the confluence with Greens Fork.	+481	Unincorporated Areas of Henry County.

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES**Unincorporated Areas of Henry County**

Maps are available for inspection at the Henry County Courthouse, 19 South Property Road, New Castle, KY 40050.

**Lawrence County, Kentucky, and Incorporated Areas
Docket No.: FEMA-B-1089**

Big Branch (backwater effects from Yatesville Lake).	From the confluence with Brushy Creek to approximately 1.6 miles upstream of the confluence with Brushy Creek.	+644	Unincorporated Areas of Lawrence County.
Blaine Creek	Just downstream of the confluence with Hood Creek	+650	City of Blaine.
	Approximately 0.5 mile upstream of the confluence with Hood Creek.	+652	
Blaine Creek (backwater effects from Yatesville Lake).	From the confluence with Yatesville Lake to approximately 2.0 miles upstream of the confluence with Yatesville Lake.	+644	Unincorporated Areas of Lawrence County.
Borders Branch (backwater effects from Levisa Fork).	From the confluence with Levisa Fork to approximately 0.4 mile upstream of the confluence with Levisa Fork.	+598	Unincorporated Areas of Lawrence County.
Brushy Creek (backwater effects from Yatesville Lake).	From the confluence with Yatesville Lake to approximately 1.6 miles upstream of the confluence with Yatesville Lake.	+644	Unincorporated Areas of Lawrence County.
Daniels Creek (backwater effects from Yatesville Lake).	From the confluence with Yatesville Lake to approximately 0.5 mile upstream of the confluence with Yatesville Lake.	+644	Unincorporated Areas of Lawrence County.
Greenbrier Creek (backwater effects from Yatesville Lake).	From the confluence with Yatesville Lake to approximately 0.6 mile upstream of the confluence with Yatesville Lake.	+644	Unincorporated Areas of Lawrence County.
Harriet Branch (backwater effects from Yatesville Lake).	From the confluence with Yatesville Lake to approximately 0.5 mile upstream of the confluence with Yatesville Lake.	+644	Unincorporated Areas of Lawrence County.
Hood Creek (backwater effects from Blaine Creek).	From the confluence with Blaine Creek to approximately 1,700 feet upstream of the confluence with Blaine Creek.	+650	City of Blaine.
Irish Creek (backwater effects from Yatesville Lake).	From the confluence with Blaine Creek to approximately 2.0 miles upstream of the confluence with Blaine Creek.	+644	Unincorporated Areas of Lawrence County.
Left Fork Little Blaine Creek (backwater effects from Yatesville Lake).	From the confluence with Yatesville Lake to approximately 0.9 mile upstream of the confluence with Yatesville Lake.	+644	Unincorporated Areas of Lawrence County.
Levisa Fork	At the confluence with Lick Creek East	+575	City of Louisa.
	Approximately 1.5 miles downstream of KY-644	+575	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
Lick Creek East (backwater effects from Levisa Fork).	From the confluence with Levisa Fork to Locust Street	+567	City of Louisa.
Newcomb Creek (backwater effects from Blaine Creek).	From approximately 350 feet upstream of KY-707 to approximately 0.5 mile upstream of KY-707.	+567	Unincorporated Areas of Lawrence County.
Pleas Creek (backwater effects from Yatesville Lake).	From the confluence with Yatesville Lake to approximately 0.3 mile upstream of the confluence with Yatesville Lake.	+644	Unincorporated Areas of Lawrence County.
Rich Creek (backwater effects from Yatesville Lake).	From the confluence with Yatesville Lake to approximately 0.9 mile upstream of the confluence with Yatesville Lake.	+644	Unincorporated Areas of Lawrence County.
Right Fork Irish Creek (backwater effects from Yatesville Lake).	From the confluence with Irish Creek to approximately 1,100 feet upstream of the confluence with Irish Creek.	+644	Unincorporated Areas of Lawrence County.
Right Fork Little Blaine Creek (backwater effects from Yatesville Lake).	From the confluence with Yatesville Lake to approximately 1.1 miles upstream of the confluence with Yatesville Lake.	+644	Unincorporated Areas of Lawrence County.
Rockcastle Creek (backwater effects from Tug Fork).	From just upstream of the confluence with Tug Fork to approximately 2.2 miles upstream of the confluence with Tug Fork.	+598	Unincorporated Areas of Lawrence County.
Two Mile Creek (backwater effects from Big Sandy River).	From CSX Railroad to approximately 600 feet upstream of CSX Railroad.	+572	City of Louisa.
Upper Twin Branch (backwater effects from Yatesville Lake).	From the confluence with Yatesville Lake to approximately 0.3 mile upstream of the confluence with Yatesville Lake.	+644	Unincorporated Areas of Lawrence County.
Yatesville Lake	Entire shoreline	+644	Unincorporated Areas of Lawrence County.

* National Geodetic Vertical Datum

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES**City of Blaine**

Maps are available for inspection at 591 KY-201 South, Blaine, KY 41124.

City of Louisa

Maps are available for inspection at 215 North Main Cross Street, Louisa, KY 41230.

Unincorporated Areas of Lawrence County

Maps are available for inspection at 122 Ricky Skaggs Boulevard, Louisa, KY 41230.

**Kennebec County, Maine (All Jurisdictions)
Docket Nos.: FEMA-B-1047 and FEMA-B-1120**

Berry Pond	Entire shoreline north of Dexter Pond Road	+246	Town of Winthrop.
China Lake	Entire shoreline within community	+199	Town of Albion, Town of Vassalboro.
Echo Lake	Entire shoreline within community	+317	Town of Fayette.
Kennebec River	Approximately 3.5 miles upstream of I-95	+44	Town of Vassalboro.
	Approximately 2.6 miles downstream of Carter Memorial Drive.	+55	
Kezar Brook	At the mouth of Cobscook Lake	+169	Town of Winthrop.
	Just downstream of South Road	+169	
Little Pond	Entire shoreline within community	+256	Town of Rome.
Long Pond	Entire shoreline within community	+187	Town of Windsor.
Lovejoy Pond	Entire shoreline within community	+304	Town of Fayette.
Messalonskee Stream	At the County Road Bridge	+105	Town of Oakland.
	At the City of Waterville/Somerset County boundary	+105	
North Pond	Entire shoreline within community	+256	Town of Rome.
Sebasticook River	Approximately 2,500 feet downstream of the Town of Clifton/Waldo County boundary.	+129	Township of Unity.
	At the Town of Clifton/Waldo County boundary	+132	
Threecornered Pond	Entire shoreline north of Weeks Mills Road	+196	Town of Windsor.
Threemile Pond	Entire shoreline north of Weeks Mills Road	+185	Town of Windsor.

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
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ADDRESSES**Town of Albion**

Maps are available for inspection at the Town Office, 22 Main Street, Albion, ME 04910.

Town of Fayette

Maps are available for inspection at the Town Hall, 2589 Main Street, Fayette, ME 04349.

Town of Oakland

Maps are available for inspection at the Town Hall, 6 Cascade Mill Road, Oakland, ME 04963.

Town of Rome

Maps are available for inspection at the Town Hall, 8 Mercer Road, Rome, ME 04963.

Town of Vassalboro

Maps are available for inspection at the Vassalboro Town Hall, 682 Main Street, North Vassalboro, ME 04989.

Town of Windsor

Maps are available for inspection at the Town Hall, 523 Ridge Road, Windsor, ME 04363.

Town of Winthrop

Maps are available for inspection at the Town Office, 17 Highland Avenue, Winthrop, ME 04364.

Township of Unity

Maps are available for inspection at the Kennebec County Office, 125 State Street, Augusta, ME 04330.

Adams County, Mississippi, and Incorporated Areas
Docket No.: FEMA-B-1089

Mississippi River	Approximately 1.9 miles downstream of John R. Junkin Drive.	+76	Unincorporated Areas of Adams County.
	Approximately 1.3 miles downstream of John R. Junkin Drive.	+76	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES**Unincorporated Areas of Adams County**

Maps are available for inspection at 115 South Wall Street, Natchez, MS 39210.

Stone County, Mississippi, and Incorporated Areas
Docket No.: FEMA-B-1108

Church House Branch	Approximately 0.5 mile downstream of East 5th Avenue	+211	City of Wiggins.
	Approximately 385 feet upstream of East Borders Avenue ..	+245	
Flint Creek	Approximately 574 feet downstream of Clubhouse Drive	+171	City of Wiggins, Unincorporated Areas of Stone County.
	Approximately 1,290 feet upstream of State Highway 29	+187	City of Wiggins.
Flint Creek Tributary 2	At the confluence with Flint Creek	+174	
	Approximately 350 feet upstream of Annis Lane	+254	City of Wiggins, Unincorporated Areas of Stone County.
Four Mile Creek	Approximately 1 mile downstream of South Azalea Drive	+168	
	Approximately 345 feet upstream of West Miles Avenue	+261	City of Wiggins.
Four Mile Creek Tributary 1 ..	At the confluence with Four Mile Creek	+214	
	Approximately 1,845 feet upstream of West Bond Avenue ..	+261	City of Wiggins, Unincorporated Areas of Stone County.
Red Creek Tributary	Approximately 0.5 mile downstream of Mill Avenue	+166	
	Approximately 1,345 feet upstream of State Highway 29	+220	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES**City of Wiggins**

Maps are available for inspection at City Hall, 117 North 1st Street, Wiggins, MS 39577.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
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Unincorporated Areas of Stone County

Maps are available for inspection at the Stone County Courthouse, 323 East Cavers Street, Wiggins, MS 39577.

Camden County, Missouri, and Incorporated Areas
Docket Nos: FEMA-B-1031 and FEMA-B-1089

Grand Glaize River	At U.S. Route 54	+664	City of Osage Beach, Unincorporated Areas of Camden County.
Linn Creek	Approximately 10.5 miles upstream of U.S. Route 54	+665	
	At the the Osage River confluence	+664	City of Linn Creek, Unincorporated Areas of Camden County.
Linn Creek North Fork	At the Linn Creek North Fork confluence	+674	
	At the Linn Creek confluence	+674	City of Linn Creek, Unincorporated Areas of Camden County.
Linn Creek South Fork	Approximately 0.9 mile upstream of the Linn Creek confluence.	+693	
	At Locust Street	+695	City of Linn Creek, Unincorporated Areas of Camden County.
Little Niangua River	At U.S. Route 54	+710	
	At the Niangua River confluence	+664	Unincorporated Areas of Camden County.
Niangua River	At State Route J	+673	
	At State Route 5	+664	City of Camdenton, Unincorporated Areas of Camden County.
Osage River	At the Tunnel Dam	+732	
	At State Route MM	+664	City of Osage Beach, City of Sunrise Beach, Unincorporated Areas of Camden County, Village of Four Seasons.
	Approximately 36 miles upstream of State Route 5	+666	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES**City of Camdenton**

Maps are available for inspection at City Hall, 437 West U.S. Route 54, Camdenton, MO 65020.

City of Linn Creek

Maps are available for inspection at City Hall, 102 East Valley Drive, Linn Creek, MO 65052.

City of Osage Beach

Maps are available for inspection at City Hall, 1000 City Parkway, Osage Beach, MO 65065.

City of Sunrise Beach

Maps are available for inspection at the Camden County Courthouse, 1 Court Circle, Camdenton, MO 65020.

Unincorporated Areas of Camden County

Maps are available for inspection at the Camden County Courthouse, 1 Court Circle, Camdenton, MO 65020.

Village of Four Seasons

Maps are available for inspection at the Village Hall, 133 Cherokee Road, Four Seasons, MO 65049.

St. Francois County, Missouri, and Incorporated Areas
Docket No.: FEMA-B-1093

Flat River	Approximately 375 feet downstream of the confluence with Walker Branch.	+683	City of Desloge, City of Park Hills, Unincorporated Areas of St. Francois County.
	At St. Joe Drive	+701	
	Approximately 875 feet downstream of East Elvins Boulevard.	+750	
	Approximately 3,000 feet upstream of State Highway 32	+784	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
Kennedy Branch	Approximately 425 feet downstream of County Highway F ..	+837	City of Farmington, Unincorporated Areas of St. Francois County.
Koen Creek	Approximately 1,400 feet upstream of Middle Street	+893	
	Approximately 100 feet upstream of the City of Park Hills and City of Desloge corporate limits.	+695	City of Desloge, City of Park Hills, Unincorporated Areas of St. Francois County.
Koen Creek Tributary	Approximately 2,350 feet upstream of Hurryville Road	+846	
	Approximately 325 feet upstream of the confluence with Keon Creek.	+718	City of Park Hills, Unincorporated Areas of St. Francois County.
Shaw Creek	Approximately 100 feet upstream of 5th Street	+792	
	Approximately 700 feet upstream of the confluence with Flat Creek.	+732	City of Park Hills, Unincorporated Areas of St. Francois County.
St. Francois River	Approximately 2,000 feet upstream of the City of Park Hills corporate limits.	+767	
	Approximately 2,000 feet downstream of U.S. Route 67	+844	City of Farmington, Unincorporated Areas of St. Francois County.
St. Francois Tributary	Approximately 50 feet upstream of County Highway W	+859	
	Approximately 750 feet upstream of the confluence with the St. Francois River.	+846	City of Farmington, Unincorporated Areas of St. Francois County.
Walker Branch	Approximately 75 feet upstream of County Highway W	+881	
	Approximately 925 feet downstream of Liberty Street	+896	
	Approximately 1,200 feet upstream of Liberty Street	+910	
	Approximately 600 feet upstream of the confluence with the Flat River.	+685	Unincorporated Areas of St. Francois County.
	Approximately 7,000 feet upstream of Halter Road	+783	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Desloge

Maps are available for inspection at 300 North Lincoln Street, Desloge, MO 63601.

City of Farmington

Maps are available for inspection at 110 West Columbia Street, Farmington, MO 63640.

City of Park Hills

Maps are available for inspection at 9 Bennet Street, Park Hills, MO 63601.

Unincorporated Areas of St. Francois County

Maps are available for inspection at 1 West Liberty Street, Farmington, MO 63640.

Wayne County, Missouri, and Incorporated Areas Docket No.: FEMA-B-1093

Clearwater Lake	Entire shoreline within community	+572	Unincorporated Areas of Wayne County.
Lake Wappapello	Entire shoreline within community	+403	Unincorporated Areas of Wayne County.

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Unincorporated Areas of Wayne County

Maps are available for inspection at 109 Walnut Street, Greenville, MO 63944.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
Lancaster County, South Carolina, and Incorporated Areas Docket No.: FEMA-B-1126			
Cane Creek	Approximately 0.7 mile downstream of Grace Avenue	+430	Unincorporated Areas of Lancaster County.
Catawba River	Approximately 1.0 mile downstream of Old Lansford Road	+433	Unincorporated Areas of Lancaster County.
	Approximately 2.3 miles upstream of the confluence with Waxahaw Creek.	+465	
	Approximately 0.5 mile downstream of the confluence with Catawba River Tributary 1.	+481	
	Approximately 0.6 mile upstream of the confluence with Catawba River Tributary 11.	+484	
	Approximately 1 mile upstream of the confluence with Catawba River Tributary 11.	+486	
Sugar Creek	At the confluence with the Catawba River	+486	Unincorporated Areas of Lancaster County.
Wateree Lake (Catawba River).	Approximately 1.2 miles upstream of the confluence with McAlpine Creek.	+537	Unincorporated Areas of Lancaster County.
	At the Fairfield/Kershaw County boundary	+240	
	Approximately 3.3 miles upstream of the Fairfield/Kershaw County boundary.	+244	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES**Unincorporated Areas of Lancaster County**

Maps are available for inspection at the Building and Zoning Department, 101 North Main Street, Lancaster, SC 29720.

Marlboro County, South Carolina, and Incorporated Areas
Docket No.: FEMA-B-1108

Great Pee Dee River	Approximately 2.8 miles downstream of U.S. Route 1	+93	Unincorporated Areas of Marlboro County.
	Approximately 1.1 miles upstream of the confluence with Marks Creek.	+110	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES**Unincorporated Areas of Marlboro County**

Maps are available for inspection at the Marlboro County Courthouse, 105 Main Street, Bennettsville, SC 29512.

Dinwiddie County, Virginia, and Incorporated Areas
Docket No.: FEMA-B-1104

Appomattox River	Approximately 1.65 miles downstream of Ferndale Road (State Route 600).	+55	Unincorporated Areas of Dinwiddie County.
	Approximately 1.28 miles upstream of Vepco Dam	+131	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES**Unincorporated Areas of Dinwiddie County**

Maps are available for inspection at the Dinwiddie County Government Center, Planning Department, 14016 Boydton Plank Road, Dinwiddie, VA 23841.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: May 11, 2011.

Sandra K. Knight,

Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2011-14897 Filed 6-15-11; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 192 and 195

[Docket ID PHMSA-2007-27954; Amdt. Nos. 192-117; 195-97]

RIN 2137-AE64

Pipeline Safety: Control Room Management/Human Factors

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

ACTION: Final rule.

SUMMARY: This rule expedites the program implementation deadlines in

the Control Room Management/Human Factors regulations in order to realize the safety benefits sooner than established in the original rule. The deadline for pipeline operators to implement the procedures for roles and responsibilities, shift change, change management, and operating experience, fatigue mitigation education and training is now October 1, 2011, 16 months sooner than the original regulation. The deadline for pipeline operators to implement the other procedures for adequate information, shift lengths, maximum hours-of-service, and alarm management is now August 1, 2012, six months sooner than the original regulation. In general, training procedures must also be implemented by August 1, 2012, with certain exceptions.

DATES: This rule is effective August 15, 2011.

FOR FURTHER INFORMATION CONTACT: For further information contact Byron Coy at 609-989-2180 or by e-mail at Byron.Coy@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

This final rule amends the program implementation deadlines originally

published by PHMSA on December 3, 2009, in 49 CFR 192.631 and 195.446 (74 FR 63310), as corrected February 3, 2010 (75 FR 5536). By this amendment to the Control Room Management/Human Factors (CRM) rule, an operator must implement the procedures required by the rule according to the following schedule. The procedures required by Paragraphs (b) (roles and responsibilities), (c)(5) (shift change), (d)(2)–(3) (fatigue mitigation education and training), (f) (change management), and (g) (operating experience) of the rule must now be implemented no later than October 1, 2011. The procedures required by Paragraphs (c)(1)–(4) (adequate information), (d)(1) (shift lengths), (d)(4) (maximum hours-of-service), and (e) (alarm management) must now be implemented no later than August 1, 2012. The training procedures required by the remaining Paragraph (h) must now be implemented no later than August 1, 2012, except that any training required as a condition of compliance with another paragraph of the rule must be implemented no later than the corresponding deadline for implementing that part of the rule. Table 1 shows program implementation deadlines for different paragraphs.

TABLE 1—PROGRAM IMPLEMENTATION DEADLINE FOR DIFFERENT PARAGRAPHS

Paragraph	(b) Roles & responsibilities	(c) Adequate information	(d) Fatigue mitigation	(e) Alarm management	(f) Change management	(g) Operating experience	(h) Training
Current Regulations.	Feb 1, 2013	Feb 1, 2013	Feb 1, 2013	Feb 1, 2013	Feb 1, 2013	Feb 1, 2013	Feb 1, 2013.
NPRM	Aug 1, 2011	C5 Aug 1, 2011 ... C1-4 Aug 1, 2012	Aug 1, 2011	Aug 1, 2012	Aug 1, 2011	Aug 1, 2011	Aug 1, 2011.
Final Rule	Oct 1, 2011	C5 Oct 1, 2011 ... C1-4 Aug 1, 2012	D2 & D3 Oct 1, 2011. D1 & D4 Aug 1, 2012.	Aug 1, 2012	Oct 1, 2011	Oct 1, 2011	Training elements aligned to due date of each element.

Executive Orders 12866 and 13563 require agencies to regulate in the "most cost-effective manner," to make a "reasoned determination that the benefits of the intended regulation

justify its costs," and to develop regulations that "impose the least burden on society." The expected benefit of this rulemaking action is an expedited implementation deadline of

the CRM rule that realizes the safety benefit to the public, property, and the environment sooner.

	Low (\$ millions)	High (\$ millions)	Average (\$ millions)
Total Cost of Rule	\$8.8	13.5	11.1
Total Benefit of Rule	\$13.9	13.9	13.9
Net Benefit of Rule	\$5.1	0.4	2.8

II. Background

On September 17, 2010, PHMSA published a Notice of Proposed Rulemaking (NPRM) proposing to expedite the program implementation deadlines in the CRM rule at §§ 192.631 and 195.446 (75 FR 56972). The NPRM proposed to expedite the deadline for

implementing all the procedures required by the rule to August 1, 2011, except that procedures required by Paragraphs (c)(1)–(4) (adequate information) and (e) (alarm management) would have a program implementation deadline of August 1, 2012.

PHMSA received requests from several pipeline trade associations and pipeline operators to extend the comment period until after PHMSA's public workshop on pipeline control room management, which was held on November 17, 2010, in Houston, Texas (75 FR 67450). So, PHMSA extended the

comment period deadline from November 16, 2010, to December 3, 2010 (75 FR 69912).

III. Advisory Committees Meeting

On March 24, 2011, the Technical Pipeline Safety Standards Committee (TPSSC) and the Technical Hazardous Liquid Pipeline Safety Standards Committee (THLPSSC) met jointly in Arlington, Virginia. The TPSSC and THLPSSC are statutorily-mandated advisory committees that advise PHMSA on proposed safety standards, risk assessments, and safety policies for natural gas pipelines and for hazardous liquid pipelines. Both committees were established under the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. 1) and the pipeline safety law (49 U.S.C. Chap. 601). Each committee consists of 15 members, with membership evenly divided among the Federal and state governments, the regulated industry, and the public. The committees advise PHMSA on technical feasibility, practicability, and cost-effectiveness of each proposed pipeline safety standard.

During the meeting, the committees considered the NPRM to expedite the program implementation deadline of the CRM regulations. To assist the TPSSC and THLPSSC in their deliberations, PHMSA presented three options of program implementation deadlines. These included the program implementation deadlines as proposed in the NPRM, the program implementation deadline of February 1, 2013, in the original rule, and a third option that reflected the comments received on the proposed rule, comments received at the November 17, 2010, workshop, and PHMSA's internal discussions. PHMSA provided these options to facilitate the TPSSC and THLPSSC members' discussion of the rule and to provide a process by which the members could recommend a certain course of action by PHMSA with regard to the rule. Members were not limited to discussing these three options.

After discussions, both the TPSSC and THLPSSC separately voted unanimously to recommend that PHMSA implement the NPRM with the changes reflected in the third option. Specifically, the TPSSC and THLPSSC recommended that the deadline for implementing Paragraphs (b) (roles and responsibilities), (c)(5) (shift change), (d)(2)–(3) (fatigue mitigation education and training), (f) (change management), and (g) (operating experience) be amended to August 1, 2011, the deadline for implementing Paragraphs (c)(1)–(4) (adequate information), (d)(1)

(shift lengths), (d)(4) (maximum hours-of-service), and (e) (alarm management) be amended to August 1, 2012, and the deadline for training in Paragraph (h) be amended to August 1, 2012, except that any training required as a condition of compliance with another paragraph of the rule be implemented no later than the corresponding deadline for implementing that part of the rule. This final rule effectively adopts the recommendations of the TPSSC and THLPSSC except that the earliest date that any element must be implemented is October 1, 2011 and not August 1, 2011. This extra time is provided to provide operators proper notice after the publication of the final rule.

IV. Summary and Response to Public Comments

PHMSA received a total of 16 comments on the NPRM: five comments from pipeline trade associations, nine comments from individual hazardous liquid and gas pipeline operators, one comment from a pipeline consultant, and one comment from an anonymous private citizen. In addition to the 16 comments, on March 1, 2011, the American Petroleum Institute (API) and the Association of Oil Pipe Lines (AOPL) submitted revised comments.

A. General Comments

In their revised comments API & AOPL stated that they did not oppose the proposed accelerated deadlines, except that acceleration of the deadline for Paragraphs (d) (fatigue mitigation) and (h) (training) was not appropriate.

CenterPoint Energy, Panhandle Energy, Sunoco Pipeline LP (Sunoco), Texas Pipeline Association, and Williston Basin Interstate Pipeline Company opposed the proposed accelerated deadlines.

Many of the same commenters and El Paso Pipeline Group (El Paso), Interstate Natural Gas Association of America (INGAA), and Northeast Gas Association (NGA), stated that the timing of PHMSA's release of Frequently Asked Questions (FAQs) guidance, inspection guidelines, and compliance criteria would affect their ability to meet the proposed accelerated deadlines if the content of the guidance differed significantly from their expectations.

INGAA and El Paso also stated that while they previously supported the accelerated implementation schedule, the anticipated timing for PHMSA to release guidance material as stated at the public workshop, along with their uncertainty about the content of the guidance, has caused them to reconsider their support.

Sunoco requested that the deadline for compliance be extended beyond those proposed because field control rooms cannot reasonably be included in PHMSA's assumption that the industry is largely ready now.

American Gas Association (AGA), Avista, El Paso, NGA, Paiute Pipeline Company, and Southwest Gas Corporation (SWG) opposed the proposed accelerated deadlines for Paragraphs (d) (fatigue mitigation) and (h) (training). In addition, Paiute and SWG requested that Paragraph (f) (change management) be given an implementation deadline of August 1, 2012.

NGA requested that if the proposed accelerated deadlines are implemented, PHMSA should consider modifying its review process during the first inspection cycle to include only recommended improvements, rather than Notices of Probable Violation and monetary penalties for companies that make efforts to implement their plans within the accelerated deadlines.

Northern Natural Gas requested that the deadline for implementing all the procedures required by the rule only be accelerated to February 1, 2012, instead of August 1, 2011, as proposed, except that the procedures required by Paragraphs (c)(1)–(4) (adequate information), (e) (alarm management), and (f) (change management), should not be accelerated at all.

Thomas Lael Services, L.P, a pipeline consultant, supported the proposed accelerated deadlines. He agreed with the statement in the NPRM that most if not all work associated with each requirement contained within the regulation has more than likely already been performed during the program development stage which already has a regulatory deadline of August 1, 2011. He agreed that due to the significance of this regulation and the potential for the increased safe operation of pipelines, an accelerated implementation deadline to August 1, 2012, is desirable and reasonable, but it is not clear whether he supported the August 1, 2012, deadline for all paragraphs. He added that recent pipeline incidents have initially pointed to control room issues as possible factors in the cause and, therefore, an accelerated deadline is prudent.

The anonymous private citizen's comments were not deemed appropriate for consideration.

In general, while some commenters argued the NPRM should be withdrawn and the implementation deadlines in the current rule be kept, PHMSA did not find the general comments justified withdrawing the NPRM in order to leave in place the current program

implementation deadlines for the reasons specified in more detail below. Some trade associations and pipeline operators stated that PHMSA has not released the FAQs document, inspection guidelines and compliance criteria. To address this concern, PHMSA released draft FAQs on February 3, 2011, and plans to release inspection forms and guidelines by early June 2011.

B. Roles and Responsibilities, §§ 192.631(b) and 195.446(b)

Paragraph (b) of the rule requires operators to define the roles and responsibilities of a controller during normal, abnormal, and emergency operating conditions. The original rule established a deadline for operators to implement the procedures by February 1, 2013. The NPRM proposed that operators implement the procedures instead by August 1, 2011. The TPSSC and THLPSSC recommended that PHMSA amend the regulation as proposed.

We received no comments specifically directed at the implementation deadline for this paragraph. Based on only the general comments we received and the TPSSC's and THLPSSC's recommendation, and in order to provide operators proper notice we are adopting the new implementation date of October 1, 2011.

C. Provide Adequate Information, §§ 192.631(c) and 195.446(c)

Paragraph (c) of the rule requires operators to provide their controllers with the information, tools, processes and procedures necessary for the controllers to carry out the roles and responsibilities the operators have defined. The original rule established a deadline for operators to implement the procedures by February 1, 2013. The NPRM proposed that operators implement the procedures required by Paragraph (c)(1)–(4) instead by August 1, 2012, and the procedures required by Paragraph (c)(5) by August 1, 2011. The TPSSC and THLPSSC recommended that PHMSA amend the regulation as proposed.

In addition to the general comments specified above, CenterPoint Energy stated that at a minimum, 12 months is needed from program development to full implementation in order to give operators an opportunity to assess their plans for one complete heating season and to make any necessary adjustments prior to actual implementation of the plan before the 2012 heating season.

CenterPoint Energy agrees with PHMSA that the proposed 12 months is sufficient for program implementation deadline, but it is not clear that the

operator agrees, as proposed, or for all sections in Paragraph (c). Based on this, other general comments received, the TPSSC's and THLPSSC's recommendation, the program implementation deadline for this paragraph is amended to October 1, 2011, for section (c)(5), and to August 1, 2012, for sections (c)(1)–(4).

D. Fatigue Mitigation, §§ 192.631(d) and 195.446(d)

Paragraph (d) of the rule requires operators to implement fatigue mitigation methods to reduce the risk associated with controller fatigue that could inhibit a controller's ability to carry out the roles and responsibilities the operator has defined. The original rule established a deadline for operators to implement the procedures by February 1, 2013. The NPRM proposed that operators implement the procedures by August 1, 2011.

The TPSSC and THLPSSC recommended that PHMSA amend the deadlines for Paragraphs (d)(2) and (d)(3) as proposed, but to establish an implementation deadline of August 1, 2012, for Paragraphs (d)(1) and (d)(4).

In addition to the general comments specified above, INGAA believes that if PHMSA's guidance concerning controller scheduling and hours-of-service departs significantly from a paper on the subject published by the Southern Gas Association, it would severely jeopardize operators' ability to comply with the proposed deadlines, because operators would not be able to revise their implementation plans, increase their staffs, and complete the necessary process development in time. INGAA suggested, however, that operators could meet the expedited deadlines if their current understanding of the CRM regulations is implemented without major changes. INGAA estimated a minimum of six months would be needed for operators to implement their fatigue mitigation plans, including training, evaluation and revisions. Several individual operators agreed with these sentiments.

AGA had concerns with PHMSA's proposal to accelerate the fatigue mitigation requirements by 18 months, because many operators have to hire new gas control personnel, and extensive time and effort are required to identify and train new personnel. AGA suggested that accelerating the implementation deadlines for these provisions could have the unintended consequence of moving individuals into gas controller positions with limited qualifications. Several individual operators agreed with this sentiment.

API & AOPL similarly stated that the accelerated timeline would not allow operators the appropriate time for implementation of human resources directives addressing the hiring and relocating of controllers. API & AOPL also stated that a lack of guidance from PHMSA may cause uncertainty as to what will be considered as an acceptable limit on hours-of-service. API & AOPL estimated a proper implementation period between eight and 12 months, although the comment appeared to be related more to training in general, rather than fatigue mitigation specifically.

Avista was similarly concerned with the impact of the accelerated schedule for fatigue mitigation if enough time is not provided for operators to develop course material, create tests, arrange for subject matter experts to instruct courses, hire, and train new personnel.

CenterPoint Energy supported the proposed accelerated deadlines for Paragraphs (d)(1) and (d)(4), but stated that Paragraphs (d)(2) and (d)(3) require additional time to implement, because training and education are ongoing activities that require flexibility and adjustment based on feedback from the trainees. CenterPoint Energy suggested 12 months for proper implementation of the required training and education requirements.

Sunoco stated that a singular point of emphasis within the CRM is fatigue management, which clearly necessitates that the current 24/7 work schedules be analyzed to ensure that those shift designs mitigate, as much as possible, the fatigue that is associated with working around the clock. At PHMSA's Workshop, Sunoco stated that a PHMSA speaker stated that to complete analysis, the affected pipeline companies would have to have any modified/proposed shift schedule "verified" by a fatigue expert. Sunoco believes this would create a high demand for a relatively few fatigue experts within a very compressed timeframe. Sunoco stated that this verification would take much longer than the proposed implementation time.

After reviewing these comments and considered the TPSSC's and THLPSSC's recommendation, PHMSA believes many of the concerns are justified and that there should be some additional time between development and implementation of certain procedures related to fatigue mitigation. Based on the substantive comments provided, including estimated time frames, PHMSA believes that an implementation period of 12 months is reasonable for Paragraphs (d)(1) and (d)(4), which makes the amended

deadline August 1, 2012. This would allow for an accelerated safety benefit in accordance with the intent of the NPRM, while also allowing operators additional time to conduct internal pilot testing, hiring and training of any new controllers, and other modifications to their schedule rotations and maximum hours-of-service, as needed.

With regard to Paragraphs (d)(2) and (d)(3), PHMSA does not find the comments justify delaying the education and training of controllers and supervisors about fatigue mitigation strategies, how off-duty activities contribute to fatigue, and how to recognize the effects of fatigue. PHMSA believes the education and training of controllers and supervisors on the fundamental aspects of fatigue mitigation strategies can be undertaken upon program development and completed by August 1, 2011. However, due to the short time operators would have after the issuance of this rule, PHMSA is extending the program implementation deadline by two months to October 1, 2011. Of course, as operators develop more experience in fatigue mitigation strategies, they would be expected to update and improve their education and training program as necessary. Therefore, consistent with the recommendation of the TPSSC and THLPSSC, and the expected short time after issuance of this rule, the implementation deadline for Paragraphs (d)(2) and (d)(3) is amended to October 1, 2011.

E. Alarm Management, §§ 192.631(e) and 195.446(e)

Paragraph (e) of the rule requires operators that use SCADA systems to have written alarm management plans to provide for effective controller response to alarms. The original rule established a deadline for operators to implement the procedures by February 1, 2013. The NPRM proposed that operators implement the procedures by August 1, 2012. The TPSSC and THLPSSC recommended that PHMSA amend the regulation as proposed.

In addition to the general comments specified above, CenterPoint Energy stated that the full 18 months should be retained so that operators would be able to test their alarm management systems, modify their programs based on operator feedback, and repeat testing.

Sunoco also requested that the original 18-month implementation period be retained because the company's ongoing efforts to install a new SCADA system and software program to help manage alarms will not be completed in its control rooms until 2013.

PHMSA has reviewed these comments and considered the TPSSC's and THLPSSC's recommendation, and does not find that the full 18 months is necessary for program implementation, but that 12 months is sufficient for operators to implement this paragraph. Therefore, the program implementation deadline is amended, as proposed, to August 1, 2012.

F. Change Management, §§ 192.631(f) and 195.446(f)

Paragraph (f) of the rule requires operators to assure that changes that could affect control room operations are coordinated with the control room personnel. The original rule established a deadline for operators to implement the procedures by February 1, 2013. The NPRM proposed that operators implement the procedures by August 1, 2011. The TPSSC and THLPSSC recommended that PHMSA amend the regulation as proposed.

In addition to the general comments specified above, CenterPoint stated that PHMSA should allow six months for program implementation because the paragraph will require coordination across operator's organizations, which will be difficult to establish efficiently without an implementation period to educate the involved employees and make adjustments as necessary.

Paiute Pipeline Company and SWG requested at least 12 months for implementing this requirement because it requires integration with existing processes and procedures, training of both controllers and field personnel, and evaluation of any other issues that can only be determined during an adequate implementation period.

PHMSA has reviewed these comments and considered the TPSSC's and THLPSSC's recommendation, and does not find that an additional program implementation period is necessary for this requirement. This paragraph requires operators to assure that changes that could affect control room operations are coordinated with the control room personnel. Any changes that affect control room operations, including field changes, should be coordinated with controllers without delay once the program procedures are developed. Operators may still update and improve their change management procedures, if during implementation potential improvements are recognized. For these reasons, the program implementation deadline is amended to October 1, 2011.

G. Operating Experience, §§ 192.631(g) and 195.446(g)

Paragraph (g) of the rule requires operators to assure that lessons learned from their operating experiences are incorporated, as appropriate, into their control room management procedures. The original rule established a deadline for operators to implement the procedures requiring the incorporation of operating experience by February 1, 2013. The NPRM proposed that operators implement the procedures by August 1, 2011. The TPSSC and THLPSSC recommended that PHMSA amend the regulation as proposed.

In addition to the general comments specified above, CenterPoint Energy stated that at a minimum PHMSA should allow six months for implementation because the regulation will require coordination across operator's organizations and would be difficult to establish efficiently without an implementation period to educate the involved employees and make adjustments as necessary.

PHMSA has reviewed the comments and the TPSSC's and THLPSSC's recommendation, and does not find an additional program implementation period is necessary for this requirement. Ensuring that lessons learned from operating experiences are incorporated, as appropriate, into operators' control room management procedures should be implemented once the program procedures are developed. Because incorporating lessons learned is a continuing process, operators can review accidents and incidents to determine if control room actions contributed to the event and correct issues, where necessary, while still updating and improving their change process during implementation if potential improvements are recognized. For these reasons, the program implementation deadline is amended, as proposed, to October 1, 2011.

H. Training, §§ 192.631(h) and 195.446(h)

Paragraph (h) of the rule requires operators to establish a controller training program and review the training program content to identify potential improvements at least once each calendar year, but at intervals not to exceed fifteen months. The original rule established a deadline for operators to implement the procedures by February 1, 2013. The NPRM proposed that operators implement the procedures by August 1, 2011. The TPSSC and THLPSSC recommended that PHMSA establish an implementation deadline of August 1,

2012, for training, except that for any training required under one of the other paragraphs of the rule, that training must still be implemented in accordance with the corresponding deadline for that part of the rule.

In addition to the general comments specified above, AGA stated that operators already have training methods, but many operators still need to formalize their processes, which takes extensive time and effort. In addition, AGA explained that new controllers that will be hired will not have time to complete the new training procedures by August 1, 2011. AGA stated that operators will be able to develop a training program that meets the control room management requirements by August 2011, but they will not be able to fully implement those training procedures with all controllers by that time.

API & AOPL estimated that training and qualification takes between eight and 12 months and additional time could be required to recruit capable and qualified candidates. They stated that the accelerated timeline does not allow enough time to complete training and, therefore, would lead to additional costs. Avista agreed with the sentiment that additional time is required to develop course material, create tests, arrange for subject matter experts to instruct courses, hire, and train new personnel, and suggested that PHMSA retain the 18-month implementation period in the original rule.

CenterPoint Energy stated that at a minimum PHMSA should allow six months for implementation because the regulation will require coordination across operator's organizations that would be difficult to establish efficiently without an implementation period to educate the involved employees and make adjustments as necessary.

El Paso stated that it has taken a leadership role in formulating joint industry training to meet the requirements of the final rule, but its effort is not expected to be completed until the middle of 2011. El Paso requested additional time beyond that proposed in the NPRM because they stated that they need to formalize the training program, have that program adopted within each operating company, and have all the controllers trained, including those not yet hired.

Paiute Pipeline Company and SWG requested to keep the original 18-month implementation period, because the identification, hiring, training, as well

as the period of supervised work experience and qualification of new controllers is a time consuming process. In addition, they stated some training requirements may go beyond controllers, such as training field employees impacting SCADA points, information services employees making changes to SCADA screens, and supervisors and managers being trained in fatigue mitigation strategies.

Panhandle Energy also opposed the proposed amendment, stating that it typically takes upward of one year to provide the training and experience to be able to confidently utilize a new staff member as a gas controller.

PHMSA has reviewed the comments and considered the TPSSC's and THLPSSC's recommendations concerning the time necessary to implement the new training procedures. PHMSA finds these comments justify an additional implementation period and that the proposed amendment could create an undue burden on operators to achieve compliance with Paragraph (h). While PHMSA still finds the original 18 months is not necessary, an implementation period of 12 months is reasonable, which makes the amended deadline August 1, 2012. This would allow for an accelerated safety benefit in accordance with the intent of the NPRM, while also allowing operators additional time to implement the new training procedures specified in Paragraph (h).

It must be clarified, however, that the training required by other paragraphs of the CRM rule (e.g., fatigue mitigation) must still be implemented in accordance with the corresponding deadline for that part of the rule (e.g., October 1, 2011).

I. Other Paragraphs, §§ 192.631(i)-(j) and 195.446(i)-(j)

Paragraph (i) of the rule requires operators to submit their procedures, upon request, to PHMSA or, in the case of an intrastate pipeline facility regulated by a state, to the appropriate state agency. Paragraph (j) of the rule requires operators to maintain records that demonstrate compliance with the requirements of the rule, and documentation to demonstrate that any deviation from the procedures required by the rule was necessary for the safe operation of a pipeline facility. These requirements are self-executing and the NPRM did not propose to amend them. PHMSA received no comments on these paragraphs.

V. Regulatory Analysis and Notice

Privacy Act Statement

Anyone may search the electronic form of comments received in response to any of our dockets by the name of the individual submitting the comment (or signing the comment if submitted for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Executive Order 12866, Executive Order 13563, and DOT Regulatory Policies and Procedures

This final rule is a significant regulatory action under section 3(f) of Executive Order 12866 (58 FR 51735) and, therefore, was reviewed by the Office of Management and Budget. This final rule is significant under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034). PHMSA has also reviewed this regulation pursuant to Executive Order 13563, issued on January 18, 2011 (76 FR 3281, Jan. 21, 2011). EO 13563 is supplemental to and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, agencies are required to meet principles established by Executive Orders 12866 and 13563. PHMSA finds that, within the range of impacts analyzed in this rulemaking, the Control Room Management/Human Factors rule expediting the program implementation deadlines in the Control Room Management/Human Factors regulations is consistent with EO 12866 and 13563.

In this analysis we estimate that the average costs of this final rule are \$11.15 million. We also estimate that the benefits of this final rule are \$13.9 million. Two observations of note are (1) that the estimated annual benefits, \$13.9 million, exceed the average estimated costs \$11.15 million, by \$2.75 million; (2) since the benefits do not include the non-quantified benefits, such as improved health and well-being of controllers and improved productivity for the reasons we discussed above it is likely that the actual benefits of the rule could be higher. A full Regulatory Analysis has been provided in the docket, while the chart below summarizes the estimated costs and benefits of this final rule.

	Low (\$ millions)	High (\$ millions)	Average (\$ millions)
Total Cost of Rule	\$8.8	\$13.5	\$11.1
Total Benefit of Rule	13.9	13.9	13.9
Net Benefit of Rule	5.1	0.4	2.8

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), PHMSA must consider whether rulemaking actions would have a significant economic impact on a substantial number of small entities. The original CRM rule included certain accommodations in consideration of small businesses. PHMSA estimated that the costs of those substantive requirements would be significantly less than one percent of revenues for most firms and there was not likely to be a significant economic impact on a substantial small number of operators, as explained in the original rule. PHMSA went on to say that the economic impact of the original CRM final rule on small entities will be minor and certified that that final rule will not have a significant economic impact on a substantial number of small entities. Since this final rule only expedites program implementation deadlines and does not establish any new substantive requirements, we likewise certify that this rule would not have a significant economic impact on a substantial number of small entities.

Executive Order 13175

PHMSA has analyzed this rulemaking according to Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments." Because the rule would not significantly or uniquely affect the communities of the Indian tribal governments or impose substantial direct compliance costs, the funding and consultation requirements of Executive Order 13175 do not apply.

Paperwork Reduction Act

The rule does not require any additional paperwork burden on hazardous liquid and gas pipeline operators under the Paperwork Reduction Act of 1995.

Unfunded Mandates Reform Act of 1995

This rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of \$141.3 million or more to either state, local, or tribal governments, in the aggregate, or to the private sector.

National Environmental Policy Act

PHMSA has examined the rule for purposes of the National Environmental

Policy Act (42 U.S.C. 4321 *et seq.*). If pipeline operators comply with the technical elements of this rule within a shorter time, environmental benefits could be realized sooner and may reduce the number and severity of pipeline releases. PHMSA has concluded this rule would not have any significant impacts to the quality of the human environment under the National Environmental Policy Act.

Executive Order 13132

PHMSA has analyzed this rule according to Executive Order 13132 ("Federalism"). The rule does not have a substantial direct effect on the states, the relationship between the national government and the states, or the distribution of power and responsibilities among the various levels of government. The rule does not impose substantial direct compliance costs on state and local governments. This rule would not preempt state law for intrastate pipelines. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

Executive Order 13211

Transporting gas and hazardous liquids impacts the nation's available energy supply. However, this rule is not a "significant energy action" under Executive Order 13211 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Further, the Administrator of the Office of Information and Regulatory Affairs has not identified this rule as a significant energy action.

List of Subjects

49 CFR Part 192

Gas, Natural gas, Pipeline safety, Reporting and recordkeeping requirements.

49 CFR Part 195

Anhydrous ammonia, Carbon dioxide, Petroleum, Pipeline safety, Reporting and recordkeeping requirements.

For the reasons provided in the preamble, 49 CFR Parts 192 and 195 are amended as follows:

PART 192—TRANSPORTATION OF NATURAL GAS AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

■ 1. The authority citation for part 192 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60110, 60113, 60116, 60118, and 60137; and 49 CFR 1.53.

■ 2. Amend § 192.631 by removing the last sentence in paragraph (a)(2) and adding four sentences in its place to read as follows:

§ 192.631 Control room management.

- (a) * * *
- (2) * * * An operator must develop the procedures no later than August 1, 2011, and must implement the procedures according to the following schedule. The procedures required by paragraphs (b), (c)(5), (d)(2) and (d)(3), (f) and (g) of this section must be implemented no later than October 1, 2011. The procedures required by paragraphs (c)(1) through (4), (d)(1), (d)(4), and (e) must be implemented no later than August 1, 2012. The training procedures required by paragraph (h) must be implemented no later than August 1, 2012, except that any training required by another paragraph of this section must be implemented no later than the deadline for that paragraph.
- * * * * *

PART 195—TRANSPORTATION OF HAZARDOUS LIQUIDS BY PIPELINE

■ 3. The authority citation for part 195 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60116, 60118, and 60137; and 49 CFR 1.53.

■ 4. Amend § 195.446 by removing the last sentence in paragraph (a) and adding four sentences in its place to read as follows:

§ 195.446 Control room management.

- (a) * * * An operator must develop the procedures no later than August 1, 2011, and must implement the procedures according to the following schedule. The procedures required by paragraphs (b), (c)(5), (d)(2) and (d)(3), (f) and (g) of this section must be implemented no later than October 1, 2011. The procedures required by

paragraphs (c)(1) through (4), (d)(1), (d)(4), and (e) must be implemented no later than August 1, 2012. The training procedures required by paragraph (h) must be implemented no later than August 1, 2012, except that any training

required by another paragraph of this section must be implemented no later than the deadline for that paragraph.

* * * * *

Issued in Washington, DC, on June 10, 2011 under authority delegated in 49 CFR part 1.

Cynthia L. Quarterman,
Administrator.

[FR Doc. 2011-14991 Filed 6-15-11; 8:45 am]

BILLING CODE 4910-60-P

Proposed Rules

Federal Register

Vol. 76, No. 116

Thursday, June 16, 2011

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 72 and 73

[NRC-2009-0558]

Vulnerability and Threat Information for Facilities Storing Spent Nuclear Fuel and High-Level Radioactive Waste

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Public meeting.

SUMMARY: The Nuclear Regulatory Commission (NRC) will discuss with affected stakeholders vulnerability and threat information associated with the forthcoming security rulemaking to revise Title 10 of the *Code of Federal Regulations* (10 CFR) Part 72, "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater Than Class C Waste," and 73, "Physical Protection of Plants and Materials." This information will be used to inform the regulatory basis for the rulemaking which will issue new risk-informed and performance-based security regulations

for Spent Nuclear Fuel (SNF) and High-Level Radioactive Waste (HLW) storage facilities. The draft regulatory basis was published for comment in the **Federal Register** (FR) on December 16, 2009 (74 FR 66589).

This meeting will be closed under exemptions 3.a and 3.b of the Commission's policy statement¹, due to the expected discussion of classified information.

DATES: Tuesday, July 26, 2011, 9 a.m. to 4 p.m. (Eastern Time) (Closed to Public—Requires Access to Classified Information)

ADDRESSES: U.S. Nuclear Regulatory Commission, One White Flint North, Commissioners' Conference Room, O-1 G16, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Dennis Andrukat, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone 301-415-3561; e-mail: Dennis.Andrukat@nrc.gov.

SUPPLEMENTARY INFORMATION:

Background

The NRC requires high assurance of adequate protection of public health and safety, the common defense and security, and the environment for the secure storage of SNF and HLW. The NRC meets this strategic goal by requiring Independent Spent Fuel

Storage Installation licensees to comply with security requirements specified in 10 CFR Part 73. Following the terrorist attacks of September 11, 2001, the NRC has continued to achieve this requisite high assurance for all facilities licensed to store SNF through a combination of these existing security regulations and the issuance of security orders to individual licensees.

Based on the Commission's direction presented in SRM-SECY-10-0114 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML103210025) and stakeholder requests from the NRC sponsored May 2, 2011, open and closed public meetings (ADAMS Package Accession No. ML111450161), the staff is hosting this meeting to enhance stakeholder understanding of the security assessments used to inform the draft regulatory basis and to enhance staff understanding of the comments received. The meeting will discuss classified national security information.

The NRC notes that the public, licensees, certificate holders, and other stakeholders will have a future opportunity to comment on the proposed rulemaking when that document is published in the FR.

Availability of Documents

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

Document	Public Document Room (PDR)	Web	Electronic Reading Room (ADAMS)
Draft Technical Basis, Revision 1 (December 2009) [NRC-2009-0558]	X	X	ML093280743
Commission: SECY-10-0114 (August 26, 2010)	X		ML101960614
Commission: SRM-SECY-10-0114 (November 16, 2010)	X	X	ML103210025
Commission: SECY-07-0148 (redacted) (August 28, 2007)	X	X	ML080030050
Commission: SRM-SECY-07-0148 (December 18, 2007)	X	X	ML073530119
Public Meeting Notice for May 2, 2011 (March 30, 2011)	X		ML110880263
Meeting Summary Package for May 2, 2011 meeting	X		ML111450161

You can access publicly available documents related to this notice using the following methods:

NRC's PDR: The public may examine and have copied, for a fee, publicly available documents at the NRC's PDR, Public File Area O-1 G21, One White

Flint North, 11555 Rockville Pike, Rockville, Maryland 20852-2738.

NRC's 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,

¹ "Commission's Policy Statement on Enhancing Public Participation in NRC Meetings," (67 FR 36920), May 28, 2002.

301-415-4737, or by e-mail to pdr.resource@nrc.gov.

Federal Rulemaking Site: Public comments and supporting materials related to this notice can be found at <http://www.regulations.gov> by searching on Docket ID: NRC-2009-0558.

Availability of Services:

The NRC provides reasonable accommodations to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in this meeting (e.g., sign language), or need this meeting notice or other information from the meeting in another format, please notify the NRC meeting contact, Dennis Andrukat at 301-415-3561 by July 5, 2011, so that arrangements can be made.

All expected attendees must register with the NRC meeting contact by close of business on July 12, 2011. Attendees must provide their full name, company/organization, last four of social security number, phone number, acknowledgement of current access to Classified Information (minimum "L" clearance), and basis for need-to-know in order to verify that attendees are cleared for access to the information.

No electronic devices will be allowed in the Commissioners' Conference Room during the meeting, this includes cell phones, laptops, pagers, PDAs, etc. No food or drink is allowed in the Commissioners' Conference Room.

All attendees are to use the One White Flint North temporary entrance located on Marinelli Street. The NRC is accessible to the White Flint Metro Station. Visitor parking near the NRC buildings is limited. Parking is available at the White Flint Metro Station using the Metro Smart Card.

Dated at Rockville, Maryland, this 7th day of June 2011.

For the Nuclear Regulatory Commission.

Sandra L. Wastler,

Branch Chief, Division of Security Policy, Office of Nuclear Security and Incident Response.

[FR Doc. 2011-14666 Filed 6-15-11; 8:45 am]

BILLING CODE 7590-01-P

FARM CREDIT ADMINISTRATION

12 CFR Part 652

RIN 3052-AC70

Federal Agricultural Mortgage Corporation Funding and Fiscal Affairs; Farmer Mac Risk-Based Capital Stress Test, Version 5.0

AGENCY: Farm Credit Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: In this advance notice of proposed rulemaking (ANPRM), the Farm Credit Administration (FCA, we, us, our) is requesting comments on alternatives to using credit ratings issued by nationally recognized statistical ratings organizations (NRSRO or credit rating agency) in regulations addressing the Risk-Based Capital Stress Test (RBCST or stress test) for the Federal Agricultural Mortgage Corporation (Farmer Mac or FAMC). Recent legislation requires every Federal agency to remove any references to credit ratings from its regulations and to substitute them with other standards of creditworthiness considered appropriate. Additionally, in response to this same legislative emphasis on ensuring appropriate prudential oversight of derivatives transactions, we are considering whether the RBCST should include a more explicit and comprehensive capital charge for counterparty risk stemming from derivative transactions. Lastly, through the ANPRM we are seeking public input on how we might revise the operational and strategic business planning requirements for FAMC to place greater emphasis on diversity and inclusion.

DATES: You may send comments on or before August 15, 2011.

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

- **E-mail:** Send us an e-mail at reg-comm@fca.gov.
- **FCA Web site:** <http://www.fca.gov>. Select "Public Commenters", then "Public Comments", and follow the directions for "Submitting a Comment".
- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.
- **Mail:** Laurie A. Rea, Director, Office of Secondary Market Oversight, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090.

You may review copies of all comments we receive at our office in McLean, Virginia, or on our Web site at <http://www.fca.gov>. Once you are in the Web site, select "Public Commenters", then "Public Comments", and follow the directions for "Reading Submitted

Public Comments". We will show your comments as submitted, including any supporting data provided, but for technical reasons we may omit items such as logos and special characters. Identifying information that you provide, such as phone numbers and addresses, will be publicly available. However, we will attempt to remove e-mail addresses to help reduce Internet spam.

FOR FURTHER INFORMATION CONTACT:

Joseph T. Connor, Associate Director for Policy and Analysis, Office of Secondary Market Oversight, Farm Credit Administration, McLean, VA 22102-5090, (703) 883-4280, TTY (703) 883-4434,

Or

Laura McFarland, Senior Counsel, Office of the General Counsel, Farm Credit Administration, McLean, VA 22102-5090, (703) 883-4020, TTY (703) 883-4020.

SUPPLEMENTARY INFORMATION:

I. Objective

The purpose of this ANPRM is to gather public input on how FCA might:

- Revise existing Farmer Mac RBCST regulations to replace data from credit rating agencies.
- Comprehensively address derivative counterparty exposure in the RBCST; and
- Revise operational and strategic business planning requirements to place greater emphasis on diversity and inclusion.

II. Background

Farmer Mac is an institution of the Farm Credit System, regulated by FCA through the FCA Office of Secondary Market Oversight (OSMO). Farmer Mac was established and chartered by Congress to create a secondary market for agricultural real estate mortgage loans, rural housing mortgage loans, and rural utilities loans, and it is a stockholder-owned instrumentality of the United States. Title VIII of the Farm Credit Act of 1971, as amended, (Act) governs Farmer Mac.¹

On July 21, 2010, the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Dodd-Frank Act) was enacted.² Section 939A of the Dodd-Frank Act requires Federal agencies to review all regulatory references to NRSRO credit ratings and replace those references with other appropriate standards for determining creditworthiness. The Dodd-Frank Act

¹ Public Law 92-181, 85 Stat. 583, 12 U.S.C. 2001 *et seq.* (December 10, 1971).

² Public Law 111-203, 124 Stat. 1376, (H.R. 4173), July 21, 2010.

further provides that, to the extent feasible, agencies should adopt a uniform standard of creditworthiness for use in regulations, taking into account the entities regulated and the purposes for which such regulated entities would rely on the creditworthiness standard.

The FCA uses credit rating agency data in its RBCST regulations for Farmer Mac. Section 8.32 of the Act required FCA to establish a risk-based capital stress test for Farmer Mac's portfolio.³ This stress test determines the level of regulatory capital necessary for Farmer Mac to maintain positive capital during a 10-year period where stressful credit and interest rate conditions occur. We first published regulations on the stress test, and other requirements related to section 8.32 of the Act, in the **Federal Register** at 66 FR 19048 (April 12, 2001). Since then, we revised the stress test several times, most recently to capture capital requirements for Farmer Mac's rural utilities authorities. The existing RBCST for Farmer Mac is contained in 12 CFR part 652, subpart B, and it currently relies, in part, on NRSRO credit ratings when calculating regulatory minimum capital requirements.

We have comprehensively reviewed our regulations that use or rely on credit ratings, including other sections in part 652 which govern Farmer Mac's non-program investments and liquidity reserve requirements. This ANPRM is one of several notices and proposed rules on which we will be seeking public input relating to use of credit ratings in our rules.

A. Farmer Mac Programs

Under the Farmer Mac I program, FAMC guarantees prompt payment of principal and interest on securities representing interests in, or obligations backed by, mortgage loans secured by first liens on agricultural real estate or rural housing. It also purchases, or commits to purchase, qualified loans or securities backed by qualified loans directly from lenders. Under the Farmer Mac II program, FAMC purchases and securitizes portions of certain loans guaranteed by the U.S. Department of Agriculture, including farm ownership and operating loans and rural business and community development loans. Farmer Mac also guarantees the timely payment of principal and interest on the securities created from these loans. In 2008, Congress granted Farmer Mac the authority to purchase and guarantee securities backed by loans to rural electric and telephone utility

cooperatives as program business.⁴ Farmer Mac also provides a secondary market for USDA-guaranteed farm program and rural development loans.

B. Risk-Based Capital and Credit Ratings

Under our rules, Farmer Mac's regulatory capital must be sufficient so that it would remain positive during the 10-year time horizon of the stress test. One component of the RBCST accounts for the risk of loss on specific types of program investments (*i.e.*, investments backed by agricultural real estate mortgage loans, rural housing loans, or rural utility cooperative loans) that include credit enhancement features. In this context, credit risk is adjusted downward based on the whole-letter credit rating of the counterparty on AgVantage and similarly structured assets. The adjustment is made to recognize the risk-reducing strength of the counterparty's general obligation backing of these securities. These securities are further backed by eligible loan collateral.

Another component of the RBCST estimates counterparty risk associated with non-program investments, *e.g.*, corporate debt, asset-backed securities and mortgage-related securities. In this context, the RBCST reduces earnings at rates related to the cumulative historical default and recovery rates of corporate debt by whole-letter credit rating category as published by Moody's Investor Services.⁵ The RBCST's calculations in each of these two components use five whole-letter rating categories. It then assigns counterparties into these categories by referencing ratings issued by an NRSRO for the counterparty. The regulations, in turn, specify the change in expected cash flows during the stress period to reflect the risk of default by a counterparty based in part on the assigned ratings category. The changes in cash flows decrease projected losses on program assets and decrease earnings on non-program investments, which then translate to changes in equity over the modeling horizon and affect the required minimum regulatory capital calculated by the stress test.

FCA initially chose to use NRSRO ratings in the RBCST as a source of objective and neutral third-party assessments of the credit risk for particular instruments and

counterparties. We used ratings because they were readily and publicly available. The use of NRSRO ratings was also, at the time, believed to offer enhanced consistency in credit evaluation across different components of the RBCST. In 2010, the Dodd-Frank Act addressed, in part, the structure of credit rating agencies, requiring revisions and imposing other requirements in an effort to resolve the conflicts of interest and other difficulties believed to be at the center of the 2008–2009 financial market crisis. The Dodd-Frank Act also questioned the value of these ratings when used as the primary data source in the assessment of the creditworthiness of a security or money market instrument. In connection with that, the Dodd-Frank Act requires every Federal agency to remove any reference to, or reliance on, credit rating agencies in its regulations and replace any such reference with an alternative standard of credit worthiness considered appropriate for the regulatory purpose. As a result, we are seeking suggestions on what alternative data sources would be most appropriate for the RBCST.

C. Considerations and Objectives for a New Approach to Quantifying Relative Creditworthiness

FCA believes that any new standard of creditworthiness should distinguish between different levels of credit risk, in an accurate and timely manner, and be transparent in its approach. We believe it should also be applied consistently across the multiple components of the RBCST and be reasonably simple, while not unduly burdensome to apply and not be easily subject to manipulation. FCA recognizes that any resulting system will likely involve trade-offs among these objectives, *e.g.*, simple versus accurate and timely, accurate and timely versus not burdensome to apply.

To eliminate the use of NRSRO ratings in calculating risk-based capital requirements for Farmer Mac, we need to develop an alternative basis to assess counterparty risk. One approach may be to identify objective criteria that Farmer Mac could apply to categorize credit exposures into different risk classes and assess counterparty risk accordingly. The criteria may be broadly designated. For example, credit exposures could be divided into government and non-government, secured and unsecured, or other categories, such as maturity. Such a broad approach, however, may not be able to sufficiently and consistently account for difference in relative risk among exposures that fall into the same category. FCA may also consider adopting criteria that reference certain

⁴ Section 5406 of Public Law 110–246, 122 Stat. 1651 (June 18, 2008) (repealing and replacing Pub. L. 110–234).

⁵ Emery K., Ou S., Tennant, J., Kim F., Cantor R., “Corporate Default and Recovery Rates, 1920–2009,” published by Moody's Investors Service, February 2010.

³ 12 U.S.C. 2279bb–1.

financial or other metrics related to the obligor or counterparty. To be meaningful, the criteria would need to account for or bear a reasonable correlation to the potential riskiness of default among different obligors or counterparties. Any criteria would also need to be readily obtainable for all relevant counterparties by FCA, Farmer Mac and the public or it might not be sufficiently transparent and objective. The standards would need to ensure that the investment or position is not speculative, and carries credit risk appropriate for Farmer Mac's risk profile and the authorized purposes for non-program investments. As any new counterparty risk evaluation approach is initiated, there is the potential for increased risk as the new system is implemented.

FCA might also consider an approach that builds on Farmer Mac's internal credit review process and allows it to assign risk ratings to various categories and assess risk based on qualitative and quantitative standards set by FCA regulations. For example, FCA could assign loss rate estimates based on Farmer Mac's internal ratings or some modification of such, as reviewed or approved by FCA—or simply review or approve Farmer Mac's mapping of its assigned risk ratings to estimated loss rates. This approach would be more subjective than the alternative discussed above but could allow FCA to leverage the data collection and analysis already performed by Farmer Mac. Under this approach, FCA would likely rely heavily on the supervisory process to make sure that Farmer Mac is strictly following its internal guidelines and not assuming high levels of credit risk.

Questions (1) through (11) of Section III of this ANPRM address this topic.

D. Counterparty Risk on Derivatives

As part of our Dodd-Frank Act review and the increasing emphasis by the financial industry on ensuring appropriate prudential oversight of derivatives transactions, we are also considering whether the RBCST should include a more explicit and comprehensive capital charge for counterparty risk stemming from derivative transactions.

The RBCST produces a single comprehensive capital requirement for Farmer Mac by modeling changes in cash flows under a specific statutory stress scenario. We believe there may be opportunities to revise the RBCST to add a representation of counterparty default exposure on derivatives transactions by considering both net replacement cost as well as current exposure to individual cash flows based

on an assessment of the counterparty's creditworthiness.

Questions (12) and (13) of Section III. of this ANPRM address this topic.

E. Capital and Business Planning

As part of this ANPRM, we are seeking input on how we might revise § 652.60(b) on operational and strategic business planning requirements to place greater emphasis on diversity and inclusion in both Farmer Mac's personnel as well as the borrowers and lenders who benefit from its secondary market activities.

We believe an integral part of promoting and achieving inclusion and diversity can be accomplished through an effective operational plan that includes strategies to seek out qualified loans from a diverse group of sources and provides rural lenders with financing products that serve a diverse array of borrowers, such as small, beginning, new, disabled, female, and minority farmers, ranchers, and rural homeowners, as well as cooperatives with diversity of ownership. We believe promotion of inclusion and diversity should also extend to non-traditional agricultural producers, such as local food systems, organic or specialty crop farmers, and community-supported agriculture.

Additionally, we are considering whether Farmer Mac's operational and strategic plans should include strategies and actions to achieve diversity and inclusion within FAMC's workforce, management, and governance structure, as well as an assessment of the progress FAMC has made in this area. We are also contemplating whether the plans should describe FAMC's succession programs.

Questions (14) and (15) of Section III. of this ANPRM address this topic.

III. Request for Comments

FCA regulations governing the Farmer Mac RBCST contain specific references to credit ratings issued by NRSROs for purposes of calculating regulatory minimum capital requirements. FCA is issuing this ANPRM to identify standards that may be appropriate replacements for credit ratings issued by NRSROs, which maintain compliance with statutory design requirements for the RBCST. Other regulatory agencies have also issued ANPRMs as part of their process to address references to credit ratings in their capital regulations and prudential standards.⁶ We encourage any interested person(s) to submit comments on the following

questions and ask that you support your comments with relevant data or examples. We remind commenters that comments and data submitted in support of a comment are available to the public through our rulemaking files.

1. What core principles would be most important in FCA's development of new standards of creditworthiness?

2. What qualitative and quantitative standards would FCA need to set to implement an approach that relied on the Farmer Mac to generate internal estimates of counterparty risk exposures? What are the strengths and weaknesses of such an approach?

3. Is it important that FCA's approach to replacing its reliance on credit rating agency data be consistent with that of other financial regulators or with those of other Farm Credit System institutions? If so, how important and why?

4. What specific creditworthiness or investment criteria should FCA use in its RBCST regulation?

5. What types of objective criteria should be used to differentiate credit exposures and apply meaningful counterparty risk estimates in the RBCST?

6. Should different criteria be used for different broad classes of investments or exposures? If so, what perverse incentives or other unintended consequences could that lead to? For example, could criteria that are perceived to be more flexible or subjective for a given asset class incent the regulated entity to accept a proportion of exposure to that asset class relative to its entire program (or non-program) portfolio that it might deem excessive without that incentive?

7. What approach would estimate a meaningful and consistent level of counterparty risk for a variety of exposures by employing publicly available qualitative and quantitative metrics, such as individual obligor credit spreads and/or financial ratio analysis to estimate probability of default and recovery rates?

8. Alternatively, could such estimates be reasonably made at the level of the market (e.g., identifying an index of industry sector spreads and stratifying spreads into certain ranges) and mapped to loss rates set by FCA?

9. How might a set of loss rates be developed for each spread stratum?

10. Are there any existing objective tools or approaches that could readily replace references to ratings issued by NRSROs in the RBCST?

11. What other approaches or methodologies not discussed above should FCA consider?

⁶ See 75 FR 49423 (Aug. 13, 2010), 75 FR 52283 (Aug. 25, 2010), and 76 FR 5292 (Jan. 31, 2011).

12. What methodologies or approaches should FCA consider to more explicitly incorporate a derivatives counterparty exposure charge into the RBCST?

13. What is the best manner of evaluating minimum capital requirements on derivative counterparty exposures in the RBCST and should a pre-processing model be constructed (*i.e.*, a sub-model used to derive inputs into the RBCST) to represent this risk—both in terms of missed individual contractual cash flows as well the replacement cost on defaulted derivatives? If so, how should replacement costs be estimated?

14. Should Farmer Mac be required to include strategies in its marketing plans that address how its secondary market programs and products will be offered to all qualified borrowers, including:

(a) Minorities, the disabled, and women;

(b) Young, beginning, small, and family farms and cooperatives; or

(c) Non-traditional agricultural producers, such as local food systems, organic or specialty crop farmers and the lenders who serve them? Why or why not?

15. Should Farmer Mac's marketing plans set quantitative goals to increase purchases of, or commitments to purchase, loans to young, beginning, small, and family farms, and those

owned or operated by minorities, the disabled, and women? If so, what would be the best method to apply such goals to rural utility cooperatives (*e.g.*, minority-managed cooperatives or cooperatives that serve predominantly minority residential customers or minority-owned commercial customers)?

16. To what extent should FCA regulations require Farmer Mac to develop a human capital plan as part of its strategic and operational business plan to foster diversity in its workforce and succession planning?

Dated: June 10, 2011.

Mary Alice Donner,

Acting Secretary, Farm Credit Administration Board.

[FR Doc. 2011-14985 Filed 6-15-11; 8:45 am]

BILLING CODE 6705-01-P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 22 and 190

RIN Number 3038-AC99

Protection of Cleared Swaps Customer Contracts and Collateral; Conforming Amendments to the Commodity Broker Bankruptcy Provisions; Correction

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed rulemaking; Correction.

SUMMARY: This document corrects the formatting of text and charts published in the **Federal Register** of June 09, 2011 (76 FR 33818), regarding Protection of Cleared Swaps Customer Contracts and Collateral; Conforming Amendments to the Commodity Broker Bankruptcy Provisions.

FOR FURTHER INFORMATION CONTACT: Robert Wasserman, 202-418-5092 or M. Laura Astrada, 202-418-7622.

Correction

In proposed rule document 2011-10737, in the issue of Thursday, June 09, 2011, on page 33864, in the last column, the text which begins "1. Sufficient Funds to Meet Non-XM and XM Customer Claims:" through to the end of the chart on page 33877 should be replaced with the following:

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1. Sufficient Funds to Meet Non-XM and XM Customer Claims:

	Non-XM	XM	Total
Funds in 4d(a) segregation	150	150	300
4d(a) Segregation requirement	150	150	300
Shortfall (dollars)	0	0	
Shortfall (percent)	0	0	
Distribution	150	150	300

There are adequate funds available and both the non-XM and the XM customer claims will be paid in full.

2. Shortfall in Non-XM Only:

	Non-XM	XM	Total
Funds in 4d(a) segregation	100	150	250
4d(a) Segregation requirement	150	150	300
Shortfall (dollars)	50	0	
Shortfall (percent)	50/150=33.3	0	
<u>Pro rata</u> (percent)	150/300=50	150/300=50	
<u>Pro rata</u> (dollars)	125	125	
Distribution	125	125	250

Due to the non-XM account, there are insufficient funds available to meet both the non-XM and the XM customer claims in full. Each customer will receive his pro rata share of the funds available, or 50% of the \$250 available, or \$125.

3. Shortfall in XM Only:

	Non-XM	XM	Total
Funds in 4d(a) segregation	150	100	250
4d(a) Segregation requirement	150	150	300
Shortfall (dollars)	0	50	
Shortfall (percent)	0	50/150=33.3	
<u>Pro rata</u> (percent)	150/300=50	150/300=50	
<u>Pro rata</u> (dollars)	125	125	
Distribution	150	100	250

Due to the XM account, there are insufficient funds available to meet both the non-XM and the XM customer claims in full. Accordingly, the XM funds and non-XM funds are treated as separate pools, and the non-XM customer will be paid in full, receiving \$ 150 while the XM customer will receive the remaining \$100.

4. Shortfall in Both, With XM Shortfall Exceeding Non-XM Shortfall:

	Non-XM	XM	Total
Funds in 4d(a) segregation	125	100	225
4d(a) Segregation requirement	150	150	300
Shortfall (dollars)	25	50	
Shortfall (percent)	25/150=16.7	50/150=33.3	
<u>Pro rata</u> (percent)	150/300=50	150/300=50	
<u>Pro rata</u> (dollars)	112.50	112.50	

	Non-XM	XM	Total
Distribution	125	100	225

There are insufficient funds available to meet both the non-XM and the XM customer claims in full, and the XM shortfall exceeds the non-XM shortfall. The non-XM customer will receive the \$125 available with respect to non-XM claims while the XM customer will receive the \$100 available with respect to XM claims.

5. Shortfall in Both, With Non-XM Shortfall Exceeding XM Shortfall:

	Non-XM	XM	Total
Funds in 4d(a) segregation	100	125	225
4d(a) Segregation requirement	150	150	300
Shortfall (dollars)	50	25	
Shortfall (percent)	$50/150=33.3$	$25/150=16.7$	
<u>Pro rata</u> (percent)	$150/300=50$	$150/300=50$	
<u>Pro rata</u> (dollars)	112.50	112.50	
Distribution	112.50	112.50	225

There are insufficient funds available to meet both the non-XM and the XM customer claims in full, and the non-XM shortfall exceeds the XM shortfall. Each customer will receive 50% of the \$225 available, or \$112.50.

6. Shortfall in Both, Non-XM Shortfall = XM Shortfall:

	Non-XM	XM	Total
Funds in 4d(a) segregation	100	100	200
4d(a) Segregation requirement	150	150	300
Shortfall (dollars)	50	50	
Shortfall (percent)	$50/150=33.3$	$50/150=33.3$	
<u>Pro rata</u> (percent)	$150/300=50$	$150/300=50$	
<u>Pro rata</u> (dollars)	100	100	
Distribution	100	100	200

There are insufficient funds available to meet both the non-XM and the XM customer claims in full, and the non-XM shortfall equals the XM shortfall. Each customer will receive 50% of the \$200 available, or \$100.

These examples illustrate the principle that pro rata distribution across both accounts is the preferable approach except when a shortfall in the XM account could harm non-XM customers. Thus, pro rata distribution occurs in Examples 1, 2, 5 and 6. Separate treatment of the XM and non-XM accounts occurs in Examples 3 and 4.

Special bankruptcy distributions framework 2—special allocation of shortfall to customer claims when futures customer funds and cleared swaps customer collateral are held in a depository outside of the United States or in a foreign currency

The Commission has established the following allocation convention with respect to futures customer funds (as §1.3 of this chapter defines such term) and Cleared Swaps Customer Collateral (as §22.1 of this chapter defines such term) segregated pursuant to the Act and Commission rules thereunder held by a futures commission merchant

("FCM") or derivatives clearing organization ("DCO") in a depository outside the United States ("U.S.") or in a foreign currency. The maintenance of futures customer funds or Cleared Swaps Customer Collateral in a depository outside the U.S. or denominated in a foreign currency will result, in certain circumstances, in the reduction of customer claims for such funds. For purposes of this proposed bankruptcy convention, sovereign action of a foreign government or court would include, but not be limited to, the application or enforcement of statutes, rules, regulations, interpretations, advisories, decisions, or orders, formal or informal, by a federal, state, or provincial executive, legislature, judiciary, or government agency. If an FCM enters into bankruptcy and maintains futures customer funds or Cleared Swaps Customer Collateral in a depository located in the U.S. in a currency other than U.S. dollars or in a depository outside the U.S., the following allocation procedures shall be used to calculate the claim of each futures customer or Cleared Swaps Customer (as §22.1 of this chapter defines such term). The allocation procedures should be performed separately with respect to each futures customer or Cleared Swaps Customer.

I. Reduction in Claims for General Shortfall

A. Determination of losses not attributable to sovereign action

1. Convert the claim of each futures customer or Cleared Swaps Customer in each currency to U.S. Dollars at the exchange rate in effect on the Final Net Equity Determination Date, as defined in §190.01(s) (the "Exchange Rate").
2. Determine the amount of assets available for distribution to futures customers or Cleared Swaps Customers. In making this calculation, include futures customer funds and Cleared Swaps Customer Collateral that would be available for distribution but for the sovereign action.
3. Convert the amount of futures customer funds and Cleared Swaps Customer Collateral available for distribution to U.S. Dollars at the Exchange Rate.
4. Determine the Shortfall Percentage that is not attributable to sovereign action, as follows:

$$\text{Shortfall Percentage} = \left(1 - \left[\frac{\text{Total Customer Assets}}{\text{Total Customer Claims}} \right] \right)$$

B. Allocation of Losses Not Attributable to Sovereign Action

1. Reduce the claim of each futures customer or Cleared Swaps Customer by the Shortfall Percentage.

II. Reduction in Claims for Sovereign Loss

A. Determination of Losses Attributable to Sovereign Action ("Sovereign Loss")

1. If any portion of the claim of a futures customer or Cleared Swaps Customer is required to be kept in U.S. dollars in the U.S., that portion of the claim is not exposed to Sovereign Loss.
2. If any portion of the claim of a futures customer or Cleared Swaps Customer is authorized to be kept in only one location and that location is:
 - a. The U.S. or a location in which there is no Sovereign Loss, then that portion of the claim is not exposed to Sovereign Loss.
 - b. A location in which there is Sovereign Loss, then that entire portion of the claim is exposed to Sovereign Loss.
3. If any portion of the claim of a futures customer or Cleared Swaps Customer is authorized to be kept in only one currency and that currency is:
 - a. U.S. dollars or a currency in which there is no Sovereign Loss, then that portion of the claim is not exposed to Sovereign Loss.
 - b. A currency in which there is Sovereign Loss, then that entire portion of the claim is exposed to Sovereign Loss.
4. If any portion of the claim of a futures customer or Cleared Swaps Customer is authorized to be kept in more than one location and:
 - a. There is no Sovereign Loss in any of those locations, then that portion of the claim is not exposed to Sovereign Loss.
 - b. There is Sovereign Loss in one of those locations, then that entire portion of the claim is exposed to Sovereign Loss.
 - c. There is Sovereign Loss in more than one of those locations, then an equal share of that portion of the claim will be exposed to Sovereign Loss in each such location.
5. If any portion of the claim of a futures customer or Cleared Swaps Customer is authorized to be kept in more than one currency and:
 - a. There is no Sovereign Loss in any of those currencies, then that portion of the claim is not exposed to Sovereign Loss.
 - b. There is Sovereign Loss in one of those currencies, then that entire portion of the claim is exposed to Sovereign Loss.
 - c. There is Sovereign Loss in more than one of those currencies, then an equal share of that portion of the claim will be exposed to Sovereign Loss.

B. Calculation of Sovereign Loss

1. The total Sovereign Loss for each location is the difference between:
 - a. The total futures customer funds or Cleared Swaps Customer Collateral deposited in depositories in that location and
 - b. The amount of futures customer funds or Cleared Swaps Customer Collateral in that location that is available to be distributed to futures customers or Cleared Swaps Customers, after taking into account any sovereign action.

2. The total Sovereign Loss for each currency is the difference between:

a. The value, in U.S. dollars, of the futures customer funds or Cleared Swaps Customer Collateral held in that currency on the day before the sovereign action took place and

b. The value, in U.S. dollars, of the futures customer funds or Cleared Swaps Customer Collateral held in that currency on the Final Net Equity Determination Date.

C. Allocation of Sovereign Loss

1. Each portion of the claim of a futures customer or Cleared Swaps Customer exposed to Sovereign Loss in a location will be reduced by:

$$\text{Total Sovereign Loss} \times \frac{\text{Portion of the customer's claim exposed to loss in that location}}{\text{All portions of customer claims exposed to loss in that location}}$$

2. Each portion of the claim of a futures customer or Cleared Swaps Customer exposed to Sovereign Loss in a currency will be reduced by:

$$\text{Total Sovereign Loss} \times \frac{\text{Portion of the customer's claim exposed to loss in that currency}}{\text{All portions of customer claims exposed to loss in that currency}}$$

3. A portion of the claim of a futures customer or Cleared Swaps Customer exposed to Sovereign Loss in a location or currency will not be reduced below zero. (The above calculations might yield a result below zero where the FCM kept more futures customer funds or Cleared Swaps Customer Funds in a location or currency than it was authorized to keep.)

4. Any amount of Sovereign Loss from a location or currency in excess of the total amount of futures customer funds or Cleared Swaps Customer Funds authorized to be kept in that location or currency (calculated in accord with section II.1 above) ("Total Excess Sovereign Loss") will be divided among all futures customers or Cleared Swaps Customer who have authorized funds to be kept outside the U.S., or in currencies other than U.S. dollars, with each such futures customer or Cleared Swaps Customer claim reduced by the following amount:

$$\text{Total Excess Sovereign Loss} \times \left[\frac{\left(\text{This customer's total claim} - \text{The portion of this Customer's claim required to be kept in U.S. dollars, in the U.S.} \right)}{\text{Total customer claims} - \text{Total of all customer claims required to be kept in U.S. dollars, in the U.S.}} \right]$$

The following examples illustrate the operation of this convention.

Example 1. No shortfall in any location.

Customer	Claim	Location(s) customer has consented to having funds held
A	\$50	U.S.
B	€50	U.K.

C	€50	Germany
D	£300	U.K.
Location		Actual asset balance
U.S.		\$50
U.K.		£300
U.K.		€50
Germany		€50

Note: Conversion Rates: £1 = \$1; £1=\$1.5.

Convert the claim of each futures customer or Cleared Swaps Customer in each currency to U.S. Dollars:

Customer	Claim	Conversion rate	Claim in U.S. dollars
A	\$50	1.0	\$50
B	€50	1.0	50
C	€50	1.0	50
D	£300	1.5	450
Total			\$600.00

Determine assets available for distribution to futures customers or Cleared Swaps Customers, converting to U.S. dollars:

Location	Assets	Conversion rate	Assets in U.S. dollars	Shortfall due to sovereign action percentage	Actual shortfall due to sovereign action	Amount actually available
U.S.	\$50	1.0	\$50			\$50
U.K.	£300	1.5	450			450
U.K.	€50	1.0	50			50
Germany	€50	1.0	50			50
Total			\$600.00		0	\$600.00

There are no shortfalls in funds held in any location. Accordingly, there will be no reduction of futures customer or Cleared Swaps Customer claims.

Claims:

Customer	Claim in U.S. dollars after allocated non-sovereign	Allocation of shortfall due to sovereign action	Claim after all reductions
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	shortfall		
A	\$50	\$0	\$50
B	50	0	50
C	50	0	50
D	450	0	450
Total	600.00	0.00	600.00

Example 2. Shortfall in funds held in the U.S.

Customer	Claim	Location(s) customer has consented to having funds held
A	\$100	U.S.
B	€50	U.K.
C	€100	U.K., Germany, or Japan
Location		Actual asset balance
U.S.		\$50
U.K.		€100
Germany		€50

Note: Conversion Rates: €1=\$1.

Reduction in Claims for General Shortfall

There is a shortfall in the funds held in the U.S. such that only 1/2 of the funds are available. Convert the claim of each futures customer or Cleared Swaps Customer in each currency to U.S. Dollars:

Convert each customer's claim in each currency to U.S. Dollars:

Customer	Claim	Conversion rate	Claim in US\$
A	\$100	1.0	\$100
B	€50	1.0	50
C	€100	1.0	100
Total			250.00

Determine assets available for distribution to futures customers or Cleared Swaps Customers, converting to U.S. dollars:

Location	Assets	Conversion rate	Assets in U.S. dollars	Shortfall due to sovereign action	Actual shortfall due to sovereign	Amount actually available
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				percentage	action	
U.S.	\$50	1.0	\$50.00			\$50
U.K.	€100	1.0	100			100
Germany	€50	1.0	50			\$50
Total			200.00			200.00

Determine the percentage of shortfall that is not attributable to sovereign action: Shortfall Percentage = $(1 - (200/250)) = (1 - 80\%) = 20\%$.

Reduce each futures customer or Cleared Swaps Customer claim by the Shortfall Percentage:

Customer	Claim in US\$	Allocated shortfall (non-sovereign)	Claim in U.S. dollars after allocated shortfall
A	\$100	\$20.00	\$80.00
B	50	10.00	40.00
C	100	20.00	80.00
Total	250.00	50.00	200.00

Reduction in Claims for Shortfall Due to Sovereign Action

There is no shortfall due to sovereign action. Accordingly, the futures customer or Cleared Swaps Customer claims will not be further reduced.

Claims After Reductions

Customer	Claim in U.S. dollars after allocated non-sovereign shortfall	Allocation of shortfall due to sovereign action	Claim after all reductions
A	\$80		\$80.00
B	40		40.00
C	80		80.00
Total	200.00	0	200.00

Example 3. Shortfall in funds held outside the U.S., or in a currency other than U.S. dollars, not due to sovereign action.

Customer	Claim	Location(s) customer has consented to having funds held
A	\$150	U.S.

B	€100	U.K.
C	€50	Germany
D	\$100	U.S.
D	€100	U.K. or Germany
Location		Actual asset balance
U.S.		\$250
U.K.		€50
Germany		€100

Note: Conversion Rates: €1=\$1.

Reduction in Claims for General Shortfall

Convert the claim of each futures customer or Cleared Swaps Customer in each currency to U.S. Dollars:

Customer	Claim	Conversion rate	Claim in US\$
A	\$150	1.0	\$150
B	€100	1.0	100
C	€50	1.0	50
D	\$100	1.0	100
D	€100	1.0	100
Total			500.00

Determine assets available for distribution to futures customers or Cleared Swaps Customers, converting to U.S. dollars:

Location	Assets	Conversion rate	Assets in U.S. dollars	Shortfall due to sovereign action percentage	Actual shortfall due to sovereign action	Amount actually available
U.S.	\$250	1.0	\$250			\$250
U.K.	€50	1.0	50			50
Germany	€100	1.0	100			100
Total			400.00		0	400.00

Determine the percentage of shortfall that is not attributable to sovereign action: Shortfall Percentage = $(1 - 400/500) = (1 - 80\%) = 20\%$.

Reduce each futures customer or Cleared Swaps Customer by the shortfall percentage:

Customer	Claim in US\$	Allocated shortfall (non-sovereign)	Claim in U.S. dollars after allocated shortfall
A	\$150	\$30.00	120.00
B	100	20.00	80.00
C	50	10.00	40.00
D	200	40.00	160.00
Total	500.00	100.00	400.00

Reduction in Claims for Shortfall Due to Sovereign Action

There is no shortfall due to sovereign action. Accordingly, the claims will not be further reduced.

Claims After Reductions

Customer	Claim in U.S. dollars after allocated non-sovereign shortfall	Allocation of shortfall due to sovereign action	Claim after all reductions
A	\$120.00		\$120
B	80.00		80
C	40.00		40
D	160.00	0	160
Total	400.00	0	400

Example 4. Shortfall in funds held outside the U.S., or in a currency other than U.S. dollars, due to sovereign action.

Customer	Claim	Location(s) where customer has consented to have funds held
A	\$50	U.S.
B	€50	U.K.
C	€50	Germany
D	\$100.	U.S.
D	€100	U.K. or Germany
Location		Actual asset balance
U.S.		\$150
U.K.		100

Germany	100
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Notice: Conversion Rates: €1 = \$1; ¥1 = \$0.01, £1 = \$1.5.

Reduction in Claims for General Shortfall

Convert each futures customer or Cleared Swaps Customer claim in each currency to U.S. Dollars:

Customer	Claim	Conversion rate	Claim in US\$
A	\$50	1.0	\$50
B	€50	1.0	50
C	€50	1.0	50
D	\$100	1.0	100
D	€100	1.0	100
Total			350.00

Determine assets available for distribution to futures customers or Cleared Swaps Customers, converting to U.S. dollars:

Location	Assets	Conversion rate	Assets in U.S. dollars	Shortfall due to sovereign action percentage	Actual shortfall due to sovereign action	Amount actually available
U.S.	\$150	1.0	\$150			\$150
U.K.	€100	1.0	100			100
Germany	€100	1.0	100	50%	50	50
Total			350.00		50.00	300.00

Determine the percentage of shortfall that is not attributable to sovereign action: Shortfall Percentage = $(1 - 350/350) = (1 - 100\%) = 0\%$.

Reduce each futures customer or Cleared Swaps Customer claim by the shortfall percentage:

Customer	Claim in US\$	Allocated shortfall (non-sovereign)	Claim in U.S. dollars after allocated shortfall
A	\$50	0	\$50.00
B	50	0	50.00
C	50	0	50.00
D	200	0	200.00

Total	350.00	0.00	350.00
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Reduction in Claims for Shortfall Due to Sovereign Action

Due to sovereign action, only 1/2 of the funds in Germany are available.

Customer	Presumed location of funds		
	U.S.	U.K.	Germany
A	\$50		
B		\$50	
C			\$50
D	100		100
Total	150.00	50.00	150.00

Calculation of the allocation of the shortfall due to sovereign action—Germany (\$50 shortfall to be allocated):

Customer	Allocation share	Allocation share of actual shortfall	Actual shortfall allocated
C	\$50/\$150	33.3% of \$50	\$16.67
D	\$100/\$150	66.7% of \$50	33.33
Total			50.00

Claims After Reductions:

Customer	Claim in U.S. dollars after allocated non-sovereign shortfall	Allocation of shortfall due to sovereign action from Germany	Claim after all reductions
A	\$50		\$50
B	50		50
C	50	\$16.67	33.33
D	200	33.33	166.67
Total	350.00	50.00	300.00

Example 5. Shortfall in funds held outside the U.S., or in a currency other than U.S. dollars, due to sovereign action and a shortfall in funds held in the U.S.

Customer	Claim	Location(s) customer has consented to having funds held
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A	\$100	U.S.
B	€50	U.K.
C	€150	Germany
D	\$100	U.S.
D	£300	U.K.
D	€150	U.K. or Germany
Location		Actual asset balance
U.S.		\$100
U.K.		£300
U.K.		€200
Germany		€150

Conversion Rates: €1=\$1; £1=\$1.5.

Reduction in Claims for General Shortfall

Convert each futures customer or Cleared Swaps Customer claim in each currency to U.S. Dollars:

Customer	Claim	Conversion rate	Claim in US\$
A	\$100	1.0	\$100
B	€50	1.0	50
C	€150	1.0	150
D	\$100	1.0	100
D	£300	1.5	450
D	€150	1.0	150
Total			1000.00

Determine assets available for distribution to futures customers or Cleared Swaps Customers, converting to U.S. dollars:

Location	Assets	Conversion rate	Assets in U.S. dollars	Shortfall due to sovereign action percentage	Actual shortfall due to sovereign action	Amount actually available
U.S.	\$100	1.0	\$100			\$100
U.K.	£300	1.5	450			450

U.K.	€200	1.0	200			200
Germany	€150	1.0	150	100%	\$150	0
Total			900.00		150.00	750.00

Determine the percentage of shortfall that is not attributable to sovereign action:

Shortfall Percentage = $(1 - 900 / 1000) = (1 - 90\%) = 10\%$. Reduce each futures

customer or Cleared Swaps Customer claim by the shortfall percentage:

Customer	Claim in US\$	Allocated shortfall (non-sovereign)	Claim in U.S. dollars after allocated shortfall
A	\$100	\$10.00	\$90.00
B	50	5.00	45.00
C	150	15.00	135.00
D	700	70.00	63.00
Total	1000.00	100.00	900.00

Reduction in Claims for Shortfall Due to Sovereign Action

Due to sovereign action, none of the money in Germany is available.

Customer	Presumed location of funds		
	U.S.	U.K.	Germany
A	\$100		
B		\$50	
C			\$150
D	100	450	150
Total	200.00	500.00	300.00

Calculation of the allocation of the shortfall due to sovereign action Germany (\$150 shortfall to be allocated):

Customer	Allocation share	Allocation Share of actual shortfall	Actual shortfall allocated
C	\$150/\$300	50% of \$150	\$75
D	150/\$300	50% of \$150	75
Total			150.00

Claims After Reductions

Customer	Claim in U.S. dollars after allocated non- sovereign shortfall	Allocation of shortfall due to sovereign action from Germany	Claim after all reductions
A	\$90		\$90
B	45		45
C	135	\$75	60
D	630	75	555
Total	900.00	150.00	750.00

Example 6. Shortfall in funds held outside the U.S., or in a currency other than U.S. dollars, due to sovereign action, shortfall in funds held outside the U.S., or in a currency other than U.S. dollars, not due to sovereign action, and a shortfall in funds held in the U.S.

Customer	Claim	Location(s) customer has consented to having funds held
A	\$50	U.S.
B	€50	U.K.
C	\$20	U.S.
C	€50	Germany
D	\$100.	U.S.
D	£300	U.K.
D	€100	U.K., Germany, or Japan
E	\$80	U.S.
E	¥10,000	Japan
Location		Actual asset balance
U.S.		\$200
U.K.		£200
U.K.		€100
Germany		€50
Japan		¥10,000

Conversion Rates: £1 = \$1; ¥1=\$0.01, £1=\$1.5.

Reduction in Claims for General Shortfall

Convert each futures customer or Cleared Swaps Customer claim in each currency to U.S. Dollars:

Customer	Claim	Conversion rate	Claim in US\$
A	\$50	1.0	\$50
B	€50	1.0	50
C	\$20	1.0	20
C	€50	1.0	50
D	\$100.	1.0	100
D	€300	1.5	450
D	£100	1.0	100
E	\$80	1.0	80
E	¥10,000	0.01	100
Total			1000.00

Determine assets available for distribution to futures customers or Cleared Swaps Customers, converting to U.S. dollars:

Location	Assets	Conversion rate	Assets in U.S. dollars	Shortfall due to sovereign action percentage	Actual shortfall due to sovereign action	Amount actually available
U.S.	\$200	1.0	\$200			\$200
U.K.	£200	1.5	300			300
U.K.	€100	1.0	100			100
Germany	€50	1.0	50	100%	\$50	0
Japan	¥10,000	0.01	100	50%	50	50
Total			750		100.00	650.00

Determine the percentage of shortfall that is not attributable to sovereign action:

$$\text{Shortfall Percentage} = (1 - 750/1000) = (1 - 75\%) = 25\%.$$

Reduce each futures customer or Cleared Swaps Customer claim by the shortfall percentage:

Customer	Claim in U.S.\$	Allocated shortfall (non-sovereign)	Claim in U.S. dollars after allocated shortfall
A	\$50	\$12.50	\$37.50

B	50	12.50	37.50
C	70	17.50	52.50
D	650	162.50	487.50
E	180	45.00	135.00
Total	1000.00	250.00	750.00

Reduction in Claims for Shortfall Due to Sovereign Action

Due to sovereign action, none of the money in Germany and only 1/2 of the funds in Japan are available.

Customer	Presumed location of funds			
	U.S.	U.K.	Germany	Japan
A	\$50			
B		\$50		
C	20		\$50	
D	100	450	50	\$50
E	80			100
Total	250.00	500.00	100.00	150.00

Calculation of the allocation of the shortfall due to sovereign action—Germany (\$50 shortfall to be allocated):

Customer allocation	Allocation share	Allocation share of actual shortfall	Actual shortfall allocated
C	\$50/\$100	50% of \$50	\$25
D	50/100	50% of 50	25
Total			50

Japan (\$50 shortfall to be allocated):

Customer	Allocation share	Allocation share of actual shortfall	Actual shortfall allocated
D	\$50/\$150	33.3% of \$50	\$16.67
E	100/150	66.6% of 50	33.33
Total			50.00

Claims After Reductions

Customer	Claim in US dollars after allocated non-sovereign shortfall	Allocation of shortfall due to sovereign action from Germany	Allocation of shortfall due to sovereign action from Japan	Claim after all reductions
A	\$37.50			37.50
B	37.50			37.50
C	52.50	\$25		27.50
D	487.50	25	16.67	445.83
E	135.00		33.33	101.67
Total	750.00	50.00	50.00	650.00

Example 7. Shortfall in funds held outside the U.S., or in a currency other than U.S. dollars, due to sovereign action, where the FCM kept more funds than permitted in such location or currency.

Customer	Claim	Location(s) customer has consented to having funds held
A	\$50	U.S.
B	50	U.S.
B	€50	U.K.
C	€50	Germany.
D	100.	U.S.
D	€100	U.K. or Germany.
E	50	U.S.
E	€50	U.K.
Location		Actual asset balance
U.S.		\$250
U.K.		€50
Germany		€200

Conversion Rates: 1 = \$1.

Reduction in Claims for General Shortfall

Convert each futures customer or Cleared Swaps Customer claim in each currency to U.S. Dollars:

Customer	Claim	Conversion rate	Claim in US\$
A	\$50	1.0	\$50

B	50	1.0	50
B	€50	1.0	50
C	€50	1.0	50
D	€100.	1.0	100
D	€100	1.0	100
E	50	1.0	50
E	€50	1.0	50
Total			500.00

Determine assets available for distribution to futures customers or Cleared Swaps Customers, converting to U.S. dollars:

Location	Assets	Conversion rate	Assets in U.S. dollars	Shortfall due to sovereign action percentage	Actual shortfall due to sovereign action	Amount actually available
U.S.	\$250	1.0	\$250			\$250
U.K.	€50	1.0	50			50
Germany	€200	1.0	200	100%	200	0
Total			500.00		200	300.00

Determine the percentage of shortfall that is not attributable to sovereign

Shortfall Percentage = $(1 - 500/500) = (1 - 100\%) = 0\%$.

Reduce each futures customer or Cleared Swaps Customer claim by the shortfall percentage:

Customer	Claim in US\$	Allocated shortfall (non-sovereign)	Claim in U.S. dollars after allocated shortfall
A	\$50	\$0	\$50.00
B	100	0	100.00
C	50	0	50.00
D	200	0	200.00
E	100	0	100.00
Total	500.00	0.00	500.00

Reduction in Claims for Shortfall Due to Sovereign Action

Due to sovereign action, none of the money in Germany is available.

Customer	Presumed location of funds		
	U.S.	U.K.	Germany
A	\$50		
B	50	50	
C			50
D	100		100
E	50	50	
Total	250.00	100.00	150.00

Calculation of the allocation of the shortfall due to sovereign action—Germany (\$200 shortfall to be allocated):

Customer	Allocation share	Allocation share of actual shortfall	Actual shortfall allocated
C	\$50/\$150	33.3% of \$200	\$66.67
D	\$100/\$150	66.7% of \$200	\$133.33
Total			\$200.000

This would result in the claims of customers C and D being reduced below zero.

Accordingly, the claims of customer C and D will only be reduced to zero, or \$50 for C and \$100 for D. This results in a Total Excess Shortfall of \$50.

Actual shortfall	Allocation of shortfall for customer C	Allocation of shortfall for customer D	Total excess shortfall
\$200	\$50	\$100	\$50

This shortfall will be divided among the remaining futures customers or Cleared Swaps Customers who have authorized funds to be held outside the U.S. or in a currency other than U.S. dollars.

Customer	Total claims of customers permitting funds to be held outside the U.S.	Portion of claim required to be in the U.S.	Allocation share (column B-C/column B Total—all customer claims in U.S.)	Allocation share of actual total excess shortfall	Actual total excess shortfall allocated
B	\$100	\$50	\$50/\$200	25% of \$50	\$12.50
C	50	0	(1)		0
D	200	100	\$100/200	50% of \$50	25

E	100	50	50/100	25% of \$50	12.50
Total	450.00				50.00

¹ Claim already reduced to \$0.

Claims After Reductions

Customer	Claim in U.S. dollars after allocated non-sovereign shortfall	Allocation of shortfall due to sovereign action Germany	Allocation of total excess shortfall	Claim after all reductions
A	\$50			\$50.00
B	100		12.50	87.50
C	50	50		0
D	200	100	25	75.00
E	100		12.50	87.50
Total	500.00	150.00	50.00	300.00

Issued in Washington, DC, on June 10, 2011 by the Commission.

David A. Stawick,

Secretary of the Commission.

[FR Doc. 2011-14907 Filed 6-15-11; 8:45 am]

BILLING CODE-C

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900-AN51

Service Dogs

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) proposes to amend its regulations concerning veterans in need of service dogs. Under current regulations, VA provides benefits to veterans with guide dogs, and this rulemaking would broaden and clarify those benefits. This rulemaking would also implement new benefits related to service dogs.

DATES: Comments must be received by VA on or before August 15, 2011.

ADDRESSES: Written comments may be submitted through <http://www.regulations.gov>; by mail or hand-delivery to the Director, Regulations Management (02REG), Department of Veterans Affairs, 810 Vermont Ave., NW., Room 1068, Washington, DC

20420; or by fax to (202) 273-9026. Comments should indicate that they are submitted in response to “RIN 2900-AN51—Service Dogs.” Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461-4902 for an appointment. (This is not a toll-free number.) In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at <http://www.Regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Neal Eckrich, Office of Patient Care Services (113), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461-1804. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Pursuant to 38 U.S.C. 1714(b) and (c), VA may provide to veterans enrolled under 38 U.S.C. 1705 guide dogs trained for the aid of people who are blind and service dogs trained for the aid of the hearing impaired or persons with a spinal cord injury or dysfunction or other chronic impairment that substantially limits mobility. Under section 1714(d), VA is also authorized to provide certain travel expenses related to the provision of such dogs.

In 1961, VA promulgated 38 CFR 17.118(a) (recodified as current 38 CFR 17.154(a) in 1996) restating the statutory language, which at that time limited VA's authority to the provision of guide dogs for blind veterans. Under both the statutory and regulatory language VA may provide or furnish a guide dog to a veteran but is not required to do so. VA interpreted “provide” in section 1714 and “furnished” in § 17.154(a) to mean that VA need not actually purchase or acquire dogs for eligible veterans if there is an appropriate alternative. (We also note that nothing in 38 U.S.C. 1714 requires VA to provide a dog to a disabled veteran—the statutory authority is that we “may” do so). Accordingly, it has long been VA's policy to apply current § 17.154(a) by recognizing guide dogs that are obtained by the veteran from private (usually non-profit) organizations dedicated to training guide dogs. In this manner, we can rely on the professional expertise of these organizations without having to house the animals and hire trainers. Currently, VA regulations recognize only guide dogs and not service dogs. To assist the veteran, VA provides financial assistance for veterinary care, and provides hardware required by the dog at no cost to the veteran. The provision of travel benefits is authorized by current § 17.154(a), and the provision of hardware is authorized by current § 17.154(b). This proposed rule would authorize VA to provide benefits for

eligible veterans in need of service dogs, and clearly define the benefit.

In 2001, Congress amended section 1714 to provide that VA may also provide service dogs for veterans with other disabilities. See Department of Veterans Affairs Health Care Programs Enhancement Act of 2001, Public Law 107–135 (2001). This rulemaking would implement that statutory amendment and would establish a single regulation relating to the provision of assistive dogs by VA. In so doing, we would remove current § 17.154(a) and establish the criteria proposed in § 17.148 so that the proposed rule would be the only regulatory authority for benefits related to service dogs. As explained below, the proposed rule would offer the same travel benefit offered under current § 17.154(a). The proposed rule would also clarify that VA interprets section 1714 as authorizing the provision of veterinary-care benefits and would establish a clear procedure for awarding such benefits.

Proposed paragraph (a) would define service dogs as “guide or service dogs prescribed for a disabled veteran under this section.” This rule would provide the same benefit to all eligible veterans, so it is unnecessary to distinguish dogs by the services that they provide. For example, we do not use the term “guide dogs”, which appears under current 38 CFR 17.154, because for the purposes of this rulemaking, veterans who are eligible due to blindness would receive the same benefit.

Proposed paragraph (b) would establish the clinical requirements to obtain service-dog benefits. First, we would authorize benefits only if the veteran is diagnosed as having a visual, hearing, or substantial mobility impairment. These requirements incorporate the eligibility criteria in section 1714. Second, we would require a clinical determination by a VA clinician, which would be based upon the clinician’s medical judgment that “it is optimal for the veteran to manage such impairment and live independently through the assistance of a trained service dog.” By this, we intend to exclude situations in which a VA clinician’s medical judgment indicates that there are means other than a dog, such as technological devices or rehabilitative techniques, which would enable and encourage the veteran to live independently. To emphasize this point, we would note that “[i]f other means (such as technological devices or rehabilitative therapy) will provide the same level of independence, then VA will not authorize benefits under this section.” VA does not intend to allow cost or any

other factors to discourage the use of new technologies and equipment to maximize the independence of veterans. We believe that providing VA with discretion to choose between a service dog or assistive technology based on medical judgment rather than cost-effectiveness would ensure that VA’s patients receive the highest quality of care that the VA-system can provide.

Third, for the purposes of this section, we would define substantial mobility impairment as a spinal cord injury or dysfunction or other chronic impairment that substantially limits mobility. In providing guide-dog benefits, Congress intended to assist a group of veterans whose visual impairment prevents them from physically moving about in society. In providing service-dog benefits for veterans with hearing or spinal cord injuries or other chronic impairment that substantially limits mobility, Congress intended to help veterans with physical limitations. Both of these benefits increase a veteran’s overall ability to move independently and safely in his or her home, community, or both. However, the statute is silent as to a veteran who can see and who does not have an injury that prevents full range of motion but who nevertheless cannot move independently and safely in his or her home, community, or both. Therefore, we would interpret chronic impairment that substantially limits mobility to include, but not be limited to, disabilities such as a traumatic brain injury that compromises the ability to make appropriate decisions based on environmental cues such as traffic lights or a seizure disorder that renders a veteran immobile during and after a seizure event.

In 2009, Congress authorized VA to provide service dogs for the aid of persons with mental illnesses by amending section 1714. Although VA welcomes the possibility that trained dogs may provide valuable services to veterans diagnosed with certain mental illness, at this time we do not have any scientific data to determine, from a purely clinical standpoint, whether or when service dogs are most appropriately provided to veterans with mental illness, including post-traumatic stress disorder. In the National Defense Authorization Act for Fiscal Year 2010, Pub. L. 111–84 (2009), Congress mandated a 3-year study on the effectiveness of dogs for mental health purposes. The results of this study will help us learn more about the services that trained dogs can provide for veterans diagnosed with mental health conditions. Upon the completion of the study and analysis of its results, VA

may revise its regulations in order to provide this service to our veterans.

Proposed paragraph (c) would establish criteria for obtaining a service dog recognized under this section for purposes of obtaining benefits. Under paragraphs (c)(1) and (2), we would recognize service dogs obtained through an organization that is accredited by Assistance Dogs International (ADI) or the International Guide Dog Federation (IGDF). Proof of completion would be established by a certificate from the organization. ADI is an international coalition of nonprofit organizations that train and place service dogs. ADI has established an accreditation procedure for service dog organizations, setting minimum standards for safety and cleanliness of the training facility, fair and ethical treatment of clients, proper health care for the dogs, humane training methods, screening the suitability of dogs and clients, matching dogs and clients, and compliance with all relevant laws. ADI does not accredit organizations that provide guide dogs—ADI only does so for service-dog organizations that train dogs to perform services for individuals with conditions other than blindness. Accreditation of guide-dog programs is done by IGDF, with whom ADI has a joint protocol. ADI will only accredit guide-dog programs if they are also involved in training service dogs, and even then ADI accredits only that portion of the training related to service dogs—IGDF accredits the guide-dog portion. IGDF does not accredit any non-guide dog programs. IGDF is an international coalition of member organizations. IGDF is committed to improving the guide dog industry throughout the world and has published standards that cover a wide range of activities conducted by guide dog organizations, such as organizational structure, fundraising, recordkeeping, technical matters relating to dog health and welfare, dog and client training, and school facilities.

VA has reviewed ADI’s and IGDF’s standards thoroughly, and we believe that they represent appropriate criteria for training and placing guide and service dogs. We are also unaware of any other organizations that similarly scrutinize the process of training and placing guide or service dogs. We note that there are no Federal regulations governing the training of guide or service dogs, and VA does not have the expertise, experience, or resources to develop independent criteria. Therefore, we would rely on ADI and IGDF accreditation to conclude that a dog is qualified and capable of performing the tasks that are clinically required by the medical determination prescribed under

proposed paragraph (b)(2), i.e., that the dog will benefit the veteran in a way that other assistive means cannot.

For dogs acquired before the effective date of this rule, we would require the veteran to provide a certificate showing that the veteran and dog have completed a training course offered by a guide or service dog organization in existence before such date. We would limit this authority to organizations that existed before the effective date of the regulation. The purpose of this paragraph is to ensure that veterans who obtained dogs prior to the publication of this regulation, but not through ADI or IGDF accredited organizations, would be eligible for the benefits prescribed by this regulation. We would allow veterans who obtained dogs through such non-accredited organizations up to 1 year after the effective date of this rule to obtain the required certification. Alternatively, the veteran and dog could obtain the certification from ADI or IGDF described under proposed paragraph (c)(1).

Proposed paragraph (d) would outline the benefits provided by VA under this section. As required by section 1714(a) and (b), benefits would be based on the veteran being enrolled under 38 U.S.C. 1705.

Although Congress has authorized VA to provide service dogs and has expressly authorized the payment of certain travel and incidental expenses related to a veteran's adjustment to the dog, Congress did not address certain important aspects of the program. Veterans who have been furnished a dog must also maintain the health of the dog, and most will also need to purchase and maintain hardware related to the use of the dog. Without financial assistance, some veterans may not be able to afford such veterinary care and hardware. We believe that providing service dogs under the statute necessarily includes providing veterinary treatment and hardware, and repairs to such hardware, required by the dog to perform in service to the veteran. Consistent with this interpretation of our statutory authority, we propose to authorize payments for the care of service dogs that will help maintain the dogs' ability to perform as service dogs. However, we would not provide assistance for additional expenses such as license tags, non-prescription food, grooming, insurance for personal injury, non-sedated dental cleanings, nail trimming, boarding, pet sitting or dog walking services, over-the-counter medications, or other goods and services not expressly prescribed by regulation. This limitation would help ensure that VA's service dog program is

able to continue to provide critical assistance to a larger number of veterans and would ensure that the financial assistance provided by VA would not be used to provide services that are not directly related to the dogs' ability to provide assistive service. We believe that limiting benefits for service dogs to necessary veterinary care, hardware, repairs to hardware, and travel expenses associated with obtaining a dog is similarly within the scope of the benefit authorized by Congress.

Under proposed paragraph (d)(1), we would provide, as the mechanism for providing payment for veterinary care, an insurance policy to every eligible veteran. Because VA does not employ veterinarians, we lack the expertise to directly provide veterinary care, or to determine whether care is medically appropriate. We also lack the resources to review whether a veterinarian is appropriately licensed or charges appropriate fees for veterinary care. Thus, we have determined that an insurance policy is the most efficient way to provide appropriate veterinary care under this section, and we would pay any premiums, copayments, or deductibles associated with the insurance policy.

Under proposed paragraph (d)(1)(i), we would require that VA, and not the veteran will be billed for any premiums, copayments, or deductibles associated with the policy. This is to ensure that the veteran is not overburdened when obtaining care under this section. However, we would note that the policies could be subject to an annual cap, depending upon what policies are actually negotiated when this rule become effective. If an annual cap were in place, care that exceeds the maximum authorized by the policy would be the responsibility of the veteran. Annual caps are a common limitation on insurance policies for service dogs, and we intend to rely on the reasonable cost-control methodologies calculated by experts in the field of veterinary insurance. When determining which companies to form relationships with, of course, VA will carefully review the maximum amounts authorized for particular procedures, as well as any annual caps on expenditures, to ensure that our veterans are getting the best insurance plan possible. To further protect veterans, we would require that the policy ensure advance notice whenever reasonably possible that a particular treatment may exceed the policy's limits. Obviously, it may not be possible to provide advance notice when an animal requires emergency care; however, where a veterinarian

prescribes a future treatment event or an ongoing course of treatment, the insurer should be expected to notify the veteran that he or she may have some financial responsibility. Proposed paragraph (d)(1)(ii) would require that the policy guarantee coverage for all treatment, subject to any annual caps that may be in place under the policy, including euthanasia, so long as it is determined to be medically necessary by a veterinarian recognized by the insurance carrier. This is to ensure that the policy does not exclude medically necessary treatment. Proposed paragraph (d)(1)(iii) would bar policies from excluding dogs with preexisting conditions that do not prevent the dog from being a service dog.

Under proposed paragraph (d)(2), VA would provide any and all hardware clinically determined to be needed by the dog to perform its task. Such hardware would include standard equipment such as harnesses for service dogs. Often, service dogs will require certain hardware in order to perform specific tasks for the unique needs of each veteran, and VA would ensure that every veteran receives the equipment that fulfills his or her clinical needs. VA would also provide necessary repairs or replacements for such hardware. This is consistent with current practice. In order to obtain hardware and/or repairs, veterans would call the Prosthetics Office at their local VA Medical Center and specify the hardware needed or repairs to be made. The Office will then provide the necessary hardware or repairs.

Under paragraph (d)(3), we propose to implement 38 U.S.C. 1714(d), which allows VA to pay travel expenses "under the terms and conditions set forth in [38 U.S.C. 111]" for a veteran who is provided a service dog. We propose to implement this provision by considering such veterans as eligible beneficiaries under 38 CFR Part 70. This will facilitate administration of the benefit and will allow VA to avoid any additional expenses associated with establishing a "new" travel benefit. We believe that the language of 38 U.S.C. 1714(d) can be read to interpret obtaining a dog as "examination, treatment, or care" under 38 U.S.C. 111. In addition, 38 U.S.C. 111 limits eligibility to certain veterans. Most (if not all) veterans who would be eligible for a service dog will meet the eligibility requirements of 38 U.S.C. 111. For example, most will have a service-connected disability rated at 30 percent or more under 38 U.S.C. 111(b)(1)(B). However, we would explicitly state in the regulation that the limitations on eligibility found in section 111 (as well

as in VA's implementing regulations in 38 CFR Part 70) will not limit eligibility for veterans seeking to obtain a dog. Again, we interpret section 1714(d) as authorizing payment of travel expenses associated with obtaining a service dog. Proposed paragraph (d)(4) would clarify the limitation of the benefits provided. We would exclude payment for any expenses that are not clinically prescribed by a veterinarian or otherwise authorized by the proposed rule. Our policy would be, in essence, to treat the dog as a surrogate for an assistive device, requiring that the veteran use the device responsibly and provide general care and maintenance. We would also clarify that VA will not take possession of, or responsibility for, the dog under any circumstances.

Finally, under proposed paragraph (e), we would require that the dog maintain its ability to function as a service dog in order for benefits to be provided under this section. We would provide that, when VA learns from any source that the dog is unable to maintain its assistive role, or VA determines that the veteran no longer requires the dog from a clinical perspective, VA will provide the veteran at least 30 days notice before benefits are terminated. The determination of such continued ability will generally be made by either a veterinarian (if the issue involves the animal's health) or by a VA clinician (if the issue is whether the veteran still meets the clinical prerequisite for eligibility under paragraph (b)(2)). The veteran may, but is not required to, notify VA or the insurer that the dog is medically unable to maintain its role as a service dog. However, we note that VA will not provide the benefit for two dogs simultaneously, which is discussed in the introductory text of proposed paragraph (d), so VA must first terminate the coverage for the dog that is no longer performing its duties before it would cover the training of a new dog to perform such services for the veteran. Since the veteran may often be the first person to know whether the dog can no longer perform its duties, we would encourage the veteran to notify VA so that we may expedite the transfer of benefits to a new dog, and make any other clinically appropriate arrangements for the veteran as the new dog is trained.

Current § 17.154(a) provides that VA may furnish a guide dog for blind veterans as well as travel expenses incurred by the veteran as a result of adjustment to the guide dog. Current § 17.154(b) provides that VA may supply mechanical and/or electronic equipment to beneficiaries to help

overcome the handicap of blindness. In accordance with the proposed changes discussed above, we propose to revise § 17.154 by removing paragraph (a) and removing the designation of paragraph (b), and by making technical revisions to the title and language to accord with the removal of paragraph (a). It will continue to authorize VA to provide equipment to blind veterans.

Effect of Rulemaking

We would rescind certain sections of the following VHA Handbooks, which contain conflicting provisions. We would rescind "Aids for the Blind and Visually Impaired," 1173.05, paragraph 12, concerning issuance of guide dogs; "Eligibility," 1173.1, paragraph 7(b)(1), referencing "veterinary treatment for guide dogs;" and "Furnishing Prosthetic Appliances and Services," 1173.2, paragraph 4(a)(4), referencing "veterinary treatment for guide dogs." Additionally, we would rescind the reference to "dog guide" in "Furnishing Prosthetic Appliances and Services," 1173.2, paragraph 4(c)(a)(2)(b), which limits the Prosthetics Service Card amount to \$100. Finally, we propose to amend the citations to current 38 CFR 17.154 to proposed § 17.148 and § 17.154 in "Benefits Overview," 1601A.04, A-1(6) and A-7(22).

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in an expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any given year. This proposed rule would have no such effect on state, local, and tribal governments, or on the private sector.

Paperwork Reduction Act

This proposed rule includes provisions constituting collections of information under the Paperwork Reduction Act (44 U.S.C. 3501–3521) that require approval by the Office of Management and Budget (OMB). Accordingly, under section 3507(d) of the Act, VA has submitted a copy of this rulemaking to OMB for review. OMB assigns a control number for each collection of information it approves. Except for emergency approvals under 44 U.S.C. 3507(j), VA 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. Proposed § 17.148(c)(1) and (d)(2)

contain collections of information under the Paperwork Reduction Act (44 U.S.C. 3501–3521). If OMB does not approve the collections of information as requested, VA will immediately remove the provisions containing a collection of information or take such other action as is directed by OMB.

Comments on the collections of information contained in this proposed rule should be submitted to the Office of Management and Budget, *Attention:* Desk Officer for the Department of Veterans Affairs, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies sent by mail or hand delivery to: Director, Office of Regulation Policy and Management (02REG), Department of Veterans Affairs, 810 Vermont Ave., NW., Room 1068, Washington, DC 20420; fax to (202) 273–9026; or through <http://www.Regulations.gov>. Comments should indicate that they are submitted in response to "RIN 2900–AN51, Service Dogs."

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

VA considers comments by the public on proposed collections of information in—

- Evaluating whether the proposed collections of information are necessary for the proper performance of the functions of VA, including whether the information will have practical utility;
- Evaluating the accuracy of VA's estimate of the burden of the proposed collections of information, including the validity of the methodology and assumptions used;
- Enhancing the quality, usefulness, and clarity of the information to be collected; and
- Minimizing the burden of the collections of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

The proposed amendments to title 38, CFR Chapter 17 contain collections of information under the Paperwork Reduction Act for which we are requesting approval by OMB. These collections of information are described

immediately following this paragraph, under their respective titles.

Title: Service Dogs.

Summary of collection of information:

The proposed rule at § 17.148(c) requires the veteran to either (1) provide a certificate of completion from an ADI or IGDF-certified organization if the service dog is acquired by the veteran after the publication of the final rule; or (2) provide a certificate of completion from any then-existing guide or service dog organization if the dog is acquired prior to publication of the final rule.

Description of the need for information and proposed use of information: This information is needed for VA to determine that the dog is suitable for the clinical needs of the veteran that it would be required to fulfill and is able to behave appropriately in public.

Description of likely respondents: Veterans.

Estimated number of respondents per year: Approximately 600 veterans will need to provide certification for existing service dogs, and approximately 100 veterans will obtain service dogs each year; therefore 700 submissions in year one and 100 submissions annually.

Estimated frequency of responses per year: Veterans will submit certification for approximately 600 existing service dogs and 100 new service dogs each year; 700 submissions in year one and 100 submissions each year thereafter.

Estimated total annual reporting and recordkeeping burden: It is expected that this burden will take less than 5 minutes per veteran, per dog. The estimated total annual reporting and recordkeeping burden is 3500 minutes in year one and 500 minutes each year thereafter.

Executive Order 12866

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The Executive Order classifies a "significant regulatory action," requiring review by the Office of Management and Budget (OMB) unless OMB waives such review, as any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local or tribal governments or communities; (2) create

a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

The economic, interagency, budgetary, legal, and policy implications of this regulatory action have been examined and it has been determined not to be a significant regulatory action under the Executive Order.

Regulatory Flexibility Act

The Secretary hereby certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. We believe that most service-dog providers that provide dogs to veterans are already accredited in accordance with the proposed rule. We do not believe that gaining accreditation should result in a significant financial burden, as the standards for approval by ADI and IGDF are reasonable thresholds that are generally expected and accepted within the industry. The approximate cost to be an accredited organization by IGDF is a one-time fee of \$795, with an annual fee of \$318 and a per unit fee of \$39.45. The approximate cost to be an accredited organization by ADI is \$1,000 every 5 years with annual fees of approximately \$50. The vast majority of accredited programs do not provide dogs to veterans. Therefore, pursuant to 5 U.S.C. 605(b), this proposed rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Catalog of Federal Domestic Assistance Numbers

The Catalog of Federal Domestic Assistance numbers and titles are 64.009 Veterans Medical Care Benefits, 64.010 Veterans Nursing Home Care and 64.011 Veterans Dental Care.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. John R. Gingrich, Chief of Staff, Department of Veterans Affairs, approved this

document on May 11, 2011, for publication.

List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs—health, Government programs—veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing home care, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Dated: June 13, 2011.

Robert C. McFetridge,

Director, Regulation Policy and Management, Office of General Counsel, Department of Veterans Affairs.

For the reasons stated in the preamble, VA proposes to amend 38 CFR part 17 as follows:

PART 17—MEDICAL

1. The authority citation for part 17 continues to read as follows:

Authority: 38 U.S.C. 501, and as noted in specific sections.

2. Add § 17.148 after the undesignated center heading "PROSTHETIC, SENSORY, AND REHABILITATIVE AIDS", to read as follows:

§ 17.148 Service dogs.

(a) *Definitions.* For the purposes of this section:

Service dogs are guide or service dogs prescribed for a disabled veteran under this section.

(b) *Clinical requirements.* VA will provide benefits under this section to a veteran with a service dog only if:

(1) The veteran is diagnosed as having a visual, hearing, or substantial mobility impairment; and

(2) A VA clinician determines based upon medical judgment that it is optimal for the veteran to manage such impairment and live independently through the assistance of a trained service dog. Note: If other means (such as technological devices or rehabilitative therapy) will provide the same level of independence, then VA will not authorize benefits under this section.

(3) For the purposes of this section, substantial mobility impairment means a spinal cord injury or dysfunction or other chronic impairment that substantially limits mobility. A chronic impairment that substantially limits

mobility includes but is not limited to a traumatic brain injury that compromises a veteran's ability to make appropriate decisions based on environmental cues (*i.e.*, traffic lights or dangerous obstacles) or a seizure disorder that causes a veteran to become immobile during and after a seizure event.

(c) *Recognized service dogs.* VA will recognize, for the purpose of paying benefits under this section, the following service dogs:

(1) The dog and veteran must have successfully completed a training program offered by an organization accredited by Assistance Dogs International or the International Guide Dog Federation, or both (for dogs that perform both service- and guide-dog assistance). The veteran must provide to VA a certificate showing successful completion issued by the accredited organization that provided such program.

(2) Dogs obtained before [date of publication of final rule in the **Federal Register**] will be recognized if a guide or service dog training organization in existence before [date of publication of final rule in the **Federal Register**] certifies that the veteran and dog, as a team, successfully completed, no later than [date 1 year after date of publication of final rule in the **Federal Register**], a training program offered by that training organization. The veteran must provide to VA a certificate showing successful completion issued by the organization that provided such program. Alternatively, the veteran and dog will be recognized if they comply with paragraph (c)(1) of this section.

(d) *Authorized benefits.* VA will provide to a veteran enrolled under 38 U.S.C. 1705 only the following benefits for one service dog at any given time in accordance with this section:

(1) A commercially available insurance policy that meets the following minimum requirements:

(i) VA, and not the veteran, will be billed for any premiums, copayments, or deductibles associated with the policy; however, the veteran will be responsible for any cost of care that exceeds the maximum amount authorized by the policy for a particular procedure, course of treatment, or policy year. If a dog requires care that may exceed the policy's limit, the insurer will, whenever reasonably possible under the circumstances, provide advance notice to the veteran.

(ii) The policy will guarantee coverage for all treatment (and associated prescription medications), subject to premiums, copayments, deductibles or annual caps, determined to be medically

necessary, including euthanasia, by any veterinarian who meets the requirements of the insurer.

(iii) The policy will not exclude dogs with preexisting conditions that do not prevent the dog from being a service dog.

(2) Hardware, or repairs or replacements for hardware, that are clinically determined to be required by the dog to perform the tasks necessary to assist the veteran with his or her impairment. To obtain such devices, the veteran must contact the Prosthetic and Sensory Aids Service at his or her local VA medical facility and request the items needed.

(3) Payments for travel expenses associated with obtaining a dog under paragraph (c)(1) of this section. Travel costs will be provided only to a veteran who has been prescribed a service dog by a VA clinician under paragraph (b) of this section. Payments will be made as if the veteran is an eligible beneficiary under 38 U.S.C. 111 and 38 CFR part 70, without regard to whether the veteran meets the eligibility criteria as set for in 38 CFR part 70.

(4) The veteran is responsible for procuring and paying for any items or expenses not authorized by this section. This means that VA will not pay for items such as license tags, non-prescription food, grooming, insurance for personal injury, non-sedated dental cleanings, nail trimming, boarding, pet-sitting or dog-walking services, over-the-counter medications, or other goods and services not covered by the policy. The dog is not the property of VA; VA will never assume responsibility for, or take possession of, any service dog.

(e) *Dog must maintain ability to function as a service dog.* To continue to receive benefits under this section, the service dog must maintain its ability to function as a service dog. If at any time VA learns from any source that the dog is medically unable to maintain that role, or VA makes a clinical determination that the veteran no longer requires the dog, VA will provide at least 30 days notice to the veteran before benefits will no longer be authorized.

(Authority 38 U.S.C. 501, 1714)

3. Revise § 17.154 to read as follows:

§ 17.154 Equipment for blind veterans.

VA may furnish mechanical and/or electronic equipment considered necessary as aids to overcoming the handicap of blindness to blind ex-members of the Armed Forces entitled to disability compensation for a service-connected disability.

(Authority: 38 U.S.C. 1714)

[FR Doc. 2011-14933 Filed 6-15-11; 8:45 am]

BILLING CODE 8320-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2011-0312; FRL-9319-8]

Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the SJVUAPCD portion of the California State Implementation Plan (SIP). These revisions concern volatile organic compounds (VOCs) from architectural coatings. 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 July 18, 2011.

ADDRESSES: Submit comments, identified by docket number EPA-R09-OAR-2011-0312, 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:
David Grounds, EPA Region IX, (415) 972-3019, grounds.david@epa.gov.

SUPPLEMENTARY INFORMATION:
Throughout this document, “we,” “us” and “our” refer to EPA.

Table of Contents

- I. The State’s Submittal
 - A. What rule did the State submit?
 - B. Are there other versions of this rule?
 - C. What is the purpose of the submitted rule revision?

TABLE 1—SUBMITTED RULES

Local agency	Rule No.	Rule title	Adopted	Submitted
SJVUAPCD	4601	Architectural Coatings	12/17/09	5/17/10

On June 8, 2010, EPA determined that the submittal for SJVUAPCD Rule 4601 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?

We finalized a limited approval/limited disapproval on an earlier version of Rule 4601 into the SIP on 1/2/04 (69 FR 34). No versions were adopted since then besides the 12/17/09 version.

C. What is the purpose of the submitted rule revision?

VOCs help produce ground-level ozone and smog, which harm human health and the environment. Section 110(a) of the CAA requires States to submit regulations that control VOC emissions. Rule 4601 limits VOC emissions during architectural coating, storage and clean-up operations. EPA’s technical support document (TSD) has more information about this rule.

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 (b)(2)), and must not relax existing requirements (see sections 110(l) and 193). The SJVUAPCD regulates an ozone nonattainment area (see 40 CFR part 81), but Rule 4601 does not regulate major sources, so Rule 4601 need not fulfill RACT.

Guidance and policy documents that we use to evaluate enforceability and other requirements consistently include the following:

1. “Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,” EPA, May 25, 1988 (the Bluebook).
2. “Guidance Document for Correcting Common VOC & Other Rule Deficiencies,” EPA Region 9, August 21, 2001 (the Little Bluebook).
3. Control of Volatile Organic Emissions from Existing Stationary Sources, Volume I: Control Methods for Surface Coating Operations (EPA-450/2-76-028, 11/76, NTIS PB-260-386).
4. National VOC Emission Standards for Architectural Coatings (40 CFR 59 Subpart D, 9/11/98).
5. Technical Review Group’s Proposed Architectural Coatings SCM (CARB, 1989).
6. Suggested Control Measure for Architectural Coatings (CARB, 2000).

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. EPA Recommendations To Further Improve the Rule

The TSD describes one additional rule revision that we recommend for the next time the local agency modifies the rule but is not currently the basis for rule disapproval.

II. EPA’s Evaluation and Action

- A. How is EPA evaluating the rule?
 - B. Does the rule meet the evaluation criteria?
 - C. EPA Recommendations To Further Improve the Rule
 - D. Public Comment and Final Action
- ### III. Statutory and Executive Order Reviews

I. The State’s Submittal

A. What rule did the State submit?

Table 1 lists the rule addressed by this proposal with the dates that it was adopted by the local air agency and submitted by the California Air Resources Board (CARB).

D. 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, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: May 19, 2011.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2011–15000 Filed 6–15–11; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Part 10

[Docket No. USCG–2004–17455]

RIN 1625–AA85

Validation of Merchant Mariners' Vital Information and Issuance of Coast Guard Merchant Mariner's Licenses and Certificates of Registry (MMLs)

AGENCY: Coast Guard, DHS.

ACTION: Notice of intent with request for comments.

SUMMARY: The Coast Guard is advising the public of its intent to finalize regulations previously published as an interim rule on January 13, 2006. The IR was published to amend the maritime personnel licensing rules to include new security requirements when mariners apply for original, renewal, and raise-of-grade licenses and certificates of registry, but was never published as a final rule. Because of the lapse in time since the interim rule publication, the Coast Guard is seeking comments from the public on one remaining section of the interim rule that has remained unfinalized. The Coast Guard intends to finalize this one section of the interim rule.

DATES: Comments must be received on or before August 15, 2011.

ADDRESSES: You may submit comments identified by docket number USCG–2004–17455 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. Gerald Miente, Maritime Personnel Qualifications Division, Coast Guard; telephone 202–

372–1407, e-mail

Gerald.P.Miente@uscg.mil. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Request for Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2004–17455), 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 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 phone 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 “Select Document Type” drop down menu select “Proposed Rule” and insert “USCG–2004–17455” in the “Enter Keyword or ID” 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 this proposed 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 “Enter Keyword or ID” box insert “USCG–2004–17455” 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 on or before July 6, 2011 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**.

For information on facilities or services for individuals with disabilities or to request special assistance at the public meeting, contact Mr. Gerald Miente, Maritime Personnel Qualifications Division, Coast Guard; at the telephone number or e-mail address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Abbreviations

§ Section symbol
 FBI Federal Bureau of Investigation
 FR **Federal Register**
 MMC Merchant Mariner Credential
 MMD Merchant Mariner's Document
 NMC National Maritime Center
 REC Regional Examination Center
 TSA Transportation Security Administration
 TWIC Transportation Worker Identification Credential
 U.S.C. U.S. Code

Basis and Purpose

On January 13, 2006, the Coast Guard published in the **Federal Register** (71 FR 2154) an interim rule with request for comments. The interim rule described maritime personnel licensing rules to include new security requirements when mariners apply for original, renewal, and raise-of-grade licenses and certificates of registry.

However, subsequent rulemakings have addressed the majority of the interim rule provisions. As a result, the Coast Guard intends to finalize the single remaining section that has not been addressed in subsequent rulemakings.

The most recent significant rulemaking documents for rulemakings addressing the interim rule provisions are as follows:¹ (1) Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License (74 FR 13114); (2) Seafarer's Training, Certification and Watchkeeping Code (STCW Code) (75 FR 13715); (3) Maritime Identification Credentials (74 FR 2865); (4) Consolidation of Merchant Mariner Qualification Credentials (74 FR 11196); (5) Training and Service Requirements for Merchant Marine Officers (73 FR 52789); (6) Large Passenger Vessel Crew Requirements (74 FR 47729); and (7) Crewmember Identification Documents (74 FR 19135).

The one section of the January 13, 2006 interim rule that has remained unfinalized is 46 CFR 10.107(b): *Definitions in subchapter B*, specifically, the definition of “Dangerous drug” defined as “a narcotic drug, a controlled substance, or a controlled-substance analogue (as defined in section 102 of the Comprehensive Drug Abuse and Control Act of 1970 (21 U.S.C. 802)).” This definition was originally published in the January 13, 2006 interim rule as 46 CFR 10.103. The subsequent rulemaking, Consolidation of Merchant Mariner Credentials, redesignated *Definitions in subchapter B*, to 46 CFR 10.107(b) (74 FR 11216). Our intent is to finalize this one remaining section of the interim rule in its current designation, 46 CFR 10.107(b), and we are asking for comment on this section only. You may submit a comment to the docket using one of the methods specified under **ADDRESSES**.

Discussion of Comments

As a result of our request for comments in the interim rule published on January 13, 2006 in the **Federal Register** (71 FR 2154), the Coast Guard heard from 364 respondents representing mariners and the industry. The respondents submitted numerous comments addressing a wide range of issues related to the interim rule. A discussion of the comments follows.

One hundred and eighty commenters noted that the interim rule requirements resulted in lost work time, long travel

times, and excessive expenses to visit one of only 17 Regional Exam Centers (RECs) for fingerprinting and identification checks. The commenters felt this was extremely burdensome and created a hardship for most mariners who work or reside a long distance from the nearest REC. In addition, the commenters felt long wait times at the RECs increased this burden. This proposal, the commenters believed, would not make the industry any safer and would cost excessive time and money, plus make more work for the Coast Guard. The commenters also felt that the cost of maintaining one's credential may have been a deterrent for new entrants into the merchant marine.

One hundred and fifty four commenters suggested that instead of requiring visits to one of only 17 RECs, the Coast Guard should have allowed mariners to visit local law enforcement, Department of Motor Vehicles/Motor Vehicle Administrations, Federal Bureau of Investigation (FBI), Coast Guard Marine Safety Units, and other field offices both temporary and permanent. Locations such as post offices can take secure fingerprints for purposes such as passports, so the commenters felt the Coast Guard should allow mariners more options. The commenters suggested that the Coast Guard could also send traveling teams of examiners to places where a large number of applicants might require fingerprints and identification checks, and that the Coast Guard could notify mariners, shipping companies, and unions (through the local media), as to when and where these teams would be at any given time.

Fifteen commenters asked the Coast Guard to rescind the interim rule and work with industry to come up with a better system for fingerprint and identification checks. The commenters encouraged the Coast Guard to explore less burdensome and expensive ways to accomplish this goal while providing a way to ensure all licensed mariners are identified and properly screened.

Thirteen commenters expressed fear that the RECs may not have the manpower to provide fingerprinting and ID verification service and that the system will be overwhelmed. The commenters suggested that a traveling Coast Guard team also visit maritime schools, where there was a large concentration of mariners wishing to renew or upgrade their credentials.

These problems have been overcome by other Coast Guard rulemakings, including the Transportation Workers Identification Card (TWIC) rulemaking, which requires certain mariners who hold Coast Guard credentials to also

¹ To find all the rulemaking documents associated with the rulemakings listed here, you can view each rulemaking's docket on <http://www.regulations.gov>.

hold a TWIC, and the Consolidation of Merchant Mariner Qualification Credentials rulemaking, which removed the requirement to appear at an REC for those mariners who must enroll for a TWIC. Moreover, the Transportation Security Agency (TSA) has set up more than 150 enrollment centers around the country at which cards may be applied for and distributed. Those mariners who are not required to obtain a TWIC must still undergo another vetting process.

Six commenters said the interim rule should not apply to operators of uninspected passenger vessels. Also, the commenter noted, some of those mariners work on inland lakes and rivers where there are no Maritime Transportation Security Act-regulated facilities and many work on small passenger vessels or family-owned offshore supply vessels where risk of a security incident is minimal.

The Coast Guard publishes regulations that implement laws passed by Congress. Section 102 of the Maritime Transportation Security Act of 2002, as codified in Title 46 U.S. Code (46 U.S.C.) section 70105(b)(2), required that every Coast Guard-credentialed mariner, and other specific mariners, obtain a TWIC. As noted above, TSA maintains more than 150 enrollment centers. However, the Coast Guard Authorization Act of 2010 modified the TWIC requirement for mariners by limiting it to only those mariners who need unescorted access to secure spaces on vessels required to have a security plan under 46 U.S.C. chapter 701. However, those mariners who are not required to obtain a TWIC must still undergo a vetting process.

Ten commenters stated that a Coast Guard license was not an identity document, and since a license was not an identity document, and was not intended to be one, a license heist was not a likely terrorist consideration.

The commenters are correct that a Coast Guard license is not an identity document. The fact that identity checks and fingerprinting are required to obtain a license does not in itself mean that the Coast Guard considers the license to be an identity document. At the time the interim rule was published, the Merchant Mariner Document (MMD) was the primary identity document for a mariner. Currently, the TWIC serves as the primary identity document. A license or a Merchant Mariner Credential (MMC) is a professional qualification document. The Coast Guard is concerned that any vessel master not required to hold an MMD could be in a position to cause serious damage to terminals, bridges, and vessels along inland routes. Therefore,

license-only holders must go through the fingerprinting and identification-check process.

Five commenters suggested that the Coast Guard work with the TSA for fingerprinting and identification verification.

The TWIC rulemaking has addressed this issue. Those mariners who are not required to obtain a TWIC must still undergo another vetting process.

Fourteen commenters argued that fingerprints should only be necessary on the first issuance of an MMC because fingerprints do not change over time. Also, the commenters believed that renewal applicants already had their fingerprints on file, making it easy to detect if someone were to try to renew an existing license fraudulently.

To apply for an MMC, a mariner must have a valid TWIC, which requires a full set of fingerprints at each 5-year renewal. Those mariners who are not required to obtain a TWIC must still undergo another vetting process, which also requires the submission of fingerprints in order to perform an updated background check. Fingerprints can change somewhat with age and especially after working with hand-abrasives, chemicals, etc. Additionally, fingerprints kept on file for long periods of time can also degrade, making them unsuitable for matching purposes.

One commenter asked if a mariner renewing his or her license for continuity would be required to give fingerprints and undergo an ID check.

No. Renewals for continuity credentials do not require fingerprints.

Three commenters objected to using convictions in foreign courts against any mariner wishing to renew their credentials.

The TSA has jurisdiction over this matter. For additional information on disqualifying crimes, please see the TWIC final rule revising 49 CFR 1572.103: *Disqualifying Criminal Offenses* (72 FR 3492). Those mariners who are not required to obtain a TWIC must still undergo another vetting process.

One commenter stated that the licensing procedure should not be halted while the Coast Guard produces a final rule on the issue.

An interim rule was necessary from an enforcement perspective until the TWIC process became operable. Licensing was not suspended during this period.

One commenter said it is unnecessary for a credential holder to give fingerprints and submit to an ID check in order to renew a credential because that credential did not enable access to security facilities or information.

Fingerprinting and ID checks are needed to perform the background check required by Coast Guard regulations.

Seven commenters stated that the Coast Guard should have allowed for public meetings in several locations around the nation before publication of the interim rule.

Given the urgency at the time, the Coast Guard decided to issue an interim rule to make the regulations effective as soon as possible. Due to subsequent rulemakings that provided an opportunity for public comment (see the "Basis and Purpose" section of the preamble), the Coast Guard, at this time, is only finalizing one remaining section of the interim rule that has remained unfinalized: § 10.107(b): *Definitions in subchapter B*, specifically, the definition of "Dangerous Drug". We have determined that a public meeting is not necessary, but those wishing to request one should follow the procedures outlined above under "Public meeting".

Two commenters suggested that the renewal process for credentials take place at local Coast Guard stations.

According to Coast Guard regulations, renewal applications are submitted to the National Maritime Center (NMC), through an REC, for evaluation and processing. The U.S. Coast Guard's NMC has recently completed restructuring and centralizing the Mariner Licensing and Documentation (MLD) program in order to reduce credential processing time, improve customer service, and ensure the consistency and quality of U.S. credentials issued to more than 210,000 mariners. The major components of this project include: Centralizing many MLD functions that had historically been performed at 17 RECs at the NMC, which is now located in Martinsburg, WV; streamlining credential production processes at the NMC; aligning the organization of the RECs so that they report directly to the NMC; and relocating the MLD program policy functions to U.S. Coast Guard headquarters.

One commenter noted that mariners are required to give fingerprints and undergo ID checks every 5 years (and have to travel longer distances to do so) while aliens are required to renew their Green Cards every 10 years.

The Coast Guard's 5-year renewal process is mandated by law (Title 46 U.S.C. 7106).

One commenter said that the results of the fingerprinting and background checks required every 5 years should not change past determinations and

findings on individuals under the guise of security.

The 5-year renewal process is in place to ensure the mariner's record is current. As discussed above, fingerprints can change somewhat with age and fingerprints kept on file for long periods of time can also degrade, making them unsuitable for matching purposes. Additionally, the Coast Guard must ensure background checks contain current information. Without this, there is a break in the chain of trust that could present a lapse of security.

Two commenters stated that the requirement to give fingerprints at an REC each time a mariner wishes to renew or upgrade his or her credentials was arrogant and inconsiderate of the burden it places on the industry. The commenters believed it did little to enhance national security and asked why it was necessary to continually submit fingerprints at an REC while military personnel can submit fingerprints at their stations.

Beginning April 15, 2009, TSA collects fingerprints and proof of identity and forwards that information to the NMC to perform a background check. The Coast Guard will also be able to obtain certain information from the record TSA created when the mariner enrolled for his or her TWIC. Therefore, mariners will not have to appear at an REC. Those mariners who are not required to obtain a TWIC must still undergo another vetting process.

One commenter said it is unnecessary for mariners to submit identity verification for a duplicate credential if a credential is lost, stolen, or burned.

The Coast Guard disagrees. When a duplicate credential is issued, the Coast Guard needs to re-verify the identity of the mariner. Without this, there is a break in the chain of trust that presents a lapse of security.

One commenter said that arrest records need not be revealed, referenced, or discussed in any matter during the credentialing process when the outcome is in question. The commenter also suggested removing misdemeanor convictions altogether from being a criterion by which a mariner or applicant is judged for certification and licensure.

Although arrest records are not clear evidence of guilt, and therefore denial of credentialing is based on a court determination, the arrest serves as part of the record and is needed for full determination as required by 46 CFR 10.211. The Coast Guard acknowledges the commenter's concern. However, these issues have been resolved in the TWIC rulemaking. Those mariners who

are not required to obtain a TWIC must still undergo another vetting process.

Mariners who feel they were unfairly denied a credential, can appeal under the process available from TSA (49 CFR 1515) and/or the Coast Guard (46 CFR 1.03). Those mariners who are not required to obtain a TWIC must still undergo another vetting process.

One commenter asked if the Coast Guard thought the state of Montana was a legitimate terrorist target and asked what a terrorist attack in the state would accomplish.

A terrorist attack could happen anywhere in the United States, and the Coast Guard will require vetting of every merchant mariner seeking a credential. Please note that credentials are a Federal document and allow the holder to operate anywhere inland in the U.S., coastwise, or in foreign waters subject only to the restrictions on the credentials' face.

One commenter expressed concern over the allowance of birth certificates and foreign passports as allowable identification. Another commenter took issue with the specific types of IDs accepted for verification.

The Coast Guard understands the commenters' concerns. However, this requirement is moot as identification required for MMLs is addressed by the TWIC final rule which requires all mariners who hold Coast Guard credentials to also hold a TWIC. Those mariners who are not required to obtain a TWIC must still undergo another vetting process. See 49 CFR 1572.17, see also 46 CFR 10.221.

One commenter asked the Coast Guard if fingerprinting/ID checks were so critical, why the Coast Guard mails the credential to an address at which someone other than the intended recipient might be waiting to intercept it.

The Coast Guard acknowledges the commenter's concern. However, this concern has been addressed for mariners requiring a TWIC, which must be activated in person to complete the "chain of trust". Those mariners who are not required to obtain a TWIC must still undergo another vetting process.

One commenter called into question centralizing Marine Licensing and Documentation with the NMC and moving it to Martinsburg, WV. By doing this, the commenter said, all records could be wiped out with one calamity. The commenter was afraid that reducing facilities to one location would have the opposite effect on the backlog. Also, the commenter asked what happens when the system is down or has no power.

This comment is beyond the scope of this rulemaking. However, current

system performance has the average credential being processed in approximately 17 days of net processing time with greater than 80 percent being under 30 days. This is significantly less than the system performance while business was conducted at 17 disparate RECs. Performance at RECs varied significantly for many reasons. Among other benefits, centralization brings consistency across the program. Records were and are archived from the RECs to Federal Records Centers just as they are from the centralized NMC. Electronic records are backed up routinely. Records at any location are subject to loss from natural or man induced reasons. The NMC still continues to deal with cases of records lost due to Hurricane Katrina in New Orleans. The centralized location of the NMC has less potential natural perils than most of the coastally located RECs. When the RECs were doing evaluations, they were still accessing the same electronic system that they and the centralized NMC access today. There are redundant systems and backups to mitigate any lost time due to equipment and power failure.

One commenter noted a conflict in 46 CFR 10.209 regarding the requirements of identity documents.

New regulations are in place regarding identity verification. Therefore, this comment is now moot.

One commenter was in favor of the changes in the interim rule because new security requirements make sense in today's world.

The Coast Guard thanks the commenter and agrees.

One commenter, who held a commercial pilot's license, asked why a mariner seeking a master's license must jump through so many hoops, including the \$145 fee required for the license itself and the requirement to renew every 5 years.

Under statutory mandate, a mariner's license is valid for 5 years and may be renewed, with the required background checks, for additional 5-year periods. 46 U.S.C. 7106. The Coast Guard has statutory authority to set fees for mariner services or things of value. 46 U.S.C. 2110. The fee is determined by the actual time and motion costs to the Coast Guard for the required evaluation, exam (if any), and issuance of the license.

One commenter disagreed with reducing the number of "service centers" to 17 RECs and believed the user fees added a substantial financial burden to mariners.

The interim rule did not reduce the number of "service centers" or RECs. The current number of 17 RECs has

been in place since 1982. As stated in the response to the previous commenter, the Coast Guard has statutory authority to set fees for mariner services or things of value. 46 U.S.C. 2110.

One commenter noted that more than half of the personnel at Washington Island Ferry Line Inc., were not required to be licensed.

Mariners who require no license or MMC were not expected to follow the procedures in the interim rule.

However, mariners are encouraged to check with local authorities to see if a TWIC is necessary in a given port area.

One commenter expressed concern about raising the standards defining "conviction", which could disqualify some mariners from consideration when trying to obtain a credential. The commenter noted that there were situations where persons who have made mistakes, paid their debt to society and were living as responsible citizens, and they should be given a better opportunity to obtain a credential.

The Coast Guard agrees with this commenter, that persons who have been convicted in the past may in fact qualify for work as a mariner. Not all crimes serve as permanent disqualifiers, and there are procedures in place to allow for waivers or review of certain convictions when the individual can show that they are not a security or safety risk. Please see TSA appeal and waiver procedures for security threat assessments for individuals at 49 CFR Part 1515, see also Coast Guard Merchant Mariner Credential, criminal record review at 46 CFR 10.211.

Two commenters said credential renewals and upgrades needed to only establish that the candidate was the same person who received the original license and suggest the Coast Guard authorize employers to certify the identification of candidates. The commenters noted that employers were trusted to certify sea service and presence in a drug-testing pool.

Identification verification meets only half of the criteria for the process of obtaining a credential. Candidates must also give fingerprints so the authorities can conduct background checks. Also, TSA requires personal appearance at an enrollment center for fingerprinting and ID checks as part of the TWIC process. Please see the TWIC rulemaking for clarification.

One commenter wanted the Coast Guard to create an MMC that a mariner can carry in his or her pocket.

The NMC began issuing the MMC in early 2009 as a mariner's professional qualifications document. It incorporates the legacy license, MMD and/or Certificate of Registry as well as a

mariner's STCW endorsements. The TWIC now serves as the mariner's identity document. Please see the TWIC rulemaking for clarification.

One commenter took issue with the Coast Guard issuing an interim rule without seeking comment from industry.

Due to the immediate needs for heightened security measures to be implemented, the publication of an interim rule with a request for comments allowed the Coast Guard to immediately implement regulations needed to protect national security. However, the interim rule did allow for the public to comment on the rule before it became final. Those comments are summarized above. Since publication of the interim rule, the Coast Guard, TSA, and the Department of Homeland Security have considered and addressed the public's concerns in the regulations listed above in the "Background" section of this document, as these same concerns were raised upon promulgation of those other rules.

Intent To Finalize; Request for Comments

The Coast Guard invites further comments related to this Notice of Intent to finalize the one section of the January 13, 2006 interim rule that has remained unfinalized, 46 CFR 10.107(b): *Definitions in subchapter B*, specifically, the definition of "Dangerous drug". Written comments and responses related to finalizing this definition will be added to the docket number for this rulemaking (USCG-2004-17455). Upon close of the comment period, the Coast Guard will consider all comments received. We anticipate that we will be able to finalize 46 CFR 10.107(b) soon thereafter.

Dated: June 9, 2011.

F.J. Sturm,

Acting Director of Commercial Regulations and Standards.

[FR Doc. 2011-14920 Filed 6-15-11; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Part 12

[Docket No. USCG-2003-14500]

RIN 1625-AA81

Validation of Merchant Mariners' Vital Information and Issuance of Coast Guard Merchant Mariner's Documents (MMDs)

AGENCY: Coast Guard, DHS.

ACTION: Notice of intent with request for comments.

SUMMARY: The Coast Guard is advising the public of its intent to finalize regulations previously published as an interim rule on January 6, 2004. The interim rule (IR) was published to enhance the application procedures for the Merchant Mariner Licensing and Documentation program, which were necessary to improve maritime safety and promote the national security interest of the United States, but was never published as a final rule. Because of the lapse in time since the interim rule publication, the Coast Guard is seeking comments from the public on one remaining section of the interim rule that has remained unfinalized. The Coast Guard intends to finalize this one section of the interim rule.

DATES: Comments must be received on or before August 15, 2011.

ADDRESSES: You may submit comments identified by docket number USCG-2003-14500 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. Gerald Miente, Maritime Personnel Qualifications

Division, Coast Guard; telephone 202–372–1407, e-mail Gerald.P.Miante@uscg.mil. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Request for Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2003–14500), 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 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 phone 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 “Select Document Type” drop down menu select “Proposed Rule” and insert “USCG–2003–14500” in the “Enter Keyword or ID” 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 this proposed 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 “Enter Keyword or ID” box insert “USCG–2003–14500” 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 on or before July 6, 2011 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**.

For information on facilities or services for individuals with disabilities or to request special assistance at the public meeting, contact Mr. Gerald Miente, Maritime Personnel Qualifications Division, Coast Guard; at the telephone number or e-mail address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Abbreviations

§ Section symbol
FR **Federal Register**
MMD Merchant Mariner's Document
NMC National Maritime Center
REC Regional Examination Center
TSA Transportation Security Administration
TWIC Transportation Worker Identification Credential
U.S.C. U.S. Code

Basis and Purpose

On January 6, 2004, the Coast Guard published in the **Federal Register** (69 FR 526) an interim rule with request for comments. The interim rule described enhancements to the application procedures for the Merchant Mariner Licensing and Documentation program, which were necessary to improve maritime safety and promote the national security interest of the United

States. However, subsequent rulemakings have addressed the majority of the interim rule provisions. As a result, the Coast Guard intends to finalize the single remaining section that has not been addressed in subsequent rulemakings.

The most recent significant rulemaking documents for rulemakings addressing the interim rule provisions are as follows ¹: (1) Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License (74 FR 13114); (2) Seafarer's Training, Certification and Watchkeeping Code (STCW Code) (75 FR 13715); (3) Maritime Identification Credentials (74 FR 2865); (4) Consolidation of Merchant Mariner Qualification Credentials (74 FR 11196); (5) Training and Service Requirements for Merchant Marine Officers (73 FR 52789); (6) Large Passenger Vessel Crew Requirements (74 FR 47729); and (7) Crewmember Identification Documents (74 FR 19135).

The one section of the January 6, 2004 interim rule that has remained unfinalized is 46 CFR 12.01–1(a)(1): Purpose of rules in this part, which states the rules are to provide a “comprehensive and adequate means of determining and verifying the identity, citizenship, nationality, and professional qualifications an applicant must possess to be eligible for certification to serve on merchant vessels of the United States”. Our intent is to finalize this one remaining section of the interim rule, and we are asking for comment on this section only. You may submit a comment to the docket using one of the methods specified under **ADDRESSES**.

Discussion of Comments

As a result of our request for comments in the interim rule published on January 6, 2004 in the **Federal Register**, (69 FR 526), the Coast Guard heard from eight respondents representing mariners and the industry. The respondents submitted numerous comments addressing a wide range of issues related to the interim rule. A discussion of the comments follows.

One commenter requested a public hearing in order to “develop a complete and accurate record regarding the provisions and consequences of the interim rule.”

The Coast Guard believes a public hearing is unnecessary. This rulemaking qualifies as an informal rulemaking

¹ To find all the rulemaking documents associated with the rulemakings listed here, you can view each rulemaking's docket on <http://www.regulations.gov>.

under Sec. 553 of the Administrative Procedure Act, and as such does not require formal hearing procedures. The Coast Guard believes that the commenter's desire for a complete and accurate record of rulemaking actions related to this interim rule is available in the public docket USCG–2003–14500, available online by going to <http://regulations.gov>, inserting USCG–2003–14500 in the “Keyword” box, and then clicking “Search.”

One commenter looked favorably on the removal of the term “shipping commissioner” and the removal of social security numbers from the Merchant Mariners Documents (MMDs).

At each revision, the Coast Guard attempts to update terminology in its regulations. In this rulemaking specifically, we removed social security numbers from MMDs to safeguard mariners' personally identifiable information. We believe that changes such as these better serve the mariners.

One commenter said that the Coast Guard does not understand and fails to communicate with lower-level mariners.

The Coast Guard disagrees. The Coast Guard communicates with all branches of the maritime community through publications, Web sites, responses to inquiries, and other personal and mass media efforts. In fact, the Merchant Marine Personnel Advisory Committee has several “limited-service” mariners as members while several other members represent companies that employ these mariners. MERPAC periodically studies and discusses issues pertinent to limited-service mariner employment and advancement, such as Able Seamen Qualifications and ratings attaining Officer in Charge of a Navigational Watch and Officer in Charge of an Engineering Watch coming up through the hawsepipe.

One commenter warned that “adding extra and vague requirements to the already burdensome ones” will only serve to drive more people away from the maritime industry.

The Coast Guard agrees that excessive regulatory burdens must be avoided. However, extra security measures are a reality for all transportation sectors. Making ports, facilities, and vessels more secure is a part of doing business in today's world that cannot be avoided. New security measures take extra effort from all parties—government, industry, and the individual mariner—and we believe these measures are not excessive.

The Coast Guard also agrees with the commenter that “vague requirements” should be avoided. To make our requirements more clear, we have provided definitions of “safe and

suitable person”, “criminal record check”, and “National Driver Register (NDR)” with specific language in 46 CFR 10.107. Mariners who feel they were unfairly denied a credential can appeal under the process available from the Transportation Security Administration (TSA) (49 CFR 1515) and/or the Coast Guard (46 CFR 1.03). Those mariners who are not required to obtain a TWIC must still undergo another vetting process.

Five commenters stated that, in addition to the current 17 Regional Examination Centers (RECs), additional locations were needed for mariners to show proof of identity and be fingerprinted.

This comment has been overcome by events with the establishment of the TWIC rulemaking. Those mariners who are not required to obtain a TWIC must still undergo another vetting process, which requires a showing of proof of identity and provision of fingerprints. The Coast Guard agrees that maximizing the number of locations where this may be accomplished is best, and is evaluating the options available for how to best meet mariners' identification needs. However, this is beyond the scope of this rulemaking finalizing one remaining section: 46 CFR 12.01–1(a)(1): Purpose of rules in this part.

One commenter said the RECs are unable to provide adequate services to mariners while performing current duties and that the RECs' attempt “to accomplish even more with fewer resources is the basis of the current problem with the RECs.”

One commenter predicted that the RECs will be unable to provide timely identification and fingerprinting services.

These comments have been overcome by events with the establishment of the TWIC rulemaking. Those mariners who are not required to obtain a TWIC must still undergo another vetting process.

One of these commenters also stated that evaluators should be trained, temporary licenses and documents should be issued, a hotline should be set up to receive credential-related inquiries, and that the licensing procedures should be simplified.

These subjects are not directly related to this rulemaking but were considered during subsequent revisions of the entire subchapter, 46 CFR subchapter B.

As part of documentation centralization at the National Maritime Center (NMC) in West Virginia, evaluators are being trained, and extra evaluators may be applied to any surges that might occur.

One commenter stated that 5-year renewals of MMDs and licenses should

be good for 5 full years with renewal dates falling on the mariner's birthday, and that current documents should be extended as necessary to implement this change.

Title 46 U.S.C. 7302(f) currently states that an MMD is valid for 5 years and may be renewed for an additional 5-year period. To help alleviate the problem created by the 5-year validity period, the NMC is issuing credentials that have a delayed start-date to coincide with the expiration date of the previous credential.

One commenter pointed out that the interim rule is unrealistic because it focuses on only one aspect of security without addressing other areas where enhanced security is necessary.

Two commenters expressed concern that mariners on deep-draft U.S. flag vessels pose the least risk to national security and that threats to national security lie in exceptions to documentation requirements for mariners on inland waters and/or those serving on vessels of less than 100 gross tons (GRT). The commenters recommended that persons on all types of vessels be required to undergo a security screening.

These comments have been overcome by events with the establishment of the TWIC rulemaking. In addition, there are approved courses available for company, facility, and vessel security officer training as well as security familiarization for other crewmembers.

One commenter pointed out that the Coast Guard should require criminal record disclosure in applications for mariner credentials, but should not continuously require repeated documentation of previously disclosed information.

The Coast Guard agrees that the application process should be updated and simplified. As one major step, the Coast Guard has centralized all mariners' credential records at the NMC. This new process may, in the future, negate the need for repeated collection of established reporting.

Two commenters called for a clear and workable appeals process in the event that a mariner is denied a credential. One of these commenters stated the Coast Guard can withhold any explanation of the reason for disproving an MMD.

The Coast Guard agrees with the commenters and has comprehensively revised the regulation. The Coast Guard has developed an appeals process for mariners who believe they were wrongly denied a credential. The appeal process is available from the TSA (See 49 CFR 1515) and/or the Coast Guard (See 46 CFR 1.03). Those mariners who

are not required to obtain a TWIC must still undergo another vetting process.

We received many comments relating to our estimates of costs in the interim final rule. Three commenters stated that applicant visits to an REC for the purposes of showing identification and fingerprinting could not be accomplished in 1 hour, and that the 1-hour approximation was underestimated.

Two commenters stated that 1-day round-trip travel does not constitute close proximity to an REC, and that the 100-mile average was unreasonable for 1-day round-trip travel to an REC.

Three commenters disagreed with the Coast Guard's travel cost estimate that most mariners live within 1-day round trip travel of an REC.

One commenter stated that several mariners in the Great Lakes Basin did not live in close proximity to an REC.

Another commenter stated that the assumptions used by the Coast Guard in calculating travel costs for applicants did not adequately reflect real travel costs in the Great Lakes.

One commenter stated that the cost in the interim rule looked at the cost on a 5-year basis, but in the long term, there was an enormous cost impact for all mariners given the multiple renewals required during the course of a career.

One commenter stated that the Coast Guard's analysis was not correct to say, "not all mariners will incur costs from this rule." The commenter further stated that every mariner seeking a new or reissue MMD was going to incur costs.

One commenter stated that the hours spent traveling should be acknowledged as the opportunity cost of the individual's wages.

Five commenters said the costs to mariners and the total cost of this rulemaking were underestimated.

One commenter wanted clarification on the application of convictions for misdemeanors and was concerned about its effect on recruitment and retention.

One commenter suggested that anyone who was denied a credential because of a safety and security check should be advised in writing as to the reason without exception.

One commenter said that an administrative law judge should make final decisions on appeals.

One commenter argued that the definition of the term "safety and security check" should include a statement on the extent of the check that may be performed.

These comments have been overcome by events with the establishment of the TWIC rulemaking. Those mariners who are not required to obtain a TWIC must still undergo another vetting process.

However, we note that the regulatory evaluations which accompanied the TWIC rulemaking considered many of the comments regarding cost estimation we received here.

One commenter believed that regulations in effect prior to the interim rule create a presumption of adequacy, and that further safety and security checks were unnecessary.

The Coast Guard does not agree. As part of the Coast Guard's goal of increasing security in all aspects of the maritime domain, all mariners who then held an MMD were screened to determine if they presented a potential security risk to our nation. As a result, the Coast Guard found instances where an applicant had been issued a credential and was later found to pose a threat to security. The prior regulations did not require mariners to have their fingerprints taken at the RECs, and it allowed a candidate to submit a fingerprint card from an uncontrolled location. Similarly, the prior regulations allowed renewal of documents by mail and an applicant's identity could not be verified. The new regulations require a candidate's presence before the Coast Guard or its authorized agent to be certain that the person applying for the document can validate his or her identity and the fingerprints are indeed those of the applicant.

Three commenters believed that the regulation concerning a "safe and suitable person" and one's "character and habits of life" was vague, lacked criteria for making this determination, and did not provide adequate safeguards to the mariner. Additionally, one of these commenters added that the "character and habits of life" standard would infringe on the mariners' First Amendment rights and ignored the Supreme Court's limiting construction.

The Coast Guard agrees and changes to the terms were made with the Consolidation of Merchant Mariner Qualification Credentials final rule. 74 FR 11196.

One commenter believed that the requirement in 46 CFR 12.02-4(a) was too harsh.

One commenter wanted clarification regarding 46 CFR 12.02-4(c) as it related to applicants who have been arrested but not convicted.

One commenter suggested revising 46 CFR 12.02-9(a), which read, "The Coast Guard may refuse to process an incomplete MMC application." by replacing the word "process" with the words "issue a credential based upon".

One commenter asked for a definition for the word "incomplete" in 46 CFR 12.02-9(a).

These subjects are not directly related to this rulemaking but were addressed with the Consolidation of Merchant Mariner Qualification Credentials final rule, which removed and reserved 46 CFR 12.02-4 and 12.02-9. (74 FR 11196). Application regulations for all endorsements are now contained in 46 CFR 10.209.

Intent To Finalize; Request for Comments

The Coast Guard invites further comments related to this Notice of Intent to finalize the one section of the January 6, 2004 interim rule that has remained unfinalized, 46 CFR 12.01-1(a)(1): *Purpose of rules in this part*. Written comments and responses related to finalizing 46 CFR 12.01-1(a)(1) will be added to the docket number for this rulemaking (USCG-2003-14500). Upon close of the comment period, the Coast Guard will consider all comments received. We anticipate that we will be able to finalize 46 CFR 12.01-1(a)(1) soon thereafter.

Dated: June 9, 2011.

F.J. Sturm,

Acting Director of Commercial Regulations and Standards.

[FR Doc. 2011-14921 Filed 6-15-11; 8:45 am]

BILLING CODE 9110-04-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[ET Docket Nos. 11-90 and 10-28; FCC 11-79]

Operation of Radar Systems in the 76-77 GHz Band

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document the Commission proposes to amend rules to enable enhanced vehicular radar technologies in the 76-77 GHz band to improve collision avoidance and driver safety. Vehicular radars can determine the exact distance and relative speed of objects in front of, beside, or behind a car to improve the driver's ability to perceive objects under bad visibility conditions or objects that are in blind spots. These modifications to the rules will provide more efficient use of spectrum, and enable the automotive and fixed radar application industries to develop enhanced safety measures for drivers and the general public. The Commission takes this action in

response to petitions for rulemaking filed by Toyota Motor Corporation (“TMC”) and Era Systems Corporation (“Era”)

DATES: Comments must be filed on or before July 18, 2011, and reply comments must be filed on or before August 1, 2011.

FOR FURTHER INFORMATION CONTACT:

Aamer Zain, Office of Engineering and Technology, (202) 418–2437, e-mail: Aamer.Zain@fcc.gov, TTY (202) 418–2989.

ADDRESSES: You may submit comments, identified by ET Docket Nos. 11–90 and 10–28, by any of the following methods:

- *Federal Communications Commission’s Web Site:* <http://fjallfoss.fcc.gov/ecfs2/>. Follow the instructions for submitting comments.
- *Mail:* Aamer Zain, Electronics Engineer, Office of Engineering and Technology, 445 12th Street, SW., Room 7–A110, Washington, 20554
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: FCC504@fcc.gov or phone: 202–418–0530 or TTY: 202–418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** of this document.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission’s *Notice of Proposed Rule Making*, ET Docket No. 11–90, FCC 11–79, adopted May 24, 2011 and released May 25, 2011. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street, SW., Washington, DC 20554. The complete text of this document also may be purchased from the Commission’s copy contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room, CY–B402, Washington, DC 20554. The full text may also be downloaded at: <http://www.fcc.gov>.

Comment Period and Procedures

Pursuant to §§ 1.415 and 1.419 of the Commission’s rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using: (1) The Commission’s Electronic Comment Filing System (ECFS), (2) the Federal Government’s eRulemaking Portal, or (3) by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.

- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12th St., SW., Room TW–A325, Washington, DC 20554. The filing hours are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW., Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Summary of Notice of Proposed Rulemaking

1. In the *Notice of Proposed Rule Making* (NPRM), the Commission proposes to modify §§ 15.35 and 15.253 of its rules to enable enhanced vehicular radar technologies in the 76–77 GHz band to improve collision avoidance and driver safety. Vehicular radars can determine the exact distance and relative speed of objects in front of, beside, or behind a car to improve the driver’s ability to perceive objects under bad visibility conditions or objects that are in blind spots. The Commission proposes to eliminate the existing requirement that vehicular radars decrease power when the vehicle on which the radar is mounted is stopped, or not in motion, and to expand the

authorization for unlicensed 76–77 GHz band radars to allow their use in fixed infrastructure systems. These modifications to the rules will provide more efficient use of spectrum, and enable the automotive and fixed radar application industries to develop enhanced safety measures for drivers and the general public. This action is taken in response to petitions for rulemaking filed by Toyota Motor Corporation (TMC) and Era Systems Corporation (Era).

2. The 76–77 GHz band offers advantages for vehicular and fixed radar systems, such as precise real-time monitoring of the position and speed of vehicles. The Commission’s proposals are intended to foster the development of improved radar systems that offer significant safety benefits to the general public. The Commission also foresees economic benefits such as economies of scale and broader marketplace demand that may be attained if both the U.S. and other markets use the 76–77 GHz band for fixed and vehicular radar systems. Furthermore, the Commission believes that the changes in power levels and use suggested by TMC and Era will not result in any increased potential of interference to licensed services.

3. TMC filed a petition for rulemaking requesting that the emission limits be modified for vehicular radar systems operating within the 76–77 GHz band. Specifically, TMC requested that the Commission eliminate the “in-motion” and “not-in-motion” distinctions in the emission limits for vehicular radar systems and establish a single emission limit that applies in all directions from a vehicle.

4. The Commission believes there is merit to TMC’s request to modify the emissions limits for vehicular radar systems, and to eliminate the “in-motion” and “not-in-motion” distinction in limits for millimeter wave vehicular radar systems. Therefore, the Commission proposes to modify its rules for vehicular radar systems operating in the 76–77 GHz band as TMC requests. The Commission proposes to modify § 15.253 of its rules to increase the average power density limit to 50 dBm (88 μ W/cm² at 3 m) and decrease the peak power density limit to 55 dBm (279 μ W/cm² at 3m) for vehicular radar systems regardless of the illumination direction of the vehicular radar system as reflected in the proposed rules set forth in Appendix A. The Commission seeks comments on this proposal. The proposed emission limits would extend to vehicular radar systems illuminating in any of the mentioned directions (forward, rear or side). This action would make the rules

governing the vehicular radar emission limit in United States to be more comparable to those set forth outside the United States and therefore benefit the automotive industry in terms of new product development and cost reduction.

5. The existing separate in-motion and not-in-motion emission limits were adopted to prevent unnecessary and prolonged harmful human exposure to RF radiation. The motion status of the vehicle was given special consideration due the fact that vehicles that are not in motion could result in human exposure to radiation for longer time durations than a moving vehicle. However, because the proposed emission limit of $88 \mu\text{W}/\text{cm}^2$ is below the current average threshold limit of $1 \text{ mW}/\text{cm}^2$ adopted for human exposure to RF radiation, the in-motion and not-in-motion criteria become unnecessary for safety purposes. The Commission therefore proposes emission limits independent of the motion status of the vehicle. The Commission seeks comments on these proposals.

6. In proposing the new emission limit, the Commission recognizes NRAO's concerns about possible interference, but note that the peak limit recommended by Toyota is lower than the current peak limit. This reduced limit will increase the level of interference protection afforded to RAS systems and other authorized users of the 76–77 GHz band. The Commission agrees with TMC's assessment that there is very little likelihood that vehicular radar systems operating at either the current or proposed limits would cause harmful interference to radio astronomy equipment. Accordingly, the Commission believes that there is no need to restrict vehicular radar systems based on coordination zones or to impose requirements for a GPS-aware automatic cut-off switch as proposed by NRAO. The Commission invites comment on this analysis.

7. The Commission also seeks comment on TMC's request to modify § 15.253 of its rules to specify a limit on peak EIRP instead of average power density as an alternative to, or in addition to, the limits currently specified in the rules. Furthermore, it proposes to modify § 15.35(b) of the Commission's rules to reflect the fact that the proposed peak emission limit is not 20 dB above the average emission limit.

8. In its petition, Era requests that the Commission amend § 15.253 of its rules to permit the use of 76–77 GHz unlicensed fixed radars at airports for monitoring terrestrial vehicle movements. Era contends that when the

rules limiting operation to vehicle-mounted radars were adopted, there was no practical experience with vehicular radars in the 76–77 GHz band, and the rules were made very conservative to assure that such radars would not receive interference from other users of the band. Era contends that subsequent experience in other countries has shown that the requirement that radars operate only on moving vehicles is overly restrictive. It requests that the Commission relax this requirement and suggests several alternative approaches for modifying the rules to allow fixed radar use, primarily at airports. The suggested approaches are: (1) Limit fixed radars to airports and other applications that do not illuminate public roads; (2) require either compliance with the ETSI standard or strict compatibility testing for any system that illuminates public roads; or (3) mandate compliance with the ETSI standard for all 76 GHz radar systems. Era does not express a preference for which of these approaches it believes the Commission should adopt.

9. The Commission agrees with Era that the current rules should be relaxed to allow the operation of fixed radars in the 76–77 GHz band on an unlicensed basis. It therefore proposes to permit fixed radars to operate in the 76–77 GHz band in addition to vehicular radar systems, and to require that such fixed radar systems meet the proposed limits for vehicular radar systems as well as the maximum permissible RF exposure levels set forth in the rules. The Commission believes that, based on Era's representations, use of the fixed radar devices in this band will enhance public safety by enabling applications such as monitoring vehicles on the ground at airports. However, the Commission is not proposing to limit operation to monitoring vehicles or to specific locations such as airports or other places where fixed radars would not illuminate public roads. The Commission believes that Era's suggested alternative approaches and proposals may be overly restrictive and could cause unnecessary burdens for the public if implemented. Implementation of certain elements of these approaches could require licensing and/or coordination that would be burdensome for both users of the devices and the Commission with no corresponding benefits in terms of reduction of interference potential to licensed services or improved co-existence between unlicensed devices. The Commission's proposal to permit fixed radar applications is less restrictive and could be more beneficial to public than

the proposals requested by Era. The Commission believes that fixed radars operating at the same maximum power levels as vehicle-mounted radars will be less likely to interfere with the RAS and Radiolocation services than vehicle-mounted radars because the location where they are used would not change. The Commission also believes that fixed radars should be able to co-exist with vehicular radars because they would both operate with the same power level and because both would use antennas with narrow beamwidths, thus reducing the chances that the signal from one radar would be within the main lobe of the receive antenna of the other. In a worst case scenario where two radars are aimed directly at each other, fixed radar should have no more impact on a vehicular radar system than another vehicular system would.

10. The Commission seeks comment on whether it should allow unlicensed fixed radar applications to operate within the 76–77 GHz band, and on the appropriateness of the proposed power levels. The Commission also seeks comment on whether there is a need to limit fixed radar applications to specific locations such as airports and/or locations where they are not aimed at publicly accessible roads as suggested by Era, or if some alternative criteria would be more appropriate. Commenters recommended operational restrictions such as these should also address how they could be practically enforced for unlicensed devices. In addition, the Commission seeks comment on whether specific technical requirements are necessary to allow co-existence of fixed and vehicular radars in the 76–77 GHz band (e.g., antenna height, operational frequency or power limits), and whether it should require fixed or vehicular radars to comply with a standard such as the ETSI EN 301 91 standard referenced by Era.

Initial Regulatory Flexibility Analysis

11. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),¹ the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in this Notice of Proposed Rule Making (NPRM). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines specified in the NPRM

¹ See 5 U.S.C. 603. The RFA, see 5 U.S.C. 601–612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996, (SBREFA) Public Law 104–121, Title II, 110 Stat. 857 (1996).

for comments. The Commission will send a copy of this NPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA).² In addition, the NPRM and IRFA (or summaries thereof) will be published in the **Federal Register**.³

A. Need for, and Objectives of, the Proposed Rules

12. This NPRM responds to petitions for rulemaking filed by Toyota Motor Corporation ("TMC") and Era Systems Corporation ("Era") requesting modifications to § 15.253 of the Commission's rules for vehicular radar systems operating in the 76–77 GHz band. Vehicular radars can determine the exact distance and relative speed of objects in front of, beside, or behind a car to improve the driver's ability to perceive objects under bad visibility conditions or objects that are in blind spots. Some examples of vehicular radar systems include collision warning and mitigation systems, blind spot detection systems, lane change assist and parking aid systems. The NPRM proposes to eliminate the requirement that vehicular radars decrease power when the vehicle on which the radar is mounted is stopped, or not in motion, and to expand the use of unlicensed 76–77 GHz band radars to fixed infrastructure systems. These modifications to the rules will provide more efficient use of spectrum, and enable the automotive and fixed radar application industries to develop enhanced safety measures for drivers and the general public.

B. Legal Basis

13. This action is authorized under sections 1, 4(i), 302, 303(f) and (r), 332, and 337 of the Communications Act of 1934, as amended, 47 U.S.C. 1, 4(i), 154(i), 302, 303(f) and (r), 332, 337.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rule Will Apply

14. The RFA directs agencies to provide a description of, and, where feasible, an estimate of, the number of small entities that may be affected by the rules adopted herein.⁴ The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction."⁵ In addition, the term "small business" has the same meaning as the term "small business concern"

under the Small Business Act.⁶ A "small business concern" is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).⁷

15. *Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing.* The Census Bureau defines this category as follows: "This industry comprises establishments primarily engaged in manufacturing radio and television broadcast and wireless communications equipment. Examples of products made by these establishments are: transmitting and receiving antennas, cable television equipment, GPS equipment, pagers, cellular phones, mobile communications equipment, and radio and television studio and broadcasting equipment."⁸ The SBA has developed a small business size standard for Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing, which is: all such firms having 750 or fewer employees.⁹ According to Census Bureau data for 2002, there were a total of 1,041 establishments in this category that operated for the entire year.¹⁰ Of this total, 1,010 had employment of under 500, and an additional 13 had employment of 500 to 999.¹¹ Thus,

⁶ 5 U.S.C. 601(3) (incorporating by reference the definition of "small-business concern" in the Small Business Act, 15 U.S.C. 632). Pursuant to 5 U.S.C. 601(3), the statutory definition of a small business applies "unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register."

⁷ 15 U.S.C. 632.

⁸ U.S. Census Bureau, 2002 NAICS Definitions, "334220 Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing"; <http://www.census.gov/epcd/naics02/def/NDEF334.HTM#N3342>.

⁹ 13 CFR 121.201, NAICS code 334220.

¹⁰ U.S. Census Bureau, American FactFinder, 2002 Economic Census, Industry Series, Industry Statistics by Employment Size, NAICS code 334220 (released May 26, 2005); <http://factfinder.census.gov>. The number of "establishments" is a less helpful indicator of small business prevalence in this context than would be the number of "firms" or "companies," because the latter take into account the concept of common ownership or control. Any single physical location for an entity is an establishment, even though that location may be owned by a different establishment. Thus, the numbers given may reflect inflated numbers of businesses in this category, including the numbers of small businesses. In this category, the Census breaks-out data for firms or companies only to give the total number of such entities for 2002, which was 929.

¹¹ *Id.* An additional 18 establishments had employment of 1,000 or more.

under this size standard, the majority of firms can be considered small.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

16. Radars operating in the 76–77 GHz band are required to be authorized under the Commission's certification procedure as a prerequisite to marketing and importation, and the NPRM proposes no change to that requirement. However, it proposes to eliminate the requirement that a radar must reduce power when a vehicle is not in motion and to establish a single emission limit that applies in all directions from a vehicle. The NPRM also proposes to permit fixed radars to operate in the 76–77 GHz band under the same limits proposed for vehicular radar systems.

E. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

17. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.¹²

18. The proposals contained in this NPRM are deregulatory in nature, which we expect will simplify compliance requirements for all parties, particularly small entities, and permit the development of improved radar systems. Elimination of requirement for radars to reduce power when a vehicle is not in motion will simplify equipment design, and establishment of a single emission limit that applies in all directions from a vehicle would allow the development of omnidirectional monitoring systems. Permitting fixed radar devices in the 76–77 GHz band would enable the development of applications such as monitoring the movement of vehicles on the ground at airports.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rule

19. None.

² See 5 U.S.C. 603(a).

³ See 5 U.S.C. 603(a).

⁴ 5 U.S.C. 604(a)(3).

⁵ 5 U.S.C. 601(6).

¹² See 5 U.S.C. 603(c).

Ordering Clauses

20. Pursuant to §§ 1, 4, 301, 302(a), and 303(b), (c) and (f) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 301, 302a(a), and 303(b), (c) and (f), the *notice of proposed rulemaking* is hereby adopted.

21. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of the *notice of proposed rulemaking*, including the Initial Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

22. Pursuant to sections 1, 2, 4(i), 301, 302, and 303(f) of the Communications Act of 1934, 47 U.S.C. 151, 152, 154(i), 301, 301, and 303(f), that this Notice of Proposed Rulemaking is hereby adopted.

23. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 15

Communications equipment, Radio.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

For the reasons set forth in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 15 as follows:

PART 15—RADIO FREQUENCY DEVICES

1. The authority citation for part 15 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 304, 307, 336 and 544a.

2. Section 15.35 is amended by revising paragraph (b) to read as follows:

§ 15.35 Measurement detector functions and bandwidths.

* * * * *

(b) Unless otherwise specified, on any frequency or frequencies above 1000 MHz, the radiated emission limits are based on the use of measurement instrumentation employing an average detector function. Unless otherwise specified, measurements above 1000 MHz shall be performed using a minimum resolution bandwidth of 1 MHz. When average radiated emission measurements are specified in this part, including average emission measurements below 1000 MHz, there also is a limit on the peak level of the

radio frequency emissions. Unless otherwise specified, *e.g.*, see §§ 15.250, 15.252, 15.253(b), 15.255, and 15.509 through 15.519, the limit on peak radio frequency emissions is 20 dB above the maximum permitted average emission limit applicable to the equipment under test. This peak limit applies to the total peak emission level radiated by the device, *e.g.*, the total peak power level. Note that the use of a pulse desensitization correction factor may be needed to determine the total peak emission level. The instruction manual or application note for the measurement instrument should be consulted for determining pulse desensitization factors, as necessary.

* * * * *

3. Section 15.253 is revised to read as follows:

§ 15.253 Operation within the bands 46.7–46.9 GHz and 76.0–77.0 GHz.

(a) Operation within the band 46.7–46.9 GHz is restricted to vehicle-mounted field disturbance sensors used as vehicle radar systems. The transmission of additional information, such as data, is permitted provided the primary mode of operation is as a vehicle-mounted field disturbance sensor. Operation under the provisions of this section is not permitted on aircraft or satellites.

(1) The radiated emission limits within the bands 46.7–46.9 GHz are as follows:

(i) If the vehicle is not in motion, the power density of any emission within the bands specified in this section shall not exceed 200 nW/cm² at a distance of 3 meters from the exterior surface of the radiating structure.

(ii) For forward-looking vehicle mounted field disturbance sensors, if the vehicle is in motion the power density of any emission within the bands specified in this section shall not exceed 60 µW/cm² at a distance of 3 meters from the exterior surface of the radiating structure.

(iii) For side-looking or rear-looking vehicle-mounted field disturbance sensors, if the vehicle is in motion the power density of any emission within the bands specified in this section shall not exceed 30 µW/cm² at a distance of 3 meters from the exterior surface of the radiating structure.

(iv) The provisions in § 15.35 limiting peak emissions apply.

(2) [Reserved]

(b) Operation within the band 76.0–77.0 GHz is restricted to vehicle-mounted field disturbance sensors used as vehicle radar systems and to fixed radar systems. The transmission of additional information, such as data, is

permitted provided the primary mode of operation is as a vehicle-mounted field disturbance sensor or as a fixed field disturbance sensor. Operation under the provisions of this section is not permitted on aircraft or satellites.

(1) The radiated emission limits within the bands 76.0–77.0 GHz are as follows:

(i) The average power density of any emission within the bands specified in this section shall not exceed 88 µW/cm² at a distance of 3 meters from the exterior surface of the radiating structure.

(ii) The peak power density of any emission within the bands specified in this section shall not exceed 279 µW/cm² at a distance of 3 meters from the exterior surface of the radiating structure.

(2) [Reserved]

(c) The power density of any emissions outside the operating band shall consist solely of spurious emissions and shall not exceed the following:

(1) Radiated emissions below 40 GHz shall not exceed the general limits in § 15.209.

(2) Radiated emissions outside the operating band and between 40 GHz and 200 GHz shall not exceed the following:

(i) For field disturbance sensors operating in the band 46.7–46.9 GHz:

2 pW/cm² at a distance of 3 meters from the exterior surface of the radiating structure.

(ii) For field disturbance sensors operating in the band 76–77 GHz:

600 pW/cm² at a distance of 3 meters from the exterior surface of the radiating structure.

(3) For radiated emissions above 200 GHz from field disturbance sensors operating in the 76–77 GHz band: The power density of any emission shall not exceed 1000 pW/cm² at a distance of 3 meters from the exterior surface of the radiating structure.

(4) For field disturbance sensors operating in the 76–77 GHz band, the spectrum shall be investigated up to 231 GHz.

(d) Fundamental emissions must be contained within the frequency bands specified in this section during all conditions of operation. Equipment is presumed to operate over the temperature range –20 to +50 degrees Celsius with an input voltage variation of 85% to 115% of rated input voltage, unless justification is presented to demonstrate otherwise.

(e) Regardless of the power density levels permitted under this section, devices operating under the provisions of this section are subject to the radiofrequency radiation exposure

requirements specified in §§ 1.1307(b), 2.1091 and 2.1093 of this chapter, as appropriate. Applications for equipment authorization of devices operating under this section must contain a statement confirming compliance with these requirements for both fundamental emissions and unwanted emissions. Technical information showing the basis for this statement must be submitted to the Commission upon request.

[FR Doc. 2011-14744 Filed 6-15-11; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 74, 78, and 101

[WT Docket No. 10-153; DA 11-1011]

Wireless Backhaul; Further Inquiry Into Fixed Service Sharing of the 6875-7125 and 12700-13200 MHz Bands

AGENCY: Federal Communications Commission.

ACTION: Request for comments.

SUMMARY: In this document, the Commission seeks additional, focused comment on certain issues raised in its Wireless Backhaul proceeding to remove regulatory barriers to the use of spectrum for backhaul and other point-to-point and point-to-multipoint communications and to increase efficient use of spectrum for backhaul, by updating regulatory classifications that may not have kept pace with the evolution of converged digital technologies. Specifically, we seek to supplement the record in this proceeding on the feasibility of sharing in the 7 and 13 GHz bands, limiting the frequency ranges available for Fixed Service (FS) in order to ensure the continuation of electronic newsgathering operations, and the appropriate channelization scheme, coordination procedures, and capacity and loading requirements for the bands.

DATES: Submit comments on or before June 27, 2011.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. You may submit comments, identified by DA 11-1011, WT Docket No. 10-153, by any of the following methods:

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

Federal Communications Commission's Web Site: <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.

People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by *e-mail:* FCC504@fcc.gov or *phone:* (202) 418-0530 or *TTY:* (202) 418-0432.

FOR FURTHER INFORMATION CONTACT:

Charles Oliver, Broadband Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, at (202) 418-1325 or via the Internet to Charles.Oliver@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of a the Commission's document adopted and released by the FCC on June 7, 2011, in WT Docket No. 10-153. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, Room CY-A257, 445 12th Street, SW., Washington, DC 20554. The complete text may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, (202) 488-5300, facsimile (202) 488-5563, or via e-mail at fcc@bcpiweb.com. The complete text is also available on the Commission's Web site at http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-11-1011A1.doc. Alternative formats (computer diskette, large print, audio cassette, and Braille) are available by contacting Brian Millin at (202) 418-7426, TTY (202) 418-7365, or via e-mail to bmillin@fcc.gov.

Summary

1. On August 5, 2010, the Commission commenced a proceeding to remove regulatory barriers to the use of spectrum for wireless backhaul and other point-to-point and point-to-multipoint communications. The proceeding sought to increase efficient use of spectrum for backhaul, by updating regulatory classifications that may not have kept pace with the evolution of converged digital technologies.

2. *Feasibility of FS Sharing in BAS and CARS Bands:* The *Wireless Backhaul NPRM/NOI* proposed to allow FS operations to share the 6875-7125 MHz (7 GHz Band) and 12700-13200 MHz (13 GHz band) bands currently used by the Broadcast Auxiliary Service (BAS) and the Cable TV Relay Service (CARS). The Commission stated its intention to protect existing licensees, through use of existing frequency coordination procedures. There are currently both fixed and mobile BAS and CARS operations in the 7 and 13

GHz bands. Fixed BAS in those bands include television studio-to-transmitter links, television relay stations, and television translator relay stations. CARS stations are authorized to relay various types of signals intended for use by cable television systems or other eligible systems. Mobile BAS includes television pickup stations and CARS pickup stations ("TV pickup stations"), which are authorized to transmit program material, orders concerning such program material, and related communications from the scenes of events occurring in places other than a television studio to associated television stations. TV pickup stations in these bands are licensed either for a radius around a set of coordinates or in the vicinity of a given television market. In addition, there are a limited number of Local Television Transmission Service (LTTS) stations in the 7 and 13 GHz bands authorized pursuant to § 101.803(b) of the Commission's rules.

3. In the *Wireless Backhaul NPRM/NOI*, the Commission proposed to require frequency coordination for new FS, BAS, and CARS applications in the 7 and 13 GHz bands. Under the current rules, all FS and fixed BAS and CARS stations above 2110 MHz must use the prior coordination notice procedure described in § 101.103(d) of the Commission's rules. LTTS licenses in the 7 and 13 GHz bands contain special conditions that require use of the prior coordination notice procedure before they operate in any given area. TV pickup stations and temporary fixed facilities may coordinate using less formal procedures, including using local frequency coordination committees. The Society of Broadcast Engineers (SBE) conducts a local frequency coordination program for BAS and CARS spectra.

4. A majority of commenters express qualified support for the proposal to open the 7 and 13 GHz bands to part 101 FS operators, while several broadcasting-affiliated entities oppose the proposal. Both supporters and opponents of the proposal express concerns about how to protect existing electronic news-gathering operations using TV pickup stations from interference due to FS operations, and whether meaningful FS operation in the bands will be possible given the potential for such interference. In contrast, there appears to be little concern about the ability of FS to coexist with fixed BAS and CARS.

5. WTB staff has conducted additional analysis of the 7 and 13 GHz bands. The results are depicted in several maps, which are available on the Commission's Web site at http://hraunfoss.fcc.gov/edocs_public/

attachmatch/DA-11-1011A2.doc, that show existing BAS and CARS operations in the 7 and 13 GHz bands. In light of this staff analysis, we seek additional comment to understand better the circumstances in which FS sharing of the 7 and 13 GHz bands with BAS and CARS might be practical. The analysis appears to indicate that, even if FS operations were totally excluded from the service areas of TV pickup stations and CARS facilities, there would be considerable areas where FS facilities could be licensed. For example, in the 7 GHz band in Minnesota, there is only one TV pickup station with a defined area of operation authorized in the entire state, and three additional stations authorized in adjacent states that have minimal overlapping area within the state of Minnesota. In comparison, the prevalence of fixed links in the adjacent 6525–6875 MHz bands shows much more extensive use of that band. It appears that opening the 7 and 13 GHz bands to FS operations could be of particular benefit in rural areas, where the spectrum is largely available. We also note that only one new BAS TV pickup license has been granted in the 7 GHz and 13 GHz bands in the last two years. Moreover, the Fixed Wireless Communications Coalition (FWCC) reports that BAS and CARS path and channel licensing, respectively, in the 13 GHz band have dropped sharply in the last decade.

6. We seek further input regarding whether imposing geographic restrictions on FS sharing in the 7 and 13 GHz bands would minimize interference potential between FS facilities and TV pickup stations. Specifically, the Commission could prohibit an FS station from locating its path within the service area of a co-channel TV pickup station. Additionally, the Commission could require FS operators to coordinate any new fixed links with TV pickup stations within the appropriate coordination zone of any new fixed link.

7. We also seek comment on whether limiting new FS links in the 7 and 13 GHz bands to those areas outside the service areas of TV pickup stations would address commenters' concerns regarding the potential for harmful interference. We invite comment on the staff analysis and the data reported by FWCC on 13 GHz utilization. Are there other factors the Commission should consider regarding bands' suitability for FS use in areas where TV pickup stations are not operating?

8. *Reserving Spectrum for Nationwide BAS Use.* The *Wireless Backhaul NPRM/NOI* sought comment on making

the 7 and 13 GHz band available for FS use and whether FS use would be compatible with existing uses in those bands. We now inquire whether the Commission should continue to reserve a portion of these bands exclusively for BAS and CARS operations, in order to enhance the ability of BAS and CARS to coexist with FS and facilitate nationwide use of BAS and CARS services. There are some differences in the rules governing BAS and CARS and those governing FS that might warrant such a reservation. For example, the Commission's rules authorize broadcasters to operate broadcast auxiliary facilities on a short-term basis on a secondary basis without prior Commission authorization. This provision may permit broadcasters to cover breaking news events in areas outside those covered by their TV pickup stations authorization.

9. Consistent with the request for comment in the *Wireless Backhaul NPRM/NOI* on the ability of BAS and CARS to share with FS in the 7 and 13 GHz bands, we seek comment on whether the Commission should continue to exclude FS facilities from the 7075–7125 MHz and 13.15–13.2 GHz bands, and reserve two 25 megahertz channels for BAS and CARS use in each band. In the 7 GHz band, reserving 7075–7125 MHz for BAS would mean that FS sharing could occur in the 6875–7075 MHz frequency range, which is contiguous to the 6525–6875 MHz band where FS operations are already authorized. In the 13 GHz band, this proposal would maintain the status quo in the 13.15–13.2 GHz band, which is currently reserved for TV pickup stations inside a 50 kilometer basis of the top 100 television markets. We seek comment on whether this proposal will strike the appropriate balance between making FS spectrum available for backhaul and other uses and ensuring spectrum is available for critical newsgathering activities. We also seek comment on other alternatives for reserving capacity for BAS and CARS. We also seek comment on how alternative technologies for providing video coverage of live events may affect the need to exclude FS from a portion of these bands.

10. *Channelization Plans:* In the *Wireless Backhaul NPRM/NOI*, noting that existing operations in the 7 and 13 GHz band used 25 megahertz bandwidth channels, the Commission proposed to make a variety of channel bandwidths available for both FS and BAS use, and to list such channel bandwidths in our rules, consistent with our practice in other FS bands. The Commission also sought comment on alternative

channelization schemes. Several commenters, including FWCC and EIBASS, express concern that allowing 10 and 30 megahertz channels would preclude operation on multiple 25 megahertz channels used by BAS and result in wasted spectrum. EIBASS argues that the Commission already allows broadcasters to request signal bandwidths that are less than the standard channel bandwidth, and that there is no need to clutter the Commission's rules with a large list of arbitrarily chosen channel segments. With respect to the 13 GHz band, FWCC proposes a channel plan based on 28 megahertz channels.

11. In light of the concerns raised by FWCC and EIBASS, we seek comment on whether the Commission should allow a maximum channel bandwidth of 25 megahertz for FS in the 7 and 13 GHz bands. We invite comment on whether a maximum 25 megahertz channel bandwidth would be useful to FS operators and whether equipment manufacturers would develop equipment for such a band plan.

12. For the 7 GHz band, we seek comment on the following band plan:

25 MHz Bandwidth Channels

Transmit (receive) (MHz)	Receive (transmit) (MHz)
6887.5	6987.5
6912.5	7012.5
6937.5	7037.5
6962.5	7062.5

For the 13 GHz band, we seek comment on the following channel plan based on 25 megahertz channels:

25 MHz Bandwidth Channels

Transmit (receive) (MHz)	Receive (transmit) (MHz)
12712.5	12937.5
12737.5	12962.5
12762.5	12987.5
12787.5	13012.5
12812.5	13037.5
12837.5	13062.5
12862.5	13087.5
12887.5	13112.5
12912.5	13137.5

We also seek comment on the alternative band plan offered by FWCC based on 28 megahertz bandwidth channels, which it explains comes from the International Telecommunications Union:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
12765	13031
12793	13059
12821	13087

Transmit (receive) (MHz)	Receive (transmit) (MHz)
12849	13115
12877	13143
12905	13171
12933	13199
12961	13227

13. We also seek comment on EIBASS' suggestion that FS operators be allowed to specify a lesser channel bandwidth without identifying such lesser channel bandwidths in our rules. We also seek comment on whether we should allow 50 megahertz channels in the 13 GHz band for FS, BAS, and CARS in order to allow systems to use wider channels to obtain higher data rates.

14. *Coordination Procedures:* Several commenters express concern that permitting FS operations in the 7 and 13 GHz bands, subject to frequency coordination, will inhibit mobile electronic newsgathering and temporary fixed operation for video coverage of newsworthy events.

15. If the Commission were to permit FS operations in the 7 and 13 GHz bands only outside of the authorized service areas of TV pickup stations, as discussed in paragraphs 2–7 above, it could likewise maintain the existing requirements that FS and fixed BAS and CARS applicants coordinate using the more formal part 101 procedures. The Commission, however, could allow TV pickup stations and other temporary fixed operators to continue to use informal frequency coordination procedures within the authorized service areas of TV pickup stations. We seek comment on appropriate coordination procedures for FS with fixed BAS, CARS stations, and TV pickup stations in shared frequencies, especially in light of geographic restrictions the Commission may adopt.

16. *Capacity and Loading Requirements:* The *Wireless Backhaul NPRM/NOI* proposed to apply the Fixed Services minimum capacity and loading requirements to the 6875–7125 MHz and 12700–13200 MHz bands. While several commenters support that proposal, SBE and EIBASS express concern. SBE states that BAS links in the 7 and 13 GHz bands are used for intercity relay backhaul from distant electronic news-gathering sites, and have no content and no modulation on them until a new live shot is tuned in and transmitting. SBE argues that such necessary usage would be prohibited by the proposed rule change. EIBASS echoes SBE's concern, and proposes certain exemptions to address the concern.

17. With respect to this issue, we note that the *NPRM* did not propose to apply the capacity and loading criteria to operations authorized under part 74 and part 78, such as TV studio-transmitter links and intercity relays, but rather only to the FS operations authorized under part 101. In addition, § 101.141(a)(5) of the rules exempts transmitters carrying digital video motion material from the capacity and loading requirements of §§ 101.141(a)(2) and (3), provided that at least 50 percent of the payload is digital video motion material and the minimum bit rate specified in § 101.141(a)(1) is met, *i.e.*, that the bit rate, in bits per second, is equal to or greater than the bandwidth measured in Hertz. We seek comment on the extent to which this existing exemption addresses the concerns expressed by SBE and EIBASS. In what ways, if any, should this exemption be modified before it can be applied to the 6875–7125 MHz and 12700–13200 MHz bands?

Procedural Matters

18. *Ex Parte Rules—Permit-But-Disclose.* This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) List all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex*

parte presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Comment Period and Procedures

19. The *Wireless Backhaul NPRM/NOI* included an Initial Regulatory Flexibility Analysis (IRFA) pursuant to 5 U.S.C. 603, exploring the potential impact on small entities of the Commission's proposal. We invite parties to file comments on the IRFA in light of this additional notice.

20. Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on or before June 27, 2011. Comments may be filed using: (1) The Commission's Electronic Comment Filing system (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the Web site for submitting comments.

For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Comments shall be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, “get form.” A sample form and directions will be sent in response.

- *Paper filers:* Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number

appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

- Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, SW., Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building. The filing hours at this location are 8 a.m. to 7 p.m.

Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW., Washington, DC 20554.

- Parties shall also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

- *People with Disabilities:* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

- *Availability of Documents:* Documents in WT Docket No. 10-153

will be available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. The documents may also be purchased from BCPI, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, (202) 488-5300, (202) 488-5563 (fax), (202) 488-5562 (tty), or via to fcc@bcpiweb.com.

Ordering Clause

21. This action is taken under delegated authority pursuant to §§ 0.131 and 0.331 of the Commission's rules, 47 CFR 0.131, 0.331.

Federal Communications Commission.

Blaise Scinto,

Chief, Broadband Division, Wireless Telecommunications Bureau.

[FR Doc. 2011-14721 Filed 6-15-11; 8:45 am]

BILLING CODE 6712-01-P

Notices

Federal Register

Vol. 76, No. 116

Thursday, June 16, 2011

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

June 13, 2011.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), OIRA_Submission@OMB.EOP.GOV or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720-8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to

the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: Evaluation of the Summer Food Service Program Enhancement Demonstration Food Backs and Meal Delivery.

OMB Control Number: 0584-NEW.

Summary of Collection: The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2010 (Pub. L., 111-80), Section 749(g), directed that the Secretary of Agriculture shall carry out demonstration projects to develop and test methods of providing access to food for children in urban and rural areas during the summer months when schools are not in regular session to reduce or eliminate the food insecurity and hunger of children and to improve the nutritional status of children. These demonstrations will include the Home Delivery Demonstration and the Food Backpack Demonstration.

Need and Use of the Information: The data collected in this evaluation will be used by the Food and Nutrition Service (FNS) to provide policymakers with information to make decisions about potential changes in Federal summer food nutrition programs for children. The specific goals of the evaluation are to assess the following: (1) The impact of each Summer Food Service Program (SFSP) enhancement demonstration model on participation and meal service; (2) The food security status among recipients of the home delivered meals and backpack demonstration; (3) The "targeting accuracy" in the Meal Delivery and Backpack demonstrations; (4) The process of project implementation in each SFSP enhancement demonstration; and (5) The total and component specific costs of implementing and operating SFSP demonstrations. Data will be collected by telephone, face-to-face, electronically, and over the internet.

Description of Respondents: Individuals or household; State, Local or Tribal Government; Business or other for-profit.

Number of Respondents: 1,181.

Frequency of Responses: Reporting: On occasion; Annually.

Total Burden Hours: 652.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2011-14994 Filed 6-15-11; 8:45 am]

BILLING CODE 3410-30-P

DEPARTMENT OF AGRICULTURE

Deschutes Provincial Advisory Committee (DPAC)

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Deschutes Provincial Advisory Committee will meet on June 10, 2011 to review the goals and objectives of the committee for the next two year period. The meeting will also provide updates on the forest restoration and sustainable recreation subcommittees. Members will meet at the Deschutes National Forest Supervisor's office, Upper Deschutes Conference Room (1001 SW. Emkay Drive, Bend, Oregon) from 9 a.m. until noon. All Deschutes Province Advisory Committee meetings are open to the public.

FOR FURTHER INFORMATION CONTACT: Michael Keown, Province Liaison, Sisters Ranger District, Pine Street and Highway 20, Sisters, Oregon 97759, Phone (541) 549-7735.

John Allen,

Deschutes National Forest Supervisor.

[FR Doc. 2011-14793 Filed 6-15-11; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS-2011-0043]

Notice of Request for Extension of Approval of an Information Collection; Bovine Spongiform Encephalopathy; Importation of Animals and Animal Products

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this

notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with regulations for the importation of animals and animal products and byproducts to protect against the introduction of bovine spongiform encephalopathy into the United States.

DATES: We will consider all comments that we receive on or before August 15, 2011.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/#!documentDetail;D=APHIS-2011-0043-0001>.

- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS-2011-0043, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238.

Supporting documents and any comments we receive on this docket may be viewed at <http://www.regulations.gov/#!docketDetail;D=APHIS-2011-0043> or in our reading room, which 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: For information on regulations for the importation of animals and animal products and byproducts to prevent the introduction of bovine spongiform encephalopathy into the United States, contact Dr. Langston Hull, Staff Veterinarian, Live Animal Imports, National Center for Import and Export, VS, APHIS, 4700 River Road, Unit 39, Riverdale, MD 20737; (301) 734-8364. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851-2908.

SUPPLEMENTARY INFORMATION: *Title:* Bovine Spongiform Encephalopathy; Importation of Animals and Animal Products.

OMB Number: 0579-0234.

Type of Request: Extension of approval of an information collection.

Abstract: Under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department

of Agriculture regulates the importation of animals and animal products into the United States to guard against the introduction of animal diseases. The regulations in 9 CFR parts 93, 94, 95, and 96 (referred to below as the regulations) govern the importation of certain animals, birds, poultry, meat, other animal products and byproducts, hay, and straw into the United States in order to prevent the introduction of various animal diseases, including bovine spongiform encephalopathy (BSE), a chronic degenerative disease affecting the central nervous system of cattle.

To help ensure that BSE is not introduced into the United States, the regulations allow, under specified conditions, the importation of certain live ruminants and ruminant products and byproducts. These requirements necessitate the use of several information collection activities, including VS Form 16-3, permit application; certification statements for the importation of ruminants and ruminant products; certificate for inedible processed animal origin materials and products from BSE-free regions; cooperative agreements with foreign facilities that process and store regulated materials and products destined for importation into the United States; VS Form 17-33, Animals Imported for Immediate Slaughter; the placing of seals on conveyances from the exporting region; agreement with slaughter facilities on use of seals on conveyances transporting animals from BSE minimal-risk regions; and notification of designated individuals authorized to break seals.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

- (1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- (2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic,

mechanical, and other collection technologies; *e.g.*, permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.6039374 hours per response.

Respondents: U.S. importers; herd owners; foreign exporters; foreign salaried veterinary officials of exporting regions; APHIS accredited veterinarians; slaughter facility personnel.

Estimated annual number of respondents: 5,949.

Estimated annual number of responses per respondent: 21.695747.

Estimated annual number of responses: 129,068.

Estimated total annual burden on respondents: 77,949 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 10th day of June 2011.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2011-14989 Filed 6-15-11; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS-2011-0037]

Notice of Availability of a Pest Risk Analysis for Interstate Movement of Rambutan From Puerto Rico Into the Continental United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that we have prepared a pest risk analysis that evaluates the risks associated with the interstate movement into the continental United States of fresh rambutan fruit from Puerto Rico. Based on that analysis, we believe that the application of one or more designated phytosanitary measures will be sufficient to mitigate the risks of introducing or disseminating plant pests or noxious weeds via the interstate movement of rambutan from Puerto Rico. We are making the pest risk analysis available to the public for review and comment.

DATES: We will consider all comments that we receive on or before August 15, 2011.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/#!documentDetail;D=APHIS-2011-0037-0001>.

- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS-2011-0037, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238.

Supporting documents and any comments we receive on this docket may be viewed at <http://www.regulations.gov/#!docketDetail;D=APHIS-2011-0037> or in our reading room, which 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.

FOR FURTHER INFORMATION CONTACT: Mr. Philip Grove, Regulatory Coordinator, PPQ, APHIS, 4700 River Road Unit 156, Riverdale, MD 20737-1231; (301) 734-6280.

SUPPLEMENTARY INFORMATION:

Background

Under the regulations in “Subpart—Regulated Articles From Hawaii and the Territories” (7 CFR 318.13-1 through 318.13-26, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture prohibits or restricts the interstate movement of fruits and vegetables into the continental United States from Hawaii, Puerto Rico, the U.S. Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands to prevent plant pests and noxious weeds from being introduced into and spread within the continental United States. (The continental United States is defined in § 318.13-2 of the regulations as the 48 contiguous States, Alaska, and the District of Columbia.)

Section 318.13-4 contains a performance-based process for approving the interstate movement of commodities that, based on the findings of a pest risk analysis, can be safely moved subject to one or more of the designated phytosanitary measures listed in paragraph (b) of that section.

APHIS received a request from the Commonwealth of Puerto Rico to allow the interstate movement of fresh rambutan fruit (*Nephelium lappaceum*

L.) from Puerto Rico to the continental United States. We have completed a pest list to identify pests of quarantine significance that could follow the pathway of interstate movement into the continental United States and, based on that pest list, have prepared a risk management analysis to identify phytosanitary measures that could be applied to the commodity to mitigate the pest risk. We have concluded that rambutan can be safely moved from Puerto Rico to the continental United States using one or more of the six designated phytosanitary measures listed in § 318.13-4(b). These measures are:

- Inspection and certification by an inspector in Puerto Rico that the rambutan are free of all quarantine pests likely to follow the pathway of interstate movement of the rambutan;
- Movement of the rambutan as commercial consignments only; and
- Distribution of the rambutan only within a defined area (a prohibition on movement to Hawaii, the Virgin Islands, or Guam) and marking of the boxes or containers in which the rambutan is distributed to indicate those distribution restrictions.

Therefore, in accordance with § 318.13-4(c), we are announcing the availability of our pest risk analysis for public review and comment. The pest risk analysis may be viewed on the Regulations.gov Web site or in our reading room (see **ADDRESSES** above for instructions for accessing Regulations.gov and information on the location and hours of the reading room). You may request paper copies of the pest risk analysis by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. Please refer to the subject of the pest risk analysis when requesting copies.

After reviewing the comments we receive, we will announce our decision regarding the interstate movement of rambutan from Puerto Rico to the continental United States in a subsequent notice. If the overall conclusions of the analysis and the Administrator's determination of risk remain unchanged following our consideration of the comments, then we will begin allowing the interstate movement of rambutan from Puerto Rico to the continental United States subject to the requirements specified in the risk management document.

Authority: 7 U.S.C. 7701-7772, and 7781-7786; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 10th day of June 2011.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2011-14992 Filed 6-15-11; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Forest Service

Fremont and Winema Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Fremont and Winema Resource Advisory Committee will meet in Lakeview Oregon, for the purpose of evaluating and recommending resource management projects for funding in FY 2012, under the provisions of Title II of the Secure Rural Schools and Community Self-Determination Act of 2000 (reauthorized in 2008).

DATES: The meeting will be held on July 19 and 20, 2011.

ADDRESSES: The meeting will take place at the Lakeview Interagency Office, 1301 South G Street, Lakeview, OR 97630.

Send written comments to Fremont and Winema Resource Advisory Committee, c/o USDA Forest Service, Klamath Ranger District, 2819 Dahlia, Suite A, Klamath Falls, Oregon or electronically to agowan@fs.fed.us.

FOR FURTHER INFORMATION CONTACT: Amy Gowan, Designated Federal Official, c/o Klamath Ranger District, 2819 Dahlia, Suite A, Klamath Falls, Oregon, telephone (541) 883-6741.

SUPPLEMENTARY INFORMATION: The agenda will include a review and evaluation of FY 2012 Title II proposals including presentations by project proponents. Business items will include the prioritization and ranking of proposals by the RAC, including final recommendations for funding of fiscal year 2012 projects.

All Fremont and Winema Resource Advisory Committee Meetings are open to the public. There will be a time for public input and comment. Interested citizens are encouraged to attend.

Dated: June 10, 2011.

Amy Gowan,

Designated Federal Official.

[FR Doc. 2011-14939 Filed 6-15-11; 8:45 am]

BILLING CODE 3410-11-P

DEPARTMENT OF DEFENSE**Office of the Secretary**

[Transmittal Nos. 11-22]

36(b)(1) Arms Sales Notification**AGENCY:** Defense Security Cooperation Agency, Department of Defense.**ACTION:** Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601-3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 11-22 with attached transmittal, and policy justification.

Dated: June 10, 2011.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001-06-P

**DEFENSE SECURITY COOPERATION AGENCY**

201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

The Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

JUN 1 2011

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 11-22, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Australia for defense articles and services estimated to cost \$202 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

William E. Landay III
Vice Admiral, USN
Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology



Transmittal No. 11-22

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

- (i) Prospective Purchaser: Australia
- (ii) Total Estimated Value:
- | | |
|--------------------------|---------------------|
| Major Defense Equipment* | \$193 million |
| Other | \$ <u>9 million</u> |
| TOTAL | \$202 million |
- (iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: up to 110 AIM-120C-7 Advanced Medium Range Air-to-Air Missiles (AMRAAM), 10 AIM-120C-7 Air Vehicle-Instrumented, 16 AIM-120C-7 Captive Air Training Missiles, containers, weapon system support equipment, support and test equipment, site survey, transportation, repair and return, warranties, spare and repair parts, publications and technical data, maintenance, personnel training and training equipment, U.S. Government and contractor representative engineering, logistics, and technical support services, and other related elements of logistics and program support.
- (iv) Military Department: Air Force (YLB)
- (v) Prior Related Cases, if any: None
- (vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None
- (vii) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: See Annex attached
- (viii) Date Report Delivered to Congress: JUN 1 2011

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATIONAustralia – AIM-120C-7 Advanced Medium Range Air-to-Air Missiles

The Government of Australia requested a possible sale of up to 110 AIM-120C-7 Advanced Medium-Range Air-to-Air Missiles, 10 AIM-120C-7 Air Vehicle-Instrumented, 16 AIM-120C-7 Captive Air Training Missiles, containers, weapon system support equipment, support and test equipment, site survey, transportation, repair and return, warranties, spare and repair parts, publications and technical data, maintenance, personnel training and training equipment, U.S. Government and contractor representative engineering, logistics, and technical support services, and other related elements of logistics support. The estimated cost is \$202 million.

Australia is one of our most important allies in the Western Pacific. The strategic location of this political and economic power contributes significantly to ensuring peace and economic stability in the region. Australia's Government policy places interoperability with US Forces as an important goal and objective for equipment acquisition. Accordingly, and in line with the overall procurement strategy, Australia seeks an acquisition FMS case which supports the procurement, integration and introduction into service of the AIM-120C-7 system for the F/A-18F Australian Super Hornet.

The proposed sale will allow the Australian Defense Force to complete Australia's F/A-18 program under their Project AIR 5349. Phase I allowed acquisition of F/A-18 Block II aircraft and Phase II is for the acquisition of weapons. This proposed sale will provide standoff weapon capability required for Bridge Air Combat Capability for the Royal Australian Air Force. In addition, the upgrade is being viewed as an important step in maintaining interoperability with the U.S. Air Force. Australia will have no difficulty absorbing this new capability into its military.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be Raytheon Missile System Corporation in Tucson, Arizona. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Australia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 11-22

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

Annex
Item No. vii

(vii) Sensitivity of Technology:

1. The AIM-120C-7 Advanced Medium Range Air-to-Air Missile (AMRAAM) is a new generation air-to-air missile. The AIM-120C-7 AMRAAM hardware, including the missile guidance section, is classified Confidential. State-of-the-art technology is used in the missile to provide it with unique beyond-visual-range capability. Significant AIM-120C-7 features include a target detection device with embedded electronic countermeasures, an electronics unit within the guidance section that performs all radar signal processing, mid-course and terminal guidance, flight control, target detection and warhead burst point determination. Anti-tampering security measures have been incorporated into the AIM-120C-7 to prevent exploitation of the AMRAAM software.

2. The AIM-120C-7 Air Vehicle-Instrumentation is an instrumented version of the missile where the warhead is replaced with a telemetry unit to capture missile data parameters during missile live-fire flight testing.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

[FR Doc. 2011-14942 Filed 6-15-11; 8:45 am]

BILLING CODE 5001-06-C

DEPARTMENT OF DEFENSE**Office of the Secretary****Reserve Forces Policy Board (RFPB)**

AGENCY: Department of Defense, Office of the Secretary of Defense Reserve Forces Policy Board.

ACTION: Notice of Advisory Committee meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act of 1972 (5 U.S.C. Appendix, as amended), the Sunshine in the Government Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102-3.150, the Department of Defense announces the following Federal advisory committee meeting of the Reserve Forces Policy Board (RFPB):

DATES: Tuesday, July 26, 2011 from 7:30 a.m. to 4:30 p.m. and Wednesday, July 27, 2011 from 7:30 a.m. to 4:30 p.m.

ADDRESSES: Meeting address is Pentagon, Conference Room 3E863, Arlington, VA. Mailing address is Reserve Forces Policy Board, 7300 Defense Pentagon, Washington, DC 20301-7300.

FOR FURTHER INFORMATION CONTACT: Lt. Col. Julie A. Small, Designated Federal Officer, (703) 697-4486 (Voice), (703) 693-5371 (Facsimile), RFPB@osd.mil. Mailing address is Reserve Forces Policy

Board, 7300 Defense Pentagon, Washington, DC 20301-7300. Web site: <http://ra.defense.gov/rfpb/>.

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting: An open meeting of the Reserve Forces Policy Board.

Agenda: Total Force Readiness, Care for Our People, and Culture of Relevance, Effectiveness, and Efficiency.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102-3.140 through 102-3.165, and the availability of space, this meeting is open to the public. To request a seat, contact the Designated Federal Officer not later than 06/27/11 at 703-697-4486, or by e-mail, RFPB@osd.mil.

Written Statements: Pursuant to 41 CFR 102-3.105(j) and 102-3.140, the public or interested organizations may submit written statements to the membership of the Reserve Forces Policy Board at any time or in response to the stated agenda of a planned meeting. Written statements should be submitted to the Reserve Forces Policy Board's Designated Federal Officer. The Designated Federal Officer's contact information can be obtained from the GSA's FACA Database—<https://www.fido.gov/facadatabase/public.asp>.

Written statements that do not pertain to a scheduled meeting of the Reserve Forces Policy Board may be submitted at any time. However, if individual comments pertain to a specific topic being discussed at a planned meeting

then these statements must be submitted no later than five business days prior to the meeting in question. The Designated Federal Officer will review all submitted written statements and provide copies to all the committee members.

Dated: June 8, 2011.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2011-14936 Filed 6-15-11; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE**Office of the Secretary**

[Docket ID: DOD-2011-OS-0067]

Privacy Act of 1974; System of Records

AGENCY: Defense Intelligence Agency, DoD.

ACTION: Notice to alter a system of records.

SUMMARY: The Defense Intelligence Agency is proposing to alter a system to its existing inventory of records systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective further notice on July 18, 2011 unless comments are received which in a contrary.

ADDRESSES: You may submit comments, identified by docket number and/Regulatory Information Number (RIN) and title, by any of the following methods:

* *Federal Rulemaking Portal:* <http://www.regulations.gov>.

Follow the instructions for submitting comments.

* *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301-1160.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT:

Ms. Theresa Lowery, Defense Intelligence Agency, DAN 1-C, 600 McDill Blvd., Washington, DC 20340-0001 or by phone at (202) 231-1193.

SUPPLEMENTARY INFORMATION: The Defense Intelligence Agency system of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the Federal Register and are available from the address in **FOR FURTHER INFORMATION CONTACT**.

The proposed system report, as required by 5 U.S.C. 552a of the Privacy Act of 1974, as amended, was submitted on June 8, 2011 to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A-130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: June 9, 2011.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

LDIA 0660

Security Files (July 24, 2006, 71 FR 41784)

* * * * *

CHANGES:

SYSTEM NAME:

Delete entry and replace with "Security and Counterintelligence Records".

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with "Current and former Defense Intelligence Agency (DIA) civilian, military and contractor personnel, nominees for employment with DIA, all persons with access to DIA facilities and infrastructure, all persons under the security cognizance of DIA. Persons about whom other U.S. government agencies have requested investigative assistance from DIA as part of lawful investigations by their agency. Individuals identified as the result of an administrative, security and/or investigative function who could pose a threat to DIA operations, data, personnel, facilities and systems."

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with "Personnel: Name, date and place of birth, Social Security Number (SSN), gender, race, home address, family and dependent information, biometric data, medical/psychological information, financial, employment, training records, test results and education history, statements of personal history.

Administrative: Case control number, forms, documents and correspondence relating to security files, personnel security, investigative and employment records, personnel security functions, nomination notices, indoctrination/debriefing memoranda, secrecy and nondisclosure agreements, certificates of clearance.

Adjudication memoranda and supporting documentation, in-house investigations, security violations, security threats and incidents, investigations and inquiries of criminal and counterintelligence matters, investigative referrals, counterintelligence reporting, foreign travel, foreign contacts, identification badge records, retrieval indices, clearance status records, facility and access control records."

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with "National Security Act of 1947; Executive Order 12333, United States Intelligence Activities; DoDD 5105.21, Defense Intelligence Agency; DoDI 5240.06, Counterintelligence Awareness, Briefing, and Reporting Programs; DoDI 5200.08, Security of DoD Installations and Resources; DoD 5200.2.R, Personnel Security Program; DIA Directive 3020.400, DIA Critical Infrastructure Program; Intelligence Community Directive (ICD) 704, Personnel Security Standards and Procedures Governing Eligibility for Access to Special Compartmented

Information and Other Controlled Access Program Information; DIA Manual 50-8, Personnel Security Program; DIA Manual 50-14, Security Investigations; DIA Regulation 50-17, Reporting Foreign Contact and Foreign Travel; DIA Instruction 5200.002, Credibility Assessment Program and E.O. 9397 (SSN), as amended."

PURPOSE(S):

Delete entry and replace with "The system will manage records used to accomplish security and counterintelligence functions. Information is used to comply with regulatory requirements related to initial and continued employment, to determine eligibility for access to classified information, to protect the agency's operations, data, personnel, facilities and systems (by using administrative, security and investigative functions to detect actual or potential threats and risks) and to document training and education".

* * * * *

STORAGE:

Delete entry and replace with "Paper and Electronic storage media".

RETRIEVABILITY:

Delete entry and replace with "By last name, Social Security Number (SSN), and applicable case control number".

SAFEGUARDS:

Delete entry and replace with "Records are stored in office buildings protected by guards, controlled screenings, use of visitor registers, electronic access, and/or locks. Access to records is limited to individuals who are properly screened and cleared on a need-to-know basis in the performance of their duties. Passwords and User IDs are used to control access to the system data, and procedures are in place to deter and detect browsing and unauthorized access. Physical and electronic access are limited to persons responsible for servicing and authorized to use the system".

RETENTION AND DISPOSAL:

Delete entry and replace with "Security Files: Personnel Security Records. Case files documenting the processing of investigations on Federal employees or applicants for Federal employment, whether or not a security clearance is granted, and other persons, such as those performing work for a Federal agency under contract, who require an approval before having access to Government facilities or to sensitive data. These files include questionnaires, summaries of reports prepared by the

investigating agency, and other records reflecting the processing of the investigation and the status of the clearance, exclusive of copies of investigative reports furnished by the investigating agency. Temporary-Destroy upon notification of death or 5 years after separation or transfer of employee or no later than 5 years after contract relationship expires.

Security Files: Polygraph examinations, favorable examinations; Temporary-Destroy 90 days. Unfavorable Examinations; examinations considered as part of an investigation action necessary for security adjudicative purposes and includes the Medical/Psychiatric Condition Statement-Temporary-Destroy when 15 years old.

Medical and Psychiatric Condition Statement (Favorable), Temporary-Destroy when 1 year old; (Unfavorable), Temporary-Destroy when 15 years old.

Examinations considered records of major significance, congressional interest, national security or upon which significant action was taken (trial, courts-martial, employment termination). PERMANENT—Offer to National Archives and Records Administration (NARA) when 25–30 years old. Final disposition determinations of individual cases are made by NARA.

Security Violations: Temporary-Destroy 5 years after close of case. Files referred for prosecution determination; Temporary-Destroy 3 years after close of case.

Orientation and Training: Temporary-Destroy when no longer required for current operations (documents reflecting training, security orientation, and compliance with security regulations).

Non-Disclosure Agreements: Temporary-Destroy when 70 years old.

Logs and Registers: Temporary-Destroy 2 years after final entry."

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with "Counterintelligence and Security Office, Defense Intelligence Agency, 200 MacDill Blvd, Washington DC 20340–5100".

NOTIFICATION PROCEDURE:

Delete entry and replace with "Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the DIA Freedom of Information Office (DAN–1A), Defense Intelligence Agency, 200 MacDill Blvd, Washington, DC 20340–5100.

Request should contain the individual's full name, current address, and telephone number".

RECORD ACCESS PROCEDURES:

Delete entry and replace with "Individuals seeking access to information about themselves, contained in this system of records, should address written inquiries to the DIA Freedom of Information Office (DAN–1A), 200 MacDill Blvd, Washington, DC 20340–5100.

Request should contain the individual's full name, current address, and telephone number".

CONTESTING RECORD PROCEDURES:

Delete entry and replace with "DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Instruction 5400.001 "Defense Intelligence Agency Privacy Program"; or may be obtained from the system manager".

RECORD SOURCE CATEGORIES:

Delete entry and replace with "Subject individuals, agency and other government officials as well as open source information".

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Delete entry and replace with "Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection 5 U.S.C 552a(j)(2), may be exempt pursuant to 5 U.S.C 552(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or which he would otherwise be eligible, as a result of maintenance of the information, the individual will be provided access to the information except to the extent that disclosure would reveal the identity of a confidential source. This exemption provides limited protection of investigative reports maintained in a system of records used in personnel or administrative actions.

(k)(5) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information but only to the extent such material would reveal the identity of a confidential source.

(k)(6) Testing or examination material used to determine individual qualifications for appointment or promotion in the Federal or military service, if the disclosure of such material would compromise the objectivity or fairness of the test or examination process.

An exemption rule for this system has been promulgated in accordance with the requirements of 5 U.S.C 553(b)(1),(2), and (3), (c) and (e) and published in 32 CFR part 319".

* * * * *

LDIA 0660

SYSTEM NAME:

Security and Counterintelligence Records.

SYSTEM LOCATION:

Defense Intelligence Agency, 200 MacDill Boulevard, Washington, DC 20304–5100.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Defense Intelligence Agency (DIA) civilian, military and contractor personnel, nominees for employment with DIA, all persons with access to DIA facilities and infrastructure, all persons under the security cognizance of DIA. Persons about whom other U.S. government agencies have requested investigative assistance from DIA as part of lawful investigations by their agency. Individuals identified as the result of an administrative, security and/or investigative function who could pose a threat to DIA operations, data, personnel, facilities and systems.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel: Name, date and place of birth, Social Security Number (SSN), gender, race, home address, family and dependent information, biometric data, medical/psychological information, financial, employment, training records, test results and education history, statements of personal history.

Administrative: Case control number, forms, documents and correspondence relating to security files, personnel security, investigative and employment records, personnel security functions, nomination notices, indoctrination/debriefing memoranda, secrecy and nondisclosure agreements, certificates of clearance.

Adjudication memoranda and supporting documentation, in-house investigations, security violations, security threats and incidents, investigations and inquiries of criminal and counterintelligence matters, investigative referrals, counterintelligence reporting, foreign travel, foreign contacts, identification badge records, retrieval indices, clearance status records, facility and access control records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Act of 1947; Executive Order 12333; United States

Intelligence Activities; DoDD 5105.21, Defense Intelligence Agency; DoDI 5240.06, Counterintelligence Awareness, Briefing, and Reporting Programs; DoDI 5200.08, Security of DoD Installations and Resources; DoD 5200.2.R, Personnel Security Program; DIA Directive 3020.400, DIA Critical Infrastructure Program; Intelligence Community Directive (ICD) 704, Personnel Security Standards and Procedures Governing Eligibility for Access to Special Compartmented Information and Other Controlled Access Program Information; DIA Manual 50–8, Personnel Security Program; DIA Manual 50–14, Security Investigations; DIA Regulation 50–17, Reporting Foreign Contact and Foreign Travel; DIA Instruction 5200.002, Credibility Assessment Program and E.O. 9397 (SSN), as amended.

PURPOSE(S):

The system will manage records used to accomplish security and counterintelligence functions. Information is used to comply with regulatory requirements related to initial and continued employment, to determine eligibility for access to classified information, to protect the agency's operations, data, personnel, facilities and systems (by using administrative, security and investigative functions to detect actual or potential threats and risks) and to document training and education.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Information may be disclosed to other Federal agencies, state and local governments, as may have an official need for such information and agree to apply appropriate safeguards to protect the data in a manner consistent with the conditions or expectations under which the information was provided, collected or obtained.

The DoD 'Blanket Routine Uses' set forth at the beginning of the Defense Intelligence Agency's compilation of systems records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and Electronic storage media.

RETRIEVABILITY:

By last name, Social Security Number (SSN), and applicable case control number.

SAFEGUARDS:

Records are stored in office buildings protected by guards, controlled screenings, use of visitor registers, electronic access, and/or locks. Access to records is limited to individuals who are properly screened and cleared on a need-to-know basis in the performance of their duties. Passwords and User IDs are used to control access to the system data, and procedures are in place to deter and detect browsing and unauthorized access. Physical and electronic access are limited to persons responsible for servicing and authorized to use the system.

RETENTION AND DISPOSAL:

Security Files: Personnel Security Records. Case files documenting the processing of investigations on Federal employees or applicants for Federal employment, whether or not a security clearance is granted, and other persons, such as those performing work for a Federal agency under contract, who require an approval before having access to Government facilities or to sensitive data. These files include questionnaires, summaries of reports prepared by the investigating agency, and other records reflecting the processing of the investigation and the status of the clearance, exclusive of copies of investigative reports furnished by the investigating agency; Temporary-Destroy upon notification of death or 5 years after separation or transfer of employee or no later than 5 years after contract relationship expires.

Security Files: Polygraph examinations, favorable examinations; Temporary-Destroy 90 days. Unfavorable Examinations; examinations considered as part of an investigation action necessary for security adjudicative purposes and includes the Medical/Psychiatric Condition Statement-Temporary-Destroy when 15 years old.

Medical and Psychiatric Condition Statement (Favorable), Temporary-Destroy when 1 year old; (Unfavorable), Temporary-Destroy when 15 years old.

Examinations considered records of major significance, congressional interest, national security or upon which significant action was taken (trial, courts-martial, employment termination). PERMANENT—Offer to National Archives and Records Administration (NARA) when 25–30 years old. Final disposition

determinations of individual cases are made by NARA.

Security Violations: Temporary-Destroy 5 years after close of case. Files referred for prosecution determination; Temporary-Destroy 3 years after close of case.

Orientation and Training: Temporary-Destroy when no longer required for current operations (documents reflecting training, security orientation, and compliance with security regulations).

Non-Disclosure Agreements:

Temporary—Destroy when 70 years old.

Logs and Registers: Temporary-Destroy 2 years after final entry.

SYSTEM MANAGER(S) AND ADDRESS:

Counterintelligence and Security Office, Defense Intelligence Agency, 200 MacDill Blvd., Washington, DC 20340–5100.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the DIA Freedom of Information Office (DAN–1A), Defense Intelligence Agency, 200 MacDill Blvd, Washington, DC 20340–5100.

Request should contain the individual's full name, current address, and telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves, contained in this system of records, should address written inquiries to the DIA Freedom of Information Office (DAN–1A), 200 MacDill Blvd., Washington, DC 20340–5100.

Request should contain the individual's full name, current address, and telephone number.

CONTESTING RECORD PROCEDURES:

DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Instruction 5400.001 "Defense Intelligence Agency Privacy Program"; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Subject individuals, agency and other government officials as well as open source information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection 5 U.S.C 552a(j)(2), may be exempt pursuant to 5 U.S.C 552(k)(2). However, if an individual is denied any right,

privilege, or benefit for which he would otherwise be entitled by Federal law or which he would otherwise be eligible, as a result of maintenance of the information, the individual will be provided access to the information except to the extent that disclosure would reveal the identity of a confidential source. This exemption provides limited protection of investigative reports maintained in a system of records used in personnel or administrative actions.

(k)(5) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information but only to the extent such material would reveal the identity of a confidential source.

(k)(6) Testing or examination material used to determine individual qualifications for appointment or promotion in the Federal or military service, if the disclosure of such material would compromise the objectivity or fairness of the test or examination process.

An exemption rule for this system has been promulgated in accordance with the requirements of 5 U.S.C 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 319.

[FR Doc. 2011-14941 Filed 6-15-11; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID: USAF-2011-0016]

Privacy Act of 1974; System of Records

AGENCY: Department of the Air Force, DoD.

ACTION: Notice to Add a System of Records.

SUMMARY: The Department of the Air Force proposes to add a system of records to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The proposed action will be effective on July 18, 2011 unless comments are received that would result in a contrary determination.

ADDRESSES: You may submit comments, identified by dock number and/RIN number and title, by any of the following methods:

* *Federal Rulemaking Portal:* <http://www.regulations.gov> Follow the instructions for submitting comments.

* *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301-1160.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this Federal Register document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information

FOR FURTHER INFORMATION CONTACT: Mr. Charles J. Shedrick, Department of the Air Force Privacy Office, Air Force Privacy Act Office, Office of Warfighting Integration and Chief Information officer, ATTN: SAF/XCPPI, 1800 Air Force Pentagon, Washington DC 20330-1800, or by phone at 703-696-6488.

SUPPLEMENTARY INFORMATION: The Department of the Air Force's notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT**.

The proposed systems reports, as required by 5 U.S.C. 552a(r) of the Privacy Act, were submitted on June 8, 2011 to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A-130, "Federal Agency Responsibilities for Maintaining Records about Individuals," dated February 8, 1996, (February 20, 1996, 61 FR 6427).

Dated: June 8, 2011.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

F036 AFMC L

SYSTEM NAME:

Air Force Integrated Personnel and Pay System (AF-IPPS).

SYSTEM LOCATION:

Command, Control, Communications and Computers Enterprise Integration Facility (CEIF), 15 Elgin St., Hanscom Air Force Base, MA 01731-3000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active Duty Air Force, Air Force Reserve, and Air National Guard personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal Information: Individual's name, rank/grade, address, date of birth, eye color, height, weight, place of birth, Social Security Number (SSN), and similar personal identifiers for beneficiary/dependant purposes; driver's license number, security clearance level, office location, assigned user name and security questions, local and home of record addresses, phone numbers and emergency contact information.

Personnel Information: Evaluation and review history, enrollment, participation, status and outcome information for personnel programs, service qualification and performance measures, types of orders, accomplishments, skills and competencies, career preferences, contract information related to accession and Oath of Office, enlistment and re-enlistment, and separation information, benefits eligibility, enrollment, designations and status information, Uniform Code of Military Justice (UCMJ) actions summarizing court martial, non-judicial punishments, and similar or related documents. Circumstances of an incident the member was involved in and whether he or she is in an injured, wounded, seriously wounded, or ill duty status from the incident.

Duty related information: Duty station, employment and job related information and history, deployment information, work title, work address and related work contact information (e.g., phone and fax numbers, E-mail address), supervisor's name and related contact information.

Education and training: Graduation dates and locations, highest level of education, other education, training and school information including courses and training completion dates.

Pay Entitlement and Allowances: Pay information including earnings and allowances, additional pay (bonuses, special, and incentive pays), payroll computation, balances and history with associated accounting elements, leave balances and leave history.

Deductions from Pay: Tax information (federal, state and local) based on withholding options, payroll deductions, garnishments, savings bond information including designated owner, deductions, and purchase dates, thrift savings plan participation.

Other pay-related information: Direct deposit information including financial institution name, routing number, and account information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 113 note, Secretary of Defense; 10 U.S.C. 8013, Secretary of the Air Force; 37 U.S.C Pay and Allowances of the Uniformed Services; 10 U.S.C., Armed Forces; Under Secretary of Defense for Personnel and Readiness; E.O. 9397 (SSN), as amended.

PURPOSE(S):

The Air Force Integrated Personnel and Pay System (AF-IPPS) fully integrates military personnel and pay capabilities for all Active Duty Air Force, Air National Guard, and Air Force Reserves. The system provides a single record of service for each officer/enlisted member and will provide Combatant Commanders real-time accurate force strength and readiness, better tracking of personnel into and out of theaters of operations, enhanced mission planning and support. This single record of service and will become the Air Force's authoritative source of data used to populate the Department of Defense's data bases via the Enterprise Information Web (EIW). AF-IPPS will also allow Air Force Manpower and Personnel office to be aligned with the Air Force's strategic vision and provide a solution with the adaptability to effectively manage Air Force personnel in operational concepts of mobilization, activation, contingency operations, requirements, and assignment actions.

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records contained therein may specifically be disclosed outside the Department of Defense (DoD) as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To officials and employees of the Department of Health and Human Services, and Selective Service Administration in the performance of their official duties related to eligibility, notification, and assistance in obtaining benefits for which members, former members or retiree may be eligible.

To officials and employees of the Department of Veterans Affairs in the performance of their official duties related to approved research projects, and for processing and adjudicating claims, determining eligibility, notification, and assistance in obtaining benefits and medical care for which members, former members, retiree and family members/annuitants may be eligible. To the Department of Veterans Affairs to provide information regarding a service-member's record or family member for the purposes of supporting eligibility processing for the Service-member's Group Life Insurance program.

To state and local agencies in the performance of their official duties related to verification of status for determination of eligibility for Veterans bonuses and other benefits and entitlements.

To officials and employees of the American Red Cross in the performance of their duties relating to the assistance of the members and their dependents and relatives, or related to assistance previously furnished such individuals, without regard to whether the individual assisted or his/her sponsor continues to be a member of the Military Service. Access will be limited to those portions of the member's record required to effectively assist the member.

To the U.S. Citizenship and Immigration Services for use in making alien admission and naturalization inquiries. To the Social Security Administration to obtain or verify Social Security Numbers or to substantiate applicant's credit for social security compensation.

To officials and employees of the Office of the Sergeant at Arms of the United States House of Representatives in the performance of their official duties related to the verification of the active duty military service of Members of Congress. Access is limited to those portions of the member's record required to verify time in service.

To the widow or widower, dependent, or next-of-kin of deceased members to settle the affairs of the deceased member. The individuals will have to verify relationship by providing a birth certificate, marriage license, death certificate, or court document as requested/required to prove identity.

To governmental agencies for the conduct of computer matching agreements for the purpose(s) of determining eligibility for Federal benefit programs, to determine compliance with benefit program requirements and to recover improper payments or delinquent debts under a federal benefit program. To Federal and state licensing authorities and civilian certification boards, committees and/or ecclesiastical endorsing organizations for the purposes of professional credentialing (licensing and certification) of lawyers, chaplains and health professionals.

To Federal agencies such as the National Academy of Sciences, for the purposes of conducting personnel and/or health-related research in the interest of the Federal government and the public. When not considered mandatory, the names and other identifying data will be eliminated from records used for such research studies.

To the officials and employees of the Department of Labor in the performance of their official duties related to employment and compensation.

Note: Disclosure to consumer reporting agencies.

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (14 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The purpose of this disclosure is to aid in the collection of outstanding debts owed to the Federal government, typically to provide an incentive for debtors to repay delinquent Federal government debts by making these debts part of their credit records.

The disclosure is limited to information necessary to establish the identity of the individual, including name, address, and taxpayer identification number (Social Security Number (SSN)); the amount, status and history of the claim, and the agency or program under which the claim arose for the sole purpose of allowing the consumer reporting agency to prepare a commercial credit report.

The DoD "Blanket Routine Uses" set forth at the beginning of the Air Force's compilation of the System of Records Notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Electronic storage media.

RETRIEVABILITY:

Individual's name, Social Security Number (SSN), and date of birth.

SAFEGUARDS:

Physical entry will be restricted by the use of locks, guards, and will be accessible only to authorized personnel with a need-to-know. Access to personal data will be limited to person(s) responsible for maintaining and servicing AF-IPPS data in performance of their official duties and who are properly trained, screened and cleared for a need-to-know. Access to personal data will be further restricted by encryption and the use of Common Access Card (CAC) and/or strong password, which are changed periodically according to DoD and Air Force policies.

RETENTION AND DISPOSAL:

Those records designated as temporary in the prescribing directive remain in the records until their obsolescence (superseded, member terminates status or retires) when they are removed and provided to the individual.

Unfavorable communications in the Open Systems Research Group (OSRG) are transferred to the Air Reserve Component and retained for one year following an officer's termination of status or destroyed if the officer retires or dies.

Those documents designated as permanent remain in the military personnel records system permanently and are retired with the master personnel record group.

SYSTEM MANAGER(S) AND ADDRESS:

Program Director, AFMC/ESC/HIS/AF-IPPS, Bldg 1102C, 3rd Floor 29 Randolph Rd., Hanscom AFB, MA 01731-3000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to Program Director, AFMC/ESC/HIS/AF-IPPS, Bldg 1102C, 29 Randolph Rd., Hanscom AFB, MA 01731-3000.

For verification purposes, individuals should provide their full name, Social Security Number (SSN), any details which may assist in locating records, and their signature.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States:
'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United State of America that the foregoing is true and correct. Executed on (date). (Signature)'. If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to Air Force Records—Air Force Personnel Center, HQ AFPC/DPSSRP, 550 C Street West, Suite 19, Randolph AFB, TX 78150-4721.

For verification purposes, individuals should provide their full name, Social Security Number (SSN), any details which may assist in locating records, and their signature.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States:

'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)'. If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 37-132; 32 CFR Part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Data contained in this system is collected from the individuals and current Air Force Human Resource Offices and integrated pay systems.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2011-14940 Filed 6-15-11; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA-2011-0012]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to alter a system of records.

SUMMARY: Department of the Army is altering a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on July 18, 2011 unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and/Regulatory Information Number (RIN) and title, by any of the following methods:

* *Federal Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

* *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301-1160.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this

Federal Register document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Mr. Leroy Jones, Department of the Army, Privacy Office, U.S. Army Records Management and Declassification Agency, 7701 Telegraph Road, Casey Building, Suite 144, Alexandria, VA 22325-3905, or by phone at (703) 428-6185.

SUPPLEMENTARY INFORMATION:

Department of the Army notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT**.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on June 7, 2011 to the House Committee on Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A-130, "Federal Agency Responsibilities for Maintaining Records About Individuals," February 20, 1996, 61 FR 6427.

Dated: June 7, 2011.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0351b TRADOC DoD

SYSTEM NAME:

Army Correspondence Course Program (ACCP) (July 25, 2008, 73 FR 43420).

CHANGES:

SYSTEM NAME:

Delete entry and replace with "Army Training Information Architecture—Learning Management System (ATIA-LMS)."

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with "10 U.S.C. 3013, Secretary of the Army; Army Regulation 350-1, Army Training and Leader Development; Army Regulation 350-10, Management of Army Individual Training Requirements

and Resources; and E.O. 9397 (SSN), as amended.”

* * * * *

SAFEGUARDS:

Delete entry and replace with “The system is hosted on an Army installation, in a secure environment at the Training Capability Manager—Army Training Information System (TCM—ATIS). Building security is through Police patrols, installation fences, key card access, building-server room alarms and cameras. System access is through the Directorate of Information Management’s (DOIM’s) firewall. Servers are frequently scanned and comply with current Security Technical Implementation Guides (STIGS) which ensures proper security settings. Each user requires a user ID and password (which has to be changed each 90 days). Direct access to the database is restricted to authorized System Administrators (SAs) only. Server access is controlled by IP address. System is accessible world-wide. Servers are located in a cipher locked room and access is controlled by the SA.”

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with “Commander, Army Training Support Center, Building 2114, Pershing Avenue, Fort Eustis, VA 23604–5166.”

NOTIFICATION PROCEDURE:

Delete entry and replace with “Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Training Support Center, Building 2114, Pershing Avenue, Fort Eustis, VA 23604–5166.

Individual must furnish his/her full name, Social Security Number (SSN), current address and telephone number, and military status or other information verifiable from the record itself which may assist in locating the record, and their signature.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: ‘I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)’.

If executed within the United States, its territories, possessions, or commonwealths: ‘I declare (or certify, verify, or state) under penalty of perjury

that the foregoing is true and correct. Executed on (date). (Signature)’.”

RECORD ACCESS PROCEDURES:

Delete entry and replace with “Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Training Support Center, Building 2114, Pershing Avenue, Fort Eustis, VA 23604–5166.

Individual must furnish his/her full name, Social Security Number (SSN), current address and telephone number, and military status or other information verifiable from the record itself which may assist in locating the record, and their signature.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: ‘I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)’.

If executed within the United States, its territories, possessions, or commonwealths: ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.”

* * * * *

A0351b TRADOC DoD

SYSTEM NAME:

Army Training Information Architecture—Learning Management System (ATIA—LMS).

SYSTEM LOCATION:

Commander, U.S. Army Training Support Center, 3308 Wilson Avenue, Fort Eustis, VA 23604–5166.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the Army, Navy, Marine Corps, and Air Force, Reserve Officer Training Corps and National Defense Cadet Corps students, Department of Defense civilian employees, and approved foreign military personnel enrolled in a non-resident course administered by the Army Institute for Professional Development.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain name, grade/rank, Social Security Number (SSN), address, service component, branch, personnel classification, military occupational specialty, credit hours accumulated, examination and lesson grades, student academic status, curricula, course description.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013, Secretary of the Army; Army Regulation 350–1, Army Training and Leader Development; Army Regulation 350–10, Management of Army Individual Training Requirements and Resources; and E.O. 9397 (SSN), as amended.

PURPOSE(S):

To record lessons and/or exam grades; maintain student academic status; course and sub-course descriptions; produce course completion certificates and reflect credit hours earned; and produce management summary reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD ‘Blanket Routine Uses’ set forth at the beginning of the Army’s compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage media.

RETRIEVABILITY:

By name and Social Security Number (SSN).

SAFEGUARDS:

The system is hosted on an Army installation, in a secure environment at the Training Capability Manager—Army Training Information System (TCM—ATIS). Building security is through Police patrols, installation fences, key card access, building-server room alarms and cameras. System access is through the Directorate of Information Management’s (DOIM’s) firewall. Servers are frequently scanned and comply with current Security Technical Implementation Guides (STIGS) which ensures proper security settings. Each user requires a user ID and password (which has to be changed each 90 days). Direct access to the database is restricted to authorized System Administrators (SAs) only. Server access is controlled by IP address. System is accessible world-wide. Servers are located in a cipher locked room and access is controlled by the SA.

RETENTION AND DISPOSAL:

Student records indicating courses attended, course length, extent of

completion, results, aptitudes and personal qualities, grade, rating attained and related information destroy after 40 years. Records of extension courses will be held for 3 years in current file area and 2 years in records holding area before retirement to National Personnel Records Center, 9700 Page Avenue, St. Louis, MO 63132-5100.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army Training Support Center, Building 2114, Pershing Avenue, Fort Eustis, VA 23604-5166.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Training Support Center, Building 2114, Pershing Avenue, Fort Eustis, VA 23604-5166.

Individual must furnish his/her full name, Social Security Number (SSN), current address and telephone number, and military status or other information verifiable from the record itself which may assist in locating the record, and their signature.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: 'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)'.

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Training Support Center, Building 2114, Pershing Avenue, Fort Eustis, VA 23604-5166.

Individual must furnish his/her full name, Social Security Number (SSN), current address and telephone number, and military status or other information verifiable from the record itself which may assist in locating the record, and their signature.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States:

'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)'.

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting content, and appealing initial agency determinations are contained in Army Regulation 340-21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From individual upon enrollment, from class records and instructors, and from graded examinations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2011-14935 Filed 6-15-11; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Partially-Exclusive Patent License; Sound Metrics Corp.

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Sound Metrics Corp. a revocable, non-assignable, partially-exclusive license to practice in the United States, the Government-owned invention described in U.S. Patent No. 12/806,258, Navy Case No. 100,287: Facemask Display.

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than July 1, 2011.

ADDRESSES: Written objections are to be filed with the Office of Counsel, Naval Surface Warfare Center Panama City, 110 Vernon Ave., Code CDL, Panama City, FL 32407-7001.

FOR FURTHER INFORMATION CONTACT: Mr. James Shepherd, Patent Counsel, Naval Surface Warfare Center Panama City, 110 Vernon Ave., Panama City, FL 32407-7001, telephone 850-234-4646, fax 850-235-5497, or james.t.shepherd@navy.mil.

Authority: 35 U.S.C. 207, 37 CFR Part 404.

Dated: June 9, 2011.

L.M. Senay,

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

[FR Doc. 2011-14930 Filed 6-15-11; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Proposed Agency Information Collection

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice and Request for Comments.

SUMMARY: The Department of Energy (DOE) has submitted to the Office of Management and Budget (OMB) for clearance a proposal for collection of information under the provisions of the Paperwork Reduction Act of 1995. The proposed collection will support the Weatherization Assistance Program Evaluation for the American Recovery and Reinvestment Act (ARRA) Period covering Program Years 2009, 2010, and 2011. A 60-day notice and request for comments was published in the **Federal Register** on March 11, 2011, 76FR 13398. No comments were received. This subsequent 30-day notice allows public comment on the final version of this information collection request. Comments are invited 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, including the validity of the methodology and assumptions used; (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. Please note that in the final version the estimated burden has increased, primarily due to the collection of utility bill data on multiple instances instead of once as previously planned.

DATES: Comments regarding this proposed information collection must be received on or before July 18, 2011. If you anticipate difficulty in submitting comments within that period, contact

the person listed in **ADDRESSES** as soon as possible.

ADDRESSES: Written comments may be sent to DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 725 17th Street, NW., Washington, DC 20503; and Bruce Tonn, Environmental Sciences Division, Oak Ridge National Laboratory, One Bethel Valley Road, P.O. Box 2008, MS-6038, Oak Ridge, TN 37831-6038, *Fax* #: (865) 576-8646, *tonnbe@ornl.gov*.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument and instructions should be directed to Bruce Tonn, Environmental Sciences Division, Oak Ridge National Laboratory, One Bethel Valley Road, P.O. Box 2008, MS-6038, Oak Ridge, TN 37831-6038, *Fax* #: (865) 576-8646, *tonnbe@ornl.gov*.

The plan for this evaluation can be found at http://weatherization.ornl.gov/evaluation_period.shtml. The surveys and data forms that comprise this information request can also be found at that Web page.

SUPPLEMENTARY INFORMATION: This package contains: (1) *OMB No.*: 1910-NEW; (2) *Package Title*: The Weatherization Assistance Program ARRA-Period Evaluation; (3) *Type of Review*: Regular; (4) *Purpose*: This collection of information is necessary for a complete evaluation of the program that will weatherize approximately 600,000 low-income homes in Program Years 2009, 2010 and 2011; (5) *Estimated Number of Total Respondents*: 6,604. Information will be collected from seventy-four grantees (fifty states, five U.S. territories, Washington DC, two Native American tribes, and sixteen Weatherization Innovation grantees); thirty-four weatherization training centers; approximately 1,000 local weatherization agencies; approximately 1,200 utilities; approximately 1,240 occupants/clients of weatherization; and approximately 3,056 individuals working in the weatherization field; (6) *Estimated Number of Total Responses*: 9,012; (7) *Estimated Number of Total Burden Hours*: The estimated burden is 83,527 hours; (8) *Estimated Reporting and Recordkeeping Cost Burden*: There is no reporting or recordkeeping cost burden associated with this request.

Authority: Section 6861 of title 42 of the United States Code and 10 CFR 440.25 authorize the collection of this information.

Issued in Washington, DC, on June 9, 2011.

Henry Kelly,

Acting Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 2011-14997 Filed 6-15-11; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP10-43-001]

High Island Offshore System, L.L.C.; Notice of Amendment

Take notice that on June 6, 2011, High Island Offshore System, L.L.C. (HIOS), 1100 Louisiana St., Houston, Texas 77002, filed in Docket No. CP10-43-001, to amend its application filed in Docket No. CP10-43-000 pursuant to section 7(b) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations, by requesting authorization to establish its system's firm, certificated capacity at 500 MMcf per day rather than the originally requested 350 MMcf per day. The requested reduction in firm, certificated capacity is related to HIOS's request to abandon three compressor units on a platform at High Island Area Block 264, located offshore Texas, all as more fully set forth in the application as amended which is on file with the Commission and open to public inspection.

Any questions regarding this application should be directed to Jeff Molinaro, High Island Offshore System, L.L.C., 1100 Louisiana St., Houston, Texas 77002, or (telephone) 713-381-2526, or *JMolinaro@epco.com*, or (Fax) 713-803-2534.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit seven copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the

proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and seven copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. This filing is accessible on-line at <http://www.ferc.gov> using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: June 24, 2011.

Dated: June 9, 2011.

Kimberly D. Bose,
Secretary.

[FR Doc. 2011-14899 Filed 6-15-11; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2309–019]

Jersey Central Power and Light; PSEG Fossil LLC; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Preliminary Terms and Conditions, and Preliminary Fishway Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 2309–019.

c. *Date Filed:* February 18, 2011.

d. *Applicant:* Jersey Central Power and Light and PSEG Fossil LLC.

e. *Name of Project:* Yards Creek Pumped Storage Project.

f. *Location:* The existing project is located on Yards Creek, in the townships of Hardwick and Blairstown, Warren County, New Jersey. No Federal lands are involved.

g. *Filed pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Timothy Oakes, Project Manager, Kleinschmidt Associates, 2 East Main Street, Strasburg, PA 17579; Telephone (717) 687–7211.

i. *FERC Contact:* Allyson Conner, (202) 502–6082 or allyson.conner@ferc.gov.

j. *Deadline for filing motions to intervene and protests, comments, recommendations, preliminary terms and conditions, and preliminary prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

Motions to intervene, protests, comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions 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.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing and is now ready for environmental analysis.

l. The Yards Creek Pumped Storage Project consists of: (1) An upper reservoir with a total usable storage capacity of 4,763 acre-feet; (2) a lower reservoir with a total usable storage capacity of 5,452 acre-feet; (3) an auxiliary reservoir with seasonal storage of 412 acre-feet formed by the auxiliary reservoir dam, which is 1,000 feet long and 20 feet high; (4) a main, earthfill dam at the lower reservoir that is 1,404 feet long and 52 feet high; (5) an auxiliary dike at the lower reservoir that is 2,091 feet long and 35 feet high; (6) a 2,116-foot, 35-foot-wide intake channel in the floor of the upper reservoir; (7) a 95-foot-high concrete intake structure with trashracks and stop logs; (8) a 1,130-foot-long, 20-foot-diameter concrete-lined pressure tunnel; (9) a 210-foot-long, 19-foot-diameter steel-lined pressure tunnel; (10) a 144-foot-long, 19-foot-diameter concrete encased steel-lined transition section; (11) a 478-foot-long, 19-foot-diameter steel penstock; (12) an 8-foot-long reducer from a 19-foot-diameter to 18-foot-diameter penstock; (13) a 1,582-foot-long, 18-foot-diameter steel penstock; (14) a 325-foot-long trifurcated penstock, one penstock per pumping-generating unit that tapers from 10-foot-diameter to 7-foot 2.5-inch-diameter; (15) 86.5-inch spherical guard valves at the entrance to each pump-turbine spiral case; (16) three vertical shaft, Francis-type, reversible pump-turbine engine units, each with a nameplate generating capacity of 140 megawatts; (17) a 140-foot-long by 63.5-foot-wide underground concrete powerhouse; and (18) appurtenant facilities.

The licensee proposes to raise the preliminary spillway crest at the lower reservoir by 1 foot, to 819.5 feet, to

provide for additional storage by adding wooden flashboards. The licensee also proposes raising the upper reservoir pool elevation 2 feet, from 1,555 feet to 1,557 feet, allowing only 4 feet of freeboard to the crest elevation of 1,561 feet. As an additional precaution to existing monitors and controls, the licensee is proposing to install an overflow structure at the upper reservoir to prevent overtopping the non-overflow structures (dikes) in the event of high water levels.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

Register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

All filings must (1) bear in all capital letters the title "PROTEST," "MOTION TO INTERVENE," "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "PRELIMINARY TERMS AND CONDITIONS," or "PRELIMINARY FISHWAY PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from

the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be

accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

o. Procedural Schedule: The application will be processed according to the following revised Hydro Licensing Schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Filing of recommendations, preliminary terms and conditions, and preliminary fishway prescriptions	August 9, 2011.
Commission issues Single EA	December 7, 2011.
Comments on EA	January 6, 2011.
Modified terms and conditions	March 5, 2012.

p. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

q. A license applicant must file no later than 60 days following the date of issuance of the notice of acceptance and ready for environmental analysis provided for in 5.22: (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

Dated: June 10, 2011.

Kimberly D. Bose,
Secretary.

[FR Doc. 2011-14967 Filed 6-15-11; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP11-495-000]

Piedmont Natural Gas Company, Inc.; Notice of Application

On June 3, 2011, Piedmont Natural Gas Company, Inc. (Piedmont) filed with the Federal Energy Regulatory Commission (Commission) an application pursuant to section 7(f) of the Natural Gas Act (NGA), as amended, and section 157 of the Commission's Regulations, for service area determination for their Charlotte, North Carolina and Fort Mill, South Carolina service areas, 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. 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, contact FERC at FERCOnlineSupport@ferc.gov or call toll-free, (888) 208-3676 or TTY, (202) 502-8659.

Questions regarding this application should be directed to Michelle R. Mendoza, Piedmont Natural Gas Company, Inc., Post Office Box 33068, Charlotte, NC 28233 or by e-mailing michelle.mendoza@piedmontng.com or to James H. Jeffries IV, Moore & Van Allen PLLC, 100 North Tryon Street, Suite 4700, Charlotte, NC 28202-4003 or by calling 704-331-1079 or by e-mailing mvaferc@mvalaw.com. Pursuant to section 157.9 of the Commission's rules, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify Federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all Federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18

CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit seven copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters 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 commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters 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 original and seven copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Comment Date: July 1, 2011.

Dated: June 10, 2011.

Kimberly D. Bose,
Secretary.

[FR Doc. 2011-14964 Filed 6-15-11; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP11-493-000]

Dominion Transmission, Inc.; Notice Application

Take notice that on May 27, 2011, Dominion Transmission, Inc. (Dominion), filed an application in Docket No. CP11-493-000 pursuant to section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's Regulations, for a certificate of public convenience and necessity to: (1) Revise the active storage boundary; and (2) establish a protective boundary for the Woodhull Storage Pool located in Steuben County, New York, all as more fully set forth in the applications which is on file with the Commission and open for public inspection.

Any questions regarding this application should be directed to Amanda K. Prestage, Regulatory and Certificates Analyst III, Dominion Transmission, Inc., 701 East Cary Street, Richmond, Virginia 23219, or call at (804) 771-4416.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify Federal and

State agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all Federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentators 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 commentators will not be required to serve copies of filed documents on all other parties. However, the non-party commentators 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.

This filing is accessible on-line at <http://www.ferc.gov>, using the “eLibrary” link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an “eSubscription” link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: July 1, 2011.

Dated: June 10, 2011.

Kimberly D. Bose,
Secretary.

[FR Doc. 2011-14963 Filed 6-15-11; 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 rate filings:

Docket Numbers: ER05-644-013.

Applicants: PSEG Energy Resources & Trade LLC.

Description: Informational Filing with a list of planned Additional Project Investments of the PSEG Companies.

Filed Date: 06/03/2011.

Accession Number: 20110603-5417.

Comment Date: 5 p.m. Eastern Time on Friday, June 24, 2011.

Docket Numbers: ER11-2617-002.

Applicants: ISO New England Inc., Vermont Electric Power Company, Inc.

Description: ISO New England Inc. submits tariff filing per 35: PTO Compliance Filing—ER11-2617, to be effective 4/1/2011.

Filed Date: 06/09/2011.

Accession Number: 20110609-5014.

Comment Date: 5 p.m. Eastern Time on Thursday, June 30, 2011.

Docket Numbers: ER11-2999-003.

Applicants: Arizona Public Service Company.

Description: Arizona Public Service Company submits tariff filing per 35: Compliance Filing to Maintain Waiver Previously Accepted by the Commission to be effective N/A.

Filed Date: 06/08/2011.

Accession Number: 20110608-5095.

Comment Date: 5 p.m. Eastern Time on Wednesday, June 29, 2011.

Docket Numbers: ER11-3378-001.

Applicants: South Hurlburt Wind, LLC.

Description: Revised Amendment to Application for Market-Based Rates of South Hurlburt Wind, LLC.

Filed Date: 06/08/2011.

Accession Number: 20110608-5195.

Comment Date: 5 p.m. Eastern Time on Wednesday, June 29, 2011.

Docket Numbers: ER11-3642-001.

Applicants: Tanner Street Generation, LLC.

Description: Tanner Street Generation, LLC submits tariff filing per 35.17(b): Supplement to MBR Filing to be effective 5/26/2011.

Filed Date: 06/09/2011.

Accession Number: 20110609-5000.

Comment Date: 5 p.m. Eastern Time on Friday, June 24, 2011.

Docket Numbers: ER11-3761-000.

Applicants: Palmco Power DC, LLC.

Description: Palmco Power DC, LLC submits tariff filing per 35.12: Palmco Power DC FERC Electric Tariff Original Volume No 1 to be effective 8/8/2011.

Filed Date: 06/08/2011.

Accession Number: 20110608-5139.

Comment Date: 5 p.m. Eastern Time on Wednesday, June 29, 2011.

Docket Numbers: ER11-3762-000.

Applicants: Fulgora Arbitrage Fund, LLC.

Description: Fulgora Arbitrage Fund, LLC submits tariff filing per 35.15: Fulgora Arbitrage Fund, LLC's Notice of Cancellation to be effective 6/9/2011.

Filed Date: 06/08/2011.

Accession Number: 20110608-5179.

Comment Date: 5 p.m. Eastern Time on Wednesday, June 29, 2011.

Docket Numbers: ER11-3763-000.

Applicants: ISO New England Inc.

Description: ISO New England Inc. submits tariff filing per 35: Docket No. ER09-938-003 eTariff Compliance to be effective 6/1/2011.

Filed Date: 06/09/2011.

Accession Number: 20110609-5011.

Comment Date: 5 p.m. Eastern Time on Thursday, June 30, 2011.

Docket Numbers: ER11-3764-000.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc.

submits tariff filing per 35.13(a)(2)(iii): G809 Amended GIA Filing to be effective 6/10/2011.

Filed Date: 06/09/2011.

Accession Number: 20110609-5016.

Comment Date: 5 p.m. Eastern Time on Thursday, June 30, 2011.

Docket Numbers: ER11-3765-000.

Applicants: Southern California Edison Company.

Description: Southern California Edison Company submits tariff filing per 35.13(a)(2)(iii): Letter Agreement for Alta WindPower Development, Suncreek and Alta 6 Projects to be effective 6/6/2011.

Filed Date: 06/09/2011.

Accession Number: 20110609-5021.

Comment Date: 5 p.m. Eastern Time on Thursday, June 30, 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: June 9, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011-14880 Filed 6-15-11; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP11-2177-000.

Applicants: Texas Gas Transmission, LLC.

Description: Texas Gas Transmission, LLC submits tariff filing per 154.204: Backhaul-Related Language Revisions to be effective 7/7/2011.

Filed Date: 06/06/2011.

Accession Number: 20110606-5038.

Comment Date: 5 p.m. Eastern Time on Monday, June 20, 2011.

Docket Numbers: RP11-2178-000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Open Season Clarification to be effective 7/7/2011.

Filed Date: 06/06/2011.

Accession Number: 20110606-5048.

Comment Date: 5 p.m. Eastern Time on Monday, June 20, 2011.

Docket Numbers: RP11-2179-000.
Applicants: El Paso Natural Gas Company.

Description: El Paso Natural Gas Company submits tariff filing per 154.204: Pressure Commitment Update to be effective 7/7/2011.

Filed Date: 06/06/2011.

Accession Number: 20110606-5099.

Comment Date: 5 p.m. Eastern Time on Monday, June 20, 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 sub-docket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: June 8, 2011.
Nathaniel J. Davis, Sr.,
Deputy Secretary.
[FR Doc. 2011-14881 Filed 6-15-11; 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: EC11-88-000.
Applicants: NorthWestern Corporation.

Description: Application of Northwestern Corporation for Authorization for Acquisition of an Existing Generation Facility.

Filed Date: 06/06/2011.
Accession Number: 20110606-5209.
Comment Date: 5 p.m. Eastern Time on Monday, June 27, 2011.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER97-3359-018.
Applicants: Florida Power & Light Company.

Description: Florida Power & Light Company Notice of Change in Status.
Filed Date: 05/27/2011.

Accession Number: 20110527-5202.
Comment Date: 5 p.m. Eastern Time on Friday, June 17, 2011.

Docket Numbers: ER10-2923-002.
Applicants: Sunbury Generation LP.
Description: On 6/6/2011 Sunbury Generation LP submitted a notice of Non-Material Change in Status and on 6/7/2011 submitted an Errata Filing.

Filed Date: 06/06/2011, 06/07/2011.
Accession Number: 20110606-5213; 20110607-5158.

Comment Date: 5 p.m. Eastern Time on Monday, June 27, 2011.

Docket Numbers: ER11-2715-002.
Applicants: Interstate Power and Light Company, ITC Midwest, LLC.

Description: Interstate Power and Light Co. Resubmits OTA Exhibit 1.
Filed Date: 06/06/2011.

Accession Number: 20110606-5212.
Comment Date: 5 p.m. Eastern Time on Monday, June 27, 2011.

Docket Numbers: ER11-2544-001.
Applicants: New York Independent System Operator, Inc.

Description: New York Independent System Operator, Inc. submits tariff filing per 35: Compliance re: Effective date 4 sections MMM to be effective 6/23/2011.

Filed Date: 06/07/2011.
Accession Number: 20110607-5012.
Comment Date: 5 p.m. Eastern Time on Tuesday, June 28, 2011.

Docket Numbers: ER11-3631-001.
Applicants: Interstate Power and Light Company.

Description: Interstate Power and Light Company submits tariff filing per 35: IPL RES-5 Baseline Tariff Compliance Filing to be effective 8/26/2010.

Filed Date: 06/07/2011.
Accession Number: 20110607-5023.
Comment Date: 5 p.m. Eastern Time on Tuesday, June 28, 2011.

Docket Numbers: ER11-3740-000.
Applicants: Florida Power & Light Company.

Description: Florida Power & Light Company submits tariff filing per 35.13(a)(2)(iii): FPL Revisions to FKEC Rate Schedule FERC No. 322 to be effective 5/1/2011.

Filed Date: 06/07/2011.
Accession Number: 20110607-5065.
Comment Date: 5 p.m. Eastern Time on Tuesday, June 28, 2011.

Docket Numbers: ER11-3741-000.
Applicants: Florida Power & Light Company.

Description: Florida Power & Light Company submits tariff filing per 35.13(a)(2)(iii): FPL Revisions to LCEC Rate Schedule FERC No. 312 to be effective 8/10/2010.

Filed Date: 06/07/2011.
Accession Number: 20110607-5067.
Comment Date: 5 p.m. Eastern Time on Tuesday, June 28, 2011.

Docket Numbers: ER11-3742-000.
Applicants: Florida Power & Light Company.

Description: Florida Power & Light Company submits tariff filing per 35.13(a)(2)(iii): FPL Revisions to LCEC Rate Schedule FERC No. 317 to be effective 1/1/2014.

Filed Date: 06/07/2011.
Accession Number: 20110607-5068.
Comment Date: 5 p.m. Eastern Time on Tuesday, June 28, 2011.

Docket Numbers: ER11-3743-000.
Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection, L.L.C. submits tariff filing per 35.13(a)(2)(iii): Queue No. W2-082; Original Service Agreement No. 2935 to be effective 5/10/2011.

Filed Date: 06/07/2011.
Accession Number: 20110607-5079.
Comment Date: 5 p.m. Eastern Time on Tuesday, June 28, 2011.

Docket Numbers: ER11-3744-000.
Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection, L.L.C. submits tariff filing per 35.13(a)(2)(iii) Queue No. W2-080; Original Service Agreement No. 2934 to be effective 5/10/2011.

Filed Date: 06/07/2011.

Accession Number: 20110607-5086.

Comment Date: 5 p.m. Eastern Time on Tuesday, June 28, 2011.

Docket Numbers: ER11-3746-000.

Applicants: NSTAR Electric Company.

Description: Tariff Filing of NSTAR Electric Company.

Filed Date: 06/03/2011.

Accession Number: 20110603-5409.

Comment Date: 5 p.m. Eastern Time on Friday, June 24, 2011.

Docket Numbers: ER11-3747-000.

Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection, L.L.C. submits tariff filing per 35.13(a)(2)(iii) Queue No. W2-061; Original Service Agreement No. 2932 to be effective 5/10/2011.

Filed Date: 06/07/2011.

Accession Number: 20110607-5096.

Comment Date: 5 p.m. Eastern Time on Tuesday, June 28, 2011.

Docket Numbers: ER11-3748-000.

Applicants: CES Placerita, Incorporated.

Description: CES Placerita, Incorporated submits tariff filing per 35.13(a)(2)(iii) Notice of Succession to be effective 3/24/2011.

Filed Date: 06/07/2011.

Accession Number: 20110607-5098.

Comment Date: 5 p.m. Eastern Time on Tuesday, June 28, 2011.

Docket Numbers: ER11-3749-000.

Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection, L.L.C. submits tariff filing per 35.13(a)(2)(iii) Queue No. W1-115; Original Service Agreement No. 2938 to be effective 5/10/2011.

Filed Date: 06/07/2011.

Accession Number: 20110607-5109.

Comment Date: 5 p.m. Eastern Time on Tuesday, June 28, 2011.

Docket Numbers: ER11-3750-000.

Applicants: Southwestern Electric Power Company.

Description: Southwestern Electric Power Company Actuarial Reports.

Filed Date: 06/03/2011.

Accession Number: 20110603-5413.

Comment Date: 5 p.m. Eastern Time on Friday, June 24, 2011.

Docket Numbers: ER11-3751-000.

Applicants: Public Service Company of New Mexico.

Description: Public Service Company of New Mexico submits a Notice of

cancellation of FERC Electric Rate Schedule 37.

Filed Date: 06/06/2011.

Accession Number: 20110607-0207.

Comment Date: 5 p.m. Eastern Time on Monday, June 27, 2011.

Docket Numbers: ER11-3752-000.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii) 06-07-11 GRE Attachment GG Filing to be effective 7/29/2011.

Filed Date: 06/07/2011.

Accession Number: 20110607-5134.

Comment Date: 5 p.m. Eastern Time on Tuesday, June 28, 2011.

Docket Numbers: ER11-3753-000.

Applicants: People's Power & Gas, LLC.

Description: People's Power & Gas, LLC submits tariff filing per 35.1: Market-Based Rate Tariff to be effective 6/8/2011.

Filed Date: 06/08/2011.

Accession Number: 20110608-5002.

Comment Date: 5 p.m. Eastern Time on Wednesday, June 29, 2011.

Docket Numbers: ER11-3754-000.

Applicants: Horsehead Corp.

Description: Notice of Cancellation of Horsehead Corp.

Filed Date: 06/07/2011.

Accession Number: 20110607-5159.

Comment Date: 5 p.m. Eastern Time on Tuesday, June 28, 2011.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RR11-4-000.

Applicants: North American Electric Reliability Corporation.

Description: North American Electric Reliability Corporation's Report of Comparisons of Budgeted to Actual Costs for 2010 for NERC and the Regional Entities.

Filed Date: 05/31/2011.

Accession Number: 20110531-5154.

Comment Date: 5 p.m. Eastern Time on Wednesday, June 29, 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: June 8, 2011.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2011-14888 Filed 6-15-11; 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: ER11-3173-001.

Applicants: Arizona Public Service Company.

Description: Arizona Public Service Company submits tariff filing per 35: Compliance Filing To Make Footnotes Viewable in eTariff Viewer to be effective 11/15/2010.

Filed Date: 06/08/2011.

Accession Number: 20110608-5096.

Comment Date: 5 p.m. Eastern Time on Wednesday, June 29, 2011.

Docket Numbers: ER11-3755-000.

Applicants: Wabash Valley Power Association, Inc.

Description: Wabash Valley Power Association, Inc. submits tariff filing per 35.13(a)(2)(iii): Amendments to WVPA FERC Electric Tariff Volume 1—Section 1—Formulary Rate to be effective 1/1/2012.

Filed Date: 06/08/2011.

Accession Number: 20110608-5023.

Comment Date: 5 p.m. Eastern Time on Wednesday, June 29, 2011.

Docket Numbers: ER11-3756-000.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corporation submits tariff filing per 35.13(a)(2)(iii): 2011-06-08 CAISO Non Conforming SCA with WAPA to be effective 7/28/2010.

Filed Date: 06/08/2011.

Accession Number: 20110608-5065.

Comment Date: 5 p.m. Eastern Time on Wednesday, June 29, 2011.

Docket Numbers: ER11-3757-000.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corporation submits tariff filing per 35.13(a)(2)(iii): 2011-06-08 Amendment to CAISO Service Agreement 784 WAPA DSR to be effective 6/15/2011.

Filed Date: 06/08/2011.

Accession Number: 20110608-5070.

Comment Date: 5 p.m. Eastern Time on Wednesday, June 29, 2011.

Docket Numbers: ER11-3758-000.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corporation submits tariff filing per 35.13(a)(2)(iii): 2011-06-08 CAISO Non-Conforming MSA with WAPA DSR to be effective 7/28/2010.

Filed Date: 06/08/2011.

Accession Number: 20110608-5071.

Comment Date: 5 p.m. Eastern Time on Wednesday, June 29, 2011.

Docket Numbers: ER11-3759-000.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corporation submits tariff filing per 35.13(a)(2)(iii): 2011-06-08 Amendment to CAISO Non-Conforming MSA with WAPA DSR to be effective 6/15/2011.

Filed Date: 06/08/2011.

Accession Number: 20110608-5082.

Comment Date: 5 p.m. Eastern Time on Wednesday, June 29, 2011.

Docket Numbers: ER11-3760-000.

Applicants: Deseret Generation & Transmission Co-operative, Inc.

Description: Deseret Generation & Transmission Co-operative, Inc. submits tariff filing per 35.13(a)(2)(ii): Tier 2 Rate Schedule A 205 Filing to be effective 8/1/2011.

Filed Date: 06/08/2011.

Accession Number: 20110608-5092.

Comment Date: 5 p.m. Eastern Time on Wednesday, June 29, 2011.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF11-290-000.

Applicants: Equistar Chemicals, L.P.

Description: Form 556—Notice of Self-Certification of Equistar Chemicals, L.P.

Filed Date: 06/07/2011.

Accession Number: 20110607-5105.

Comment Date: None Applicable.

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: June 8, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011-14884 Filed 6-15-11; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****[Project No. 2790–055]****Boott Hydropower, Inc.; Notice of Availability of Draft Environmental Assessment**

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission or FERC) regulations, 18 CFR part 380, Commission staff has reviewed the application for amendment of license for the Lowell Hydroelectric Project (FERC No. 2790–055) and has prepared a draft environmental assessment (draft EA). The project is located on the Merrimack River in Middlesex County, Massachusetts.

The draft EA contains the Commission staff's analysis of the potential environmental effects of the proposed replacement of the wooden flashboards with a pneumatic crest gate system of the same height and interim modifications to the existing flashboard system and concludes that authorizing the amendment, with appropriate environmental protective measures, would not constitute a major Federal action that would significantly affect the quality of the human environment.

A copy of the draft EA is available for review at the Commission in the Public Reference Room, or it may be viewed on the Commission's Web site at <http://www.ferc.gov> using the e-Library link. Enter the docket number (P–2790) in the docket number field to access the document. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov or call toll-free at 1–866–208–3676 or (202) 502–8659 (for TTY).

Any comments should be filed within 30 days from the issuance date of this notice, and should be addressed to the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please reference the Lowell Project No. 2790 on all comments. For further information on this notice, please contact Holly Frank at (202) 502–6833. Comments may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001 (a)(1)(iii) and the instructions on the Commission's Web site at <http://www.ferc.gov> under the e-Filing link. The Commission strongly encourages electronic filing.

Dated: June 10, 2011.

Kimberly D. Bose,
Secretary.

[FR Doc. 2011–14970 Filed 6–15–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****[Docket No. CP10–480–000]****Central New York Oil and Gas Company, LLC; Notice Extending Comment Period**

On May 27, 2011, the Federal Energy Regulatory Commission (FERC or Commission) issued its environmental assessment (EA) for Central New York Oil and Gas Company, LLC's MARC I Hub Line Project proposed in the above-referenced docket. The EA was placed in the public record and was available via the FERC's eLibrary on that date. However, the Commission experienced technical problems reproducing the copies of the EA that were to be mailed to interested stakeholders. As a result, the compact disk copies of the EA were not mailed until June 7, 2011. Therefore, the deadline for filing comments on the EA has been extended for two weeks, and will end on July 11, 2011.

Dated: June 10, 2011.

Kimberly D. Bose,
Secretary.

[FR Doc. 2011–14962 Filed 6–15–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****[Project No. 2310–193—California; Project No. 2266–102—California]****Pacific Gas and Electric Company; Nevada Irrigation District; Notice of Environmental Site Review**

On July 6–8, 2011, the Federal Energy Regulatory Commission (Commission) staff and the Pacific Gas and Electric Company (PG&E) and Nevada Irrigation District (NID) (applicants) will conduct an environmental site review of the Drum-Spaulding and Yuba-Bear Projects. The Drum-Spaulding Project is located on the west slope of the Sierra Nevada on the South Yuba River, Bear River, North Fork of the North Fork American River, and tributaries in the Sacramento River watershed in Nevada and Placer Counties, California. The Yuba-Bear Hydroelectric Project is located on the west slope of the Sierra

Nevada in the Middle Yuba River, Canyon Creek, Rucker Creek and Bear River watersheds in Nevada, Placer and Sierra Counties, California.

The site visit is open to the public and resource agencies, and will occur from 8 a.m. to about 5 p.m. (Pacific Daylight Time) on each of three days. Participants will meet no later than the start time at Discovery Trail near Bear Valley on the first day, at PG&E's Alta Service Center on the second day, and at PG&E's Halsey forebay on the third day. Each day will start with a brief safety talk, review of the facilities that will be visited that day, and discussion of logistics. The tour will depart the meeting location no later than 15 minutes after the start time. We will try to return to the meeting location by 5 p.m. each day.

Participants are responsible to provide their own transportation (recommend a 4-wheel drive vehicle), but car pooling to the extent possible is encouraged. We do not anticipate hiking in any difficult terrain or entering private property that requires special permission, but some brief walking over dirt trails might be needed. Cell phone coverage in the upper and mid elevation sites is limited.

Safety is a prime concern. Many of the sites that will be visited require wearing hardhats, safety eyewear, and safety vests that licensees will provide. Participants must wear appropriate footwear (*i.e.* no sandals or open-toed shoes).

The schedule below is provided for general guidance only and is not intended to be a strict schedule. We may proceed through the schedule for each day at a slower or faster pace than anticipated in the schedule below, or may decide to delete or add project facilities. For these reasons and because of poor electronic communications in some areas, it will be difficult for a participant to join the site visit after it departs the initial meeting location. Project facilities listed below are indicated as either "YB" for NID's Yuba-Bear Hydroelectric Project or "DS" for PG&E's Drum-Spaulding Project.

Wednesday, July 6, 2011

- Meet at Discovery Trail in Bear Valley at 8 a.m.;
- Bowman Lake (YB);
- Bowman/Spaulding canal at Fall Creek (YB);
- Fuller Lake (DS);
- Lake Spaulding dam (DS);
- Bear Valley—Drum canal and South Yuba canal (DS).

Thursday, July 7, 2011

- Meet at Alta Service Center at 8 a.m.;
- Drum powerhouse (DS);
- Dutch Flat #2 powerhouse (YB);
- Dutch Flat afterbay (YB);
- Rollins dam (YB);
- Bear River Head dam (DS).

Friday, July 8, 2011

- Meet at Halsey forebay at 8 a.m.;
- Halsey afterbay (DS);
- Rock Creek reservoir (DS),
- Wise canal, Rock Creek, delivery to North Auburn Water Treatment Plant;
- Auburn Ravine,
- Delivery to Auburn Ravine at YB–259, PCWA Pump Station into South canal;
- Newcastle forebay and powerhouse (DS).

If you plan to attend, please notify Alan Mitchnick, FERC Team Leader, at (202) 502–6074 or alan.mitchnick@ferc.gov, no later than June 30, 2011.

Dated: June 10, 2011.

Kimberly D. Bose,
Secretary.

[FR Doc. 2011–14969 Filed 6–15–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. NJ11–12–001]

Orlando Utilities Commission; Notice of Filing

Take notice that on May 26, 2011, Orlando Utilities Commission submitted its tariff filing per 35.17(b): Amendment to Compliance Filing to be effective 4/15/2011.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the

“eFiling” link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the “eLibrary” link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an “eSubscription” link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 pm Eastern Time on June 20, 2011.

Dated: June 10, 2011.

Kimberly D. Bose,
Secretary.

[FR Doc. 2011–14965 Filed 6–15–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13579–001]

FFP Qualified Hydro 14 LLC; Notice of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of the Traditional Licensing Process

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. *Project No.:* 13579–001.

c. *Dated Filed:* April 4, 2011.

d. *Submitted by:* Free Flow Power Qualified Hydro 14 LLC (Qualified Power 14 LLC), a subsidiary of Free Flow Power Corporation.

e. *Name of Project:* Saylorville Dam Water Power Project.

f. *Location:* At the U.S. Army Corps of Engineers' (Corps) Saylorville Dam on the Des Moines River in Polk County, Iowa. The project would occupy 1.5 acres of United States lands administered by Corps' Rock Island District.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *Potential Applicant Contact:* Ramya Swaminathan, Free Flow Power Corporation, 239 Causeway Street, Suite 300, Boston, MA 02114; (978) 226–1531; or e-mail rswaminathan@free-flow-power.com.

i. *FERC Contact:* Sergiu Serban at (202) 502–6211; or e-mail at sergiu.serban@ferc.gov.

j. Qualified Power 14 LLC filed its request to use the Traditional Licensing Process on April 4, 2011. Qualified Power 14 LLC provided public notice of its request on March 16, 2011. In a letter issued on June 6, 2011, the Director of the Office of Energy Projects approved Qualified Power 14 LLC's request to use the Traditional Licensing Process.

k. *With this notice, we are initiating informal consultation with:* (a) The U.S. Fish and Wildlife Service under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR part 402; and (b) the Iowa 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 Qualified Power 14 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. Qualified Power 14 LLC filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, 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.

o. 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.

Dated: June 10, 2011.

Kimberly D. Bose,
Secretary.

[FR Doc. 2011–14971 Filed 6–15–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****[Docket No. ER11–2970–000]****Peetz Logan Interconnect, LLC; Notice of Filing**

Take notice that on June 3, 2011, Peetz Logan Interconnect, LLC (PLI) filed a response to a staff deficiency letter issued on April 29, 2011, providing additional information with respect to a proposed open access transmission tariff (OATT) filed by PLI on February 28, 2011 in this proceeding.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on June 24, 2011.

Dated: June 8, 2011.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2011–14885 Filed 6–15–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****[Docket No. ER11–3753–000]****People's Power & Gas, 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 People's Power & Gas, 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 28, 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: June 8, 2011.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2011–14883 Filed 6–15–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****[Docket No. ER11–3736–000]****Pocahontas Prairie Wind, 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 Pocahontas Prairie Wind, 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 28, 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: June 8, 2011.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2011-14882 Filed 6-15-11; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER11-3727-000]

El Segundo Energy Center 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 El Segundo Energy Center, 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 28, 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: June 8, 2011.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2011-14886 Filed 6-15-11; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER11-3761-000]

Palmco Power DC, 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 Palmco Power DC, 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 29, 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: June 9, 2011.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2011-14889 Filed 6-15-11; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER11-3731-000]

LWP Lessee, 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 LWP Lessee, 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 28, 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: June 8, 2011.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2011-14887 Filed 6-15-11; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2056-052]

Northern States Power Company (Xcel Energy); Notice of Application To Amend License and Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. *Type of Application:* Amendment to License.
- b. *Project No:* 2056-052.
- c. *Date Filed:* May 25, 2011.
- d. *Applicant:* Northern States Power Company (Xcel Energy).
- e. *Name of Project:* St. Anthony Falls Hydroelectric Project.
- f. *Location:* On the Mississippi River in the city of Minneapolis in Hennepin County, Minnesota.
- g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).
- h. *Applicant Contact:* William P. Zawacki, Director of Hydro Plants, Xcel Energy, 1414 W. Hamilton Ave., P.O. Box 8, Eau Claire, WI 54702-0008; and Matthew J. Miller, Hydro Licensing Specialist, Xcel Energy, 1414 W. Hamilton Ave., P.O. Box 8, Eau Claire, WI 54702-0008.
- i. *FERC Contact:* Kim Carter at (202) 502-6486; Kim.Carter@ferc.gov.
- j. *Deadline for filing comments, motions to intervene, and protests,* is 30 days from the issuance date of this notice. All documents may be filed electronically via the Internet. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at <http://www.ferc.gov/docs-filing/efiling.asp>. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and seven copies should be mailed to: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments.
- Please include the project number (P-2056-052) on any comments, motions, or recommendations filed.
- k. *Description of Request:* The licensee proposes to amend the license for the St. Anthony Falls Hydroelectric Project to reflect the rehabilitated units. The authorized installed capacity would

increase by 1,845.25 kW [from 12,400 kW to 14,245.25 kW] and the maximum hydraulic capacity would increase by 341 cubic feet per second (cfs) [from 4,025 to 4,366 cfs].

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502-8371. This filing may also be viewed on the Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or e-mail FERCOnlineSupport@ferc.gov, for TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) Bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works

which are the subject of the license surrender. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: June 10, 2011.

Kimberly D. Bose,
Secretary.

[FR Doc. 2011-14966 Filed 6-15-11; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2984-042]

S. D. Warren Company; Notice of Supplement to the License Application and Soliciting Comments

Take notice that the following supplement to the license application has been filed with the Commission and is available for public inspection.

a. *Type of Filing:* Supplement to the licensing application for the Eel Weir Project.

b. *Project No.:* P-2984-042.

c. *Date Filed:* June 6, 2011 (The version of the supplement filed on May 26, 2011, was superseded by the revised version filed on June 6, 2011).

d. *Applicant:* S. D. Warren Company.

e. *Location:* The existing project is located at the outlet of Sebago Lake on the Presumpscot River, in Cumberland County, Maine. The project does not affect federal lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Nancy J. Skancke, GKRSE, 1500 K Street, NW., Suite 330, Washington, DC 20005; (202) 408-5400.

i. *FERC Contact:* Tom Dean (202) 502-6041.

j. *Deadline for filing comments on the supplement:* 30 days from the issuance date of this notice. All reply comments must be filed with the Commission

within 45 days from the date of this notice.

All comments and reply comments 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.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of the supplement:* S. D. Warren (Warren) requests the Commission adopt modifications to the existing Sebago Lake Level Management Plan (LLMP) that would include changing project operation from requiring seasonal target lake water surface elevations to a seasonal flow-based regime. Under the modified LLMP, Warren would first direct flows into the bypassed reach as required by the license, and would then direct flows that are above the required minimum bypassed reach flow into the power canal. Warren also requests confirmation that no further wetland studies at Sebago Lake are necessary, that no shoreline permitting program is needed under a new license, and that no new shallow boat launch near the project facilities is necessary.

l. A copy of the supplement is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support.

m. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support

Dated: June 9, 2011.

Kimberly D. Bose,
Secretary.

[FR Doc. 2011-14898 Filed 6-15-11; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14115-000]

AJT Mining Properties, Inc.; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On March 21, 2011, AJT Mining Properties, Inc., 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 Yeldagalga Creek Hydroelectric Project (project) to be located on the Yeldagalga Creek, near Haines, in the boroughs of Haines and Juneau, Alaska. The project would be located on lands within the Tongass National Forest, which is owned and managed by the U.S.D.A. Forest Service. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A 10-foot-high, 50-foot-wide diversion dam; (2) an overflow spillway; (3) a 42-inch-diameter, 2,500-foot-long penstock; (4) a powerhouse containing a generating unit rated at 8 megawatts; (5) a short tailrace; (6) living quarters for personnel; (7) a dock and barge landing facility; (8) a 34.5-kilovolt, 16-mile-long overhead transmission line; and (9) appurtenant facilities. The estimated annual generation of the project would be 31,000 megawatt-hours.

Applicant Contact: Mr. Scott Willis, AJT Mining Properties, Inc., 5601 Tonsgard Court, Juneau, Alaska 99801; phone: (907) 463-6396.

FERC Contact: Kelly Wolcott; phone: (202) 502-6480.

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-14115-000) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: June 10, 2011.

Kimberly D. Bose,
Secretary.

[FR Doc. 2011-14961 Filed 6-15-11; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Staff Attendance at Southwest Power Pool Board of Directors Meetings

The Federal Energy Regulatory Commission hereby gives notice that members of its staff may attend the meetings of the *Southwest Power Pool, Inc.* (SPP) Board of Directors, as noted below. Their attendance is part of the Commission's ongoing outreach efforts.

All meetings will be held at: The Marriott Las Colinas, 223 West Las Colinas Boulevard, Irving, TX 75039.

The Board meeting is June 13-14 (1:30 p.m.-5 p.m. and 8 a.m.-5 p.m.).

The discussions may address matters at issue in the following proceedings:

Docket No. ER06-451, *Southwest Power Pool, Inc.*
Docket No. ER08-1419, *Southwest Power Pool, Inc.*
Docket No. ER09-659, *Southwest Power Pool, Inc.*
Docket No. ER09-1050, *Southwest Power Pool, Inc.*
Docket No. ER10-696, *Southwest Power Pool, Inc.*
Docket No. ER10-941, *Southwest Power Pool, Inc.*
Docket No. ER10-1069, *Southwest Power Pool, Inc.*
Docket No. ER09-1254, *Southwest Power Pool, Inc.*
Docket No. ER10-1269, *Southwest Power Pool, Inc.*
Docket No. ER10-1697, *Southwest Power Pool, Inc.*
Docket No. ER10-2244, *Southwest Power Pool, Inc.*
Docket No. ER11-13, *Southwest Power Pool, Inc.*
Docket No. ER11-2428, *Southwest Power Pool, Inc.*
Docket No. ER11-2528, *Southwest Power Pool, Inc.*
Docket No. ER11-2677, *Southwest Power Pool, Inc.*
Docket No. ER11-2711, *Southwest Power Pool, Inc.*
Docket No. ER11-2719, *Southwest Power Pool, Inc.*
Docket No. ER11-2758, *Southwest Power Pool, Inc.*
Docket No. ER11-2781, *Southwest Power Pool, Inc.*
Docket No. ER11-2787, *Southwest Power Pool, Inc.*
Docket No. ER11-2861, *Southwest Power Pool, Inc.*
Docket No. ER11-3230, *Southwest Power Pool, Inc.*
Docket No. ER11-3243, *Southwest Power Pool, Inc.*
Docket No. ER11-3452, *Southwest Power Pool, Inc.*
Docket No. ER11-3453, *Southwest Power Pool, Inc.*
Docket No. ER11-3494, *Southwest Power Pool, Inc.*
Docket No. ER11-3501, *Southwest Power Pool, Inc.*
Docket No. ER11-3504, *Southwest Power Pool, Inc.*
Docket No. ER11-3509, *Southwest Power Pool, Inc.*
Docket No. ER11-3511, *Southwest Power Pool, Inc.*
Docket No. ER11-3489, *Southwest Power Pool, Inc.*
Docket No. ER11-3474, *Southwest Power Pool, Inc.*

Docket No. ER11-3478, *Southwest Power Pool, Inc.*
Docket No. ER11-3666, *Southwest Power Pool, Inc.*
Docket No. ER11-3455, *Southwest Power Pool, Inc.*
Docket No. ER11-3622, *Southwest Power Pool, Inc.*
Docket No. ER11-3627, *Southwest Power Pool, Inc.*
Docket No. ER11-3650, *Southwest Power Pool, Inc.*
Docket No. ER11-3299, *Southwest Power Pool, Inc.*
Docket No. ER11-3331, *Southwest Power Pool, Inc.*
Docket No. ER11-3450, *Southwest Power Pool, Inc.*
Docket No. ER11-3451, *Southwest Power Pool, Inc.*
Docket No. ER11-3490, *Southwest Power Pool, Inc.*
Docket No. ER11-3503, *Southwest Power Pool, Inc.*
Docket No. ER11-3599, *Southwest Power Pool, Inc.*
Docket No. ER11-3601, *Southwest Power Pool, Inc.*
Docket No. EL11-34, *Midwest Independent System Transmission Operator, Inc.*

These meetings are open to the public.

For more information, contact John Rogers, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (202)-502-8564 or john.rogers@ferc.gov.

Dated: June 9, 2011.

Kimberly D. Bose,
Secretary.

[FR Doc. 2011-14901 Filed 6-15-11; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-9319-9]

Notice of Determination of Adequacy of Ohio's Research, Development and Demonstration (RD&D) Permit Provisions for Municipal Solid Waste Landfills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On March 22, 2004, the U.S. EPA issued final regulations allowing research, development and demonstration (RD&D) permits to be issued to certain municipal solid waste landfills by approved states. On March 3, 2011, Ohio submitted an application to the U.S. EPA Region 5 seeking Federal approval of its RD&D. Ohio's

RD&D requirements allow the State to issue RD&D permits to owners and operators of MSWLF units in accordance with state law. Subject to public review and comment, this notice approves Ohio's RD&D permit requirements.

DATES: This determination of RD&D program adequacy for Ohio will become effective August 15, 2011 unless adverse comments are received on or before August 15, 2011. If adverse comments are received, the U.S. EPA will review those comments and publish another FR document responding to those comments and either affirming or revising the U.S. EPA's initial decision.

ADDRESSES: Written comments should be sent to Rebecca Geyer, Land and Chemicals Division (Mail Code LM-8J), U.S. EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, *telephone:* (312) 353-8314. Comments may also be submitted electronically to geyer.rebecca@epa.gov or by facsimile at (312) 582-5122. You may examine copies of Ohio's application and relevant portions of Ohio's regulations during normal business hours at U.S. EPA Region 5.

FOR FURTHER INFORMATION CONTACT: Rebecca Geyer, Land and Chemicals Division (Mail Code LM-8J), U.S. EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, *telephone:* (312) 353-8314, geyer.rebecca@epa.gov.

SUPPLEMENTARY INFORMATION:

A. Background

On March 22, 2004, EPA issued a final rule amending the municipal solid waste landfill criteria in 40 CFR Part 258 to allow for research, development and demonstration permits (69 FR 13242). This rule allows for variances from specified criteria for a limited period of time, to be implemented through state-issued RD&D permits. RD&D permits are available only in states with approved MSWLF permit programs that have been modified to incorporate RD&D permit authority. While States are not required to adopt this new provision, those States that are interested in providing RD&D permits to owners and operators of MSWLFs must seek approval from EPA before issuing such permits. Approval procedures for new provisions of 40 CFR Part 258 are outlined in 40 CFR Part 239.12.

Ohio's MSWLF permit program was approved on June 13, 1994 (59 FR 112). On March 3, 2011, Ohio applied for approval of its RD&D permit provisions. Ohio submitted its amended laws under OAC 3745-27-80 to 3745-27-89 for review.

B. Decision

After a thorough review, U.S. EPA Region 5 determined that Ohio's RD&D permit provisions as defined under OAC 3745-27-80 to 3745-27-89 are adequate to ensure compliance with the Federal criteria as defined at 40 CFR Part 258.4.

Authority: This action is issued under the authority of section 2002, 4005 and 4010(c) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912, 6945 and 6949(a).

Dated: June 3, 2011.

Susan Hedman,

Regional Administrator, U.S. EPA Region 5.

[FR Doc. 2011-15001 Filed 6-15-11; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OW-2010-0464; FRL-9318-8]

Notice of EPA Workshop on Sanitary Sewer Overflows and Peak Wet Weather Discharges

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Office of Wastewater Management of the U.S. Environmental Protection Agency is holding a workshop to solicit the views of stakeholders concerning a number of issues. These include views on how the National Pollutant Discharge Elimination System (NPDES) regulations should apply to municipal sanitary sewer collection systems, sanitary sewer overflows (SSOs), and peak wet weather discharges at publicly owned treatment works (POTW) treatment plants. EPA will also seek views on the 2005 draft Peak Flows Policy. The workshop will include a facilitated discussion with representatives of organizations that represent POTWs, state NPDES permitting authorities, and non-for-profit environmental groups. EPA invites other interested members of the public to observe the workshop and to offer verbal comments at designated times during the workshop or to submit written comments to the Agency.

DATES: The workshop will be held on July 14, from 8 a.m. to 5:15 p.m. and on July 15, from 8 a.m. to 12:30 p.m. If you plan to participate in the workshop as an observer, EPA requests that you pre-register by July 6, 2011 at <http://www.epa.gov/npdes/sso>.

ADDRESSES: The workshop will be held at the Ronald Reagan Building and International Trade Center, Horizon Ballroom, located in Washington, DC at 1300 Pennsylvania Avenue, NW.

FOR FURTHER INFORMATION CONTACT: For further information about this notice, contact Greg Schaner, EPA Headquarters, Office of Water, Office of Wastewater Management at tel.: 202-564-0721 or e-mail: schaner.greg@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Properly designed, operated, and maintained sanitary sewer systems are meant to collect and transport all of the sewage that flows into them to a publicly owned treatment works (POTW). However, occasional discharges of raw sewage from municipal sanitary sewers occur in almost every system. These types of discharges are called sanitary sewer overflows (SSOs). SSOs have a variety of causes, including but not limited to blockages, line breaks, sewer defects that allow storm water and groundwater to overload the system, lapses in sewer system operation and maintenance, power failures, inadequate sewer design and vandalism. EPA estimates that there are at least 23,000-75,000 SSOs per year (not including sewage backups into buildings). The untreated sewage from these overflows can contaminate our waters, causing serious water quality problems. It can also back-up into basements, causing property damage and threatening public health.

Additionally, aging sewer line infrastructure in many communities allows rain and snow melt to enter sanitary sewer systems and cause excess flow at the treatment plant. During significant wet weather events it is possible for influent flows to exceed the treatment capacity of existing secondary treatment units. Known as "peak flows," these wet weather flows are sometimes diverted around secondary treatment units and then either recombined with flows from the secondary treatment units or discharged directly into waterways from the treatment plant in order to prevent any damage to the treatment facility. Operators of wastewater treatment plants must manage these high flows to ensure continued operation of the treatment process.

For additional background on SSOs and peak wet weather discharges, refer to the "background" section of EPA's notice announcing the 2010 Listening Sessions at 75 FR 30395 (June 1, 2010) and to information included on EPA's Web site at http://cfpub.epa.gov/npdes/home.cfm?program_id=4.

II. 2010 Listening Sessions

In 2010, EPA held several listening sessions to obtain information from the

public regarding the potential modification to the NPDES regulations to address SSOs and other types of peak wet weather discharges. See 75 FR 30395 (June 1, 2010). Participants in the sessions offered both verbal and written comments. The Agency received 235 written comments to the docket. You can view these comments at <http://www.regulations.gov>, under Docket ID # EPA-HQ-OW-2010-0464.

III. Purpose of SSO/Peak Wet Weather Flow Workshop

As a follow-up to the 2010 Listening Sessions, EPA will hold a 1½ day workshop on July 14–15, 2011 in Washington, DC. The purpose of this workshop is to provide interested parties and other members of the public an opportunity to elaborate on their recommendations to the Agency with respect to actions that could be taken to strengthen the permitting program's approach to regulating SSOs and peak wet weather discharges. EPA has invited several stakeholder groups representing non-governmental interests, POTWs and collection systems, and state permitting authorities to recommend members of their community to participate in the workshop as experts. In addition to eliciting the views of the representative groups, EPA will also invite comments during the meeting from any member of the public who wishes to observe and participate at the workshop.

The specific issues that EPA is seeking feedback on have significant overlap with those highlighted for the 2010 listening sessions. See 75 FR 30399–30401 (June 1, 2010). For example, EPA will be interested in the views of the representatives and observers on whether and to what extent specific NPDES permit requirements should be developed to address the following:

- How SSOs are reported to EPA or state permitting authorities and documented in POTW records, and how and when the public is notified of overflows;
- What components of POTW programs for capacity, management, operations, and maintenance (CMOM) should be made part of standard NPDES permit conditions;
- Whether to require NPDES permits for “municipal satellite collection systems”, and what types of requirements should such permits include; and
- Are there any circumstances under which an SSO may be authorized under an NPDES permit.

EPA will also seek input on the disposition of the 2005 draft Peak Flows Policy (see <http://cfpub.epa.gov/npdes/>

[wetweather.cfm](http://cfpub.epa.gov/npdes/)) that pertains to wet weather diversions at POTW treatment plants.

It is not EPA's objective during the workshop to establish consensus among the parties or to obtain a collective set of recommendations. Rather, it is EPA's intention to obtain individual input from interested parties so that the Agency can better understand the differences and commonalities among the individual recommendations. In this regard, EPA has determined that this workshop is not subject to the requirements of the Federal Advisory Committee Act, 5 U.S.C. Appendix 2.

IV. Participation in the Workshop

Members of the public are welcome to participate as observers in the workshop. The agenda will be structured to invite specific verbal comments from observers on key issues. If you plan to participate as an observer at the workshop, in order that EPA may properly anticipate the correct number of people, EPA requests that you pre-register by July 6, 2011 at <http://www.epa.gov/npdes/sso>.

Authority: Clean Water Act, 33 U.S.C. 1251 et seq.

Dated: June 7, 2011.

James A. Hanlon,

Director, Office of Wastewater Management.

[FR Doc. 2011–15003 Filed 6–15–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9320–1]

Science Advisory Board Staff Office Notification of a Public Teleconference of the Chartered Science Advisory Board

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA Science Advisory Board (SAB) Staff Office announces a public teleconference of the chartered SAB on July 5, 2011 to conduct a quality review of a draft SAB report, *Review of EPA's Draft Hydraulic Fracturing Study Plan (Quality Review Draft)*.

DATES: The public teleconference will be held on July 5, 2011 from 11 a.m. to 3 p.m. (Eastern Daylight Time).

ADDRESSES: The public teleconference will be conducted by telephone only.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing to obtain general information concerning the public teleconference may contact Dr. Angela Nugent, Designated Federal

Officer (DFO). Dr. Nugent may be contacted at the EPA Science Advisory Board (1400R), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; or by telephone/voice mail at (202) 564–2188; fax at (202) 565–2098; or e-mail at nugent.angela@epa.gov. General information concerning the EPA Science Advisory Board can be found on the EPA Web site at <http://www.epa.gov/sab>.

SUPPLEMENTARY INFORMATION: The SAB was established pursuant to the Environmental Research, Development, and Demonstration Authorization Act (ERDAA), codified at 42 U.S.C. 4365, to provide independent scientific and technical advice to the EPA Administrator on the technical basis for Agency positions and regulations. The SAB is a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2. Pursuant to FACA and EPA policy, notice is hereby given that the SAB will hold a public teleconference to conduct a quality review of a draft report entitled *Review of EPA's Draft Hydraulic Fracturing Study Plan*. The SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

Background: EPA's Office of Research and Development (ORD) is initiating a study of the potential environmental and human health implications of hydraulic fracturing with special emphasis on the relationship between hydraulic fracturing and drinking water resources. ORD has requested that the SAB review its draft Study Plan. The SAB Hydraulic Fracturing Study Plan Review Panel has developed the draft report that will undergo quality review by the chartered SAB.

Background information about the SAB advisory activity, including its meetings and teleconferences, can be found on the SAB Web site at http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr_activites/HFSP?OpenDocument.

Availability of Meeting Materials: The agenda and other materials in support of the teleconference will be placed on the SAB Web site at <http://www.epa.gov/sab> in advance of the teleconference.

Procedures for Providing Public Input: Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office.

Federal advisory committees and panels, including scientific advisory committees, provide independent advice to EPA. Members of the public can submit comments for a federal advisory committee to consider as it develops advice for EPA. Input from the public to the SAB will have the most impact if it provides specific scientific or technical information or analysis for SAB panels to consider or if it relates to the clarity or accuracy of the technical information. Members of the public wishing to provide comment should contact the Designated Federal Officer directly.

Oral Statements: In general, individuals or groups requesting an oral presentation at a teleconference will be limited to three minutes. Those interested in being placed on the public speakers list for the July 5, 2011 teleconference should contact Dr. Nugent at the contact information provided above no later than June 30, 2011.

Written Statements: Written statements should be supplied to the DFO via email at the contact information noted above by June 30, 2011 for the teleconference so that the information may be made available to the Panel members for their consideration. Written statements should be supplied in one of the following electronic formats: Adobe Acrobat PDF, MS Word, MS PowerPoint, or Rich Text files in IBM-PC/Windows 98/2000/XP format. It is the SAB Staff Office general policy to post written comments on the Web page for the advisory meeting or teleconference. Submitters are requested to provide an unsigned version of each document because the SAB Staff Office does not publish documents with signatures on its Web sites. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the SAB Web site. Copyrighted material will not be posted without explicit permission of the copyright holder.

Accessibility: For information on access or services for individuals with disabilities, please contact Dr. Nugent (202) 564-2188 or nugent.angela@epa.gov. To request accommodation of a disability, please contact Dr. Nugent preferably at least ten days prior to the teleconference to give EPA as much time as possible to process your request.

Dated: June 9, 2011.

Vanessa T. Vu,

Director, EPA Science Advisory Staff Office.

[FR Doc. 2011-15002 Filed 6-15-11; 8:45 am]

BILLING CODE 6560-50-P

EXPORT-IMPORT BANK OF THE UNITED STATES

Notice of Open Special Meeting of the Sub-Saharan Africa Advisory Committee (SAAC) of the Export-Import Bank of the United States (Export-Import Bank)

SUMMARY: The Sub-Saharan Africa Advisory Committee was established by Public Law 105-121, November 26, 1997, to advise the Board of Directors on the development and implementation of policies and programs designed to support the expansion of the Bank's financial commitments in Sub-Saharan Africa under the loan, guarantee, and insurance programs of the Bank. Further, the committee shall make recommendations on how the Bank can facilitate greater support by U.S. commercial banks for trade with Sub-Saharan Africa.

Time and Place: July 13, 2011 at 9:30 a.m. to 12:30 p.m. The meeting will be held at the Export-Import Bank in Room 1143, 811 Vermont Avenue, NW., Washington, DC 20571.

Agenda: Presentation on recent developments in Sub-Saharan Africa markets by Export-Import Bank staff; an update on the Bank's on-going business development initiatives in the region; and Committee discussion of current challenges and opportunities for U.S. exporters.

Public Participation: The meeting will be open to public participation, and the last 10 minutes will be set aside for oral questions or comments. Members of the public may also file written statement(s) before or after the meeting. If any person wishes auxiliary aids (such as a sign language interpreter) or other special accommodations, please contact, prior to July 13, 2011, Richard Thelen, 811 Vermont Avenue, NW., Washington, DC 20571, Voice: (202) 565-3515 or TDD (202) 565-3377.

FOR FURTHER INFORMATION CONTACT: For further information, contact Richard Thelen, 811 Vermont Avenue, NW., Washington, DC 20571, (202) 565-3515.

Angela Mariana Freyre,

Senior Vice President and General Counsel.

[FR Doc. 2011-14908 Filed 6-15-11; 8:45 am]

BILLING CODE 6690-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:20 a.m. on Tuesday, June 14, 2011, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters related to the Corporation's supervision, corporate and resolution activities.

In calling the meeting, the Board determined, on motion of Director John E. Bowman (Acting Director, Office of Thrift Supervision), seconded by Vice Chairman Martin J. Gruenberg, concurred in by Director Thomas J. Curry (Appointive), Director John G. Walsh (Acting Comptroller of the Currency), and Chairman Sheila C. Bair, that Corporation business required its consideration of the matters which were to be the subject of this meeting on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550 17th Street, NW., Washington, DC.

Dated: June 14, 2011.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2011-15059 Filed 6-14-11; 4:15 pm]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 11, 2011.

A. Federal Reserve Bank of Atlanta (Clifford Stanford, Vice President) 1000 Peachtree Street, NE., Atlanta, Georgia 30309:

1. *Savannah River Financial Corporation*, Augusta, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Savannah River Banking Company, Aiken, South Carolina, upon its conversion to a state non-member bank.

Board of Governors of the Federal Reserve System, June 13, 2011.

Robert deV. Frierson,
Deputy Secretary of the Board.

[FR Doc. 2011-14979 Filed 6-15-11; 8:45 am]

BILLING CODE 6210-01-P

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 July 1, 2011.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. *First American Bank Corporation*, Elk Grove Village, Illinois; to engage *de novo* in extending credit and servicing loans, pursuant to section 225.28(b)(1) of Regulation Y.

B. Federal Reserve Bank of San Francisco (Kenneth Binning, Vice President, Applications and Enforcement) 101 Market Street, San Francisco, California 94105-1579:

1. *Western Liberty Bancorp*, Las Vegas, Nevada; to form a wholly owned subsidiary, OREOSUB, Las Vegas, Nevada, and thereby engage in extending credit and servicing loans, pursuant to sections 225.28(b)(1) and (2) of Regulation Y.

Board of Governors of the Federal Reserve System, June 13, 2011.

Robert deV. Frierson,
Deputy Secretary of the Board.

[FR Doc. 2011-14978 Filed 6-15-11; 8:45 am]

BILLING CODE 6210-01-P

chapter 35), the Regulatory Secretariat (MVCB) will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning cost or pricing data requirements and information other than cost or pricing data.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before August 15, 2011.

ADDRESSES: Submit comments identified by Information Collection 9000-0013, Cost or Pricing Data Requirements and Information Other Than Cost or Pricing Data, by any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by inputting "Information Collection 9000-0013, Cost or Pricing Data Requirements and Information Other Than Cost or Pricing Data", under the heading "Enter Keyword or ID" and selecting "Search". Select the link "Submit a Comment" that corresponds with "Information Collection 9000-0013, Cost or Pricing Data Requirements and Information Other Than Cost or Pricing Data". Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "Information Collection 9000-0013, Cost or Pricing Data Requirements and Information Other Than Cost or Pricing Data", on your attached document.

- *Fax:* 202-501-4067.

- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street, NE., Washington, DC 20417. ATTN: Hada Flowers/IC 9000-0013, Cost or Pricing Data Requirements and Information Other Than Cost or Pricing Data.

Instructions: Please submit comments only and cite Information Collection 9000-0013, Cost or Pricing Data Requirements and Information Other Than Cost or Pricing Data, in all

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.

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0013; Docket 2011-0079; Sequence 16]

Federal Acquisition Regulation; Information Collection; Cost or Pricing Data Requirements and Information Other Than Cost or Pricing Data

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C.

correspondence related to this collection. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Chambers, Procurement Analyst, Acquisition Policy Division, GSA (202) 501-3221 or Edward.chambers@gsa.gov.

SUPPLEMENTARY INFORMATION:

A. Purpose

The Truth in Negotiations Act requires the Government to obtain certified cost or pricing data under certain circumstances. Contractors may request an exemption from this requirement under certain conditions and provide other information instead.

B. Annual Reporting Burden

Respondents: 33,332.

Responses per Respondent: 6.

Total Responses: 199,992.

Hours per Response: 50.51.

Total Burden Hours: 10,101,684.

Obtaining Copies of Proposals:

Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1275 First Street, NE., Washington, DC 20417, telephone (202) 501-4755. Please cite OMB Control No. 9000-0013, Cost or Pricing Data Requirements and Information Other Than Cost or Pricing Data, in all correspondence.

Dated: June 7, 2011.

Millisa Gary,

Acting Director, Office of Governmentwide Acquisition Policy.

[FR Doc. 2011-14863 Filed 6-15-11; 8:45 am]

BILLING CODE 6820-EP-P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0144; Docket 2011-0079; Sequence 17]

Federal Acquisition Regulation; Information Collection; Payment by Electronic Fund Transfer

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), the Regulatory Secretariat (MVCB) will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning payment by electronic fund transfer.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before August 15, 2011.

ADDRESSES: Submit comments identified by Information Collection 9000-0144, Payment by Funds Transfer, by any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by inputting "Information Collection 9000-0144, Payment by Funds Transfer," under the heading "Enter Keyword or ID" and selecting "Search." Select the link "Submit a Comment" that corresponds with "Information Collection 9000-0144, Payment by Funds Transfer". Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "Information Collection 9000-0144, Payment by Funds Transfer", on your attached document.

- *Fax:* 202-501-4067.

- *Mail:* General Services

Administration, Regulatory Secretariat (MVCB), 1275 First Street, NE., Washington, DC 20417. *Attn:* Hada Flowers/IC 9000-0144, Payment by Funds Transfer.

Instructions: Please submit comments only and cite Information Collection 9000-0144, Payment by Funds Transfer, in all correspondence related to this collection. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Chambers, Procurement

Analyst, Acquisition Policy Division, GSA (202) 501-3221, or Edward.chambers@gsa.gov.

SUPPLEMENTARY INFORMATION:

A. Purpose

The FAR requires certain information to be provided by contractors which would enable the Government to make payments under the contract by electronic fund transfer (EFT). The information necessary to make the EFT transaction is specified in clause 52.232-33, Payment by Electronic Funds Transfer—Central Contractor Registration, which the contractor is required to provide prior to award, and clause 52.232-34, Payment by Electronic Funds Transfer—Other than Central Contractor Registration, which requires EFT information to be provided as specified by the agency to enable payment by EFT.

B. Annual Reporting Burden

Respondents: 14,000.

Responses per Respondent: 10.

Annual Responses: 140,000.

Hours per Response: .5.

Total Burden Hours: 70,000.

Obtaining Copies of Proposals:

Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street, NE., Washington, DC 20417, telephone (202) 501-4755. Please cite OMB Control No. 9000-0144, Payment by Electronic Funds Transfer, in all correspondence.

Dated: June 7, 2011.

Millisa Gary,

Acting Director, Office of Governmentwide Acquisition Policy.

[FR Doc. 2011-14862 Filed 6-15-11; 8:45 am]

BILLING CODE 6820-EP-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Innovative Strategies for Increasing Self-Sufficiency: Baseline Data Collection.

OMB No.: New Collection.

Description: The Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is proposing a data collection activity as part of the Innovative Strategies for Increasing Self-Sufficiency (ISIS) demonstration and

evaluation. The ISIS project will test a range of promising strategies to promote employment, self-sufficiency, and reduce dependence on cash welfare. The ISIS project will evaluate multiple employment-focused strategies that build on previous approaches and are adapted to the current Federal, State, and local policy environment. The major goals of the project include increasing the empirical knowledge about the effectiveness of a variety of programs for low-income families to sustain employment and advance to positions that enable self-sufficiency, as well as producing useful findings for both policymakers and program administrators.

This proposed information collection activity focuses on collecting baseline data elements. Two data collection instruments will be completed by all participants prior to random assignment, and a third will be an interview guide to collect information from program staff. The first is a short baseline information form (BIF) that will collect basic identification, demographic, and contact information. The form will include relatively standard items from prior evaluations and national surveys. The second instrument will be a self-administered questionnaire (SAQ), covering information related to the project goals. The third instrument, baseline

implementation data collection interviews, will be used to collect information from knowledgeable informants about the service context for each evaluation site using a baseline implementation guide. The purpose of such interviews is to document and assess the service environment in which the evaluation is implemented and the opportunities for control group members to access the same or similar services as the treatment group members.

Respondents: Individuals enrolled in ISIS demonstration interventions, control group members, ISIS program operators (BIF and SAQ) and State and local informants (interviews).

ANNUAL BURDEN ESTIMATES

Instrument	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Total annual burden hours
Baseline Information Form	4,800	1	0.75	3,600
Self-Administered Questionnaire	4,800	1	0.75	3,600
Baseline Implementation Data Collection Interviews	30	1	1	30

Estimated Total Annual Burden Hours: 7,230

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: OPRE Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: OREinfocollection@acf.hhs.gov.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Fax: 202-395-6974, Attn: Desk Officer for the Administration for Children and Families.

Dated: June 10, 2011.
Steven M. Hanmer,
OPRE Reports Clearance Officer.
 [FR Doc. 2011-14869 Filed 6-15-11; 8:45 am]
BILLING CODE 4184-09-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Implementation, Systems and Outcome Evaluation of the Tribal and Low-Income Health Profession Opportunity Grants (HPOG).

OMB No.: New Collection.

Description: The Administration for Children and Families (ACF) is proposing information collection activities as part of the Implementation, Systems and Outcome Evaluation of the Health Profession Opportunity Grants (HPOG). Through this information collection, ACE seeks to develop comprehensive management and performance reports on the HPOG

initiative and design a feasible and reliable evaluation design to produce accurate evidence of the effect of HPOG on individuals and health job training programs systems.

The goals of the HPOG evaluation are to establish a performance management reporting process for HPOG, and design an evaluation of HPOG. Both goals require collecting information from HPOG grantees on a regular basis. The information collection proposed is an Internet-based collection of information from HPOG grantees on (1) program participants: Baseline characteristics, program participation and patterns, and participant outputs and outcomes; and (2) program designs and operating characteristics. The performance management system would collect information from grantees on their programs and participants on a bi-annual basis.

Respondents: Participant data to be collected by program staff in the 32 grantee organizations (higher education institutions, workforce investment boards, private training institutions, and tribal entities).

ANNUAL BURDEN ESTIMATES

Instrument	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Total annual burden hours
Semi-annual HPOG Program Performance Report	32	2	31.25	2,000

Estimated Total Annual Burden Hours: 2,000.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade, SW., Washington, DC 20447, *Attn:* OPRE Reports Clearance Officer. All requests should be identified by the title of the information collection. *E-mail address:* OPREinfocollection@acf.hhs.gov.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following:

Office of Management and Budget,
Paperwork Reduction Project, *Fax:*
202-395-6974, *Attn:* Desk Officer for
the Administration, for Children and
Families.

Dated: June 9, 2011.

Steven M. Hanmer,
OPRE Reports Clearance Officer.

[FR Doc. 2011-14811 Filed 6-15-11; 8:45 am]

BILLING CODE 4184-09-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Epidemiology Program for American Indian/Alaska Native Tribes and Urban Indian Communities; Correction

AGENCY: Indian Health Service, HHS.

ACTION: Notice; correction.

SUMMARY: The Indian Health Service published a document in the **Federal Register** on June 8, 2011, concerning competitive cooperative agreement applications to establish Tribal Epidemiology Centers serving American Indian/Alaska Native Tribes and urban Indian communities. The document contained one incorrect date.

FOR FURTHER INFORMATION CONTACT: Betty Gould, 301-443-1116.

Correction

In the **Federal Register** of June 8, 2011, in FR Doc. 2011-14131, on page 33318, in the first column, last complete sentence in the paragraph "Letters of Intent," correct the sentence to read:

"The LoI must be submitted to the Division of Grants Management to the

attention of Andrew Diggs by June 17, 2011."

Dated: June 9, 2011.

Betty Z. Gould,
Federal Register Liaison Officer, Indian Health Service.

[FR Doc. 2011-14794 Filed 6-15-11; 8:45 am]

BILLING CODE 4165-16-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; NINR End-of-Life and Palliative Care Science Needs Assessment: Funding Source Questionnaire (Survey of Authors)

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Institute of Nursing Research (NINR), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB).

Proposed Collection: Title: NINR End-of-Life and Palliative Care Science Needs Assessment: Funding Source Questionnaire (Survey of Authors). **Type of Information Collection Request:** NEW. **Need and Use of Information Collection:** The NINR End-of-Life Science Palliative Care (EOL PC) Needs Assessment: Funding Source Questionnaire will obtain information on funding sources of EOL PC research published studies for which a funding source is not cited or the information is unclear. Target participants are authors of publically-available EOL PC research studies published between 1997-2010 for whom a funding source is unknown or unclear. The questionnaire inquires about the funding source of the published study, type of funding received, year of funding, and duration of funded study. This is a 7-item questionnaire that takes approximately 5 minutes to complete. Data collected is part of a needs assessment to address the breadth and depth of EOL PC scientific issues for use in stimulating research capacity in the field. **Frequency of Response:** One time. **Affected Public:** Individual authors of publically available EOL PC research publications who do not list a funding source or the source is unclear within their publication. **Type of Respondents:** EOL PC researchers. The annual reporting burden is as follows: **Estimated Number of Respondents:** 1840; **Estimated**

Number of Responses per Respondent: 1; **Average Burden Hours per Response:** .08; and **Estimated Total Annual Burden Hours Requested:** 147. There are no Capital Costs, Operating or Maintenance Costs to report.

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, 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.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Dr. Amanda Greene, Science Evaluation Officer, Office of Science Policy and Public Liaison, NINR, Democracy One, 6701 Democracy Blvd., Suite 710, Bethesda, MD 20892, or call non-toll-free number 301-496-9601, or e-mail your request to amanda.greene@nih.gov.

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

Dated: June 6, 2011.

Amanda Greene,
Science Evaluation Officer, NINR, National Institutes of Health.

[FR Doc. 2011-14878 Filed 6-15-11; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director; Notice of Charter Renewal for the Advisory Committee to the Director

In accordance with Title 41 of the U.S. Code of Federal Regulations, Section 102-3.65(a), notice is hereby given that the Charter for the Advisory Committee to the Director, National Institutes of Health was renewed for an

additional two-year period on May 31, 2011.

It is determined that the Advisory Committee to the Director, National Institutes of Health, is in the public interest in connection with the performance of duties imposed on the National Institutes of Health by law, and that these duties can best be performed through the advice and counsel of this group.

Inquiries may be directed to Jennifer Spaeth, Director, Office of Federal Advisory Committee Policy, Office of the Director, National Institutes of Health, 6701 Democracy Boulevard, Suite 1000, Bethesda, Maryland 20892 (Mail code 4875), Telephone (301) 496-2123, or spaethj@od.nih.gov.

Dated: June 10, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011-15006 Filed 6-15-11; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel, R24—NIDCD Community-Wide Scientific Resources Limited Competition.

Date: July 7, 2011.

Time: 11 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6120 Executive Blvd., Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Susan L. Sullivan, PhD, Scientific Review Officer, National Institute of Deafness and Other Communication Disorders 6120 Executive Blvd Ste., 400C, Rockville, MD 20852, 301-496-8683, sullivas@mail.nih.gov.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel, P30 Review.

Date: July 14, 2011.

Time: 12 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6120 Executive Blvd., Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Susan L. Sullivan, PhD, Scientific Review Officer, National Institute of Deafness and Other Communication Disorders, 6120 Executive Blvd Ste., 400C, Rockville, MD 20852, 301-496-8683, sullivas@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: June 10, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011-14864 Filed 6-15-11; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Initial Review Group, Minority Programs Review Subcommittee B.

Date: July 11, 2011.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency—Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Rebecca H. Johnson, PhD, Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN18C Bethesda, MD 20892, 301-594-2771, johnsonrh@nigms.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: June 10, 2011.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011-14865 Filed 6-15-11; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel, CDRC Conflicts.

Date: June 23, 2011.

Time: 10 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6120 Executive Blvd., Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Christine A. Livingston, PhD, Scientific Review Officer, Division of Extramural Activities, National Institutes of Health/NIDCD, 6120 Executive Blvd.—MSC 7180, Bethesda, MD 20892, (301) 496-8683, livingsc@mail.nih.gov.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel, U24.

Date: June 28, 2011.

Time: 12 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6120 Executive Blvd., Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Christine A. Livingston, PhD, Scientific Review Officer, Division of

Extramural Activities, National Institutes of Health/NIDCD, 6120 Executive Blvd.—MSC 7180, Bethesda, MD 20892, (301) 496-8683, livingsc@mail.nih.gov.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel, R01/R21—Translational,

Date: June 30, 2011.

Time: 11 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6120 Executive Blvd., Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Christine A. Livingston, PhD, Scientific Review Officer, Division of Extramural Activities, National Institutes of Health/NIDCD, 6120 Executive Blvd.—MSC 7180, Bethesda, MD 20892 (301) 496-8683, livingsc@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: June 10, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011-14866 Filed 6-15-11; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business Grant Applications: Immunology.

Date: June 27, 2011.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: The River Inn, 924 25th Street, NW., Washington, DC 20037.

Contact Person: Stephen M Nigida, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4212, MSC 7812, Bethesda, MD 20892, 301-435-1222, nigidas@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Ventricular Arrhythmias and Sudden Death.

Date: June 30, 2011.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Olga A. Tjurmina, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4138, MSC 7814, Bethesda, MD 20892, (301) 451-1375, ot3d@nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: AIDS and Related Research Integrated Review Group, Behavioral and Social Consequences of HIV/AIDS Study Section.

Date: July 7-8, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: St. Gregory Hotel, 2033 M Street, NW., Washington, DC 20036.

Contact Person: Mark P Rubert, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301-806-6596, rubertm@csr.nih.gov.

Name of Committee: AIDS and Related Research Integrated Review Group, AIDS Discovery and Development of Therapeutics Study Section.

Date: July 8, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz Carlton Hotel, 1150 22nd Street, NW., Washington, DC 20037.

Contact Person: Shiv A Prasad, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5220, MSC 7852, Bethesda, MD 20892, 301-443-5779, prasads@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 9, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011-14873 Filed 6-15-11; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel, Sequencing Centers—SEP.

Date: July 7-8, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Hotel, 2800 Potomac Avenue, Arlington, VA 22202.

Contact Person: Rudy O. Pozzatti, PhD, Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, 5635 Fishers Lane, Suite 4076, MSC 9306, Rockville, MD 20852, (301) 402-0838, pozzattr@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: June 9, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011-14876 Filed 6-15-11; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material,

and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Research Resources Special Emphasis Panel,
Date: June 21, 2011.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health/NCRR/OR, Democracy 1, 6701 Democracy Blvd., 1084, Bethesda, MD 20892.

Contact Person: Mohan Viswanathan, BS, PhD, Scientific Review Officer, Office of Review, NCRR, National Institutes of Health, 1 Democracy Plaza, 6701 Democracy Blvd., MSC 4874, RM. 1084, Bethesda, MD 20892–4874, 301–435–0829, viswanathanm@ncrr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.371, Biomedical Technology; 93.389, Research Infrastructure; 93.306, 93.333; 93.702, ARRA Related Construction Awards., National Institutes of Health, HHS)

Dated: June 8, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–14877 Filed 6–15–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Inherited Disease Research Access Committee.

Date: July 15, 2011.

Time: 11:30 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5635 Fishers Lane, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Camilla E. Day, PhD, Scientific Review Officer, CIR, National Human Genome Research Institute, National Institutes of Health, 5635 Fishers Lane, Suite 4075, Bethesda, MD 20892 301–402–8837, camilla.day@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: June 10, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–15011 Filed 6–15–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, NIAID Investigator Initiated Program Project.

Date: July 8, 2011.

Time: 11 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6700B Rockledge Drive, Bethesda, MD 20817, (Telephone Conference Call).

Contact Person: James T. Snyder, PhD, Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, DHHS/NIH/NIAID, 6700B Rockledge Drive, MSC 7616, Room #3257, Bethesda, MD 20892, 301–435–1614, james.snyder@nih.gov.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, Disease Effector Mechanisms in SLE and Rheumatoid Arthritis.

Date: July 13, 2011.

Time: 11 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6700B Rockledge Drive, Bethesda, MD 20817, (Telephone Conference Call).

Contact Person: Paul A. Amstad, PhD, Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, NIAID/NIH/DHHS, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, 301–402–7098, pamstad@niaid.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: June 10, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–15010 Filed 6–15–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Microbiology, Infectious Diseases and AIDS Initial Review Group, Acquired Immunodeficiency Syndrome Research Review Committee.

Date: July 12, 2011.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Sujata Vijh, PhD, Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, 301–594–0985, vijhs@niaid.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: June 10, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011-15009 Filed 6-15-11; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases, Special Emphasis Panel. Clinical Trials Planning Pilot and Research.

Date: July 12, 2011.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard by Marriott, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Charles N. Rafferty, PhD, Chief, Scientific Review Branch, National Institute of Arthritis, Musculoskeletal and Skin Diseases, National Institutes of Health, 6701 Democracy Boulevard, Suite 800, Bethesda, MD 20817, 301-594-5019, charles.rafferty@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: June 10, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011-15008 Filed 6-15-11; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel, Pathway to Independence/Career Development.

Date: July 14, 2011.

Time: 11 a.m. to 2:25 p.m.

Agenda: To review and evaluate grant applications.

Place: NIEHS/National Institutes of Health, Keystone Building, 530 Davis Drive, Research Triangle Park, NC 27713, (Telephone Conference Call).

Contact Person: Linda K. Bass, PhD, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute Environmental Health Sciences, P.O. Box 12233, MD EC-30, Research Triangle Park, NC 27709, (919) 541-1307, bass@niehs.nih.gov.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel, Research Careers in Environmental Health.

Date: July 14, 2011.

Time: 2:30 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIEHS/National Institutes of Health, Keystone Building, 530 Davis Drive, Research Triangle Park, NC 27713, (Telephone Conference Call).

Contact Person: Linda K. Bass, PhD, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute Environmental Health Sciences, P.O. Box 12233, MD EC-30, Research Triangle Park, NC 27709, (919) 541-1307, bass@niehs.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and

Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: June 10, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011-15007 Filed 6-15-11; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Drug Discovery and Mechanisms of Antimicrobial Resistance Overflow.

Date: June 24, 2011.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone Conference Call)

Contact Person: Guangyong Ji, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3188, MSC 7808, Bethesda, MD 20892. 301-435-1146. jig@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: AIDS and Related Research Integrated Review Group, HIV/AIDS Vaccines Study Section.

Date: July 8, 2011.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz Carlton Hotel, 1150 22nd Street, NW., Washington, DC 20037.

Contact Person: Mary Clare Walker, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Room 5208, MSC 7852, Bethesda, MD 20892. (301) 435-1165. walkermc@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Fellowship: Oncological Sciences.

Date: July 18–19, 2011.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Allen Richon, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6184, MSC 7892, Bethesda, MD 20892. 301-435-1024. allen.richon@nih.hhs.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Fellowships: Infectious Diseases and Microbiology.

Date: July 18–19, 2011.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Avenue Hotel Chicago, 160 E. Huron Street, Chicago, IL 60611.

Contact Person: Alexander D Politis, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3210, MSC 7808, Bethesda, MD 20892. (301) 435-1150. politisa@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 10, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011-15005 Filed 6-15-11; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Children's Study Advisory Committee.

The meeting will be open to the public, with attendance limited to space available. Registration is required since space is limited and will begin at 8 a.m. Please visit the conference Web site for information on meeting logistics and to register for the meeting <http://www.circlesolutions.com/ncs/ncsac/index.cfm>. Individuals who plan to

attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Children's Study Advisory Committee.

Date: July 20, 2011.

Time: 9 a.m. to 5 p.m.

Agenda: The major topic to be discussed will be privacy and participant data, a revised sampling strategy, and a high-level discussion of the Main Study protocol.

Place: National Institutes of Health, Natcher Conference Center, 45 Center Drive, Room E1/E2, Bethesda, MD 20892.

Contact Person: Kate Winseck, MSW, Executive Secretary, National Children's Study, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5C01, Bethesda, MD 20892, (703) 902-1339, ncs@circlesolutions.com.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person. For additional information about the Federal Advisory Committee meeting, please contact Circle Solutions at ncs@circlesolutions.com.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: June 9, 2011

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011-14875 Filed 6-15-11; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 USC, as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, 2011 NIDA Avant-Garde Award Program for HIV/AIDS Research (DP1).

Date: June 28, 2011.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Westin Alexandria, 400 Courthouse Square, Alexandria, VA 22314.

Contact Person: Nadine Rogers, PhD, Scientific Review Administrator, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 4229, MSC 9550, 6001 Executive Blvd., Bethesda, MD 20892-9550, 301-402-2105, rogersn2@nida.nih.gov.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, R01 and R34 Review.

Date: June 30, 2011.

Time: 11 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Nataly Strunnikova, PhD, Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 4237, MSC 9550, 6001 Executive Blvd., Bethesda, MD 20892-9550, 301-402-0288, strunnikovan@nei.nih.gov.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Medication Initiative for Tobacco Dependence (MITD): A New Product Development Partnership (PDP) (UH2/UH3).

Date: July 7, 2011.

Time: 8 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Gerald L. McLaughlin, PhD, Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 4238, MSC 9550, 6001 Executive Blvd., Bethesda, MD 20892-9550, 301-402-6626, gm145a@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: June 9, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011-14868 Filed 6-15-11; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Alternative Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Complementary and Alternative Medicine Special Emphasis Panel, NIH-HMO Collaboratory Coordinating Center (U54).

Date: July 14, 2011.

Time: 9 a.m. to 2:30 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Dale L. Birkle, PhD, Scientific Review Administrator, Office of Scientific Review, National Center for Complementary and Alternative Medicine, NIH, 6707 Democracy Blvd., Suite 401, Bethesda, MD 20892, (301) 451-6570, birkled@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS)

Dated: June 13, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011-15013 Filed 6-15-11; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the

provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Translational Research in Diabetes, Obesity and Endocrinology.

Date: July 14-15, 2011.

Time: 8 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Nancy Sheard, SCD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6046-E, MSC 7892, Bethesda, MD 20892, 301-408-9901, sheardn@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Non-HIV Diagnostics, Food Safety, Sterilization/Disinfection and Bioremediation.

Date: July 20-21, 2011.

Time: 8:30 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Avenue Crowne Plaza Hotel, 160 East Huron, Chicago, IL 60611.

Contact Person: Gagan Pandya, PhD, Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Dr., RM 3200, Bethesda, MD 20892, 301-435-1167, pandyaga@mai.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Non-HIV Microbial Vaccine Development.

Date: July 22, 2011.

Time: 8 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.

Contact Person: Scott Jakes, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4198, MSC 7812, Bethesda, MD 20892, 301-495-1506, jakesse@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Non-HIV Anti-Infective Therapeutics.

Date: July 22, 2011.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Avenue Crowne Plaza Hotel and Suites, 160 East Huron Street, Chicago, IL 60611.

Contact Person: Kenneth M Izumi, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Room 3204, MSC 7808, Bethesda, MD 20892, 301-496-6980, izumikm@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Immune Mechanism.

Date: July 22, 2011.

Time: 4:30 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.

Contact Person: Scott Jakes, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4198, MSC 7812, Bethesda, MD 20892, 301-495-1506, jakesse@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 10, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011-15012 Filed 6-15-11; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, SecuRX: Preventing Prescription Drug Diversion (5560).

Date: June 27, 2011.

Time: 3 p.m. to 4:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Jose F. Ruiz, PhD, Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, Room 4228, MSC 9550,

6001 Executive Blvd., Bethesda, MD 20892–9550, (301) 451–3086, ruizjf@nida.nih.gov. (Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: June 9, 2011.

Jennifer S. Spaeth,
Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–14870 Filed 6–15–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Program Project: Mechanisms of Drug Disposition During Pregnancy.

Date: July 13, 2011.

Time: 12 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone Conference Call).

Contact Person:

Patricia Greenwel, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2178, MSC 7818, Bethesda, MD 20892, 301–435–1169, greenwel@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business: Cancer Diagnostics and Treatments (CDT).

Date: July 14–15, 2011.

Time: 10 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Zhang-Zhi Hu, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6186, MSC 7804, Bethesda, MD 20892, (301) 594–2414, huzhuang@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Fellowships: Physiology and Pathobiology of Musculoskeletal, Oral, and Skin Systems.

Date: July 15, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Ritz-Carlton Washington DC, 1150 22nd Street, NW., Washington, DC 20037.

Contact Person: Abdelouahab Aitouche, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4222, MSC 7812, Bethesda, MD 20892, 301–435–2365, aitouchea@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Fellowships: Risk Prevention and Health Behavior.

Date: July 15, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Crowne Plaza Tyson's Corner, 1960 Chain Bridge Road, McLean, VA 22102.

Contact Person: Martha M Faraday, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3110, MSC 7808, Bethesda, MD 20892, 301–435–3575, faradaym@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business: Diabetes, Obesity and Reproductive Sciences.

Date: July 15, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Krish Krishnan, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6164, MSC 7892, Bethesda, MD 20892, (301) 435–1041, krishnak@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Fellowships: Health and Health Related Behavior of Individuals and Populations.

Date: July 15, 2011.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Monaco Alexandria, 480 King Street, Alexandria, VA 22314.

Contact Person: Karin F Helmers, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, MSC 7770, Bethesda, MD 20892, 301–254–9975, helmersk@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 8, 2011.

Jennifer S. Spaeth,
Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–14872 Filed 6–15–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2011–0494]

Information Collection Request to Office of Management and Budget

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval of revisions to the following collection of information: 1625–0009, Oil Record Book for Ships. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before August 15, 2011.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2011–0494] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT). To avoid duplicate submissions, please use only one of the following means:

(1) *Online:* <http://www.regulations.gov>.

(2) *Mail:* DMF (M–30), DOT, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

(3) *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.

(4) *Fax:* 202–493–2251. To ensure your comments are received in a timely manner, mark the fax, to attention Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at

room W12-140 on the West Building Ground Floor, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at <http://www.regulations.gov>.

A copy of the ICR is available through the docket on the Internet at <http://www.regulations.gov>. Additionally, copies are available from: Commandant (CG-611), ATTN: Paperwork Reduction Act Manager, US Coast Guard, 2100 2nd Street, SW., Stop 7101, Washington, DC 20593-7101.

FOR FURTHER INFORMATION CONTACT: Ms. Kenlinishia Tyler, Office of Information Management, telephone 202-475-3652, or fax 202-475-3929, for questions on these documents. Contact Ms. Renee V. Wright, Program Manager, Docket Operations, 202-366-9826, for questions on the docket.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise this ICR or decide not to seek approval of revisions of the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this

request, [USCG-2011-0494], and must be received by August 15, 2011. We will post all comments received, without change, to <http://www.regulations.gov>. They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the "Privacy Act" paragraph below.

Submitting Comments

If you submit a comment, please include the docket number [USCG-2011-0494], indicate the specific section of the document to which each comment applies, providing a reason for each comment. If you submit a comment online via <http://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 DMF. We recommend you include your name, mailing address, an e-mail address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission.

You may submit your comments and material by electronic means, mail, fax, or hand delivery to the DMF at the address under **ADDRESSES**; but please submit them by only one means. To submit your comment online, go to <http://www.regulations.gov>, and type "USCG-2011-0494" in the "Keyword" box. 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 will address them accordingly.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this Notice 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-2011-0494" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit the DMF in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act

Anyone can search the electronic form of comments received in 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 statement regarding Coast Guard public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Information Collection Request

Title: Oil Record Book for Ships.

OMB Control Number: 1625-0009.

Summary: The Act to Prevent Pollution from Ships (APPS) and the International Convention for Prevention of Pollution from Ships, 1973, as modified by the 1978 Protocol relating thereto (MARPOL 73/78), requires that information about oil cargo or fuel operations be entered into an Oil Record Book (CG-4602A). The requirement is contained in 33 CFR 151.25.

Need: This information is used to verify sightings of actual violations of the APPS to determine the level of compliance with MARPOL 73/78 and as a means of reinforcing the discharge provisions.

Forms: CG-4602A.

Respondents: Operators of vessels.

Frequency: On occasion.

Burden Estimate: The estimated burden has increased from 19,425 hours to 20,221 hours a year.

Dated: June 9, 2011.

C.A. Mathieu,

Captain, U.S. Coast Guard, Acting Assistant Commandant for Command, Control, Communications, Computers and Information Technology.

[FR Doc. 2011-14924 Filed 6-15-11; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Intent to Request Renewal and Amendment From OMB of One Current Public Collection of Information: Critical Facility Information of the Top 100 Most Critical Pipelines

AGENCY: Transportation Security Administration, DHS.

ACTION: 60-day Notice.

SUMMARY: The Transportation Security Administration (TSA) invites public comment on one currently approved Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652-0050, abstracted below that we will submit to

OMB for renewal and amendment in compliance with the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The 9/11 Act required TSA to develop and implement a plan to inspect critical pipeline systems.

DATES: Send your comments by August 15, 2011.

ADDRESSES: Comments may be e-mailed to TSAPRA@dhs.gov or delivered to the TSA PRA Officer, Office of Information Technology (OIT), TSA-11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598-6011.

FOR FURTHER INFORMATION CONTACT: Joanna Johnson at the above address, or by telephone (571) 227-3651.

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation is available at <http://www.reginfo.gov>. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Information Collection Requirement

OMB Control Number 1652-0050; *Critical Facility Information of the Top 100 Most Critical Pipelines*: Section 1557(b) of the Implementing the Recommendations of the 9/11 Commission Act of 2007, specifically tasked TSA to develop and implement a plan for inspecting critical facilities of the 100 most critical pipeline systems. See Public Law 110-53, 121 Stat. 266, 475 (Aug. 3, 2007). Operators determined their critical facilities based on guidance and criteria set forth in the Department of Transportation's (DOT)

September 5, 2002, "Pipeline Security Information Circular" and June 2002 "Pipeline Security Contingency Planning Guidance." With OMB approval (OMB Control Number 1652-0050), TSA reached out to the operators of the top 125 critical pipeline systems and requested they submit a listing of their critical facilities to TSA. This critical facility information was submitted to TSA between November 2008 and August 2009. In April 2011, TSA updated the "Pipeline Security Guidelines" in consultation with stakeholders and DOT. TSA is now seeking to renew its OMB approval to request critical facility information from the top 125 pipeline operators. TSA anticipates that each operator will report, on average, a total of 5 critical facilities on their system, for a total of approximately 600 critical facilities across the top 125 operators.

Once updated critical facility information is obtained, TSA intends to visit critical pipeline facilities and collect site-specific information from pipeline operators on facility security policies, procedures, and physical security measures. Information obtained on the visits will be collected on a Critical Facility Security Review (CFSR) Form. The CFSR will differ from TSA's Corporate Security Review (CSR) in that a CSR looks at corporate or company-wide security management plans and practices while the CFSR will look at individual pipeline facility security measures and procedures. TSA is seeking OMB approval to utilize the CFSR document during critical facility reviews in order to collect facility security information. Information collected from the reviews would be analyzed and used to determine strengths and weaknesses at the nation's critical pipeline facilities, areas to target for risk reduction strategies, pipeline industry implementation of the voluntary guidelines, and the need for regulations in accordance with Section 1557(d) of the Implementing the Recommendations of the 9/11 Commission Act of 2007. TSA anticipates visiting 120 critical facilities each year.

TSA is also seeking OMB approval to follow up with pipeline operators on their implementation of security improvements and recommendations made during facility visits. During critical facility visits, TSA documents and provides recommendations to improve the security posture of the facility. TSA intends to follow up with pipeline operators via email on their status toward implementation of the recommendations made during the critical facility visits. The follow up will

be conducted between approximately 12 and 24 months after the facility visit.

TSA will use the information collected to determine to what extent the pipeline industry is implementing the 2011 guidance document and security improvement recommendations made during critical facility visits. The information provided by owners or operators for each information collection is Sensitive Security Information (SSI), and it will be protected in accordance with procedures meeting the transmission, handling and storage requirements of SSI set forth in 49 CFR parts 15 and 1520.

The burden related to the renewal of the collection for updated critical facility information from the top 125 pipeline system operators will require 4 hours per operator (125×4), for a burden of 500 hours in the first year only.

The annual burden for the approval of the information collection related to the Critical Facility Review Form is estimated to be 480 hours. A maximum of 120 facility reviews will be conducted each year with each review taking approximately 4 hours (120×4).

The annual burden for the approval of the information collection related to the follow up on the recommendations made to facility operators is estimated to be 600 hours. It will take approximately 5 hours for each operator to submit a response to TSA regarding its implementation of security recommendations made during critical facility visits. If a maximum of 120 critical facilities are reviewed each year, and TSA follows up with each facility operator between approximately 12 and 24 months following the visit, the total annual burden is 600 (120×5) hours. An additional burden of 1,750 hours is estimated in the first year only for information collection on the follow up of the recommendations made during the 350 facility visits conducted in accordance with the requirement in the 9/11 Act ($350 \times 5 = 1,750$). The estimated number of respondents will be 125 for the renewal of the critical facility data and 600 for the critical facility review form and recommendations. The total estimated burdens are 2,730 hours in the first year and 1,080 hours annually in subsequent years.

Issued in Arlington, Virginia, on June 13, 2011.

Joanna Johnson,

TSA Paperwork Reduction Act Officer, Office of Information Technology.

[FR Doc. 2011-14996 Filed 6-15-11; 8:45 am]

BILLING CODE 9110-05-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5481-N-09]

Notice of Proposed Information Collection for Public Comment; McKinney-Vento Technical Assistance Narrative, Matrices, and Reporting Requirements

AGENCY: Office of the Assistant Secretary for Community Planning and Development, U.S. Department of Housing and Urban Development (HUD).

ACTION: Notice of proposed information collection.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* August 15, 2011.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name/or OMB Control number and should be sent to: Colette Pollard, Departmental Reports Management Officer, QDAM, U.S. Department of Housing and Urban Development, 451 7th Street, SW., Room 4160, Washington, DC 20410-5000; telephone (202) 402-3400, (this is not a toll-free number) or e-mail Ms. Pollard at Colette.Pollard@hud.gov for a copy of proposed forms, or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at (800) 877-8339.

FOR FURTHER INFORMATION CONTACT: Ann Marie Oliva, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, U.S. Department of Housing and Urban Development, 451 7th Street, SW., Room 7262, Washington, DC 20410; telephone (202) 708-1590 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, as amended). This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of

the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. This Notice also lists the following information:

Title of Proposal: McKinney-Vento Technical Assistance Narrative, Matrices, and Reporting Requirements.

Description of the need for the information proposed: McKinney-Vento Technical Assistance (MV-TA) Narrative, Matrices, and Reporting Requirements will allow the Office of Special Needs Assistance Programs (SNAPS) to accurately assess the experience, expertise, and overall capacity of applicants applying for technical assistance funding under the FY2011 McKinney-Vento Technical Assistance Notice of Funding Availability (NOFA). They will also allow SNAPS to monitor and evaluate TA progress over the course of the grant and make necessary interventions. The new format for this type of collection also makes it easier for applicants to apply and report by reducing the time required for filling out an application and reporting forms, while retaining the utility of previous collection methods.

Agency Form Numbers

Members of the affected public: Private for-profit, not-for-profit, and public entities applying for funding as technical assistance providers under the FY2011 MV-TA NOFA.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: 10 applicants × 4,080 minutes per response + 5 grant recipients × 3,600 minutes per reporting year = 58,800 total minutes per year or 980 hours per year.

Status of proposed information collection: New Collection

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, as amended.

Dated: June 8, 2011.

Clifford D. Taffet,

General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 2011-14905 Filed 6-15-11; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5480-N-51]

Notice of Submission of Proposed Information Collection to OMB Section 3 Business Self-Certification Application

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

The information collected from the Section 3 Business Self-Certification Application will allow HUD and recipients of covered HUD funding to identify Section 3 Businesses within their communities. The overriding purpose of this information collection is to ensure that contracting opportunities are provided to Section 3 businesses in fulfillment of the regulatory requirements set forth at 24 CFR part 135, and to increase the capacity of covered agencies to comply with the requirements of Section 3. HUD will use the information to identify firms that self-certify that they meet the regulatory definition of a Section 3 Business. The information collected from the Section 3 Business Self-Certification Application will be posted in a registry of Section 3 Businesses which will be posted on HUD's webpage. Agencies that receive covered HUD funding in the five pilot locations will be encouraged to notify the Section 3 Businesses contained in HUD's registry about the availability of covered contracting opportunities.

DATES: *Comments Due Date:* July 18, 2011.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal.

Comments should refer to the proposal by name and/or OMB approval Number (2529-Pending) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; e-mail: OIRA-Submission@omb.eop.gov, fax: 202-395-5806.

FOR FURTHER INFORMATION CONTACT:

Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail: Colette Pollard at

Colette.Pollard@hud.gov; or telephone: (202) 402-3400. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the Information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: Section 3 Business Self-Certification Application.

OMB Approval Number: 2529-Pending.

Form Numbers: None.

Description of the Need for the Information and Its Proposed Use: The information collected from the Section 3 Business Self-Certification Application will allow HUD and recipients of covered HUD funding to identify Section 3 Businesses within their communities. The overriding purpose of this information collection is to ensure that contracting opportunities are provided to Section 3 businesses in fulfillment of the regulatory requirements set forth at 24 CFR part 135, and to increase the capacity of covered agencies to comply with the requirements of Section 3. HUD will use the information to identify firms that self-certify that they meet the regulatory definition of a Section 3 Business. The information collected from the Section 3 Business Self-Certification Application will be posted in a registry of Section 3 Businesses which will be posted on HUD's webpage. Agencies that receive covered HUD funding in the five pilot locations will be encouraged to notify the Section 3 Businesses contained in HUD's registry about the availability of covered contracting opportunities.

Frequency of Submission: On occasion.

Estimation of the Total Numbers of Hours Needed To Prepare the Information Collection Including Number of Respondents, Frequency of Responses, and Hours of Responses:

The Department estimates that approximately 20,000 businesses in the five pilot locations may complete the Section 3 Self-Certification Application during the six-month pilot program.

It is estimated that each application will take approximately 30 minutes to complete for a total of 10,000 hours.

Total Estimated Burden Hours: 10,000.

Status: New collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: June 09, 2011.

Colette Pollard,

Departmental Reports Management Officer,
Office of the Chief Information Officer.

[FR Doc. 2011-14909 Filed 6-15-11; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5486-N-14]

Notice of Proposed Information Collection for Public Comment; Housing Choice Voucher Program Administrative Fee Study Pretest

AGENCY: Office of the Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* August 15, 2011.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control number and should be sent to: Reports Liaison Officer, Office of Policy Development & Research, Department of Housing and Urban Development, 451 7th Street, SW., Room 8226, Washington, DC 20410-5000.

FOR FURTHER INFORMATION CONTACT: Marina L. Myhre, (202) 402-5705 for copies of the proposed forms and other available documents. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, as amended). This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology (e.g., permitting electronic submission of responses).

This Notice also lists the following information:

Title of Proposal: Housing Choice Voucher Program Administrative Fee Study Pretest.

Description of the Need for the Information and Proposed Use: This request is for the clearance of on-site data collection from public housing agencies (PHAs) to test the methodology for the Housing Choice Voucher (HCV) Program Administrative Fee study. The purpose of the study is to collect accurate information on the costs of administering the HCV program across a representative sample of high performing and efficient PHAs and to use this information to develop a new administrative fee allocation formula for the HCV program. The study is proceeding in multiple phases. This request is for data collection to test the methodology for estimating program costs in the study. We propose to use two main methods for collecting cost data: (1) Measuring the time that front line staff spend working on the program and translating that time into costs using the salaries and benefits of the staff doing the work and adjusting for market factors; and (2) collecting information via interviews and document review on the overhead costs and other costs related to HCV program administration that cannot be captured by measuring staff time spent on the program. We will test these data collection approaches at between 5 and 10 PHAs across the country. The results of the pretest will be used to refine the methodology used for the full study of

administrative fees with a larger sample of PHAs.

OMB Approval Number: Pending.

Agency Form Numbers: None.

Members of Affected Public: Up to 250 PHA staff persons across up to 10 PHAs.

Estimation of the Total Number of Hours Needed To Prepare the Information Collection Including Number of Respondents, Frequency of Response, and Hours of Response: We plan to conduct the pretest at 5 to 10 PHAs across the country. The pretest will involve a combination of on-site and telephone data collection from PHA staff through interviews, observation, and self-reporting of time spent working on the HCV program via timesheets and other methods. There are five data collection activities that involve PHA staff. First, at each pretest site, PHA staff will spend up to 32 hours assembling data for the study and being interviewed by the study team (32 hours $\times$ 10 sites = 320 hours). Second, at each site up to 15 staff will be observed in their work for up to four weeks (28 working days). These staff will engage with the researchers for approximately 15 minutes per day, for a total of 7 hours per staff over four weeks (7 hours $\times$ 15 staff $\times$ 10 sites = 1,050 hours). Third, at each site up to 15 staff will complete timesheets or respond to messages via a SmartPhone for a period of approximately two months (45 working days). These activities will take approximately 15 minutes per day, for a total of 11.25 hours per staff over the two-month period (11.25 hours $\times$ 15 staff $\times$ 10 sites = 1,688 hours). Fourth, all staff involved in time measurement activities will participate in up to 2 hours of training or preparation activities (2 hours $\times$ 30 staff $\times$ 10 sites = 600 hours). Fifth, an average of 10 PHA staff per site will spend approximately 60 minutes debriefing with the research team about their experiences with the pretest (1 hour $\times$ 10 staff $\times$ 10 sites = 100 hours). The total estimated burden across all proposed data collection activities is 3,758 hours.

Status of the Proposed Information Collection: Pending OMB approval.

Authority: U.S. Code 12, 1701z-1, Research and demonstrations.

Dated: June 9, 2011.

Raphael W. Bostic,

Assistant Secretary for Policy Development and Research.

[FR Doc. 2011-14906 Filed 6-15-11; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5500-N-13]

Notice of Funding Availability (NOFA) for HUD's Fiscal Year 2011; Housing Opportunities for Persons With AIDS (HOPWA)

AGENCY: Office of the Chief of the Human Capital Officer, HUD.

ACTION: Notice.

SUMMARY: HUD announces the availability on its Web site of the applicant information, submission deadlines, funding criteria, and other requirements for HUD's FY2011 Housing for Persons with AIDS (HOPWA) Program NOFA. Specifically, this NOFA announces the availability of approximately \$9.1 million made available under the Department of Defense and Full-Year Continuing Appropriations Act, 2011, Public Law 112-10, approved April 15, 2011 for the Housing for Persons with AIDS (HOPWA) Program.

The purpose of the HOPWA program is to advance HUD's implementation of the National HIV/AIDS Strategy (NHAS). HOPWA NOFA also addresses the Department's Fiscal Year 2010-2015 Strategic Plan and the *Opening Doors Federal Strategic Plan To Prevent and End Homelessness*. These actions address goals to: Prevent and end homelessness; increase the supply of affordable housing; and increase the coordination of mainstream housing resources and other health and human services.

The HOPWA NOFA announces funds available for projects that address both: (1) Direct housing assistance and service delivery to low income persons and families living with HIV/AIDS, including homeless individuals and families; and (2) comprehensive planning and coordination of local resources in meeting housing and service needs of the population. As a result of project efforts, communities will be assisted in the development and use of an Integrated HIV/AIDS Housing Plan (IHHP) to be issued at the end of the third year of operation. The IHHP is an administrative function and should demonstrate local system changes in the delivery of housing and services. Grantees are expected to provide housing assistance to eligible persons in their communities while concurrently examining and comprehensively integrating local services for coordinating and streamlining where possible the delivery of those services in your community.

The notice providing information regarding the application process, funding criteria and eligibility requirements, application and instructions can be found using the Department of Housing and Urban Development agency link on the Grants.gov/Find Web site at <http://www.grants.gov/search/agency.do>. A link to the funding opportunity is also available on the HUD Web site at http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/grants/fundsavail.

The link from the funds available page will take you to the agency link on Grants.gov. The Catalogue of Federal Domestic Assistance (CFDA) number for this program is 14.241. Applications must be submitted electronically through *Grants.gov*.

FOR FURTHER INFORMATION CONTACT:

Questions regarding specific program requirements should be directed to the agency contact identified in the program NOFA. Program staff will not be available to provide guidance on how to prepare the application. Questions regarding the 2011 General Section should be directed to the Office of Grants Management and Oversight at (202) 708-0667 or the NOFA Information Center at 800-HUD-8929 (toll free).

Persons with hearing or speech impairments may access these numbers via TTY by calling the Federal Information Relay Service at 800-877-8339.

Dated: June 9, 2011.

Barbara S. Dorf,

Director, Office of Departmental Grants Management and Oversight, Office of the Chief of the Human Capital Officer.

[FR Doc. 2011-14910 Filed 6-15-11; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5500-N-23]

Notice of Web Availability; Notice of Funding Availability (NOFA) for HUD's Fiscal Year (FY) 2011 Doctoral Dissertation Research Grant Program

AGENCY: Office of the Chief of the Human Capital Officer, HUD.

ACTION: Notice.

SUMMARY: HUD announces the availability on its Web site and *Grants.gov* of the applicant information, submission deadlines, funding criteria, and other requirements for HUD's FY2011 Doctoral Dissertation Research Grant Program NOFA. Specifically, this

NOFA announces the availability of approximately \$400,000 made available under the Department of Defense and Full-Year Continuing Appropriations Act, 2011, Public Law 112–10, enacted April 15, 2011.

The purpose of the Doctoral Dissertation Research Grant Program is to enable doctoral candidates enrolled at institutions of higher education accredited by a national or regional accrediting agency recognized by the U.S. Department of Education to complete and improve the quality of their dissertations on policy-relevant housing and urban development issues.

The notice providing information regarding the application process, funding criteria and eligibility requirements, application and instructions can be found using the Department of Housing and Urban Development agency link on the *Grants.gov*/Find Web site at <http://www.grants.gov/search/agency.do>. A link to the funding opportunity is also available on the HUD Web site at http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/grants/fundsavail. The link from the funds available page will take you to the agency link on *Grants.gov*. The Catalogue of Federal Domestic Assistance (CFDA) number for this program is 14.516. Applications must be submitted electronically through *Grants.gov*.

FOR FURTHER INFORMATION CONTACT:

Questions regarding specific program requirements should be directed to the agency contact identified in the program NOFA. Program staff will not be available to provide guidance on how to prepare the application. Questions regarding the 2011 General Section should be directed to the Office of Grants Management and Oversight at (202) 708–0667 or the NOFA Information Center at 800–HUD–8929 (toll free). Persons with hearing or speech impairments may access these numbers via TTY by calling the Federal Information Relay Service at 800–877–8339.

Dated: June 9, 2011.

Barbara S. Dorf,

Director, Office of Departmental Grants Management and Oversight, Office of the Chief of the Human Capital Officer.

[FR Doc. 2011–14912 Filed 6–15–11; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5500–N–17]

Notice of Web Availability: Notice of Funding Availability (NOFA) for HUD's Fiscal Year (FY) 2011 Choice Neighborhoods Initiative—Planning Grants

AGENCY: Office of the Chief of the Human Capital Officer, HUD.

ACTION: Notice.

SUMMARY: HUD announces the availability on its Web site and *Grants.gov* applicant information, submission deadlines, funding criteria, and other requirements for HUD's FY2011 Choice Neighborhoods Initiative Program—Planning Grants NOFA. Specifically, this NOFA announces the availability of approximately \$3.6 million made available under the Department of Defense and Full-Year Continuing Appropriations Act, 2011, Public Law 112–10, enacted April 15, 2011.

The purpose of the Choice Neighborhoods Initiative-Planning Grant Program is to support the development of comprehensive neighborhood revitalization plans which, when implemented, may be expected to achieve the following three core goals:

1. *Housing:* Transform distressed public and assisted housing into energy efficient, mixed-income housing that is physically and financially viable over the long-term;
2. *People:* Support positive outcomes for families who live in the target development(s) and the surrounding neighborhood, particularly outcomes related to residents' health, safety, employment, mobility, and education; and
3. *Neighborhood:* Transform distressed, high-poverty neighborhoods into viable, mixed-income neighborhoods with access to well-functioning services, high quality public schools and education programs, high quality early learning programs and services, public assets, public transportation, and improved access to jobs.

To achieve these core goals, communities must develop and implement a comprehensive neighborhood revitalization strategy, or Transformation Plan. This Transformation Plan will become the guiding document for the revitalization of the public and/or assisted housing units, while simultaneously directing the transformation of the surrounding

neighborhood and positive outcomes for families.

The notice providing information regarding the application process, funding criteria and eligibility requirements, application and instructions can be found using the Department of Housing and Urban Development agency link on the *Grants.gov*/Find Web site at <http://www.grants.gov/search/agency.do>. A link to the funding opportunity is also available on the HUD Web site at http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/grants/fundsavail.

The link from the funds available page will take you to the agency link on *Grants.gov*.

The Catalogue of Federal Domestic Assistance (CFDA) number for this program is 14.889. Applications must be submitted electronically through *Grants.gov*.

FOR FURTHER INFORMATION CONTACT:

Questions regarding specific program requirements should be directed to the agency contact identified in the program NOFA. Program staff will not be available to provide guidance on how to prepare the application. Questions regarding the 2011 General Section should be directed to the Office of Grants Management and Oversight at (202) 708–0667 or the NOFA Information Center at 800–HUD–8929 (toll free).

Persons with hearing or speech impairments may access these numbers via TTY by calling the Federal Information Relay Service at 800–877–8339.

Dated: June 9, 2011.

Barbara S. Dorf,

Director, Office of Departmental Grants Management and Oversight, Office of the Chief of the Human Capital Officer.

[FR Doc. 2011–14911 Filed 6–15–11; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5415–FA–22]

Announcement of Funding Awards for Fiscal Year 2010; Transformation Initiative: Natural Experiments Grant Program

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with Section 102(a)(4)(C) of the Department of

Housing and Urban Development (HUD) Reform Act of 1989, this document notifies the public of funding awards for the Fiscal Year (FY) 2010 Transformation Initiative: Natural Experiments Grant Program Notice of Funding Availability (NOFA), which was posted to Grants.gov on January 20, 2011. This announcement contains the names and addresses of the award winners and the amount of the awards to be issued.

FOR FURTHER INFORMATION CONTACT:

Michael Morse, Office Policy Development and Research, Division of Program Monitoring and Research, U.S. Department of Housing and Urban Development, Room 8130, 451 7th Street, SW., Washington DC 20410, telephone number 202-402-5738. Persons with hearing or speech impairments may access this number by call the toll free Federal Relay Services at 1-800-877-8339.

SUPPLEMENTARY INFORMATION: The purpose of the FY 2010 Transformation Initiative: Natural Experiments Grant Program NOFA is to provide funding to support scientific research that makes use of natural experiments to evaluate the impacts of local, state, and federal policies. The FY 2010 NOFA made available approximately \$600,000 under the Department of Housing and Urban Development Appropriations Act, 2010 (Pub. L. 111-117, approved December 16, 2009). The maximum grant performance period under the NOFA is 24 months; applicants could request \$100,000 to \$250,000 per award, depending of the scope of the proposed research. Awards under this NOFA will be made in the form of a Cooperative Agreement. A Cooperative Agreement means that HUD will have substantial involvement during the performance of the research project.

The Catalog of Federal Domestic Assistance number for this program is 14.524.

On January 20, 2011, HUD posted the FY 2010 Transformation Initiative: Natural Experiments Grant Program NOFA to Grants.gov. The Department reviewed, evaluated and scored the applications received based on the criteria in the NOFA. In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, U.S.C. 3545), the Department is publishing the names, addresses, and amounts of the awards made under this competition in Appendix A to this notice.

Dated: June 9, 2011.

Raphael W. Bostic,

Assistant Secretary for Policy Development and Research.

Appendix A

List of Awardees for Grant Assistance Under the Fiscal Year (FY) 2010 Transformation Initiative Research Program Funding Competition: Natural Experiment, by Institution, Address, Grant Amount and Name of Contact

1. Case Western Reserve University, Mr. Derek M. Humphrey, Assistant Director, 10900 Euclid Avenue, Cleveland, Ohio 44106-7015. Grant: \$250,000.00.
2. City of New York Department of Housing Preservation and Development, Ms. Elyzabeth Gaumer, Director, Housing Policy Research and Program Evaluation, 100 Gold Street, New York, New York 10038-1605. Grant: \$250,000.00.
3. New York City Department of Homeless Services, Ms. Joanna Weissman, Executive Director of Planning and Research, 33 Beaver Street, 20th floor, New York, New York, 10004-2737. Grant: \$100,000.00.

[FR Doc. 2011-14913 Filed 6-15-11; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R2-ES-2011-N115; 20124-1113-0000-F5]

Endangered and Threatened Species Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications; request for public comment.

SUMMARY: The following applicants have applied for scientific research permits to conduct certain activities with endangered species under the Endangered Species Act of 1973, as amended (Act). The Act requires that we invite public comment on these permit applications.

DATES: To ensure consideration, written comments must be received on or before July 18, 2011.

ADDRESSES: Written comments should be submitted to the Chief, Endangered Species Division, Ecological Services, P.O. Box 1306, Room 6034, Albuquerque, NM 87103. Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act. Documents will be available for public inspection, by appointment only, during normal business hours at the U.S. Fish and Wildlife Service, 500 Gold Ave., SW.,

Room 6034, Albuquerque, NM. Please refer to the respective permit number for each application when submitting comments.

FOR FURTHER INFORMATION CONTACT:

Susan Jacobsen, Chief, Endangered Species Division, P.O. Box 1306, Albuquerque, NM 87103; (505) 248-6920.

SUPPLEMENTARY INFORMATION:

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.

Permit TE-046517

Applicant: United States Geological Survey, New Mexico Cooperative Unit, Las Cruces, New Mexico.

Applicant requests a new permit to hold and rear captive Rio Grande silvery minnows (*Hybognathus amarus*) and bonytail chub (*Gila elegans*) at the rearing facility at New Mexico State University.

Permit TE-42737A

Applicant: Sevenecoten, LLC, Dripping Springs, Texas.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys for golden-cheeked warbler (*Dendroica chrysoparia*) and black-capped vireo (*Vireo atricapilla*) within Texas.

Permit TE-150490

Applicant: Sea Life Arizona, Tempe, Arizona.

Applicant requests a new permit for research and recovery purposes to hold and display for educational purposes the following native fish: woundfin (*Plagopterus argentissimus*), bonytail (*Gila elegans*), Colorado pikeminnow (*Ptychocheilus lucius*), desert pupfish (*Cyprinodon macularius*), Gila chub (*Gila intermedia*), Gila topminnow (*Poeciliopsis occidentalis occidentalis*), humpback chub (*Gila cypha*), razorback sucker (*Xyrauchen texanus*), Yaqui chub (*Gila purpea*), Yaqui sucker (*Catostomus bernardini*), and Yaqui topminnow (*Poeciliopsis occidentalis sonoriensis*) within the Aquarium.

Permit TE-42823A

Applicant: Wiebke Boeing, Las Cruces, New Mexico.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys for Pecos gambusia (*Gambusia nobilis*), Roswell springsnail (*Pyrgulopsis roswellensis*), Koster's springsnail (*Juturnia kosteri*), and Noel's amphipod (*Gammarus desperatus*) in sinkholes of the Bitter Lake National Wildlife Refuge, Roswell, New Mexico.

Permit TE-051819

Applicant: Fort Worth Zoo, Fort Worth, Texas.

Applicant requests a renewal to a current permit for research and recovery purposes to hold, conduct husbandry activities, and captively breed the following species: Barton Springs salamander (*Eurycea sosorum*), Houston toad (*Bufo houstonensis*), and black-footed ferret (*Mustela nigripes*) within the Fort Worth Zoo.

Permit TE-43719A

Applicant: Desert Botanical Garden, Phoenix, Arizona.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys, collect samples, and conduct genetic analysis of Huachuca water umbel (*Lilaeopsis schaffneriana* var. *recurva*) and Arizona hedgehog cactus (*Echinocereus triglochidiatus* var. *arizonicus*) within Arizona and at the botanical garden.

Permit TE-43746A

Applicant: Northern Arizona University, Flagstaff, Arizona.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys for southwestern willow flycatcher (*Empidonax traillii extimus*) within Arizona.

Permit TE-800923

Applicant: University of Arizona, Tucson, Arizona.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys, collect genetic samples, and captively hold the following species: Colorado pikeminnow (*Ptychocheilus lucius*), desert pupfish (*Cyprinodon macularius*), Gila topminnow (*Poeciliopsis occidentalis*), and Gila chub (*Gila intermedia*) within Arizona.

Permit TE-43777A

Applicant: Sea Life US, LLC, Grapevine, Texas.

Applicant requests a new permit for husbandry and holding of green sea turtles (*Chelonia mydas*) and Kemp's ridley sea turtles (*Lepidochelys kempii*) at the Sea Life Aquarium in Texas.

Permit TE-172278

Applicant: John C. Abbott, Austin, Texas.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys for American burying beetle (*Nicrophorus americanus*) within the Camp Maxey National Guard facility in Texas.

Permit TE-44306A

Applicant: United States Geological Survey, Bozeman, Montana.

Applicant requests a new permit for research and recovery purposes to conduct a study on the effects of electricity on growth and reproduction of razorback suckers (*Xyrauchen texanus*) at the Uvalde National Fish Hatchery in Texas.

Permit TE-026711

Applicant: Coconino National Forest, Flagstaff, Arizona.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys for the following species: southwestern willow flycatcher (*Empidonax traillii extimus*), Yuma clapper rail (*Rallus longirostris yumanensis*), Gila topminnow (*Poeciliopsis occidentalis occidentalis*), razorback sucker (*Xyrauchen texanus*), black-footed ferret (*Mustela nigripes*), Arizona cliffrose (*Purshia subintegra*), and Gila chub (*Gila intermedia*) within Arizona.

Permit TE-118414

Applicant: Cherokee Nation, Tahlequah, Oklahoma.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys for American burying beetle (*Nicrophorus americanus*) within Oklahoma.

Permit TE-829995

Applicant: Dallas Zoo and Aquarium, Dallas, Texas.

Applicant requests an amendment to hold, conduct husbandry activities, and captively breed Houston toads (*Bufo houstonensis*) within the zoo.

Permit TE-207369

Applicant: U.S. Army Garrison—Fort Huachuca, Fort Huachuca, Arizona.

Applicant requests an amendment to a current permit for research and recovery purposes to conduct presence/absence surveys, collect samples, and

conduct genetic analysis of Huachuca water umbel (*Lilaeopsis schaffneriana* var. *recurva*) and to conduct presence/absence surveys of southwestern willow flycatcher (*Empidonax traillii extimus*) within Arizona.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: June 8, 2011.

Joy E. Nicholopoulos,
(Acting) Regional Director, Southwest Region,
Fish and Wildlife Service.

[FR Doc. 2011-14927 Filed 6-15-11; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR**Bureau of Land Management**

[LLWO220000.L10200000.PH0000.00000000]

Renewal of Approved Information Collection

AGENCY: Bureau of Land Management, Interior.

ACTION: 30-day Notice and Request for Comments.

SUMMARY: The Bureau of Land Management (BLM) has submitted an information collection request to the Office of Management and Budget (OMB) for a 3-year renewal of OMB Control Number 1004-0041 under the Paperwork Reduction Act. This control number covers paperwork requirements approval to continue the collection of information from applicants for grazing permits and leases, and from holders of grazing permits and leases.

DATES: The OMB is required to respond to this information collection request within 60 days but may respond after 30 days. Therefore, written comments should be received on or before July 18, 2011.

ADDRESSES: Please submit comments directly to the Desk Officer for the Department of the Interior (OMB #1004-0041), Office of Management and Budget, Office of Information and Regulatory Affairs, fax 202-395-5806, or by electronic mail at oir_docket@omb.eop.gov. Please provide a copy of your comments to the BLM. You may do so via mail, fax, or electronic mail.

Mail: U.S. Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Room 2134LM, Attention: Jean Sonneman, Washington, DC 20240.

Fax: Jean Sonneman at fax number 202-912-7181.

Electronic mail:
jean_sonneman@blm.gov.

FOR FURTHER INFORMATION CONTACT:
Kimberly Hackett, Division of

Rangeland Resources, at 202–912–7216. Persons who use a telecommunication device for the deaf may call the Federal Information Relay Service at 1–800–877–8339, to leave a message for Ms. Hackett. You may also review the information collection request online at <http://www.reginfo.gov/public/do/PRAMain>.

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act (44 U.S.C. 3501–3521) and OMB regulations at 5 CFR part 1320 provide that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond. 44 U.S.C. 3506 and 3507. In order to obtain and renew an OMB control number, Federal agencies are required to seek public comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d) and 1320.12(a)). For this control number, the BLM requests comments on the following subjects:

1. Whether the collection of information is necessary for the proper functioning of the BLM, including whether the information will have practical utility;
2. The accuracy of the BLM's estimate of the burden of collecting the information, including the validity of the methodology and assumptions used;
3. The quality, utility and clarity of the information to be collected; and
4. How to minimize the information collection burden on those who are to respond, including the use of appropriate automated, electronic,

mechanical, or other forms of information technology.

Please send comments as directed under **ADDRESSES** and **DATES**. Please refer to OMB control number 1004–0041 in your correspondence. 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.

The following information is provided for the information collection:

Title: Authorizing Grazing Use (43 CFR subparts 4110 and 4130).

Forms:

- Form 4130–1, Grazing Schedule, Grazing Application;
- Form 4130–1a, Grazing Preference Transfer Application and Preference Application (Base Property Preference Attachment and Assignment);
- Form 4130–1b, Grazing Application Supplemental Information;
- Form 4130–3a, Automated Grazing Application;
- Form 4130–4, Application for Exchange-of-Use Grazing Agreement; and
- Form 4130–5, Actual Grazing Use Report.

OMB Control Number: 1004–0041.

Abstract: The Taylor Grazing Act (43 U.S.C. 315–315n) and Subchapters III and IV of the Federal Land Policy and Management Act (43 U.S.C. 1731–1753)

authorize the BLM to manage domestic livestock grazing on public lands consistent with land use plans, the principles of multiple use and sustained yield, environmental values, economic considerations, and other relevant factors. In order to meet those goals, it is necessary to collection information on matters such as permittee and lessee qualifications for a grazing permit or lease, base property used in conjunction with public lands, and the actual use made by livestock authorized to graze on the public lands.

Frequency of Collection: The BLM collects the information on Forms 4130–1, 4130–1a, 4130–1b, and 4130–4 on occasion. The BLM collects the information on Forms 4130–3a and 4130–5 annually. Responses are required in order to obtain or retain a benefit.

Estimated Number and Description of Respondents: Any U.S. citizen or validly licensed business may apply for a BLM grazing permit or lease. The BLM administers nearly 18,000 permits and leases for grazing domestic livestock, mostly cattle and sheep, at least part of the year on public lands. Permits and leases generally cover a 10-year period and are renewable if the BLM determines that the terms and conditions of the expiring permit or lease are being met.

Estimated Reporting and Recordkeeping “Hour” Burden: 33,810 responses and 7,811 hours annually. The following table details the individual components and respective hour burdens of this information collection request:

Type of response	Number of responses	Time per response (minutes)	Total hours
A	B	C	(B × C)
Grazing Schedule—Grazing Application (43 CFR 4130.1–1) Form 4130–1	3,000	15	750
Grazing Preference Application and Preference Transfer Application (Base Property Preference Attachment and Assignment) (43 CFR 4110.1(c), 4110.2–1(c), and 4110.2–3) Form 4130–1a and related nonform information	900	35	525
Grazing Application Supplemental Information (43 CFR 4110.1 and 4130.7) Form 4130–1b	900	30	450
Automated Grazing Application (43 CFR 4130.4) Form 4130–3a	14,000	10	2,333
Application for Exchange-of-Use Grazing Agreement (43 CFR 4130.6–1) Form 4130–4	10	18	3
Actual Grazing Use Report (43 CFR 4130.3–2(d)) Form 4130–5	15,000	15	3,750
Totals	33,810		7,811

Estimated Annual Reporting and Recordkeeping "Non-Hour Cost"
Burden: \$30,000.

60-Day Notice: As required in 5 CFR 1320.8(d), the BLM published a 60-day notice in the **Federal Register** on January 25, 2011 (76 FR 4369), soliciting comments from the public and other interested parties. The comment period closed on March 28, 2010. The BLM received one comment. The comment was a general invective about the Federal government, the Department of the Interior, and the BLM. It did not address, and was not germane to, this information collection. Therefore, we have not changed the information collection in response to the comment.

Jean Sonneman,

Bureau of Land Management, Information Collection Clearance Officer.

[FR Doc. 2011-14984 Filed 6-15-11; 8:45 am]

BILLING CODE 4310-84-P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *In Re Static Random Access Memories and Products Containing Same*, DN 2816; the Commission is soliciting comments on any public interest issues raised by the complaint.

FOR FURTHER INFORMATION CONTACT: James R. Holbein, Secretary to the Commission, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-2000. The public version of the complaint can be accessed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>, and 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 (<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 has received a complaint filed on behalf of Cypress Semiconductor Corporation on June 10, 2011. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain static random access memories and products containing same. The complaint names as respondents GSI Technology of Sunnyvale, CA; Alcatel-Lucent of Paris, France; Telefonaktiebolaget LM Ericsson of Stockholm, Sweden; Motorola Solutions of Schaumburg, IL; Arrow Electronics, Inc. of Melville, NY; and Nu Horizons Electronics Corp. of Melville, NY.

The complainant, proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five pages in length, on any public interest issues raised by the complaint. Comments should address whether issuance of an exclusion order and/or a cease and desist order in this investigation would negatively 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; and
- (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.

Written submissions must be filed no later than by close of business, five business days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document and 12 true copies thereof on or before the deadlines stated above with the Office of the Secretary. Submissions should refer to the docket number ("Docket No. 2816") in a prominent place on the cover page and/or the first page. The Commission's rules authorize filing submissions with the Secretary by facsimile or electronic means only to the extent permitted by section 201.8 of the rules (see Handbook for Electronic Filing Procedures, http://www.usitc.gov/secretary/fed_reg_notices/rules/documents/handbook_on_electronic_filing.pdf). Persons with questions regarding electronic filing should contact the Secretary (202-205-2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.50(a)(4) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.50(a)(4)).

By order of the Commission.

Issued: June 13, 2011.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2011-14934 Filed 6-15-11; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

Notice is hereby given that on June 7, 2011, a proposed Consent Decree in *United States v. Polar Industries, Inc.*, Civil Action No. 3:11-cv-00915, was filed with the United States District Court for Connecticut.

In this action, the United States sought penalties and injunctive relief for the Defendant's violations of the Clean Air Act, 42 U.S.C. 7401 *et seq.*, at its foam block manufacturing facility in Prospect, Connecticut. To resolve the United States' claims, the Defendants

will pay a penalty of \$102,000, and will install air emission controls at its plant to reduce its emissions of Volatile Organic Compounds into the air.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either emailed to pubcomment-ees.enrd@usdoj.gov or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to either: *United States v. Industries Inc.*, Civil Action No. 3:11-cv-00915, or D.J. Ref. 90-5-2-1-09881. The Consent Decree may be examined at the Office of the United States Attorney, District of Connecticut, Connecticut Financial Center, 157 Church St., 23d Floor, New Haven, Connecticut, and at the United States Environmental Protection Agency, 5 Post Office Square, Suite 100, Boston, Massachusetts 02109. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/Consent-Decrees.html>. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood (tonia.fleetwood@usdoj.gov), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check, payable to the U.S. Treasury, in the amount of \$9.50 (25 cents per page reproduction cost), or, if by email or fax, forward a check in the applicable amount to the Consent Decree Library at the stated address.

Maureen Katz,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2011-14914 Filed 6-15-11; 8:45 am]

BILLING CODE 4410-15-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 May 3, 2011, Boehringer Ingelheim Chemicals, Inc., 2820 N. Normandy Drive, Petersburg, Virginia 23805, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of Phenylacetone (8501), a basic class of controlled substance listed in schedule II.

The company plans to import the listed controlled substance to bulk manufacture amphetamine.

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 Morrisette Drive, Springfield, Virginia 22152; and must be filed no later than July 18, 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 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: June 7, 2011.

Joseph T. Rannazzisi

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2011-14976 Filed 6-15-11; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Application

This is notice that on March 1, 2011, Penick Corporation, 33 Industrial Park Road, Pennsville, New Jersey 08070, made application by renewal to the Drug Enforcement Administration (DEA) for registration as an importer of the following basic classes of controlled substances:

Drug	Schedule
Coca Leaves (9040)	II
Raw Opium (9600)	II
Poppy Straw (9650)	II
Concentrate of Poppy Straw (9670).	II

The company plans to import the listed controlled substances to manufacture bulk controlled substance intermediates for sale to its customers.

As explained in the Correction to Notice of Application pertaining to Rhodes Technologies, 72 FR 3417 (2007), comments and requests for hearings on applications to import narcotic raw material are not appropriate.

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: June 7, 2011.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2011-14975 Filed 6-15-11; 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) 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, Noramco Inc., 1440 Olympic Drive, Athens, Georgia 30601, made application by letter to the Drug Enforcement Administration (DEA) to be registered as an importer of Phenylacetone (8501), a basic class of controlled substance listed in schedule II.

The company plans to import the listed controlled substance in bulk for the manufacture of a controlled substance.

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 Morrisette Drive, Springfield, Virginia 22152; and must be filed no later than July 18, 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 a basic class of any controlled substance listed 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: June 7, 2011.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2011–14972 Filed 6–15–11; 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 1, 2011, Lipomed, Inc., One Broadway, Cambridge, Massachusetts 02142, 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
Cathinone (1235)	I
Methcathinone (1237)	I
N-Ethylamphetamine (1475)	I
Fenethylamine (1503)	I
Methaqualone (2565)	I
Gamma Hydroxybutyric Acid (2010)	I
Lysergic acid diethylamide (7315)	I
2,5-Dimethoxy-4-(n)-propylthiophenethylamine (7348)	I
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
3,4,5-Trimethoxyamphetamine (7390)	I
4-Bromo-2,5-dimethoxyamphetamine (7391)	I
4-Bromo-2,5-dimethoxyphenethylamine (7392)	I
4-Methyl-2,5-dimethoxyamphetamine (7395)	I
2,5-Dimethoxyamphetamine (7396)	I
2,5-Dimethoxy-4-ethylamphetamine (7399)	I
3,4-Methylenedioxamphetamine (7400)	I
3,4-Methylenediox-N-ethylamphetamine (7404)	I
3,4-Methylenedioxymethamphetamine (7405)	I
4-Methoxyamphetamine (7411)	I
Dimethyltryptamine (7435)	I
Psilocybin (7437)	I
Psilocyn (7438)	I
N-Benzylpiperazine (7493)	I
Acetyldihydrocodeine (9051)	I
Dihydromorphine (9145)	I
Heroin (9200)	I
Normorphine (9313)	I
Pholcodine (9314)	I

Drug	Schedule
Tilidine (9750)	I
3-Methylfentanyl (9813)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Methylphenidate (1724)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Phencyclidine (7471)	II
Phenylacetone (8501)	II
Cocaine (9041)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Benzoyllecgonine (9180)	II
Ethylmorphine (9190)	II
Hydrocodone (9193)	II
Levorphanol (9220)	II
Meperidine (9230)	II
Methadone (9250)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273)	II
Morphine (9300)	II
Thebaine (9333)	II
Oxymorphone (9652)	II
Alfentanil (9737)	II
Sufentanil (9740)	II
Fentanyl (9801)	II

The company plans to import analytical reference standards for distribution to its customers for research and analytical purposes.

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 Morrisette Drive, Springfield, Virginia 22152; and must be filed no later than July 18, 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 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: June 7, 2011.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2011-14956 Filed 6-15-11; 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 April 11, 2011, Wildlife Laboratories, 1401 Duff Drive, Suite 400, Fort Collins, Colorado 80524, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of Etorphine Hydrochloride (9059), a basic class of controlled substance listed in schedule II.

The company plans to import the listed controlled substance for sale to its customers.

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 Morrisette Drive, Springfield, Virginia 22152; and must be filed no later than July 18, 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 listed 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: June 7, 2011.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2011-14957 Filed 6-15-11; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Application

Pursuant to Title 21 Code of Federal Regulations 1301.34 (a), this is notice that on May 12, 2011, Chattem Chemicals Inc., 3801 St. Elmo Avenue, Chattanooga, Tennessee 37409, made application by renewal to the Drug Enforcement Administration (DEA) for registration as an importer of the following basic classes of controlled substances:

Drug	Schedule
Methamphetamine (1105)	II
4-Anilino-N-Phenethyl-4-Piperidine (8333)	II
Phenylacetone (8501)	II
Raw Opium (9600)	II
Concentrate of Poppy Straw (9670)	II

The company plans to import the listed controlled substances to manufacture bulk controlled substances for sale to its customers.

No comments, objections, or requests for any hearings will be accepted on any application for registration or re-registration to import crude opium, poppy straw, concentrate of poppy straw, and coca leaves. As explained in the Correction to Notice of Application pertaining to Rhodes Technologies, 72 FR 3417 (2007), comments and requests for hearings on applications to import narcotic raw material are not appropriate.

Any bulk manufacturer who is presently, or is applying to be, registered with DEA to manufacture such basic classes of controlled substances listed in schedule I or II, which fall under the authority of section 1002(a)(2)(B) of the Act [21 U.S.C.

952(a)(2)(B)] may, in the circumstances set forth in 21 U.S.C. 958(i), 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 Morrisette Drive, Springfield, Virginia 22152; and must be filed no later than July 18, 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 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: June 7, 2011.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2011-14954 Filed 6-15-11; 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) 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, Noramco Inc., 500 Swedes Landing Road, Wilmington, Delaware 19801-4417, made application by letter to the Drug Enforcement Administration (DEA) to be registered as an importer of Phenylacetone (8501), a basic class of

controlled substance listed in schedule II.

The company plans to import the listed controlled substance in bulk for distribution to its customers.

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 Morrisette Drive, Springfield, Virginia 22152; and must be filed no later than July 18, 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 a basic class of any controlled substance listed 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: June 7, 2011.

Joseph T. Rannazzisi,
Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2011–14973 Filed 6–15–11; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated April 11, 2011 and published in the **Federal Register** on April 19, 2011, 76 FR 21915, Stepan Company, Natural Products Department, 100 W. Hunter Avenue, Maywood, New Jersey 07607, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of Coca Leaves (9040), a basic class of controlled substance listed in schedule II.

The company plans to import the listed controlled substance for the manufacture of a bulk controlled substance for distribution to its customer.

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 Stepan Company to import the basic class of controlled substance 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 Stepan Company 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 class of controlled substance listed.

Dated: June 8, 2011.

Joseph T. Rannazzisi,
Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2011–14959 Filed 6–15–11; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.33(a), Title 21 of the Code of Federal Regulations (CFR), this is notice that on May 12, 2011, Chattem Chemicals Inc., 3801 St. Elmo Avenue, Building 18, Chattanooga, Tennessee 37409, 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
4-Methoxyamphetamine (7411) ...	I
Dihydromorphine (9145)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Lisdexamfetamine (1205)	II
Methylphenidate (1724)	II
Pentobarbital (2270)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Hydrocodone (9193)	II

Drug	Schedule
Meperidine (9230)	II
Methadone (9250)	II
Methadone intermediate (9254) ..	II
Morphine (9300)	II
Oripavine (9330)	II
Thebaine (9333)	II
Oxymorphone (9652)	II
Noroxymorphone (9668)	II
Alfentanil (9737)	II
Remifentanil (9739)	II
Sufentanil (9740)	II
Fentanyl (9801)	II

The company plans to manufacture the listed controlled substances in bulk for distribution to its customers.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the proposed registration pursuant to 21 CFR 1301.33(a).

Any such comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, Federal Register Representative (ODL), 8701 Morrisette Drive, Springfield, Virginia 22152; and must be filed no later than August 15, 2011.

Dated: June 7, 2011.

Joseph T. Rannazzisi,
Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2011–14953 Filed 6–15–11; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.33(a), Title 21 of the Code of Federal Regulations (CFR), this is notice that on March 1, 2011, Penick Corporation, 33 Industrial Park Road, Pennsville, New Jersey 08070, 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
Cocaine (9041)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Diphenoxylate (9170)	II
Ecgonine (9180)	II
Hydrocodone (9193)	II
Morphine (9300)	II
Oripavine (9330)	II
Thebaine (9333)	II

Drug	Schedule
Oxymorphone (9652)	II

The company plans to manufacture the listed controlled substances as bulk controlled substance intermediates for distribution to its customers.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the proposed registration pursuant to 21 CFR 1301.33(a).

Any such comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, Federal Register Representative (ODL), 8701 Morrisette Drive, Springfield, Virginia 22152; and must be filed no later than August 15, 2011.

Dated: June 7, 2011.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2011-14977 Filed 6-15-11; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.33(a), Title 21 of the Code of Federal Regulations (CFR), this is notice that on April 13, 2011, American Radiolabeled Chemicals, Inc., 101 Arc Drive, St. Louis, Missouri 63146, made application by renewal to the Drug Enforcement Administration (DEA) as a bulk manufacturer of the following basic classes of controlled substances:

Drug	Schedule
Gamma Hydroxybutyric Acid (2010)	I
Ibogaine (7260)	I
Lysergic acid diethylamide (7315)	I
Tetrahydrocannabinols (7370)	I
Dimethyltryptamine (7435)	I
1-[1-(2-Thienyl)cyclohexyl]piperidine (7470)	I
Dihydromorphine (9145)	I
Normorphine (9313)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Amobarbital (2125)	II
Phencyclidine (7471)	II
Phenylacetone (8501)	II
Cocaine (9041)	II
Codeine (9050)	II
Diprenorphine (9058)	II
Dihydrocodeine (9120)	II

Drug	Schedule
Oxycodone (9143)	II
Hydromorphone (9150)	II
Ecgonine (9180)	II
Hydrocodone (9193)	II
Heroin (9200)	II
Meperidine (9230)	II
Metazocine (9240)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273)	II
Morphine (9300)	II
Oripavine (9330)	II
Thebaine (9333)	II
Oxymorphone (9652)	II
Phenazocine (9715)	II
Fentanyl (9801)	II

The company plans to manufacture small quantities of the listed controlled substances as radiolabeled compounds for biochemical research.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the proposed registration pursuant to 21 CFR 1301.33(a).

Any such written comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, Federal Register Representative (ODL), 8701 Morrisette Drive, Springfield, Virginia 22152; and must be filed no later than August 15, 2011.

Dated: June 7, 2011.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2011-14974 Filed 6-15-11; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.33(a), Title 21 of the Code of Federal Regulations (CFR), this is notice that on April 1, 2011, Archimica, Inc., 2460 W. Bennett Street, Springfield, Missouri 65807-1229, 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
Gamma Hydroxybutyric Acid (2010)	I
Amphetamine (1100)	II
Lisdexamfetamine (1205)	II
Methylphenidate (1724)	II
Phenylacetone (8501)	II

Drug	Schedule
Hydrocodone (9193)	II
Methadone Intermediate (9254) ...	II
Tapentadol (9780)	II

The company plans to manufacture the listed controlled substances in bulk for distribution and sale to its customers for Amphetamine (1100).

The company plans to acquire the listed controlled substance in bulk from a domestic source in order to manufacture other controlled substances in bulk for distribution to its customers.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the proposed registration pursuant to 21 CFR 1301.33(a).

Any such comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, Federal Register Representative (ODL), 8701 Morrisette Drive, Springfield, Virginia 22152; and must be filed no later than August 15, 2011.

Dated: June 7, 2011.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2011-14968 Filed 6-15-11; 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, Sigma Aldrich Research Biochemicals, Inc., 1-3 Strathmore Road, Natick, Massachusetts 01760-2447, 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
Cathinone (1235)	I
Methcathinone (1237)	I
Aminorex (1585)	I
Alpha-ethyltryptamine (7249)	I
Lysergic acid diethylamide (7315)	I
Tetrahydrocannabinols (7370)	I
4-Bromo-2,5-dimethoxyamphetamine (7391)	I
4-Bromo-2,5-dimethoxyphenethylamine (7392)	I

Drug	Schedule
2,5-Dimethoxyamphetamine (7396).	I
3,4-Methylenedioxyamphetamine (7400).	I
N-Hydroxy-3,4-methylenedioxyamphetamine (7402).	I
3,4-Methylenedioxy-N-ethylamphetamine (7404).	I
3,4-Methylenedioxymethamphetamine (MDMA) (7405).	I
Psilocybin (7437)	I
5-Methoxy-N,N-diisopropyltryptamine (7439).	I
1-[1-(2-Thienyl)cyclohexyl]piperidine (TCP) (7470).	I
N-Benzylpiperazine (BZP) (7493)	I
Heroin (9200)	I
Normorphine (9313)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Nabilone (7379)	II
1-Phenylcyclohexylamine (7460)	II
Phencyclidine (7471)	II
Cocaine (9041)	II
Codeine (9050)	II
Diprenorphine (9058)	II
Ecgonine (9180)	II
Levomethorphan (9210)	II
Levorphanol (9220)	II
Meperidine (9230)	II
Metazocine (9240)	II
Methadone (9250)	II
Morphine (9300)	II
Thebaine (9333)	II
Levo-alphaacetylmethadol (9648) ..	II
Remifentanyl (9739)	II
Carfentanyl (9743)	II
Fentanyl (9801)	II

The company plans to manufacture reference standards.

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 Sigma Aldrich Research Biochemicals, Inc. to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated Sigma Aldrich Research Biochemicals, 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: June 7, 2011.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2011-14960 Filed 6-15-11; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Office of the Secretary

Bureau of International Labor Affairs; Office of Trade and Labor Affairs; Bahrain—United States Free Trade Agreement; Notice of Determination Regarding Review of Submission #2011-01

AGENCY: Bureau of International Labor Affairs, U.S. Department of Labor.

ACTION: Notice.

SUMMARY: The Office of Trade and Labor Affairs (OTLA) gives notice that on June 10, 2011, Submission #2011-01 was accepted for review pursuant to Article 15.4.2 of Chapter Fifteen (the Labor Chapter) of the Bahrain—United States Free Trade Agreement.

The submission was filed with OTLA on April 21, 2011, by the American Federation of Labor and Congress of Industrial Organizations, with a statement from the General Federation of Bahrain Trade Unions. The submission alleges the Government of Bahrain has violated Article 15.1.1 of the Labor Chapter of the Bahrain—United States Free Trade Agreement by failing to fulfill its obligations and commitments under the International Labour Organization Declaration on Fundamental Principles and Rights at Work and its Follow-up with regard to the rights of association and non-discrimination against trade unionists. These allegations were supported by specific factual descriptions which, if substantiated, could demonstrate that the Government of Bahrain's actions were inconsistent with its commitments under the Labor Chapter.

The objectives of the review of the submission will be to gather information so that OTLA can better understand and publicly report on the U.S. Government's views regarding whether the Government of Bahrain's actions were consistent with the obligations set forth in the Labor Chapter of the Bahrain—United States Free Trade Agreement.

DATES: Effective date: June 10, 2011.

FOR FURTHER INFORMATION CONTACT: Gregory Schoepfle, Director, OTLA, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-5303,

Washington, DC 20210. *Telephone:* (202) 693-4900 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Article 15.4.2 of the Labor Chapter of the Bahrain—United States Free Trade Agreement establishes that each Party's contact point shall provide for the submission, receipt, and consideration of communications from persons of a Party on matters related to provisions of the Labor Chapter and shall review such communications in accordance with domestic procedures. On December 14, 2006, the Department of Labor's OTLA was designated as the office to serve as the contact point for administering the labor provisions in free trade agreements, including the Bahrain—United States Free Trade Agreement. 71 FR 76691 (2006). The same **Federal Register** notice informed the public of the Procedural Guidelines that OTLA would follow for the receipt and review of public submissions. These Procedural Guidelines are available at <http://www.dol.gov/ilab/programs/otla/proceduralguidelines.htm>. According to the definitions contained in the Procedural Guidelines (Section B) a "submission," as used in the guidelines, means "a communication from the public containing specific allegations, accompanied by relevant supporting information, that another Party has failed to meet its commitments or obligations arising under a labor chapter * * *."

The Procedural Guidelines specify that OTLA shall consider six factors, to the extent that they are relevant, in determining whether to accept a submission for review:

1. Whether the submission raises issues relevant to any matter arising under a labor chapter;
2. Whether a review would further the objectives of a labor chapter;
3. Whether the submission clearly identifies the person filing the submission, is signed and dated, and is sufficiently specific to determine the nature of the request and permit an appropriate review;
4. Whether the statements contained in the submission, if substantiated, would constitute a failure of the other Party to comply with its obligations or commitments under a labor chapter;
5. Whether the statements contained in the submission or available information demonstrate that appropriate relief has been sought under the domestic laws of the other Party, or that the matter or a related matter is pending before an international body; and,
6. Whether the submission is substantially similar to a recent

submission and significant, new information has been furnished that would substantially differentiate the submission from the one previously filed.

The submission raises pertinent issues that would further the objectives of the Labor Chapter and that would, if substantiated, constitute a failure of the GOB to comply with its FTA commitments. The submission provides new information and was filed in a correct and complete manner with an allegation that is specific enough to be investigated. The affected trade unionists have attempted to engage in dialogue with the Government of Bahrain regarding the allegations contained in the submission. The OTLA has taken these factors into account and accepted the submission for review.

OTLA's decision to accept the submission for review is not intended to indicate any determination as to the validity or accuracy of the allegations contained in the submission. The objectives of the review of the submission will be to gather information so that OTLA can better understand and publicly report on the U.S. Government's views regarding whether the Government of Bahrain's actions were consistent with the obligations set forth in the Labor Chapter of the Bahrain—United States Free Trade Agreement. The review will be completed and a public report issued within 180 days, unless circumstances, as determined by OTLA, require an extension of time, as set out in the Procedural Guidelines. The public report will include a summary of the review process, as well as findings and recommendations.

Signed at Washington, DC, on June 10, 2011.

Sandra Polaski,

Deputy Undersecretary, International Affairs.

[FR Doc. 2011-14893 Filed 6-15-11; 8:45 am]

BILLING CODE 4510-28-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.

“Investor Form;” SEC File No. 270-485; OMB Control No. 3235-0547.

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 to approve the collection of information discussed below.

Investors who submit complaints, ask questions, or provide tips do so voluntarily. To make it easier for the public to contact the agency electronically, the Commission created a series of investor complaint and question electronic forms. Investors can access forms through the *SEC Center for Complaints and Enforcement Tips* portal. The Commission consolidated four paper complaint forms into one electronic form (*the Investor Form*) that provides drop down options to choose from in order to categorize the investor's complaint or question, and may also provide the investor with automated information about their issue. The investor may describe their complaint and submit it without their name or contact information.

The Investor Form asks investors to provide information concerning, among other things, their names, how they can be reached, the names of the individuals or entities involved, the nature of their complaint or tip, what documents they can provide, and what, if any, actions they have taken. Use of the Investor Form is strictly voluntary. Moreover, the Commission does not require investors to submit complaints, questions, tips, or other feedback. Absent the forms, the public still has several ways to contact the agency, including telephone, facsimile, letters, and e-mail.

Approximately 20,000 investors each year voluntarily choose to use the complaint and question form. Investors who choose not to use the electronic Investor Form receive the same level of service as those who do. The dual purpose of the form is to make it easier for the public to contact the agency with complaints, questions, tips, or other feedback and to further streamline the workflow of Commission staff that record, process, and respond to investor contacts.

The SEC has used—and will continue to use—the information that investors supply on the complaint and question forms, and the electronic Investor Form to review and process the contact (which may, in turn, involve responding to questions, processing complaints, or, as appropriate, initiating enforcement investigations), to maintain a record of contacts, to track the volume of investor complaints, and to analyze trends.

The Commission estimates that the total reporting burden for using the Investor Form is 5,000 hours. The calculation of this estimate depends on the number of investors who use the

forms each year and the estimated time it takes to complete the forms: 20,000 respondents × 15 minutes = 5,000 burden hours.

Members of the public should be aware that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless a currently valid Office of Management and Budget control number is displayed. Background documentation for this information collection may be viewed at the following link, <http://www.reginfo.gov>. General comments regarding the above information should be directed to the following persons: (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 send 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.

June 11, 2011.

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011-14988 Filed 6-15-11; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-29691; File No. 812-13865]

Country Investors Life Assurance Company, et al.

June 9, 2011.

AGENCY: Securities and Exchange Commission (the “Commission”).

ACTION: Notice of application for an order pursuant to Section 26(c) of the Investment Company Act of 1940, as amended (the “1940 Act” or “Act”), approving certain substitutions of securities.

APPLICANTS: COUNTRY Investors Life Assurance Company (the “Company”), COUNTRY Investors Variable Life Account (the “Life Account”) and COUNTRY Investors Variable Annuity Account (the “Annuity Account”) (together, the “Applicants”).

SUMMARY: Applicants seek an order pursuant to Section 26(c) of the 1940 Act approving the substitution of: (1) Shares of the Fidelity VIP Index 500

Portfolio ("Replacement Portfolio A") of the Fidelity Variable Insurance Products Funds II (the "Fidelity Fund II") for shares of the COUNTRY VP Growth Fund ("Replaced Portfolio A") of the COUNTRY Mutual Funds Trust (the "COUNTRY Fund"); and (2) shares of the Fidelity VIP Investment Grade Bond Portfolio ("Replacement Portfolio B") of the Fidelity Variable Insurance Products Fund V (the "Fidelity Fund V") for shares of the COUNTRY VP Bond Fund ("Replaced Portfolio B") of the COUNTRY Fund. Shares of Replacement Portfolio A, Replacement Portfolio B, Replaced Portfolio A, and Replaced Portfolio B currently are held by the Life Account and the Annuity Account (each an "Account," together, the "Accounts") to support variable life insurance or variable annuity contracts, respectively, issued by the Company (each a "Contract," collectively, the "Contracts").

DATES: Filing Date: The Application was filed on February 1, 2011 and amended and restated on May 13, 2011.

Hearing or Notification of Hearing:

An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission and serving Applicants with a copy of the request, personally or by mail. Hearing requests must be received by the Commission by 5:30 p.m. on July 5, 2011, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the requester's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Secretary of the Commission.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090. Applicants, c/o Virginia L. Eves, Assistant General Counsel, Country Investors Life Assurance Company, 1701 N. Towanda Avenue, Bloomington, IL 61702-2901. Copies to Thomas E. Bisset, Esq., Sutherland Asbill & Brennan LLP, 1275 Pennsylvania Avenue, NW., Washington, DC 20004-2415.

FOR FURTHER INFORMATION CONTACT:

Alison T. White, Senior Counsel, or Joyce M. Pickholz, Branch Chief, Office of Insurance Products, Division of Investment Management, at (202) 551-6795.

SUPPLEMENTARY INFORMATION: The following is a summary of the

application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at <http://www.sec.gov/search/search.htm>, or by calling (202) 551-8090.

Applicants' Representations

1. The Company is a stock life insurance company organized under Illinois law in 1981. The Company is principally engaged in the offering of life insurance policies and annuity contracts, and is admitted to do business in 43 states. For purposes of the Act, the Company is the depositor and sponsor of each of the Accounts, as those terms have been interpreted by the Commission with respect to variable life insurance and variable annuity separate accounts.

2. Under the insurance law of Illinois, the assets of each Account attributable to the Contracts issued through that Account are owned by the Company, but are held separately from the other assets of the Company for the benefit of the owners of, and the persons entitled to payment under, those Contracts. Each Account is a "separate account" as defined by Rule 0-1(e) under the Act. Each Account is registered with the Commission as a unit investment trust (File No. 811-21394 (the Life Account); File No. 811-21330 (the Annuity Account)). Each Account is comprised of a number of subaccounts and each subaccount invests exclusively in one of the insurance dedicated mutual fund portfolios made available as investment options underlying the Contracts.

3. The Life Account is currently divided into 57 subaccounts. The assets of the Life Account support variable life insurance contracts, and interests in the Account offered through such contracts have been registered under the Securities Act of 1933, as amended (the "1933 Act") on Form N-6 (File No. 333-106757).

4. The Annuity Account is currently divided into 57 subaccounts. The assets of the Annuity Account support variable annuity contracts, and interests in the Account offered through such contracts have been registered under the 1933 Act on Form N-4 (File No. 333-104424).

5. The Contracts are flexible premium variable life insurance and variable annuity contracts. The variable life insurance Contracts provide for the accumulation of values on a variable basis, a fixed basis, or a combination of both, throughout the insured's life, and for a death benefit upon the death of the insured. The variable annuity Contracts provide for the accumulation of values on a variable basis, a fixed basis, or a

combination of both, during the accumulation period, and provide settlement or annuity payment options on a variable basis, a fixed basis, or a combination of both, during the income period. Under each of the Contracts, the Company reserves the right to substitute shares of one underlying fund for shares of another, or of another investment portfolio, including a portfolio of a different management investment company. The prospectuses for the Contracts and the Accounts contain the appropriate disclosure of this right.

6. For as long as a variable life insurance Contract remains in force or a variable annuity Contract remains in force and has not yet been annuitized, a Contract owner may transfer all or any part of the Contract value from one subaccount to any other subaccount without limit, although certain restrictions apply to transfers to and from the fixed account interest investment option under the Contract funded by the Company's general account (the "Declared Interest Option"). The Company reserves the right to revoke or modify the transfer privilege to discourage excessive trading by Contract owners or to prevent transfers that may have a detrimental effect upon Contract owners, subaccount unit values, the insurance dedicated mutual fund portfolios underlying the subaccounts or the Declared Interest Option. The Contracts reserve to the Company the right to assess a charge of \$25 for transfers in excess of twelve per Contract year.

7. The Company began offering the variable life insurance Contracts in January, 2004 (the "Original VLI Contracts") and discontinued offering the Original VLI Contracts on or about December 1, 2008 once the Company received state approval to offer an enhanced version of the Original VLI Contracts (the "New VLI Contracts"). Likewise, the Company began offering the variable annuity Contracts in January, 2004 (the "Original VA Contracts") and discontinued offering the Original VA Contracts on or about December 1, 2008 once the Company received state approval to offer an enhanced version of the Original VA Contracts (the "New VA Contracts"). The Company discontinued offering the New VLI Contracts and New VA Contracts on or about November 30, 2010.

8. Currently, there are 34 underlying mutual fund investment options available under the Original VLI Contracts and the Original VA Contracts. Following the substitution transactions there will be 32 underlying mutual fund investment options

available under the Original VLI Contracts and the Original VA Contracts.

9. Under the New VLI Contracts and the New VA Contracts, there are 36 underlying mutual fund investment options available under the Contracts. Following the substitution transactions there will be 34 underlying mutual fund investment options available under the New VLI Contracts and the New VA Contracts.

10. The COUNTRY Fund is organized as a Delaware business trust and registered as an open-end management investment company under the Act (File No. 811-10475). The COUNTRY Fund currently offers 4 separate investment portfolios, two of which would be involved in the proposed substitutions, the Replaced Portfolios. The COUNTRY Fund issues a separate series of shares of beneficial interest in connection with each Replaced Portfolio and has registered such shares under the 1933 Act on Form N-1A (File No. 333-68270). COUNTRY Fund Management ("COUNTRY Advisor"), a separately identifiable department of COUNTRY Trust Bank, serves as the investment adviser to each Replaced Portfolio.

11. The Fidelity Fund II is registered as an open-end management investment company under the Act (File No. 811-05511) and currently offers three (3)

investment portfolios, each with multiple share classes. The Fidelity Fund II issues a series of shares of beneficial interest in connection with each portfolio and has registered such shares under the 1933 Act on Form N-1A (File No. 033-20773). Each portfolio of the Fidelity Fund II has entered into a management agreement with Fidelity Management & Research Company ("FMR") under which FMR acts as investment adviser for the portfolio. Under the management agreement and pursuant to an exemptive order issued by the Commission, FMR also acts as a manager of managers for Replacement Portfolio A, meaning that FMR has the responsibility to oversee sub-advisers for Replacement Portfolio A and recommend the hiring, termination and replacement of such sub-advisers. Subject to the approval of the Fidelity Fund II board of trustees but without a shareholder approval, FMR may replace or hire unaffiliated sub-advisers or amend the terms of their existing sub-advisory agreements.

12. The Fidelity Fund V is registered as an open-end management investment company under the Act (File No. 811-05361) and currently offers thirty-one (31) investment portfolios, each with multiple share classes. The Fidelity Fund V issues a series of shares of beneficial interest in connection with

each portfolio and has registered such shares under the 1933 Act on Form N-1A (File No. 033-17704).

13. The investment objectives of each Replaced Portfolio and Replacement Portfolio are as follows:

a. Replaced Portfolio A and Replacement Portfolio A: The COUNTRY VP Growth Fund seeks growth of capital and dividend income, if any, will be incidental to this objective. The Fidelity VIP Index 500 Portfolio seeks investment results that correspond to the total return of common stocks publicly traded in the United States, as represented by the S&P 500 Index.

b. Replaced Portfolio B and Replacement Portfolio B: The COUNTRY VP Bond Fund seeks maximum total return consistent with preservation of capital. The Fidelity VIP Investment Grade Bond Portfolio seeks as high a level of current income as is consistent with the preservation of capital.

14. The advisory fees, other expenses and total operating expenses (before and after any contractual waivers and reimbursements) for the year ended December 31, 2010, expressed as an annual percentage of average daily net assets, of the Replaced Portfolios and the Replacement Portfolios are as follows:

	Replaced Portfolio A COUNTRY VP Growth Fund (percent)	Replacement Portfolio A Fidelity VIP Index 500 Portfolio (percent)
Advisory Fees	.75	.10
Distribution and/or 12b-1 Fees	N/A	.25
Other Expenses	.65	0.00
Total Operating Expenses	1.40	.35
Less Contractual Fee Waivers and Expense Reimbursements	(.50)	0.00
Net Operating Expenses	.90	.35
	Replaced Portfolio B COUNTRY VP Bond Fund (percent)	Replacement Portfolio B Fidelity VIP Investment Grade Bond Portfolio (percent)
Advisory Fees	.50	.32
Other Expenses	.67	.11
Total Operating Expenses	1.17	.43
Less Contractual Fee Waivers and Expense Reimbursements	(.46)	(.01)
Net Operating Expenses	.71	.42

15. The investment performance of each Replacement Portfolio compares favorably to the investment performance of the corresponding Replaced Portfolio. For the last fiscal year, the investment performance of Replacement Portfolio B significantly exceeded the investment

performance of Replaced Portfolio B while the investment performance of Replacement Portfolio A slightly trailed the investment performance of Replaced Portfolio A. For the last five fiscal year period and ten fiscal year/since inception period, the investment

performance of Replacement Portfolio A trailed the investment performance of Replaced Portfolio A, however, much of that underperformance can be traced directly to the extraordinary market conditions that existed in fiscal year 2008. In that regard, Replacement

Portfolio A significantly outperformed Replaced Portfolio A in fiscal year 2009. For the last five fiscal year period and for the ten fiscal year/since inception period, the investment performance of Replacement Portfolio B exceeded the investment performance of Replaced Portfolio B. In addition, each Replacement Portfolio has a longer history of investment performance than that of the corresponding Replaced Portfolio.

16. For those Contracts that are in force on the date of the proposed substitutions, the Company will take the following action during the twenty-four months following the date of the proposed substitutions. On the last day of each fiscal period (not to exceed a fiscal quarter), the Company will reimburse Contract owners to the extent that the sum of the operating expenses of the Replacement Portfolio (taking into account any fee waivers and expense reimbursements) and subaccount expenses for such period exceed, on an annualized basis, the sum of the operating expenses of the corresponding Replaced Portfolio (taking into account any fee waivers and expense reimbursements) and subaccount expenses for the fiscal year preceding the date of the proposed substitution. In addition, for twenty-four months following the proposed substitutions, the Company will not increase asset-based fees or charges for Contracts outstanding on the date of the proposed substitutions.

17. The Board of Trustees of the COUNTRY Fund voted to close the Replaced Portfolios to new investment as of April 29, 2011, and to liquidate the Replaced Portfolios on or before June 30, 2012, the Liquidation Date. In turn, the COUNTRY VP Growth Fund Subaccount and the COUNTRY VP Bond Fund Subaccount (together the "Discontinued Subaccounts") that invest in Replaced Portfolio A and Replaced Portfolio B, respectively, also are no longer available for new investments (allocation of premium payments and transfers) as of April 29, 2011 (the "Closing Date") and will be discontinued altogether under the Contracts on a date no later than the Liquidation Date.

18. If the Commission grants this request for substitution relief, Contract owners' investment in the COUNTRY VP Growth Fund Subaccount and the COUNTRY VP Bond Fund Subaccount will automatically be transferred to the applicable Fidelity VIP Index 500 Portfolio Subaccount and the Fidelity VIP Investment Grade Bond Portfolio Subaccount (the "Replacement Subaccounts"), respectively, as of a date

determined by the Company following receipt of a Commission order granting substitution relief (the "Substitution"). Contract owners will receive advance notice of the date of the Substitution (the "Substitution Date").

19. By supplements to the prospectuses for the registration statements of the Accounts filed with the Commission on February 2, 2011 (collectively, the "2011 Supplements"), the Company notified owners of the Contracts of its intention to take the necessary actions, including seeking the order requested by this amended and restated application, to carry out the proposed substitutions as described herein.

20. The 2011 Supplements advised Contract owners that accumulated Contract value may continue to remain in the Discontinued Subaccounts after the Closing Date until the Substitution Date. After the Closing Date, however, Contract owners will not be able to allocate premium payments or transfer accumulated Contract value to the Discontinued Subaccounts from the Declared Interest Option or from the other subaccounts available under the Contract. Prospectuses for the Contracts dated May 1, 2011 also provided Contract owners the same information included in the 2011 Supplements as well as more detailed information regarding each Replaced Portfolio and each Replacement Portfolio.

21. In addition, the Company has forwarded to each Contract owner invested in a Replaced Portfolio the most recent prospectus for the Replaced Portfolio and the corresponding Replacement Portfolio.

22. From the date of the 2011 Supplements, Contract owners may transfer accumulated Contract value from the Discontinued Subaccounts to the Declared Interest Option and the other subaccounts available under the Contract free of charge and without such transfers counting against the number of free transfers allowed each Contract year. For 30 days following the Substitution Date, Contract owners whose accumulated Contract value was transferred to the Replacement Subaccounts as a result of the Substitution may transfer accumulated Contract value from the Replacement Subaccounts to the Declared Interest Option and the other subaccounts available under the Contract free of charge and without such transfers counting against the number of free transfers. Although the Company has no present intention to increase the charge for transfers under the Contracts, the Company will agree not to exercise any rights reserved by it under the Contracts

to impose additional charges for transfers until at least 30 days after the Substitution Date.

23. Within five days after the Substitution Date, Contract owners who are affected by the substitutions will be sent a written notice informing them that the substitutions were carried out. The notice also will reiterate the facts that: (1) For at least 30 days after the Substitution Date, the Company will not exercise any rights reserved by it under the Contract to impose additional charges for transfers; and (2) for 30 days following the Substitution Date, Contract owners may transfer accumulated Contract value that was transferred into the Replacement Subaccounts as a result of the substitution out of the Replacement Subaccounts and into the Declared Interest Option and the other subaccounts available under the Contracts free of charge and without such transfers counting against the number of free transfers allowed each Contract year.

24. The Company will carry out the proposed substitutions by redeeming shares of each Replaced Portfolio held by the Accounts for cash and applying the proceeds to the purchase of shares of the corresponding Replacement Portfolio. Redemption requests and purchase orders will be placed simultaneously so that Contract values will remain fully invested at all times. All redemptions of shares of the Replaced Portfolios and purchases of shares of the Replacement Portfolios will be effected in accordance with Rule 22c-1 of the Act.

25. The proposed substitutions will take place at relative net asset value and will not result in a change in the amount of any Contract owner's accumulated Contract value or death benefit, or in the dollar value of his or her investment in any of the Accounts. Contract owners will not incur any fees or charges as a result of the proposed substitutions, nor will their rights or the Company's obligations under the Contracts be altered in any way. All applicable expenses incurred in connection with the proposed substitutions, including brokerage commissions and legal, accounting, and other fees and expenses, will be paid by the Company. In addition, the proposed substitutions will not result in adverse tax consequences for, and will not alter, the tax benefits to Contract owners. The proposed substitutions will not cause the Contract fees and charges currently being paid by existing Contract owners to be greater after the proposed substitutions than before the proposed substitutions.

26. Applicants believe that Contract owners will be better off with the Replacement Portfolios than with the Replaced Portfolios, and that the proposed substitutions also are unlike the type of substitution that Section 26(c) was designed to prevent.

Conclusion

For the reasons and upon the facts set forth above, Applicants submit that the requested order meets the standards set forth in Section 26(c). Applicants request an order of the Commission, pursuant to Section 26(c) of the Act, approving the Substitutions.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011-14859 Filed 6-15-11; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[[Release No. IC-29693; File No. 812-13821]

Allianz Life Insurance Company of North America, et al; Notice of Application

June 10, 2011.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for an order approving the substitution of certain securities pursuant to Section 26(c) of the Investment Company Act of 1940, as amended (the "1940 Act" or "Act") and an order of exemption pursuant to Section 17(b) of the Act from Section 17(a) of the Act.

Applicants: Allianz Life Insurance Company of North America ("Allianz Life") and Allianz Life Insurance Company of New York ("Allianz NY") (together the "Insurance Company

Applicants"); their respective separate accounts Allianz Life Variable Account A ("Allianz Account A"), Allianz Life Variable Account B ("Allianz Account B"), and Allianz Life of NY Variable Account C ("Allianz Account C") (collectively with the Insurance Company Applicants, the "Applicants"); and PIMCO Equity Series VIT (the "PIMCO EqS VIT" and collectively with the Applicants, the "Section 17 Applicants").

Summary of Application: The Applicants seek an order pursuant to Section 26(c) of the 1940 Act, approving the substitution of the securities of the PIMCO EqS Pathfinder Portfolio for the securities of the Mutual Global Discovery Securities Fund (the "Substitution") held by Allianz Account A, Allianz Account B, or Allianz Account C (collectively, the "Separate Accounts" or "Separate Account Applicants") to support certain individual variable annuity contracts and variable life insurance contracts (the "Contracts") issued by Allianz Life and Allianz NY. The Section 17 Applicants seek an order pursuant to Section 17(b) of the 1940 Act exempting them from Section 17(a) of the Act to the extent necessary to permit them to engage in certain in-kind transactions in connection with the Substitution.

Filing Date: The application was filed on September 14, 2010, and amended on October 6, 2010, October 12, 2010 and May 26, 2011.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission and serving Applicants and PIMCO EqS VIT with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on July 5, 2011, and should be accompanied by proof of service on

Applicants and PIMCO EqS VIT in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the requester's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Secretary of the Commission.

ADDRESSES: Secretary, SEC, 100 F Street, NE., Washington, DC 20549-1090.

Applicants: Allianz Life Insurance Company of North America, Allianz Life Variable Account A, and Allianz Life Variable Account B, 5701 Golden Hills Dr., Minneapolis, MN 55416-1297; Allianz Life Insurance Company of New York, and Allianz Life of NY Variable Account C, One Chase Manhattan Plaza, 37th Floor, New York, NY 10005-1423; and PIMCO Equity Series VIT, 840 Newport Center Drive, Newport Beach, CA 92660.

FOR FURTHER INFORMATION CONTACT: Sally Samuel, Senior Counsel, or Joyce M. Pickholz, Branch Chief, Office of Insurance Products, Division of Investment Management, at (202) 551-6795.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at <http://www.sec.gov/search/search.htm>, or by calling (202) 551-8090.

Applicants' and PIMCO EqS VIT's Representations:

1. The Applicants propose to substitute certain classes of shares of the PIMCO EqS Pathfinder Portfolio (the "Replacement Fund") for the corresponding class of shares of the Mutual Global Discovery Securities Fund (the "Replaced Fund") currently held by the Separate Accounts, as shown in the table below:

THE REPLACEMENT FUND AND THE REPLACED FUND

[Each a "Fund" and collectively the "Funds"]

Replacement Fund (investment adviser)	Share classes	Replaced Fund (investment adviser)	Share classes
PIMCO EqS Pathfinder Portfolio™ (Pacific Investment Management Company LLC or "PIMCO").	Institutional Class Advisor Class *	Mutual Global Discovery Securities Fund (Frank- lin Mutual Advisers, LLC).	Class 1 Class 2*

* A distribution (12b-1) fee is assessed against assets attributable to this class of shares at the annual rate of 0.25% of the average daily net assets attributable to the class.

2. The Replacement Fund is a series of the PIMCO EqS VIT, a Delaware statutory trust. The PIMCO EqS VIT is registered as an open-end management

investment company under the 1940 Act (File No. 811-22376) and its shares are registered as securities under the

Securities Act of 1933, as amended (the "1933 Act") (File No. 333-164078).

3. Shares of the Replacement Fund are sold to separate accounts of Allianz Life and Allianz NY for the purpose of

funding variable annuity contracts and variable life insurance policies. The Replacement Fund is managed by PIMCO, an affiliate of the Insurance Company Applicants.

4. The Replaced Fund is a series of Franklin Templeton Variable Insurance

Products Trust ("FTVIPT"), a Delaware statutory trust. FTVIPT is registered as an open-end management investment company under the 1940 Act (File No. 811-05583), and its shares are registered as securities under the 1933 Act (File No. 033-23493). The Replaced Fund is

managed by Franklin Mutual Advisers, LLC, which is not an affiliate of the Insurance Company Applicants.

5. The following table shows the inception date and net assets at December 31, 2010, for each class of shares of the Replaced Fund:

Replaced Fund	Inception date	Net assets at December 31, 2010
Mutual Global Discovery Securities Fund:		
Class 1	Nov. 8, 1996	\$84.2 million*
Class 2	Jan. 6, 1999	1.35 billion**

* As of December 31, 2010, approximately 99.9% of the assets in Class 1 of the Replaced Fund would have been transferred to Institutional Class of the Replacement Fund.

** As of December 31, 2010, approximately 36.4% of the assets in Class 2 of the Replaced Fund would have been transferred to Advisor Class of the Replacement Fund.

6. The following table shows the inception date and net assets at

December 31, 2010, for each class of shares of the Replacement Fund:

Replacement Fund	Inception date	Net assets at December 31, 2010
PIMCO Eqs Pathfinder Portfolio™		
Institutional Class	April 14, 2010	\$3.3 million.
Advisor Class	April 14, 2010	2.5 million.

7. Subaccounts investing in Class 1 shares of the Replaced Fund and Institutional Class shares of the Replacement Fund are available only to owners of certain Contracts that are no longer offered for sale by the Insurance Company Applicants. Pursuant to the proposed Substitution, the Insurance Company Applicants will replace shares of subaccounts investing in Class 1 shares of the Replaced Fund on the date of the Substitution with Institutional Class shares of the Replacement Fund.

8. Subaccounts investing in Class 2 shares of the Replaced Fund and Advisor Class shares of the Replacement Fund are available to owners of various Contracts, including Contracts that are no longer offered for sale and Contracts currently offered for sale by the Insurance Company Applicants. Pursuant to the proposed Substitution, the Insurance Company Applicants will replace shares of subaccounts investing in Class 2 shares of the Replaced Fund on the date of the Substitution with Advisor Class shares of the Replacement Fund.

9. It is currently anticipated that the Substitution will occur on or about July 22, 2011, or as soon thereafter as may be practicable following receipt of the requested Order of the Commission (the "Substitution Date"). Following the Substitution, the Replaced Fund will no

longer be offered under any Contract issued by Allianz Life or Allianz NY.

10. Allianz Life is a stock life insurance company organized under the laws of the state of Minnesota in 1896. Allianz Life offers fixed and variable annuities and individual life insurance. Allianz Life is licensed to do direct business in 49 states and the District of Columbia. Allianz Life is a subsidiary of Allianz SE, a "Societas Europaea" or European stock corporation.

11. Allianz NY is a stock life insurance company organized under the laws of the state of New York on September 21, 1982. Allianz NY offers fixed and variable annuities. Allianz NY is licensed to do direct business in six states, including New York and the District of Columbia.

12. Allianz Account A is a segregated asset account of Allianz Life. Allianz Account A was established by Allianz Life on May 31, 1985, under Minnesota insurance laws. Allianz Account A is used to fund certain variable life insurance policies issued by Allianz Life. Allianz Account A is divided into a number of subaccounts, each of which invests in and reflects the investment performance of a specific underlying registered investment company or portfolio thereof (each an "Investment Option"). Allianz Account A is registered as a unit investment trust

under the 1940 Act (File No. 811-04965).

13. Allianz Account B is a segregated asset account of Allianz Life. Allianz Account B was established by Allianz Life on May 31, 1985, under Minnesota insurance laws. Allianz Account B is used to fund certain variable annuity contracts issued by Allianz Life. Allianz Account B is divided into a number of subaccounts, each of which invests in and reflects the investment performance of a specific Investment Option. Allianz Account B is registered as a unit investment trust under the 1940 Act (File No. 811-05618).

14. Allianz Account C is a segregated asset account of Allianz NY. Allianz Account C was established by Allianz NY on February 26, 1988, under New York insurance laws. Allianz Account C is used to fund certain variable annuity contracts issued by Allianz NY. Allianz Account C is divided into a number of subaccounts, each of which invests in and reflects the investment performance of a specific Investment Option. Allianz Account C is registered as a unit investment trust under the 1940 Act (File No. 811-05716).

15. The table below shows current and effective registration statements with the Commission for Contracts funded by Allianz Account B that offer the Replaced Fund as an Investment Option:

Separate account	Registration No.	Contract name	Type of contract	Number of Investment Options (total/unaffiliated)
Allianz Account B	333-82329	Allianz Alterity ⁽²⁾	Variable Deferred Annuity	67/25
Allianz Account B	333-145866	Allianz Connections ⁽²⁾	Variable Deferred Annuity	52/11
Allianz Account B	333-90260	Allianz High Five ⁽²⁾	Variable Deferred Annuity	61/24
Allianz Account B	333-120181	Allianz High Five L ⁽²⁾	Variable Deferred Annuity	57/20
Allianz Account B	333-95729	Allianz Rewards ⁽²⁾	Variable Deferred Annuity	66/25
Allianz Account B	333-139701	Allianz Vision ⁽²⁾	Variable Deferred Annuity	52/11
Allianz Account B	33-23035	Valuemark II ⁽¹⁾	Variable Deferred Annuity	62/25
Allianz Account B	333-06709	Valuemark IV ⁽¹⁾	Variable Deferred Annuity	62/25

⁽¹⁾ Only Class 1 shares are available through this contract.

⁽²⁾ Only Class 2 shares are available through this contract.

16. In addition, Allianz Life has the following registration statements that are no longer updated for eleven Contracts funded by Allianz Account A

and Allianz Account B (the "A and B Great Wested Contracts"). Although the A and B Great Wested Contracts are no longer offered for sale, they do offer the

Replaced Fund as an Investment Option:

Separate account	Registration No.	Contract name	Type of contract	Number of Investment Options (Total/unaffiliated)
Allianz Account B	333-126217	Allianz Custom Income ⁽²⁾	Variable Deferred Annuity	28/8
Allianz Account B	333-134267	Allianz Elite ⁽²⁾	Variable Deferred Annuity	49/13
Allianz Account A	33-11158	Allianz ValueLife ⁽¹⁾	Flexible Premium Variable Universal Life.	32/17
Allianz Account B	333-111049	Allianz High Five Bonus ⁽²⁾	Variable Deferred Annuity	57/20
Allianz Account B	333-63719	USAllianz Charter ⁽²⁾	Variable Deferred Annuity	42/23
Allianz Account B	333-101812	USAllianz Charter II ⁽²⁾	Variable Deferred Annuity	46/22
Allianz Account B	333-47886	USAllianz Dimensions ⁽²⁾	Variable Deferred Annuity	38/22
Allianz Account A	333-60206	USAllianz LifeFund ⁽²⁾	Flexible Premium Variable Universal Life.	44/22
Allianz Account B	33-72046	Valuemark III ⁽¹⁾	Variable Deferred Annuity	62/25
Allianz Account B	33-76190	Valuemark Income Plus ⁽¹⁾	Variable Immediate Annuity	54/23
Allianz Account A	33-15464	Valuemark Life ⁽¹⁾	Single Premium Variable Life	32/17

⁽¹⁾ Only Class 1 shares are available through this contract.

⁽²⁾ Only Class 2 shares are available through this contract.

17. Currently Allianz NY has the following current and effective registration statement with the

Commission for one Contract funded by Allianz Account C that offers the

Replaced Fund as an Investment Option:

Separate account	Registration No.	Contract name	Type of contract	Number of Investment Options (Total/Unaffiliated)
Allianz Account C	333-143195	Allianz Vision NY-(Only Class 2 shares available).	Variable Deferred Annuity	52/11

18. In addition, Allianz NY has the following registration statements that are no longer updated for six Contracts

funded by Allianz Account C (the "C Great Wested Contracts"). Although the C Great Wested Contracts are no longer

offered for sale, they do offer the Replaced Fund as an Investment Option:

Separate account	Registration No.	Contract name	Type of contract	Number of Investment Options (Total/Unaffiliated)
Allianz Account C	333-19699	Allianz Advantage NY ⁽²⁾	Variable Deferred Annuity	65/25
Allianz Account C	333-105274	Allianz Charter II NY ⁽²⁾	Variable Deferred Annuity	61/21
Allianz Account C	333-124767	Allianz High Five NY ⁽²⁾	Variable Deferred Annuity	57/20
Allianz Account C	333-75718	Allianz Opportunity NY ⁽²⁾	Variable Deferred Annuity	65/25

Separate account	Registration No.	Contract name	Type of contract	Number of Investment Options (Total/Unaffiliated)
Allianz Account C	33-26646	Valuemark II NY ⁽¹⁾	Variable Deferred Annuity	32/17
Allianz Account C	333-19699	Valuemark IV NY ⁽¹⁾	Variable Deferred Annuity	47/23

⁽¹⁾ Only Class 1 shares are available through this contract.

⁽²⁾ Only Class 2 shares are available through this contract.

19. Of the Contracts that offer the Replaced Fund as an Investment Option, only Allianz Vision and Allianz Vision New York currently are offered for sale.

20. Under the Contracts, the Insurance Company Applicants reserve the right, subject to regulatory approval, to substitute one of the Investment Options with another Investment Option after appropriate notice. Moreover, the Contracts permit the Insurance Company Applicants to limit allocation of purchase payments to one or more subaccounts that invest in an Investment Option. The prospectuses for the Contracts also contain disclosure of these rights.

21. The proposed Substitution is due primarily to the fact that the Replacement Fund, which has the same investment objective and substantially similar investment strategies as the Replaced Fund, is managed by the same portfolio managers who previously managed the Replaced Fund. The Replacement Fund's portfolio is jointly managed by Anne Gudefin and Charles Lahr. Ms. Gudefin and Mr. Lahr were hired by PIMCO at the end of 2009, to manage the Replacement Fund on its inception in April, 2010; they previously served as the co-lead portfolio managers of the Replaced Fund since 2007. As a result, the

Replacement Fund now is managed by the same portfolio managers, and with substantially the same mandate and value-oriented style, as the Replaced Fund prior to the transition. The Replaced Fund, on the other hand, now is managed by a new portfolio management team.

22. The proposed Substitution also is part of an overall business plan of the Insurance Company Applicants to make their respective products more efficient to monitor and administer and more competitive (both in terms of new sales and the retention of existing business). The Insurance Company Applicants believe that more concentrated and streamlined operations for Investment Options will result in increased operational and administrative efficiencies and economies of scale for the Insurance Company Applicants. Having added the Replacement Fund as an Investment Option to retain the ability for Contract holders to invest in a value-oriented fund managed by Ms. Gudefin and Mr. Lahr, the Insurance Company Applicants believe that it would enhance operational and administrative efficiency to replace the Replaced Fund, which, with the same mandate and value-oriented style as the Replacement Fund, is a largely redundant Investment Option.

23. For these reasons and the reasons discussed below, the Applicants believe that substituting the Replacement Fund for the Replaced Fund is appropriate and in the best interests of the contract owners.

24. The Insurance Company Applicants believe that the Replacement Fund is an appropriate replacement for the Replaced Fund because its investment objective is the same (both funds seek capital appreciation) and its principal investment strategies are substantially the same as those of the Replaced Fund. In addition, because the principal investment risks of the Replaced Fund and the Replacement Fund are substantially the same, the risk expectations of those contract owners with interests in the Replaced Fund will continue to be met after the Substitution. Comparisons of the investment objectives, principal investment policies and principal investment risks of the Funds are set forth in the application.

25. The following chart compares the management fees and the total annual fund operating expenses (before and after any waivers and reimbursements) for the year ended December 31, 2010, expressed as an annual percentage of average daily net assets, of the Replaced Fund and the Replacement Fund.

	Mutual Global Discovery Securities Fund (Replaced Fund) (percent)		PIMCO EqS Pathfinder Portfolio™ (Replacement Fund) (percent)	
	Class 1	Class 2	Institutional class	Advisor class
Management Fee	0.80	0.80	⁽¹⁾ 0.75	⁽¹⁾ 0.75
Distribution (12b-1) Fees		0.25		0.25
Other Expenses	0.20	0.20	0.04	0.02
Acquired Fund Fees and Expenses			0.02	0.02
Supervision and Administration Fee			⁽²⁾ 0.35	⁽²⁾ 0.35
Total Annual Fund Operating Expenses	1.00	1.25	1.16	1.39
Fee Waiver/Expense Reimbursement			⁽³⁾ (0.13)	⁽³⁾ (0.13)
Total Annual Fund Operating Expenses After Fee Waiver/Expense Reimbursement			1.03	1.26

⁽¹⁾ Pursuant to an Investment Advisory Contract, dated March 30, 2010, PIMCO acts as investment adviser to the Replacement Fund and receives, as compensation from the fund, an investment advisory fee of 0.75%.

(2) Pursuant to a Supervision and Administration Agreement, dated March 30, 2010, PIMCO also acts as the administrator to the Replacement Fund and is responsible both for providing various supervisory and administrative services and for paying the expenses of various other services (such as audits, transfer agent, registrar, custodial services, shareholder meetings, ordinary legal fees, and fidelity bond/insurance premiums). As compensation for these services, PIMCO receives a supervisory and administrative fee of 0.35%. In its prospectus, the Replacement Fund discloses this fee together with the investment advisory fee as a combined management fee of 1.10%. The expenses incurred by the Replaced Fund for similar administrative services are included under Other Expenses.

(3) PIMCO has contractually agreed, through May 1, 2012, to reduce its advisory fee by 0.13% of the average daily net assets of the Portfolio. This Fee Limitation Agreement renews annually unless terminated by PIMCO upon at least 30 days' prior notice to the end of the contract term. Under certain conditions, PIMCO may recoup amounts reduced in future periods, not exceeding three years.

26. The assets and performance of the Funds for the years ending December 31, 2009 and December 31, 2010 are set forth in the application.

27. Applicants hereby request the Commission's approval to effect the substitution of shares of the Replacement Fund for shares of the Replaced Fund as follows: Institutional Class shares of the PIMCO EqS Pathfinder Portfolio for Class 1 shares of the Mutual Global Discovery Securities Fund; and Advisor Class shares of the PIMCO EqS Pathfinder Portfolio for Class 2 shares of the Mutual Global Discovery Securities Fund.

28. At the close of business on the Substitution Date, Allianz Life and Allianz NY will each redeem shares of the Replaced Fund held by their Separate Accounts in-kind or in cash, or a combination thereof, and apply the proceeds of such redemptions to the purchase of shares of the Replacement Fund. Thus, after the Substitution, each subaccount of the Separate Accounts previously holding shares of the Replaced Fund will hold shares of the Replacement Fund.

29. Redemption requests and purchase orders will be placed simultaneously so that redemption of Replaced Fund shares and purchase of Replacement Fund shares will both occur at the price for such shares computed as of the close of business on the Substitution Date in a manner consistent with Rule 22c-1 under the 1940 Act. As a result, the full net asset value of the Replaced Fund shares held by the Separate Account Applicants will be reflected in the contract owners' contract values following the Substitution, without reduction for brokerage or other such fees or charges. All expenses incurred in connection with the Substitution, including legal, accounting, transactional, and other fees and expenses, including brokerage commissions, will be paid by Allianz Life, Allianz NY or PIMCO. Accordingly, contract value attributable to contract owners then invested in the Replaced Fund will remain fully invested at all times, and the Substitution will take place at relative net asset value with no change in the amount of any contract owner's contract value, death benefit, or in the dollar

value of his or her investment in the applicable Separate Account.

30. Affected contract owners will not incur any fees or charges in connection with the Substitution so that the net asset value of redeemed shares of the Replaced Fund held by the Separate Account Applicants will be reflected in the contract owners' contract values following the Substitution. Moreover, neither the obligations of the respective Insurance Company Applicants under the Contracts nor the rights of contract owners will be altered in any way by the Substitution. The Substitution will not impose any tax liability or have any adverse tax consequences on contract owners. The Substitution will not cause Contract fees and charges currently being paid by existing owners of Contracts to be greater after the Substitution than they were before the Substitution. For a period of at least 30 days following the Substitution, neither Allianz Life nor Allianz NY will exercise any right they may have under the Contracts to impose additional restrictions on transfers.¹

31. The Insurance Company Applicants represent that PIMCO and the Replacement Fund will enter into a written contract agreeing that during the 24 months following the Substitution Date, the total annual fund operating expenses, net of any acquired fund fees and expenses, of the Replacement Fund (taking into account applicable fee waivers and expense reimbursements) will not exceed the total annual fund operating expenses, net of any acquired fund fees and expenses, of the Replaced Fund for the fiscal year ended December 31, 2010; this contractual expense limitation will be set at 1.00% for Institutional Class shares and 1.25% for Advisor Class shares. In addition, for the 24 months following the Substitution Date, the Insurance Company Applicants will not increase separate account fees and charges for the Contracts outstanding on the Substitution Date. Thereafter, total annual fund operating expenses for the Replacement Fund will vary from year

to year and may exceed those of the Replaced Fund.

32. Contract owners have been notified of the application by means of a Notice of Substitution sent on May 25, 2011, stating that the Applicants filed the initial application and seek approval for the Substitution. The Notice of Substitution set forth the anticipated Substitution Date and advised affected contract owners that on the Substitution Date contract values allocated to subaccounts investing in shares of the Replaced Fund will be transferred to subaccounts investing in shares of the Replacement Fund, without charge (including sales charges or surrender charges) and without being counted toward the number of transfers that may be permitted without charge.

33. The Notice of Substitution also stated that, from the date of the Notice (May 25, 2011) through the date 30 days after the Substitution (the "Free Transfer Period"), the respective Insurance Company Applicants will allow the affected contract owners to make one transfer of contract value held in each subaccount investing in the Replaced Fund (before the Substitution) or Replacement Fund (after the Substitution) to one or more Investment Options available pursuant to the Contracts, subject to any Investment Option allocation restrictions under their Contract, without charge and without assessing transfer fees. Such a transfer will not be counted as a transfer request under any contractual provisions of the Contracts that limit the number of transfers that may be made without charge. Further, prior to the Substitution, all affected contract owners will receive a copy of the most recent prospectus for the Replacement Fund.

34. Within five days following the Substitution, the Insurance Company Applicants will send a Post-Substitution notice to affected contract owners stating that the Substitution was carried out and reiterating the information set forth in the Notice, including a reminder that the Free Transfer Period will continue through the date 30 days after the Substitution.

¹ One exception to this would be restrictions that Allianz Life or Allianz NY may impose to deter or prevent "market timing" activities by owners of Contracts or their agents.

Applicants' Legal Analysis and Conditions

Section 26(c) Relief

1. Applicants submit that the Substitution does not present the type of costly forced redemption or other harms that Section 26(c) of the Act was intended to guard against and is consistent with the protection of investors and the purposes fairly intended by the 1940 Act. The Substitution is consistent with contract owners' objectives and risk expectations because the investment objective, principal investment strategies and risks of the Replacement Fund are substantially similar to those of the Replaced Fund. In addition, the total annual fund operating expenses of the Replacement Fund will be no higher than those of the Replaced Fund, after applicable fee waivers and expense reimbursements that will be in place for the Replacement Fund, for a period of at least 24 months following the Substitution.

2. Applicants represent that for a period of 24 months from the date of the Substitution, the PIMCO EqS Pathfinder Portfolio will be subject to an expense cap (1.00% for Institutional Class shares; 1.25% for Advisor Class shares) limiting its total annual fund operating expenses, net of any acquired fund fees and expenses, to an amount not to exceed the total annual fund operating expenses of the Mutual Global Discovery Securities Fund, net of any acquired fund fees and expenses, for the fiscal year ended December 31, 2010. In addition, for the 24 months following the Substitution Date, the Insurance Company Applicants will not increase separate account fees and charges for the Contracts outstanding on the Substitution Date.

3. Owners of Contracts who are beneficial shareholders of the Replaced Fund have been provided with appropriate Notice of the Substitution and Free Transfer Period. No 12b-1 fees are assessed to Class 1 shares of the Replaced Fund or the Institutional Class shares of the Replacement Fund. Identical 12b-1 fees of 0.25% of average daily net assets are assessed to Class 2 shares of the Replaced Fund and the Advisor Class shares of the Replacement Fund.

4. Applicants submit that the investment objectives are the same and the investment strategies are substantially the same for both Funds; both primarily invest in equity securities (and securities convertible into, or that the adviser expects to be exchanged for, common or preferred stock) of issuers that the manager

believes are undervalued. The risks are similar for both Funds and are consistent with the risks generally applicable to the types of securities (such as value-oriented equity securities, arbitrage securities and distressed companies and foreign securities) in which both funds invest.

5. In addition to identical investment objectives and substantially similar principal investment strategies and risks, as well as total annual fund operating expenses that are expected to be no higher (after waivers), the advisory services that are provided to the Replacement Fund by its investment adviser are comparable to the types of advisory services provided to the Replaced Fund by its investment adviser. The investment advisory fee paid to PIMCO by the Replacement Fund (0.75%) is slightly lower than the investment advisory fee paid to Franklin Mutual Advisers by the Replaced Fund (0.80%).

6. The Contracts contain features that provide adequate protection to contract owners in the event of a substitution. Moreover, the Substitution will be subject to the following: (1) A contract owner may request that his or her contract value be reallocated to another Investment Option, subject to any Investment Option allocation restrictions under their Contract, at any time during the Free Transfer Period without charge. The Free Transfer Period provides sufficient time for contract owners to reconsider their Investment Options; (2) the Substitution will be at the net asset value of the respective shares, without the imposition of any transfer, brokerage or similar charge; (3) neither the contract owners, the Replaced Fund, nor the Replacement Fund will bear any costs of the Substitution, and all legal, accounting, and transactional costs and any brokerage or other costs incurred in the Substitution will be paid by the Insurance Company Applicants or PIMCO, and accordingly, the Substitution will have no impact on the contract owners' contract values; (4) the Substitution will in no way alter the contractual obligations of the Insurance Company Applicants or the rights and privileges of contract owners under the Contracts; and (5) the Substitution will in no way alter the tax benefits to contract owners.

7. The Applicants, on the basis of the facts and circumstances described above and in the application, have determined that it is in the best interests of contract owners to substitute shares of the Replaced Fund with shares of the Replacement Fund.

8. Applicants submit that the Substitution is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

Section 17(b) Relief

1. The Section 17 Applicants request that the Commission issue an order pursuant to Section 17(b) of the 1940 Act exempting them from Section 17(a) of the 1940 Act to the extent necessary to permit Allianz Life and Allianz NY to carry out the Substitution by redeeming shares of the Replaced Fund in kind and using such proceeds to purchase shares of the Replacement Fund.

2. Section 17(a)(1) of the 1940 Act prohibits any affiliated person of a registered investment company, or an affiliated person of an affiliated person, acting as principal, from selling any security or other property to such registered investment company. Section 17(a)(2) of the 1940 Act prohibits any of the persons described above, acting as principal, from purchasing any security or other property from such registered investment company.

3. Applicants may be considered affiliates of the Replacement Fund based upon the definition of "affiliated person" in Section 2(a)(3) of the 1940 Act. Shares of the Replacement Fund are held by the Separate Accounts. Because shares held by a separate account of an insurance company are legally owned by the insurance company, Allianz Life and Allianz NY and their affiliates collectively own of record shares of the Replacement Fund. Further, PIMCO, which is an affiliated person of the Replacement Fund by virtue of Section 2(a)(3)(E) of the 1940 Act, is, like Allianz Life and Allianz NY, a wholly owned subsidiary of Allianz SE. For these reasons, the Replacement Fund is arguably under the control of Allianz Life and Allianz NY notwithstanding the fact that contract owners may be considered the beneficial owners of those shares held in the Separate Accounts. If the Replacement Fund is under the control of Allianz Life and Allianz NY, then each of Allianz Life and Allianz NY, or any person controlling Allianz Life and Allianz NY, or any person under common control with Allianz Life and Allianz NY, is an affiliated person of the Replacement Fund. Similarly, if the Replacement Fund is under the control of Allianz Life and Allianz NY, then the Replacement Fund is an affiliated person of Allianz Life and Allianz NY, and of any persons that control Allianz Life and Allianz NY or are under

common control with Allianz Life and Allianz NY.

4. At the close of business on the Substitution Date, the Insurance Company Applicants will redeem shares of the Replaced Fund either in-kind or in cash, or a combination thereof, and use the proceeds of such redemptions to purchase shares of the Replacement Fund, with each subaccount of the applicable Separate Account investing the proceeds of its redemption from the Replaced Fund in the Replacement Fund. Thus, the proposed transactions may involve a transfer of portfolio securities by the Replaced Fund to Allianz Life and Allianz NY.

Immediately thereafter, Allianz Life and Allianz NY would purchase shares of the Replacement Fund with the portfolio securities and/or cash received from the Replaced Fund. This aspect of the Substitution may be deemed to involve one or more sales by Allianz Life or Allianz NY of securities or other property to the Replacement Fund, and could therefore be viewed as being prohibited by Section 17(a) of the 1940 Act. Accordingly, the Section 17 Applicants seek relief from Section 17(a) of the 1940 Act for the in-kind purchases and sales of the Replacement Fund shares.²

5. Any in-kind redemptions and purchases for purposes of the Substitution will be effected in a manner consistent with the investment objectives and strategies of the Replaced Fund and the Replacement Fund. PIMCO will review the securities holdings of the Replaced Fund and determine which of the Replaced Fund's portfolio holdings would be suitable investments for the Replacement Fund in the overall context of the Replacement Fund's investment objective and strategies and consistent with PIMCO's management of the Replacement Fund. PIMCO will accept only those securities as consideration for shares that it would have acquired for the Replacement Fund in a cash transaction. The Section 17 Applicants submit that these portfolio securities will be of the type and quality that the Replacement Fund would have acquired with the proceeds from share sales had the shares been sold for cash.

6. The Section 17 Applicants state that any securities to be paid out as redemption proceeds and subsequently contributed to the Replacement Fund to effect the contemplated in-kind purchases of shares will be valued based

on valuation procedures adopted by the board of the PIMCO EqS VIT. The redeeming and purchasing values will be the same. Consistent with Rule 17a-7(d) under the 1940 Act, no brokerage commissions, fees, or other remuneration will be paid by the Replaced Fund or the Replacement Fund in connection with the in-kind transactions. If PIMCO declines to accept particular portfolio securities of the Replaced Fund for purchase in-kind of shares of the Replacement Fund, those positions will be liquidated by the Replaced Fund and shares of the Replacement Fund will be purchased with cash.

7. Section 17(b) of the 1940 Act provides that the Commission may, upon application, grant an order exempting any transaction from the prohibitions of Section 17(a) of the 1940 Act if the evidence establishes that: (1) The terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; (2) the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and records found under the 1940 Act; and (3) the proposed transaction is consistent with the general purposes of the 1940 Act.

8. The Section 17 Applicants submit that the terms of the Substitution, including the consideration to be paid and received, are reasonable and fair and do not involve overreaching on the part of any person concerned principally because the transactions will conform with all but one of the conditions enumerated in Rule 17a-7 under the 1940 Act. The use of in-kind transactions will not cause contract owner interests to be diluted. The proposed transactions will take place at relative net asset value in conformity with the requirements of Section 22(c) of the 1940 Act and Rule 22c-1 thereunder with no change in the amount of any contract owner's contract value or death benefit or in the dollar value of his or her investment in any of the Separate Accounts. The proposed transactions cannot be effected at a price that is disadvantageous to either the Replaced Fund or the Replacement Fund. Contract owners will not suffer any adverse tax consequences as a result of the Substitution. Fees and charges under the Contracts will not increase because of the Substitution. Even though they may not rely on Rule 17a-7 under the 1940 Act, the Section 17 Applicants submit that the Rule's conditions outline the type of

safeguards that result in transactions that are fair and reasonable to registered investment company participants and preclude overreaching in connection with an investment company by its affiliated persons.

9. The board of the PIMCO EqS VIT has adopted procedures, as required by paragraph (e)(1) of Rule 17a-7 under the 1940 Act, pursuant to which the Replacement Fund may purchase and sell securities to and from its affiliates. The Section 17 Applicants will carry out the proposed in-kind purchases in conformity with all of the conditions of Rule 17a-7 under the Act and the Replacement Fund's policies and procedures relating to Rule 17a-7 under the Act, except that the consideration paid for the securities being purchased or sold may not be entirely cash. Nevertheless, the circumstances surrounding the proposed Substitution will be such as to offer to the Replacement Fund the same degree of protection from overreaching that Rule 17a-7 under the Act provides to the Replacement Fund generally in connection with its purchase and sale of securities under that Rule in the ordinary course of its business. In particular, Allianz Life and Allianz NY (or any of their affiliates) cannot effect the proposed transactions at a price that is disadvantageous to the Replacement Fund. Although the transactions may not be entirely for cash, each will be effected based upon (1) The independent market price of the portfolio securities valued as specified in paragraph (b) of Rule 17a-7 under the Act, and (2) the net asset value per share of each Fund involved valued in accordance with the procedures disclosed in its respective registration statement and as required by Rule 22c-1 under the 1940 Act. No brokerage commission, fee, or other remuneration will be paid to any party in connection with the proposed transactions. The board of the PIMCO EqS VIT will conduct its review of the transactions in the same manner that it normally would follow in accordance with Rule 17a-7 under the 1940 Act.

10. The proposed transactions also are reasonable and fair in that they will be effected in a manner consistent with the public interest and the protection of investors. Contract owners will be fully informed of the terms of the Substitution and they will be provided a prospectus for the Replacement Fund. In addition, contract owners will have the opportunity to make a free transfer from the Replacement Fund to any other available Investment Option offered under their Contract, subject to any Investment Option allocation

² Any in-kind redemptions from the Replaced Fund will be effected in accordance with the conditions set forth in the Commission's no-action letter issued to the Signature Financial Group (publicly available December 28, 1999).

restrictions under their Contract, during the Free Transfer Period.

11. The Section 17 Applicants also submit that the Substitution is consistent with the policies of the Replaced Fund and the Replacement Fund as recited in the current registration statement and reports filed under the 1940 Act.

12. In addition, the Section 17 Applicants submit that the proposed Substitution is consistent with the general purposes of the 1940 Act as stated in the Findings and Declaration of Policy in Section 1 of the 1940 Act. The proposed transactions do not present any of the conditions or abuses that the 1940 Act was designed to prevent. Securities to be paid out as redemption proceeds from the Replaced Fund and subsequently contributed to the Replacement Fund to effect the contemplated in-kind purchases of shares will be valued in accordance with the requirements of Rule 17a-7 under the 1940 Act. Therefore, there will be no change in value to any contract owner as a result of the Substitution.

Conclusion

For the reasons and upon the facts set forth above and in the application, the Applicants and the Section 17 Applicants believe that the requested order meets the standards set forth in Section 26(c) of the Act and Section 17(b) of the Act, respectively, and should therefore, be granted.

For the Commission, by the Division of Investment Management, under delegated authority.

Cathy H. Ahn,
Deputy Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-64645; File No. SR-Phlx-2011-81]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by NASDAQ OMX PHLX LLC Relating to Routing Fees

June 10, 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 June 7, 2011, NASDAQ OMX PHLX LLC ("Phlx" 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 to amend its Customer Routing Fee governing pricing for Exchange members using the Phlx XL II system,³ for routing standardized equity and index option Customer orders to the C2 Options Exchange, Inc. ("C2") for execution.

While fee changes pursuant to this proposal are effective upon filing, the Exchange has designated these changes to be operative on July 1, 2011.

The text of the proposed rule change is available on the Exchange's Web site at <http://nasdaqtrader.com/micro.aspx?id=PHLXfilings>, at the principal office of the Exchange, at the Commission's Public Reference Room, and on the Commission's Web site at <http://www.sec.gov>.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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

The purpose of the proposed rule change is to recoup costs that the Exchange incurs for routing and executing Customer orders in equity and index options to C2.

The Exchange's Fee Schedule includes Routing Fees for routing and executing Customer and Professional orders to away markets. The Exchange currently assesses a Customer Routing

Fee of \$0.21 per contract for option orders that are routed to C2.

C2 recently amended its Fees Schedule to increase its public customer taker fee from \$.15 to \$.25.⁴ The Exchange is proposing to amend its Customer Routing Fee to C2 to account for this increase. The Exchange proposes to amend its Fee Schedule to assess a Customer Routing Fee of \$0.31 per contract for option orders that are routed to C2.

In May 2009, the Exchange adopted Rule 1080(m)(iii)(A) to establish Nasdaq Options Services LLC ("NOS"), a member of the Exchange, as the Exchange's exclusive order router.⁵ NOS is utilized by the Phlx XL II system solely to route orders in options listed and open for trading on the Phlx XL II system to destination markets. 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 fees 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 Customer orders are routed to C2.⁶

As with all fees, the Exchange may adjust these Routing Fees in response to competitive conditions by filing a new proposed rule change. While fee changes pursuant to this proposal are effective upon filing, the Exchange has designated these changes to be operative on July 1, 2011.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act⁷ in general, and furthers the objectives of Section 6(b)(4) of the Act⁸ in particular, in that it is an equitable allocation of reasonable fees and other charges among Exchange members.

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

⁴ See Securities Exchange Act Release No. 64390 (May 4, 2011), 76 FR 27117 (May 10, 2011) (SR-C2-2011-011).

⁵ See Securities Exchange Act Release No. 59995 (May 28, 2009), 74 FR 26750 (June 3, 2009) (SR-Phlx-2009-32).

⁶ 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.

⁷ 15 U.S.C. 78f(b).

⁸ 15 U.S.C. 78f(b)(4).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ For a complete description of Phlx XL II, see Securities Exchange Act Release No. 59995 (May 28, 2009), 74 FR 26750 (June 3, 2009) (SR-Phlx-2009-32). The instant proposed fees will apply only to option orders entered into, and routed by, the Phlx XL II system.

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.

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.⁹ At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File Number SR-Phlx-2011-81 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-Phlx-2011-81. 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 Number SR-Phlx-2011-81 and should be submitted on or before July 7, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁰

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011-14903 Filed 6-15-11; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-64644; File No. SR-CHX-2011-11]

Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Add a Rule Concerning the CHX Book Feed

June 10, 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 June 2, 2011, the Chicago Stock Exchange, Inc. ("CHX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. CHX has filed this proposal pursuant to Exchange Act Rule 19b-4(f)(6)³ which is effective upon filing with the Commission. 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

CHX proposes to add Article 4, Rule 1 (Book Feed) to include an explicit description of the Exchange's Book Feed information service. The text of this proposed rule change is available on the Exchange's Web site at (<http://www.chx.com>) and in 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 CHX included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments it received regarding the proposal. The text of these statements may be examined at the places specified in Item IV below. The CHX 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

The Exchange makes information about display-eligible orders sent to and trades executed on the Exchange available to Participants and other interested persons via its Book Feed Service. The purpose of making this information available is to increase the transparency of orders and trading activity on the Exchange. The Book Feed service became effective pursuant to a rule filing made with the Commission in 2007, but the service was not described in the Exchange's rules.⁴ In order to remove any potential ambiguity about the nature of the Exchange's technology and communications offerings, we are now

¹⁰ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 17 CFR 240.19b-4(f)(6).

⁴ Securities Exchange Act Release No. 56611 (Oct. 4, 2007), 72 FR 57980 (Oct. 11, 2007).

⁹ 15 U.S.C. 78s(b)(3)(A)(ii).

proposing to add language to our rules describing the Book Feed. The Book Feed service has not changed in any material respect.⁵ Use of the Book Feed service by any Exchange Participant is entirely optional and is not required to direct orders to our Matching System for execution or display.

New Article 4, Rule 1 governs the provision by the Exchange of its Book Feed data service. The CHX Book Feed distributes data regarding orders received and trades executed by the Matching System, our trading facility. The Book Feed service supplements the market data provided by the Exchange through the industry-mandated Securities Information Processors or SIPs (currently Nasdaq and SIAC). The SIPs collect market data from each trading center, consolidate it into a unified transmission, and disseminate it to market participants, including market data vendors.

The CHX Book Feed is intended to augment the market data provided by the SIPs by providing additional detail about orders resident in the Exchange's Matching System. Unlike SIP data, quotations distributed via the Book Feed are not aggregated at a particular price point. Instead, each individual order is separately represented in the Book Feed, even if there are multiple orders at the same price and on the same side of the market. Moreover, the Book Feed provides information for all displayed orders resident in the Matching System, including odd lots and orders inferior to our top of book.⁶ The Book Feed data includes basic information about each order, including the size and price of the order; whether it was an order to buy or sell; its time of receipt; and the identity of the participant firm that submitted the order.⁷ The Book Feed also provides for the transmission of last sale data through the Book Feed in a manner which is substantially similar to that provided through the SIPs.⁸ Proposed Rule 1 of Article 4 authorizes the Exchange to provide Book Feed data

to a recipient which has entered into a Book Feed Subscriber agreement with the Exchange and in a form acceptable to the Exchange.⁹ No market participant is required to subscribe to the Book Feed service. The Exchange believes that some market participants will be interested in receiving our Book Feed transmission since it provides additional information about the orders residing in the Matching System beyond what is available from the SIPs.¹⁰

Any charges for the Exchange's Book Feed service would be specified in our Schedule of Fees and Assessments. Currently, the Fee Schedule provides that the Book Feed shall be available free of charge to subscribers.¹¹ Rule 603(a)(2) for Regulation NMS requires trading centers to distribute market data "on terms that are not unreasonably discriminatory."¹² The policy of the Exchange is to require that all Book Feed recipients execute a subscriber agreement. This requirement applies equally to all recipients and therefore the Exchange believes that its proposal satisfies Rule 603(a)(2) for Regulation NMS.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act¹³ in general, and furthers the objectives of Section 6(b)(1) of the Act¹⁴ in particular, in that it allows the Exchange to be organized and have the capacity to be able to carry out the purposes of the Act and to comply, and (subject to any rule or order of the Commission pursuant to section 17(d) or 19(g)(2) of the Act) to enforce compliance by its members and persons associated with such members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the exchange. As noted above, the Book Feed service was previously described in a filing with the Commission in

2007.¹⁵ By adding a description of the nature of the Book Feed service to the Exchange's rules, this proposal advances the purposes of the Exchange Act by providing added clarity about the nature and extent of certain services offered by the Exchange to its Participants, and thereby contributing to the ability of our members in complying with the requirements related to those services.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. As noted above, the Exchange believes that its Book Feed service will compete with the existing market data products issued by other exchanges and will assist the Exchange in attracting and retaining order flow. The Exchange further believes that the added transparency offered by the Book Feed service will benefit market participants looking to interact with orders residing in the Matching System or trying to determine the level of buying or selling interest in a security. The fact that the Exchange currently distributes market data for no charge also acts as a competitive force among market data products. As noted above, the Book Feed service is entirely optional and Participants are not required to subscribe to it in order to gain access to our marketplace.

C. Self-Regulatory Organization's Statement on Comments Regarding 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) of the Act¹⁶ and Rule 19b-4(f)(6)¹⁷ thereunder in that it effects a change that: (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest.

⁵ See e-mail, dated June 2, 2011, from David C. Whitcomb, Jr., General Counsel and Chief Regulatory Officer, CHX, to Christopher W. Chow, Special Counsel, Commission.

⁶ Undisplayed orders and the undisplayed portions of reserve size orders are not to be disseminated through the Book Feed; however, any odd lot orders (which are not expressly identified as "undisplayed") are disseminated through the Book Feed.

⁷ A participant firm can choose, either on a firm-wide or order-by-order basis, to have its identity kept confidential in the order information that is distributed in the Book Feed.

⁸ The Book Feed includes transaction data for all trades executed in the Matching System, including odd lot transactions, while the SIP last sale transmissions may not include data on odd lot executions.

⁹ The Exchange makes the Book Feed available to any person or entity which signs our subscriber agreement. It is not necessary to be an Exchange Participant to be eligible to receive the Book Feed.

¹⁰ Within the Exchange's systems, the data that is disseminated as part of the Book Feed leaves the Matching System immediately following the best bids, offers and last sales that are being sent to the SIPs. The Exchange would not use any technology that is designed to make the Book Feed data available from the Matching System earlier than the best bids, offers and last sales are available to the SIPs.

¹¹ The Exchange does not currently plan to charge a fee for the distribution of this data, but may choose to do so in the future. Any decision to charge a fee for the Book Feed data would be reflected in a filing submitted to the Commission as required by Rule 19b-4 of the Act.

¹² 17 CFR 603(a)(2).

¹³ 15 U.S.C. 78f.

¹⁴ 15 U.S.C. 78f(b)(1).

¹⁵ See note 4, *supra*, and accompanying text.

¹⁶ 15 U.S.C. 78s(b)(3)(A).

¹⁷ 17 CFR 240.19b-4(f)(6).

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-CHX-2011-11 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-CHX-2011-11. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make

available publicly. All submissions should refer to File Number SR-CHX-2011-11 and should be submitted on or before July 7, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁸

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011-14894 Filed 6-15-11; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

Samaritan Pharmaceuticals, Inc., Seaena, Inc., Seirios International, Inc. (f/k/a Exactly Sportswear, Inc.), et al.; Order of Suspension of Trading

June 14, 2011.

Samaritan Pharmaceuticals, Inc., Seaena, Inc., Seirios International, Inc. (f/k/a Exactly Sportswear, Inc.), Sento Corp., Shoe Pavilion, Inc., Silver Eagle Resources Ltd. (n/k/a Mercator Minerals Ltd.), Simex Technologies, Inc. (n/k/a CT Holdings, Inc.), and Sola Resource Corp. (n/k/a Cancana Resources Corp.)

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Samaritan Pharmaceuticals, Inc. because it has not filed any periodic reports since the period ended December 31, 2008.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Seaena, Inc. because it has not filed any periodic reports since the period ended June 30, 2008.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Seirios International, Inc. (f/k/a Exactly Sportswear, Inc.) because it has not filed any periodic reports since September 30, 1995.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Sento Corp. because it has not filed any periodic reports since the period ended December 31, 2006.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Shoe Pavilion, Inc. because it has not filed any periodic reports since the period ended March 29, 2008.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Silver Eagle Resources Ltd. (n/k/a Mercator Minerals Ltd.) because it has not filed any periodic reports since January 16, 1998.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Simex Technologies, Inc. (n/k/a CT Holdings, Inc.) because it has not filed any periodic reports since the period ended September 30, 2008.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Sola Resource Corp. (n/k/a Cancana Resources Corp.) because it has not filed any periodic reports since the period ended January 31, 2003.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EDT on June 14, 2011, through 11:59 p.m. EDT on June 27, 2011.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2011-15056 Filed 6-14-11; 4:15 pm]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

In the Matter of Dawn Technologies, Inc., Distinctive Devices, Inc., Haber, Inc., and Independence Brewing Co.; Order of Suspension of Trading

June 14, 2011.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Dawn Technologies, Inc. because it has not filed any periodic reports since the period ended September 30, 1999.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Distinctive Devices, Inc. because it has not filed any periodic reports since the period ended September 30, 2004.

It appears to the Securities and Exchange Commission that there is a

¹⁸ 17 CFR 200.30-3(a)(12).

lack of current and accurate information concerning the securities of Haber, Inc. because it has not filed any periodic reports since the period ended May 31, 2007.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Independence Brewing Co. because it has not filed any periodic reports since the period ended March 31, 1999.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies. Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EDT on June 14, 2011, through 11:59 p.m. EDT on June 27, 2011.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2011-15055 Filed 6-14-11; 4:15 pm]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12572 and #12573]

Tennessee Disaster Number TN-00053

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 3.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Tennessee (FEMA-1979-DR), dated 05/09/2011.

Incident: Severe Storms, Tornadoes, Straight-line, Winds, and Flooding.

Incident Period: 04/19/2011 and continuing through 06/07/2011.

Effective Date: 06/07/2011.

Physical Loan Application Deadline Date: 07/08/2011.

EIDL Loan Application Deadline Date: 02/09/2012.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Tennessee, dated 05/09/2011 is hereby amended to

establish the incident period for this disaster as beginning 04/19/2011 and continuing through 06/07/2011.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Jane M.D. Pease,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2011-14917 Filed 6-15-11; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 12574 and # 12575]

Tennessee Disaster Number TN-00055

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Tennessee (FEMA-1979-DR), dated 05/09/2011.

Incident: Severe Storms, Tornadoes, Straight-line, Winds, and Flooding.

Incident Period: 04/19/2011 through 06/07/2011.

Effective Date: 06/07/2011.

Physical Loan Application Deadline Date: 07/08/2011.

Economic Injury (EIDL) Loan Application Deadline Date: 02/09/2012.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT:

Alan Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Tennessee, dated 05/09/2011, is hereby amended to establish the incident period for this disaster as beginning 04/19/2011 and continuing through 06/07/2011.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008).

Jane M.D. Pease

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2011-14918 Filed 6-15-11; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 12538 and # 12539]

Texas Disaster # TX-00375

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Administrative declaration of a disaster for the State of TEXAS dated 04/26/2011.

Incident: Rock House Wildfire.

Incident Period: 04/09/2011 through 05/10/2011.

Effective Date: 06/09/2011.

Physical Loan Application Deadline Date: 06/27/2011.

Economic Injury (EIDL) Loan Application Deadline Date: 01/26/2012.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the Administrator's disaster declaration for the State of Texas, dated 04/26/2011 is hereby amended to establish the incident period for this disaster as beginning on 04/09/2011 and continuing through 05/10/2011.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: June 9, 2011.

Karen G. Mills,

Administrator.

[FR Doc. 2011-14955 Filed 6-15-11; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12617 and #12618]

Illinois Disaster # IL-00030

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Illinois (FEMA-1991-DR), dated 06/07/2011.

Incident: Severe Storms and Flooding.

Incident Period: 04/19/2011 and continuing.

Effective Date: 06/07/2011.

Physical Loan Application Deadline Date: 08/08/2011.

Economic Injury (EIDL) Loan Application Deadline Date: 03/07/2012.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 06/07/2011, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Alexander, Franklin, Gallatin, Hardin, Jackson, Lawrence, Massac, Perry, Pope, Pulaski, Randolph, Saline, White, Williamson.

Contiguous Counties (Economic Injury Loans Only):

Illinois: Crawford, Edwards, Hamilton, Jefferson, Johnson, Monroe, Richland, Saint Clair, Union, Wabash, Washington, Wayne.

Indiana: Gibson, Knox, Posey. Kentucky: Ballard, Crittenden, Livingston, Mccracken, Union.

Missouri: Cape Girardeau, Mississippi, Perry, Sainte Genevieve, Scott.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	5.375.
Homeowners Without Credit Available Elsewhere	2.688.
Businesses With Credit Available Elsewhere	6.000.
Businesses Without Credit Available Elsewhere	4.000.
Non-Profit Organizations With Credit Available Elsewhere	3.250.
Non-Profit Organizations Without Credit Available Elsewhere	3.000.
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000.
Non-Profit Organizations Without Credit Available Elsewhere	3.000.

The number assigned to this disaster for physical damage is 126176 and for economic injury is 126180.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Jane M. D. Pease,
Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2011-14951 Filed 6-15-11; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12620 and #12621]

Minnesota Disaster #MN-00032

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Minnesota (FEMA-1990-DR), dated 06/07/2011.

Incident: Severe Storms and Tornadoes.

Incident Period: 05/21/2011 through 05/22/2011.

Effective Date: 06/07/2011.

Physical Loan Application Deadline Date: 08/08/2011.

Economic Injury (EIDL) Loan Application Deadline Date: 03/07/2012.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 06/07/2011, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Anoka, Hennepin.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.000
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	3.000

The number assigned to this disaster for physical damage is 12620B and for economic injury is 12621B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008).

Jane M.D. Pease,
Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2011-14950 Filed 6-15-11; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12558 and #12559]

Tennessee Disaster Number TN-00052

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 3.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Tennessee (FEMA-1974-DR), dated 05/01/2011.

Incident: Severe Storms, Tornadoes, Straight-line Winds, and Associated Flooding.

Incident Period: 04/25/2011 through 04/28/2011.

Effective Date: 06/07/2011.

Physical Loan Application Deadline Date: 06/30/2011.

Economic Injury (EIDL) Loan Application Deadline Date: 02/01/2012.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Tennessee, dated 05/01/2011, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Jefferson, Marion.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Jane M.D. Pease,
Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2011-14949 Filed 6-15-11; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION**[Disaster Declaration #12562 and #12563]****Arkansas Disaster Number AR-00049****AGENCY:** U.S. Small Business Administration.**ACTION:** Amendment 4.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Arkansas (FEMA-1975-DR), dated 05/02/2011.

Incident: Severe Storms, Tornadoes, and Associated Flooding.

Incident Period: 04/23/2011 through 06/03/2011.

Effective Date: 06/03/2011.

Physical Loan Application Deadline Date: 07/01/2011.

Economic Injury (EIDL) Loan Application Deadline Date: 02/02/2012.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Arkansas, dated 05/02/2011, is hereby amended to establish the incident period for this disaster as beginning 04/23/2011 and continuing through 06/03/2011.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Jane M.D. Pease,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2011-14948 Filed 6-15-11; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION**[Disaster Declaration #12578 and #12579]****Missouri Disaster Number MO-00049****AGENCY:** U.S. Small Business Administration.**ACTION:** Amendment 3.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Missouri (FEMA-1980-DR), dated 05/09/2011.

Incident: Severe Storms, Tornadoes, and Flooding

Incident Period: 04/19/2011 through 06/06/2011.

Effective Date: 06/06/2011.

Physical Loan Application Deadline Date: 07/08/2011.

Economic Injury (EIDL) Loan Application Deadline Date: 02/09/2012.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Missouri, dated 05/09/2011, is hereby amended to establish the incident period for this disaster as beginning 04/19/2011 and continuing through 06/06/2011.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Jane M.D. Pease,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2011-14947 Filed 6-15-11; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION**[Disaster Declaration #12560 and #12561]****Arkansas Disaster Number AR-00048****AGENCY:** U.S. Small Business Administration.**ACTION:** Amendment 5.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Arkansas (FEMA-1975-DR), dated 05/02/2011.

Incident: Severe Storms, Tornadoes, and Associated Flooding.

Incident Period: 04/23/2011 and continuing through 06/03/2011.

Effective Date: 06/03/2011.

Physical Loan Application Deadline Date: 07/01/2011.

EIDL Loan Application Deadline Date: 02/02/2012.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Arkansas, dated 05/02/2011 is hereby amended to establish the incident period for this disaster as beginning 04/23/2011 and continuing through 06/03/2011.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Jane M.D. Pease,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2011-14946 Filed 6-15-11; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION**[Disaster Declaration # 12586 and # 12587]****North Dakota Disaster Number ND-00025****AGENCY:** U.S. Small Business Administration.**ACTION:** Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of North Dakota (FEMA-1981-DR), dated 05/10/2011.

Incident: Flooding.

Incident Period: 02/14/2011 and continuing.

Effective Date: 06/07/2011.

Physical Loan Application Deadline Date: 07/11/2011.

Economic Injury (EIDL) Loan Application Deadline Date: 02/10/2012.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of North Dakota, dated 05/10/2011, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Billings, Divide.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Jane M.D. Pease,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2011-14945 Filed 6-15-11; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12576 and #12577]

Missouri Disaster Number MO-00048

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 4.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Missouri (FEMA-1980-DR), dated 05/09/2011.

Incident: Severe Storms, Tornadoes, and Flooding.

Incident Period: 04/19/2011 and continuing through 06/06/2011.

Effective Date: 06/06/2011.

Physical Loan Application Deadline Date: 07/08/2011.

EIDL Loan Application Deadline Date: 02/09/2012.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Missouri, dated 05/09/2011 is hereby amended to establish the incident period for this disaster as beginning 04/19/2011 and continuing through 06/06/2011.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008).

Jane M.D. Pease,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2011-14944 Filed 6-15-11; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

[License No. 02/72-0625]

Founders Equity SBIC I, L.P.; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Founders Equity SBIC I, L.P., 711 Fifth Avenue, 5th Floor, New York, NY 10022, a Federal Licensee under the Small Business Investment Act of 1958, as amended ("the Act"), in connection with the financing of a small concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financials Which Constitute Conflicts of Interest of the Small Business Administration ("SBA") Rules and Regulations (13 CFR 107.730). Founders Equity SBIC I, L.P. proposes to provide equity security financing to Richardson Foods, Inc., 101 Erie Blvd., Canajoharie, NY 13317. The financing will provide the company with additional capital to meet working capital requirements and for debt repayment.

The financing is brought within the purview of § 107.730(a) of the Regulations because Founders Equity NY, L.P., an Associate of Founders Equity SBIC I, L.P., owns more than ten percent of Richardson Foods, Inc. and therefore Richardson Foods, Inc. is considered an Associate of Founders Equity SBIC I, L.P. as defined in § 107.50 of the Regulations.

Notice is hereby given that any interested person may submit written comments on the transaction to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

Dated: June 6, 2011.

Sean J. Greene,

Associate Administrator for Investment.

[FR Doc. 2011-14958 Filed 6-15-11; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

Small Business Size Standards: Waiver of the Nonmanufacturer Rule; Correction

AGENCY: U.S. Small Business Administration.

ACTION: Notice: correction.

SUMMARY: The U.S. Small Business Administration (SBA) published a notice in the **Federal Register** on May 11, 2011, granting a class waiver of the Nonmanufacturer Rule for GEN II and GEN III Image Intensifier Tubes, Product Service Code (PSC) 5855, Night Vision

Equipment under North American Industry Classification System (NAICS) code 333314 (Optical Instrument and Lens Manufacturing). In the Supplementary Information section of the notice, additional related items to be considered for waiver are referenced. The PVS-17 item was incorrectly identified and should be corrected to read PVS-7. The correction has no impact on the May 26, 2011, effective date of the waiver, as stated in the May 11, 2011, notice.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Garcia, Procurement Analyst, by e-mail at amy.garcia@sba.gov, or by telephone at (202) 205-6842.

Correction

In the **Federal Register** of May 11, 2011, Vol 76, No. 91, on page 27373, in the second column, correct any item listed as PVS-17 to read: PVS-7.

John W. Klein,

Director, Office of Government Contracting.

[FR Doc. 2011-14952 Filed 6-15-11; 8:45 am]

BILLING CODE 8025-01-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA-2011-0059]

Agency Information Collection Activities: Notice of Request for Approval of a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Request for Approval of a New Information Collection.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval of a new information collection that is summarized below under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by August 15, 2011.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 2011-0059 by any of the following methods:

Web Site: For access to the docket to read background documents or comments received, go to the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Fax: 1-202-493-2251.

Mail: Docket Management Facility, U.S. Department of Transportation,

West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

Hand Delivery or Courier: 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. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

David Kuehn, 202-493-3414, Office of Corporate Research, Technology, and Innovation Management, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Exploratory Advanced Research (EAR) Program sponsored project titled "Effects of Automated Transit and Pedestrian/Bicycling Facilities on Urban Travel Patterns."

Type of request: New information collection requirement.

Background: The Exploratory Advanced Research (EAR) Program was established to conduct longer term, higher risk research that will result in a potentially dramatic breakthrough for improving the durability, efficiency, environmental impact, productivity, and safety of highway and intermodal transportation systems. FHWA awarded a research project titled "Effects of Automated Transit and Pedestrian/Bicycling Facilities on Urban Travel Patterns" that was submitted in response to a solicitation in 2009 and supports the EAR Program focus area of new technology and advanced policies for energy and resource conservation. The project conducted by the University of Michigan with support from the University of Illinois at Chicago has the potential to lead to applications for evidence-based policies and approaches that could substantially reduce the percentage and total number of short trip using private vehicles and increase the percentage and number of trips using current and future transit technology and non-motorized trips, which would reduce use and dependence on fossil fuels and associated pollution impacts.

The research project is attempting to gauge potential travel-behavior response to far-reaching improvements in the pedestrian, cycling, and transit environments of neighborhoods. The transit improvements are inspired by the frequency and quality of service that might be made possibility of future technologies. The project is studying the capacity of these improvements to

generate the following kinds of shifts: (1) Modal shift of neighborhood trips from auto to other modes; (2) Increased use of regional public transit based on improved station access; and (3) Shift of more remote non-work destinations to destinations within the neighborhood.

To explore these issues, the research team is building a model that integrates activity-based and agent-based components. The models in turn will be based on a survey of residents in four neighborhoods of metropolitan Chicago. As part of the survey, respondents will be presented with images representing potential improvements to the pedestrian, cycling, and transit environments of their neighborhoods and will respond to scenarios regarding their travel under these altered conditions.

We will mail 7,700 invitations with an expectation of 1,400 residents responding. From that pool, 800 will be selected for the study, which includes a survey packet, travel diary and phone interview.

Respondents: We estimate that 1,400 residents will respond to the initial invitation and 800 residents will participate in the study.

Frequency: This is a one-time collection.

Estimated Average Burden per Response:

The invitation portion takes approximately 15 minutes to complete. 1400 residents $\times$ 15 minutes = 350 hours.

The research study takes approximately 1 hour and 30 minutes (30 minutes for the survey packet and travel diary and 1 hour for the phone interview) 800 residents $\times$ 90 minutes = 1,200 hours.

Estimated Total Annual Burden

Hours: The total burden for this one-time information collection would be approximately 1,550 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection of information is necessary for the U.S. DOT's performance, including whether the information will have practical utility; (2) the accuracy of the U.S. DOT's estimate of the burden of the proposed information collection; (3) ways to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued On: June 10, 2011.

Michael Howell,

Acting Chief, Management Programs and Analysis Division.

[FR Doc. 2011-14916 Filed 6-15-11; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[U.S. DOT Docket No. FHWA-2011-0058]

Agency Information Collection

Activities: Request for Comments for a New Information Collection, Titled: Reports, Forms and Recordkeeping Requirements

AGENCY: Federal Highway Administration, DOT.

ACTION: Request for comments.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for a new information collection, which is summarized below under **SUPPLEMENTARY INFORMATION**. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on February 26, 2009. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by July 18, 2011.

ADDRESSES: You may submit comments identified by Docket ID Number FHWA-2009-0054 by any of the following methods:

Web Site: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Fax: 1-202-493-2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

Hand Delivery or Courier: 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. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ray Krammes, Ph.D, PE, Acting Director, Office of Safety Research and Development, HRDS-07, Turner-

Fairbank Highway Research Center, Federal Highway Administration, 6300 Georgetown Pike, McLean, VA 22101, tel. 202-493-3365 between 8 a.m. and 5:30 p.m., Monday through Friday, except Federal holidays, or Paul J. Tremont, Ph.D. (same address) at 202-493-3338.

SUPPLEMENTARY INFORMATION:

Title: Reports, Forms and Recordkeeping Requirements.

The FHWA invites public comments on our intention to request the Office of Management and Budget (OMB) to approve a total of 30 field and laboratory research studies that will include collections of information from the general public. These studies will be conducted over a period not to exceed 3 years with an *annual* burden of approximately 2000 hours and a grand total burden of approximately 6000 hours. These collections are integral to the performance of various analytical, field, and laboratory human factors research projects that FHWA intends to conduct in support of its mission of improving safety and increasing mobility on our Nation's highways through National Leadership, Innovation, and Program Delivery. The laboratory and field research FHWA conducts usually involves observations of driver behavior in controlled experimental settings. In the field and laboratory, these studies are non-intrusive, as most data are driver performance data and are automatically acquired.

Research Areas and Associated Collections

The FHWA Office of Safety Research and Development intends to conduct analytical, field, and laboratory research projects focused on highway safety that will require acquisition of human performance data from small samples of the driving public. This research is directed at human factors issues within the following broad program areas: (A) Infrastructure design including innovative intersection configurations and signage and roadway markings; (B) highway operations; (C) older and younger driver issues; and (D) pedestrian and bicyclist concerns. Given that the focus of the research in the above areas is on human factors issues, it will require that data be collected on a few key demographic variables such as age, gender, and driving experience, however such data will not be linked to personal identifying information. Before any study is conducted under this approval request, a thorough review will be undertaken to ensure such data is not currently available, and that the

proposed study does not duplicate other work.

Situations That Require Collections of Information—Examples From Each Category

Category A (Infrastructure Design). An example from Category A would be a study designed to test an innovative intersection design such as a Double Crossover Diamond Interchange (DCD). This is a highly efficient intersection design, but if not properly implemented, it could potentially cause confusion. In a DCD, drivers cross over to the left side of the highway, with the result that opposing traffic is placed on their right side. When testing DCD implementations, FHWA needs to know whether drivers perceive any ambiguity in the signage, and if they have any orientation problems seeing opposing traffic on their right side. Other innovative intersection designs would also benefit from similar information acquired from drivers. Roadway departure is another problem area that could benefit from individual driver data. For example, it would be helpful to observe drivers' interactions with roadway geometry and signage so that such information can be applied to design decisions that can lead to reductions in roadway departures.

Category B (Highway Operations). One of the many challenges confronting highway engineers is designing a signal system that maximizes throughput and minimizes delay. Excess delay can have the unintended consequence of encouraging drivers to run red lights. This problem can be examined by observing drivers' behavior under differing signaling conditions. However, direct verbal reports of drivers are often needed to determine why drivers are making their decisions. For example FHWA may learn from questioning drivers that they would be less likely to speed up when approaching a signal if they knew the signal system would recognize this behavior and respond accordingly. One way this might happen is by advising the motorist earlier of the impending signal change. Driver interviews performed under this study area can provide information on many key issues including behavioral adaptation, decision making, and reaction times to signal phases and changes. This kind of information could lead to improvements to signal controllers that increase mobility and improve safety. Speed management is another area that could benefit from interview data. For example, lower speed limits in construction zones are difficult to enforce, and interview data with drivers can provide information on

better methods of restraining driver speeds in these hazardous situations.

Category C (Older and Younger Drivers). The driving behaviors of these two high risk groups are of interest for almost all FHWA safety related studies. For example, older driver's performance as they negotiate new designs informs the engineer of those aspects of the design that present potential safety problems, and may be in need of modification. In contrast, young drivers present a separate set of challenges for highway engineers. Their ability to negotiate a new design may be less of a concern, however; it is necessary to understand how these drivers perform as they drive through these new designs. This is important as some younger drivers may be willing to take extra risks in situations where ambiguity exists. Such information from younger drivers will help engineers determine areas of potential ambiguity in design and modify these areas as necessary to ensure they are not introducing safety hazards.

Category D (Pedestrians and Bicyclists). Research related to pedestrians and bicyclists arises from the need to determine the most effective ways to accommodate these infrastructure users. While overt pedestrian and bicyclist behavior needs to be directly observed to enable engineers to determine potential safety hazards to these user groups. For example, when a new intersection design is being introduced (e.g., a triple lane roundabout) it is especially advantageous to acquire data that shows how pedestrians and bicyclists negotiate such a new design. The needs of disabled pedestrians are also considered when researching new intersection treatments, and in these efforts FHWA works closely with the U.S. Access Board to ensure that novel intersection treatments accommodate their needs. Another example of research in this area is determining bicyclists' reactions to such treatments as separately marked bicycle lanes, signage, and overall roadway configuration.

Description of How Field and Laboratory Study Participants Will Be Acquired

Participants for research studies will be acquired by advertisement in local papers, by the distribution of flyers, or by postings to the internet. Typically, interested parties contact FHWA and they are asked a few questions to determine whether they qualify for the study. These questions involve such issues as age, driver familiarity with the location or scenario being used, number of miles driven per year, and gender.

Estimate of the Total Annual Reporting and Recordkeeping Burden Resulting From These Information Collections and Requests for Comments

Experimental Participants:

Approximately 6,000 roadway users drawn from the general driving population.

Frequency: This approval request is for 30 studies over a 3 year period.

Estimated Average Burden per Respondent: FHWA estimates data acquisition from persons participating in research will require on average about 1 hour per person.

Estimated Total and Annual Burden Hours: Assuming 20 studies will be Laboratory based (Simulator), and 10 will be Field based (Field Research Vehicle), the burden is calculated as follows:

Laboratory Experiments: 20 Simulator * 210 participants * 1 hour = 4200

Field Experiments: 10 studies * 180 participants * 1 hour = 1800 hours

Estimated Total Burden Hours: = 6000 hours

Estimated Annual Burden Hours (over 3 years) = 2000 hours.

Public Comments Invited: You are asked to comment on any aspect of these information collections, including: (1) Whether the proposed collections are necessary for FHWA's performance; (2) the accuracy of the estimated burden; (3) ways for FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. FHWA will respond to your comments and summarize or include them when requesting clearance from OMB for these information data collections.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on June 10, 2011.

Michael Howell,

Acting Chief, Management Programs and Analysis Division.

[FR Doc. 2011-14892 Filed 6-15-11; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Reports, Forms and Record Keeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: National Highway Traffic Safety Administration, U.S. Department of Transportation.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burden. The **Federal Register** Notice with a 60-day comment period was published on March 3, 2011 (76 FR 11848). No comments were received.

This document describes the collection of information for which NHTSA intends to seek OMB approval. The collection of information described is the "Consolidated Child Restraint System Registration, Labeling and Defect Notification." (OMB Control Number: 2127-0576)

DATES: Comments must be submitted on or before July 18, 2011.

FOR FURTHER INFORMATION CONTACT: Mrs. Cristina Echemendia at U.S. Department of Transportation, NHTSA, 1200 New Jersey Avenue, SE., West Building Room W43-447, NVS-113, Washington, DC 20590. Mrs. Cristina Echemendia's telephone number is (202) 366-6345 and fax number is (202) 366-7002.

SUPPLEMENTARY INFORMATION: National Highway Traffic Safety Administration.

Title: Consolidated Child Restraint System Registration, Labeling and Defect Notifications".

OMB Control Number: 2127-0576.

Type of Request: Extension of a currently approved collection.

Abstract: Child restraint manufacturers are required to provide an owner's registration card for purchasers of child safety seats in accordance with title 49 of the Code of Federal Regulations (CFR), Part 571.213, "Child restraint systems." The registration card is perforated into two-parts (see Figures 1 and 2). The top part contains a message and suitable instructions to be retained by the purchaser. The bottom part is to be returned to the manufacturer by the purchaser. The bottom part includes prepaid return postage, the pre-printed name/address of the manufacturer, the pre-printed model and date of manufacture, and spaces for the purchaser to fill in his/her name and address. Optionally, child restraint manufacturers are permitted to add to the registration form: (a) Specified statements informing CRS owners that they may register online; (b) the Internet address for registering with the company; (c) revisions to statements

reflecting use of the Internet to register; and (d) a space for the consumer's e-mail address. For those CRS owners with access to the Internet, online registration may be a preferred method of registering a CRS.

In addition to the registration card supplied by the manufacturer, NHTSA has implemented a CRS registration system to assist those individuals who have either lost the registration card that came with the CRS or purchased a previously owned CRS. Upon the owner's request, NHTSA provides a substitute registration form that can be obtained either by mail or from the Internet¹ (see Figure 3). When the completed registration is returned to the agency, it is then submitted to the CRS manufacturers. In the absence of a substitute registration system, many owners of child passenger safety seats, especially any second-hand owners, might not be notified of safety defects and noncompliances, and would not have the defects and noncompliances remedied.

Child seat owner registration information is retained in the event that owners need to be contacted for defect recalls or replacement campaigns. Chapter 301 of title 49 of the United States Code specifies that if either NHTSA or a manufacturer determines that motor vehicles or items of motor vehicle equipment contain a defect that relates to motor vehicle safety or fail to comply with an applicable Federal motor vehicle safety standard, the manufacturer must notify owners and purchasers of the defect or noncompliance and must provide a remedy without charge. In title 49 of the CFR, part 577, defect and noncompliance notification for equipment items, including child restraint systems, must be sent by first class mail to the most recent purchaser known to the manufacturer.

Child restraint manufacturers are also required to provide a printed instructions brochure with step-by-step information on how the restraint is to be used. Without proper use, the effectiveness of these systems is greatly diminished. Each child restraint system must also have a permanent label. A permanently attached label gives "quicklook" information on whether the restraint meets the safety requirements, recommended installation and use, and warnings against misuse.

Affected Public: Businesses.

Estimated Total Annual Burden: 39,247 hours.

¹ <http://www-odi.nhtsa.dot.gov/cars/problems/recalls/register/childseat/csregfrm.pdf>.

ADDRESSES: Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention NHTSA Desk Officer.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department,

including whether the information will have practical utility; the accuracy of the Departments estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of

automated collection techniques or other forms of information technology. A Comment to OMB is most effective if OMB receives it within 30 days of publication.

Issued on: June 10, 2011.

Christopher J. Bonanti,
Associate Administrator for Rulemaking.

BILLING CODE 4910-59-P

The diagram illustrates a registration form for child restraint systems, divided into two main sections: a top section for safety information and a bottom section for consumer registration. The top section is 5 inches wide and 3 inches high. The bottom section is also 5 inches wide and 3 inches high. A dashed line indicates a fold/perforation line. The top section contains the following text:

FOR YOUR CHILD'S CONTINUED SAFETY

Please take a few moments to promptly fill out and return the attached card [or register online using the direct link to the manufacturer's registration website provided].

Although child restraint systems undergo testing and evaluation, it is possible that a child restraint could be recalled.

In case of recall, we can reach you only if we have your name and address, so please send in the card [or register online] to be on our recall list.

Please fill this card out and mail it NOW, [or register online at (insert manufacturer's registration website)] while you are thinking about it.

The card is already addressed and we've paid the postage.

Tear off and mail this part

The bottom section contains the following text:

Consumer: Just fill in your name and address and e-mail address (optional).

Your Name _____

Your Street Address _____

City _____ State _____ Zip Code _____

E-mail Address (optional) _____

CHILD RESTRAINT REGISTRATION CARD

**RESTRAINT MODEL XXX
SERIAL NUMBER YYYY
MANUFACTURED ZZ-ZZ-20ZZ**

Annotations on the right side of the form include:

- References to online registration are optional.
- Preprinted message to consumer; bold typeface, caps and lower case minimum 12 point type.
- FOLD/PERFORATION
- References to e-mail address are optional.
- Minimum 10% screen tint.
- Preprinted or stamped child restraint system model name or number and date of manufacture.

Figure 1 – Registration form for child restraint systems – product identification number and purchaser information side

5-inch minimum

3" minimum

IMPORTANT

In case of a recall, we can reach you only if we have your name and address. You **MUST** send in the attached card or register online to be on our recall list.

We've already paid the postage.

Do it today.

Block letters (sans serif)-Bold minimum 48 point type, caps.

Minimum 10% screen tint.

Preprinted message to consumer; bold typeface, caps and lower case minimum 12 point type. Reference to online registration is optional.

FOLD/PERFORATION

Indication that postage is prepaid.

Reference to online registration is optional.

Preprinted or stamped name and address of manufacturer or its designee.

NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES

MANUFACTURER
POST OFFICE BOX 0000
ANYTOWN, ST 12345-6789

3" minimum

Figure 2 – Registration form for child restraint systems – address side

Form Approved: O.M.B. No. 2127-0576

**CHILD SAFETY SEAT REGISTRATION FORM
FOR YOUR CHILD'S CONTINUED SAFETY**

Although child safety seats undergo testing and evaluation, it is possible that your child seat could be recalled. In case of a recall it is important that the manufacturer be able to contact you as soon as possible so that your seat can be corrected.

All child safety seats manufactured since March 1993 have a registration form so that owners can provide their names/addresses to the manufacturer. In case of a safety recall, the manufacturer can use that information to send recall letters to owners. Also, child safety seat manufacturers have agreed to maintain owner names/addresses for child safety seats manufactured before March 1993, so they can notify those consumers in the event of a future safety recall. However, in order for the manufacturer to know which child safety seat you own, all of the information on the lower half of this page must be provided.

If you would like the National Highway Traffic Safety Administration (NHTSA) to give your name and address to the manufacturer of your child safety seat, so that you can be notified of any future safety recalls regarding your child safety seat, fill out this form. Please type or print clearly, sign and mail this postage-paid, pre-addressed form.

If you have any questions, or need help with any child safety seat or motor vehicle safety issue, call the U.S. Department of Transportation's toll-free Vehicle Safety Hotline at 1-888-424-9393 (Washington DC AREA RESIDENTS, 202-366-0123).

Your Name: _____ Telephone: _____

Your Street Address: _____

City: _____, State: _____ Zip Code: _____

IMPORTANT: The following information is essential and can be found on labels on your child seat.

Child Seat
Manufacturer: _____Child Seat Model
Name & Number: _____Child Seat
Date of
Manufacture: _____

I AUTHORIZE NHTSA TO PROVIDE A COPY OF THIS REPORT TO THE CHILD SAFETY SEAT MANUFACTURER.

SIGNATURE: _____ DATE: _____

Please mail to:
U.S. Department of Transportation
National Highway Traffic Safety Administration
DOT Vehicle Safety Hotline
400 7th Street, SW
Washington, DC 20590

The Privacy Act of 1974 - Public Law 93-579, As Amended: This information is requested pursuant to the authority vested in the National Highway Traffic Safety Act and subsequent amendments. You are under no obligation to respond to this questionnaire. Your response may be used to assist the NHTSA in determining whether a manufacturer should take appropriate action to correct a safety defect. If the NHTSA proceeds with administration enforcement or litigation against a manufacturer, your response, or statistical summary thereof, may be used in support of the agency's action.

Figure 3 – Illustration of Child Safety Seat Registration Form

[FR Doc. 2011-14995 Filed 6-15-11; 8:45 am]

BILLING CODE 4910-59-C

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration**

[U.S. DOT Docket Number NHTSA–2011–0025]

Reports, Forms, and Recordkeeping Requirements**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.**ACTION:** Request for public comment on a reinstatement of a previously approved collection of information.**SUMMARY:** Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

This document describes one collection of information for parts 541, 565, and 567 for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before August 15, 2011.**ADDRESSES:** You may submit comments [identified by DOT Docket No. NHTSA–2011–0025] by any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Mail:** Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- **Hand Delivery or Courier:** West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- **Fax:** 1–202–493–2251.
- You may call the Docket at (202) 366–9324.

Regardless of how you submit your comments, you should mention the docket number of this document. Please identify the proposed collection of information for which a comment is provided, by referencing its OMB clearance number. It is requested, but not required, that two copies of the comment be provided.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process,see the Public Participation heading of the Supplementary Information section of this document. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).**Docket:** For access to the docket to read background documents or comments received, go to the street address listed above. The Internet access to the docket will be at <http://www.regulations.gov>. Follow the online instructions for accessing the dockets.**FOR FURTHER INFORMATION CONTACT:**Complete copies of each request for collection of information may be obtained at no charge from Ms. Deborah Mazyck, NHTSA, 1200 New Jersey Avenue, SE., West Building, Room W43–443, Washington, DC 20590. Ms. Mazyck's telephone number is (202) 366–4139 and e-mail address is Deborah.Mazyck@dot.gov. Please identify the relevant collection of information by referring to its OMB Control Number.**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d), an agency must ask for public comment on the following:

- 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;
- 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;
- How to enhance the quality, utility, and clarity of the information to be collected;
- How 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.

In compliance with these requirements, NHTSA asks for public comments on the following request for reinstatement of a previously approved collection of information:

Title: Consolidated Labeling Requirements for 49 CFR 541, 565 and 567.**OMB Control Number:** 2127–0510.**Form Number:** None.**Affected Public:** Vehicle manufacturers.**Requested Expiration Date of****Approval:** Three years from the approval date.**Abstract:** For parts 541, 565 and 567.**Part 541**

The Motor Vehicle Information and Cost Savings Act was amended by the Anti-Car Theft Act of 1992 (Pub. L. 102–519). The enacted Theft Act requires specified parts of high-theft vehicle to be marked with vehicle identification numbers. In a final rule published on April 6, 2004, the Federal Motor Vehicle Theft Prevention Standard was extended to include all passenger cars and multipurpose passenger vehicles with a gross vehicle weight rating of 6,000 pounds or less, and to light duty trucks with major parts that are interchangeable with a majority of the covered major parts of multipurpose passenger vehicles. Each major component part must be either labeled or affixed with the VIN and its replacement component part must be marked with the DOT symbol, the letter (R) and the manufacturers' logo. The final rule became effective September 1, 2006. Due to expansion of the Federal Motor Vehicle Theft Prevention Standard (part 541), all passenger cars, and multipurpose passenger vehicles with a gross vehicle weight rating of 6,000 pounds or less, and light duty trucks with major parts that are interchangeable with a majority of the covered major parts of multipurpose passenger vehicles, are required to be parts marked.

NHTSA estimates the vehicle manufacturers will incur a total cost burden of \$122,138,000 million.

Parts 565 and 567

NHTSA's statute at 15 U.S.C. 1392, 1397, 1401, 1407, and 1412 of the National Traffic and Motor Vehicle Safety Act of 1966 authorizes the issuance of Federal Motor Vehicle Safety Standard (FMVSS) and the

collection of data which support their implementation. The agency, in prescribing an FMVSS, is to consider available relevant motor vehicle safety data and to consult with other agencies as it deems appropriate. Further, the Act mandates, that in issuing any FMVSS, the agency should consider whether the standard is reasonable, practicable and appropriate for the particular type of motor vehicle or item of motor vehicle equipment for which it is prescribed, and whether such standards will contribute to carrying out the purpose of the Act. The Secretary is authorized to revoke such rules and regulations as deemed necessary to carry out this subchapter. Using this authority, the agency issued the initial FMVSS No. 115, Vehicle Identification Number, specifying requirements for vehicle identification numbers to aid the agency in achieving many of its safety goals.

The standard was amended in August 1978 by extending its applicability to additional classes of motor vehicles and by specifying the use of a 30-year, 17-character Vehicle Identification Number (VIN) for worldwide use. The standard was amended in May 1983 by deleting portions of FMVSS No. 115 and reissuing those portions as a general agency regulation, part 565. Subsequently, the standard was amended again in June 1996 transferring the text of the FMVSS No. 115 to part 565, without making any substantive changes to the VIN requirements as a result of the proposed consolidation. The provision of the part 565 (amended) regulation requires vehicle manufacturers to assign a unique VIN to each new vehicle and to inform NHTSA of the code used in forming the VIN. These regulations apply to all vehicles: Passenger cars, multipurpose passenger vehicles, trucks, buses, trailers, incomplete vehicles, and motorcycles.

NHTSA has amended to part 565 to revise certain sections in order to extend the existing VIN system for another thirty years, and to ensure a sufficient supply of unique available VINs and manufacturer identifiers for that time period (72 FR 56027, October 2, 2007). The agency required information to be provided in a slightly different way (e.g., vehicle make being transferred from the first to the second section of the VIN), the scope of the overall reporting requirement of part 565 will not change.

Part 567 specifies the content and location of, and other requirements for, the certification label or tag to be affixed to motor vehicles and motor vehicle equipment. Specifically, the VIN is required to appear on the certification label. Additionally, this certificate will

provide the consumer with information to assist him or her in determining which of the Federal Motor Vehicle Safety Standards are applicable to the vehicle or equipment, and its date of manufacturer.

NHTSA estimates a cost burden of \$13,348,000 for this requirement.

Estimated Annual Burden: The overall total estimated annual hour burden for this collection is 798,047. The overall total estimated cost burden for this collection is \$122,138,000 million.

Number of Respondents: The total number of respondents for this collection (part 541, 565 and part 567) is 1,104.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued on: June 10, 2011.

Christopher J. Bonanti,

Associate Administrator for Rulemaking.

[FR Doc. 2011-14993 Filed 6-15-11; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2011-0058; Notice 1]

Toyota Motor Corporation, Inc., on Behalf of Toyota Corporation, and Toyota Manufacturing, Indiana, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

Toyota Motor North America, Inc., on behalf of Toyota Motor Corporation,¹ and Toyota Manufacturing, Indiana, Inc.² (collectively referred to as "Toyota") has determined that certain model year 2011 Toyota Sienna passenger cars manufactured between January 3, 2011 and February 11, 2011, do not fully comply with paragraph S9.5(a)(3) of Federal Motor Vehicle

Safety Standard (FMVSS) No. 225, *Child restraint anchorage systems*. Toyota has filed an appropriate report pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports* (dated March 17, 2011).

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), Toyota has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Toyota's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Affected are approximately 9,122 model year 2011 Toyota Sienna passenger cars that were manufactured between January 3, 2011 and February 11, 2011.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, these provisions only apply to the 9,122³ model year 2011 Toyota Sienna passenger cars that Toyota no longer controlled at the time it determined that the noncompliance existed.

Paragraph S9.5 of FMVSS No. 225 requires in pertinent part:

S9.5 Marking and conspicuity of the lower anchorages. Each vehicle shall comply with S9.5(a) or (b). (a) Above each bar installed pursuant to S4, the vehicle shall be permanently marked with a circle * * *

(1) That is not less than 13 mm in diameter;

(2) That is either solid or open, with or without words, symbols or pictograms, provided that if words, symbols or pictograms are used, their meaning is explained to the consumer in writing, such as in the vehicle's owners manual; and

(3) That is located such that its center is on each seat back between 50 and 100 mm

³ Toyota's petition, which was filed under 49 CFR Part 556, requests an agency decision to exempt Toyota as a vehicle manufacturer from the notification and recall responsibilities of 49 CFR Part 573 for 9,122 of the affected vehicles. However, the agency cannot relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Toyota notified them that the subject noncompliance existed. Those vehicles must be brought into conformance, exported, or destroyed.

¹ Toyota Motor Corporation is a Japanese corporation that manufactures and imports motor vehicles.

² Toyota Manufacturing, Indiana, Inc., is an Indiana corporation that manufactures motor vehicles.

above or on the seat cushion 100 $\pm$ 25 mm forward of the intersection of the vertical transverse and horizontal longitudinal planes intersecting at the horizontal centerline of each lower anchorage, as illustrated in Figure 22. The center of the circle must be in the vertical longitudinal plane that passes through the center of the bar ($\pm$ 25 mm);

(4) The circle may be on a tag * * *

Toyota explains that the noncompliance is that the label identifying the location of the lower child restraint anchorages in some of the second row seats of the affected vehicles are located slightly outside the limits as stated within the requirements of S9.5(a)(3) of FMVSS No. 225.

Specifically, Toyota also explains that "the potential deviation of the label location outside the requirement is very small. In a detailed survey of a randomly selected subset involving 18 of these vehicles in which a deviation was observed, the mean deviation was approximately +1.4 mm (*i.e.*, 26.4 mm from the centerline); the maximum deviation observed was +2.5 mm (*i.e.*, 27.5 mm from the centerline); and the standard deviation was only 0.5 mm. While a survey carried out by the seat supplier also supports Toyota's assertions that the potential deviation of the label location from the specified requirements is very small. In the supplier's survey of 240 labels on 120 seats, 3 labels were outside of the specifications of FMVSS No. 225. All 3 of those labels were measured at +1 mm beyond the specification, or 26 mm from the centerline."

Toyota stated its belief that although the lower child anchorage labels are outside the specified limits of this requirement that the noncompliance is inconsequential to motor vehicle safety for the following reasons:

(1) The measured deviations are very minor, and such a slight deviation is not noticeable to consumers and would not impair a consumer's ability to locate the lower anchorages.

(2) Paragraph S9.1 of FMVSS No. 225 requires that the length of the straight portion of the lower anchorage bar be a minimum of 25 mm. In the affected vehicles the length is 30 mm; the total length including the curved portions is 54 mm. As a result, even with greater deviations than noted above in label location, some part of the label would be over some part of the bar, making the bar easy to locate.

(3) The regulatory history of the provision allowing a $\pm$ 25 mm lateral tolerance for the location of the center of the circular label further supports the argument that this noncompliance has no adverse safety consequences. As originally adopted, FMVSS No. 225

would have limited the lateral tolerance to $\pm$ 12 mm. In response to a petition for reconsideration from vehicle manufacturers concerned that such a low tolerance would be difficult to meet due to process limitations and seat design features, NHTSA amended the standard to allow the current $\pm$ 25 mm tolerance. 69 Fed Reg. 48818 (August 11, 2004). In doing so, The agency stated:

"* * * Moreover, the agency believes that increasing the tolerance to 25 mm will not significantly affect the consumers' ability to find the LATCH anchorages. While anchor bars are permitted to be as short as 25 mm in the straight portion of the bar, most are considerably longer. Even if a 25 mm bar were used, with a 25 mm tolerance from the center of the bar, the circle will be, at farthest, tangent to a longitudinal vertical plane tangent to the side of the anchorage bar. If a person were to probe the seat bight in the area directly under the marking circle, his or her finger would easily contact the bar. For bars that are greater than 25 mm in length, with a 25 mm tolerance a portion of the marking circle will always be over some part of the bar. In either situation, marking the circle with a 25 mm tolerance will adequately provide a visual reminder to consumers that the LATCH system is present and will help users locate and use the bars. Adopting the 25 mm tolerance will also harmonize FMVSS No. 225 with the comparable Transport Canada requirement."

(4) The seat design is such that only one label at a seating position can be noncompliant. As the seat cover, is constructed, the labels are secured to the fabric a specified distance apart that reflects the location of each pair of anchorages, and the labels are designed to be within the lateral tolerance of the standard.

(5) Information provided in the vehicle owner's manual further reduces any possibility of confusion when installing a child restraint. The instructions clear advise the installer to recline the second row seat and widen the gap between the seat cushion and the seatback to expose the lower anchorages.

(6) The label locations are correct for the LATCH anchorage system located at the third row center seating position.⁴

(7) There have been no customer complaints, injuries, or accidents related to the deviation of the child

restraint label location being slightly outside the limits of the requirement.

(8) The model year 2011 Sienna is sold by Toyota in both the United States and Canada and the subject noncompliance was reported to both NHTSA and Transport Canada at the same time. (In Canada, the applicable standard is CMVSS 210.2; it contains the same requirements as FMVSS No. 225). Transport Canada responded on March 23, indicating it concurs that "there is no real or implied degradation to motor vehicle safety," and that no further action in Canada will be required.

In summation, Toyota believes that the described noncompliance of its vehicles to meet the requirements of FMVSS No. 225 is inconsequential to motor vehicle safety, and that its petition, to exempt from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods:

a. By mail addressed to: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

b. By hand delivery to U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal holidays.

c. Electronically: by logging onto the Federal Docket Management System (FDMS) Web site at <http://www.regulations.gov/>. Follow the online instructions for submitting comments. Comments may also be faxed to 1-202-493-2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to <http://www.regulations.gov/>

⁴ Toyota indicated that this LATCH anchorage is not required by the standard, but was voluntarily installed by Toyota.

www.regulations.gov, including any personal information provided.

Documents submitted to a docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at <http://www.regulations.gov> by following the online instructions for accessing the dockets. DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000, (65 FR 19477–78).

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the Federal Register pursuant to the authority indicated below.

Comment closing date: July 18, 2011.

Authority: 49 U.S.C. 30118, 30120; delegations of authority at CFR 1.50 and 501.8.

Issued on: June 10, 2011.

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2011–14902 Filed 6–15–11; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35528]

CSX Transportation, Inc.; Trackage Rights Exemption; The Indiana Rail Road Company

Pursuant to a supplemental trackage rights agreement (Supplemental Agreement No. 1),¹ The Indiana Rail Road Company (INRD) has agreed to grant overhead trackage rights to CSX Transportation, Inc. (CSXT)² over approximately 3.5 miles of rail line in Terre Haute, Vigo County, Ind., as follows: Between Belt Junction (milepost 181.7) and the south end of INRD's Martin Siding (milepost 185.2), including a right of entry and exit at the connections of INRD with CSXT at Belt Junction and Spring Hill (milepost 182.7).

The new trackage rights agreement extends the trackage rights that INRD

had previously granted to CSXT³ to operate over INRD's Chicago Subdivision, between the connection of CSXT and INRD trackage at ConMil at approximately INRD milepost 175.5 and the connection of CSXT and INRD trackage at approximately INRD milepost 181.7, a distance of 6.2 miles. The new trackage rights will allow CSXT's crews to deliver trains to and receive trains from INRD on INRD's newly constructed Martin Siding south of Belt Junction.

The transaction may be consummated on June 30, 2011, the effective date of the exemption (30 days after the exemption was filed).

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 23, 2011 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35528, 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 Louis E. Gitomer, 600 Baltimore Ave., Suite 301, Towson, MD 21204.

Board decisions and notices are available on our Web site at “<http://www.stb.dot.gov>.”

Decided: June 8, 2011.

By the Board.

Rachel D. Campbell,

Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2011–14640 Filed 6–15–11; 8:45 am]

BILLING CODE 4915–01–P

¹ A draft of the agreement was included with the notice of exemption. The parties state that, upon execution of the agreement, an executed copy will be filed with the Board.

² CSXT controls INRD. *CSX Corp.—Control—Ind. Rail Rd.*, FD 32892 (STB served Nov. 7, 1996).

³ See *CSX Transp., Inc.—Trackage Rights Exemption—Ind. Rail Rd.*, FD 35058 (STB served July 13, 2007).

DEPARTMENT OF THE TREASURY

Open Meeting of the President's Advisory Council on Financial Capability

AGENCY: Department of the Treasury.

ACTION: Notice of meeting.

SUMMARY: The President's Advisory Council on Financial Capability (“Council”) will convene its third meeting on July 12, 2011 via audio webcast beginning at 2:30 p.m. Eastern Time. The webcast will be open to the public. Details about how to access the audio webcast will be posted on the Treasury's Office of Financial Education and Financial Access' Web site at <http://www.treasury.gov> (click on Resource Center, then on Office of Financial Education and Financial Access and finally on President's Advisory Council on Financial Capability). The Council will receive a report from the Council's subcommittees (Financial Access, Research and Evaluation, Partnerships, and Youth) on their progress and discuss any possible recommendations.

DATES: The meeting will be held on July 12, 2011, at 2:30 p.m. Eastern Time.

Submission of Written Statements: The public is invited to submit written statements to the Council. Written statements should be sent by any one of the following methods:

Electronic Statements

E-mail ofe@treasury.gov; or

Paper Statements

Send paper statements to the Department of the Treasury, Office of Financial Education and Financial Access, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

In general, the Department will make all statements available in their original format, including any business or personal information provided such as names, addresses, e-mail addresses, or telephone numbers, for public inspection and photocopying in the Department's library, Room 1428, Main Department Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, on official business days between the hours of 10 a.m. and 5 p.m. You can make an appointment to inspect statements by calling (202) 622–0990. All statements received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. You should only submit information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT:

Dubis Correal, Director, Office of Financial Education, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, at (202) 622-5770 or ofe@treasury.gov.

SUPPLEMENTARY INFORMATION:

On January 29, 2010, the President signed Executive Order 13530, creating the Council to assist the American people in understanding financial matters and making informed financial decisions, thereby contributing to financial stability. The Council is composed of two *ex officio* Federal officials and 11 non-governmental members appointed by the President with relevant backgrounds, such as financial services, consumer protection, financial access, and education. The role of the Council is to advise the President and the Secretary of the Treasury on means to promote and enhance individuals' and families' financial capability. The Council held its first meeting on November 30, 2010 and its second on April 21, 2011. During the April 2011

meeting, each Council subcommittee presented a progress report and the recommendations it thought the Council as a whole should make to the President and the Secretary. The Council agreed to make two recommendations: (1) That Treasury support the Workplace Leaders in Financial Education Award, administered by the American Institute of Certified Public Accountants and the Society for Human Resources Management; and (2) that the Treasury issue a challenge to the private sector to create applications for mobile devices that promote financial capability and financial access. The Department of the Treasury is looking into how to implement those recommendations. Additionally, the Council discussed the composition of its subcommittees and their priorities, and decided that it would be more effective to embed the work of the "Strategy" subcommittee into the work of the other subcommittees.

In accordance with section 10(a) of the Federal Advisory Committee Act, 5

U.S.C. App. 2 and the regulations thereunder, Dubis Correal, Designated Federal Officer of the Council, has ordered publication of this notice that the Council will convene its third meeting on July 12, 2011, via audio webcast, beginning at 2:30 p.m. Eastern Time. The meeting will be open to the public. Details on how to access the audio webcast will be posted closer to the date of the meeting at <http://www.treasury.gov> (click on Resource Center, then Office of Financial Education and Financial Access, and then on the President's Advisory Council on Financial Capability) or call (202) 622-5770. The purpose of the meeting is to receive an update from the Council's subcommittees on their ideas, progress, and discuss any possible recommendations.

Dated: June 9, 2011.

Alastair Fitzpayne,

Executive Secretary, U.S. Department of the Treasury.

[FR Doc. 2011-14998 Filed 6-15-11; 8:45 am]

BILLING CODE 4810-25-P



FEDERAL REGISTER

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Part II

Department of Commerce

Bureau of Industry and Security

15 CFR Parts 732, 738, 740, et al.

Export Control Reform Initiative: Strategic Trade Authorization License
Exception; Final Rule

DEPARTMENT OF COMMERCE**Bureau of Industry and Security****15 CFR Parts 732, 738, 740, 743, and 774****[Docket No. 100923470–1230–03]****RIN 0694–AF03****Export Control Reform Initiative: Strategic Trade Authorization License Exception****AGENCY:** Bureau of Industry and Security, Commerce.**ACTION:** Final Rule.

SUMMARY: This rule adds a new license exception to the Export Administration Regulations (EAR) that authorizes the export, reexport, and transfer (in-country) of specified items to destinations that pose relatively low risk that those items will be used for a purpose that license requirements are designed to prevent. Use of the exception is conditioned upon the creation and exchange by the parties to the transaction of notifications and statements designed to provide assurance against diversion of such items to other destinations. The exception is only relevant to exports, reexports, and transfers for which a license is required under the EAR. Thus, if the EAR do not impose an obligation to apply for and receive a license before exporting, reexporting, or transferring an item subject to the EAR, STA is not relevant to the transaction. The exception does not alter any of the General Prohibitions in the EAR against unlicensed exports, reexports, or transfers to proscribed end users, end uses, or destinations. This rule, has been cleared by several departments, including Defense, State, Homeland Security, and Justice. This rule is part of the Administration's Export Control Reform Initiative, undertaken as a result of the fundamental review of the U.S. export control system that the President announced in August 2009.

DATES: Effective date June 16, 2011.

FOR FURTHER INFORMATION CONTACT: William Arvin, Regulatory Policy Division, Bureau of Industry and Security, william.arvin@bis.doc.gov or 202–482–2440.

SUPPLEMENTARY INFORMATION:**Background***The Administration's Export Control Reform Initiative*

In August 2009, the President directed a broad-based interagency review of the U.S. export control system with the goal

of strengthening national security and the competitiveness of key U.S. manufacturing and technology sectors by focusing on current threats and adapting to the changing economic and technological landscape. The review determined that the current export control system is overly complicated, contains too many redundancies, and, in trying to protect too much, diminishes our ability to focus our efforts on the most critical national security priorities. *See, e.g.,* August 30, 2010 press release by the White House, Office of the Press Secretary at <http://www.whitehouse.gov/the-press-office/2010/08/30/president-obama-laysfoundation-a-new-export-controlsystem-strengthen-n>. As a result, the Administration has begun the Export Control Reform Initiative, which will fundamentally reform the U.S. export control system. The Export Control Reform Initiative is designed to enhance U.S. national security and strengthen the United States' ability to counter threats such as the proliferation of weapons of mass destruction. The Administration determined that fundamental reform is needed with transformation to a single control list, a single licensing agency, a single information technology system, and a single primary enforcement coordination agency. The Administration is implementing the reform in three phases. The first two phases involve short- and medium-term adjustments to the current export control system, with a focus on establishing harmonized control lists and processes among the Departments of Commerce, State, and the Treasury to the extent practicable in order to build toward the third phase of the single control list, licensing agency, information technology system, and enforcement coordination agency. Under this approach, new criteria for determining what items need to be controlled and a common set of policies for determining when an export license is required will be implemented. The control list criteria will be based on transparent rules, which will reduce the uncertainty faced by our allies, U.S. industry, and its foreign partners, and will allow the government to erect higher enforcement walls around the most sensitive items in order to enhance national security.

A New License Exception as an Initial Step in Reform

License Exception Strategic Trade Authorization (STA) authorizes, with conditions, the export, reexport and transfer (in-country) of specified items to destinations that pose relatively low

risk of unauthorized uses. To safeguard against reexports to destinations that are not authorized under License Exception STA, License Exception STA imposes certain notification and consignee statement requirements. The exception does not alter any of the General Prohibitions in the EAR against exports, reexports, or transfers to proscribed end users, end uses, or destinations. Under the direction of the Office of Management and Budget, this rule was reviewed and cleared by the Departments of Defense, State, Energy, the Treasury, Homeland Security, and Justice.

The exception is only relevant to exports, reexports, and transfers for which a license is required under the EAR. Thus, if the EAR do not impose an obligation to apply for and receive a license before exporting, reexporting, or transferring an item subject to the EAR, STA is not relevant to the transaction. For exports, reexports, and transfers where STA is relevant, its use is optional. Parties may use other license exceptions that authorize a planned transaction or apply for a license if they prefer to do so.

On December 9, 2010, BIS issued a proposed rule (75 FR 76653) describing the proposed new License Exception STA that would be an initial step in the Export Control Reform Initiative. BIS received 41 submissions commenting on the proposed rule. They are available for review at: <http://www.regulations.gov> (ID # BIS–2010–0038) and on http://efoia.bis.doc.gov/pubcomm/records-of-comments/record_of_comments_sta.pdf. This final rule implements License Exception STA. It reflects review and analysis of the public comments. A summary of the comments and responses are provided below under “Review of Public Comments.”

Summary of Changes in the Final Rule as Compared to the Proposed Rule

Releases of software source code and technology: Section 740.20 makes specific reference to releases within a single country of software source code and technology to foreign nationals and provides a different notification procedure than that required for exports, reexports and other in country transfers. These changes are in response to public comments. They are described below under the topic heading “review of public comments.”

Clarification of terminology in § 740.20: The term “transactions” in § 740.20 has been replaced with the more explicit “exports, reexports and in country transfers” to avoid confusion that might otherwise arise when a single shipment or single sale includes some

items that are subject to License Exception STA and some that are not. Items in such shipment or sale that are not being exported, reexported or transferred pursuant to License Exception STA need not meet the requirements of License Exception STA.

Notification to consignee, consignee statement and destination control statement: The revised provisions of § 740.20(d) are based on consideration of the public's comments regarding the proposed notification requirements. The final rule retains the requirement to furnish to the consignee the ECCN of each item to be shipped to the consignee, but does not require that the ECCN be furnished for every successive shipment of the item at issue to the same consignee so long as the ECCN remains accurate. In addition, one consignee statement may be used for multiple shipments. The final rule, however, requires the exporter, reexporter, or transferor to keep a log or other written record that identifies each shipment made under License Exception STA and identifies the specific consignee statement that is associated with each shipment. In addition, the destination control statement described in the proposed rule is replaced with a more general notice requirement. The changes are described below under the topic heading "Final Rule Revisions to License Exception STA Safeguards." As revised, § 740.20(d) provides the proper assurances that items shipped under License Exception STA will remain within the group of low risk destinations without posing excessive and complex burdens on parties trading in items subject to the EAR.

STA paragraphs: Based on a suggestion in the public comments, the STA license exception paragraphs in 49 ECCNs have been revised to state more clearly that they apply only to the destinations listed in paragraph (c)(2) of § 740.20 and not to STA as a whole. This change is described below under the topic heading "review of public comments."

Removal of EI eligibility: Items controlled for encryption (EI) reasons are ineligible for License Exception STA, because of a determination that License Exception STA is not the appropriate approach to addressing the government interests in encryption export controls. Accordingly, BIS will address encryption-related aspects of the Export Control Reform Initiative separately.

Removal of pathogen and toxin eligibility: Items described in ECCNs 1C351.a, .b, .c, d.5, .d.6 or .e; 1C352; 1C353; 1C354; 1C360; 1E001 (for

1C351.a, .b, .c, .d.5, .d.6 or .e, 1C352, 1C353, 1C354 or 1C360) or in ECCN 1E351 may not be exported, reexported, or transferred under the authority of License Exception STA. The potential of these items to make a direct contribution to the creation of weapons of mass destruction and United States Government policy to deter the spread of chemical and biological weapons warrants excluding them from STA eligibility.

Items in ECCN 1C351.d.1, .2, .3, .4, .7, .8, .9, or .10 may be exported, reexported, or transferred under the authority of License Exception STA in quantities up to 100 milligrams of any one toxin per shipment and no more than six shipments may be sent to any one end user in any one calendar year. Unlike the items described in the previous paragraph, the items described in the ECCNs identified in this paragraph have more widespread commercial and medical applications and are not of a type that can be used to generate or grow large quantities of the toxin. The quantity and frequency cap in this aspect of STA is designed to allow for shipments under the exception to destinations of relatively low risk for appropriate end uses, but not allow for even the potential of unapproved stockpiling of such items in amounts that would create proliferation threats.

Modifications to License Exception GOV: Supplement No. 1 to § 740.11 is revised to remove the prohibition on use of License Exception GOV to export items controlled for chemical and biological weapons reasons (CB) to agencies of cooperating governments (as defined in § 740.11(b)(3)(ii) of the EAR) and to their embassies and consulates (as defined in § 740.11(b)(2)(iv) of the EAR) located in Country Group B (Supp. No. 1 to part 740 of the EAR). This change is needed to facilitate the export of pathogens and toxins to governments of cooperating countries to facilitate collaborative responses to outbreaks of disease, whether man-made or naturally occurring, in the absence of eligibility under License Exception STA as noted above.

Removal of certain gas turbine engine related software and technology eligibility: Section 740.20 is revised to make the following software and technology ineligible for license exception STA.

(A) License Exception STA may not be used for 9D001 or 9D002 "software" that is specially designed or modified for the "development" or "production" of:

- Components of engines controlled by ECCN 9A001 if such components incorporate any of the "technologies"

controlled by 9E003.a.1, 9E003.a.2, 9E003.a.3, 9E003.a.4, 9E003.a.5, 9E003.c, 9E003.i (other than technology for fan or power turbines), 9E003.h; or

- Equipment controlled by 9B001.

(B) License Exception STA may not be used for 9D001 "software" that is specially designed or modified for the "development" of "technology" controlled by 9E003.a.1, 9E003.a.2, 9E003.a.3, 9E003.a.4, 9E003.a.5, 9E003.c, 9E003.i (other than technology for fan or power turbines) or 9E003.h.

(C) License Exception STA may not be used for 9D004.f or 9D004.g "software".

(D) License Exception STA may not be used for 9E001 "technology" according to the General Technology Note for the "development" of 9A001.b engines or components of engines controlled by 9A001.b if such components incorporate:

- Any of the "technologies" controlled by 9E003.a.1, 9E003.a.2, 9E003.a.3, 9E003.a.4, 9E003.a.5, 9E003.c, 9E003.i (other than technology for fan or power turbines) or 9E003.h; or
- Any of the 9D001 or 9D002 software in paragraphs (A) or (B) above.

(E) License Exception STA may not be used for 9E002 "technology" according to the General Technology Note for the "production" of components of engines controlled by 9A001.b if such components incorporate any of the "technologies" controlled by 9E003.a.1, 9E003.a.2, 9E003.a.3, 9E003.a.4, 9E003.a.5, 9E003.c, 9E003.i (other than technology for fan or power turbines), 9E003.h.

(F) License Exception STA may not be used for "technology" in 9E003.a.1, 9E003.a.2, 9E003.a.3, 9E003.a.4, 9E003.a.5, 9E003.c, 9E003.i (other than technology for fan or power turbines) or 9E003.h.

A review of gas turbine engine technology has been unable to establish a satisfactory method of distinguishing the foregoing gas turbine engine technology and software that is within the scope of Tier 1 from such technology that is within the scope of Tier 2 (See 75 FR 76665, December 9, 2010 for an explanation of the Tier 1 and Tier 2 criteria). Accordingly, such technology and software may not be exported under the authority of License Exception STA.

Removal of Unneeded License Exception STA Paragraph From ECCN 7D002

License Exception STA paragraphs appeared in 50 ECCNs in the proposed rule. Those paragraphs identified items that may not be shipped under License Exception STA authorizing paragraph (c)(2) (§ 740.20(c)(2) of the EAR). In both

the proposed rule and this final rule the License Exception STA paragraphs in the ECCNs have no effect on authorizing paragraph (c)(1) of STA. Because software covered by ECCN 7D002 is controlled for missile technology reasons (MT), such software is ineligible for either authorizing paragraph (c)(1) or authorizing paragraph (c)(2) of License Exception STA. This final rule accordingly does not include a License Exception STA paragraph in ECCN 7D002.

Clarification of Applicability of Missile Technology Controls to ECCN 7E001 and 7E002

ECCNs 7E001 and 7E002 apply *inter alia* to technology for the development and production of equipment controlled by ECCNs 7A001, 7A002 and 7A003.d. ECCNs 7E001 and 7E002 impose a national security reason for control on all of the technology that they cover and apply a missile technology reason for control to technology for the development or production of equipment controlled for missile technology reasons. ECCNs 7A001, 7A002 and 7A003.d impose a national security reason for control on all of the equipment that they cover and impose a missile technology reason for control on such equipment if the equipment meets the parameters of ECCN 7A101, 7A102, or 7A103. That pattern is the reverse of the pattern that prevails in the Commerce Control List, where an item that is subject to an ECCN with a lower number as the third character generally would not also be subject to an ECCN with a higher number as the third character. To guard against the possibility that readers will, as a result of this unusual pattern, erroneously conclude that certain 7E001 and 7E002 technology is not subject to the missile technology reason for control, this rule adds a sentence to the license requirements sections of ECCN 7E001 and 7E002 reminding readers that technology for 7A001, 7A002 and 7A003.d equipment is subject to the missile technology reason for control if that equipment meets the parameters of 7A101, 7A102 or 7A103.

Revisions to Eligible Destinations and Removal of Civil End-Use Requirement

In this final rule, 36 countries are included in § 740.20(c)(1), which authorizes exports, reexports and in country transfers that are subject to multiple reasons for control. Eight destinations are included in § 740.20(c)(2), which authorizes export, reexports and in country transfers that are subject to national security reasons for control. The paragraph (c)(1)

destinations are: Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, South Korea, Spain, Sweden, Switzerland, Turkey, and the United Kingdom. The paragraph (c)(2) destinations are: Albania, Hong Kong, India, Israel, Malta, Singapore, South Africa, and Taiwan. This final rule also removes the civil end use requirement that the proposed rule applied to destinations listed in paragraph (c)(2).

Preclusion of License Exception APR paragraph (b) in addition to paragraph (a): As published in the proposed rule, this final rule precludes use of License Exception APR paragraph (a) (§ 740.16(a) of the EAR) for items that have been shipped pursuant to License Exception STA. Also as published in the proposed rule, this final rule requires consignees in subsequent exports, reexports and in country transfers authorized by License Exception STA to acknowledge that preclusion. However, paragraph (b) of License Exception APR authorizes reexports to most of the destinations authorized by License Exception STA and does not require such notice. Thus, under the proposed rule, a party could receive via APR an item that previously had been shipped under STA and would be unaware of the preclusion. To remedy this inconsistent result, this final rule revises § 740.20 to preclude the use of License Exception APR paragraph (b) if an item previously has been shipped under License Exception STA and to add acknowledgement of that preclusion to the consignee statement required under License Exception STA.

Resolution of items under consideration for Tier 1.

The preamble to the proposed rule stated the U.S. Government was considering whether the following ECCNs, in whole or part: 0A919, 1A002, 3A001, 3A002, 3A003, 3A201, 3A228, 3A229, 3A232, 4A001, 4A003, 5A001, 6A001, 6A002, 6A003, 6A004, 6A005, 6A006, 7A001, 7A002, 7A003, 7A004, 7A006, 8A001, 8A018, 9A001, 9A004, 9A012 and 9A018 and the technology ECCNs related to them, met the Tier 1 criteria and thus would be excluded from the scope of License Exception STA. Commenters on the proposed rule addressed 1A002, 3A001, 6A001, 6A002, 6A003, 6A005, 7A004, 8A001, 9A001, 9A004, 9A018, 1E001, 6E002, and 9E003. Generally, those comments provided support that certain specific items covered by those ECCNs are

widely available from suppliers abroad, including suppliers in destinations not eligible to receive items under License Exception STA under the proposed rule.

Because planned export control tiers have not yet been established, nothing can formally be assigned to an export control tier at this time. However, after reviewing the public comments and consulting with other government agencies, BIS has concluded that the ECCNs, or portions thereof, that should be removed from the scope of STA at this time are those identified in § 740.20(b)(2) of this final rule.

Continuing efforts to improve export controls and refine License Exception STA.

As part of the President's Export Control Reform Initiative, the process of identifying the appropriate export control tier for each item on the Commerce Control List will continue. In addition, agencies will continue to study two specific issues related License Exception STA.

One issue is whether some "build to print technology" related to gas turbine engine components and controlled under ECCN 9E002 can be made eligible for License Exception STA while excluding more critical technology. In this instance, the term "build to print technology" refers to information that describes the physical and dimensional characteristics of a component, but does not reveal how to perform the processes that are used to produce a component with those physical and dimensional characteristics.

Another issue for further review is whether technology controlled under ECCN 2E003.f related to the application of certain coatings is, in whole or in part, appropriate for exclusion from License Exception STA.

Review of Public Comments

Public Comments

Some commenters remarked on the overall nature of License Exception STA. Many favored the concept in general and some noted that their own organizations likely would require fewer licenses as a result of STA. Others indicated that, as proposed, STA would provide little or no utility for their organizations. Some suggested specific changes or clarifications to STA or other steps that BIS could take in addition to or in lieu of License Exception STA. These ideas and BIS's responses are discussed below.

Comments related to the general utility and feasibility of License Exception STA.

Comment 1: Commenters' opinions were divided on the utility of STA.

Some believed that the license exception would substantially reduce the number of licenses needed by their organizations; others indicated that it would result in little or no change with respect to their transactions that are subject to the EAR.

Response: BIS recognizes that License Exception STA does not address all issues of public concern or even all issues that have been identified as pointing to a need for export control reform. As noted in the preamble to the proposed rule, License Exception STA is only one step in the Administration's Export Control Reform Initiative. Other measures will be needed to effect the remaining aspects of that initiative.

Comment 2: One commenter stated that STA provides no real benefit that is not already obtainable under License Exception GBS and that the latter lacks the documentation requirements and restrictions of STA. Several commenters indicated that they thought the restrictions and documentation requirements under STA would limit its utility.

Response: BIS agrees that parties who engage only in transactions that currently do not require licenses or that currently are eligible for License Exception GBS would not benefit from License Exception STA. A party may continue to use License Exception GBS to the extent the export at issue is within the scope of that exception. However, because License Exception STA is available for more ECCNs than is License Exception GBS, some parties will benefit from this new license exception.

Comment 3: Several commenters expressed concern that STA did not go far enough and cited unnamed "government officials" as having predicted that STA will replace GBS once the State and Commerce lists are merged.

Response: BIS currently has no plan to remove License Exception GBS from the EAR. Determining whether GBS will be needed in a regulatory scheme based on a single control list is premature and beyond the scope of the proposed rule.

Comment 4: Some commenters expressed concern that without broader license exceptions, BIS might be unable to handle the volume of licenses that it is likely to encounter once certain items are transferred from the United States Munitions List to the Commerce Control List. These commenters stated that although BIS's projection of License Exception STA replacing over 3,000 licenses annually is not insignificant, it is "not a large portion of the low risk licensing volume currently facing BIS." Finally, these commenters stated that

the State Department faced a 10,000 case backlog in 2007 and recommended that BIS proactively address potential increases in exports and minimize transaction-by-transaction authorization requirements in order to avoid a similar situation.

Response: BIS recognizes that a transfer of a large number of items from the United States Munitions List to the Commerce Control List could significantly increase BIS's workload and, without adequate preparation, could result in backlogs and delays. BIS is working to develop means for addressing those concerns. However, License Exception STA is intended to provide a more efficient method of shipping items currently subject to the EAR to destinations that present a relatively low risk of diversion. Concerns about future transfers of items from the United States Munitions List are beyond the scope of the proposed rule.

Comment 5: Some commenters on this topic proposed a range of changes to the EAR other than License Exception STA to address the perceived need for fewer situations in which transaction-by-transaction authorization is required. Such proposals were: (i) Simply removing license requirements by removing X's from the boxes in the Country Chart table [Supp. No. 1 to part 738 of the EAR]; (ii) broadening the validated end-user program; (iii) creating an open general license similar to that used by the United Kingdom; and (iv) creating an intra-company transfer license that imposes fewer requirements on users than BIS's 2008 proposal on that subject.

Response: License Exception STA is intended as an initial step in a broad export control reform effort. It recognizes, consistent with U.S. international commitments, a limited group of destinations in which the risk of diversion to unauthorized destinations, parties or uses is low. It also imposes certain safeguards to provide reasonable assurance that items exported, reexported, or transferred pursuant to STA will not be diverted outside that group. Each of the types of proposed revisions noted above was considered. BIS ultimately determined that a license exception approach is the best way to address the goals of this aspect of the reform effort, which primarily include reducing the licensing burden with respect to exports to a limited group of destinations, consistent with U.S. international commitments, without a wholesale revision of the EAR, creating a method of notifying foreign consignees about the prohibitions on reexports outside such

destinations, avoiding unintentionally re-imposing previously removed controls, and creating records sufficient for monitoring and enforcement of parties' compliance with the conditions and obligations of STA.

Comments Regarding Clarity

Comment 6: One commenter stated that the effects of License Exception STA on encryption are unclear and asked whether License Exception ENC reporting requirements apply to an encryption item exported under License Exception STA.

Response: The final rule does not permit items controlled for encryption reasons to be exported, reexported or transferred under License Exception STA. Accordingly, any lack of clarity on this point that may have been present in the proposed rule need not be addressed in the final rule.

Comment 7: One commenter stated that BIS needs to make clear that items controlled for antiterrorism (AT) reasons are not excluded from STA. The commenter noted that a license is not required for AT reasons for any STA eligible destination.

Response: This commenter's observation about the lack of an AT license requirement for any STA eligible destination is correct with respect to destination-based license requirements (although Part 744 of the EAR may impose an AT license requirement for specific end uses or end users in any destination). Like other License Exceptions in the EAR, STA would be used only where a license requirement exists; if no license is required there is no need to consider STA or any other license exception. Although most ECCNs include antiterrorism as a reason for control, that reason for control currently imposes a license requirement for only five destinations, none of which is eligible for STA. Although the absence of a reference to antiterrorism controls in License Exception STA might cause some readers to conclude erroneously that *items* controlled for antiterrorism reasons may not be shipped under license exception STA, adding such a reference might cause some readers to conclude erroneously that exports, reexports, and in country transfers to which antiterrorism controls *do* apply may be consummated under License Exception STA. The latter error has greater potential for harm than the former. Therefore, BIS does not believe that a change to the regulatory text on this point is desirable.

Comments regarding deemed exports.

Comment 8: Two commenters addressed the applicability of License Exception STA to deemed exports. One

indicated that it read the proposed rule as permitting License Exception STA to be used for deemed exports but suggested that specific authorizing language be added to STA for clarity. Another stated that STA would be useful for deemed exports and would be useful for some exports to some foreign subsidiary employees.

Response: BIS's intent in publishing the proposed rule was for License Exception STA to authorize deemed exports. However, upon further review, BIS has concluded that the requirements to furnish ECCNs, to obtain a consignee statement, and to provide a destination control statement are not likely to be relevant or useful in deemed export situations, which typically involve an employer-employee relationship or researcher collaborations. Accordingly, this final rule changes § 740.20 to address deemed exports and reexports separately from other exports and reexports. Releases of source code and technology are explicitly authorized. The authorization paragraphs explicitly refer to nationals of the destinations listed therein. Deemed exports and reexports are therefore explicitly authorized under License Exception STA. The ECCN notification, consignee statement, and destination control statement requirements are replaced with a requirement that the releaser of the technology or source code notify the recipient of the restrictions on further release. The notification must either expressly inform the recipient that the EAR impose limits on further disclosure or must be in the form of an agreement in which the recipient agrees to limits on further disclosure. Any such agreement must impose limits that are equivalent to or more restrictive than all limits on further disclosure that are imposed by the EAR. The notification must be in writing. The notification may be in a separate document or included in a document such as a contract or a nondisclosure agreement. If the document has an expiration date, it must provide that the restrictions on disclosure do not expire.

Recommendation for new process for public input on eligible ECCNs for License Exception STA.

Comment 9: One commenter recognized that statutory restrictions and regime controls place some restrictions on BIS. That commenter, however, recommended that BIS state in the final rule that it will conduct regular reviews of ECCNs and set up a process whereby exporters could submit a request to BIS setting forth the reasons that a particular ECCN should be eligible for STA.

Response: BIS is reviewing the Commerce Control List as a whole as part of the Administration's Export Control Reform Initiative. In addition, the EAR (including the Commerce Control List) will be subject to the retrospective review requirements of Executive Order 13563. Those who wish to recommend any change to License Exception STA or any other provision of the EAR may do so in a number of ways, such as: informal contacts with BIS; contacting one of the technical advisory committees that advise BIS; or petitioning BIS for issuance, amendment or repeal of a rule, as contemplated by § 756.1(a)(1) of the EAR. Although always open to suggestions, BIS does not plan to set up a special process to receive proposed changes to License Exception STA.

Comment on end use restrictions in § 740.20(c)(2)(ii) in the proposed rule.

Comment 10: One commenter stated that by including the phrase "other than a military end use as defined in § 744.21 of the EAR" in the definition of "civil end use" in proposed § 740.20(c)(2)(ii), the proposed rule essentially took the China End Use Rule and applied the foreign policy behind that rule to a much larger group of countries even though many of those countries are not subject to the same foreign policy considerations as is China.

Response: Because the final rule does not include a civil end-use requirement, a discussion of whether the definition of civil end-use in § 744.21 is appropriate for STA is unnecessary.

Proposal to expand the scope of STA.

Comment 11: One commenter recommended that STA should be available for transactions where the exporter and consignee are the same organization.

Response: License Exception STA is available for transactions where the exporter and the consignee are the same organization, but only if they otherwise meet the requirements for use of the license exception.

Eligible destination comments.

Comment 12: Several commenters raised questions regarding the limitations on License Exception STA eligibility for certain countries.

Response: BIS has determined that for foreign policy reasons, the lists of destinations eligible for License Exception STA shall be limited to those destinations included in this final rule.

Eligible items comments.

Comment 13: Two commenters recommended that items controlled for missile technology reasons should be made eligible for License Exception STA under limited circumstances. One commenter stated that such items are

needed for use in public light water reactors. Another commenter stated that the eligibility of certain items, which are in Category 7 of the Commerce Control List, could be limited to equipment required for or in support of safety of flight.

Response: BIS does not have the discretion to include any item controlled for export for missile technology reasons in License Exception STA. Items are controlled on the Commerce Control List for missile technology reasons because they are listed in the Missile Technology Control Regime Annex. The exclusion of items on the Missile Technology Control Regime Annex is based on Section 6(l) of the Export Administration Act and the U.S. commitment to implement the Missile Technology Control Regime Guidelines.

Comment 14: One commenter stated that ECCNs 2B232 and 2E001 should be eligible for STA. The commenter noted that manufacturers in China and India make comparable products.

Response: ECCN 2B232 and the portion of 2E001 that addresses technology for the development of equipment controlled under 2B232 are controlled for nuclear proliferation reasons. Under both the proposed rule and this final rule, their License Exception STA eligibility is limited to the destinations in § 740.20(c)(1) for foreign policy reasons.

Comment 15: One commenter stated that it needs to ship items that are covered by ECCN 2B350 predominantly to Taiwan, Singapore, China and Israel. The commenter stated that it currently has about 100 licenses and that license requirements make it uncompetitive and cause it to lose business. This commenter asserted that similar parts made in South Korea can get a license in one to two weeks. A better approach than the proposed rule would be to allow less sensitive components to be exported without a license to more destinations.

Response: For such destinations as Taiwan, Singapore and Israel, which are destinations listed in § 740.20(c)(2), BIS proposed that License Exception STA may be used for transactions in which the only applicable reason for control is national security. ECCN 2B350 is controlled for chemical and biological weapons reasons. BIS has retained this limit in the final rule for foreign policy reasons.

Comment 16: One commenter stated that exclusion of CCL Category 3 and 4 items would limit the utility of License Exception STA.

Response: Commerce Control List Categories 3 and 4 are not excluded in

their entirety from STA. All or portions of some ECCNs in Categories 3 and 4 are excluded from eligibility to the eight destinations listed in § 740.20(c)(2) because they cover items on the Wassenaar Arrangement Sensitive List. This limitation on items eligible for export to destinations listed in § 740.20(c)(2) was included in the proposed rule, and BIS has concluded that retaining the rule's limit of eligibility for License Exception STA for these destinations to non-Sensitive List items is appropriate for foreign policy reasons.

Comment 17: One commenter stated that ECCN 6A002.a.2 and .a.3 should be eligible for § 740.20(c)(1) destinations.

Response: Under both the proposed rule and this final rule, ECCNs 6A002.a.2 and .a.3 are eligible for § 740.20(c)(1) destinations except for those portions of paragraph .a.3 that are subject to control for missile technology (MT) reasons. For the reason noted in the response to *Comment 13* above, BIS is not making MT controlled items eligible for License Exception STA. Portions of 6A002.a.2 and all of 6A002.a.3 are ineligible for § 740.20(a)(2) destinations because they are on the Wassenaar Arrangement Sensitive List.

Comment 18: Two commenters stated that ECCN 6A003.b should be eligible for the 127 destinations set forth in § 740.20(c)(2) of the proposed rule and one of those commenters also stated that ECCN 9A018.b should be eligible.

Response: The STA paragraph for ECCN 6A003 excludes all of paragraphs .b.3 and .b.4 from STA eligibility if the destination is one of the destinations in paragraph (c)(2) of the proposed rule (eight destinations in this final rule). BIS developed the STA paragraphs to provide a reasonable balance between the policy of excluding items on the Sensitive List from eligibility under § 740.20(c)(2) and the need to make the regulations as clear as possible within substantive policy constraints. Rewriting the STA paragraph in 6A003 to match exactly the Sensitive List would add significantly to the length and complexity of the entry while providing relatively little change in the scope of eligible transactions. Moreover, ECCN 6A003.b.3 and .b.4.b are also controlled for regional stability reasons. Thus, even if the STA paragraph in 6A003 were rewritten to match the text of the Sensitive List exactly, the items in 6A003.b.3 and .b.4.b would continue to be excluded from eligibility under § 740.20(c)(2) because of their regional stability control. ECCN 9A018.b is also subject to a regional stability control

and, consistent with the policy stated above, is not eligible for § 740.20(c)(2).

Comment 19: One commenter recommended that ECCN 6A001.a.2.d.1 (certain underwater heading sensors), .a.2.b.7 (certain towed hydrophone arrays) and .a.2.e.1 (certain bottom or bay cable systems) be made eligible for § 740.20(c)(2) destinations. Without such eligibility, the ability to use STA to send repair items to vessels in port is limited. These items do not require a license to go to destinations in Country Group A:1 (Supp. No. 1 to Part 740 of the EAR), which includes most of the destinations eligible under § 740.20(c)(1). This commenter stated that if License Exception STA results in the repeal of License Exception RPL, it would be at a disadvantage.

Response: This final rule excludes items listed on the Wassenaar Arrangement Sensitive List from destinations listed in § 740.20(c)(2). As set forth in the response to *Comment 16*, BIS has concluded that limiting these destinations to non-Sensitive List items is appropriate for foreign policy reasons. That said, BIS is not eliminating License Exception RPL. In addition, BIS can make one change to the 6A001 STA paragraph to track more accurately the Wassenaar Arrangement Sensitive List without adding undue length and complexity to the ECCN. Paragraph .a.2.a.4 is not on the Wassenaar Arrangement Sensitive List. Therefore, BIS is adding the phrase "except .a.2.a.4" immediately following the phrase "or 6A001.a.2 in the STA paragraph of the License Exception Section of ECCN 6A001."

Comment 20: One commenter recommended that items in ECCN 8A001.c (unmanned tethered submersible vehicles) be made eligible for § 740.20(c)(2). The commenter noted that such vehicles already do not require a license for most of the 37 destinations in proposed § 740.20(c)(1) and so STA would not affect the licensing burden for these items to any great degree. This commenter stated that allowing full STA eligibility for these items would be consistent with the Wassenaar Arrangement's best practices agreed to at the 2006 Wassenaar Arrangement plenary meeting, which allows license exceptions for sensitive list items. Other Wassenaar members allow exports without an individual license. For example the United Kingdom permits such exports under an open general license. The safeguards imposed by License Exception STA allow for sensitive list items to be controlled and monitored consistent with U.S. national security interests and regime obligations. These vehicles

cannot go far from their support vessel, cannot be preprogrammed and require considerable support equipment. In some cases a vessel or rig must be modified to handle the equipment and restored when the equipment is removed making diversion of such vehicles to military uses unlikely. Unmanned tethered submersible vehicles are not as sensitive from a national security perspective as untethered submersibles. Excluding 8A001.c unmanned tethered submersible vehicles while allowing 8A001.a manned tethered submersibles full STA treatment would be inconsistent.

Response: Notwithstanding the arguments made in the *Comment*, BIS has determined that retaining the limitation set forth in the proposed rule that STA authorization for Wassenaar Arrangement Sensitive List items (as 8A001.a items are) is available only to the destinations listed in § 740.20(c)(1) of this final rule is necessary for foreign policy reasons.

Comments on information and consignee statement requirements.

BIS received a number of comments on the proposed requirements to provide safeguards against diversion that were set forth in the proposed rule. Those safeguards are: the requirement to provide the consignee with the item description and ECCN; the requirement to obtain assurances from the consignee; and the requirement to furnish a special STA destination control statement. Some of the comments applied to the safeguards as a whole and others to specific safeguard measures.

Comments regarding the safeguards as a whole.

Comment 21: Some commenters stated that manufacturers already have processes in place to notify consignees not to reexport in violation of the EAR and to provide ECCNs and destination control statements or that language typically found in sales contracts and purchase order agreements is a more effective means of communicating compliance obligations.

Response: Although BIS encourages parties trading in items subject to the EAR to inform their customers of EAR requirements and responsibilities of parties to the transaction, in general the EAR do not require parties to do so. License Exception STA could not function in its intended manner unless all exporters, reexporters, transferors and consignees are aware of their specific responsibilities. Some form of mandatory notice is, therefore, necessary.

Comment 22: One commenter stated that the STA safeguards transferred

compliance responsibilities from the exporter to the consignee.

Response: BIS does not believe that the creation of License Exception STA or the specific safeguard requirements that STA imposes constitute a “transfer” of responsibilities from one party to another. All parties dealing with items that are subject to the EAR are responsible for compliance with those regulations. The safeguard requirements of License Exception STA are intended to place parties on notice of their responsibilities and to verify that they are aware of, and will comply with, such responsibilities.

Comments regarding the requirement to furnish the Export Control Classification Number.

Comment 23: Several commenters stated that the requirement to furnish an ECCN is unnecessary. The reasons those gave were: ECCNs are already provided on the invoice and air waybill; the EAR already require the ECCN at least for the initial export; the ECCN is required in the STA consignee statement; and it would be difficult for U.S. exporters to verify that foreign buyers pass ECCN information along to their customers.

Response: Although BIS encourages parties to notify their consignees of the EAR, compliance responsibilities, and other information that would aid compliance such as ECCNs, such activities are generally not required under the EAR. License Exception STA is intended to remove the burden of applying for a license in exports, reexports and in country transfers that are limited to certain destinations where there is a relatively low risk of diversion. Requiring that consignees be notified of the ECCN provides reasonable assurance that the consignee will be on notice that the item it is receiving is sensitive and that further distribution without a U.S. license must be restricted to the destinations for which no license is required, or for which STA or some other License Exception provides authorization.

The EAR do not require exporters to monitor the conduct of foreign buyers to verify that they pass on ECCN information to their customers. The EAR do, however, prohibit, among other things, selling, transferring, transporting or servicing items subject to the EAR with knowledge that a violation has, will, or is intended to take place with respect to that item.

Comment 24: One commenter asked who would be responsible if an erroneous ECCN is supplied and, as a result, the consignee reexports an item using License Exception STA in a transaction that is not authorized by STA. The commenter recommended

that the reexporter not be liable in such a case.

Response: BIS believes that the consignee should be able to place reasonable reliance on the ECCN furnished by its supplier in License Exception STA transactions. Accordingly, the final rule states that for purposes of determining reexport or transfer eligibility under STA, the consignee may rely on the ECCN provided to it by the party required to furnish the ECCN to the consignee unless the consignee “knows” that the ECCN is in error. The term “know” has the same meaning as the term “knowledge” in § 772.1 of the EAR.

Comments regarding the requirement to obtain consignee statement.

Comment 25: Several commenters proposed that one consignee statement be permitted for multiple transactions. Various proposals were to allow a single statement for a specific project, a specific contract, a specific time period or for all items to be shipped to that consignee under STA. One commenter suggested that License Exception STA as proposed actually allows for a single statement to cover multiple shipments but clarification is desirable.

Response: BIS agrees that a single consignee statement should be able to cover more than one transaction for the reasons provided by commenters and is revising the final rule to explicitly so state. These revisions are described more fully under the topic heading “Final Rule Revisions to License Exception STA Safeguards” below.

Comment 26: One commenter stated that the requirement for a consignee acknowledgement is in direct opposition to BIS’s statement that the eligible destinations are “low risk.”

Another commenter stated that the requirement for reexporters and transferors to obtain a statement from their consignees would impose a burden on a particular country’s exporters without providing additional safeguards to U.S. export controls because that country has stringent export controls based on the same multilateral regimes as the United States. Several commenters noted that foreign customers are often reluctant or unwilling to acknowledge U.S. jurisdiction and suggested that this requirement continues a perception that dealing with U.S. companies is difficult.

Response: An important purpose of the consignee statement is to ensure that the consignee is aware that the item has been shipped under a license exception that is limited to low risk destinations and agrees to take steps that will keep the item from leaving those destinations without authorization. It is integral to

the overall purpose of STA, which is to provide license exception shipments throughout a group of low risk destinations. Regime membership is a key part of the overall structure for export controls in an importing country. STA is based, in part, on that structure but focuses further on actual transactions to ensure controlled items are properly exported and reexported.

Comment 27: One commenter suggested that the requirement to obtain a consignee statement should not be needed for destinations in § 740.20(c)(2) because the eligible items are less sensitive than those available to destinations listed in § 740.20(c)(1). This commenter noted that BIS has ample existing means of identifying violations and enforcing STA restrictions, including post shipment verifications and placing violators on the Entity List.

Response: The purpose of the consignee statement is to make sure that the consignee is aware that the item has been shipped under a license exception that is limited to low risk destinations. It is integral to the overall purpose of STA, which is to provide license exception shipments throughout a group of low risk destinations. Although the items eligible to § 740.20(c)(2) destinations are less sensitive than those eligible to § 740.20(c)(1) destinations, the items are still sufficiently sensitive that obtaining the consignee’s acknowledgement of the limits of STA is necessary to provide reasonable assurance that the item will not be reexported beyond the low risk group of authorized destinations.

Comment 28: This commenter also suggested that if the consignee statement is retained, three specific provisions are unnecessary. First, the provision in which the consignee agrees not to export, reexport or transfer in violation of the EAR is not needed because it merely duplicates the requirements of the regulations. Second, consignees in § 740.20(c)(2) destinations should not be required to acknowledge that items shipped under STA may not subsequently be shipped under License Exception APR paragraph (a) because that paragraph does not authorize reexports from any § 740.20(c)(2) country. Third, the requirement to agree that items shipped under § 740.20(c)(2)(ii) [125 destinations in the proposed rule] may be used only in a civil end use is unneeded because it repeats a restriction in part 744 of the EAR and creates an unreasonable burden on all parties in a chain of transactions who are, in effect, agreeing not to incorporate the exported item into a United States Munitions List

defense article. This burden is particularly problematic for manufacturers of materials.

Response: License exception STA authorizes exports, reexports and in country transfers in sensitive items that otherwise would require a license. As such, requiring acknowledgement of the regulations that apply to the shipment is reasonable.

This commenter correctly notes that License Exception APR paragraph (a) does not directly authorize any reexport from a destination listed in § 740.20(c)(2). However License Exception STA does authorize reexports from places listed in § 740.20(c)(2) to destinations listed in § 740.20(c)(1) and License Exception APR paragraph (a) does authorize reexports from those (c)(1) destinations to other destinations that are not eligible for STA. For the safeguards of License Exception STA to function effectively, all reexporters must notify their consignees of the STA restrictions. The party in a § 740.20(c)(2) location will need to be on notice of the APR paragraph (a) restriction in order to be able to obtain the needed assurance from any party in a § 740.20(c)(1) destination to which it reexports.

Because this final rule removes the civil end use limitation from § 740.20(c)(2), the requirement to agree to that limitation is not needed and this final rule removes it from the consignee statement.

Comments regarding the destination control statement.

Comment 29: Some commenters objected to the special STA destination control statement, which under the proposed rule, the exporter, reexporter, or transferor would need to place on export control documents that accompany the shipment. The stated reasons for the objections were that the requirement would be superfluous to other EAR provisions, the cost and complexity of the requirements would discourage use of License Exception STA, and that a second destination control statement is not needed or would not be effective.

Response: After review of the comments and further consideration, BIS has concluded that some form of notice to the consignee that the items it is receiving are subject to STA is needed. However that notice need not take the form of a destination control statement. Accordingly, BIS is replacing the destination control statement requirement with the notice requirement that is described under the heading "Final Rule Revisions to License Exception STA Safeguards" below.

Final Rule Revisions to License Exception STA Safeguards.

The proposed requirements to furnish an ECCN, to obtain a consignee statement and to furnish a destination control statement were intended to operate in concert to provide assurance against diversions. To address the points raised by some of the commenters regarding those proposed requirements while maintaining their concerted nature, BIS is making the changes described below.

The final rule adds clarifying language to § 740.20(d)(1) and (2) stating that the Export Control Classification Number furnished to the consignee may be used for multiple shipments of the same item by a given exporter to a given consignee under License Exception STA so long as the information remains accurate. The final rule also provides that for purposes of determining reexport or transfer eligibility under STA, the consignee may rely on the ECCN provided to it by the party required to furnish the ECCN to the consignee unless the consignee knows that the ECCN is in error. The term "know" has the same meaning as the term "knowledge" in § 772.1 of the EAR.

The final rule revises § 740.20(d)(2) to provide that one consignee statement may be used for multiple shipments of the same item by the same exporter to the same consignee under License Exception STA provided descriptions of the item(s), ECCN(s) and names of the parties remain accurate. The final rule also removes the provision calling for the consignees' agreement that items shipped to certain destinations will be used only for civil end uses because the final rule does not impose a civil end use limitation. To facilitate verification of compliance with the consignee statement requirement, the final rule requires the exporter, reexporter, and transferor to maintain the specific consignee statement that is associated with each shipment and a log or other record that identifies each shipment made under License Exception STA and identifies the specific consignee statement that is associated with each shipment.

The final rule replaces the destination control statement with a requirement that the exporter, reexporter or transferor, as applicable, notify the consignee in writing that the shipment is made pursuant to License Exception STA. The notice must either specify which items are subject to License Exception STA or state that the entire shipment is made pursuant to License Exception STA. The notice must clearly identify the shipment to which it

applies. The written notice may be conveyed by paper documents or by electronic methods such as facsimile or email.

BIS believes that with these changes, the STA safeguards provide appropriate assurances that items shipped under License Exception STA will remain within the group of low risk destinations without placing excessive and complex burdens on parties trading items subject to the EAR.

Comments regarding the License Exception STA paragraphs.

Comment 30: The STA paragraphs, which appear in 49 ECCNs in this final rule, designate those ECCNs or portions thereof as ineligible for License Exception STA if the destination is listed in § 740.20(c)(2) of the EAR. Those exclusion paragraphs have no effect on the availability of STA for destinations listed in § 740.20(c)(1) of the EAR. Some commenters indicated that these exclusion paragraphs were confusing and would lead readers to conclude erroneously that the designated ECCNs or the designated portions were ineligible for License Exception STA for all destinations. In addition, some of the commenters appear to have misinterpreted the meaning of the STA exclusion paragraphs in exactly that manner. Commenters offered several suggestions to address this source of confusion.

One suggestion was to employ two STA paragraphs in each ECCN on the Commerce Control List, one paragraph would state whether STA is eligible for destinations listed in § 740.20(c)(1) and the other would state whether the License Exception is eligible for destinations listed in § 740.20(c)(2). Each paragraph would take into account all of the reasons for control in the ECCN and any other relevant factors including whether the item is on the Wassenaar Arrangement Sensitive List.

Another suggestion was to use some annotation in the STA paragraphs such as STA 1 for § 740.20(c)(1) and STA 2 for § 740.20(c)(2).

A third suggestion was to reference the number of destinations that are excluded by the paragraph.

A fourth suggestion was to create a matrix that would show the STA eligibility for each ECCN and destination.

Response: BIS has decided to adopt the third suggestion in this final rule. Because the number of destinations listed in § 740.20(c)(2) in the final rule is eight compared to 36 eligible destinations under § 740.20(c)(1), BIS believes that the best solution is to modify the STA paragraphs to reference the number of destinations in addition

to referencing the relevant STA eligibility paragraph, *i.e.* § 740.20(c)(1) or (c)(2).

Accordingly, the STA exclusion paragraphs in this final rule have the format: “License Exception STA may not be used to ship [list ineligible items] to any of the eight destinations listed in § 740.20(c)(2).” The words “or transmit” immediately follow the words “to ship” in software or technology ECCNs to be consistent with terminology used elsewhere in the EAR. BIS decided not to introduce STA paragraphs into every ECCN because ECCNs that include multiple reasons for control would require lengthy and complex STA paragraphs. This complexity would be compounded in the case of software and technology ECCNs in which one ECCN often encompasses not only multiple reasons for control but also references to multiple commodity ECCNs.

BIS decided not to adopt separate annotations such as STA1 and STA2 for the two authorizing paragraphs for two reasons. First, to be fully effective, this suggestion would require that the notations be in every ECCN, creating the same length and complexity issues noted above. Second, every License Exception paragraph in the Commerce Control List is designated by the symbol that is used to report shipments under that License Exception in the Automated Export System. All shipments under License Exception STA are to be reported under the symbol STA. Use of two different designators for a single license exception in the Commerce Control List could cause public confusion about the procedure for reporting License Exception STA shipments.

BIS decided not to attempt to describe STA eligibility in the form of a matrix because this technique also would produce an unduly complex document. Such a matrix would have to account for every destination in the world and every paragraph of every ECCN, making it far larger than the current Country Chart found at Supp. No. 1 to part 738 of the EAR. The STA paragraphs apply to only eight destinations and to 49 ECCNs. BIS believes that revising the STA paragraphs themselves is a more practical way to reduce the possibility of confusion pointed out by these commenters.

Specific License Exception Provisions Scope

The license exception applies only to Commerce Control List based license requirements. Transactions in which a license is required because of an end-use—such as a proliferation end use

described in part 744 of the EAR or a proscribed end user (such as a party on the Entity List in part 744 of the EAR)—or because the destination is subject to an embargo or special restrictions in part 746 of the EAR, are not eligible for License Exception STA. Items on the Commerce Control List that are subject to the encryption items (EI), short supply (SS), surreptitious listening (SL), missile technology (MT), or chemical weapons (CW) reasons for control are not eligible for License Exception STA because of various requirements imposed by statutes, treaties or U.S. implementation of international commitments. Items in ECCNs 0A981, 0A982, 0A983, 0A985 or 0E982 are not eligible. Those ECCNs apply to equipment designed for the execution of human beings, specially designed implements of torture, law enforcement restraint devices, discharge type arms and devices designed to administer electric shocks and certain related technology. The human rights concerns associated with those items are sufficiently great to justify precluding use of License Exception STA.

Items in ECCNs 1C351.a, .b, .c, .d.5, .d.6 or .e; 1C352; 1C353; 1C354; 1C360; 1E001 (for 1C351.a, .b, .c, .d.5, .d.6 or .e, 1C352, 1C353, 1C354 or 1C360) or in ECCN 1E351 may not be shipped pursuant to License Exception STA because those ECCNs cover certain pathogens and toxins that have potential uses in developing chemical or biological weapons. Commodities in ECCN 1C351.d.1, .2, .3, .4, .7, .8, .9, or .10 are eligible for License Exception STA so long as the exports, reexports or transfers are limited to no more than 100 milligrams of any one toxin per shipment and no more than six shipments are sent to any one end user in any one calendar year.

License Exception STA may not be used for certain software and technology in Category 9 of the Commerce Control List as noted below.

(A) License Exception STA may not be used for 9D001 or 9D002 “software” that is specially designed or modified for the “development” or “production” of:

(1) Components of engines controlled by ECCN 9A001 if such components incorporate any of the “technologies” controlled by 9E003.a.1, 9E003.a.2, 9E003.a.3, 9E003.a.4, 9E003.a.5, 9E003.c, 9E003.i (other than technology for fan or power turbines), 9E003.h; or

(2) Equipment controlled by 9B001; or

(B) License Exception STA may not be used for 9D001 “software” that is specially designed or modified for the “development” of “technology” controlled by 9E003.a.1, 9E003.a.2,

9E003.a.3, 9E003.a.4, 9E003.a.5, 9E003.c, 9E003.i (other than technology for fan or power turbines) or 9E003.h.

(C) License Exception STA may not be used for 9D004.f or 9D004.g “software”.

(D) License Exception STA may not be used for 9E001 “technology” according to the General Technology Note for the “development” of 9A001.b engines or components of engines controlled by 9A001.b if such components incorporate:

(1) Any of the “technologies” controlled by 9E003.a.1, 9E003.a.2, 9E003.a.3, 9E003.a.4, 9E003.a.5, 9E003.c, 9E003.i (other than technology for fan or power turbines) or 9E003.h;

(2) Any of the 9D001 or 9D002 software in paragraphs (A) or (B) above.

(E) License Exception STA may not be used for 9E002 “technology” according to the General Technology Note for the “production” of components of engines controlled by 9A001.b if such components incorporate any of the “technologies” controlled by 9E003.a.1, 9E003.a.2, 9E003.a.3, 9E003.a.4, 9E003.a.5, 9E003.c, 9E003.i (other than technology for fan or power turbines) or 9E003.h.

(F) License Exception STA may not be used for “technology” in 9E003.a.1, 9E003.a.2, 9E003.a.3, 9E003.a.4, 9E003.a.5, 9E003.c, 9E003.i (other than technology for fan or power turbines), 9E003.h.

Authorizations.

This license exception provides two distinct authorizations. One authorization allows exports, reexports or in country transfers to which any (or all) of six reasons for control apply to go to 36 destinations. Another authorization allows less sensitive items where exports, reexports and in country transfers subject to only national security reasons for control to go to eight additional destinations. National security-controlled items that are ineligible for the latter authorization are identified by the new STA paragraphs in the “License Exceptions” sections of 49 ECCNs on the Commerce Control List. Thus, the STA exclusion paragraph serves the opposite function of a typical list-based license exception paragraph. The typical license exception paragraph in an ECCN identifies items that are eligible for a license exception rather than those that are ineligible.

Authorization for Items Controlled for Multiple Reasons to 36 Destinations.

If the only reason(s) for control that impose(s) a license requirement on the export, reexport or in country transfer is (are) national security (NS); chemical or biological weapons (CB); nuclear nonproliferation (NP); regional stability (RS); crime control (CC); or significant

items (SI), exports, reexports and transfers (in-country) to 36 destinations as well as releases within a single country of software source code and technology to nationals of the same 36 destinations are authorized, unless otherwise excluded from License Exception STA.

On April 29, 2011, the Under Secretary of Commerce for Industry and Security, pursuant to the authority delegated to him under section 6(n)(2) of the EAA, designated Argentina, Austria, Finland, Ireland, South Korea, Sweden, and Switzerland as eligible destinations for export and re-export of items controlled for crime control (CC), not including ECCNs 0A981, 0A982, 0A983, 0A985 or 0E982, without a license under License Exception Strategic Trade Authorization.

Authorization for Less Sensitive National Security Items to Eight Additional Destinations.

If the only reason for control that imposes a license requirement on the export, reexport or in country transfer is national security (NS) and the item is not designated in the STA sensitive items exclusion paragraph in its ECCN, eight destinations (and nationals thereof) in addition to the 36 noted above are authorized. The STA exclusion paragraphs closely track the Sensitive List of the Wassenaar Arrangement. This rule adds such paragraphs to 49 ECCNs.

Limitations on Subsequent Use of License Exception APR.

Use of License Exception STA precludes subsequent use of License Exception APR paragraphs (a) and (b) (§ 740.16(a) and (b) of the EAR) for items shipped pursuant to License Exception STA.

Conditions That Apply to License Exception STA.

Section 740.20(d) imposes three conditions on exports, reexports and transfers and an alternative set of conditions on deemed exports and deemed reexports made pursuant to License Exception STA.

(1) Exporters must furnish the consignee with the ECCN that applies to each item transferred under License Exception STA. Reexporters and transferors must provide subsequent consignees with the ECCN provided by the exporter or by prior reexporters or transferors. The ECCN need be furnished to each consignee only once for each item to be shipped under License Exception STA. So long as the furnished ECCN remains accurate, it need not be refurnished for subsequent shipments.

(2) Exporters, reexporters and transferors must obtain from their

consignees, prior to the shipment, a written statement identifying the items to be shipped and restating the ECCN(s) provided to the consignees by the exporters, reexporters or transferors. The exporter, reexporter and transferor must maintain the consignee's written statement as well as a log or other written record that identifies each shipment associated with a particular statement.

The statement must also acknowledge that the consignee:

- Is aware that items will be shipped pursuant to License Exception STA;
- Has been informed of the description of the items and their ECCN(s) by the exporter, reexporter or transferor;
- Understands that shipment pursuant to License Exception STA precludes subsequent use of paragraphs (a) or (b) of License Exception APR for the items;
- Agrees not to export, reexport or transfer these items to any destination, end use or end user prohibited by the EAR; and
- Agrees to produce copies of this document and all other export, reexport or transfer records (i.e., the documents described in part 762 of the EAR) relevant to the items referenced in this statement to the U.S. Government, upon request, as set forth in § 762.7.

(3) With each shipment under License Exception STA, the exporter (or reexporter or transferor as applicable) must notify the consignee in writing that the shipment is made pursuant to License Exception STA. The notice must either specify which items are subject to License Exception STA or state that the entire shipment is made pursuant to License Exception STA. The notice must clearly identify the shipment to which it refers. The written notice may be conveyed by paper documents or by electronic methods such as facsimile or email.

Recognizing that the foregoing requirements are not relevant or workable with respect to releases within a single country of software source code or technology to foreign nationals, § 740.20(d) imposes a different set of requirements on them. The releaser of the technology or source code must notify the recipient of the technology or source code of the restrictions on further release. The notification must either expressly inform the recipient that the EAR impose limits on further disclosure or must be in the form of an agreement in which the recipient agrees to limits on further disclosure. Any such agreement must impose limits that are equivalent to or more restrictive than all limits on further disclosure that are

imposed by the EAR. The notification must be in writing and a copy of it must be retained by the releaser and the recipient. The notification may be in a separate document or included in a document such as a contract or a nondisclosure agreement. If the document has an expiration date, it must provide that the restrictions on disclosure do not expire.

Addition of License Exception STA Paragraphs to 49 ECCNs.

This rule adds License Exception STA paragraphs to 49 ECCNs. These paragraphs, which closely track the Wassenaar Arrangement Sensitive List, designate certain items that are not eligible for License Exception STA to the eight destinations in § 740.20(c)(2).

Incidental Changes Necessary To Implement License Exception STA

Cross Reference to Wassenaar Arrangement Reporting Requirements

Section 740.20 cross references the Wassenaar Arrangement reporting requirements in § 743.1 of the EAR because Wassenaar Arrangement Sensitive List items exported to Wassenaar Arrangement non-members pursuant to License Exception STA are subject to the reporting requirements of § 743.1.

Revisions to § 732.4

Section 732.4 of the EAR explains how to identify and use license exceptions. This rule revises that section to note the License Exception STA exclusion paragraphs in ECCNs and to add License Exception STA to the list of license exceptions that are subject to the Wassenaar Arrangement reporting requirements of § 743.1 of the EAR.

Revision to § 738.2(d)(2)(ii) Explaining the Use of the License Exception STA Exclusion Paragraphs in ECCNs

Section 738.2 of the EAR explains the workings of the Commerce Control List, and paragraph (d)(2)(ii) of that section explains the "License Exception" paragraph of an ECCN. This rule revises that paragraph to explain the role of the STA exclusion paragraphs, which is different from that of the other license exception paragraphs that appear in ECCNs. The other license exception paragraphs signal eligibility to use a license exception and the limits of that eligibility. The STA paragraphs identify items for which the second of the two authorizing paragraphs of License Exception STA (*i.e.*, § 740.20(c)(2)) may not be used.

Revision to § 743.1 Wassenaar Arrangement Reporting

Wassenaar Arrangement member states, including the United States, are required to report to the Wassenaar Arrangement exports of Wassenaar Arrangement Sensitive List items to non-member states for which a license was not issued. Section 743.1 of the EAR requires exporters using certain license exceptions for such exports to report the export to BIS. The information reported by the exporters is used to compile a report that the United States submits to the Wassenaar Arrangement. To enable the United States to meet its reporting obligations to the Wassenaar Arrangement, this rule adds a reference to License Exception STA in § 743.1. The reporting requirement in § 743.1 is based on exports of Wassenaar Arrangement Sensitive List items to non-Wassenaar member states. The only non-Wassenaar member state to which License Exception STA authorizes Wassenaar Arrangement Sensitive List items is Iceland, a country with which the United States has a relatively small volume of trade. Therefore, BIS believes that this rule will not have any material impact on volume of reports required by § 743.1.

Other Incidental Changes

The restriction on using license exceptions for items controlled for crime controlled reasons is modified by adding a paragraph to § 740.2 exempting transactions authorized by License Exception STA from the restriction.

The prohibition on using License Exception GOV to export or reexport items controlled for chemical or biological weapons (CB) to the agencies of cooperating governments (as defined in § 740.11(b)(3)(ii) of the EAR) and certain diplomatic and consular missions of cooperating governments (as defined in § 740.11(b)(2)(iv) of the EAR) is removed by revisions to paragraphs (a)(2) and (b)(2) of Supplement No. 1 to § 740.11 for the reasons noted above.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distribute impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting

flexibility. This rule has been designated a “significant regulatory action,” although not economically significant, under section 3(f) of Executive Order 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget.

2. Notwithstanding any other provision of law, no person is required to respond to, nor is subject to a penalty for failure to comply with, a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. The rule affects a collection of information approved by OMB under control number 0607–0152 (the Automated Export System or AES). That collection is administered by the Census Bureau. For most exports of items subject to the EAR, the export license number, a license exception symbol or the designator NLR (no license required) must be entered into AES. BIS believes that this rule will have no material impact on the burden imposed by that collection because this rule merely replaces an existing requirement to enter the license number with a requirement to enter a license exception symbol instead. This rule also amends a collection of information approved by OMB under control number 0694–0137 (License Exemptions and Exclusions). This control number is being amended to add the requirement for exporters, reexporters and transferors to furnish ECCNs, to obtain a statement of assurance from the consignee before shipping pursuant to the license exception and to notify the consignee of shipments pursuant to the License Exception and the requirement to maintain records identifying shipments associated with each statement created by this rule (safeguards requirements). BIS expects the safeguards requirements are likely to increase the burden associated with control number 0694–0137 by about 3,387 hours (2,903 instances of complying with transactions subject to the safeguards requirements @ 1 hour and 10 minutes each). BIS believes that, in most instances, this new burden will be wholly or partially offset by a reduction in burden under control number 0694–0088 (Simplified Network Application Processing System) which authorizes, among other things, export license applications.

3. This rule does not contain policies with Federalism implications as that term is defined under E.O. 13132.

4. The Chief Counsel for Regulation of the Department of Commerce has

certified to the Chief Counsel for Advocacy of the Small Business Administration that the proposed rule, if adopted in final form, would not have a significant economic impact on a substantial number of small entities. The basis for that certification was published in the preamble to the proposed rule and is not repeated here. BIS received no comments regarding the certification. As a result, a final regulatory flexibility analysis is not required and none has been prepared.

5. The Department finds that there is good cause to exempt this rule from the requirement of 5 U.S.C. 553(d) to publish a substantive rule not less than 30 days before its effective date. This rule creates an exception to some export license requirements and requires users of that exception to provide certain information to their consignees and to obtain certain assurances from their consignees. In doing so, this rule allows international trade transactions to proceed without the delay needed to obtain a license. Such delays give international customers an incentive to purchase foreign made products and reduce the competitiveness of American made products in the marketplace. Moreover, this rule does not require any person to use the new license exception that it creates. Any person may continue to use any other license exceptions that exist or may continue to apply for licenses. Thus no person is required to alter existing practices as a result of this rule. Because a delayed effective date would continue a disincentive to purchase American products and an immediate effective date would not require a change in existing practices, any delay in implementation would not be in the public interest.

List of Subjects

15 CFR Parts 732 and 740

Administrative practice and procedure, Exports, Reporting and recordkeeping requirements.

15 CFR Part 738

Exports.

15 CFR Part 743

Administrative practice and procedure, Reporting and recordkeeping requirements.

15 CFR Part 774

Exports, Reporting and recordkeeping requirements.

Accordingly, the Export Administration Regulations (15 CFR parts 730–774) are amended as follows:

PART 732—[AMENDED]

- 1. The authority citation for part 732 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 12, 2010, 75 FR 50681 (August 16, 2010).

- 2. Section 732.4 is amended by:

- a. Adding two sentences immediately following the existing third sentence in paragraph (b)(3)(iii); and
- b. Revising paragraph (b)(3)(iv) to read as follows:

§ 732.4 Steps regarding License Exceptions.

* * * * *

(b) * * *

(iii) * * * Some ECCNs contain License Exception STA exclusion paragraphs. Those paragraphs delineate items excluded from the License Exception STA provisions in § 740.20(c)(2) of the EAR. * * *

(iv) If you are exporting under License Exceptions GBS, CIV, LVS, STA, APP, TSR or GOV, you should review § 743.1 of the EAR to determine the applicability of certain reporting requirements.

* * * * *

PART 738—[AMENDED]

- 3. The authority citation for part 738 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 22 U.S.C. 287c; 22 U.S.C. 3201 *et seq.*; 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 15 U.S.C. 1824a; 50 U.S.C. app. 5; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 12, 2010, 75 FR 50681 (August 16, 2010).

- 4. Section 738.2 is amended by adding two sentences immediately following the existing third sentence in paragraph (d)(2)(ii) to read as follows:

§ 738.2 Commerce Control List structure.

* * * * *

(d) * * *

(2) * * *

(ii) * * * Some ECCNs have License Exception STA exclusion paragraphs. These paragraphs identify items for which the License Exception STA provisions in § 740.20(c)(2) of the EAR may not be used, but do not otherwise affect License Exception STA availability. * * *

* * * * *

PART 740—[AMENDED]

- 5. The authority citation for part 740 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 7201 *et seq.*; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 12, 2010, 75 FR 50681 (August 16, 2010).

- 6. Section 740.2 is amended by revising paragraphs (a)(4)(ii) and (iii) and by adding paragraph (a)(4)(iv) to read as follows:

§ 740.2 Restrictions on all License Exceptions.

(a) * * *

(4) * * *

(ii) Authorized by § 740.11(b)(2)(ii) (official use by personnel and agencies of the U.S. government);

(iii) Authorized by § 740.14(e) of the EAR (certain shotguns and shotgun shells for personal use); or

(iv) Authorized by § 740.20 of the EAR (License Exception STA).

* * * * *

- 7. Supplement No. 1 to § 740.11 is amended by revising paragraphs (a)(2) and (b)(2) to read as follows:

§ 740.11 Governments, international organizations, international inspections under the Chemical Weapons Convention, and the International Space Station (GOV).

* * * * *

Supplement No. 1 to § 740.11—Additional Restrictions on Use of License Exception GOV

(a) * * *

(2) Items identified on the Commerce Control List as controlled for missile technology (MT) or nuclear nonproliferation (NP) reasons;

* * * * *

(b) * * *

(2) Items identified on the Commerce Control List as controlled for missile technology (MT) or nuclear nonproliferation (NP) reasons;

* * * * *

- 8. Add § 740.20 to read as follows:

§ 740.20 License Exception Strategic Trade Authorization (STA).

(a) *Introduction.* This section authorizes exports, reexports and in country transfers, including releases within a single country of software source code and technology to foreign nationals in lieu of a license that would otherwise be required pursuant to part 742 of the EAR.

(b) *Requirements and Limitations—*(1) *Requirements for Using License Exception STA.* (i) All of the reasons for control that impose a part 742 license

requirement on the *export, reexport or in country transfer* must be addressed in at least one authorizing paragraph of this section.

(ii) The party using License Exception STA must comply with all of the requirements in paragraph (d) of this section.

(2) *Limitations on Use of License Exception STA.* The prohibitions and limits of this paragraph (b)(2) apply notwithstanding the authorizations in paragraph (c) of this section.

(i) License Exception STA may not be used in lieu of any license requirement imposed by “Part 744—Control Policy: End User and End Use Based” or by “Part 746—Embargoes and Other Special Controls” of the EAR.

(ii) License Exception STA may not be used for any item controlled under ECCNs 0A981, 0A982, 0A983, 0A985 or 0E982.

(iii) License Exception STA may not be used for any item that is controlled for reason of encryption items (EI), short supply (SS), surreptitious listening (SL), missile technology (MT) or chemical weapons (CW).

(iv) License Exception STA may not be used for any item identified on the CCL as being subject to the exclusive export control jurisdiction of another agency, such as the Department of State, the Department of Energy, or the Nuclear Regulatory Commission.

(v) License Exception STA may not be used for any item controlled by ECCNs 1C351.a, .b, .c, .d.5, .d.6 or .e; 1C352; 1C353; 1C354; 1C360; 1E001 (for 1C351.a, .b, .c, .d.5, .d.6 or .e, 1C352, 1C353, 1C354 or 1C360) or ECCN 1E351.

(vi) Toxins controlled by ECCN 1C351.d.1, .2, .3, .4, .7, .8, .9, and .10 are authorized to destinations in paragraph (c)(1) of this section under License Exception STA subject to the following limits. For purposes of this paragraph all ECCN 1C351.d.1, .2, .3, .4, .7, .8, .9, or .10 toxins sent from one exporter, reexporter or transferor to one end user on the same day constitute one shipment.

(A) The maximum amount of any one toxin in any one shipment may not exceed 100 milligrams.

(B) No exporter, reexporter or transferor may send more than six shipments of any one toxin to any one end user in a single calendar year.

(vii) Commerce Control List Category 9 limitations on use of License Exception STA.

(A) License Exception STA may not be used for 9D001 or 9D002 “software” that is specially designed or modified for the “development” or “production” of:

(1) Components of engines controlled by ECCN 9A001 if such components incorporate any of the “technologies” controlled by 9E003.a.1, 9E003.a.2, 9E003.a.3, 9E003.a.4, 9E003.a.5, 9E003.c, 9E003.i (other than technology for fan or power turbines), 9E003.h; or

(2) Equipment controlled by 9B001.

(B) License Exception STA may not be used for 9D001 “software” that is specially designed or modified for the “development” of “technology” controlled by 9E003.a.1, 9E003.a.2, 9E003.a.3, 9E003.a.4, 9E003.a.5, 9E003.c, 9E003.i (other than technology for fan or power turbines) or 9E003.h.

(C) License Exception STA may not be used for 9D004.f or 9D004.g “software”.

(D) License Exception STA may not be used for 9E001 “technology” according to the General Technology Note for the “development” of 9A001.b engines or components of engines controlled by 9A001.b if such components incorporate:

(1) Any of the “technologies” controlled by 9E003.a.1, 9E003.a.2, 9E003.a.3, 9E003.a.4, 9E003.a.5, 9E003.c, 9E003.i (other than technology for fan or power turbines) or 9E003.h;

(2) Any of the 9D001 or 9D002 software in paragraphs (b)(2)(viii)(A) or (B) of this section.

(E) License Exception STA may not be used for 9E002 “technology” according to the General Technology Note for the “production” of components of engines controlled by 9A001.b if such components incorporate any of the “technologies” controlled by 9E003.a.1, 9E003.a.2, 9E003.a.3, 9E003.a.4, 9E003.a.5, 9E003.c, 9E003.i (other than technology for fan or power turbines) 9E003.h.

(F) License Exception STA may not be used for “technology” in 9E003.a.1, 9E003.a.2, 9E003.a.3, 9E003.a.4, 9E003.a.5, 9E003.c, 9E003.i (other than technology for fan or power turbines) 9E003.h.

(c) *Authorizing paragraphs*—(1) *Multiple reasons for control.* Exports, reexports, and in country transfers in which the only applicable reason(s) for control is (are) national security (NS); chemical or biological weapons (CB); nuclear nonproliferation (NP); regional stability (RS); crime control (CC), and/or significant items (SI) are authorized for destinations in or nationals of Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, South Korea, Spain, Sweden,

Switzerland, Turkey, or the United Kingdom.

(2) *Controls of lesser sensitivity.* Exports, reexports and in country transfers in which the only applicable reason for control is national security (NS) and the item being exported, reexported or transferred (in country) is not designated in the STA paragraph in the License Exception section of the ECCN that lists the item are authorized for destinations in or nationals of Albania, Hong Kong, India, Israel, Malta, Singapore, South Africa, or Taiwan.

(d) *Conditions*—(1) *Requirement to furnish Export Control Classification Number.* (i) The exporter must furnish to the consignee the ECCN of each item to be shipped pursuant to this section. Once furnished to a particular consignee, the ECCN that applies to any item need not be refurnished to that consignee at the time the same exporter makes an additional shipment of the same item, if the information remains accurate at the time of the additional shipment.

(ii) A reexporter or transferor must furnish to subsequent consignees the ECCN, provided by the exporter or a prior reexporter or transferor, of each item to be shipped pursuant to this section. Once furnished to a particular consignee, the ECCN that applies to any item need not be refurnished to that consignee at the time the same reexporter or transferor makes an additional shipment of the same item, if the information remains accurate at the time of the additional shipment.

(iii) For purposes of determining reexport or transfer eligibility under this section, the consignee may rely on the ECCN provided to it by the party required to furnish the ECCN under paragraph (d)(1)(i) or (ii) of this section unless the consignee knows that the ECCN is incorrect or has changed. The word “knows” has the same meaning as the term “knowledge” in § 772.1 of the EAR.

(2) *Prior Consignee Statement.* The exporter, reexporter and transferor must obtain the following statement in writing from its consignee prior to shipping the item and must retain the statement in accordance with part 762 of the EAR. One statement may be used for multiple shipments of the same items between the same parties so long as the party names, the description(s) of the item(s) and the ECCNs are correct. The exporter, reexporter, and transferor must maintain a log or other record that identifies each shipment made pursuant to this section and the specific consignee statement that is associated with each shipment.

[INSERT NAME OF CONSIGNEE]:

(i) Is aware that [INSERT DESCRIPTION AND APPLICABLE ECCNS OF ITEMS TO BE SHIPPED] will be shipped pursuant to License Exception Strategic Trade Authorization (STA) in § 740.20 of the United States Export Administration Regulations (15 CFR 740.20);

(ii) Has been informed of the ECCNs noted above by [INSERT NAME OF EXPORTER, REEXPORTER OR TRANSFEROR];

(iii) Understands that items shipped pursuant to License Exception STA may not subsequently be reexported pursuant to paragraphs (a) or (b) of License Exception APR (15 CFR 740.16(a) or (b));

(iv) Agrees not to export, reexport or transfer these items to any destination, use or user prohibited by the United States Export Administration Regulations; and

(v) Agrees to provide copies of this document and all other export, reexport or transfer records (*i.e.*, the documents described in 15 CFR part 762) relevant to the items referenced in this statement to the U.S. Government as set forth in 15 CFR 762.7.

(3) *Notification to consignee of STA shipment.* With each shipment under License Exception STA, the exporter (or reexporter or transferor as applicable), must notify the consignee in writing that the shipment is made pursuant to License Exception STA. The notice must either specify which items are subject to License Exception STA or state that the entire shipment is made pursuant to License Exception STA. The notice must clearly identify the shipment to which it applies. The written notice may be conveyed by paper documents or by electronic methods such as facsimile or email.

(4) *Requirements for releases of software source code or technology within a single country.* Instead of the requirement of paragraphs (d)(1) through (d)(3) of this section, the party releasing software source code or technology to a national of a country listed in paragraph (c)(1) or (c)(2) of this section must notify the recipient of the software source code or technology of the restrictions upon further release of the software source code or technology. The notification must either expressly inform the recipient that the EAR impose limits on further disclosure or must be in the form of an agreement in which the recipient agrees to limits on further disclosure. Any such agreement must impose limits that are equivalent to or more restrictive than all limits on further disclosure that are imposed by

the EAR. The notification must be in writing and a copy of it must be retained by the party making the release and the recipient of the release. The notification may be in a separate document or included in a document such as a contract or a nondisclosure agreement. If the document has an expiration date, it must provide that the restrictions on disclosure do not expire.

(e) *Limitation on subsequent exports, reexports or in country transfers.* If a commodity has been exported, reexported or transferred in-country pursuant to this section, it may not be subsequently exported, reexported or transferred in-country pursuant to paragraphs (a) or (b) of License Exception APR (§ 740.16(a) or (b) of the EAR). Paragraphs (a) and (b) of License Exception APR do not authorize exports of software or technology.

(f) *Applicability of Wassenaar Arrangement reporting requirements.* See § 743.1 of the EAR for special reporting requirements that apply to some exports made pursuant to this section.

PART 743—[AMENDED]

■ 9. The authority citation for part 743 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 12, 2010, 75 FR 50681 (August 16, 2010).

■ 10. Section 743.1 is amended by adding a paragraph (b)(4) to read as follows:

§ 743.1 Wassenaar Arrangement.

* * * * *

(b) * * *

(4) Exports authorized under License Exception STA (See § 740.20 of the EAR).

* * * * *

PART 774—[AMENDED]

■ 11. The authority citation for part 774 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.*, 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 15 U.S.C. 1824a; 50 U.S.C. app. 5; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 12, 2010, 75 FR 50681 (August 16, 2010).

■ 12. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1, ECCN 1A002 is amended by adding at the end of the License Exception STA paragraph to read as follows:

Supplement No. 1 to Part 774—The Commerce Control List

* * * * *

1A002 “Composite” structures or laminates, having any of the following (see List of Items Controlled).

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship any item in this entry to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 13. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1, ECCN 1C001 is amended by adding at the end of the License Exception STA paragraph to read as follows:

1C001 Materials specially designed for use as absorbers of electromagnetic waves, or intrinsically conductive polymers, as follows (see List of Items Controlled).

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship any item in this entry to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 14. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1, ECCN 1C007 is amended by adding at the end of the License Exception STA paragraph to read as follows:

1C007 Ceramic base materials, non-“composite” ceramic materials, ceramic-“matrix” “composite” materials and precursor materials, as follows (see List of Items Controlled).

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship any item in 1C007.c or d to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 15. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1, ECCN 1C010 is amended by adding at the end of the License Exception STA paragraph to read as follows:

1C010 “Fibrous or filamentary materials” as follows (see List of Items Controlled).

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship any item in 1C010.c or d to any

of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 16. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1, ECCN 1C012 is amended by adding at the end of the License Exception STA paragraph to read as follows:

1C012 Materials, as follows (see List of Items Controlled).

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship any item in this entry to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 17. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1, ECCN 1D002 is amended by adding at the end of the License Exception STA paragraph to read as follows:

1D002 “Software” for the “development” of organic “matrix”, metal “matrix” or carbon “matrix” laminates or “composites”.

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship or transmit “software” for the “development” of organic “matrix”, metal “matrix” or carbon “matrix” laminates or “composites” specified in ECCN 1A002 to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 18. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1, ECCN 1E001 is amended by adding at the end of the License Exception STA paragraph to read as follows:

1E001 “Technology” according to the General Technology Note for the “development” or “production” of items controlled by 1A001.b, 1A001.c, 1A002, 1A003, 1A004, 1A005, 1A006.b, 1A007, 1A008, 1A101, 1B (except 1B999), or 1C (except 1C355, 1C980 to 1C984, 1C988, 1C990, 1C991, 1C995 to 1C999).

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship or transmit “technology” according to the General Technology Note for the “development” or “production” of equipment and materials specified by ECCNs 1A002, 1C001, 1C007.c or d, 1C010.c or d or 1C012 to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 19. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1,

ECCN 1E002 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

1E002 Other “technology” as follows (see List of Items Controlled).

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship or transmit any item in 1E002.e or .f to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 20. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 2, ECCN 2D001 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

2D001 “Software”, other than that controlled by 2D002, specially designed or modified for the “development”, “production” or “use” of equipment controlled by 2A001 or 2B001 to 2B009.

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship or transmit “software”, other than that specified by ECCN 2D002, specially designed for the “development” or “production” of equipment as follows: ECCN 2B001 entire entry; or “Numerically controlled” or manual machine tools as specified in 2B003 to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 21. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 2, ECCN 2E001 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

2E001 “Technology” according to the General Technology Note for the “development” of equipment or “software” controlled by 2A (except 2A983, 2A984, 2A991, or 2A994), 2B (except 2B991, 2B993, 2B996, 2B997, or 2B998), or 2D (except 2D983, 2D984, 2D991, 2D992, or 2D994).

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship or transmit “technology” according to the General Technology Note for the “development” of “software” specified in the License Exception STA paragraph in the License Exception section of ECCN 2D001 or for the “development” of equipment as follows: ECCN 2B001 entire entry; or “Numerically controlled” or manual machine tools as specified in 2B003 to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 22. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 2, ECCN 2E002 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

2E002 “Technology” according to the General Technology Note for the “production” of equipment controlled by 2A (except 2A983, 2A984, 2A991, or 2A994), or 2B (except 2B991, 2B993, 2B996, 2B997, or 2B998).

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship or transmit “technology” according to the General Technology Note for the “production” of equipment as follows: ECCN 2B001 entire entry; or “Numerically controlled” or manual machine tools as specified in 2B003 to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 23. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3, ECCN 3A002 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

3A002 General purpose electronic equipment and accessories therefor, as follows (see List of Items Controlled).

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship any item in 3A002.g.1 to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 24. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3, ECCN 3B001 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

3B001 Equipment for the manufacturing of semiconductor devices or materials, as follows (see List of Items Controlled) and specially designed components and accessories therefor.

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship any item in 3B001.a.2 to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 25. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3, ECCN 3D001 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

3D001 “Software” specially designed for the “development” or “production” of equipment controlled by 3A001.b to 3A002.g or 3B (except 3B991 and 3B992).

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship or transmit “software” specially designed for the “development” or “production” of equipment specified by 3A002.g.1 or 3B001.a.2 to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 26. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3, ECCN 3E001 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

3E001 “Technology” according to the General Technology Note for the “development” or “production” of equipment or materials controlled by 3A (except 3A292, 3A980, 3A981, 3A991 3A992, or 3A999), 3B (except 3B991 or 3B992) or 3C (except 3C992).

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship or transmit “technology” according to the General Technology Note for the “development” or “production” of equipment specified by ECCNs 3A002.g.1 or 3B001.a.2 to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 27. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 4, ECCN 4A001 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

4A001 Electronic computers and related equipment, having any of the following (see List of Items Controlled), and “electronic assemblies” and specially designed components therefor.

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship any commodity in 4A001.a.2 to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 28. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 4, ECCN 4D001 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

4D001 “Software” as follows (see List of Items Controlled).

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship or transmit “software” specially designed for the “development” or “production” of equipment specified by ECCN 4A001.a.2 or for the “development” or “production” of “digital computers” having an ‘Adjusted Peak Performance’ (‘APP’) exceeding 0.5 Weighted TeraFLOPS (WT) to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 29. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 4, ECCN 4E001 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

4E001 “Technology” as follows (see List of Items Controlled).

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship or transmit “technology” according to the General Technology Note for the “development” or “production” of any of the following equipment or “software”: a. Equipment specified by ECCN 4A001.a.2; b. “Digital computers” having an ‘Adjusted Peak Performance’ (‘APP’) exceeding 0.5 Weighted TeraFLOPS (WT); or c. “software” specified in the License Exception STA paragraph found in the License Exception section of ECCN 4D001 to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

■ 30. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 5, Part 1, ECCN 5A001 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

5A001 Telecommunications systems, equipment, components and accessories, as follows (see List of Items Controlled).

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship any commodity in 5A001.b.3, .b.5 or .h to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 31. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 5, Part 1, ECCN 5B001 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

5B001 Telecommunication test, inspection and production equipment, components and accessories, as follows (See List of Items Controlled).

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship 5B001.a equipment and specially designed components or accessories therefor, specially designed for the “development”, “production” or “use” of equipment, functions or features specified by in ECCN 5A001.b.3, .b.5 or .h to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 32. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 5, Part 1, ECCN 5D001 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

5D001 “Software” as follows (see List of Items Controlled).

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship or transmit 5D001.a “software” specially designed for the “development” or “production” of equipment, functions or features, specified by ECCN 5A001.b.3, .b.5 or .h; and for 5D001.b. for “software” specially designed or modified to support “technology” specified by the STA paragraph in the License Exception section of ECCN 5E001 to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 33. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 5, Part 1, ECCN 5E001 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

5E001 “Technology” as follows (see List of Items Controlled).

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship or transmit “technology” according to the General Technology Note for the “development” or “production” of equipment, functions or features specified by 5A001.b.3, .b.5 or .h; or for “software” in 5D001.a that is specified in the STA paragraph in the License Exception section of ECCN 5D001 to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 34. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6, ECCN 6A001 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

6A001 Acoustic systems, equipment and components, as follows (see List of Items Controlled).

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship commodities in 6A001.a.1.b, 6A001.a.1.e or 6A001.a.2 (except .a.2.a.4) to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 35. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6, ECCN 6A002 is amended by revising the ECCN heading and by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

6A002 Optical sensors or equipment and components therefore, as follows (see List of Items Controlled).

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship any commodity in: 6A002.a.1.a, b. or c; or 6A002.a.2.a in which the photocathode in described in 6A002.a.2.a 3.a is a Multialkali photocathode (e.g., S-20 and S-25) having a luminous sensitivity exceeding 700 µA/lm; or

6A002.a.3; or

6A002.b; or

6A002.c “Direct view” imaging equipment incorporating any of the following:

1. Image intensifier tubes having the characteristics listed in the description of 6A002.a.2.a earlier in this STA paragraph of License Exception section to this ECCN; or

2. “Focal plane arrays” having the characteristics listed in the description of 6A002.a.3; or 6A002.e to any of the eight destinations listed in § 740.20(c)(2) of the EAR

* * * * *

■ 36. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6, ECCN 6A003 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

6A003 Cameras.

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship any commodity in 6A003.b.3 or b.4 to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 37. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6, ECCN 6A004 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

6A004 Optical equipment and components, as follows (see List of Items Controlled).

* * * * *

License Exceptions

* * * * *

STA: Paragraph (c)(2) of License Exception STA may not be used to ship any commodity in 6A004.c or .d to any of the eight destinations in § 740.20(c)(2) of the EAR.

* * * * *

■ 38. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6, ECCN 6A006 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

6A006 “Magnetometers”, “magnetic gradiometers”, “intrinsic magnetic gradiometers”, “underwater electric field sensors”, “compensation systems”, and specially designed components therefor, as follows (see List of Items Controlled).

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship any commodity in:
6A006.a.1; or
6A006.a.2; or
6A006.c.1 “Magnetic gradiometers” using multiple “magnetometers” specified by 6A006.a.1 or 6A006.a.2; or 6A006.d or .e (only for underwater receivers incorporating magnetometers specified in 6A006.a.1 or 6A006.a.2) to any of the eight destinations listed in § 740.20(c)(2) of the EAR

* * * * *

■ 39. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6, ECCN 6A008 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

6A008 Radar systems, equipment and assemblies, having any of the following (see List of Items Controlled), and specially designed components therefor.

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship any commodity in 6A008.d, 6A008.h or 6A008.k to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 40. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6, ECCN 6B008 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

6B008 Pulse radar cross-section measurement systems having transmit pulse widths of 100 ns or less, and specially designed components therefor.

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship any commodity in this entry to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 41. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6, ECCN 6D001 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

6D001 “Software” specially designed for the “development” or “production” of equipment controlled by 6A004, 6A005, 6A008 or 6B008.

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship or transmit “software” specially designed for the “development” or “production” of equipment specified by ECCNs 6A004.c, 6A004.d, 6A008.d, 6A008.h, 6A008.k, or 6B008 to any of the eight destinations listed in § 740.20(c)(2) of the EAR

* * * * *

■ 42. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6, ECCN 6D003 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

6D003 Other “software” as follows (see List of Items Controlled).

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship transmit software in 6D003.a to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 43. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6, ECCN 6E001 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

6E001 “Technology” according to the General Technology Note for the “development” of equipment, materials or “software” controlled by 6A (except 6A991, 6A992, 6A994, 6A995, 6A996, 6A997, or 6A998), 6B (except 6B995), 6C (except 6C992 or 6C994), or 6D (except 6D991, 6D992, or 6D993).

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship or transmit any technology in

this entry to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 44. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6, ECCN 6E002 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

6E002 “Technology” according to the General Technology Note for the “production” of equipment or materials controlled by 6A (except 6A991, 6A992, 6A994, 6A995, 6A996, 6A997 or 6A998), 6B (except 6B995) or 6C (except 6C992 or 6C994).

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship or transmit “technology” according to the General Technology Note for the “production” of equipment specified in the STA exclusion paragraphs found in the License Exception sections of by ECCNs 6A001, 6A002, 6A003, 6A004, 6A006, 6A008, or 6B008 to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 45. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 7, ECCN 7D003 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

7D003 Other “software” as follows (see List of Items Controlled).

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship or transmit software in 7D003.a, b, c, d.1 to d.4 or d.7 to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 46. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 7, ECCN 7E001 is amended by:

■ a. Revising the MT paragraph in the License Requirements section; and

■ b. Adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

7E001 “Technology” according to the General Technology Note for the “development” of equipment or “software”, controlled by 7A (except 7A994), 7B (except 7B994) or 7D (except 7D994).

License Requirements

* * * * *

Controls	Country chart
MT applies to technology for equipment controlled for MT reasons. MT <i>does not</i> apply to “technology” for equipment controlled by 7A008. MT <i>does</i> apply to “technology” for equipment specified in 7A001, 7A002 or 7A003.d that meets or exceeds parameters of 7A101, 7A102 or 7A103.	MT Column 1.

License Exceptions

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STA: License Exception STA may not be used to ship or transmit any technology in this entry to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 47. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 7, ECCN 7E002 is amended by:

■ a. Revising the MT paragraph in the License Requirements section; and

■ b. Adding at the end of the License Exception section, a new License

Exception STA paragraph to read as follows:

7E002 “Technology” according to the General Technology Note for the “production” of equipment controlled by 7A (except 7A994) or 7B (except 7B994).

License Requirements

* * * * *

Controls	Country chart
MT applies to technology for equipment controlled for MT reasons. MT <i>does not</i> apply to “technology” for equipment controlled by 7A008. MT <i>does</i> apply to “technology” for equipment specified in 7A001, 7A002 or 7A003.d that meets or exceeds parameters of 7A101, 7A102 or 7A103.	MT Column 1.

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship or transmit any technology in this entry to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 48. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 8, ECCN 8A001 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

8A001 Submersible vehicles and surface vessels, as follows (see List of Items Controlled).

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship any commodity in 8A001.b, 8A001.c or 8A001.d to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 49. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 8, ECCN 8A002 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

8A002 Marine systems, equipment and components, as follows (see List of Items Controlled).

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship any commodity in 8A002.b, h, j, o.3, or p to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 50. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 8, ECCN 8D001 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

8D001 “Software” specially designed or modified for the “development”, “production” or “use” of equipment or materials, controlled by 8A (except 8A018 or 8A992), 8B or 8C.

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship or transmit “software” specially designed for the “development” or “production” of equipment in 8A001.b, 8A001.c, 8A001.d, 8A002.b, 8A002.h, 8A002.j, 8A002.o.3 or 8A002.p to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 51. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 8, ECCN 8D002 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

8D002 Specific “software” specially designed or modified for the “development”, “production”, repair, overhaul or refurbishing (re-machining) of propellers specially designed for underwater noise reduction.

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship or transmit any software in this entry to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 52. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 8, ECCN 8E001 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

8E001 “Technology” according to the General Technology Note for the “development” or “production” of equipment or materials, controlled by 8A (except 8A018 or 8A992), 8B or 8C.

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship or transmit “technology” according to the General Technology Note for the “development” or “production” of equipment specified by 8A001.b, 8A001.c, 8A001.d, 8A002.b, 8A002.h, 8A002.j, 8A002.o.3 or 8A002.p to any of the eight

destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 53. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 8, ECCN 8E002 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

8E002 Other “technology” as follows (see List of Items Controlled).

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship or transmit technology in 8E002.a to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 54. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 9, ECCN 9B001 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

9B001 Equipment, tooling and fixtures, specially designed for manufacturing gas turbine blades, vanes or tip shroud castings, as follows (see List of Items Controlled).

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship commodities in 9B001.b to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 55. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 9, ECCN 9D001 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

9D001 “Software” specially designed or modified for the “development” of equipment or “technology”, controlled by 9A (except 9A018, 9A990 or 9A991), 9B (except 9B990 or 9B991) or 9E003.

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship or transmit “software” specially designed or modified for the “development”

of equipment or “technology”, specified by ECCNs 9B001.b. or 9E003.a.1, 9E003.a.2 to a.5, 9E003.a.8, or 9E003.h to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 56. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 9, ECCN 9D002 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

9D002 “Software” specially designed or modified for the “production” of equipment controlled by 9A (except 9A018, 9A990, or 9A991) or 9B (except 9B990 or 9B991).

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship or transmit “software” specially designed or modified for the “production” of equipment specified by 9B001.b to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 57. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 9, ECCN 9D004 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

9D004 Other “software” as follows (see List of Items Controlled).

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship or transmit software in 9D004.a and 9D004.c to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 58. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 9, ECCN 9E001 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

9E001 “Technology” according to the General Technology Note for the “development” of equipment or “software”, controlled by 9A001.b, 9A004 to 9A012, 9B (except 9B990 or 9B991), or 9D (except 9D990 or 9D991).

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship or transmit any technology in this entry to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 59. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 9, ECCN 9E002 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

9E002 “Technology” according to the General Technology Note for the “production” of equipment controlled by 9A001.b, 9A004 to 9A011 or 9B (except 9B990 or 9B991).

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship or transmit any technology in this entry to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

■ 60. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 9, ECCN 9E003 is amended by adding at the end of the License Exception section, a new License Exception STA paragraph to read as follows:

9E003 Other “technology” as follows (see List of Items Controlled).

* * * * *

License Exceptions

* * * * *

STA: License Exception STA may not be used to ship or transmit any technology in 9E003.a.1, 9E003.a.2 to a.5, 9E003.a.8, or 9E003.h to any of the eight destinations listed in § 740.20(c)(2) of the EAR.

* * * * *

Dated: June 8, 2011.

Gary Locke,

Secretary of Commerce.

[FR Doc. 2011–14705 Filed 6–15–11; 8:45 am]

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Part III

The President

Executive Order 13576—Delivering an Efficient, Effective, and Accountable Government

Presidential Documents

Title 3—

Executive Order 13576 of June 13, 2011

The President

Delivering an Efficient, Effective, and Accountable Government

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to cut waste, streamline Government operations, and reinforce the performance and management reform gains my Administration has achieved, it is hereby ordered as follows:

Section 1. Policy. My Administration is committed to ensuring that the Federal Government serves the American people with the utmost effectiveness and efficiency. Over the last 2 years, we have made good progress and have saved taxpayer dollars by cutting waste and increasing the efficiency of Government operations by curbing uncontrolled growth in contract spending, terminating poorly performing information technology projects, deploying state of the art fraud detection tools to crack down on waste, focusing agency leaders on achieving ambitious improvements in high priority areas, and opening Government up to the public to increase accountability and accelerate innovation.

The American people must be able to trust that their Government is doing everything in its power to stop wasteful practices and earn a high return on every tax dollar that is spent. To strengthen that trust and deliver a smarter and leaner Government, my Administration will reinforce the performance and management reform gains achieved thus far; systematically identify additional reforms necessary to eliminate wasteful, duplicative, or otherwise inefficient programs; and publicize these reforms so that they may serve as a model across the Federal Government.

The implementation of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) (Recovery Act) has seen unprecedented transparency. The Recovery Accountability and Transparency Board (RATB) has developed innovative technologies and approaches for preventing and identifying fraud and abuse that have the potential to improve performance across all of Government spending.

Sec. 2. Accountable Government Initiative. (a) On September 14, 2010, in a Memorandum to the Senior Executive Service, my Administration introduced goals for the Accountable Government Initiative (Initiative). The mission of the Initiative is to monitor and promote agency progress in making Government work better, faster, and more efficiently. To hold executive departments and agencies (agencies) accountable for obtaining results consistent with this mission, the Vice President shall convene periodic meetings in which Cabinet members and the Director of the Office of Management and Budget (OMB) report to him on improvements implemented under their direction.

(b) The Federal Chief Performance Officer (CPO), who also serves as the Deputy Director for Management of OMB and the Chair of the President's Management Council (PMC), shall work with the PMC to support agencies' performance and management reform and cost-cutting efforts. The CPO will lead OMB and the PMC in identifying practices that should be adopted across agencies and in facilitating reforms that require cross-agency coordination and cooperation. The CPO shall work with agencies to ensure that each area identified as critical to performance improvement has robust performance metrics in place, and that these metrics are frequently analyzed

and reviewed by agency leadership. Agencies shall update these metrics quarterly, as appropriate, on the website performance.gov.

(c) In accordance with the GPRA Modernization Act of 2010 (31 U.S.C. 1115 *et seq.*), each agency's Chief Operating Officer (COO) shall be designated as the Senior Accountable Official responsible for leading performance and management reform efforts, and for reducing wasteful or ineffective programs, policies, and procedures. In discharging this responsibility, this official shall be accountable for conducting frequent data-driven reviews of agency progress toward goals in the areas that OMB identifies as being critical to performance improvement across agencies or that the agency head identifies as top near-term priorities. These goals may include reforming information technology, reducing improper payments, leveraging the Federal Government's purchasing scale, reducing high-risk contracting practices, improving the management of Federal real estate, enhancing customer service, and achieving agency and Federal Government priority goals identified pursuant to the GPRA Modernization Act of 2010.

(d) The Director of OMB shall provide guidance to agencies as part of the Fiscal Year 2013 budget process for identifying areas of program overlap and duplication within and across agencies, and for proposing consolidations and reductions to address those inefficiencies.

(e) The Chief Financial Officers (CFOs) at all agencies shall be responsible for achieving agency cost savings. This will include each agency's share of the \$2.1 billion in administrative cost savings identified in my Fiscal Year 2012 Budget, and for achieving those savings as quickly as possible. The CFOs are encouraged to realize these cost savings by targeting wasteful practices and by reducing, and identifying alternatives to, discretionary travel, the use of consultants, and other administrative expenses. The Federal CFO Council shall provide a monthly report on these efforts to the PMC, with relevant findings and progress reported on performance.gov.

Sec. 3. Government Accountability and Transparency Board. (a) There is hereby established a Government Accountability and Transparency Board (Board) to provide strategic direction for enhancing the transparency of Federal spending and advance efforts to detect and remediate fraud, waste, and abuse in Federal programs. The Board shall be composed of 11 members designated by the President from among agency Inspectors General, agency Chief Financial Officers or Deputy Secretaries, a senior official of OMB, and such other members as the President shall designate. The President shall designate a Chair from among the members. Building on the lessons learned from the successful implementation of the Recovery Act, the Board shall work with the RATB to apply the approaches developed by the RATB across Government spending.

(b) Not later than 6 months after the date of this order, the Board shall submit a report to the President that identifies implementation guidelines for integrating systems that support the collection and display of Government spending data, ensuring the reliability of those data, and broadening the deployment of fraud detection technologies, including those proven successful during the implementation of the Recovery Act.

(c) The Director of OMB, in consultation with the Board, shall be responsible for assisting executive agencies in achieving objectives in the guidelines identified in subsection (b) above.

(d) The Chair of the Board, in consultation with the Director of OMB, shall provide monthly updates to the Vice President on the progress obtained under this order.

Sec. 4. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) authority granted by law to a department or agency, or the head thereof; or
- (ii) functions of the Director of the Office of Management and Budget related to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

A handwritten signature in black ink, appearing to be "Barack Obama", with a large circular flourish and a horizontal line extending to the right.

THE WHITE HOUSE,
June 13, 2011.

Reader Aids

Federal Register

Vol. 76, No. 116

Thursday, June 16, 2011

CUSTOMER SERVICE AND INFORMATION

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