

# Proposed Rules

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

## DEPARTMENT OF HOMELAND SECURITY

### Office of the Secretary

#### 6 CFR Part 31

[Docket No. DHS-2008-0076]

RIN 1601-AA52

#### Ammonium Nitrate Security Program

**AGENCY:** National Protection and Programs Directorate, DHS.

**ACTION:** Notice of public meetings.

**SUMMARY:** The National Protection and Programs Directorate of the Department of Homeland Security is announcing a series of public meetings to consult with the public on a notice of proposed rulemaking (NPRM), entitled “Ammonium Nitrate Security Program,” which was published in the **Federal Register** on August 3, 2011. Under the proposed rule, the Department of Homeland Security would regulate the sale and transfer of ammonium nitrate pursuant to section 563 of the Fiscal Year 2008 Department of Homeland Security Appropriations Act with the purpose of preventing the use of ammonium nitrate in an act of terrorism. The Department seeks public input on the proposed rule, particularly input regarding the questions and issues raised in the NPRM and raised in this notice of public meetings.

*Dates, Times, and Locations:* Public meetings are scheduled to be held on the following dates at the following locations.

*Jackson, Mississippi*—Tuesday, October 11, 2011, 10 a.m.–2 p.m., Jackson Marriott, 200 East Amite Street, Jackson, MS 39201, Windsor Ballroom 1&2.

*Lubbock, Texas*—Thursday, October 13, 2011, 10 a.m.–2 p.m., Holiday Inn Hotel & Towers, 801 Avenue Q, Lubbock, TX 79401, S. Plains Conf Center.

*Sacramento, California*—Tuesday, October 18, 2011, 10 a.m.–2 p.m., DoubleTree Hotel Sacramento, 2001

Point West Way, Sacramento, CA 95815, Capitol Ballroom, Salon B/C.

*Knoxville, Tennessee*—Thursday, October 20, 2011, 10 a.m.–2 p.m., Knoxville Marriott, 500 E Hill Ave, Knoxville, TN 37915, Georgia/Carolina Ballroom.

*Overland Park, Kansas* (near Kansas City, Missouri)—Tuesday, October 25, 2011, 10 a.m.–2 p.m., Overland Park Marriott, 10800 Metcalf Ave, Overland Park, KS 66210.

*Oklahoma City, Oklahoma*—Thursday, October 27, 2011, 10 a.m.–2 p.m., Sheraton Oklahoma City Hotel, 1 North Broadway Ave, Oklahoma City, OK 73102.

*Savannah, Georgia*—Tuesday, November 1, 2011, 10 a.m.–2 p.m., Hilton Savannah DeSoto, 15 East Liberty Street, Savannah, Ga. 31401–3979.

*Charleston, West Virginia*—Thursday, November 3, 2011, 10 a.m.–2 p.m., Ramada Charleston Downtown, 600 Kanawha Blvd East, Charleston, WV 25303.

*Mobile, Alabama*—Tuesday, November 8, 2011, 10 a.m.–2 p.m., Mobile Marriott, 3101 Airport Blvd, Mobile AL 36606, Magnolia-Camellia Ballroom.

*Washington, District of Columbia*—Thursday, November 10, 2011, 10 a.m.–2 p.m., The Kellogg Conference Hotel at Gallaudet University, 800 Florida Ave, NE., Washington, DC 20002.

*Denver, Colorado*—Tuesday, November 15, 2011, 10 a.m.–2 p.m., Grand Hyatt Denver, 1750 Welton Street, Denver, CO 80202.

The Department of Homeland Security may announce changes to the current schedule or additional public meeting dates, times, and locations in a subsequent notice or notices to be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Ammonium Nitrate Security Program Manager, U.S. Department of Homeland Security, National Protection and Programs Directorate, Infrastructure Security Compliance Division (NPPD/ISCD), 245 Murray Lane, SW., Mail Stop 0610, Arlington, VA 20598–0610, telephone number (703) 235–5263. For additional information on public meeting facilities, information on access to those facilities for individuals with disabilities, or to request special assistance at public meetings, please

contact the Ammonium Nitrate Security Program Manager at (703) 235–5263.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 563 of the Fiscal Year 2008 Department of Homeland Security Appropriations Act amends the Homeland Security Act of 2002 and directs DHS to “regulate the sale and transfer of ammonium nitrate by an ammonium nitrate facility to prevent the misappropriation or use of ammonium nitrate in an act of terrorism.” See Pub. L. 110–161, Division E (2007). That statute also directs DHS to consult with appropriate private sector entities, State governments, heads of other Federal departments and agencies, and other appropriate stakeholders in developing and implementing ammonium nitrate regulations. See *id.*, 6 U.S.C. 488a(b); 488a(g); and 488a(i)(4)(B). The Department published an advance notice of proposed rulemaking on October 29, 2008 seeking public comment on a Secure Handling of Ammonium Nitrate Program, which was followed by the notice of proposed rulemaking for the Ammonium Nitrate Security Program published for public comment on August 3, 2011. See 73 FR 64280 (advance notice of proposed rulemaking); 76 FR 46908 (notice of proposed rulemaking).

##### Purpose

The National Protection and Programs Directorate of the Department of Homeland Security will hold public meetings to consult with the public and with other interested parties on the notice of proposed rulemaking (NPRM) for the Ammonium Nitrate Security Program. The agenda for the public meetings will consist of a presentation by the Department on the elements of the NPRM, followed by comments from the attending public concerning the proposed rulemaking.

##### Public Meeting Procedures and Participation

For those members of the public that cannot attend the scheduled public meetings, a copy of the Department’s presentation provided at the public meetings will be made available via the Department’s Ammonium Nitrate Security Program Web site in mid-October at <http://www.dhs.gov/files/>

*programs/ammonium-nitrate-security-program.shtm.*

Each meeting is open to the public and each is expected to last up to a total of four hours. Please note that a public meeting may adjourn early if all commenters present have had the opportunity to speak prior to the scheduled conclusion of the meeting. DHS will use sign-in sheets to voluntarily collect contact information from the attending public and to properly log oral comments received during the meetings. Providing contact information will be voluntary, and members of the public may also make anonymous oral comments. Seating may be limited, but session organizers will make every effort to suitably accommodate all participants. In order to allow as many members of the public as possible to speak, each speaker must limit his/her remarks to three minutes.

A transcript of each of these public meetings will be provided in the electronic docket for the Ammonium Nitrate Security Program rulemaking, docket number DHS-2008-0076, available at <http://www.regulations.gov>. Written comments on the proposed Ammonium Nitrate Security Program may also be submitted to the Department of Homeland Security. As specified in the NPRM, you may submit comments, identified by docket number DHS-2008-0076, by one of the following methods:

- *Federal eRulemaking Portal:* Follow the instructions at <http://www.regulations.gov> for submitting comments.

- *Mail:* U.S. Department of Homeland Security, National Protection and Programs Directorate, Infrastructure Security Compliance Division (NPPD/ISCD), 245 Murray Lane, SW., Mail Stop 0610, Arlington, VA 20598-0610.

To avoid duplication, please use only one of these methods to submit written comments.

#### Key Comments Solicited by the Department

The Department is soliciting comments on all aspects of the NPRM. Of particular interest are comments addressing the following major issues:

##### *Ammonium Nitrate Use and Characteristics*

1. The types, quantities, and concentrations of ammonium nitrate and ammonium nitrate mixtures produced, used, sold, and transferred in the United States.

2. The detonability of ammonium nitrate and ammonium nitrate mixtures of different quantities and concentrations.

##### *Registration*

1. The level of access to the Internet that potential registration applicants currently have and/or the level of access potential applicants anticipate having in the future.

2. How potential registration applicants who do not have readily-accessible Internet access could obtain the access necessary to register online.

3. How to best notify agents (AN Agents) when ammonium nitrate purchasers (AN Purchasers) submit those AN Agents' names to the Department prior to sale or transfer of ammonium nitrate.

4. The efficiency and sufficiency of notifying applicants of registration number (AN Registered User Number) approvals and denials via e-mail or other electronic means.

5. The proposed regulatory coverage of truck drivers and other ammonium nitrate transporters.

##### *Verification*

1. The proposed requirement that certain forms of identification should be acceptable for purposes of a visual identity verification check.

2. The advisability, costs, and benefits of enabling AN Agents to provide AN Purchasers' identity verification information directly to ammonium nitrate sellers (AN Sellers) when it is not possible for an AN Seller to verify the identity of the AN Purchaser in person.

3. Possible alternative methods that could be employed to verify AN Purchasers' identities in sales or transfers involving AN Agents.

##### *Recordkeeping*

1. The benefits and costs of maintaining records regarding the AN Purchaser (and, where applicable, AN Agent) verification process.

2. How ammonium nitrate facility (AN Facility) personnel should notify AN Purchasers and AN Agents that the information they provide may be shared with the Department.

Dated: October 3, 2011.

**Penny Anderson,**

*Director, Infrastructure Security Compliance Division, Department of Homeland Security.*

[FR Doc. 2011-26051 Filed 10-6-11; 8:45 am]

**BILLING CODE 9110-9P-P**

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 331

#### 9 CFR Part 121

[Docket No. APHIS-2011-0099]

### Multi-Agency Informational Meeting Concerning Compliance With the Federal Select Agent Program; Public Meeting

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

**ACTION:** Notice of public meeting.

**SUMMARY:** This is to notify all interested parties, including individuals and entities possessing, using, or transferring federally listed biological agents and toxins, that a meeting will be held to provide specific regulatory guidance related to the Federal Select Agent Program established under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. The meeting is being organized by the U.S. Department of Agriculture's Animal and Plant Health Inspection Service, the Department of Health and Human Services' Centers for Disease Control and Prevention, and the Department of Justice's Federal Bureau of Investigation, Criminal Justice Information Services. Issues to be discussed include personnel reliability programs, pre-employment background screenings, occupational health programs, and BSL4 surety programs.

**DATES:** The meeting will be held on November 16, 2011, from 7:30 a.m. to 5 p.m. Persons who wish to attend the meeting must register by October 14, 2011.

**ADDRESSES:** The meeting will be held at The Howard H. Baker, Jr. Center for Public Policy, 1640 Cumberland Avenue, Knoxville, TN 37996.

**FOR FURTHER INFORMATION CONTACT:** APHIS: Ms. Cassie Armiger, Program Analyst, APHIS Select Agent Program, APHIS, 4700 River Road, Unit 2, Riverdale, MD 20737; (301) 734-5960.

CDC: Dr. Eduardo O'Neill, Training & Outreach Officer, Division of Select Agents and Toxins, CDC, 1600 Clifton Road MS A-46, Atlanta, GA 30333; (404) 718-2000.

**SUPPLEMENTARY INFORMATION:** Title II of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, "Enhancing Controls on Dangerous Biological Agents and Toxins" (sections 201 through 231), provides for the regulation