



FEDERAL REGISTER

Vol. 77

Friday,

No. 47

March 9, 2012

Pages 14265–14470

OFFICE OF THE FEDERAL REGISTER



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

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Title 3—

Proclamation 8783 of March 6, 2012

The President

To Implement the United States-Korea Free Trade Agreement

By the President of the United States of America

A Proclamation

1. On June 30, 2007, the United States entered into the United States-Korea Free Trade Agreement (the “Agreement”). The Congress approved the Agreement in section 101(a) of the United States-Korea Free Trade Agreement Implementation Act (the “Implementation Act”) (Public Law 112–41, 125 Stat. 428).
2. Section 105(a) of the Implementation Act authorizes the President to establish or designate within the Department of Commerce an office that shall be responsible for providing administrative assistance to panels established under chapter 22 of the Agreement.
3. Section 201 of the Implementation Act authorizes the President to proclaim such modifications or continuation of any duty, such continuation of duty-free or excise treatment, or such additional duties, as the President determines to be necessary or appropriate to carry out or apply Articles 2.3, 2.5, and 2.6, and Annex 2-B, Annex 4-B, and Annex 22-A of the Agreement.
4. Section 201(d) of the Implementation Act authorizes the President to proclaim the tariff treatment therein for certain motor vehicles of Korea.
5. Section 202 of the Implementation Act sets forth certain rules for determining whether a good is an originating good for the purpose of implementing preferential tariff treatment provided for under the Agreement. I have decided that it is necessary to include these rules of origin, together with particular rules applicable to certain other goods, in the Harmonized Tariff Schedule of the United States (HTS).
6. Section 202(o) of the Implementation Act authorizes the President, upon receiving a request from an interested entity, to determine that a fabric, yarn, or fiber is or is not available in commercial quantities in a timely manner in the United States; to establish procedures governing the submission of a request for any such determination and ensuring appropriate public participation in any such determination; to add to the list of the United States as set forth in Appendix 4-B-1 of the Agreement any fabric, yarn, or fiber determined to be not available in commercial quantities in a timely manner in the United States; or to remove from the list in Appendix 4-B-1 of the Agreement any fabric, yarn, or fiber that the President has previously added to that list.
7. Section 207 of the Implementation Act authorizes the President to take certain enforcement actions relating to trade with Korea in textile and apparel goods.
8. Subtitle C of title III of the Implementation Act authorizes the President to take certain actions in response to a request by an interested party for relief from serious damage or actual threat thereof to a domestic industry producing certain textile or apparel articles.
9. Executive Order 11651 of March 3, 1972, as amended, established the Committee for the Implementation of Textile Agreements (CITA), consisting of representatives of the Departments of State, the Treasury, Commerce, and Labor, and the Office of the United States Trade Representative, with

the representative of the Department of Commerce as Chairman, to supervise the implementation of textile trade agreements. Consistent with section 301 of title 3, United States Code, when carrying out functions vested in the President by statute and assigned by the President to CITA, the officials collectively exercising those functions are all to be officers required to be appointed by the President with the advice and consent of the Senate.

10. Section 604 of the Trade Act of 1974, as amended (the “1974 Act”), 19 U.S.C. 2483, authorizes the President to embody in the HTS the substance of relevant provisions of that Act, or other Acts affecting import treatment, and of actions taken thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to section 604 of the 1974 Act; sections 105(a), 201, 202, 207, and subtitle C of title III of the Implementation Act; and section 301 of title 3, United States Code, and having made the determination under section 101(b) of the Implementation Act necessary for the exchange of notes, do hereby proclaim:

(1) In order to provide generally for the preferential tariff treatment being accorded under the Agreement, to set forth rules for determining whether goods imported into the customs territory of the United States are eligible for preferential tariff treatment under the Agreement, to provide certain other treatment to originating goods of Korea for the purposes of the Agreement, the HTS is modified as set forth in Annex I of Publication 4308 of the United States International Trade Commission, entitled “Modifications to the Harmonized Tariff Schedule of the United States to Implement the United States-Korea Free Trade Agreement,” which is incorporated by reference into this proclamation.

(2) In order to implement the initial stage of duty elimination provided for in the Agreement and to provide for future staged reductions in duties for originating goods of Korea for purposes of the Agreement, the HTS is modified as provided in Annex II of Publication 4308, effective on the dates specified in the relevant sections of such publication and on any subsequent dates set forth for such duty reductions in that publication.

(3) The amendments to the HTS made by paragraphs (1) and (2) of this proclamation shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after the relevant dates indicated in the Annexes of Publication 4308.

(4) The Secretary of Commerce is authorized to exercise the authority of the President under section 105(a) of the Implementation Act to establish or designate an office within the Department of Commerce to carry out the functions set forth in that section.

(5) The CITA is authorized to exercise the authority of the President under section 202(o) of the Implementation Act to determine that a fabric, yarn, or fiber is or is not available in commercial quantities in a timely manner in the United States; to establish procedures governing the request for any such determination and ensuring appropriate public participation in any such determination; to add any fabric, yarn, or fiber determined to be not available in commercial quantities in a timely manner in the United States to the list in Appendix 4-B-1 of the Agreement; or to remove from the list in Appendix 4-B-1 of the Agreement any fabric, yarn, or fiber that the President has previously added to that list.

(6) The CITA is authorized to exercise the authority of the President under section 207 of the Implementation Act to direct the exclusion of certain textile and apparel goods from the customs territory of the United States and to direct the denial of preferential tariff treatment to textile and apparel goods.

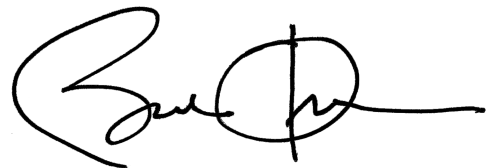
(7) The CITA is authorized to exercise the functions of the President under subtitle C of title III of the Implementation Act to review requests, and to determine whether to commence consideration of such requests; after an appropriate determination, to cause to be published in the *Federal Register* a notice of commencement of consideration of a request and notice seeking public comment; to determine whether imports of a Korean textile or apparel article are causing serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article; and to provide relief from imports of an article that is the subject of an affirmative determination as to damage or threat.

(8) The United States Trade Representative (USTR) is authorized to fulfill the obligations of the President under section 104 of the Implementation Act to obtain advice from the appropriate advisory committees and the United States International Trade Commission on the proposed implementation of an action by Presidential proclamation; to submit a report on such proposed action to the appropriate congressional committees; and to consult with those congressional committees regarding the proposed action.

(9) The USTR is authorized to modify U.S. note 4 to subchapter XX of chapter 99 of the HTS in a notice published in the *Federal Register* to reflect modifications pursuant to paragraph (6) of this proclamation by the CITA to the list of fabrics, yarns, or fibers in Annex 4-B-1 of the Agreement.

(10) All provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of March, in the year of our Lord two thousand twelve, and of the Independence of the United States of America the two hundred and thirty-sixth.



Rules and Regulations

Federal Register

Vol. 77, No. 47

Friday, March 9, 2012

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2011-1406; Airspace Docket No. 11-AWA-5]

RIN 2120-AA66

Amendment of Class C Airspace; Springfield, MO; Lincoln, NE; Grand Rapids, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects the Class C airspace designation for Gerald R. Ford International Airport, Grand Rapids, MI, published in the **Federal Register** of February 6, 2012, to include the city name.

DATES: Effective date 0901 UTC, April 5, 2012. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

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

SUPPLEMENTARY INFORMATION:

History

On February 6, 2012, the FAA published a final rule in the **Federal Register** amending the airport name and geographic coordinates of Gerald R. Ford International Airport, Grand Rapids, MI, to match the FAA's aeronautical database (77 FR 5691) Docket No. FAA-2011-1406. The Class C airspace designation was published without including the city name.

Final Rule Correction

Accordingly, pursuant to the authority delegated to me, the legal description for the Gerald R. Ford International Airport, Grand Rapids, MI, Class C airspace, as published in the **Federal Register** of February 6, 2012 (77 FR 5691) (FR Doc. 2012-2485), is corrected as follows:

On page 5692, column 3, lines 50 and 51, remove "AGL MI C Gerald R. Ford International Airport, MI", and insert: "AGL MI C Grand Rapids, Gerald R. Ford International Airport, MI."

On page 5692, column 3, lines 52 and 53, remove "Gerald R. Ford International Airport, Grand Rapids, MI", and insert: "Grand Rapids, Gerald R. Ford International Airport, MI."

Issued in Washington, DC, February 28, 2012.

Gary A. Norek,

Acting Manager, Airspace, Regulations, and ATC Procedures Group.

[FR Doc. 2012-5704 Filed 3-8-12; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 95

[Docket No.30830; Amdt. No. 499]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

DATES: *Effective Date:* 0901 UTC, April 5, 2012.

FOR FURTHER INFORMATION CONTACT: Rick Dunham, Flight Procedure Standards Branch (AMCAFS-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 amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95.

The Rule

The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System, are related to published aeronautical charts that are essential to the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are impracticable and contrary to the public interest and that good cause exists for making the amendment 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 95

Airspace, Navigation (air).

Issued in Washington, DC, on March 2, 2012.

John McGraw,

Deputy Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal

Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 UTC, April 5, 2012.

■ 1. The authority citation for part 95 continues to read as follows:

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

■ 2. Part 95 is amended to read as follows:

REVISIONS TO IFR ALTITUDES AND CHANGEOVER POINTS

[Amendment 499 effective date April 5, 2012]

From	To	MEA	MAA
§ 95.3000 Low Altitude RNAV Routes			
§ 95.3223 RNAV Route T223 Is Amended to Read in Part			
NONDA, AK FIX *10000—MCA BLUGA, AK FIX, SW BND	BLUGA, AK FIX	12400	17500
§ 95.3288 RNAV Route T288 Is Amended to Read in Part			
GILLETTE, WY VOR/DME TRTTL, WY FIX KARAS, WY FIX *9700—MRA PACTO, SD FIX	TRTTL, WY FIX KARAS, WY FIX *PACTO, SD FIX RAPID CITY, SD VORTAC	7000 9000 10000 7100	17500 17500 17500 17500
§ 95.4000 High Altitude RNAV Routes			
§ 95.4044 RNAV Route Q44 Is Amended to Read in Part			
NOME, AK VOR/DME #GNSS REQUIRED HLBLY, AK FIX #GNSS REQUIRED	HLBLY, AK FIX ANCHORAGE, AK VOR/DME	18000 18000	45000 45000
§ 95.4051 RNAV Route Q51 Is Amended to Read in Part			
KING SALMON, AK VORTAC #GNSS REQUIRED SLIIM, AK FIX #GNSS REQUIRED HLBLY, AK FIX #GNSS REQUIRED	SLIIM, AK FIX HLBLY, AK FIX KOTZEBUE, AK VOR/DME	18000 18000 18000	45000 45000 45000
§ 95.4055 RNAV Route Q55 Is Amended to Read in Part			
KODIAK, AK VOR/DME #GNSS REQUIRED SLIIM, AK FIX #GNSS REQUIRED	SLIIM, AK FIX NOME, AK VOR/DME	18000 18000	45000 45000
From	To	MEA	
§ 95.6001 Victor Routes—U.S.			
§ 95.6002 VOR Federal Airway V2 Is Amended to Read in Part			
REEPO, MT FIX	COLUS, MT FIX. W BND E BND		9700 7000
COLUS, MT FIX	BILLINGS, MT VORTAC. W BND E BND		9700 6400
§ 95.681 VOR Federal Airway V81 Is Amended to Read in Part			
SCOTTSBLUFF, NE VORTAC	TOADSTOOL, NE VOR/DME		7000
§ 95.6086 VOR Federal Airway V86 Is Amended to Read in Part			
REEPO, MT FIX	COLUS, MT FIX. W BND		9700

From	To	MEA
COLUS, MT FIX	E BND BILLINGS, MT VORTAC. W BND E BND	7000 9700 6400
§ 95.689 VOR Federal Airway V89 Is Amended to Read in Part		
CHEYENNE, WY VORTAC	LITER, WY FIX	8300
LITER, WY FIX	TOADSTOOL, NE VOR/DME	7800
§ 95.6101 VOR Federal Airway V101 Is Amended to Read in Part		
GILL, CO VOR/DME	*LIBEL, CO FIX	**10000
*13500—MCA LIBEL, CO FIX, W BND		
**8900—MOCA		
LIBEL, CO FIX	BROCC, CO FIX	16000
BROCC, CO FIX	ECHOA, CO FIX	13200
ECHOA, CO FIX	*HAYDEN, CO VOR/DME.	
	E BND	13200
	W BND	11500
*11500—MCA HAYDEN, CO VOR/DME, E BND		
§ 95.6169 VOR Federal Airway V169 Is Amended to Read in Part		
SCOTTSBLUFF, NE VORTAC	TOADSTOOL, NE VOR/DME	7000
TOADSTOOL, NE VOR/DME	WAXER, NE FIX	7000
§ 95.6170 VOR Federal Airway V170 Is Amended to Read in Part		
ABERDEEN, SD VOR/DME	SIOUX FALLS, SD VORTAC	*5000
*3400—MOCA		
§ 95.6272 VOR Federal Airway V272 Is Amended to Read in Part		
SERTS, OK FIX	LIONS, OK FIX	*4500
*3100—MOCA		
*3700—GNSS MEA		
LIONS, OK FIX	WILL ROGERS, OK VORTAC	3300
§ 95.6291 VOR Federal Airway V291 Is Amended to Read in Part		
WINSLOW, AZ VORTAC	#FLAGSTAFF, AZ VOR/DME	10100
*11000—MCA FLAGSTAFF, AZ VOR/DME, NE BND		
#MTA V327 N TO V291 E 11000		
§ 95.6421 VOR Federal Airway V421 Is Amended to Read in Part		
ROBERT, CO VOR/DME	HAHNS, CO FIX	*13000
*12300—MOCA		
§ 95.6437 VOR Federal Airway V437 Is Amended to Read in Part		
SAVANNAH, GA VORTAC	CHARLESTON, SC VORTAC	2000
§ 95.6465 VOR Federal Airway V465 Is Amended to Read in Part		
DUNOIR, WY VOR/DME	REDLO, MT FIX	*17000
*14500—MOCA		
REDLO, MT FIX	LAREI, MT FIX.	
	N BND	7200
	S BND	17000
LAREI, MT FIX	*BILLINGS, MT VORTAC.	
	S BND	17000
	N BND	6000
*7000—MCA BILLINGS, MT VORTAC, S BND		
§ 95.6320 Alaska VOR Federal Airway V320 Is Amended to Read in Part		
WINOR, AK FIX	*FRIDA, AK FIX	#10000

From	To	MEA	
*9500—MRA *7600—MCA FRIDA, AK FIX, WBND #MEA IS ESTABLISHED WITH A GAP IN NAVIGATION SIGNAL COVERAGE			
§ 95.6440 Alaska VOR Federal Airway V440 Is Amended to Read in Part			
WINOR, AK FIX *9500—MRA *7600—MCA FRIDA, AK FIX, WBND #MEA IS ESTABLISHED WITH A GAP IN NAVIGATION SIGNAL COVERAGE	*FRIDA, AK FIX	#10000	
From	To	MEA	MAA
§ 95.7001 Jet Routes § 95.7537 Jet Route J537 Is Amended to Read in Part			
ROME, OR VOR/DME	MULLAN PASS, ID VOR/DME	22000	45000

[FR Doc. 2012-5719 Filed 3-8-12; 8:45 am]
BILLING CODE 4910-13-P

SUSQUEHANNA RIVER BASIN COMMISSION

18 CFR Part 806

Review and Approval of Projects

CFR Correction

In Title 18 of the Code of Federal Regulations, Part 400 to End, revised as of April 1, 2011, on page 118, in § 806.6, (b)(1)(i) and (ii) are removed.

[FR Doc. 2012-5837 Filed 3-8-12; 8:45 am]
BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds

CFR Correction

In Title 21 of the Code of Federal Regulations, Parts 500 to 599, revised as of April 1, 2011, on page 490, in § 558.500, (e)(1)(i) is reinstated to read as follows;

§ 558.500 Ractopamine.

* * * * *

(e) * * *

(1) * * *

Ractopamine in grams/ton	Combination in grams/ton	Indications for use	Limitations	Sponsor
(i) 4.5 to 9		For increased rate of weight gain, improved feed efficiency, and increased carcass leanness in finishing swine, weighing not less than 150 lbs, fed a complete ration containing at least 16% crude protein for the last 45 to 90 lbs of gain prior to slaughter.	Feed continuously as sole ration.	000986

* * * * *

[FR Doc. 2012-5838 Filed 3-8-12; 8:45 am]
BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 866

[Docket No. FDA-2012-N-0165]

Medical Devices; Immunology and Microbiology Devices; Classification of Norovirus Serological Reagents

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is classifying norovirus serological reagents into class II (special controls). The special control that will apply to these devices is the guidance document entitled “Class II Special Controls Guidance Document: Norovirus Serological Reagents.” The Agency is classifying these devices into class II (special controls) because special controls, in addition to general controls, will provide a reasonable assurance of safety and effectiveness of these devices and there is sufficient information to establish special controls.

DATES: *Effective Date:* April 9, 2012. The classification was effective February 23, 2011.

FOR FURTHER INFORMATION CONTACT: Steven Gitterman, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5518, Silver Spring, MD 20993-0002, 301-796-6694.

SUPPLEMENTARY INFORMATION:

I. Legal Authority

In accordance with section 513(f)(1) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360c(f)(1)), devices that were not in commercial distribution before May 28, 1976, the date of enactment of the Medical Device Amendments of 1976 (the 1976

amendments), generally referred to as postamendments devices, are classified automatically by statute into class III without any FDA rulemaking process. These devices remain in class III and require premarket approval, unless and until the device is classified or reclassified into class I or II, or FDA issues an order finding the device to be substantially equivalent, in accordance with section 513(i) of the FD&C Act, to a predicate device that does not require premarket approval. The Agency determines whether new devices are substantially equivalent to previous marketed devices by means of premarket notification procedures in section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807) of FDA's regulations.

Section 513(f)(2) of the FD&C Act provides that any person who submits a premarket notification under section 510(k) of the FD&C Act for a device that has not previously been classified may, within 30 days after receiving an order classifying the device in class III under section 513(f)(1), request FDA to classify the device under the criteria set forth in section 513(a)(1). FDA shall, within 60 days of receiving such a request, classify the device by written order. This classification shall be the initial classification of the device. Within 30 days after the issuance of an order classifying the device, FDA must publish a notice in the **Federal Register** announcing such classification (section 513(f)(2) of the FD&C Act).

II. Classification

In accordance with section 513(f)(1) of the FD&C Act, FDA issued an order on

February 14, 2011, classifying the RIDASCREEN® Norovirus 3rd Generation EIA into class III, because it was not substantially equivalent to a device that was introduced or delivered for introduction into interstate commerce for commercial distribution before May 28, 1976, or a device that was subsequently reclassified into class I or class II. On February 16, 2011, Lehnus and Associates Consulting, on behalf of R-Biopharm AG, submitted a petition requesting classification of the RIDASCREEN® Norovirus 3rd Generation EIA under section 513(f)(2) of the FD&C Act. The manufacturer recommended that the device be classified into class II (Ref. 1).

In accordance with section 513(f)(2) of the FD&C Act, FDA reviewed the petition in order to classify the device under the criteria for classification set forth in section 513(a)(1). FDA classifies devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls to provide reasonable assurance of the safety and effectiveness of the device for its intended use. After review of the information submitted in the petition, FDA determined that the device can be classified into class II with the establishment of special controls. FDA believes these special controls will provide reasonable assurance of the safety and effectiveness of the device.

The device is assigned the generic name norovirus serological reagents, and this device type is identified as devices that consist of antigens and

antisera used in serological tests to detect the presence of norovirus antigens in fecal samples. These devices aid in the diagnosis of norovirus infection in the setting of an individual patient with symptoms of acute gastroenteritis when the individual patient is epidemiologically linked to other patients with symptoms of acute gastroenteritis and/or aid in the identification of norovirus as the etiology of an outbreak of acute gastroenteritis in the setting of epidemiologically linked patients with symptoms of acute gastroenteritis.

III. Risks to Health

FDA has identified the risks to health associated with this type of device as a false negative result and a false positive result. A false positive test result for an individual may lead to a potential delay in needed antibiotic treatment (when appropriate) and possibly less thorough laboratory evaluation for the true cause of illness; in the setting of an outbreak investigation, a false positive result may lead to unnecessary environmental interventions and/or significant patient restrictions. A false negative test result for an individual may lead to potentially unnecessary treatment for other causes of acute gastroenteritis, including possible antibiotic exposure; in the setting of an outbreak, a false negative result may lead to delay in recognizing the cause of the outbreak and additional spread of norovirus infection.

FDA has identified the following recommended mitigation measures to address these risks to health associated specifically with this type of device.

TABLE 1—RISKS TO HEALTH AND RECOMMENDED MITIGATION MEASURES

Identified risks	Recommended mitigation measures
A false positive test result for an individual may lead to a potential delay in needed antibiotic treatment (when appropriate) and possibly less thorough laboratory evaluation for the true cause of illness; in the setting of an outbreak investigation, a false positive result may lead to unnecessary environmental interventions and/or significant patient restrictions.	Performance Characteristics Labeling.
A false negative test result for an individual may lead to potentially unnecessary treatment for other causes of acute gastroenteritis, including possible antibiotic exposure; in the setting of an outbreak, a false negative result may lead to delay in recognizing the cause of the outbreak and additional spread of norovirus infection.	Performance Characteristics Labeling.

Elsewhere in this issue of the **Federal Register**, FDA is announcing the availability of a guidance document that will serve as the special control for these devices. FDA believes that the special controls guidance document, in addition to general controls, addresses the risks to health identified previously and provides reasonable assurance of the safety and effectiveness of the device. Therefore, on February 23, 2011,

FDA issued an order to the petitioner classifying the device into class II. FDA is codifying this device by adding § 866.3395.

IV. 510(k) Premarket Notification

Following the effective date of this final classification rule, any firm submitting a 510(k) premarket notification for a norovirus serological reagents will need to address the issues covered in the special controls

guidance. However, the firm need only show that its device meets the recommendations of the guidance or in some other way provides equivalent assurance of safety and effectiveness.

Section 510(m) of the FD&C Act provides that FDA may exempt a class II device from the premarket notification requirements under section 510(k), if FDA determines that premarket notification is not necessary to provide

reasonable assurance of the safety and effectiveness of the device. For this type of device, FDA has determined because of the risks of false positives and false negatives that premarket notification is necessary to provide reasonable assurance of the safety and effectiveness of the device and, therefore, this type of device is not exempt from premarket notification requirements. Persons who intend to market this type of device must submit to FDA a premarket notification, prior to marketing the device, which contains information about the norovirus serological reagents they intend to market.

V. Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

VI. Analysis of Impacts

FDA has examined the impacts of the final rule under Executive Order 12866, Executive Order 13563, the Regulatory Flexibility Act (Pub. L. 96–354) (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). Executive Orders 12866 and 13563 direct 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 Agency believes that this proposed rule is not a significant regulatory action as defined by Executive Order 12866.

The Regulatory Flexibility Act requires Agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because this rule is deregulatory and imposes no new burdens, the Agency proposes to certify that the final rule will not have a significant economic impact on a substantial number of small entities.

Section 202(a) of the Unfunded Mandates Reform Act of 1995 requires that Agencies prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing “any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more (adjusted annually for inflation) in any one year.” The current threshold

after adjustment for inflation is \$136 million, using the most current (2010) Implicit Price Deflator for the Gross Domestic Product. FDA does not expect this proposed rule to result in any 1-year expenditure that would meet or exceed this amount.

VII. Federalism

FDA has analyzed this final rule in accordance with the principles set forth in Executive Order 13132. Section 4(a) of the Executive Order requires Agencies to “construe * * * a Federal statute to preempt State law only where the statute contains an express preemption provision or there is some other clear evidence that the Congress intended preemption of State law, or where the exercise of State authority conflicts with the exercise of Federal authority under the Federal statute.” Federal law includes an express preemption provision that preempts certain state requirements “different or in addition to” certain federal requirements applicable to devices. 21 U.S.C. 360k; See *Medtronic v. Lohr*, 518 U.S. 470 (1996); *Riegel v. Medtronic, Inc.*, 552 U.S. 312 (2008). The special controls established by this rulemaking create “requirements” to address each identified risk to health presented by these specific medical devices under 21 U.S.C. 360k, even though product sponsors may have flexibility in how they meet those requirements. Cf. *Papike v. Tambrands, Inc.*, 107 F.3d 737, 740–42 (9th Cir. 1997).

VIII. Paperwork Reduction Act of 1995

This final rule establishes as special controls a guidance document that refers to previously approved collections of information found in other FDA regulations. These collections of information are subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). Elsewhere in this issue of the **Federal Register**, FDA is publishing a notice announcing the availability of the guidance document entitled “Class II Special Controls Guidance Document: Norovirus Serological Reagents.” The notice contains an analysis of the paperwork burden for the guidance.

IX. References

The following reference has been placed on display in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Petition from R-Biopharm AG, c/o Lehnus and Associates, dated February 15, 2011.

List of Subjects in 21 CFR Part 866

Biologics, Laboratories, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 866 is amended as follows:

PART 866—IMMUNOLOGY AND MICROBIOLOGY DEVICES

■ 1. The authority citation for 21 CFR part 866 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

■ 2. Section 866.3395 is added to subpart D to read as follows:

§ 866.3395 Norovirus serological reagents.

(a) *Identification.* Norovirus serological reagents are devices that consist of antigens and antisera used in serological tests to detect the presence of norovirus antigens in fecal samples. These devices aid in the diagnosis of norovirus infection in the setting of an individual patient with symptoms of acute gastroenteritis when the individual patient is epidemiologically linked to other patients with symptoms of acute gastroenteritis and/or aid in the identification of norovirus as the etiology of an outbreak of acute gastroenteritis in the setting of epidemiologically linked patients with symptoms of acute gastroenteritis.

(b) *Classification.* Class II (special controls). The special control is FDA’s guidance document entitled “Class II Special Controls Guidance Document: Norovirus Serological Reagents.” See § 866.1(e) for the availability of this guidance document.

Dated: March 5, 2012.

Nancy K. Stade,

Deputy Director for Policy, Center for Devices and Radiological Health.

[FR Doc. 2012–5675 Filed 3–8–12; 8:45 am]

BILLING CODE 4160–01–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4044

Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Correcting amendments.

SUMMARY: The Pension Benefit Guaranty Corporation published a final rule document in the **Federal Register** on September 15, 2011 (at 76 FR 56973), amending its regulations on Benefits Payable in Terminated Single-Employer Plans and Allocation of Assets in Single-Employer Plans to prescribe interest assumptions under those regulations. This document corrects an inadvertent error in that final rule relating to the prescribed interest assumption under the allocation regulation, applicable to plans with valuation dates during the fourth quarter of 2011.

DATES: Effective March 9, 2012.

FOR FURTHER INFORMATION CONTACT:

Catherine B. Klion
(*Klion.Catherine@PBGC.gov*), Manager, Regulatory and Policy Division, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005, 202-326-4024. (TTY/TDD users may call the Federal relay service toll

free at 1-800-877-8339 and ask to be connected to 202-326-4024.)

SUPPLEMENTARY INFORMATION: The Pension Benefit Guaranty Corporation published a final rule document in the **Federal Register** of September 15, 2011 (at 76 FR 56973), amending its regulations on Benefits Payable in Terminated Single-Employer Plans and Allocation of Assets in Single-Employer Plans to prescribe interest assumptions under those regulations. The rule inadvertently misstated the prescribed interest assumptions under the allocation regulation, applicable to plans with valuation dates during the fourth quarter of 2011. The errors appeared both in the preamble and in the amendatory instructions.

In the preamble, the first full paragraph in the second column on p. 56974 should have read as follows:

The fourth quarter 2011 interest assumptions under the allocation regulation will be 4.09 percent for the first 20 years following the valuation date and 4.30 percent thereafter. In comparison with the interest assumptions in effect for the third quarter of 2011, these interest assumptions represent no

change in the select period (the period during which the select rate (the initial rate) applies), a decrease of 0.13 percent in the select rate, and a decrease of 0.04 percent in the ultimate rate (the final rate).

List of Subjects in 29 CFR Part 4044

Employee benefit plans, Pension insurance, Pensions.

In consideration of the foregoing, 29 CFR part 4044 is corrected by making the following correcting amendment:

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

- 1. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

- 2. In appendix B to part 4044, the entry for October–December 2011 is corrected to read as follows:

Appendix B to Part 4044—Interest Rates Used To Value Benefits

* * * * *

For valuation dates occurring in the months—			The values of i_t are:			
	i_t	for $t =$	i_t	for $t =$	i_t	for $t =$
October–December 2011	0.0409	1–20	0.0430	>20	N/A	N/A
	*	*	*	*	*	*

Issued in Washington, DC, on this 6th day of March 2012.

Laricke Blanchard,

Deputy Director for Policy, Pension Benefit Guaranty Corporation.

[FR Doc. 2012-5786 Filed 3-8-12; 8:45 am]

BILLING CODE 7709-01-P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4044

Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Correcting amendments.

SUMMARY: The Pension Benefit Guaranty Corporation published a final rule document in the **Federal Register** on June 15, 2011 (at 76 FR 34847), amending its regulations on Benefits Payable in Terminated Single-Employer

Plans and Allocation of Assets in Single-Employer Plans to prescribe interest assumptions under those regulations. This document corrects an inadvertent error in that final rule relating to the prescribed interest assumption under the allocation regulation, applicable to plans with valuation dates during the third quarter of 2011.

DATES: Effective March 9, 2012.

FOR FURTHER INFORMATION CONTACT:

Catherine B. Klion
(*Klion.Catherine@PBGC.gov*), Manager, Regulatory and Policy Division, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005, 202-326-4024. (TTY/TDD users may call the Federal relay service toll free at 1-800-877-8339 and ask to be connected to 202-326-4024.)

SUPPLEMENTARY INFORMATION: The Pension Benefit Guaranty Corporation published a final rule document in the **Federal Register** of June 15, 2011 (at 76 FR 34847), amending its regulations on Benefits Payable in Terminated Single-

Employer Plans and Allocation of Assets in Single-Employer Plans to prescribe interest assumptions under those regulations. The rule inadvertently misstated the prescribed interest assumptions under the allocation regulation, applicable to plans with valuation dates during the third quarter of 2011. The errors appeared both in the preamble and in the amendatory instructions.

In the preamble, the third full paragraph in the second column on p. 34847 should have read as follows:

The third quarter 2011 interest assumptions under the allocation regulation will be 4.22 percent for the first 20 years following the valuation date and 4.34 percent thereafter. In comparison with the interest assumptions in effect for the second quarter of 2011, these interest assumptions represent no change in the select period (the period during which the select rate (the initial rate) applies), an increase of 0.26 percent in the select rate, and an increase of 0.02 percent in the ultimate rate (the final rate).

List of Subjects in 29 CFR Part 4044

Employee benefit plans, Pension insurance, Pensions.

In consideration of the foregoing, 29 CFR part 4044 is corrected by making the following correcting amendment:

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

■ 1. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

2. In appendix B to part 4044, the entry for July–September 2011 is corrected to read as follows:

Appendix B to Part 4044—Interest Rates Used To Value Benefits

* * * * *

For valuation dates occurring in the months—	The values of i_t are:					
	i_t	for $t =$	i_t	for $t =$	i_t	for $t =$
July–September 2011	0.0422	1–20	0.0434	>20	N/A	N/A
* * *	*	*	*	*	*	*

Issued in Washington, DC, on this 6th day of March 2012.

Laricke Blanchard,

Deputy Director for Policy, Pension Benefit Guaranty Corporation.

[FR Doc. 2012–5788 Filed 3–8–12; 8:45 am]

BILLING CODE 7709–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2012–0084]

RIN 1625–AA11

Regulated Navigation Area; Little Bay Bridge Construction, Little Bay, Portsmouth, NH

AGENCY: Coast Guard, DHS.

ACTION: Temporary interim rule with request for comments.

SUMMARY: The Coast Guard is establishing a regulated navigation area (RNA) on the navigable waters of Little Bay in the Piscataqua River under and surrounding the Little Bay and General Sullivan Bridges in order to facilitate construction of the Little Bay Bridge between Newington, NH and Dover, NH. This temporary interim rule is necessary to provide for the safety of life on the navigable waters during bridge construction operations that could pose an imminent hazard to vessels operating in the area. This rule implements certain safety measures, including speed restrictions and the temporary suspension of vessel traffic during construction operations.

DATES: This rule is effective in the CFR from March 9, 2012 through July 31, 2013, and effective with actual notice for purposes of enforcement from February 28, 2012, through July 31,

2013. Public comments will be accepted and reviewed by the Coast Guard through July 31, 2013.

ADDRESSES: You may submit comments identified by docket number USCG–2012–0084 using any one of the following methods:

(1) *Federal e-Rulemaking 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.

Documents indicated in this preamble as being available in the docket are part of docket USCG–2012–0084 and are available online by going to <http://www.regulations.gov>, inserting USCG–2012–0084 in the “Keyword” box, and then clicking “Search.” They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or email Ensign Elizabeth V. Morris of the Waterways Management Division, U.S. Coast Guard Sector Northern New England, telephone 207–

741–5440, email Elizabeth.V.Morris@uscg.mil; or Lieutenant Junior Grade Isaac Slavitt of the Waterways Management Branch, U.S. Coast Guard First District, telephone 617–223–8385, email Isaac.M.Slavitt@uscg.mil. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted, without change, to <http://www.regulations.gov> and will include any personal information you have provided.

As this interim rule will be in effect before the end of the comment period, the Coast Guard will evaluate and revise this rule as necessary to address significant public comments.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2012–0084), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via <http://www.regulations.gov>) or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via www.regulations.gov, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by

the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov>, click on the "submit a comment" box, which will then become highlighted in blue. In the "Document Type" drop down menu select "Proposed Rule" and insert "USCG-2012-0084" in the "Keyword" box. Click "Search" then click on the balloon shape in the "Actions" column. If you submit 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 rule based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, click on the "read comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG-2012-0084" 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 in connection with the public comment period for this interim rule. But you may submit a request for one using one of the four methods specified

under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Regulatory Information

The Coast Guard is issuing this temporary interim rule without prior **Federal Register** notice 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 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 immediate action is necessary to ensure the safety of the public during construction of the existing Little Bay Bridge. The need for waterway closures was not brought to the attention of the Coast Guard until January 30, 2012 when the New Hampshire Department of Transportation (NHDOT) requested a complete waterway closure for an eight and a half hour period tentatively scheduled for April 10, 2012.

The Coast Guard discussed with NHDOT a number of alternatives to complete waterway closure, including delaying this portion of construction to allow the Coast Guard to publish a notice of proposed rulemaking with respect to this rule, rerouting traffic through an alternate channel, or arranging the construction barges and cranes in a manner that leaves a portion of the main channel navigable. A delay until at least the middle of May would unnecessarily prolong construction and increase costs to the public. In addition, the construction operations are currently ongoing, and construction barges and cranes are already in place. Delaying bridge repairs to allow for a full notice and comment period while repair equipment is already in place is contrary to the public interest due to increased cost to taxpayers. Furthermore, facilitating a waterway closure to allow bridge repairs before recreational boater traffic escalates in May is in the public's interest because it will reduce the impact of the waterway closure on the public.

For the reasons discussed, delaying the project would be contrary to the public interest. For the same reasons, 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**.

Basis and Purpose

Under the Ports and Waterways Safety Act, the Coast Guard has the authority to establish RNAs in defined water areas that are determined to have hazardous conditions and in which vessel traffic can be regulated in the interest of safety. See 33 U.S.C. 1231 and Department of Homeland Security Delegation No. 0170.1.

The purpose of this temporary interim rule is to ensure the safe transit of vessels in the area, and to protect persons, vessels, and the marine environment during construction operations for the duration of the Little Bay Bridge construction.

Discussion of Rule

The construction of the Little Bay Bridge involves large machinery and construction vessel operations on and over the navigable waters of Little Bay in the Piscataqua River. The ongoing operations are hazardous by their nature, and pose risks both to recreational and commercial traffic, as well as to the construction crew. In order to mitigate the inherent risks involved in construction, it is necessary to control vessel movement through the area.

The purpose of this temporary interim rule is to ensure the safe transit of vessels in the area, and to protect persons, vessels, and the marine environment during construction operations for the duration of the Little Bay Bridge construction work through July 31, 2013.

Heavy-lift operations are sensitive to water movement, and wake from passing vessels could pose significant risk of injury or death to construction workers. In order to minimize such unexpected or uncontrolled movement of water, the RNA will limit vessel speed and wake of all vessels operating in the vicinity of the bridge construction zone. This will be achieved by implementing a five (5) knot speed limit and "NO WAKE" zone in the vicinity of the construction as well as providing a means to suspend all vessel traffic for emergent situations that pose imminent threat to waterway users in the area. The RNA will also protect vessels desiring to transit the area by ensuring that vessels are only permitted to transit when it is safe to do so.

The Coast Guard may close the regulated area described in this rule to all vessel traffic during any circumstance that poses an imminent threat to waterway users operating in the area. Complete waterway closures

will be made with as much advanced notice as possible. At present, we expect at least two days when the area will be completely closed, but those days have not yet been scheduled by the project managers.

The Captain of the Port (COTP) Sector Northern New England will cause notice of enforcement to be made by appropriate means to ensure the widest distribution among the affected segments of the public. Such means of notification may include, but are not limited to, Broadcast Notice to Mariners and Local Notice to Mariners. In addition, the COTP maintains a telephone line that is staffed 24 hours a day, seven days a week. The public can obtain information concerning enforcement of the regulated navigation area by contacting Coast Guard Sector Northern New England Command Center at (207) 767-0303.

Entry into the regulated area during a closure is prohibited unless specifically authorized by the Sector Northern New England Captain of the Port (COTP). Any violation of this RNA is punishable by civil and criminal penalties, in rem liability against the offending vessel, and the initiation of suspension or revocation proceedings against Coast Guard-issued merchant-mariner credentials.

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.

Executive Order 12866 and Executive Order 13563

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, 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 because this regulated navigation area only requires vessels to reduce speed through 600 yards of Little Bay, therefore causing only a minimal delay to a vessel's transit. In addition, periods when the regulated navigation area will be closed to all traffic are expected to be short in duration, and the Coast Guard will give advance notice of such closures.

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 marinas, charter fishing vessels, commercial fishing vessels, and recreational vessels who intend to transit in those portions of Little Bay beneath the new Little Bay Bridge during the effective period. In addition, periods when the regulated navigation area is closed to all traffic are expected to be short in duration, and the Coast Guard expects to give advance notice of such closures.

This regulation may have some impact on the public, but the potential impact will be minimized for the following reasons: It requires vessels to reduce speed through only 600 yards of Little Bay, therefore causing only a minimal delay to a vessel's transit. We will use various appropriate means to inform the public before, during, and at the conclusion of any RNA enforcement period.

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 (adjusted for inflation) or more in any one year. Though this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

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

Technical Standards

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

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

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023-01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have concluded this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2-1, paragraph (34)(g), of the Instruction. This rule involves the establishment of an RNA. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under

ADDRESSES. Any comments received concerning environmental impacts will be considered and changes made to the environmental analysis checklist and categorical exclusion determination as appropriate.

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. 1226, 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.T01-0084 to read as follows:

§ 165.T01-0084 Regulated Navigation Area; Little Bay Bridge Construction, Little Bay, Portsmouth, NH.

(a) *Location.* The following area is a Regulated Navigation Area (RNA): all navigable waters of Little Bay between Newington, NH and Dover, NH, from surface to bottom, within a 300 yard radius of position 43°07'05" N, 070°49'33" W.

(b) *Regulations.* (1) The general regulations contained in 33 CFR 165.10, 165.11, and 165.13 apply within the RNA. In addition, the following regulations apply:

(2) In accordance with the general regulations, entry into or movement within this zone, during periods of enforcement, is prohibited unless authorized by Captain of the Port Sector Northern New England (COTP).

(3) A speed limit of five (5) knots will be in effect within the regulated area. All vessels must proceed through the area with caution and operate in such a manner as to produce no wake.

(4) All persons and vessels must comply with all directions given to them by the COTP or his on-scene representative. The “on-scene representative” of the COTP is any Coast Guard commissioned, warrant or petty officer who has been designated by the COTP to act on the COTP’s behalf. The on-scene representative may be on a Coast Guard vessel, New Hampshire State Police vessel, New Hampshire Marine Patrol vessel or other designated craft, or may be on shore, and will communicate with vessels via

VHF-FM radio or loudhailer. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(5) Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light or other means, the operator of the vessel must proceed as directed.

(6) All other relevant regulations, including but not limited to the Rules of the Road (33 CFR part 84—Subchapter E, Inland Navigational Rules) remain in effect within the regulated area and must be strictly followed at all times.

(c) *Enforcement Period.* (1) This section is enforceable from February 28, 2012 until 11:59 p.m. on July 31, 2013.

(2) The COTP will give notice of enforcement by appropriate means to inform the affected segments of the public, and such notification will include dates and times. Means of notification may include, but are not limited to, Broadcast Notice to Mariners and Local Notice to Mariners.

(d) *Penalties.* Failure to comply with this section may result in civil or criminal penalties pursuant to the Ports and Waterways Safety Act, 33 U.S.C. 1221 et seq. Report violations of this regulated navigation area to the COTP Sector Northern New England, at 207-767-0303 or on VHF—Channel 16.

Dated: February 28, 2012.

J.B. McPherson,

Captain, U.S. Coast Guard, Acting Commander, First Coast Guard District.

[FR Doc. 2012-5782 Filed 3-8-12; 8:45 am]

BILLING CODE 9110-04-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 59

[EPA-HQ-OAR-2006-0971; FRL-9644-8]

RIN 2060-AR37

National Volatile Organic Compound Emission Standards for Aerosol Coatings—Addition of Dimethyl Carbonate, Benzotrifluoride, and Hexamethyldisiloxane to Table of Reactivity Factors

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is taking direct final action to amend the National Volatile Organic Compound Emission Standards for Aerosol Coatings final rule, which is a rule that establishes national reactivity-based emission standards for the aerosol coatings category (aerosol spray paints) under the Clean Air Act, published elsewhere in the **Federal**

Register. This direct final action adds three compounds: dimethyl carbonate, benzotrifluoride and hexamethyldisiloxane, and their associated reactivity factors to the aerosol coatings reactivity rule's table of reactivity factors based on petitions received from regulated entities. This action also revises two tables in the final rule, and corrects a typographical error in a test method reference.

DATES: This rule is effective on June 7, 2012 without further notice, unless the EPA receives adverse comment by April 23, 2012. If the EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that some or all of the amendments in the final rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2006-0971, by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

- *Email:* a-and-r-docket@epa.gov.

- *Fax:* (202) 566-9744.

- *Mail:* U.S. Postal Service, send comment to: EPA Docket Center (6102T), Air and Radiation Docket, National Volatile Organic Compound Emission Standards for Aerosol Coatings, 1200 Pennsylvania Avenue NW., Washington, DC 20460. Please include a total of two copies.

- *Hand Delivery:* In person or by courier, deliver comments to: EPA Docket Center (6102T), Air and Radiation Docket, National Volatile Organic Compound Emission Standards for Aerosol Coatings, Public Reading Room, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA-HQ-OAR-2006-0971. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at www.regulations.gov, including any personal information provided, unless the comment includes information claimed to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through www.regulations.gov or email. The www.regulations.gov Web site is an "anonymous access" system, which means the EPA will not know

your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through www.regulations.gov, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

FOR FURTHER INFORMATION CONTACT: For information concerning the aerosol coatings reactivity rule, contact Ms. J. Kaye Whitfield, U.S. EPA, Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Minerals and Manufacturing Group (D243-02), Research Triangle Park, North Carolina 27711, telephone number: (919) 541-2509, fax number (919) 541-5450, email address: whitfield.kaye@epa.gov. For information concerning the Clean Air Act section 183(e) consumer and commercial products program, contact Ms. Kim Teal, U.S. EPA, Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Minerals and Manufacturing Group (D243-04), Research Triangle Park, North Carolina 27711, telephone number: (919) 541-5580, fax number (919) 541-5450, email address: teal.kim@epa.gov.

SUPPLEMENTARY INFORMATION:

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I. Why is the EPA using a direct final rule?

The EPA is publishing this direct final rule without a prior proposed rule because we view this as a noncontroversial action and anticipate no adverse comment. Section 59.511(j) of the final rule states that if a regulated entity identifies a VOC that is needed for an aerosol formulation that is not listed in Tables 2A, 2B, or 2C, it is assigned a default reactivity factor (RF) of 22.04/Z g O₃/g VOC. However, regulated entities may petition the Agency to add a compound to Table 2A, 2B, or 2C provided that the petitions include the chemical name, CAS number, a statement certifying the intent to use the compound in an aerosol coatings product, and adequate information to evaluate the reactivity of the compound and assign a RF value consistent with the values for the other compounds listed in Table 2A. Since publication of the final rule (73 FR 15604, March 24, 2008), compounds have been added to Table 2A following the same procedure (74 FR 29595, June 23, 2009). The amendments to the aerosol coatings final rule described herein consist of adding three compounds to Table 2A, and their associated RFs and Chemical Abstract Service (CAS) numbers, based on petitions received by the Agency and consistent with Section 59.511(j) of the final rule. The amendments do not make material changes to the rule. This action also revises Table 1 of the final rule by moving the units from the table heading to the reactivity limits column, revises Tables 2A, 2B, and 2C by assigning units to the reactivity factor column, and corrects a typographical error in a test method reference. However, in the "Proposed Rules" section of this **Federal Register**, we are publishing a separate document that will serve as the proposed rule to the National Volatile Organic Compound Emission Standards for Aerosol Coatings (40 CFR part 59) if adverse comments are received on this direct final rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this rule, see the **ADDRESSES** section of this document.

If the EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that some or all of the amendments in this direct final rule will not take effect. We would address all public comments in any subsequent final rule based on the proposed rule.

II. Does this action apply to me?

The entities potentially affected by this direct final rule are the same entities that are subject to the aerosol coatings final rule. The entities affected by the aerosol coatings final rule include: Manufacturers, processors, distributors or importers of aerosol coatings for sale or distribution in the United States, and manufacturers, processors, distributors or importers who supply the entities listed above with aerosol coatings for sale or distribution in interstate commerce in the United States.

III. What should I consider as I prepare my comments for the EPA?

A. *Submitting CBI.* Do not submit this information to the EPA through www.regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to the EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not

contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

B. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

IV. What are the amendments made by this direct final rule?

This direct final rule adds three compounds to Table 2A—Reactivity

Factors: dimethyl carbonate, benzotrifluoride, hexamethyldisiloxane, and their corresponding CAS numbers and RFs (see Table A). This action is in accordance with Section 59.511(j) of the final rule which allows regulated entities to petition the Agency to add compounds to Table 2A, 2B, or 2C provided that the petition includes the chemical name, CAS number, a statement certifying the intent to use the compound in an aerosol coatings product, and adequate information to evaluate the reactivity of the compound and assign a RF value consistent with the values for the other compounds listed in Table 2A (73 FR 15604, March 24, 2008; 74 FR 29595, June 23, 2009). EPA received petitions from KOWA America, Raymond Regulatory Resources, Seymour of Sycamore, and 3M, requesting the addition of the three compounds to Table 2A.

This action also revises Table 1 of the final rule by moving the units, expressed as grams of ozone per gram of product (g O₃/g product), from the table heading to the column titled, “Reactivity Limit”; revises Tables 2A, 2B, and 2C by adding units, expressed as grams of ozone per gram of VOC (g O₃/g VOC), to the column titled, “Reactivity Factors”; and corrects a test method typographical error by replacing the phrase “California Air Resources Board Method 3–0” in 40 CFR 59.515(a)(1) with “California Air Resources Board Method 310.”

TABLE A—COMPOUNDS ADDED TO TABLE OF REACTIVITY FACTORS

Compound	CAS No.	Reactivity factor (g O ₃ /g VOC)
Benzotrifluoride	98–08–8	0.26
Hexamethyldisiloxane	107–46–0	0.00
Dimethyl carbonate	616–38–6	0.06

As is the case for the other compounds in Table 2A, the RFs assigned to the three compounds are consistent with the maximum incremental reactivity (MIR) values in California’s aerosol coatings regulation (Title 17, California Code of Regulations, Division 3, Chapter 1, Subchapter 8.6, Article 1, § 94700).

In the instance of benzotrifluoride and dimethyl carbonate, their RFs were previously published in the EPA’s original proposal for this rule; therefore, the information on their reactivity had been adequately evaluated and RFs assigned (72 FR 38592, July 16, 2007).

When the rule was finalized, only those compounds known to EPA to be used in aerosol coating formulations were included in Table 2A (73 FR 15604, March 24, 2008). At the time the original rule was finalized, EPA did not know of any aerosol coating formulations in which benzotrifluoride and dimethyl carbonate were used, so their RFs were not included in Table 2A. The RFs for benzotrifluoride and dimethyl carbonate are consistent with the California MIR values that have been effective since July 18, 2001.

For hexamethyldisiloxane, an RF value was not included in the original

proposal for this rule. California assigned an MIR value of zero to hexamethyldisiloxane, effective October 2, 2010. The most recent MIR values published by Dr. William Carter at the University of California at Riverside, upon which the California MIR values are based, lists the MIR for hexamethyldisiloxane as –0.025 g O₃/g VOC (see <http://www.cert.ucr.edu/~carter/SAPRC/scales07.xls>). This MIR value indicates that hexamethyldisiloxane acts as a slight inhibitor to ozone formation. Based on this information, the EPA believes that

a RF of zero is appropriate for the purposes of this regulation.

Comments on this direct final action are to be limited to issues directly associated with adding these three compounds, and their associated RFs to Table 2A.

V. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a “significant regulatory action” under the terms of Executive Order 12866 (58 FR 51735 October 4, 1993) and is, therefore, not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act

This action does not impose any new information collection burden because it serves to add compounds to Table 2A of the rule and make several clarifying edits. However, the Office of Management and Budget (OMB) has previously approved the information collection requirements contained in the existing regulations (40 CFR parts 51 and 59) under the provisions of the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2060–0617. The OMB control numbers for the EPA’s regulations in 40 CFR are listed in 40 CFR part 9.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of this final rule on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administration’s regulations at 13 CFR 121.201; (2) a governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this final rule on small

entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any significant adverse economic impact on small entities, since the primary purpose of the regulatory flexibility analyses is to identify and address regulatory alternatives “which minimize any significant economic impact of the rule on small entities.” 5 U.S.C. 603 and 604. Thus, an agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, or otherwise has a positive economic effect on all of the small entities subject to the rule.

This rule will not impose any requirements on small entities. We have determined that small businesses will not incur any adverse impacts because the EPA is taking this action to amend the aerosol coatings rule by adding compounds to Table 2A of the rule and making several clarifying edits. These amendments do not create any new requirements or burdens, and no costs are associated with these amendments.

We have, therefore, concluded that this final rule will relieve regulatory burden for all affected small entities.

D. Unfunded Mandates Reform Act

This rule does not contain a federal mandate that may result in expenditures of \$100 million or more for state, local and tribal governments, in the aggregate, or the private sector in any one year. Thus, this rule is not subject to the requirements of sections 202 or 205 of UMRA.

This rule is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. In this action, the EPA is amending Table 2A by adding three compounds and their associated reactivity factors, and making several clarifying edits.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This action adds compounds and corresponding Chemical Abstract Service numbers and reactivity factors to Table 2A of the aerosol coatings rule, and makes several

clarifying edits. Thus, Executive Order 13132 does not apply to this action.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This action adds compounds and corresponding Chemical Abstract Service numbers and reactivity factors to Table 2A of the aerosol coatings rule, and makes several clarifying edits. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This action is not subject to Executive Order 13045 because it is based solely on technology performance.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, 12(d) (15 U.S.C. 272 note) directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs the EPA to provide Congress, through OMB, explanations when the agency decides not to use available and applicable voluntary consensus standards.

This action does not involve technical standards. Therefore, the EPA did not consider the use of any voluntary consensus standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 (59 FR 7629 (Feb. 16, 1994)) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

The EPA has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. Further, this action adds compounds to Table 2 of the aerosol coatings rule, and corresponding Chemical Abstract Service numbers and reactivity factors, and makes several clarifying edits.

K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A Major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2). This rule will be effective June 7, 2012.

List of Subjects in 40 CFR Part 59

Environmental protection, Administrative practice and procedure, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: March 1, 2012.

Lisa P. Jackson,
Administrator.

For the reasons set out in the preamble, part 59 of title 40, Chapter I of the Code of Federal Regulations is amended as follows:

PART 59—[AMENDED]

■ 1. The authority citation for part 59 continues to read as follows:

Authority: 42 U.S.C. 7414 and 7511b(e).

■ 2. Section 59.515 is amended by revising paragraph (a)(1) to read as follows:

§ 59.515 Incorporations by reference.

* * * * *

(a) * * *

(1) California Air Resources Board Method 310—Determination of Volatile Organic Compounds (VOC) in Consumer Products and Reactive Organic Compounds in Aerosol Coating Products (May 5, 2005), IBR approved for § 59.508.

* * * * *

■ 3. Table 1 to Subpart E of Part 59 is revised to read as follows:

TABLE 1 TO SUBPART E OF PART 59—PRODUCT-WEIGHTED REACTIVITY LIMITS BY COATING CATEGORY

Coating category	Category code ^a	Reactivity limit (g O ₃ /g product)
Clear Coatings	CCP	1.50
Flat Coatings	FCP	1.20
Fluorescent Coatings	FLP	1.75
Metallic Coatings	MCP	1.90
Non-Flat Coatings	NFP	1.40
Primers	PCP	1.20
Ground Traffic/Marking	GTM	1.20
Art Fixatives or Sealants	AFS	1.80
Auto Body Primers	ABP	1.55
Automotive Bumper and Trim Products	ABT	1.75
Aviation or Marine Primers	AMP	2.00
Aviation Propellor Coatings	APC	2.50
Corrosion Resistant Brass, Bronze, or Copper Coatings	CRB	1.80
Exact Match Finish—Engine Enamel	EEE	1.70
Exact Match Finish—Automotive	EFA	1.50
Exact Match Finish—Industrial	EFI	2.05
Floral Sprays	FSP	1.70
Glass Coatings	GCP	1.40
High Temperature Coatings	HTC	1.85
Hobby/Model/Craft Coatings, Enamel	HME	1.45
Hobby/Model/Craft Coatings, Lacquer	HML	2.70
Hobby/Model/Craft Coatings, Clear or Metallic	HMC	1.60
Marine Spar Varnishes	MSV	0.90
Photograph Coatings	PHC	1.00
Pleasure Craft Primers, Surfacer or Undercoaters	PCS	1.05
Pleasure Craft Topcoats	PCT	0.60
Polyolefin Adhesion Promoters	PAP	2.50
Shellac Sealers, Clear	SSC	1.00
Shellac Sealers, Pigmented	SSP	0.95
Slip-Resistant Coatings	SRC	2.45
Spatter/Multicolor Coatings	SMC	1.05
Vinyl/Fabric/Leather/Polycarbonate Coatings	VFL	1.55
Webbing/Veiling Coatings	WFC	0.85
Weld-Through Primers	WTP	1.00
Wood Stains	WSP	1.40

TABLE 1 TO SUBPART E OF PART 59—PRODUCT-WEIGHTED REACTIVITY LIMITS BY COATING CATEGORY—Continued

Coating category	Category code ^a	Reactivity limit (g O ₃ /g product)
Wood Touch-up/Repair or Restoration Coatings	WTR	1.50

^a Regulated entities may use these category codes or define their own in accordance with § 59.511(b)(6).

■ 4. Table 2A to Subpart E of Part 59 is revised to read as follows:

TABLE 2A TO SUBPART E OF PART 59—REACTIVITY FACTORS

Compound	CAS No.	Reactivity factor (g O ₃ /g VOC)
Formaldehyde	50-00-0	8.97
Glycerol (1,2,3-Propanetriol)	56-81-5	3.27
Propylene Glycol	57-55-6	2.75
Ethanol	64-17-5	1.69
Formic Acid	64-18-6	0.08
Acetic Acid	64-19-7	0.71
Methanol	67-56-1	0.71
Isopropyl Alcohol (2-Propanol)	67-63-0	0.71
Acetone (Propanone)	67-64-1	0.43
n-Propanol (n-Propyl Alcohol)	71-23-8	2.74
n-Butyl Alcohol (Butanol)	71-36-3	3.34
n-Pentanol (Amyl Alcohol)	71-41-0	3.35
Benzene	71-43-2	0.81
1,1,1-Trichloroethane	71-55-6	0.00
Propane	74-98-6	0.56
Vinyl Chloride	75-01-4	2.92
Acetaldehyde	75-07-0	6.84
Methylene Chloride (Dichloromethane)	75-09-2	0.07
Ethylene Oxide	75-21-8	0.05
Isobutane	75-28-5	1.35
HFC-152A (1,1-Difluoroethane)	75-37-6	0.00
Propylene Oxide	75-56-9	0.32
t-Butyl Alcohol	75-65-0	0.45
Methyl t-Butyl Ketone	75-97-8	0.78
Isophorone (3,5,5-Trimethyl-2-Cyclohexenone)	78-59-1	10.58
Isopentane	78-78-4	1.68
Isobutanol	78-83-1	2.24
2-Butanol (s-Butyl Alcohol)	78-92-2	1.60
Methyl Ethyl Ketone (2-Butanone)	78-93-3	1.49
Monoisopropanol Amine (1-Amino-2-Propanol)	78-96-6	13.42
Trichloroethylene	79-01-6	0.60
Propionic Acid	79-09-4	1.16
Acrylic Acid	79-10-7	11.66
Methyl Acetate	79-20-9	0.07
Nitroethane	79-24-3	12.79
Methacrylic Acid	79-41-4	18.78
α-Pinene (Pine Oil)	80-56-8	4.29
Methyl Methacrylate	80-62-6	15.84
Naphthalene	91-20-3	3.26
Xylene, ortho-	95-47-6	7.49
o-Cresol	95-48-7	2.34
1,2,4-Trimethylbenzene	95-63-6	7.18
3-Pentanone	96-22-0	1.45
Methyl Ethyl Ketoxime (Ethyl Methyl Ketone Oxime)	96-29-7	22.04
gamma-Butyrolactone	96-48-0	1.15
Ethyl Lactate	97-64-3	2.71
Isobutyl Isobutyrate	97-85-8	0.61
Isobutyl Methacrylate	97-86-9	8.99
Butyl Methacrylate	97-88-1	9.09
Benzotrifluoride	98-08-8	0.26
PCBTf (p-Trifluoromethyl-Cl-Benzene)	98-56-6	0.11
Cumene (Isopropyl Benzene)	98-82-8	2.32
α-Methyl Styrene	98-83-9	1.72
Ethyl Benzene	100-41-4	2.79
Styrene	100-42-5	1.95
Benzaldehyde	100-52-7	0.00
Triethanolamine	102-71-6	2.76

TABLE 2A TO SUBPART E OF PART 59—REACTIVITY FACTORS—Continued

Compound	CAS No.	Reactivity factor (g O ₃ /g VOC)
2-Ethyl-Hexyl Acetate	103-09-3	0.79
2-Ethyl-Hexyl Acrylate	103-11-7	2.42
2-Ethyl-1-Hexanol (Ethyl Hexyl Alcohol)	104-76-7	2.20
Ethyl Propionate	105-37-3	0.79
s-Butyl Acetate	105-46-4	1.43
n-Propyl Propionate	106-36-5	0.93
Xylene, para-	106-42-3	4.25
p-Dichlorobenzene	106-46-7	0.20
Dimethyl Succinate	106-65-0	0.23
1,2-Epoxybutane (Ethyl Oxirane)	106-88-7	1.02
n-Propyl Bromide	106-94-5	0.35
Butane	106-97-8	1.33
1,3-Butadiene	106-99-0	13.58
Ethylene Glycol	107-21-1	3.36
2-Methyl-2,4-Pentanediol	107-41-5	1.04
Hexamethyldisiloxane	107-46-0	0.00
Isohexane Isomers	107-83-5	1.80
Methyl n-Propyl Ketone (2-Pentanone)	107-87-9	3.07
Propylene Glycol Monomethyl Ether (1-Methoxy-2-Propanol)	107-98-2	2.62
n,n-Dimethylethanamine	108-01-0	4.76
1-Nitropropane	108-03-2	16.16
Vinyl Acetate	108-05-4	3.26
Methyl Isobutyl Ketone	108-10-1	4.31
Isopropyl Acetate	108-21-4	1.12
Propylene Carbonate (4-Methyl-1,3-Dioxolan-2-one)	108-32-7	0.25
Xylene, meta-	108-38-3	10.61
Propylene Glycol Monomethyl Ether Acetate (1-Methoxy-2-Propyl Acetate)	108-65-6	1.71
1,3,5-Trimethyl Benzene	108-67-8	11.22
Di-Isobutyl Ketone (2,6-Dimethyl-4-Heptanone)	108-83-8	2.94
Methylcyclohexane	108-87-2	1.99
Toluene	108-88-3	3.97
Monochlorobenzene	108-90-7	0.36
Cyclohexanol	108-93-0	2.25
Cyclohexanone	108-94-1	1.61
n-Butyl Butyrate	109-21-7	1.12
Propyl Acetate	109-60-4	0.87
Pentane	109-66-0	1.54
Ethylene Glycol Monomethyl Ether (2-Methoxyethanol)	109-86-4	2.98
Tetrahydrofuran	109-99-9	4.95
Methyl Isoamyl Ketone (5-Methyl-2-Hexanone)	110-12-3	2.10
Isobutyl Acetate	110-19-0	0.67
Methyl Amyl Ketone	110-43-0	2.80
Hexane	110-54-3	1.45
n-Propyl Formate	110-74-7	0.93
2-Ethoxyethanol	110-80-5	3.78
Cyclohexane	110-82-7	1.46
Morpholine	110-91-8	15.43
Dipropylene Glycol	110-98-5	2.48
Ethylene Glycol Monoethyl Ether Acetate (2-Ethoxyethyl Acetate)	111-15-9	1.90
Diethylenetriamine	111-40-0	13.03
Diethanolamine	111-42-2	4.05
Diethylene Glycol	111-46-6	3.55
n-Octane	111-65-9	1.11
2-Butoxy-1-Ethanol (Ethylene Glycol Monobutyl Ether)	111-76-2	2.90
Diethylene Glycol Methyl Ether (2-(2-Methoxyethoxy) Ethanol)	111-77-3	2.90
n-Nonane	111-84-2	0.95
2-(2-Ethoxyethoxy) Ethanol	111-90-0	3.19
Ethylene Glycol Monobutyl Ether Acetate (2-Butoxyethyl Acetate)	112-07-2	1.67
2-(2-Ethoxyethoxy) Ethyl Acetate	112-15-2	1.50
2-(2-Butoxyethoxy)-Ethanol	112-34-5	2.70
Dimethyl Ether	115-10-6	0.93
Triethylamine	121-44-8	16.60
2-Phenoxyethanol; Ethylene Glycol Phenyl Ether	122-99-6	3.61
Diacetone Alcohol	123-42-2	0.68
2,4-Pentanedione	123-54-6	1.02
Butanal	123-72-8	6.74
Butyl Acetate, n	123-86-4	0.89
2-(2-Butoxyethoxy) Ethyl Acetate	124-17-4	1.38
2-Amino-2-Methyl-1-Propanol	124-68-5	15.08
Perchloroethylene	127-18-4	0.04

TABLE 2A TO SUBPART E OF PART 59—REACTIVITY FACTORS—Continued

Compound	CAS No.	Reactivity factor (g O ₃ /g VOC)
Ethanolamine	141-43-5	5.97
Ethyl acetate	141-78-6	0.64
Heptane	142-82-5	1.28
n-Hexyl Acetate (Hexyl Acetate)	142-92-7	0.87
2-Ethyl Hexanoic Acid	149-57-5	4.41
1,2,3-Trimethyl Benzene	526-73-8	11.26
t-Butyl Acetate	540-88-5	0.20
Methyl Isobutyrate	547-63-7	0.70
Methyl Lactate	547-64-8	2.75
Methyl Propionate	554-12-1	0.71
1,2 Butanediol	584-03-2	2.21
n-Butyl Propionate	590-01-2	0.89
Methyl n-Butyl Ketone (2-Hexanone)	591-78-6	3.55
Dimethyl carbonate	616-38-6	0.06
Ethyl Isopropyl Ether	625-54-7	3.86
Dimethyl Adipate	627-93-0	1.95
Methyl n-Butyl Ether	628-28-4	3.66
Amyl Acetate (Pentyl Ethanoate, Pentyl Acetate)	628-63-7	0.96
Ethyl n-Butyl Ether	628-81-9	3.86
Ethyl t-Butyl Ether	637-92-3	2.11
1,3-Dioxolane	646-06-0	5.47
Ethyl-3-Ethoxypropionate	763-69-9	3.61
Methyl Pyrrolidone (n-Methyl-2-Pyrrolidone)	872-50-4	2.56
Dimethyl Glutarate	1119-40-0	0.51
Ethylene Glycol 2-Ethylhexyl Ether [2-(2-Ethylhexyloxy) Ethanol]	1559-35-9	1.71
Propylene Glycol Monopropyl Ether (1-Propoxy-2-Propanol)	1569-01-3	2.86
Propylene Glycol Monoethyl Ether (1-Ethoxy-2-Propanol)	1569-02-4	3.25
2-Methoxy-1-Propanol	1589-47-5	3.01
Methyl t-Butyl Ether	1634-04-4	0.78
Ethylcyclohexane	1678-91-7	1.75
Isoamyl Isobutyrate	2050-01-3	0.89
2-Propoxyethanol (Ethylene Glycol Monopropyl Ether)	2807-30-9	3.52
n-Butoxy-2-Propanol	5131-66-8	2.70
d-Limonene (Dipentene or Orange Terpene)	5989-27-5	3.99
Dipropylene Glycol Methyl Ether Isomer (2-[2Methoxypropoxy]-1-Propanol)	13588-28-8	3.02
Texanol (1,3 Pentanediol, 2,2,4-Trimethyl, 1-Isobutyrate)	25265-77-4	0.89
Isodecyl Alcohol (8-Methyl-1-Nonanol)	25339-17-7	1.23
Tripropylene Glycol Monomethyl Ether	25498-49-1	1.90
Glycol Ether DPNB (1-(2-Butoxy-1-Methylethoxy) 2-Propanol)	29911-28-2	1.96
Propylene Glycol t-Butyl Ether (1-tert-Butoxy-2-Propanol)	57018-52-7	1.71
2-Methoxy-1-Propyl Acetate	70657-70-4	1.12
Oxo-Heptyl Acetate	90438-79-2	0.97
2-tert-Butoxy-1-Propanol	94023-15-1	1.81
Oxo-Octyl Acetate	108419-32-5	0.96
C8 Disubstituted Benzenes	na	7.48
C9 Styrenes	na	1.72

■ 5. Table 2B to Subpart E of Part 59 is revised to read as follows:

TABLE 2B TO SUBPART E OF PART 59—REACTIVITY FACTORS FOR ALIPHATIC HYDROCARBON SOLVENT MIXTURES

Bin	Average boiling point* (degrees F)	Criteria	Reactivity factor (g O ₃ /g VOC)
1	80–205	Alkanes (<2% Aromatics)	2.08
2	80–205	N- & Iso-Alkanes (≥90% and <2% Aromatics)	1.59
3	80–205	Cyclo-Alkanes (≥90% and <2% Aromatics)	2.52
4	80–205	Alkanes (2 to <8% Aromatics)	2.24
5	80–205	Alkanes (8 to 22% Aromatics)	2.56
6	>205–340	Alkanes (<2% Aromatics)	1.41
7	>205–340	N- & Iso-Alkanes (≥90% and <2% Aromatics)	1.17
8	>205–340	Cyclo-Alkanes (≥90% and <2% Aromatics)	1.65
9	>205–340	Alkanes (2 to <8% Aromatics)	1.62
10	>205–340	Alkanes (8 to 22% Aromatics)	2.03
11	>340–460	Alkanes (<2% Aromatics)	0.91

TABLE 2B TO SUBPART E OF PART 59—REACTIVITY FACTORS FOR ALIPHATIC HYDROCARBON SOLVENT MIXTURES—Continued

Bin	Average boiling point* (degrees F)	Criteria	Reactivity factor (g O ₃ /g VOC)
12	>340–460	N- & Iso-Alkanes (≥90% and <2% Aromatics)	0.81
13	>340–460	Cyclo-Alkanes (≥90% and <2% Aromatics)	1.01
14	>340–460	Alkanes (2 to <8% Aromatics)	1.21
15	>340–460	Alkanes (8 to 22% Aromatics)	1.82
16	>460–580	Alkanes (<2% Aromatics)	0.57
17	>460–580	N- & Iso-Alkanes (≥90% and <2% Aromatics)	0.51
18	>460–580	Cyclo-Alkanes (≥90% and <2% Aromatics)	0.63
19	>460–580	Alkanes (2 to <8% Aromatics)	0.88
20	>460–580	Alkanes (8 to 22% Aromatics)	1.49

* Average Boiling Point = (Initial Boiling Point + Dry Point)/2(b) Aromatic Hydrocarbon Solvents

■ 6. Table 2C to Subpart E of Part 59 is revised to read as follows:

TABLE 2C TO SUBPART E OF PART 59—REACTIVITY FACTORS FOR AROMATIC HYDROCARBON SOLVENT MIXTURES

Bin	Boiling range (degrees F)	Criteria	Reactivity factor (g O ₃ /g VOC)
21	280–290	Aromatic Content (≥98%)	7.37
22	320–350	Aromatic Content (≥98%)	7.51
23	355–420	Aromatic Content (≥98%)	8.07
24	450–535	Aromatic Content (≥98%)	5.00

[FR Doc. 2012–5648 Filed 3–8–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2007–0158; FRL–9341–5]

Aspergillus flavus AF36; Amendment to an Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation amends the existing temporary tolerance exemption for *Aspergillus flavus* AF36 by establishing a permanent exemption from the requirement of a tolerance for residues of the microbial pesticide, *Aspergillus flavus* AF36, in or on pistachio when applied as an antifungal agent and used in accordance with good agricultural practices. On behalf of the Arizona Cotton Research and Protection Council, Interregional Research Project Number 4 submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting that EPA amend an existing temporary tolerance exemption for *Aspergillus flavus* AF36. This regulation eliminates

the need to establish a maximum permissible level for residues of *Aspergillus flavus* AF36 under the FFDCA.

DATES: This regulation is effective March 9, 2012. Objections and requests for hearings must be received on or before May 8, 2012, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: EPA established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2007–0158. All documents in the docket are listed in the docket index available at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket

Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Jeannine Kausch, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 347–8920; email address: kausch.jeannine@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also

be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2007-0158 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before May 8, 2012. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit a copy of your non-CBI objection or hearing request, identified by docket ID number EPA-HQ-OPP-2007-0158, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Mail:* OPP Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001.
- *Delivery:* OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation

(8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

II. Background and Statutory Findings

In the **Federal Register** of April 20, 2011 (76 FR 22067) (FRL-8869-7), EPA issued a notice pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide tolerance petition (PP 1E7830) by Interregional Research Project Number 4 (IR-4), Rutgers University, 500 College Rd. East, Suite 201W, Princeton, NJ 08540 (on behalf of the Arizona Cotton Research and Protection Council, 3721 East Wier Ave., Phoenix, AZ 85040-2933). The petition requested that 40 CFR 180.1206 be amended by establishing a permanent exemption from the requirement of a tolerance for residues of *Aspergillus flavus* AF36 in or on pistachio. This notice referenced a summary of the petition prepared by the petitioner, IR-4 (on behalf of the Arizona Cotton Research and Protection Council), which is available in the docket via <http://www.regulations.gov>. There were no comments received in response to the notice of filing.

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is "safe." Section 408(c)(2)(A)(ii) of FFDCA defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings but does not include occupational exposure. Pursuant to FFDCA section 408(c)(2)(B), in establishing or maintaining in effect an exemption from the requirement of a tolerance, EPA must take into account the factors set forth in FFDCA section 408(b)(2)(C), which require EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance exemption and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue * * *." Additionally, FFDCA section 408(b)(2)(D) requires that EPA consider "available information concerning the cumulative effects of [a particular pesticide's] * * *

residues and other substances that have a common mechanism of toxicity."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides. Second, EPA examines exposure to the pesticide through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings.

III. Toxicological Profile

Consistent with FFDCA section 408(b)(2)(D), EPA reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness and reliability, and the relationship of this information to human risk. EPA also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

The nature and toxicological profile of *Aspergillus flavus* AF36, a non-aflatoxin-producing strain of *Aspergillus flavus*, was described extensively in the **Federal Register** of July 14, 2003 (68 FR 41535) (FRL-7311-6). "Those health effects data were the basis for establishing the tolerance exemption for *Aspergillus flavus* AF36 in or on cotton (see the **Federal Register** of July 14, 2003) and corn (see the **Federal Register** of March 23, 2011 (76 FR 16297) (FRL-8868-7)) and their food/feed commodities and also for temporary tolerance exemptions for experimental use of *Aspergillus flavus* AF36 on pistachio (see the **Federal Register** of May 23, 2007 (72 FR 28868) (FRL-8129-4)) and on corn (see the **Federal Register** of December 26, 2007 (72 FR 72693) (FRL-8342-1))." The petitioner has now requested that EPA establish a permanent exemption from the requirement of a tolerance for residues of *Aspergillus flavus* AF36 in or on pistachio by amending 40 CFR 180.1206. EPA reviewed the available data and information in support of this particular action.

Aspergillus flavus AF36 is neither toxic nor infective via the oral and pulmonary routes. EPA has determined that AF36 is practically nontoxic for acute oral effects and slightly toxic for acute inhalation effects. This microbial pesticide has been used for more than a decade in experimental laboratory and field trials and in agricultural practice on cotton in Arizona, California, and Texas without any reports of adverse dermal irritation or hypersensitivity effects. Based on the comprehensive toxicological evaluations set forth in earlier actions establishing tolerance

exemptions for *Aspergillus flavus* AF36 in or on cotton (see the **Federal Register** of July 14, 2003) and corn (see the **Federal Register** of March 23, 2011) (also, see Ref. 1), EPA concludes that there are no toxicological endpoints of concern for *Aspergillus flavus* AF36.

IV. Aggregate Exposure

In examining aggregate exposure, FFDCA section 408 directs EPA to consider available information concerning exposures from the pesticide residue in food and all other non-occupational exposures, including drinking water from ground water or surface water and exposure through pesticide use in gardens, lawns, or buildings (residential and other indoor uses).

A. Dietary Exposure

1. *Food exposure.* Current uses of *Aspergillus flavus* AF36 include use in or on cotton and corn. Use on pistachios was also permitted under Experimental Use Permit No. 71693-EUP-1, which expired on December 31, 2011. EPA previously evaluated exposure to residues of *Aspergillus flavus* AF36 through food, resulting from this microbial pesticide's use as an antifungal agent in or on cotton and corn, in the **Federal Register** of July 14, 2003 and March 23, 2011. Overall, EPA concluded that human food exposure was not expected with *Aspergillus flavus* AF36's cotton use and was expected (although likely not above *Aspergillus flavus* background levels) with *Aspergillus flavus* AF36's corn use.

As a microbial pesticide for use on pistachio, *Aspergillus flavus* AF36 is intended for a single broadcast soil application from late May to early July. Once applied to pistachio and after exposure to moisture, *Aspergillus flavus* AF36 germinates, using the carrier upon which it is placed as a nutrient source, and displaces aflatoxin-producing strains of *Aspergillus flavus* (Ref. 2). Further, multiple-year studies, which monitored air and soil populations of *Aspergillus flavus*, including strain AF36, in untreated and treated cotton fields, demonstrated replacement of the naturally occurring aflatoxin-producing *Aspergillus flavus* with *Aspergillus flavus* AF36 without an increase in the total population of *Aspergillus flavus* beyond normal background levels (Refs. 3 and 4). Although residues from the use of pesticides containing *Aspergillus flavus* AF36 may be present on pistachios at the time of harvest, commodity processing procedures (e.g., roasting and shelling) may further reduce residues of *Aspergillus flavus* AF36 (Ref. 5).

Should this microbial pesticide be present on food as a result of the cotton, corn, and/or pistachio uses, the results of an acute oral toxicity and pathogenicity study (see Unit III. of the **Federal Register** of July 14, 2003, as well as Ref. 1) demonstrated that no toxicity, pathogenicity, and/or infectivity is likely to occur with any exposure level of *Aspergillus flavus* AF36 resulting from application as an antifungal agent in accordance with good agricultural practices.

2. *Drinking water exposure.* Similar to the drinking water exposure scenarios described for *Aspergillus flavus* AF36's cotton and corn uses (see the **Federal Register** of July 14, 2003 and March 23, 2011) exposure to residues of this microbial pesticide in consumed drinking water, resulting from pesticidal use in or on pistachio, is possible but not likely to be greater than current/existing exposures to *Aspergillus flavus* strains, which are already present in the environment. Pistachio is grown in an arid environment, which minimizes the potential for transfer of *Aspergillus flavus* AF36 to surface or ground waters that may be used as sources of drinking water. Moreover, the pesticide is applied only once per growing season at a low rate to non-aquatic sites, and offsite movement is not anticipated since the pesticide is in a granular form. If *Aspergillus flavus* AF36 were to be transferred to surface or ground waters (e.g., through runoff) that are intended for eventual human consumption and directed to wastewater treatment systems or drinking water facilities, this soilborne fungus may not survive some of the conditions water is subjected to in such systems or facilities, including chlorination, pH adjustments, and filtration (Refs. 6 and 7).

Should this microbial pesticide be present in drinking water (e.g., water not subject to treatment systems or facilities) as a result of the cotton, corn, and/or pistachio uses, the results of an acute oral toxicity and pathogenicity study (see Unit III. of the **Federal Register** of July 14, 2003, as well as Ref. 1) demonstrated that no toxicity, pathogenicity, and/or infectivity is likely to occur with any exposure level of *Aspergillus flavus* AF36 resulting from application as an antifungal agent in accordance with good agricultural practices.

B. Other Non-Occupational Exposure

Non-occupational dermal and inhalation exposure is expected to be minimal to non-existent for the uses of *Aspergillus flavus* AF36 in or on cotton, corn, and pistachio. As described previously in the **Federal Register** of

July 14, 2003 and March 23, 2011 for *Aspergillus flavus* AF36's cotton and corn uses, this antifungal agent is to be applied to agricultural sites and not in the proximity of residential areas, schools, nursing homes, or day care facilities. Additionally, the *Aspergillus flavus* AF36 product to be applied to cotton, corn, and pistachio is in a granular form, thereby minimizing drift even for application methods (e.g., aerial) that may be more likely to result in offsite pesticide movement and exposure.

V. Cumulative Effects From Substances With a Common Mechanism of Toxicity

Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance exemption, EPA consider "available information concerning the cumulative effects of [a particular pesticide's] * * * residues and other substances that have a common mechanism of toxicity."

EPA has not found *Aspergillus flavus* AF36 to share a common mechanism of toxicity with any other substances, and *Aspergillus flavus* AF36 does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that *Aspergillus flavus* AF36 does not have a common mechanism of toxicity with other substances. Therefore, section 408(b)(2)(D)(v) of FFDCA does not apply. For information regarding EPA's efforts to identify chemicals that may have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at <http://www.epa.gov/pesticides/cumulative>.

VI. Determination of Safety for U.S. Population, Infants and Children

FFDCA section 408(b)(2)(C) provides that, in considering the establishment of a tolerance or tolerance exemption for a pesticide chemical residue, EPA shall assess the available information about consumption patterns among infants and children, special susceptibility of infants and children to pesticide chemical residues, and the cumulative effects on infants and children of the residues and other substances with a common mechanism of toxicity. In addition, FFDCA section 408(b)(2)(C) provides that EPA shall apply an additional tenfold (10X) margin of exposure (safety) for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines that a different margin of exposure (safety) will be safe

for infants and children. This additional margin of exposure (safety) is commonly referred to as the Food Quality Protection Act Safety Factor. In applying this provision, EPA either retains the default value of 10X or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

In this instance, based on all the available information, EPA concludes that there are no threshold effects of concern to infants, children, or adults when *Aspergillus flavus* AF36 is used as labeled in accordance with good agricultural practices. As a result, EPA concludes that no additional margin of exposure (safety) is necessary to protect infants and children and that not adding any additional margin of exposure (safety) will be safe for infants and children.

Moreover, based on the same data and EPA analysis as presented in this unit, the Agency is able to conclude that there is a reasonable certainty that no harm will result to the U.S. population, including infants and children, from aggregate exposure to the residues of *Aspergillus flavus* AF36 when it is used as labeled and in accordance with good agricultural practices as an antifungal agent. Such exposure includes all anticipated dietary exposures and all other exposures for which there is reliable information. As discussed previously, there appears to be no potential for harm from this fungus in its use as an antifungal agent via dietary exposure since the microorganism is non-toxic and non-pathogenic to animals and humans. EPA arrived at this conclusion based on the very low levels of mammalian toxicity for acute oral and pulmonary effects with no toxicity or infectivity at the doses tested (see Unit III. of this document).

VII. Other Considerations

A. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes for the reasons stated in this document and because EPA is establishing an exemption from the requirement of a tolerance without any numerical limitation.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. In this context, EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as

required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for *Aspergillus flavus* AF36.

VIII. Conclusions

EPA concludes that there is a reasonable certainty that no harm will result to the U.S. population, including infants and children, from aggregate exposure to residues of *Aspergillus flavus* AF36. Therefore, the existing temporary tolerance exemption for *Aspergillus flavus* AF36 is amended by establishing a permanent exemption from the requirement of a tolerance for residues of *Aspergillus flavus* AF36 in or on pistachio when applied as an antifungal agent and used in accordance with good agricultural practices.

IX. References

1. U.S. EPA. 2003a. *Aspergillus flavus* AF36 Biopesticides Registration Action Document (Dated July 3, 2003). Available from http://www.epa.gov/opbppd1/biopesticides/ingredients/tech_docs/brad_006456.pdf.
2. U.S. EPA. 2011. *Aspergillus flavus* AF36 use on pistachio. Memorandum from J.V. Gagliardi, Ph.D. and J.L. Kough, Ph.D. to S. Bacchus dated September 29, 2011.
3. U.S. EPA. 2003b. Environmental Hazard Assessment for the Microbial Pesticide, *Aspergillus flavus* AF36 for Conditional Registration in Arizona and EUP Extension in Texas. Memorandum from G.S. Tomimatsu, Ph.D. and Z. Vaituzis, Ph.D. to S. Bacchus dated May 16, 2003. Available from <http://www.epa.gov/pesticides/chemical/foia/cleared-reviews/reviews/006456/006456-2003-05-16a.pdf>.
4. U.S. EPA. 2003c. BPPD Review of Soil and Air Monitoring Studies and Product Performance Testing (Efficacy) Submitted by USDA Southern Regional Research Center/IR-4 as a Condition of Registration and EUP Extension (Texas) for *Aspergillus flavus* AF36. Memorandum from G.S. Tomimatsu, Ph.D. and J. Kough, Ph.D. to S. Bacchus dated May 15, 2003. Available from <http://www.epa.gov/pesticides/chemical/foia/cleared-reviews/reviews/006456/006456-2003-05-15a.pdf>.
5. U.S. EPA. 1996. Microbial Pesticide Test Guidelines—Background for Residue Analysis of Microbial Pest Control Agents (OPPTS 885.2000). Available from <http://www.epa.gov/ocsp/pubs/>

[frs/publications/Test_Guidelines/series885.htm](http://www.epa.gov/ocsp/pubs/frs/publications/Test_Guidelines/series885.htm).

6. Centers for Disease Control and Prevention. 2009. Drinking Water—Water Treatment. Available from http://www.cdc.gov/healthywater/drinking/public/water_treatment.html.
7. U.S. EPA. 2004. Primer for Municipal Wastewater Treatment Systems. EPA 832-R-04-001. Available from <http://www.epa.gov/npdes/pubs/primer.pdf>.

X. Statutory and Executive Order Reviews

This final rule amends a tolerance exemption under section 408(d) of FFDCA in response to a petition submitted to EPA. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled “Regulatory Planning and Review” (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001), or Executive Order 13045, entitled “Protection of Children from Environmental Health Risks and Safety Risks” (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, nor does it require any special considerations under Executive Order 12898, entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are amended on the basis of a petition under FFDCA section 408(d), such as the tolerance exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes. As a result, this action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, EPA has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between

the Federal Government and Indian tribes. Thus, EPA has determined that Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999), and Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249, November 9, 2000), do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4).

This action does not involve any technical standards that would require EPA consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note).

XI. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 29, 2012.

Keith A. Matthews,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Section 180.1206 is amended by revising paragraph (b) to read as follows:

§ 180.1206 *Aspergillus flavus* AF36; exemption from the requirement of a tolerance.

* * * * *

(b) An exemption from the requirement of a tolerance is established

for residues of *Aspergillus flavus* AF36 in or on pistachio when applied as an antifungal agent and used in accordance with good agricultural practices.

* * * * *

[FR Doc. 2012-5769 Filed 3-8-12; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2010-0349; FRL-9335-7]

Penthiopyrad; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of penthiopyrad in or on multiple commodities which are identified and discussed later in this document. Mitsui Chemical Agro, Inc. c/o Landis International Inc. requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective March 9, 2012. Objections and requests for hearings must be received on or before May 8, 2012, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2010-0349. All documents in the docket are listed in the docket index available at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: Tawanda Maignan, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection

Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (703) 308-8050; email address: maignan.tawanda@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to those engaged in the following activities:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl. To access the harmonized test guidelines referenced in this document electronically, please go to <http://www.epa.gov/ocspp> and select "Test Methods and Guidelines."

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2010-0349 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be

received by the Hearing Clerk on or before May 8, 2012. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit a copy of your non-CBI objection or hearing request, identified by docket ID number EPA-HQ-OPP-2010-0349, by one of the following methods:

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

- *Mail:* Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001.

- *Delivery:* OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

II. Summary of Petitioned-For Tolerances

In the **Federal Register** of October 27, 2010 (75 FR 66092) (FRL-8848-3), EPA issued a notice pursuant to section 408(d)(3) of FFDCA, 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 9F7661) by Mitsui Chemical Agro, Inc. c/o Landis International Inc., P.O. Box 5126 Valdosta, GA 31603-5126. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the fungicide penthiopyrad, (RS)-N-[2-(1,3-dimethylbutyl)-3-thienyl]-1-methyl-3-(trifluoromethyl)-1H-pyrazole-4-carboxamide, in or on fruit, pome, group 11 at 0.4 parts per million (ppm); apple, wet pomace at 1.0 ppm; fruit, stone, group 12 at 4.0 ppm; low growing berry, subgroup 13-07G at 3.0 ppm; vegetable, bulb, group 3 at 4.0 ppm; vegetable, brassica head and stem, subgroup 5A at 8.0 ppm; vegetable, brassica leafy, subgroup 5B at 45 ppm; vegetable, fruiting, group 8 at 2.5 ppm; tomato, paste at 5.0 ppm; vegetable, cucurbit, group 9 at 1.0 ppm; vegetable, leafy, except brassica, group 4 at 20

ppm; vegetable, root, subgroup 1A at 2.5 ppm; vegetable, tuberous and corm, subgroup 1C at 0.06 ppm; vegetables, leaves of root and tuber, group 2 at 55 ppm; vegetable, edible-podded legume, subgroup 6A at 2.5 ppm; vegetable, succulent, shelled peas and beans, subgroup 6B at 0.4 ppm; vegetable, pea and bean, dried shelled, except soybean, subgroup 6C at 0.3 ppm; soybean, seed at 0.3 ppm; soybean, hulls at 1.0 ppm; peanut, nutmeat at 0.04 ppm; grain, cereal (except corn, millet, sorghum) at 0.2 ppm; corn, field, sweet, pop at 0.01 ppm; corn, refined oil at 0.03 ppm; cereal grain, millet at 0.9 ppm; cereal grain, sorghum at 0.9 ppm; nut, tree, group 14 (including pistachios) at 0.05 ppm; almond, hulls at 6.0 ppm; canola at 1.0 ppm; sunflower at 0.8 ppm; cotton, seed at 0.35 ppm; cotton, gin byproducts at 10 ppm; alfalfa, forage at 10 ppm; alfalfa, hay at 25 ppm; foliage of legume vegetables, group 7, hay at 80 ppm; foliage of legume vegetables, group 7, vines/forage at 30 ppm; peanut, hay at 50 ppm; grain, cereal, group 16, hay at 90 ppm; grain, cereal, group 16, forage at 25 ppm; grain, cereal, group 16, straw at 2 ppm; grain, cereal, stover at 11 ppm and establishing tolerances for residues of penthiopyrad, (RS)-N-[2-(1,3-dimethylbutyl)-3-thienyl]-1-methyl-3-(trifluoromethyl)-pyrazole-4-carboxamide and its major metabolite PAM (1-methyl-3-trifluoromethyl-1H-pyrazole-4-carboxamide) in animal commodities hog, meat at 0.01 ppm; hog, fat at 0.01 ppm; hog, liver at 0.01 ppm; hog, kidney at 0.01 ppm; hog, meat byproducts at 0.01 ppm; cattle, meat at 0.05 ppm; cattle, fat at 0.05 ppm; cattle, liver at 0.2 ppm; cattle, kidney at 0.1 ppm; cattle, meat byproducts at 0.2 ppm; sheep, meat at 0.01 ppm; sheep, fat at 0.02 ppm; sheep, liver at 0.05 ppm; sheep, kidney at 0.02 ppm; sheep, meat byproducts at 0.05 ppm; milk at 0.05 ppm; milk, fat at 0.01 ppm; poultry, meat at 0.01 ppm; poultry, fat at 0.01 ppm; poultry, liver at 0.01 ppm; poultry, meat byproducts at 0.01 ppm; poultry, eggs at 0.01 ppm. That notice referenced a summary of the petition prepared by Mitsui Chemical Agro, Inc. c/o Landis International, the registrant, which is available in the docket, <http://www.regulations.gov>. There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition, EPA has revised several of the proposed tolerance levels. The reasons for these changes are explained in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) of FFDCA defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue * * *."

Consistent with section 408(b)(2)(D) of FFDCA, and the factors specified in section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for penthiopyrad including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with penthiopyrad follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

For penthiopyrad, the liver and thyroid are the target organs. In toxicity studies, short-term oral exposure resulted in liver alterations in rats and mice at similar doses, and in dogs at higher doses. Short-term exposure also resulted in thyroid changes in mice and rats. Other effects observed were body weight changes and hematological alterations in rats and dogs, along with gallbladder effects in dogs. Short-term dermal exposure did not result in dermal irritation or systemic effects up to the limit dose tested.

Long-term exposure in rats resulted in liver effects; adrenal, ovarian, and

thyroid hypertrophy; and thyroid tumors. In mice, chronic exposure led to liver and thyroid effects and liver tumors. In dogs, effects noted (liver, gallbladder, and adrenal glands) were similar to those seen in subchronic dog studies, with the addition of more progressive gallbladder effects.

No evidence of increased quantitative or qualitative susceptibility was observed in developmental toxicity studies in rats or rabbits or in a reproduction toxicity study in rats. However, increased quantitative susceptibility was seen in a developmental neurotoxicity (DNT) study in rats. In the DNT, decreased body weight, increased motor activity, and tremors were seen in offspring animals in the absence of maternal toxicity.

Clinical signs (hunched posture, unsteady gait, reduced body temperature, and increased landing foots play) were observed in the acute neurotoxicity study in rats. However, no clinical signs were observed in the subchronic neurotoxicity study in rats. In the immunotoxicity study in mice, decreased plaque forming ability was observed at the limit dose. However, in the immunotoxicity study in rats, no evidence of immunotoxicity was observed up to the highest dose tested. Penthioopyrad has been classified as having "suggestive evidence of carcinogenicity." Although liver tumors were seen in a cancer study in the mouse, the tumors were only observed

at high doses and only noted in one sex and one species. The no-observed-adverse-effect-level (NOAEL) (27 milligrams/kilogram/day (mg/kg)) used for establishing the chronic reference dose is approximately 10-fold lower than the lowest dose (200 mg/kg/day) that induced liver tumors in mice. Based on these factors, including the fact that the only tumors seen were liver tumors in mice, the Agency has determined that the quantification of risk using a non-linear approach will adequately account for all chronic toxicity, including carcinogenicity that could result from exposure to penthiopyrad. The EPA received a number of studies for penthiopyrad metabolites, including subchronic oral, mutagenicity studies, etc.; however, none of these studies indicated that metabolites were more toxic than the parent.

Specific information on the studies received and the nature of the adverse effects caused by penthiopyrad as well as the NOAEL and can be found at <http://www.regulations.gov> in the document "Penthiopyrad. Human Health Risk Assessment for the Section 3 Registration Action on Numerous Agricultural Crops, Turfgrass, and Ornamentals," starting on page 23 in docket ID number EPA-HQ-OPP-2010-0349.

B. Toxicological Points of Departure/ Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies

toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see <http://www.epa.gov/pesticides/factsheets/riskassess.htm>.

A summary of the toxicological endpoints for penthiopyrad used for human risk assessment is shown in Table 1 of this unit.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR PENTHIOPYRAD FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/Scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (All populations) ..	NOAEL = 125 mg/kg/day UF _A = 10x UF _H = 10x FQPA SF = 1x	Acute RfD = 1.25 mg/kg/day aPAD = 1.25 mg/kg/day	Acute Neurotoxicity in Rats LOAEL = 500 mg/kg/day based on transient functional alterations (e.g., hunched posture, unsteady gait, reduced body temperature, and increased landing foot splay) and decreased motor activity at the estimated time-to-peak-effect (4 hours) on the day of administration.
Chronic dietary (All populations)	NOAEL = 27 mg/kg/day UF _A = 10x UF _H = 10x FQPA SF = 1x	Chronic RfD = 0.27 mg/kg/day cPAD = 0.27 mg/kg/day	<i>Co-critical studies.</i> Chronic Toxicity/Carcinogenicity in Rats LOAEL = 83 mg/kg/day, based on decreased body weight gain and adrenal effects in females and hepatic periportal fatty degeneration in males. Chronic Toxicity in Rats LOAEL = 100 mg/kg/day, based on altered plasma chemistry profile, increased liver weight and alterations in the adrenal and thyroid glands.
Incidental Oral short-term (1 to 30 days) and intermediate-term (1 to 6 months).	NOAEL = 27 mg/kg/day UF _A = 10x UF _H = 10x FQPA SF = 1x	Residential LOC for MOE = 100.	28-Day Oral Toxicity in Dogs LOAEL = 80 mg/kg/day, based on mucosal edema in the gall bladder.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR PENTHIOPYRAD FOR USE IN HUMAN HEALTH RISK ASSESSMENT—Continued

Exposure/Scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Children's Dermal short-term (1 to 30 days) and intermediate-term (1 to 6 months).	NOAEL = 100 mg/kg/day (dermal absorption factor = 40%). UF _A = 10x UF _H = 10x FQPA SF = 1x	Residential LOC for MOE = 100.	Postnatal Developmental Neurotoxicity in Rats LOAEL = 250 mg/kg/day, based on decreased body weight (8%) in offspring animals seen in the absence of maternal toxicity.
Adult Dermal short-term (1 to 30 days) and intermediate-term (1 to 6 months).	NOAEL = 75 mg/kg/day (dermal absorption factor = 40%). UF _A = 10x UF _H = 10x	Residential LOC for MOE = 100.	Developmental in Rabbits LOAEL = 225 mg/kg/day, based on abortion.
Inhalation short-term (1 to 30 days) and intermediate-term (1 to 6 months).	Inhalation (or oral) study NOAEL = 27 mg/kg/day (inhalation absorption factor = 100%) UF _A = 10x UF _H = 10x FQPA SF = 1x	LOC for MOE = 100	28-Day Oral Toxicity in Dogs LOAEL = 80 mg/kg/day, based on mucosal edema in the gall bladder.
Cancer (Oral, dermal, inhalation).	Classification: "Suggestive Evidence of Carcinogenicity" based on liver tumors in male mice. The dose and non-cancer endpoint selected for chronic dietary exposure (cRfD) are protective of potential cancer effects.		

UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies). FQPA SF = Food Quality Protection Act Safety Factor. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. MOE = margin of exposure. LOC = level of concern. milligrams/kilograms/day = mg/kg/day.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to penthiopyrad, EPA considered exposure under the petitioned-for tolerances. EPA assessed dietary exposures from penthiopyrad in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

Such effects were identified for penthiopyrad. In estimating acute dietary exposure, EPA used food consumption information from the U.S. Department of Agriculture (USDA) 1994–1996 and 1998 Nationwide Continuing Surveys of Food Intakes by Individuals (CSFII). As to residue levels in food, EPA used tolerance-level residues, 100% crop treated assumptions for all commodities, and both default and empirical processing factors.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the USDA 1994–1996 and 1998 CSFII. As to residue levels in food, EPA used tolerance-level residues, 100% crop treated assumptions for all commodities, and both default and empirical processing factors.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has determined that quantification using a

linear low dose approach was not required, and the chronic dose and endpoint are considered to be protective of cancer effects. Thus, no separate exposure assessment was performed in assessing cancer risk.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for penthiopyrad in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of penthiopyrad. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at <http://www.epa.gov/oppefed1/models/water/index.htm>.

Based on the First Index Reservoir Screening Tool (FIRST), provisional Tier 1 Cranberry and Screening Concentration in Ground Water (SCI-GROW) models, the estimated drinking water concentrations (EDWCs) of penthiopyrad for acute exposures are estimated to be 289 parts per billion (ppb) for surface water and ≤98 ppb for groundwater. For chronic exposures are estimated to be 222 ppb for surface water and ≤98 ppb for groundwater. The surface water estimates were used for both the acute and chronic (non-cancer/cancer) assessments because they were higher than the groundwater estimates. Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model.

3. *From non-dietary exposure.* The term “residential exposure” is used in

this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Penthiopyrad is currently registered for the following use that could result in residential exposures: Turfgrass. EPA assessed residential exposure using the following assumptions:

No chemical-specific unit exposure data were provided in support of this submission; therefore, the Occupational Pesticide Handler Unit Exposure Surrogate Reference Table (June 2011) and the Outdoor Residential Exposure Task Force (OREFT) study unit exposures were used to estimate handler exposures. These unit exposures were based on residential handlers wearing short pants, short-sleeved shirt, and no gloves.

Postapplication scenarios include children (1 to 3 years old) playing on treated turf, adults performing yard work on treated turf, and adults playing golf on treated turf. The postapplication scenarios resulting from commercial and residential applications were assessed using default assumptions and transfer coefficients from the EPA Draft SOPs for Residential Exposure Assessments, 2000. As the short- and intermediate-term dermal endpoints are the same for each route of exposure, only short-term dermal exposures were assessed for adults and children. EPA estimates short-term dermal postapplication exposure based on day-0 residues, that is, the residue

present on the day of application. Using day-0 residues to assess intermediate-term exposure does not take into account dissipation of residues over time and, thus, results in a conservative estimate. Therefore, the short-term dermal postapplication exposure assessment represents the worst case scenario and is protective of intermediate-term dermal exposure. Additionally, oral non-dietary ingestion exposures were assessed for children (i.e., soil ingestion, and hand-/object-to-mouth). Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at <http://www.epa.gov/pesticides/trac/science/trac6a05.pdf>.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

EPA has not found penthiopyrad to share a common mechanism of toxicity with any other substances, and penthiopyrad does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that penthiopyrad does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at <http://www.epa.gov/pesticides/cumulative>.

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* There is no evidence of increased

quantitative or qualitative susceptibility in developmental toxicity studies on rats/rabbits or in a reproduction toxicity study on rats. However, there is evidence of increased susceptibility following prenatal/or postnatal exposure in preliminary and definitive DNT studies on rats. Effects include decreased body weight, increased motor activity, and tremors (definitive), as well as mortality (preliminary).

Although increased susceptibility was seen in the DNT studies, the EPA concluded that there is a low concern and no residual uncertainties for prenatal and/or postnatal toxicity effects of penthiopyrad because:

- The pup body weight changes noted in the definitive and preliminary DNT studies were observed in other developmental/reproduction studies at similar doses. Additionally, the body weight changes in these studies occurred in the presence of significant maternal toxicity and there was no evidence of increased susceptibility. Although clinical signs (tremors and increased motor activity) were noted in offspring animals in the DNT study, the neurotoxic potential of penthiopyrad has been adequately characterized in the available neurotoxicity studies. In the preliminary DNT study, mortality was observed in the offspring animals at the limit dose. However, this finding is attributed to the poor condition (body weight loss, under activity, pallor) of the offspring animals in this dose group.

- Clear NOAELs have been identified for all offspring effects and the risk assessments are based on the most sensitive endpoints. Therefore, the NOAELs selected for risk assessment are protective of potential developmental and offspring effects.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1x. That decision is based on the following findings:

- i. The toxicity database for penthiopyrad is complete.
- ii. There is no concern for neurotoxicity after exposure to penthiopyrad. A complete neurotoxicity battery is available for penthiopyrad. This includes acute neurotoxicity, subchronic neurotoxicity, and DNT studies in rats. As a result, the neurotoxic potential of penthiopyrad is well characterized and no additional data are needed

- iii. There is no residual concern regarding increased quantitative or qualitative prenatal and/or postnatal susceptibility for the reasons explained in Unit III.D.2.

- iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100% crop treated and tolerance-level residues. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to penthiopyrad in drinking water. EPA used similarly conservative assumptions to assess residential exposures, including those of adults applying penthiopyrad and postapplication exposures of adults and children as well as incidental oral exposure of toddlers. These assessments will not underestimate the exposure and risks posed by penthiopyrad.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to penthiopyrad will occupy 7% of the aPAD for the general U.S. population and 11% of the aPAD for children 1 to 2 years old (the population group receiving the greatest exposure). Since acute aggregate risk results from exposure to residues in food and water alone, the acute aggregate risks are not of concern.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to penthiopyrad from food and water will utilize 11% of the cPAD for the general U.S. population and 19% of the cPAD for children 1 to 2 years old (the population group receiving the greatest exposure). Since there are no residential scenarios that result in long-term exposure to penthiopyrad, the chronic aggregate risks are equivalent to the chronic dietary risks and are not of concern.

3. *Short-/intermediate-term risk.* Short-/intermediate-term aggregate exposure takes into account short-/intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). The short-/

intermediate-term toxicological endpoints for penthiopyrad are the same for each route of exposure. Therefore, for residential exposure scenarios, only short-term exposures were assessed, and are protective of intermediate-term exposure and risk. Penthiopyrad is proposed for registration for uses that could result in short-/intermediate-term residential exposures, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to penthiopyrad.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded that the combined short-term food, water, and residential exposures result in adult aggregate estimated MOEs of 580 for males and females. Furthermore, although there is the potential for exposure to children resulting from two different routes (i.e. dermal and oral exposure), the toxicological effects from the dermal and oral routes of exposure are different. As a result, a combined residential exposure assessment was not conducted for children. The short-term aggregate risk assessment for children resulted in estimated MOEs of 500 for dermal and 410 for oral exposure. Because EPA's level of concern for penthiopyrad is a MOE of 100 or below, these MOEs are not of concern.

4. *Aggregate cancer risk for U.S. population.* Based on the relevant cancer studies EPA has concluded that the pesticide poses no greater than a negligible cancer risk and the chronic dietary risk assessment is protective of cancer effects and, therefore, cancer risk resulting from exposure to penthiopyrad is not of concern.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to penthiopyrad residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate liquid chromatography methods with tandem mass spectrometry (LC/MS/MS) are available to enforce the tolerance expressions for penthiopyrad in plant (Method CEMR 3727 also known as Method CEM 3399-001) and livestock (Methods LDA0082 and LDA0083) matrices.

The methods may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755-5350; telephone number: (410) 305-2905;

email address: residuemethods@epa.gov.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint U.N. Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established MRLs for the new active ingredient penthiopyrad.

C. Revisions to Petitioned-For Tolerances

The EPA has revised several of the proposed tolerance levels. The major reason for the modifications is that the petitioner determined the proposed tolerances using the tolerance calculation procedure utilized by countries in the North American Free Trade Agreement but EPA conducted a joint review of this chemical with the United Kingdom and utilized a similar, but slightly different tolerance calculation procedure followed by the Organization for Economic Co-operation and Development.

V. Conclusion

Therefore, tolerances are established for residues of penthiopyrad, N-[2-(1,3-dimethylbutyl)-3-thienyl]-1-methyl-3-(trifluoromethyl)-1H-pyrazole-4-carboxamide, in or on plant and livestock commodities as indicated below.

VI. Statutory and Executive Order Reviews

This final rule establishes tolerances under section 408(d) of FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is

not subject to Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled *Protection of Children From Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of FFDCA, such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of FFDCA. As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled *Consultation and Coordination With Indian Tribal Governments* (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note).

VII. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides

that before a rule may take effect, the agency promulgating the rule must submit a rule report to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 24, 2012.

Steven Bradbury,

Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Add § 180.658 to subpart C to read as follows:

§ 180.658 Penthioopyrad; tolerances for residues.

(a) *General.* (1) Tolerances are established for residues of penthiopyrad, including its metabolites and degradates, in or on the commodities in the table below. Compliance with the tolerance levels specified below is to be determined by measuring only penthiopyrad (*N*-[2-(1,3-dimethylbutyl)-3-thienyl]-1-methyl-3-(trifluoromethyl)-1H-pyrazole-4-carboxamide).

Commodity	Parts per million
Alfalfa, forage	7.0
Alfalfa, hay	20
Almond, hulls	6.0
Apple, wet pomace	1.5
Barley, grain	0.15
Barley, hay	80
Barley, milled byproducts	0.90
Barley, straw	1.0
Beet, sugar, dried pulp	1.5
Beet, sugar, roots	0.5
Berry, low growing, subgroup 13–07G	3.0
Brassica, head and stem, subgroup 5A	5.0
Brassica, leafy greens, subgroup 5B	50
Buckwheat, grain	0.15
Canola	1.5

Commodity	Parts per million
Corn, field, forage	40
Corn, field, grain	0.01
Corn, field, refined oil	0.05
Corn, field, stover	15
Corn, pop, grain	0.01
Corn, sweet, kernel plus cob with husks removed	0.01
Cotton, seed	1.5
Cotton, gin byproducts	15
Fruit, pome, group 11–10	0.50
Fruit, stone, group 12	4.0
Grain, aspirated fractions	30
Millet, <i>spp.</i>	0.80
Nut, tree, group 14	0.06
Oat, forage	40
Oat, grain	0.15
Oat, hay	80
Oat, straw	1.0
Pea and bean, dried shelled, except soybean, subgroup 6C	0.40
Peanut	0.04
Peanut, hay	30
Peanut, refined oil	0.06
Pistachio	0.06
Potato, processed potato waste	0.20
Rye, forage	40
Rye, grain	0.15
Rye, straw	1.0
Sorghum, forage	40
Sorghum, grain, grain	0.80
Sorghum, stover	15
Soybean, seed	0.40
Sunflower, seed	1.5
Teosinte, grain	0.15
Tomato, paste	3.5
Triticale, forage	40
Triticale, grain	0.15
Triticale, hay	80
Triticale, straw	1.0
Vegetable, bulb, group 3–07	3.0
Vegetable, cucurbit, group 9	0.60
Vegetable, foliage of legume, group 7, hay	200
Vegetable, foliage of legume, group 7, vines/forage	50
Vegetable, fruiting, group 8–10	3.0
Vegetable, leafy, except brassica, group 4	30
Vegetable, leaves of root and tuber, group 2	50
Vegetable, legume, edible podded, subgroup 6A	4.0
Vegetable, legume, succulent shelled, subgroup 6B	0.40
Vegetable, root, subgroup 1B, except sugar beet	3.0
Vegetable, tuber and corn, subgroup 1C	0.06
Wheat, forage	40
Wheat, grain	0.15
Wheat, hay	80
Wheat, milled byproducts	0.30
Wheat, straw	1.0

(2) Tolerances are established for residues of penthiopyrad, including its metabolites and degradates, in or on the commodities in the table below. Compliance with the tolerance levels specified below is to be determined by measuring only the sum of penthiopyrad (*N*-[2-(1,3-dimethylbutyl)-

3-thienyl]-1-methyl-3-(trifluoromethyl)-1H-pyrazole-4-carboxamide) and its metabolite (1-methyl-3-trifluoromethyl-1H-pyrazole-4-carboxamide), calculated as the stoichiometric equivalent of penthiopyrad, in or on the commodity.

Commodity	Parts per million
Cattle, fat	0.03
Cattle, meat	0.03
Cattle, meat byproducts	0.09
Goat, fat	0.03
Goat, meat	0.03
Goat, meat byproducts	0.09
Horse, fat	0.03
Horse, meat	0.03
Horse, meat byproducts	0.09
Milk	0.02
Sheep, fat	0.03
Sheep, meat	0.03
Sheep, meat byproducts	0.09

(b) *Section 18 emergency exemptions.*

[Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.*

[Reserved]

[FR Doc. 2012–5650 Filed 3–8–12; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 51 and 54

[WC Docket Nos. 10–90, 07–135, 05–337, 03–109; GN Docket No. 09–51; CC Docket Nos. 01–92, 96–45; WT Docket No. 10–208; DA 12–147]

Connect America Fund; a National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission clarifies certain rules. This document also modifies certain initial filing deadlines required to comply with the Paperwork Reduction Act requirements, and finds good cause to delete certain rules that are now obsolete.

DATES: Effective April 9, 2012, except for §§ 54.313(a)(9), 54.313(f)(2), and 54.1003(b), which contain information collection requirements that are not effective until approved by the Office of Management and Budget. The Federal Communications Commission will publish a document in the **Federal Register** announcing the effective date for those sections.

FOR FURTHER INFORMATION CONTACT:

Amy Bender, Wireline Competition Bureau, (202) 418-1469, Victoria Goldberg, Wireline Competition Bureau, (202) 418-7353, and Margaret Wiener, Wireless Telecommunications Bureau, (202) 418-2176 or TTY: (202) 418-0484.

SUPPLEMENTARY INFORMATION: This is a summary of the Wireline Competition Bureau and the Wireless Telecommunications Bureau's Order in WC Docket Nos. 10-90, 07-135, 05-337, 03-109; GN Docket No. 09-51; CC Docket Nos. 01-92, 96-45; WT Docket No. 10-208; DA 12-147, released on February 3, 2012. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY-A257, 445 12th Street SW., Washington, DC 20554. Or at the following Internet address: http://transition.fcc.gov/Daily_Releases/Daily_Business/2012/db0203/DA-12-147A1.pdf.

I. Introduction

1. In the *USF/ICC Transformation Order*, 76 FR 76623, December 8, 2011, the Commission delegated to the Wireline Competition Bureau and the Wireless Telecommunications Bureau (Bureaus) the authority to revise and clarify rules as necessary to ensure that the reforms adopted in the *Order* are properly reflected in the rules. In this Order, the Bureaus act pursuant to this delegated authority to revise and clarify certain rules, and act pursuant to authority delegated to the Bureaus in §§ 0.91, 0.131, 0.201(d), 0.291, and 0.331 of the Commission's rules to clarify certain rules. This Order also modifies certain initial filing deadlines required by § 54.313 of the Commission's rules as necessary to comply with the Paperwork Reduction Act (PRA) requirements, and finds good cause to delete certain rules that are now obsolete.

2. The Bureaus note that petitions for reconsideration of certain aspects of the *USF/ICC Transformation Order* are pending before the Commission and will be addressed by the Commission in due course. Nothing in this Order is intended to prejudge Commission action with respect to those petitions.

II. Discussion**A. Universal Service**

3. *Rate Floor.* In the *USF/ICC Transformation Order*, the Commission adopted a rule reducing high-cost support for incumbent carriers receiving high-cost support that charged local rates below a nationwide rate benchmark. The *Order* "reduce[s], on a

dollar-for-dollar basis, HCLS and CAF phase I support," but excludes Interstate Common Line Support (ICLS) on the basis that it supports "interstate rates, not intrastate end-user rates." The *Order* does not specify how the offsets would apply to frozen high-cost support provided pursuant to CAF Phase I, which commingles intrastate and interstate support. For the purposes of calculating certain interstate rates, frozen CAF Phase I support remains attributable to the interstate jurisdiction to the extent that the frozen CAF Phase I support replaced Interstate Access Support. Moreover, the codified rule, § 54.318(d), makes clear that this rate reduction only applies to HCLS and HCMS. In this Order, the Wireline Competition Bureau (Bureau) amends § 54.318(d) to clarify that support reductions associated with the rate floor will offset frozen CAF Phase I support only to the extent that the recipient's frozen CAF Phase I support replaced HCLS and HCMS. The offset does not apply to frozen CAF Phase I support to the extent that it replaced IAS and ICLS.

4. *Reporting Requirements for High-Cost Recipients.* In the *USF/ICC Transformation Order*, the Commission adopted or modified several reporting requirements for eligible telecommunications carriers (ETCs) that receive high-cost support. In particular, the Commission adopted a rule, codified in § 54.313, requiring all ETCs receiving high-cost support to file annual reports regarding compliance with the Commission's rules and progress toward its universal service goals. Several of these requirements had previously applied only to federally designated ETCs, under former § 54.209. The *Order* states that § 54.313 annual reports will be due annually by April 1, beginning on April 1, 2012. As specified in the *Order*, however, any new reporting requirements are not effective until **Federal Register** publication of approval by the Office of Management and Budget of the associated information collections under the Paperwork Reduction Act (PRA). The Commission delegated authority to the Bureau to modify initial filing deadlines required by § 54.313 as necessary to comply with the PRA requirements. In this Order, the Bureau clarifies several aspects of those reporting requirements and provides guidance regarding the associated timing of such requirements.

5. First, the Commission stated in the *USF/ICC Transformation Order* that all ETCs are required to file a new five-year build-out plan by April 1, 2013, to account for the new broadband obligations established in the *Order*. The Bureau hereby amends

§ 54.313(a)(1) to clarify this requirement.

6. ETCs previously designated by the Commission are still required to file a progress report on their existing five-year build-out plans currently on file with the Commission but, this year, the progress reports will be due April 1 rather than October 1. On April 1, 2013, those ETCs are required to file with the Commission a new five-year build-out plan that accounts for the new broadband obligations (which will replace the five-year build-out plan currently on file with the Commission) and to send copies to the relevant state commission, relevant authority in a U.S. Territory, or Tribal government, as appropriate. And beginning April 1, 2014, those ETCs are required to file annual progress reports on their new five-year build-out plans.

7. ETCs that have been designated by a state commission should continue to comply with state requirements, if any, regarding service improvement plans. If a state commission previously required an ETC to file a service quality improvement plan or annual updates with the state commission then the ETC should do so, but that ETC is not required to send a copy to the Commission. Similarly, ETCs that are not required by a state commission to file a quality improvement plan with the state commission are not required to file a plan with the Commission this year. However, on April 1, 2013, all state-designated ETCs are required to file with the Commission five-year build-out plans that account for the new broadband obligations adopted in the *USF/ICC Transformation Order* and to send copies to the relevant state commission, relevant authority in a U.S. Territory, or Tribal government, as appropriate. And beginning April 1, 2014 all state-designated ETCs are required to file annual progress reports on their five-year build-out plans.

8. In the *Order*, the Commission explained that the five-year build-out plan filed on April 1, 2013 should be consistent with § 54.202(a)(1)(ii). That is, it should describe with specificity proposed improvements or upgrades to the ETC's network throughout its service area, including estimating the area and population that will be served as a result of improvements. This requirement to file a new five-year build-out plan only applies to ETCs that receive high-cost support.

9. Second, § 54.313(a)(2)-(6) requires ETCs annually to file information concerning outages, unfulfilled service requests, and complaints, among other things. We clarify that ETCs that have been designated by the Commission are

still required to file that information with respect to their provision of voice service during 2011. But this year, it will be due April 1 rather than October 1. Beginning April 1, 2013, and annually thereafter, those ETCs must file such information separately broken out for both voice and broadband service.

10. We recognize that ETCs that have been designated by a state commission may not have been required to collect and report this information with respect to their provision of voice service during 2011. If state-designated ETCs did not collect this information during 2011, then it would be impossible for them to report it to the Commission in 2012, and they are not required to do so. If state-designated ETCs are subject to a state requirement to report some or all of this information annually to the state, however, then they should file a copy of any relevant information with the Commission in 2012. The Bureau will provide impacted ETCs sufficient time after PRA approval is obtained to file the relevant information. Beginning April 1, 2013, and annually thereafter, state-designated ETCs must file all of the information required by § 54.313(a)(2)–(6), and such information must be separately broken out for both voice and broadband service.

11. Third, the *USF/ICC Transformation Order* requires that high-cost support recipients provide information demonstrating that they have engaged with Tribal governments in their supported areas, but does not specify a date for doing so. The *Order* also delegated to the Office of Native Affairs and Policy (ONAP), in coordination with WCB and WTB, the authority to develop processes to guide support recipients in such engagements. Because it will take some time to finalize these processes and for affected ETCs to comply with those requirements, the Bureau clarifies that the initial deadline for reporting information pursuant to this requirement is April 1, 2013 and annually thereafter. That is, ETCs are required to undertake their Tribal engagement obligations in 2012 after ONAP provides engagement process guidance, which will be the substance of the reporting beginning April 1, 2013 and annually thereafter.

12. Fourth, the *USF/ICC Transformation Order* requires high-cost recipients to annually report ownership information, but does not specify a date for doing so. The Bureau will provide affected ETCs sufficient time after PRA approval is obtained to file the required information. Beginning in 2013, and

annually thereafter, the information must be filed by April 1.

13. Fifth, the *USF/ICC Transformation Order* adopts financial reporting requirements for privately held rate-of-return carriers and specifies that this information must be reported beginning April 1, 2012, subject to PRA approval. The Bureau clarifies that the April 1 reporting date will not be applicable if PRA approval is not received prior to April 1 with sufficient time for respondents to comply. The Bureau will provide sufficient time once PRA approval is obtained for affected ETCs to comply with this requirement.

14. Sixth, the *USF/ICC Transformation Order* specified that privately held rate-of-return carriers that receive loans from the Rural Utilities Service (RUS) could satisfy their financial reporting obligation by providing electronic copies of their annual RUS reports to the Commission. The Bureau modifies § 54.313(f)(2) to reflect the Commission's intent that such companies may file their RUS reports in lieu of an audited financial statement.

15. *Application of the Per-Line Cap to Competitive Eligible Telecommunications Carrier (ETC) Phase Down.* In the *USF/ICC Transformation Order*, the Commission adopted an annual baseline for the phase down of competitive ETC support equal to the lesser of the amount of support the competitive ETC received in 2011 or \$3000 per loop (which is \$250 per line per month). In this *Order*, the Bureau clarifies that the \$3000 per-loop limit is applicable to competitive ETCs at the incumbent study area level. For example, if a competitive ETC receives an average of \$2000 per loop per year serving multiple incumbent study areas, but it receives \$3500 per loop per year in one of the study areas, the cap will constrain the competitive ETC's support in that study area. This clarification ensures that, consistent with the Commission's stated rationale, the competitive ETCs' baselines are commensurate with adjustments to the support provided to incumbents serving the same areas.

16. *Elimination of Section 54.315 (Disaggregation).* Section 54.315 of the Commission's rules permits incumbent local exchange carriers to target the high-cost universal service support they receive to specific areas within their study areas based on the relative costs of serving those areas. This disaggregation of support was intended to ensure that competitive ETCs receive an appropriate per-line support amount for the various areas within the incumbent study area, rather than a

single, undifferentiated per-line support amount for the entire study area. Because the Commission eliminated the identical support rule in the *USF/ICC Transformation Order* and competitive ETCs therefore no longer receive support based on incumbent support amounts, the Commission's disaggregation rule is now obsolete. Because this rule is obsolete, we find good cause to delete it without notice and comment.

17. *Elimination of Quarterly Line Counts in Areas Served by a Competitive ETC.* In the *USF/ICC Transformation Order*, the Commission eliminated the identical support rule and adopted a process to phase down competitive ETC support. The Commission also eliminated the requirement that competitive ETCs, except those serving remote areas of Alaska, file quarterly line counts. In this *Order*, the Bureau amends § 54.903(a)(2) to eliminate requirements for certain quarterly line count filings by incumbent carriers that were necessary only for the purpose of calculating support for competitive ETCs pursuant to the identical support rule. Carriers filing quarterly line counts pursuant to § 54.903(a)(2) solely because of the presence of a competitive ETC will no longer be required to file line counts on a quarterly basis. Carriers may continue to file voluntary updates of line counts. Because the quarterly line filing requirement is obsolete, the Bureau finds good cause to change the Commission's rules without notice and comment.

18. *Elimination of Average Schedule Formula for Local Switching Support.* In the *USF/ICC Transformation Order*, the Commission eliminated local switching support (LSS) but did not delete § 54.301, governing LSS, from its rules because several elements continue to be applicable for the purposes of true-up support for prior years. Pursuant to § 54.301(f), the Administrator is required each year to file a proposed formula for calculating LSS for average schedule companies in the next year. Because LSS calculations will not be required on a going forward basis, this requirement is obsolete and the Bureau deletes § 54.301(f). Because this rule is obsolete, we find good cause to delete it without notice and comment.

19. *Mobility Fund Phase I Eligibility—Access to Spectrum Requirement.* In the *USF/ICC Transformation Order*, the Commission required that any applicant for a Mobility Fund Phase I auction have access to the spectrum necessary to fulfill any obligations related to support. The Commission further required that such access through a license or leasing

arrangement be in effect prior to auction. In order to facilitate auction participation, the Commission concluded that a party could fulfill the spectrum access requirement by acquiring spectrum access that is contingent on obtaining support in the auction. The Commission further found that “failing to ensure spectrum access, on at least a conditional basis, prior to entering a Mobility Fund auction would be inconsistent with the serious undertakings implicit in bidding for support.” This eligibility requirement is codified in § 54.1003(b). This Order amends the rule to clarify that an applicant must have obtained any Commission approvals necessary for the spectrum access prior to submitting an application to participate in competitive bidding.

B. Inter-carrier Compensation

20. *Recovery for Rate-of-Return Carriers.* In the *USF/ICC Transformation Order*, the Commission adopted a transitional recovery mechanism allowing carriers limited recovery of revenues reduced as a result of that *Order*. The Commission specified a baseline from which a rate-of-return incumbent local exchange carrier's Eligible Recovery would be calculated, and specified that this baseline will decrease by five percent per year. Specifically, the *Order* correctly stated that a rate-of-return carrier's Eligible Recovery would be determined by reducing its 2011 Rate-of-Return Baseline by a five percent adjustment factor *before* subtracting its “ICC recovery opportunity” for that year. Under the rules, however, a rate-of-return carrier's Eligible Recovery would be overstated because the five percent adjustment factor would not be applied until *after* subtracting its ICC recovery opportunity for that year. Applying the adjustment factor *after* reducing a carrier's baseline by its ICC recovery opportunity would increase the carrier's Eligible Recovery, entitling it to increase charges on end-users and/or to increase its claim to CAF funding, and as a result would reduce the effective adjustment below the amount the Commission specified in the *Order*. As adopted, §§ 51.917(d)(1)(i)(3) and (4) address the respective components of eligible recovery (Transitional Intrastate Access Service, interstate switched access, and net reciprocal compensation (including both CMRS and non-CMRS reciprocal compensation)) in terms of reductions rather than recovery opportunity. Accordingly, the rule is corrected and revised as set forth in Appendix B to reflect the carrier's inter-carrier compensation recovery opportunity for

the relevant year and to apply the Rate-of-Return Carrier Baseline Adjustment Factor correctly.

21. *Monitoring Compliance with the Recovery Mechanism Rules.* In the *USF/ICC Transformation Order*, the Commission adopted measures to enable it to monitor compliance with the recovery mechanism adopted for incumbent LECs, requiring such carriers to file certain data on an annual basis. The Commission delegated to the Bureau the responsibility to develop and implement the data filing process. To minimize burdens, the *USF/ICC Transformation Order* noted that the Commission would “ensure that the data filed with USAC [(the Universal Service Administrative Company), for the purpose of justifying a carrier's ability to impose an ARC] is consistent with our request [for Recovery Mechanism compliance monitoring data], so that carriers can use the same format for both filings.” However, because the Commission found that data for monitoring compliance may be filed at the holding company level, whereas the data needed for USAC will be at the study area level, the filings cannot be the same. Thus, we clarify that the data filing requirements for Recovery Mechanism compliance monitoring and for ARC justification will be as consistent as possible, and will be in the same or similar format in order to reduce or eliminate burdens associated with filing wherever possible.

22. *Prospective Treatment of VoIP Traffic.* In the *USF/ICC Transformation Order*, the Commission addressed the prospective treatment of VoIP–PSTN traffic by adopting a transitional compensation framework for such traffic. In so doing, the Commission adopted the transitional rules specifying the default compensation for VoIP PSTN-traffic. With regard to “toll” traffic (interstate and intrastate calls), the Commission adopted rules specifying that the default charges for “toll” VoIP–PSTN traffic will be equal to interstate access rates applicable to non-VoIP traffic, both in terms of the rate level and rate structure. We clarify that the prospective VoIP–PSTN framework applies to the interstate rate as well as the interstate structure, including both per-minute (usage sensitive) and flat-rated (dedicated) charges.

23. To implement the VoIP–PSTN framework, the Commission encouraged carriers to negotiate contracts to implement all inter-carrier compensation obligations. At the same time, the Commission permitted carriers to include, in their intrastate tariffs, a default means of determining which

calls are subject to the VoIP–PSTN framework. In particular, to address concerns that carriers could not identify which calls originate and/or terminate in IP format, the Commission permitted LECs “to specify in its intrastate tariff that the default percentage of traffic subject to the VoIP–PSTN framework is equal to the percentage of VoIP subscribers in the state based on the *Local Competition Report*, as released periodically.” We clarify that this default percentage is just one means by which a carrier could identify the amount of traffic subject to the VoIP–PSTN framework, and carriers are free to utilize traffic studies, or other reasonable and auditable metrics to determine the percentage of traffic subject to the VoIP–PSTN framework.

24. *Operation of VoIP Rules When Interstate Access Rates Exceed Intrastate Access Rates.* The Commission adopted a bill-and-keep methodology for all traffic and began the implementation process by providing a measured transition to reduce the terminating rates for most rate elements to bill-and-keep. In so doing, the Commission made clear that, “in cases where a provider's interstate terminating access rates are higher than its intrastate terminating access rates, intrastate rate reductions shall begin to occur at the stage of the transition in which interstate rates come to parity with intrastate rate levels.” Thus, the Commission made clear that it did not intend, under any circumstances, for rates to increase by virtue of its reforms. Indeed, the Commission also capped most rates as of the effective date of the rules, or December 29, 2011, to ensure that no rates increased after the date of the *Order*. However, in instances where intrastate rates are lower than interstate rates, the Commission did not explain how the prospective VoIP rules would operate—whether the interstate rate would apply in the intrastate tariff or whether the intrastate rate, which is lower, would apply. Parties have notified us that, absent a clarification, intrastate tariffs could have a higher rate for VoIP traffic than other intrastate rates. Such an intrastate rate disparity was not the Commission's intent and could lead to the very arbitrage activities that the *USF/ICC Transformation Order* intended to eliminate. The Commission held, for example, VoIP–PSTN traffic “will pay most of the same rates as all other traffic in the second year of reform.” Given the mechanics of the transition, this would not be true if VoIP–PSTN traffic were subject to higher intrastate access charges than other traffic, however.

Thus, we clarify that, in the limited circumstance of implementing the new intercarrier compensation for VoIP regime adopted in the *USF/ICC Transformation Order*, when a carrier's intrastate access rate is lower than its corresponding interstate access rate, that carrier may not, in its intrastate tariff, include a rate for toll VoIP–PSTN traffic that is higher than its intrastate access rate.

25. *Access Stimulation and Previous Rulings on End Users.* In the *USF/ICC Transformation Order*, the Commission adopted revisions to its interstate switched access charge rules to address access stimulation. Prior to the *USF/ICC Transformation Order*, the Commission adopted several orders resolving complaints concerning access stimulation under preexisting rules and compliance with the Communications Act. We clarify that the *USF/ICC Transformation Order* complements these previous decisions, and nothing in the *USF/ICC Transformation Order* should be construed as overturning or superseding these previous Commission decisions.

26. *Access Stimulation and Fee Arrangements.* In the *USF/ICC Transformation Order*, the Commission adopted rules requiring refiling of interstate access tariffs in certain circumstances when a local exchange carrier (LEC) is engaged in access stimulation. In particular, the Commission adopted a rule defining when such tariffs must be refilled. In relevant part, the Commission explained that a LEC must have entered into an access revenue sharing agreement “whether express, implied, written or oral, that, over the course of the agreement, would directly or indirectly result in a net payment to the other party (including affiliates) to the agreement, in which payment by the rate-of-return LEC or competitive LEC is based on the billing or collection of access charges from interexchange carriers or wireless carriers.”

27. We clarify that any arrangement between a LEC and another party, including affiliates, that results in the generation of switched access traffic to the LEC and provides for the net payment of consideration of any kind, whether fixed fee or otherwise, to the other party, including an affiliate, is considered to be “based upon the billing or collection of access charges.”

28. *Rural Transport Rule.* In the *USF/ICC Transformation Order*, the Commission adopted an “interim default rule allocating responsibility for transport costs applicable to non-access traffic exchanged between CMRS providers and rural, rate-of-return

regulated LECs,” including when a CMRS provider selects an interconnection point outside the LEC's service area. We clarify that, in adopting the interim default rule, the Commission did not intend to affect the existing rules governing points of interconnection (POIs) between CMRS providers and price cap carriers. Indeed, the Commission sought additional comment on issues concerning POI obligations in the *Further Notice of Proposed Rulemaking*, 76 FR 78384, December 16, 2011.

III. Procedural Matters

A. Paperwork Reduction Act

29. Although this document clarifies several existing information collection requirements, it does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

B. Final Regulatory Flexibility Act Certification

30. *Final Regulatory Flexibility Certification.* The Regulatory Flexibility Act of 1980, as amended (RFA) requires that a regulatory flexibility analysis be prepared for rulemaking proceedings, unless the agency certifies that “the rule will not have a significant economic impact on a substantial number of small entities.” The RFA generally defines “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.” In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act. 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).

31. This Order clarifies, but does not otherwise modify, the *USF/ICC Transformation Order*. These clarifications do not create any burdens, benefits, or requirements that were not addressed by the Final Regulatory Flexibility Analysis attached to *USF/ICC Transformation Order*. Therefore, we certify that the requirements of this Order will not have a significant economic impact on a substantial number of small entities. The

Commission will send a copy of the Order including a copy of this final certification, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, *see* 5 U.S.C. 801(a)(1)(A). In addition, the Order and this certification will be sent to the Chief Counsel for Advocacy of the Small Business Administration, and will be published in the **Federal Register**. *See* 5 U.S.C. 605(b).

C. Congressional Review Act

32. The Commission will send a copy of this Order to Congress and the Government Accountability Office pursuant to the Congressional Review Act.

IV. Ordering Clauses

33. Accordingly, *it is ordered*, that pursuant to the authority contained in sections 1, 2, 4(i), 201–206, 214, 218–220, 251, 252, 254, 256, 303(r), 332, and 403 of the Communications Act of 1934, as amended, and section 706 of the Telecommunications Act of 1996, 47 U.S.C. 151, 152, 154(i), 201–206, 214, 218–220, 251, 252, 254, 256, 303(r), 332, 403, 1302, and pursuant to §§ 0.91, 0.131, 0.201(d), 0.291, 0.331, 1.3, and 1.427 of the Commission's rules, 47 CFR 0.91, 0.131, 0.201(d), 0.291, 0.331, 1.3, 1.427 and pursuant to the delegations of authority in paragraphs 581 and 1404 of FCC 11–161 (rel. Nov. 18, 2011), that this Order *is adopted*, effective April 9, 2012, except for those rules and requirements involving Paperwork Reduction Act burdens, which shall become effective immediately upon announcement in the **Federal Register** of OMB approval.

34. *It is further ordered*, that Parts 51 and 54 of the Commission's rules, 47 CFR Parts 51, 54, are *amended* as set forth below, and such rule amendments shall be effective April 9, 2012, except to the extent they contain information collections subject to PRA review. The rules that contain information collections subject to PRA review will become effective upon announcement in the **Federal Register** of OMB approval and an effective date of the rule(s).

35. *It is further ordered*, that the Commission *shall send* a copy of this Order to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

36. *It is further ordered*, that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Order, including the Final Regulatory Flexibility Certification, to

the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects

47 CFR Part 51

Communications common carriers, Telecommunications.

47 CFR Part 54

Communications common carriers, Reporting and recordkeeping requirements, Telecommunications, Telephone.

Federal Communications Commission.

Sharon E. Gillett,

Chief, Wireline Competition Bureau.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 51 and 54 to read as follows:

PART 51—INTERCONNECTION

- 1. The authority citation for part 51 continues to read as follows:

Authority: Sections 1–5, 7, 201–05, 207–09, 218, 220, 225–27, 251–54, 256, 271, 303(r), 332, 706 of the Telecommunication Act of 1996, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 151–55, 157, 201–05, 207–09, 218, 220, 225–27, 251–54, 256, 271, 303(r), 332, 1302, 47 U.S.C. 157 *note*, unless otherwise noted.

- 2. Amend § 51.917 by revising paragraphs (d)(1)(i) through (d)(1)(iii) to read as follows:

§ 51.917 Revenue recovery for rate-of-return carriers.

* * * * *

(d) * * *

(1) * * *

(i) Beginning July 1, 2012, a Rate-of-Return Carrier's eligible recovery will be equal to the 2011 Rate-of-Return Carrier Base Period Revenue multiplied by the Rate-of-Return Carrier Baseline Adjustment Factor less:

(A) The Expected Revenues from Transitional Intrastate Access Service for the year beginning July 1, 2012, reflecting forecasted demand multiplied by the rates in the rate transition contained in § 51.909;

(B) The Expected Revenues from interstate switched access for the year beginning July 1, 2012, reflecting forecasted demand multiplied by the rates in the rate transition contained in § 51.909; and

(C) Expected Net Reciprocal Compensation Revenues for the year beginning July 1, 2012 using the target methodology required by § 51.705.

(ii) Beginning July 1, 2013, a Rate-of-Return Carrier's eligible recovery will be

equal to the 2011 Rate-of-Return Carrier Base Period Revenue multiplied by the Rate-of-Return Carrier Baseline Adjustment Factor less:

(A) The Expected Revenues from Transitional Intrastate Access Service for the year beginning July 1, 2013, reflecting forecasted demand multiplied by the rates in the rate transition contained in § 51.909;

(B) The Expected Revenues from interstate switched access for the year beginning July 1, 2013, reflecting forecasted demand multiplied by the rates in the rate transition contained in § 51.909; and

(C) Expected Net Reciprocal Compensation Revenues for the year beginning July 1, 2013 using the target methodology required by § 51.705.

(iii) Beginning July 1, 2014, a Rate-of-Return Carrier's eligible recovery will be equal to the 2011 Rate-of-Return Carrier Base Period Revenue multiplied by the Rate-of-Return Carrier Baseline Adjustment Factor less:

(A) The Expected Revenues from Transitional Intrastate Access Service for the year beginning July 1, 2014, reflecting forecasted demand multiplied by the rates in the rate transition contained in § 51.909 (including the reduction in intrastate End Office Switched Access Service rates), adjusted to reflect the True-Up Adjustment for Transitional Intrastate Access Service for the year beginning July 1, 2012;

(B) The Expected Revenues from interstate switched access for the year beginning July 1, 2014, reflecting forecasted demand multiplied by the rates in the rate transition contained in § 51.909, adjusted to reflect the True-Up Adjustment for Interstate Switched Access for the year beginning July 1, 2012; and

(C) Expected Net Reciprocal Compensation Revenues for the year beginning July 1, 2014 using the target methodology required by § 51.705, adjusted to reflect the True-Up Adjustment for Reciprocal Compensation for the year beginning July 1, 2012.

(D) An amount equal to True-up Revenues for Access Recovery Charges less Expected Revenues for Access Recovery Charges for the year beginning July 1, 2012.

* * * * *

PART 54—UNIVERSAL SERVICE

- 3. The authority citation for part 54 continues to read as follows:

Authority: 47 U.S.C. 151, 154(i), 201, 205, 214, 219, 220, 254, 303(r), 403, and 1302 unless otherwise noted.

§ 54.301 [Amended]

- 4. In § 54.301, remove paragraph (f).

- 5. Amend § 54.307 by revising paragraph (e)(1)(ii) to read as follows:

§ 54.307 Support to a competitive eligible telecommunications carrier.

* * * * *

(e) * * *

(1) * * *

(ii) For the purpose of calculating the \$3,000 per line limit, the average of lines reported by a competitive eligible telecommunication carrier pursuant to line count filings required for December 31, 2010, and December 31, 2011 shall be used. The \$3,000 per line limit shall be applied to support amounts determined for each incumbent study area served by the competitive eligible telecommunications carrier.

* * * * *

- 6. Amend § 54.313 by revising paragraphs (a)(9) and (f)(2) to read as follows:

§ 54.313 Annual reporting requirements for high-cost recipients.

(a) * * *

(9) *Beginning April 1, 2013.* To the extent the recipient serves Tribal lands, documents or information demonstrating that the ETC had discussions with Tribal governments that, at a minimum, included:

* * * * *

(f) * * *

(2) *Privately held rate-of-return carriers only.* A full and complete annual report of the company's financial condition and operations as of the end of the preceding fiscal year, which is audited and certified by an independent certified public accountant in a form satisfactory to the Commission, and accompanied by a report of such audit. The annual report shall include balance sheets, income statements, and cash flow statements along with necessary notes to clarify the financial statements. The income statements shall itemize revenue, including non-regulated revenue, by its sources. In lieu of filing this annual report, any ETC that files annual financial reports with the Rural Utilities Service may instead file a copy of its report to the Rural Utilities Service.

* * * * *

§ 54.315 [Removed]

- 7. Section 54.315 is removed.

- 8. Amend § 54.318 by revising paragraph (d) to read as follows:

§ 54.318 High-cost support; limitations on high-cost support.

* * * * *

(d) For purposes of this section, high-cost support is defined as the support available pursuant to § 36.631 of this chapter and frozen high-cost support provided to price cap carriers to the extent it is based on support previously provided pursuant to §§ 36.631 or 54.309 of this chapter.

* * * * *

■ 9. Amend § 54.903 by revising paragraph (a)(2) to read as follows:

§ 54.903 Obligations of rate-of-return carriers and the Administrator.

(a) * * *

(2) A rate-of-return carrier may submit the information in paragraph (a) of this section in accordance with the schedule in § 36.612 of this chapter, even if it is not required to do so. If a rate-of-return carrier makes a filing under this paragraph, it shall separately indicate any lines that it has acquired from another carrier that it has not previously reported pursuant to paragraph (a) of this section, identified by customer class and the carrier from which the lines were acquired.

* * * * *

■ 10. Amend § 54.1003 by revising paragraph (b) to read as follows:

§ 54.1003 Provider eligibility.

* * * * *

An applicant shall have access to spectrum in an area that enables it to satisfy the applicable performance requirements in order to receive Mobility Fund Phase I support for that area. The applicant shall certify, in a form acceptable to the Commission, that it has received any Commission approvals necessary for such access at the time it applies to participate in competitive bidding and at the time that it applies for support and that it will retain such access for five (5) years after the date on which it is authorized to receive support. Pending requests for such approvals are not sufficient to satisfy this requirement.

* * * * *

[FR Doc. 2012-5590 Filed 3-8-12; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF DEFENSE

**GENERAL SERVICES
ADMINISTRATION**

**NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

**48 CFR Parts 1, 2, 4, 6, 13, 14, 15, 18,
19, 26, 33, 36, 42, 52, and 53**

[FAC 2005-56; FAR Case 2010-015; Item
I; Docket 2010-0015, Sequence 1]

RIN 9000-AL97

**Federal Acquisition Regulation;
Women-Owned Small Business
(WOSB) Program**

Correction

In rule document 2012-4475 appearing on pages 12913 through 12924 in the issue of Friday, March 2, 2012, make the following corrections:

**PART 52—SOLICITATION PROVISIONS
AND CONTRACT CLAUSES**

1. On page 12918 in § 52.212-3, in the first column, the fifteenth line from the top of the page is amended to read:

“Offeror Representations and Certifications—Commercial Items (APR 2012)”

2. On page 12918 in § 52.212-5, in the first column, the fifth line from the bottom of the page is amended to read:

“Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items (APR 2012)”

3. On page 12918 in § 52.219-29, in the second column, the first line from the top of the page is amended to read:

“(24) 52.219-29, Notice of Set-Aside for Economically Disadvantaged Women-Owned Small Business (EDWOSB) Concerns (APR 2012) (15 U.S.C. 637(m)).”

4. On page 12918 in § 52.219-30, in the second column, the third through sixth lines are amended to read:

“(25) 52.219-30, Notice of Set-Aside for Women-Owned Small Business (WOSB) Concerns Eligible Under the WOSB Program (APR 2012) (15 U.S.C. 637(m)).”

5. On page 12918 in § 52.219-1, in the second column, the sixteenth line from the top of the page is amended to read:

“Small Business Program Representations (APR 2012)”

6. On page 12918 in § 52.219-29, in the second column, the third line from the bottom of the page is amended to read:

“Notice of Set-Aside for Economically Disadvantaged Women-Owned Small Business Concerns (APR 2012)”

7. On page 12918 in § 52.219-30, in the third column, the twenty-fifth line from the top of the page is amended to read:

“Notice of Set-Aside for Women-Owned Small Business Concerns Eligible Under the Women-Owned Small Business Program (APR 2012)”

[FR Doc. C1-2012-4475 Filed 3-8-12; 8:45 am]

BILLING CODE 1505-01-D

DEPARTMENT OF DEFENSE

**GENERAL SERVICES
ADMINISTRATION**

**NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

48 CFR Parts 22, 25, and 52

[FAC 2005-56; FAR Case 2011-030; Item
VI; Docket 2011-0030, Sequence 1]

RIN 9000-AM16

**Federal Acquisition Regulation; New
Designated Country (Armenia) and
Other Trade Agreements Updates**

Correction

In rule document 2012-4495 appearing on pages 12935 through 12937 in the issue of Friday, March 2, 2012, make the following corrections:

**PART 52—SOLICITATION PROVISIONS
AND CONTRACT CLAUSES**

1. On page 12936 in § 52.212-5, in the second column, the eighteenth line from the bottom of the page is amended to read:

“CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS—COMMERCIAL ITEMS (MAR 2012)”

2. On page 12936 in § 52.222-19, in the second column, the thirteenth line from the bottom of the page is amended to read:

“(27) 52.222-19, Child Labor—Cooperation with Authorities and Remedies (MAR 2012) (E.O. 13126).”

3. On page 12936 in § 52.225-5, in the second column, the eleventh line from the bottom of the page is amended to read:

“(41) 52.225-5, Trade Agreements (MAR 2012) (19 U.S.C. 2501, *et seq.*, 19 U.S.C. 3301 note).”

4. On Page 12936 in § 52.213-4, in the third column, the fourth line from the top of the page is amended to read:

“TERMS AND CONDITIONS—SIMPLIFIED ACQUISITIONS (OTHER THAN COMMERCIAL ITEMS) (MAR 2012)”

5. On page 12936 in § 52.222-19, in the third column, the ninth line from the top of the page is amended to read:

“(i) 52.222-19, Child Labor—

Cooperation with Authorities and Remedies (MAR 2012) (E.O. 13126). (Applies to contracts for supplies exceeding the micro-purchase threshold.)”

6. On page 12936 in § 52.222–19, in the third column, the twenty-fifth line from the top of the page is amended to read: “CHILD LABOR—COOPERATION WITH AUTHORITIES AND REMEDIES (MAR 2012)”

7. On page 12936 in § 52.225–5, in the third column, the thirty-fourth line from the top of the page is amended to read: “TRADE AGREEMENTS (MAR 2012).”

8. On page 12936 in § 52.225–7, in the third column, the eighteen line from the bottom of the page is amended to read: “WAIVER OF BUY AMERICAN ACT FOR CIVIL AIRCRAFT AND RELATED ARTICLES (MAR 2012)”.

9. On page 12937 in § 52.225–11, in the first column, the ninth line from the top of the page is amended to read: “BUY AMERICAN ACT—CONSTRUCTION MATERIALS UNDER TRADE AGREEMENTS (MAR 2012)”

10. On page 12937 in § 52.225–23, in the first column, the twenty-seventh line from the top of the page is amended to read: “REQUIRED USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS—BUY AMERICAN ACT—CONSTRUCTION MATERIALS UNDER TRADE AGREEMENTS (MAR 2012)”

[FR Doc. C1–2012–4495 Filed 3–8–12; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket Nos. 101126522–0640–02 and 1112113751–2102–02]

RIN 0648–XB039

Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish Managed Under the Individual Fishing Quota Program

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

ACTION: Temporary rule; opening.

SUMMARY: NMFS is opening directed fishing for sablefish with fixed gear managed under the Individual Fishing Quota (IFQ) Program and the Community Development Quota (CDQ) Program. The season will open 1200 hrs, Alaska local time (A.l.t.), March 17,

2012, and will close 1200 hrs, A.l.t., November 7, 2012. This period is the same as the 2012 commercial halibut fishery opening dates adopted by the International Pacific Halibut Commission. The IFQ and CDQ halibut season is specified by a separate publication in the **Federal Register** of annual management measures.

DATES: Effective 1200 hrs, A.l.t., March 17, 2012, until 1200 hrs, A.l.t., November 7, 2012.

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907–586–7228.

SUPPLEMENTARY INFORMATION: Beginning in 1995, fishing for Pacific halibut and sablefish with fixed gear in the IFQ regulatory areas defined in 50 CFR 679.2 has been managed under the IFQ Program. The IFQ Program is a regulatory regime designed to promote the conservation and management of these fisheries and to further the objectives of the Magnuson-Stevens Fishery Conservation and Management Act and the Northern Pacific Halibut Act. Persons holding quota share receive an annual allocation of IFQ. Persons receiving an annual allocation of IFQ are authorized to harvest IFQ species within specified limitations. Further information on the implementation of the IFQ Program, and the rationale supporting it, are contained in the preamble to the final rule implementing the IFQ Program published in the **Federal Register**, November 9, 1993 (58 FR 59375) and subsequent amendments.

This announcement is consistent with § 679.23(g)(1), which requires that the directed fishing season for sablefish managed under the IFQ Program be specified by the Administrator, Alaska Region, and announced by publication in the **Federal Register**. This method of season announcement was selected to facilitate coordination between the sablefish season, chosen by the Administrator, Alaska Region, and the halibut season, adopted by the International Pacific Halibut Commission (IPHC). The directed fishing season for sablefish with fixed gear managed under the IFQ Program will open 1200 hrs, A.l.t., March 17, 2012, and will close 1200 hrs, A.l.t., November 7, 2012. This period runs concurrently with the IFQ season for Pacific halibut announced by the IPHC. The IFQ halibut season will be specified by a separate publication in the **Federal Register** of annual management measures pursuant to 50 CFR 300.62.

Classification

This action responds to the best available information recently obtained from the fishery. The Acting Assistant

Administrator for Fisheries, NOAA, (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the opening of the sablefish fishery thereby increasing bycatch and regulatory discards between the sablefish fishery and the halibut fishery, and preventing the accomplishment of the management objective for simultaneous opening of these two fisheries. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of January 30, 2012.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.23 and is exempt from review under Executive Order 12866.

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

Dated: March 6, 2012.

Carrie Selberg,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2012–5813 Filed 3–8–12; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 110207103–2041–02]

RIN 0648–BA80

Fisheries of the Exclusive Economic Zone Off Alaska; Chinook Salmon Bycatch Management in the Bering Sea Pollock Fishery; Economic Data Collection; Correction

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

ACTION: Final rule; correction.

SUMMARY: This action corrects an error in paragraph numbering in the final rule pertaining to Fisheries of the Exclusive Economic Zone Off Alaska; Chinook

Salmon Bycatch Management in the Bering Sea Pollock Fishery; Economic Data Collection published on February 3, 2012. This correction is intended to clarify regulatory text.

DATES: Effective March 9, 2012 and is applicable beginning March 5, 2012.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, (907) 586-7008, or Jeff Hartman, (907) 586-7442.

SUPPLEMENTARY INFORMATION:

Background

On February 3, 2012, NMFS published a final rule in the **Federal Register** (77 FR 5389) to implement the Chinook Salmon Economic Data Report Program, which will evaluate the effectiveness of Chinook salmon bycatch management measures for the Bering Sea pollock fishery that were implemented under Amendment 91 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area. This final rule added a regulatory provision at 50 CFR 679.5(e)(6)(i)(A)(12), which describes deliveries from catcher vessels directed fishing for pollock in the Bering Sea in which the operator of the catcher vessel moved fishing location primarily to avoid Chinook salmon bycatch. However, a final rule implementing Amendment 83 to the Fishery Management Plan for Groundfish of the Gulf of Alaska previously had added a § 679.5(e)(6)(i)(A)(12), which describes the receipt of groundfish deliveries in the marine municipal boundaries of a Community Quota Entity community. (76 FR 74640; December 1, 2011). Thus, there are two different regulatory paragraphs numbered § 679.5(e)(6)(i)(A)(12).

Need for Correction

If this error is not corrected, the regulatory text at § 679.5(e)(6)(i)(A)(12) implementing Amendment 83 will be removed and replaced by the regulatory text implementing the Chinook Salmon Economic Data Report Program. Therefore, this correction is necessary to fully implement Amendment 83. This action corrects the final rule implementing the Chinook Salmon Economic Data Report Program by renumbering § 679.5(e)(6)(i)(A)(12) as § 679.5(e)(6)(i)(A)(13).

The Assistant Administrator for Fisheries, NOAA (AA), finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be unnecessary and contrary to the public interest. This error must be corrected immediately to fully implement

Amendment 83. Left uncorrected, the regulatory text at § 679.5(e)(6)(i)(A)(12) implementing Amendment 83 will be removed and replaced by the text implementing the Chinook Salmon Economic Data Report program. The correction will ensure that regulations in this section include all of the regulatory text intended by the two programs.

If the effective date for this correction is delayed to solicit prior public comment, this technical error will not be corrected by the effective date of this final rule, thereby undermining the conservation and management objectives of the fishery management plans. Moreover, the public has already had opportunity to comment on both provisions included in the two final rules. Thus, further public comment is unnecessary.

The AA further finds, pursuant to 5 U.S.C. 553(d)(3), good cause to waive the thirty (30) day delayed effectiveness period for the reasons stated above.

NMFS is correcting this error and is not making substantive changes to the rule document published on February 3, 2012 (77 FR 5389).

Correction

In FR Doc. 2012-2361, appearing on page 5389 in the **Federal Register** of Friday, February 3, 2012, the following corrections are made:

§ 679.5 [Corrected]

- 1. On page 5394, in the second column, in the second line of amendatory instruction 5.b., correct the reference “(e)(6)(i)(A)(12)” to read “(e)(6)(i)(A)(13).”
- 2. On page 5394, in the third column, correct the paragraph reference “(e)(6)(i)(A)(12)” to read “(e)(6)(i)(A)(13).”

Dated: March 6, 2012.

Alan D. Risenhoover,

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

[FR Doc. 2012-5817 Filed 3-8-12; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 101126522-0640-2]

RIN 0648-XB070

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Jig Gear in the Central Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by vessels using jig gear in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allowance of the 2012 Pacific cod total allowable catch apportioned to vessels using jig gear in the Central Regulatory Area of the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 6, 2012, through 1200 hrs, A.l.t., June 10, 2012.

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679. Regulations governing sideboard protections for GOA groundfish fisheries appear at subpart B of 50 CFR part 680.

The A season allowance of the 2012 Pacific cod total allowable catch (TAC) apportioned to vessels using jig gear in the Central Regulatory Area of the GOA is 256 metric tons (mt), as established by the final 2011 and 2012 harvest specifications for groundfish of the GOA (76 FR 11111, March 1, 2011), revision to the final 2012 harvest specifications for Pacific cod (76 FR 81860, December 29, 2011), and inseason adjustment to the final 2012 harvest specifications for Pacific cod (77 FR 438, January 5, 2012).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator) has determined that the A season allowance

of the 2012 Pacific cod TAC apportioned to vessels using jig gear in the Central Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 246 mt and is setting aside the remaining 10 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by vessels using jig gear in the Central Regulatory Area of the GOA. After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Acting Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing for Pacific cod by vessels using jig gear in the Central Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment

because the most recent, relevant data only became available as of March 5, 2012.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: March 6, 2012.

Carrie Selberg,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2012-5802 Filed 3-6-12; 4:15 pm]

BILLING CODE 3510-22-P

Proposed Rules

Federal Register

Vol. 77, No. 47

Friday, March 9, 2012

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

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR 1777

RIN 0572-AC26

Water and Waste Disposal Loans and Grants

AGENCY: Rural Utilities Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Utilities Service (RUS) proposes to amend the regulations pertaining to the Section 306C Water and Waste Disposal (WWD) Loans and Grants program, which provides water and waste disposal facilities and services to low-income rural communities whose residents face significant health risks. Specifically, RUS is proposing to modify the priority points system within the regulation in order to give additional priority points to colonias areas that are un-served and that are facing significant health risks. The intent is to ensure that the neediest areas receive funding. RUS is also seeking comments on other potential modifications that could provide incentive for local entities to assist areas designated as colonias that lack access to water or waste disposal systems and/or which face significant health risk.

DATES: Comments must be submitted by May 8, 2012.

ADDRESSES: Submit comments by either of the following methods:

- *Federal eRulemaking Portal at:* <http://www.regulations.gov>. Follow instructions for submitting comments.
- *Postal Mail/Commercial Delivery:* Please send your comment addressed to Michele Brooks, Director, Program Development and Regulatory Analysis, USDA Rural Development, 1400 Independence Avenue, STOP 1522, Room 5159, Washington, DC 20250-1522.

Additional information about the Agency and its programs is available on the Internet at <http://www.rurdev.usda.gov>.

FOR FURTHER INFORMATION CONTACT:

Jacqueline M. Ponti-Lazaruk, Assistant Administrator, Water and Environmental Programs, Rural Utilities Service, Rural Development, U.S. Department of Agriculture, 1400 Independence Avenue SW., STOP 1548, Room 5147-S, Washington, DC 20250-1590. Telephone number: (202) 720-2670, Facsimile: (202) 720-0718.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been determined to be not significant for purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. The Agency has determined that this rule meets the applicable standards provided in section 3 of that Executive Order. In addition, all State and local laws and regulations that are in conflict with this rule will be preempted. No retroactive effect will be given to the rule and, in accordance with section 212(e) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6912(e)), administrative appeal procedures must be exhausted before an action against the Department or its agencies may be initiated.

Regulatory Flexibility Act Certification

RUS has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). RUS provides loans to borrowers at interest rates and on terms that are more favorable than those generally available from the private sector. RUS borrowers, as a result of obtaining federal financing, receive economic benefits that exceed any direct economic costs associated with complying with RUS regulations and requirements.

Information Collection and Recordkeeping Requirements

This rule contains no new reporting or recordkeeping burdens under OMB control number 0572-0109 that would require approval under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

E-Government Act Compliance

The Agency is committed to the E-Government Act, which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible.

Catalog of Federal Domestic Assistance

The programs described by this rule are listed in the Catalog of Federal Domestic Assistance Programs under number 10.770 Water and Waste Disposal Loans and Grants (Section 306C). The Catalog is available on the Internet at <http://www.cfda.gov>.

Executive Order 12372

This program is subject to the provisions of Executive Order 12372, Intergovernmental Consultation, which requires intergovernmental consultation with State and local officials.

Unfunded Mandates

This rule contains no Federal mandates (under the regulatory provision of Title II of the Unfunded Mandate Reform Act of 1995) for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the Unfunded Mandate Reform Act of 1995.

National Environmental Policy Act Certification

The Agency has determined that this rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment.

Executive Order 13132, Federalism

The policies contained in this rule do not have any substantial direct effect on states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Nor does this rule impose substantial direct compliance costs on state and local governments. Therefore, consultation with the states is not required.

Executive Order 13175

The policies contained in this rule do not impose substantial unreimbursed

direct compliance costs on Indian tribal, Alaska native, or native Hawaiian governments and sovereign institutions or have tribal implications that preempt tribal law.

Background

USDA Rural Development (RD) is a mission area within the U.S. Department of Agriculture comprised of the Rural Housing Service, Rural Business/Cooperative Service and Rural Utilities Service. Rural Development's mission is to increase economic opportunity and improve the quality of life for all rural Americans. Rural Development meets its mission by providing loans, loan guarantees, grants and technical assistance through more than forty programs aimed at creating and improving housing, businesses and infrastructure throughout rural America.

The RUS loan, loan guarantee and grant programs act as a catalyst for economic and community development. By financing improvements to rural electric, water and waste, and telecom and broadband infrastructure, RUS also plays a significant role in improving other measures of quality of life in rural America, including public health and safety, environmental protection, conservation, and cultural and historic preservation.

The Consolidated Farm and Rural Development Act (CONACT) authorizes USDA to provide loans and grants for the development, storage, treatment, purification, or distribution of water; and for the collection, treatment, or disposal of waste in rural areas. Section 306C of the CONACT directs USDA to provide loans and grants to Indian Tribes and other targeted areas, such as colonias, for the construction of new water and waste systems, or for the extension or improvement of such systems, in rural areas. The loans and grants are to be available to provide these facilities only to communities whose residents face significant health risks, as determined by the Secretary, due to the fact that a significant proportion of the community's residents do not have access to, or are not served by, adequate affordable water supply systems or waste disposal facilities. The Agency provides such loans and grants through its regulation, 7 CFR 1777, providing assistance to colonias along the U.S. Mexican border.

Currently, the Rural Utilities Service prioritizes potential projects filed pursuant to 7 CFR 1777, based upon a point system, wherein the greatest possible number of points (50) is given to proposed projects that seek to provide water and/or waste disposal services to a colonia. Colonias are communities

along the U.S.-Mexico border that are defined in 7 CFR 1777.4 as "Any identifiable community designated in writing by the State or county in which it is located; determined to be a colonia on the basis of objective criteria including lack of potable water supply, lack of adequate sewage systems, and lack of decent, safe and sanitary housing, inadequate roads and drainage; and existed and was generally recognized as a colonia before October 1, 1989."

RUS remains committed to improving the quality of, and access to, water and waste services in colonias areas, and often collaborates and coordinates with other federal and state funders to do so. Since the inception of the 7 CFR 1777 grant program for colonias in 1993, RUS has provided \$425.5 million in grants for 519 projects serving colonias areas. RUS has also provided funding to Rural Development's Rural Housing Service customers, resulting in \$22,137,827 worth of assistance to 6,693 households in colonias areas. This has allowed affected colonias to connect to community water and waste systems. In addition, USDA continues to work with state and local partners to seek new ways to improve program delivery in these areas.

In December 2009, the Government Accountability Office (GAO) released a report describing a number of perceived inadequacies in Federal Government programs across various agencies focused on assisting colonias. In the report, GAO recommended that the Secretary of Agriculture direct Rural Development to revise its process to ensure that the agency only provide Section 306C colonia funds to projects that benefit colonias, as defined by Federal statute. While USDA disagrees with GAO's assertion that 306C funds are currently allocated contrary to statutory intent, the agency understands that more should be done to ensure that those colonias most in need, especially those that remain unserved, are better targeted for funding.

In an effort to better serve colonias areas, and to address concerns raised by GAO, RUS reviewed 7 CFR 1777 as it pertains to projects serving colonias.

Purpose of This Document

The purpose of this document is to make a minor clarification change to 7 CFR 1777.12 and to revise 7 CFR 1777.13. 7 CFR 1777.12 is revised to include specific information on documentation to support a determination of a significant health risk. The revision to 7 CFR 1777.13 focuses specifically on the priority point system used in selecting projects for

306C funding, in order to ensure that colonias that lack access to water and/or waste disposal systems, and that are facing significant health problems, are given priority consideration for 306C funding.

This document also seeks comment on potential incentives to encourage established regional or other rural water systems, in good financial standing and with sufficient operating capacity, to extend service to colonias that have no access to water and/or waste disposal services.

Additionally, this document is a request for comments regarding the communities on the U.S.-Mexico border designated as colonias. In particular, RUS seeks comment regarding how its programs and other federal, state and local government programs might be leveraged to better serve these areas and create sustainable communities. Any individual or entity with comments concerning the Water and Waste Disposal (WWD) Loans and Grants program or other comments regarding colonias-related issues is asked to provide comments to RUS as specified above.

Discussion of Proposed Changes

1. RUS proposes to amend 7 CFR 1777.12(b) to add specific requirements regarding the type of documentation that will support a determination of a significant health risk.

2. Currently, 7 CFR 1777.13 allocates 50 points to projects that serve colonias. RUS proposes to amend 7 CFR 1777.13 by including language that allows for additional priority points to be given to colonias that lack any access to water and/or waste disposal systems, and to those that are facing significant health risk. This is intended to ensure that RUS is reaching those colonias with the most need. Specifically, projects proposing to serve colonias that either lack access to community systems that supply water meeting Safe Drinking Water Act standards or that lack waste disposal services (unserved), resulting in a documented significant health or sanitary risk, would receive 40 points. Projects proposing to serve colonias that lack access to community systems that supply water meeting Safe Drinking Water Act standards and that lack waste disposal services (unserved), resulting in a documented health or sanitary risk, would receive 50 points. Projects proposing to serve colonias that have access to community systems that supply water meeting Safe Drinking Water Act and waste disposal services, but are facing documented health or sanitary risks, would receive 15 points. These changes allow for the

differentiation between those colonias that are seeking funding for additional improvements or expansion, and those that lack basic water and waste disposal systems and/or that face significant health risks.

3. RUS proposes to amend 7 CFR 1777.13 by removing all occurrences of the word “preapplication” and replacing it with the word “application”. This will reflect a change in RUS procedure implemented several years ago which eliminated the use of preapplications.

4. RUS proposes to remove text in 1777.13(b) and (d) that are internal instructions.

Request for Comments

USDA is also seeking input on potential amendments to 7 CFR 1777.11 that would provide incentives for county, regional and other established and successful eligible water and waste systems to provide service to colonias areas that have no in-home access to community water and/or waste disposal infrastructure. In some areas without access, there is a lack of managerial, technical and financial capacity to operate and maintain rural water and waste facilities. One way to bring reliable, affordable service to such an area would involve the expansion of a neighboring established county, regional or other rural water or waste disposal system.

1. The Agency seeks comment on the possibility of incentivizing the expansion of existing systems into colonias areas by providing loan and grant funds to eligible, qualified existing entities who are seeking to serve an existing colonia. This determination would be based on the ability of the proposed service area to repay debt rather than on the repayment ability of the entire system. The Agency seeks comment on whether this approach would be effective in encouraging these entities to provide service to unserved colonias areas.

2. The Agency seeks comment regarding what safeguards might be needed to ensure that the limited grant funding available to service colonias is applied *only* where it is critically needed. Should proposed service areas considered under such a proposal be at or below per capita poverty income level for the state? Should this approach only be available to those areas with no access? Should it exclude expansion within an existing colonia to unserved houses? Should fully improved Colonias lose the “colonias” designation?

3. The Agency seeks additional suggestions on how to encourage the provision of sustainable service in the

colonias. Suggestions may range from additional modifications of regulations to specific technical assistance and training programs for colonias areas. To facilitate the discussion, RUS has developed the following questions. What are the primary challenges to establishing and sustaining rural water and waste disposal services in colonias areas? Should alternative technology for services be considered in the colonias? Are appropriate governance structures in place to support local services? What type of technical assistance is needed in colonias without access to water and waste services? What local and/or regional partners can help facilitate or promote sustainable water and waste systems in colonia areas?

List of Subjects

Community development, Community facilities, Grant programs—housing and community development, Loan programs—housing and community development, Reporting and recordkeeping requirements, Rural areas, Waste treatment and disposal, Water supply, Watersheds.

For the reasons discussed in the preamble, RUS proposes to amend 7 CFR 1777 as follows:

PART 1777—SECTION 306C WWD LOANS AND GRANTS

1. The authority citation for part 1777 continues to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 1989; 16 U.S.C. 1005.

2. Amend section 1777.12 by revising paragraph (b) to add a sentence to the end and subparagraphs (1) through (4) to read as follows:

§ 1777.12 Eligibility.

* * * * *

(b) * * * The following requirements regarding the documentation must be followed:

(1) The originating documentation must come from an independent third party source that has the experience in specifying the health or sanitary problem that currently exists.

(2) The documentation must state specifically the health or sanitary problems that exist. General statements of problems or support for the project are not acceptable.

(3) Current users of the facility must be experiencing the current health or sanitary problem and not future or possible users.

(4) If no facility exists, documentation must include specific health and sanitary problems associated with individual facilities that currently exist

to warrant the health and sanitary determination.

3. Revise section 1777.13 to read as follows:

§ 1777.13 Project priority.

Paragraphs (a) through (d) of this section indicate items and conditions which must be considered in selecting applications for further development. When ranking eligible applications for consideration for limited funds, Agency officials must consider the priority items met by each application and the degree to which those priorities are met.

(a) *Applications.* The application and supporting information submitted with it will be used to determine applicant eligibility and the proposed project's priority for available funds. Applicants determined ineligible will be advised of their appeal rights in accordance with 7 CFR part 11.

(b) *State Office review.* All applications will be processed and scored in the area office and then reviewed for funding priority at the State Office using RUS Bulletin 1777–2. Eligible applicants that cannot be funded will be advised that funds are not available and advised of their appeal rights as set forth in 7 CFR part 11.

(c) *National Office.* The National Office will allocate funds on a project-by-project basis as requests are received from the State Office. If the amount of funds requested exceeds the amount of funds available, the total project score will be used to select projects for funding. The RUS Administrator may assign up to 35 additional points that will be considered in the total points for items such as geographic distribution of funds, severity of health risks, etc. Unobligated funds will be pooled by mid-August of each year and made available to all States with eligible colonias applicants on a case-by-case basis.

(d) *Selection priorities.* The priorities described below will be used to rate applications and in selecting projects for funding. Points will be distributed as indicated in paragraphs (d)(1) through (d)(6) of this section and will be used in selecting projects for funding.

(1) *Population.* The proposed project will serve an area with a rural population:

(i) Not in excess of 1,500—30 points.

(ii) More than 1,500 and not in excess of 3,000—20 points.

(iii) More than 3,000 and not in excess of 5,500—10 points.

(2) *Income.* The median household income of population to be served by the proposed project is:

(i) Not in excess of 50 percent of the statewide nonmetropolitan median household income—40 points.

(ii) More than 50 percent and not in excess of 60 percent of the statewide nonmetropolitan median household income—20 points.

(iii) More than 60 percent and not in excess of 70 percent of the statewide nonmetropolitan median household income—10 points.

(3) *Joint financing.* The amount of joint financing committed to the proposed project is:

(i) Twenty percent or more private, local, or State funds except Federal funds channeled through a State agency—10 points.

(ii) Five to 19 percent private, local, or State funds except Federal funds channeled through a State agency—5 points.

(4) *Colonia.* (See definition in § 1777.4). The proposed project will provide water and/or waste disposal services to the residents of a colonia:—50 points. Additional points will be assigned as follows:

(5) *Access and health risks for colonias.* (i) A colonia that lacks access to both water and waste disposal facilities, resulting in a significant health risk—50 points.

(ii) A colonia that lacks access to either water or waste disposal facilities, resulting in a significant health risk—40 points.

(iii) A colonia that has access to water and waste disposal facilities, but is facing a significant health risk—15 points.

(6) *Discretionary.* In certain cases, and when a written justification is prepared, the State Program Official with loan/grant approval authority may assign up to 15 points for items such as natural disaster, to improve compatibility/coordination between the Agency's and other agencies' selection systems, to assist those projects that are the most cost effective, high unemployment rate, severity of health risks, etc.

Dated: February 29, 2012.

Jonathan Adelstein,

Administrator, Rural Utilities Service.

[FR Doc. 2012-5627 Filed 3-8-12; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2012-0222; Directorate Identifier 2011-SW-007-AD]

RIN 2120-AA64

Airworthiness Directives; Eurocopter France Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Eurocopter France Model AS350 helicopters. This proposed AD is prompted by an in-flight fire caused by ignition of hydraulic fluid leaking from a damaged forward (pitch) servo-control hydraulic hose. The proposed actions are intended to prevent the forward servo-control hydraulic hoses from becoming damaged and leaking hydraulic fluid that could ignite in flight, which can result in loss of main rotor control, power loss, structural damage, propagation of fire, and subsequent loss of control of the helicopter.

DATES: We must receive comments on this proposed AD by May 8, 2012.

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

- *Federal eRulemaking Docket:* Go to <http://www.regulations.gov>. Follow the online instructions for sending your comments electronically.
- *Fax:* 202-493-2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001.

• *Hand Delivery:* Deliver to the "Mail" address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

For service information identified in this proposed AD, contact American

Eurocopter Corporation, 2701 N. Forum Drive, Grand Prairie, TX 75052, telephone (972) 641-0000 or (800) 232-0323, fax (972) 641-3775, or at <http://www.eurocopter.com/techpub>. You may review copies of the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: Matt Wilbanks, Aerospace Engineer, FAA, Rotorcraft Directorate, Regulations and Policy Group, 2601 Meacham Boulevard, Fort Worth, Texas 76137; telephone (817) 222-5051; email matt.wilbanks@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued AD No. 2011-0033, dated March 1, 2011 (AD 2011-0033) to correct an unsafe condition for the Eurocopter AS350 B, BA, BB, D, B1, B2, and B3 helicopters with a single hydraulic power system and forward (pitch) servo-control hydraulic hoses part number (P/N) 704A34-412-033 (other reference manufacturer's part number (MP/N) 675-102-05-01) and P/N 704A34-412-035 (other reference MP/N 675-102-06-01) installed. EASA

advises that an in-flight fire in the main gearbox compartment occurred on an AS350B2 helicopter, "caused by ignition of hydraulic fluid leaking from a hydraulic hose that had been damaged following an electrical fault in a circuit located in the compartment, which is not fire protected. An in-flight fire in the main gearbox compartment during a continued flight, when undetected or where a landing could not be performed immediately, could result in loss of hydraulics, shutdown of the engine because of fire effects, and damage to the Main Rotor (M/R) control system." This condition, if not prevented, could lead to loss of M/R control, power loss, structural damage, propagation of fire into the cabin or other compartments, and subsequent loss of control of the helicopter. For these reasons, AD 2011-0033 requires installation of protection sleeves on the affected hydraulic hoses.

FAA's Determination

These products have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, their technical representative, has notified us of the unsafe condition described in their AD. We are proposing this AD because we evaluated all known relevant information and determined that an unsafe condition is likely to exist or develop on other helicopters of the same type design.

Related Service Information

Eurocopter has issued Alert Service Bulletin No. 29.00.13, dated July 26, 2010 (ASB 29.00.13), which specifies installing two siliconed glass wool sleeves over both forward main rotor servo-control hydraulic hoses. EASA classified this ASB as mandatory and issued AD 2011-0033 to ensure the continued airworthiness of these helicopters.

Proposed AD Requirements

This proposed AD would require, within 30 days, installing protection sleeves over the forward (pitch) servo-control hydraulic hoses in accordance with paragraph 2.B.2 of ASB 29.00.13.

Differences Between This Proposed AD and the EASA AD

The EASA AD applies to the Eurocopter Model AS350 BB. The proposed AD does not, as this model is not type certificated in the U.S.

Costs of Compliance

We estimate that this proposed AD would affect 695 helicopters of U.S. Registry.

We estimate that operators may incur the following costs in order to comply with this AD. Disconnecting the servo control hoses, installing the protective sleeves, reconnecting the hoses, and testing for interference requires one work hour at an average labor rate of \$85 per hour. Required parts cost \$212, for a total cost of \$297 for each helicopter. Based upon these costs, we estimate a total cost to the U.S. operator fleet of \$206,415.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify this proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. The FAA amends § 39.13 by adding the following new Airworthiness Directive (AD):

Eurocopter France Helicopters: Docket No. FAA-2012-0222; Directorate Identifier 2011-SW-007-AD.

(a) Applicability

This AD applies to Eurocopter France Model AS350B, AS350BA, AS350D, AS350B1, AS350B2, and AS350B3 helicopters, certificated in any category, with a single hydraulic power system and either of the following forward (pitch) servo-control hydraulic hoses installed: Part number (P/N) 704A34-412-033 (other reference manufacturer's part number (MP/N) 675-102-05-01), or P/N 704A34-412-035 (other reference MP/N 675-102-06-01); excluding those helicopters that have been modified in accordance with modification 074238.

(b) Unsafe Condition

This AD defines the unsafe condition as unprotected forward (pitch) servo-control hydraulic hoses, which could become damaged and leak hydraulic fluid that could ignite in flight. This condition could result in loss of main rotor control, power loss, structural damage, propagation of fire into the cabin or other compartments, and subsequent loss of control of the helicopter.

(c) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(d) Required Actions

(1) Within 30 days, install sleeve P/N 706A34-402-225 over hydraulic hose P/N 704A34-412-033 and sleeve P/N 706A34-402-224 over hydraulic hose P/N 704A34-412-035 in accordance with Accomplishment Instructions, paragraph 2.B.2, of Eurocopter Alert Service Bulletin No. 29.00.13, dated July 26, 2010.

(2) Do not install an affected hydraulic hose on any helicopter without a sleeve in accordance with paragraph (d)(1) of this AD.

(e) Alternative Methods of Compliance (AMOC)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this

AD. Send your proposal to: Matt Wilbanks, Aerospace Engineer, FAA, Rotorcraft Directorate, Regulations and Policy Group, 2601 Meacham Boulevard, Fort Worth, Texas 76137, telephone (817) 222-5051, email matt.wilbanks@faa.gov.

(2) For operations conducted under a Part 119 operating certificate or under Part 91, Subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before operating any aircraft complying with this AD through an AMOC.

(f) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency AD No. 2011-0033, dated March 15, 2011.

(g) Subject

Joint Aircraft Service Component (JASC) Code: 2900: Hydraulic Power System.

Issued in Fort Worth, Texas, on February 24, 2012.

Lance T. Gant,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2012-5620 Filed 3-8-12; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2012-0195; Directorate Identifier 2012-NE-08-AD]

RIN 2120-AA64

Airworthiness Directives; Honeywell International, Inc. Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Honeywell International, Inc. ALF502L-2C; ALF502R-3; ALF502R-3A; ALF502R-5; LF507-1F; and LF507-1H turbofan engines. This proposed AD was prompted by two reports of engines experiencing uncontained release of low-pressure (LP) turbine blades. This proposed AD would require operational checks of the engine overspeed trip system. We are proposing this AD to prevent LP turbine overspeed leading to uncontained release of the LP turbine blades and damage to the airplane.

DATES: We must receive comments on this proposed AD by May 8, 2012.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

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

- **Fax:** 202-493-2251.

- **Mail:** U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

- **Hand Delivery:** Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Honeywell International, Inc., P.O. Box 52181, Phoenix, AZ 85072-2181, phone: 800-601-3099; Web site: <http://portal.honeywell.com/wps/portal/aero>. You may review copies of the referenced service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781-238-7125.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT:

Robert Baitoo, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, 3960 Paramount Blvd., Lakewood, CA 90712; phone: 562-627-5245; fax: 562-627-5210; email: robert.baitoo@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2012-0195; Directorate Identifier 2012-NE-08-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

www.regulations.gov, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

We received two reports of engines experiencing uncontained release of LP turbine blades. Investigation revealed that the overspeed trip system on both of these engines had a preexisting (latent) failure when the fan decoupled from the LP turbine, due to a certain part failing in the reduction gearbox. This condition, if not corrected, could result in LP turbine overspeed leading to uncontained release of the LP turbine blades and damage to the airplane.

Relevant Service Information

We reviewed Honeywell International, Inc. ALF502L Engine Maintenance Manual Section 72-00-00, Inspection/Check-10, dated October 31, 2000; ALF502R Engine Manual Section 72-00-00, Inspection/Check-09, dated July 31, 2000; LF507-1F Engine Manual Section 72-00-00, Inspection/Check-08, Temporary Revision 72-146, dated November 3, 2006; and LF507-1H Engine Manual Section 72-00-00, Inspection/Check-08, dated September 30, 1999. The service information describes procedures for operational checks of the overspeed trip system.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require initial and repetitive operational checks of the overspeed trip system.

Costs of Compliance

We estimate that this proposed AD would affect 188 Honeywell International, Inc. ALF502L-2C; ALF502R-3; ALF502R-3A; ALF502R-5; LF507-1F; and LF507-1H turbofan engines, installed on airplanes of U.S. registry. We also estimate that it would take about one work-hour to perform an operational check of the overspeed trip system on each engine. The average labor rate is \$85 per work-hour. Based on these figures, we estimate the total cost of this proposed AD for one operational check of the overspeed trip system to U.S. operators, to be \$15,980.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),
- (3) Will not affect intrastate aviation in Alaska, and
- (4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

Honeywell International, Inc.: Docket No. FAA-2012-0195; Directorate Identifier 2012-NE-08-AD.

(a) Comments Due Date

We must receive comments by May 8, 2012.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Honeywell International, Inc. ALF502L-2C; ALF502R-3; ALF502R-3A; ALF502R-5; LF507-1F; and LF507-1H turbofan engines.

(d) Unsafe Condition

This AD was prompted by two reports of engines experiencing uncontained release of low-pressure (LP) turbine blades. We are issuing this AD to prevent LP turbine overspeed leading to uncontained release of the LP turbine blades and damage to the airplane.

(e) Compliance

Comply with this AD within the compliance times specified, unless already done.

(f) Initial Check of the Overspeed Trip System

Within 30 operating hours after the effective date of this AD, perform an initial check of the overspeed trip system, in accordance with the applicable engine manual section listed in Table 1 of this AD.

TABLE 1—APPLICABLE ENGINE MANUAL SECTIONS

For ALF502L-2C Engines	Use Honeywell ALF502L Engine Maintenance Manual Section 72-00-00, Inspection/Check-10, 1.B.(1) through 1.B.(3), dated October 31, 2000.
For ALF502R-3; ALF502R-3A; and ALF502R-5 Engines	Use Honeywell ALF502R Engine Manual Section 72-00-00, Inspection/Check-09, 1.C.(1), dated July 31, 2000.
For LF507-1F Engines	Use Honeywell LF507-1F Engine Manual Section 72-00-00, Inspection/Check-08, Temporary Revision 72-146 1.B.(1) through B.(8), dated November 3, 2006.
For LF507-1H Engines	Use Honeywell LF507-1H Engine Manual Section 72-00-00, Inspection/Check-08, 1.C.(1), dated September 30, 1999.

(g) Repetitive Checks of the Overspeed Trip System

(1) For ALF502L-2C engines, perform repetitive checks of the overspeed trip system at 100-hour intervals of operation, in accordance with the applicable engine manual section listed in Table 1 of this AD.

(2) For ALF502R-3; ALF502R-3A; ALF502R-5; LF507-1F; and LF507-1H engines, perform repetitive checks of the overspeed trip system once every flight day, in accordance with the applicable engine manual section listed in Table 1 of this AD.

(h) Definition

For the purpose of this AD, a flight day is a 24-hour period during which at least one flight is indicated.

(i) Signing Off of Daily Repetitive Checks

Upon starting the daily repetitive checks, only one sign-off is required attesting to the daily check implementation.

(j) Alternative Methods of Compliance (AMOCs)

The Manager, Los Angeles Aircraft Certification Office, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request.

(k) Related Information

(1) For more information about this AD, contact Robert Baitoo, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, 3960 Paramount Blvd., Lakewood, CA 90712; phone: 562-627-5245; fax: 562-627-5210; email: robert.baitoo@faa.gov.

(2) For service information identified in this AD, contact Honeywell International, Inc., P.O. Box 52181, Phoenix, AZ 85072-2181, phone: 800-601-3099; Web site: <http://portal.honeywell.com/wps/portal/aero>. You may review copies of the referenced service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781-238-7125.

Issued in Burlington, Massachusetts, on March 1, 2012.

Peter A. White,
Manager Engine & Propeller Directorate,
Aircraft Certification Service.

[FR Doc. 2012-5790 Filed 3-8-12; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2012-0250; Directorate Identifier 2011-CE-043-AD]

RIN 2120-AA64

Airworthiness Directives; SOCATA Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for SOCATA Model TBM 700 airplanes. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as installation of an incorrect part number during overhaul of the nose landing gear. We are issuing this proposed AD to require actions to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by April 23, 2012.

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

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* (202) 493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact SOCATA—Direction des Services, 65921 Tarbes Cedex 9, France; telephone: +33 (0)5 62 41 73 00; fax: +33 (0)5 62 41 76 54; or in the United States contact SOCATA North America, Inc., North Perry Airport, 7501 South Airport Road, Pembroke Pines, Florida 33023; telephone: (954) 893-1400; fax: (954) 964-4141; email:

mysocata@socata.daher.com; Internet: www.socatanorthamerica.com. You may review copies of the referenced service information at the FAA, Small Airplane

Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329-4148.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT:

Albert Mercado, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4119; fax: (816) 329-4090; email: albert.mercado@faa.gov.

SUPPLEMENTARY INFORMATION:**Comments Invited**

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA-2012-0250; Directorate Identifier 2011-CE-043-AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued AD No. 2011-0235-E, dated December 13, 2011 (referred to after this as “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states:

A TBM 700 operator reported a case of rupture of the bolt attaching the actuator hinge axle on the NLG of the aeroplane. The results of the technical investigations carried out by SOCATA revealed that this rupture could have been caused by the installation of a bolt bearing incorrect Part Number (P/N)

during overhaul of the NLG. Furthermore, the investigations led to identify the NLG part numbers identified by S/N which are potentially affected after repair or overhaul.

This condition, if not detected and corrected, could lead to partial disengagement of the actuator hinge axle on the NLG of the aeroplane, resulting in nose landing gear collapse, possibly resulting in structural damage to the aeroplane.

To address this condition, SOCATA have developed Service Bulletin SB 70-194-32 which gives instructions for accomplishing repetitive checks of the bolt attaching actuator hinge axle on NLG and for replacing the bolt attaching the actuator hinge axle with a correct bolt P/N.

For the reasons described above, this AD requires accomplishment of repetitive checks of potentially affected NLGs and replacement of the bolt attaching the actuator hinge axle with a serviceable bolt. This AD also prohibits installation on any aeroplane of a potentially affected NLG, unless the bolt attaching the actuator hinge axle has been replaced with a serviceable bolt and the NLG has been marked with a green varnish line.

Following issuance of EASA AD 2011-0225-E, it has been determined that further NLG P/Ns and S/Ns are affected by this AD. SOCATA have developed an erratum to SB 70-194-32 amendment 2, which lists the new P/Ns and S/Ns as well affected by this AD.

For the above reason, this AD, which supersedes EASA AD 2011-0225-E, retaining its requirements, extends the list of NLG P/Ns and S/Ns affected by the AD requirements.

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

Relevant Service Information

DAHER-SOCATA has issued DAHER-SOCATA TBM Aircraft Mandatory Service Bulletin SB 70-194-32, Amendment 2, dated November 2011; and Erratum to DAHER-SOCATA TBM Aircraft Mandatory Service Bulletin SB 70-194-32, Amendment 2, dated December 2011. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of the Proposed AD

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

Costs of Compliance

We estimate that this proposed AD will affect 448 products of U.S. registry. We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this proposed AD. The average labor rate is \$85 per work-hour. Required parts would cost about \$35 per product.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$53,760, or \$120 per product.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),
- (3) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

SOCATA: Docket No. FAA–2012–0250; Directorate Identifier 2011–CE–043–AD.

(a) Comments Due Date

We must receive comments by April 23, 2012.

(b) Affected ADs

None.

(c) Applicability

This AD applies to SOCATA Model TBM 700 airplanes, all serial numbers (S/N), certificated in any category, equipped with one of the following landing gears:

- (1) Part number (P/N) D23766000 or D23766000–X, serial numbers (S/N) B001 through B373; B375; AR1000 through AR1023; AR1025 through AR1031; AR1033 through AR1036; AAB00000A through AAB13766Z; AAB00000 through AAB13766; and EURXXX; or
- (2) P/N 21130–001–XY or 21130–000–XY, all S/N.

(d) Subject

Air Transport Association of America (ATA) Code 32: Landing Gear.

(e) Reason

This proposed AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as installation of an incorrect part number during overhaul of the nose landing gear. We are issuing this AD to detect and correct installation of incorrect P/N NLG bolts, which if not corrected could result in NLG collapse with consequent structural damage to the airplane.

(f) Actions and Compliance

Unless already done, do the following actions using the Accomplishment

Instructions of DAHER–SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–194–32, Amendment 2, dated November 2011; and Erratum to DAHER–SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–194–32, Amendment 2, dated December 2011:

(1) Although the EASA MCAI allows the inspection of the NLG washer to be done by a pilot-owner, the U.S. regulatory system requires all actions of this AD to be done by a certified mechanic.

(2) Within 5 flight cycles (FC) after the effective date of this AD, inspect the installed NLG to determine if it is one of the affected P/Ns and S/Ns as listed in paragraph (c) of this AD.

(i) If FC data is not available, the use of a one-to-one FC to flight hour conversion must be applied (example: 5 FC equal 5 hours time-in-service (TIS)).

(ii) For the purpose of this AD, when an NLG P/N reference is followed by –X or –XY, the X or XY can be any numerical digit, and when an NLG S/N reference is EURXXX, the XXX can be any numerical digit.

(3) If during the inspection required in paragraph (f)(2) of this AD, you determine the NLG installed is one of the affected P/Ns and S/Ns listed in paragraph c of the AD, inspect for free rotation the washer of the NLG. Repetitively thereafter inspect the washer of the NLG for free rotation before every flight until the replacement required in paragraph (4)(i) or (5) of this AD is done.

(4) If, during any inspection required by paragraph (f)(3) of this AD, the washer of the NLG rotates freely, before further flight, do the following actions:

(i) Replace the bolt attaching the actuator hinge axle of the NLG with a serviceable bolt P/N 5101301111.

(ii) Mark the landing gear with a green varnish line.

(5) For the NLG P/Ns and S/Ns as listed in paragraph c of this AD, within 10 months after the effective date of this AD, unless already done following a discrepancy identified during any inspection as required by paragraph (f)(3) of this AD, do the following actions:

(i) Replace the bolt attaching the actuator hinge axle of the NLG with a serviceable bolt P/N 5101301111 and;

(ii) Mark the landing gear with a green varnish line.

(6) Replacing of the bolt attaching the actuator hinge axle of the NLG with a serviceable bolt P/N 5101301111 and marking the landing gear with a green varnish line terminates the repetitive inspections required by paragraph (f)(3) of this AD.

(7) After the effective date of this AD, do not install an NLG with P/N and S/N as listed in paragraph c of this AD, unless the bolt attaching the actuator hinge axle of the NLG has been replaced and the NLG has been marked with a green varnish line following the requirements of this AD.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office,

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

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

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

(h) Related Information

Refer to MCAI European Aviation Safety Agency (EASA) AD No.: 2011-0235-E, dated December 13, 2011; DAHER-SOCATA TBM Aircraft Mandatory Service Bulletin SB 70-194, Amendment 2, dated November 2011; and Erratum to DAHER-SOCATA TBM Aircraft Mandatory Service Bulletin SB 70-194-32, Amendment 2, dated December 2011, for related information. For service information related to this AD, contact SOCATA—Direction des Services, 65921 Tarbes Cedex 9, France; telephone: +33 (0)5 62 41 73 00; fax: +33 (0)5 62 41 7654; or in the United States contact SOCATA North America, Inc., North Perry Airport, 7501 South Airport Road, Pembroke Pines, Florida 33023; telephone: (954) 893-1400; fax: (954) 964-4141; email: mysocata@socata.daher.com; Internet: www.socatanorthamerica.com. You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329-4148.

Issued in Kansas City, Missouri, on March 5, 2012.

John Colomy,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012-5794 Filed 3-8-12; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2012-0251; Directorate Identifier 2012-CE-002-AD]

RIN 2120-AA64

Airworthiness Directives; Piper Aircraft, Inc. (Type Certificate Previously Held by The New Piper Aircraft Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede an existing airworthiness directive (AD) that applies to certain Piper Aircraft, Inc. (type certificate previously held by The New Piper Aircraft Inc.) Models PA-31T and PA-31T1 airplanes. The existing AD currently requires correcting a model identification error on the aircraft data plate. Since we issued that AD, we have become aware that some owner/operators of the affected airplanes modified the aircraft data plate in error because of confusion in the serial number applicability. Because of the confusion, the manufacturer has issued new service information to clarify affected airplane serial numbers. This proposed AD would require determining the airplane model based on the serial number and modifying the aircraft data plate to properly identify the airplane model. This proposed AD would also require doing a detailed search for all applicable airworthiness related documents that apply to any airplane that has an incorrectly marked data plate and take necessary corrective actions based on the search findings. We are proposing this AD to correct the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by April 23, 2012.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

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

- *Fax*: 202-493-2251.

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

For service information identified in this AD, contact Piper Aircraft, Inc., 926 Piper Drive, Vero Beach, Florida 32960; telephone: (772) 567-4361; Internet: www.piper.com. You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329-4148.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT:

Gregory “Keith” Noles, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, 1701 Columbia Avenue, College Park, Georgia 30337; phone: (404) 474-5551; fax: (404) 474-5606; email: gregory.noles@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA-2012-0251; Directorate Identifier 2012-CE-002-AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

On May 27, 1980, AD 80-11-06, amendment 39-3776 (45 FR 35309), was published in the **Federal Register** for certain Piper Aircraft, Inc. (type certificate previously held by The New Piper Aircraft Inc.) Models PA-31T and PA-31T1 airplanes. That AD requires correcting a model identification error on the aircraft data plate. Certain Model PA-31T airplanes have been improperly identified as a Model PA-31T1 airplane on the aircraft data plate.

Actions Since Existing AD Was Issued

Since we issued AD 80-11-06 (45 FR 35309, May 27, 1980), we have become aware that the aircraft data plate on some of the affected airplanes have been modified in error because of confusion in the serial number applicability.

The requirements in AD 80-11-06 (45 FR 35309, May 27, 1980), match those in Piper Service Bulletin 670, issued December 3, 1979. Also, the type

certificate data sheet (TCDS) did not clearly distinguish the serial numbers for the Models PA-31T and PA-31T1 airplanes.

As a result of the confusion, Piper Aircraft, Inc. has issued a new service bulletin to clarify the affected serial numbers. We are also working with Piper Aircraft, Inc. to clarify the serial numbers in the TCDS.

Relevant Service Information

We reviewed Piper Aircraft Inc. Mandatory Service Bulletin No. 1235, dated November 3, 2011. The service bulletin describes procedures for determining the airplane model based on the serial number and provides instructions for modifying the aircraft data plate to properly identify the airplane model.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information

and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would retain all requirements of AD 80-11-06 (45 FR 35309, May 27, 1980). This proposed AD would clarify the serial number applicability of the affected model airplanes. This proposed AD would also require a detailed search for all applicable airworthiness related documents that apply to any airplane that has an incorrectly marked aircraft data plate and take necessary corrective actions.

Costs of Compliance

We estimate that this proposed AD affects 158 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect the aircraft data plate	1 work-hour × \$85 per hour = \$85.	Not applicable	\$85	\$13,430

We estimate the following costs to do any necessary modification and/or records search that would be required

based on the results of the proposed inspection. We have no way of

determining the number of aircraft that might need modification:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Modify the aircraft data plate	1 work-hour × \$85 per hour = \$85.	Not applicable	\$85
Detailed search for all applicable airworthiness related documents that apply to any airplane that has an incorrectly marked aircraft data plate.	4 work-hours × \$85 per hour = \$340.	Not applicable	340

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for

safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

(1) Is not a "significant regulatory action" under Executive Order 12866,

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

(3) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. The FAA amends § 39.13 by removing airworthiness directive (AD) 80–11–06, Amendment 39–3776 (45 FR 35309, May 27, 1980), and adding the following new AD:

Piper Aircraft, Inc. (Type Certificate previously held by The New Piper Aircraft Inc.): Docket No. FAA–2012–0251; Directorate Identifier 2012–CE–002–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by April 23, 2012.

(b) Affected ADs

This AD supersedes AD 80–11–06, Amendment 39–3776 (45 FR 35309, May 27, 1980).

(c) Applicability

This AD applies to the airplanes identified in paragraphs (c)(1) and (c)(2) of this AD, certificated in any category.

(1) *Model PA–31T airplanes*, serial numbers 31T–7820001, 31T–7820002, 31T–7820003, 31T–7820004, 31T–7820005, 31T–7820006, 31T–7820007, 31T–7820008, 31T–7820009, 31T–7820010, 31T–7820011, 31T–7820012, 31T–7820013, 31T–7820014, 31T–7820015, 31T–7820016, 31T–7820017, 31T–7820018, 31T–7820019, 31T–7820020, 31T–7820021, 31T–7820022, 31T–7820023, 31T–7820024, 31T–7820025, 31T–7820026, 31T–7820027, 31T–7820028, 31T–7820029, 31T–7820030, 31T–7820031, 31T–7820032, 31T–7820033, 31T–7820034, 31T–7820035, 31T–7820036, 31T–7820037, 31T–7820038, 31T–7820039, 31T–7820040, 31T–7820041, 31T–7820042, 31T–7820043, 31T–7820044, 31T–7820045, 31T–7820046, 31T–7820047, 31T–7820048, 31T–7820049, 31T–7820050, 31T–7820051, 31T–7820052, 31T–7820053, 31T–7820054, 31T–7820055, 31T–7820056, 31T–7820057, 31T–7820058, 31T–7820059, 31T–7820060, 31T–7820061, 31T–7820062, 31T–7820063, 31T–7820064, 31T–7820065, 31T–7820066, 31T–7820067, 31T–7820068, 31T–7820069, 31T–7820070, 31T–7820071, 31T–7820072, 31T–7820073, 31T–7820074, 31T–7820075, 31T–7820076, 31T–7820077, 31T–7820078, 31T–7820079, 31T–7820080, 31T–7820081, 31T–7820082, 31T–7820083, 31T–7820084, 31T–7820085, 31T–7820086, 31T–

7820087, 31T–7820088, 31T–7820089, 31T–7820090, 31T–7820091, 31T–7820092; and

(2) *Model PA–31T1 airplanes*, serial numbers 31T–7804001, 31T–7804002, 31T–7804003, 31T–7804004, 31T–7804005, 31T–7804006, 31T–7804007, 31T–7804008, 31T–7804009, 31T–7804010, 31T–7804011, 31T–7904001, 31T–7904002, 31T–7904003, 31T–7904004, 31T–7904005, 31T–7904006, 31T–7904007, 31T–7904008, 31T–7904009, 31T–7904010, 31T–7904011, 31T–7904012, 31T–7904013, 31T–7904014, 31T–7904015, 31T–7904016, 31T–7904017, 31T–7904018, 31T–7904019, 31T–7904020, 31T–7904021, 31T–7904022, 31T–7904023, 31T–7904024, 31T–7904025, 31T–7904026, 31T–7904027, 31T–7904028, 31T–7904029, 31T–7904030, 31T–7904031, 31T–7904032, 31T–7904033, 31T–7904034, 31T–7904035, 31T–7904036, 31T–7904037, 31T–7904038, 31T–7904039, 31T–7904040, 31T–7904041, 31T–7904042, 31T–7904043, 31T–7904044, 31T–7904045, 31T–7904046, 31T–7904047, 31T–7904048, 31T–7904049, 31T–7904050, 31T–7904051, 31T–7904052, 31T–7904053, 31T–7904056, 31T–7904057.

(d) Subject

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 1100, Placards and Markings.

(e) Unsafe Condition

This AD was prompted by reports that some owner/operators of the affected airplanes modified the aircraft data plate in error because of confusion in the serial number applicability. We are issuing this AD to correct the unsafe condition on these products.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Inspect the Aircraft Data Plate

Within the next 100 hours after the effective date of this AD, inspect the markings on the aircraft data plate. Do the inspection following Part I of Piper Aircraft, Inc. Mandatory Service Bulletin No. 1235, dated November 3, 2011.

(1) If the aircraft data plate is correctly marked, make a logbook entry showing compliance with this AD, and no further action is required.

(2) If the aircraft data plate is incorrectly marked, continue with paragraphs (h) and (i) of this AD.

(h) Modify the Aircraft Data Plate

Before further flight after the inspection required in paragraph (g) of this AD, modify the aircraft data plate following Part II of Piper Aircraft, Inc. Mandatory Service Bulletin No. 1235, dated November 3, 2011.

(i) Detailed Aircraft Records Search

Before further flight after the modification required in paragraph (h) of this AD:

(1) Do a detailed search of the aircraft maintenance records and documents to include, but not limited to, ADs, special airworthiness information bulletins (SAIBs), service bulletins (SBs), and other service documents; installed supplemental type

certificates (STCs) and parts manufacturing approval (PMAs); and instructions for continued airworthiness (ICAs). Each document found must be assessed to ensure proper actions have been made to maintain airworthiness as affected by the model number of the aircraft. Part 135 operators and other operators utilizing FAA-approved maintenance programs will need to address changes to their inspection programs and related documents.

Note: Although some of the above documents may not be mandatory for compliance, it is still necessary to evaluate them to ensure that any voluntary compliance does not negatively affect the airworthiness of the airplane.

(2) Identify all discrepant conditions for misidentified aircraft and coordinate with the geographic Flight Standards District Office (FSDO) and the Atlanta Aircraft Certification Office (ACO) to determine necessary corrective actions. Also, coordinate with the geographic FSDO to arrange for revisions to the airworthiness certificate, registration, and other potential document/certificate revisions. The following is a list of example discrepant conditions that may be found during the records search:

(i) An AD was complied with that was applicable to the incorrect model, but not applicable to the corrected model.

(ii) A required AD for the corrected model was not complied with.

(iii) A maintenance action was performed that was recommended, but not mandatory, for the incorrect model, but not applicable to the corrected model.

(iv) A PMA part was installed that was applicable for the incorrect model, but not for the corrected model.

(v) An STC was installed that was applicable for the incorrect model, but not for the corrected model.

(vi) An STC was installed that was applicable for both the incorrect and corrected model, but all related, applicable ADs for the corrected model were not complied with.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Atlanta ACO, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in the Related Information section of this AD.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) AMOCs approved for AD 80–11–06 (45 FR 35309, May 27, 1980), are approved as AMOCs for this AD.

(k) Related Information

(1) For more information about this AD, contact Gregory “Keith” Noles, Aerospace Engineer, FAA, Atlanta ACO, 1701 Columbia Avenue, College Park, Georgia 30337; phone:

(404) 474-5551; fax: (404) 474-5606; email: gregory.noles@faa.gov.

(2) For service information identified in this AD, contact Piper Aircraft, Inc., 926 Piper Drive, Vero Beach, Florida 32960; telephone: (772) 567-4361; Internet: www.piper.com. You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329-4148.

Issued in Kansas City, Missouri, on March 5, 2012.

John Colomy,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012-5801 Filed 3-8-12; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. FAA-2012-0252]

Unmanned Aircraft System Test Sites

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments.

SUMMARY: The FAA intends to identify six test ranges/sites to integrate unmanned aircraft systems (UAS) into the National Airspace System (NAS). This pilot project is in direct response to a Congressional mandate. The FAA believes that designation of such UAS test sites will assist in the effort to safely and efficiently integrate UAS into the NAS and solicits feedback on this issue. This feedback will be utilized to help develop UAS test site requirements, designation standards, and oversight activity.

DATES: The FAA values the input of the UAS community at large and intends to incorporate ideas and suggestions into the UAS test site designation process. Send your comments on or before May 8, 2012.

The FAA will also host national webinars to provide further information and obtain feedback regarding the six test ranges/sites. Additional information and frequently asked questions are available at www.faa.gov/.

ADDRESSES: You may send comments identified by docket number FAA-2012-0252 using any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.
- **Mail:** Send comments to Docket Operations, M-30; U.S. Department of

Transportation, 1200 New Jersey Avenue SE., Room W12-140, West Building Ground Floor, Washington, DC 20590-0001.

- **Hand Delivery or Courier:** Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- **Fax:** Fax comments to Docket Operations at 202-493-2251.

Privacy: The FAA will post all comments it receives, without change, to <http://www.regulations.gov>, including any personal information the commenter provides. Using the search function of the docket web site, anyone can find and read the electronic form of all comments received into any FAA dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477-19478), as well as at <http://DocketsInfo.dot.gov>.

Docket: Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Richard Prosek, Manager, Unmanned Aircraft Program Office, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, call (202) 385-4835, facsimile (202) 385-4559, email uastestsites@faa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

An unmanned aircraft is a device that is used, or is intended to be used, for flight in the air with no onboard pilot. These devices may be as simple as a light, hand launched aircraft flown within line of sight of the operator or as complex as a high altitude surveillance aircraft patrolling our nation's borders. They may be flown using a data link to transmit commands to the aircraft. They may perform a variety of public services, including: Surveillance, collection of air samples to determine levels of pollution, or rescue and recovery missions in crisis situations. They currently range in size from wingspans of six inches to over 240 feet; and can weigh from approximately four

ounces to over 32,000 pounds. The one thing they have in common is that their numbers and uses are growing dramatically. In the United States alone, approximately 50 companies, universities, and government organizations are developing and producing some 155 unmanned aircraft designs. Regulatory standards need to be developed to enable current technology for unmanned aircraft, and unmanned aircraft operations, to comply with Title 14 Code of Federal Regulations (CFR). Additionally, research needs to be performed to assess and mitigate operational safety and efficiency issues to enable routine UAS operations in the NAS.

Congressional Mandate Under FAA Modernization and Reform Act of 2012

On February 14, 2012, the FAA Modernization and Reform Act of 2012 was signed by the President. The Act includes specific requirements for unmanned aerial [aircraft] systems and national airspace.

Under H.R. 658, Section 331(c), the FAA Administrator is required to establish a program to integrate unmanned aircraft systems into the national airspace system at six test ranges. In establishing the program, the Administrator shall:

(A) Safely designate airspace for integrated manned and unmanned flight operations in the national airspace system;

(B) Develop certification standards and air traffic requirements for unmanned flight operations at test ranges;

(C) Coordinate with and leverage the resources of the National Aeronautics and Space Administration and the Department of Defense;

(D) Address both civil and public unmanned aircraft systems;

(E) Ensure that the program is coordinated with the Next Generation Air Transportation System; and

(F) Provide for verification of the safety of unmanned aircraft systems and related navigation procedures before integration into the national airspace system. In determining the location of the 6 test ranges of the program, the FAA Administrator shall—

(A) Take into consideration geographic and climatic diversity;

(B) Take into consideration the location of ground infrastructure and research needs; and

(C) Consult with the National Aeronautics and Space Administration and the Department of Defense.

Congressional Mandate Under National Defense Authorization Act (NDAA)

On December 30, 2011, the NDAA was signed by the President. Section 1097 includes specific requirements for unmanned aerial [aircraft] systems and national airspace almost identical to the language in the FAA Modernization and Reform Act of 2012.

Under the NDAA, the FAA's Administrator is required to establish a program to integrate unmanned aircraft systems into the national airspace system at six test ranges not later than 180 days after December 30, 2011. In establishing the program, the Administrator shall:

(1) Safely designate nonexclusionary airspace for integrated manned and unmanned flight operations in the national airspace system;

(2) Develop certification standards and air traffic requirements for unmanned flight operations at test ranges;

(3) Coordinate with and leverage the resources of the Department of Defense (DoD) and the National Aeronautics and Space Administration (NASA);

(4) Address both civil and public unmanned aircraft systems;

(5) Ensure that the program is coordinated with the Next Generation Air Transportation System; and

(6) Provide for verification of the safety of unmanned aircraft systems and related navigation procedures before integration into the national airspace system.

In determining the location of a test range the Administrator shall: (1) Take into consideration geographic and climatic diversity; (2) take into consideration the location of ground infrastructure and research needs; and (3) consult with DoD and NASA. A project at a test range (a defined geographic area where research and development are conducted) shall be operational no later than 180 days after the date the pilot project is established.

No later than 90 days after the date of completing a pilot project, the Administrator shall submit a report to: the Committee on Armed Services, the Committee on Transportation and Infrastructure, and the Committee on Science, Space, and Technology of the House of Representatives; and, the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate. The report will include a description and assessment of the progress being made in establishing special use airspace to fill the immediate need of DoD.

The program shall terminate on the date that is five years after the date of the enactment of this Act.

II. Discussion

To meet the Congressional timeline and increasing demand from the UAS community, the FAA intends to designate UAS test sites based on locations/applications submitted by interested government agencies, private institutions and organizations. In addition to identification of test ranges, the airspace volume that is associated with the test range will need to be defined. Impact on NAS operational efficiency, the ability to accommodate planned and projected research missions, and other factors that are traditionally considered in determining flight test airspace will be elements of the test range airspace designation.

The FAA will leverage test range experience from DoD and NASA in the designation process and subsequent oversight activities. DoD and NASA already have orders/directives covering the operation of their test ranges. DoD and NASA have indicated that, while their organizations are not requesting to create additional restricted airspace for UAS testing, they are willing to assist the FAA with this initiative. Appropriate guidance for test sites for civil and public users (States, commercial, academia, etc.) should, to the extent possible, be harmonized with current Federal directives.

In February 2009, the FAA entered into a Cooperative Research and Development Agreement (CRDA) with a public university for collaborative research on UAS, and operations were authorized in June 2011. UAS operations are conducted under a Certificate of Waiver or Authorization (COA) which precludes operations for compensation or hire. A safety assessment process for operations was developed; and this process is supported by Standard Operating Procedures (SOPs). The objective of this research is to prescribe operating requirements in the NAS (outside of restricted and/or warning area airspace) for the purpose of testing, training and/or operational flights.

III. Request for Comments

The FAA is asking the public to answer the following questions to help develop refined UAS test site requirements, designation standards, and oversight activities. The period for this request for comment has been limited to 60 days to ensure that the FAA is able to make informed decisions based on public input, while still meeting the Congressionally-mandated timelines. Comment size is limited to 2.5 pages per section (A–H) with an

aggregate maximum of 20 pages using 12 point font size.

(A) The Congressional language asks the FAA to consult with and leverage the resources of the DoD and the NASA in this effort. Since many public operators already have access to test ranges and control the management and use of those ranges, should the management of these new test ranges be held by local governments or should a private entity schedule and manage the airspace?

(B) Safety of the NAS is paramount to the integration of UAS test sites. In the present UAS test range construct, the focus of the test work is at the discretion of the proponent, provided that the testing can be done safely. While preserving opportunities to accommodate unique entrepreneurial efforts, the FAA believes that the new test sites need to include focal points to ensure that research is accomplished in each of the areas identified as a major obstacle to UAS NAS integration. These focal areas include: UAS system safety and data gathering; UAS aircraft certification; UAS command and control link issues; UAS control station layout and certification; UAS ground and airborne sense and avoid research; and, any environmental impacts associated with the operation of UAS in the NAS. Are there other focal areas that need to be elevated to the stature of being a test site focal area?

(C) The legislation does not contain any funding for the set-up, management or oversight of the test ranges. In the selection of a UAS test site, the FAA anticipates that proponents with existing facilities and infrastructure, such as operations buildings, launch facility/runway, surveillance, monitoring and range control, would be considered first, followed by proponents with firm funding for facilities and infrastructure. Are there other overriding considerations for site selection?

(D) The FAA believes that the combined capabilities of the six test sites should provide an environment and opportunities to test:

- (1) Conventional takeoff and landing capability,
- (2) High speed flight,
- (3) Maritime (launch/maneuver/recovery) capability,
- (4) Operations at extremely high altitudes, and
- (5) Evaluation of dissimilar aircraft in multiple altitude structures.

While each site would not necessarily need to be identical, nor would each site need to have all five of these capabilities, the FAA believes that these capabilities should be present in the

aggregate of the six test sites. Are there any other capabilities that test site selection should include?

(E) Geographical and climatic diversity are desirable traits for the test site location. The FAA believes that in addition to these traits, there are other important factors affecting siting. These include proximity to potential users and availability of a suitable ground or air transportation network. Are there other siting characteristics of this nature that should be considered?

(F) The FAA believes that all UAS test site operators should be able and willing to demonstrate their ability and experience in conducting UAS operations and research. Methods that test site operators can use for that include: providing a detailed plan of operations (safety case, business case, etc.); demonstrating experience in managing and oversight of research and development (R&D) activities; and demonstrating the ability to mitigate technical and operational risk. Test site operators will also be responsible for ensuring that approval for use of any necessary frequency spectrum or transmit authority has been obtained. Are there other test site operator requirements that should be considered?

(G) The FAA is considering utilizing the requirements contained in 14 CFR 91.305, "No person may flight test an aircraft except over open water, or sparsely populated areas, having light air traffic." The FAA also published an update to Order 8130.34A (currently Rev B) in November 2011, which includes language specific to flight test areas for experimental airworthiness operations. Should the FAA apply these same requirements to those seeking a UAS test site designation?

(H) The FAA must define the airspace volume that is associated with the test range. How should airspace volume associated with test ranges be defined? Additionally, the FAA must assess the impact on NAS operational efficiency. How should impact to NAS efficiency be assessed?

IV. Conclusion

The FAA intends to utilize public comments to meet the requirements spelled out in NDAA (H.R. 1540) SEC 1097 UNMANNED AERIAL SYSTEMS AND NATIONAL AIRSPACE (a)–(d).

Issued in Washington, DC, on March 5, 2012.

John M. Allen,

Director, Flight Standards Service.

[FR Doc. 2012–5735 Filed 3–7–12; 4:15 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–110980–10]

RIN 1545–BJ55

Modifications to Minimum Present Value Requirements for Partial Annuity Distribution Options Under Defined Benefit Pension Plans; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendments.

SUMMARY: This document contains a correction to the notice of proposed rulemaking and notice of public hearing (REG–110980–10) that was published in the **Federal Register** on Friday, February 3, 2012 (77 FR 5454), providing guidance relating to the minimum present value requirements applicable to certain defined benefit pension plans.

DATES: This correction is effective on *March 9, 2012* and is applicable on February 3, 2012.

FOR FURTHER INFORMATION CONTACT: Peter J. Marks or Linda S.F. Marshall at (202) 622–6090 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The notice of proposed rulemaking and notice of public hearing that are the subject of this correcting amendment are under sections 401 and 417 of the Internal Revenue Code.

Need for Correction

As published, the notice of proposed rulemaking and notice of public hearing (REG–110980–10) contain an error that may prove to be misleading and is in need of clarification.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correction of Publication

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendment:

PART 1—INCOME TAXES

Paragraph 1. The authority citation for part 1 continues to read, in part, as follows:

Authority: 26 U.S.C. 7805 * * *

Par. 2. Section 1.417(e)–1 is amended by:

Revising the last sentence of paragraph (d)(7)(vi), *Example 5* (i) to read as follows:

§ 1.417(e)–1 Restrictions and valuations of distributions from plans subject to sections 401(a)(11) and 417.

* * * * *

(d) * * *

(7) * * *

(vi) * * *

Example (5) * * *

(i) * * * Participating X elects to receive \$15,000 of the current hypothetical account balance in the form of a single sum and to receive the remainder of the total accrued benefit as a life annuity.

* * * * *

LaNita Van Dyke,

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

[FR Doc. 2012–5715 Filed 3–8–12; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2012–0041]

RIN 1625–AA00

Safety Zone; Myrtle Beach Triathlon, Atlantic Intracoastal Waterway, Myrtle Beach, SC

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone on the Atlantic Intracoastal Waterway in Myrtle Beach, South Carolina during the Myrtle Beach Triathlon. The Myrtle Beach Triathlon, which is comprised of a series of triathlon races, is scheduled to take place on Saturday, October 13, 2012. The temporary safety zone is necessary for the safety of race participants, participant vessels, spectators, and the general public during the swim portions of the triathlon races. Persons and vessels would be prohibited from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port Charleston or a designated representative.

DATES: Comments and related material must be received by the Coast Guard on or before June 15, 2012. Requests for public meetings must be received by the Coast Guard on or before May 20, 2012.

ADDRESSES: You may submit comments identified by docket number USCG–2012–0041 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 email Ensign John R. Santorum, Sector Charleston Office of Waterways Management, Coast Guard; telephone (843) 740-3184, email John.R.Santorum@uscg.mil. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG-2012-0041), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via <http://www.regulations.gov>) or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via www.regulations.gov, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name

and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov>, click on the "submit a comment" box, which will then become highlighted in blue. In the "Document Type" drop down menu select "Proposed Rule" and insert "USCG-2012-0041" in the "Keyword" box. Click "Search" then click on the balloon shape in the "Actions" column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, click on the "read comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG-2012-0041" 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 May 20, 2012 using one of the four methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one

would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Basis and Purpose

The legal basis for the proposed rule is the Coast Guard's authority to establish regulated navigation areas and other limited access areas: 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, 160.5; Public Law 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

The purpose of the proposed rule is to ensure the safety of race participants, participant vessels, spectators, and the general public during the swim portion of the triathlon races.

Discussion of Proposed Rule

On October 13, 2012, the Myrtle Beach Triathlon will be held in Myrtle Beach, South Carolina. This event will be comprised of a series of triathlon races. Approximately 1,200 individuals are scheduled to compete in the event.

The proposed rule would establish a temporary safety zone around the swim area of the Myrtle Beach Triathlon on the Atlantic Intracoastal Waterway in Myrtle Beach, South Carolina. The temporary safety zone would be enforced from 6 a.m. until 11:59 a.m. on October 13, 2012. Persons and vessels would be prohibited from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port Charleston or a designated representative. Persons and vessels would be able to request authorization to enter, transit through, anchor in, or remain within the safety zone by contacting the Captain of the Port Charleston by telephone at (843) 740-7050, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the safety zone is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such authorization would be required to comply with the instructions of the Captain of the Port Charleston or a designated representative. The Coast Guard would provide notice of the safety zone by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses

based on 13 of these statutes or executive orders.

Regulatory Planning and Review

Executive Orders 13563, Improving Regulation and Regulatory Review, and 12866, Regulatory Planning and Review, direct agencies to assess the 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 proposed rule has not been designated a significant regulatory action under section 3(f) of Executive Order 12866. Accordingly, the Office of Management and Budget has not reviewed this proposed rule under Executive Order 12866.

The economic impact of this proposed rule is not significant for the following reasons: (1) The safety zone would be enforced for less than six hours; (2) the safety zone would encompass only a small portion of the navigable waterway; (3) although persons and vessels would not be able to enter, transit through, anchor in, or remain within the safety zone without authorization from the Captain of the Port Charleston or a designated representative, they would be able to operate in the surrounding area during the enforcement period; (4) persons and vessels would still be able to enter, transit through, anchor in, or remain within the safety zone if authorized by the Captain of the Port Charleston or a designated representative; and (5) the Coast Guard would provide advance notification of the safety zone to the local maritime community by Local Notice to Mariners and Broadcast Notice to Mariners.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic

impact on a substantial number of small entities. This proposed rule may affect the following entities, some of which may be small entities: The owners or operators of vessels intending to enter, transit through, anchor in, or remain within that portion of the Atlantic Intracoastal Waterway encompassed within the safety zone from 6 a.m. to 11:59 a.m. on October 13, 2012. For the reasons discussed in the Regulatory Planning and Review section above, this proposed rule would not have a significant economic impact on a substantial number of small entities.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this proposed rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Ensign John R. Santorum, Sector Charleston Office of Waterways Management, Coast Guard; telephone (843) 740–3184, email John.R.Santorum@uscg.mil. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office

of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

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

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

Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023-01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A preliminary environmental analysis checklist supporting this determination is available in the docket where indicated under **ADDRESSES**. This proposed rule involves establishing a temporary safety zone as described in figure 2-1, paragraph (34)(g), of the Instruction, that will be enforced for less than six hours. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 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, 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

2. Add a temporary § 165.T07-0041 to read as follows:

§ 165.T07-0041 Safety Zone; Myrtle Beach Triathlon, Atlantic Intracoastal Waterway, Myrtle Beach, SC.

(a) *Regulated Area.* The following regulated area is a safety zone. All waters of the Atlantic Intracoastal Waterway encompassed within an imaginary line connecting the following points: Starting at Point 1 in position 33°45'35" N, 78°49'42" W; thence southeast to Point 2 in position 33°45'31" N, 78°49'39" W; thence northeast to Point 3 in position 33°45'57" N, 78°48'57" W; thence northeast to Point 4 in position 33°46'00" N, 78°48'57" W; thence southwest back to origin. All coordinates are North American Datum 1983.

(b) *Definition.* The term “*designated representative*” means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Charleston in the enforcement of the regulated area.

(c) *Regulations.*

(1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port Charleston or a designated representative.

(2) Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the Captain of the Port Charleston by telephone at (843) 740-7050, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Charleston or a designated representative.

(3) The Coast Guard will provide notice of the regulated area by Local Notice to Mariners, Broadcast Notice to

Mariners, and on-scene designated representatives.

(d) *Effective Date.* This rule is effective from 6 a.m. until 11:59 a.m. on October 13, 2012.

Dated: February 28, 2012.

M.F. White,

Captain, U.S. Coast Guard, Captain of the Port Charleston.

[FR Doc. 2012-5784 Filed 3-8-12; 8:45 am]

BILLING CODE 9110-04-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 59

[EPA-HQ-OAR-2006-0971; FRL-9644-9]

RIN 2060-AR37

National Volatile Organic Compound Emission Standards for Aerosol Coatings—Addition of Dimethyl Carbonate, Benzotrifluoride, and Hexamethyldisiloxane to Table of Reactivity Factors

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to amend the National Volatile Organic Compound Emission Standards for Aerosol Coatings final rule, which is a rule that establishes national reactivity-based emission standards for the aerosol coatings category (aerosol spray paints) under the Clean Air Act. This proposed action adds three compounds: dimethyl carbonate, benzotrifluoride, and hexamethyldisiloxane and their associated reactivity factors to the aerosol coatings reactivity rule's table of reactivity factors based on petitions received from regulated entities. This action also revises two tables in the final rule, and corrects a typographical error in a test method reference. In the “Rules and Regulations” section of this **Federal Register**, we are making these same amendments as a direct final rule without a prior proposed rule. If we receive no adverse comment, we will not take further action on this proposed rule.

DATES: Written comments must be received by April 23, 2012.

Public Hearing. If anyone contacts the EPA requesting to speak at a public hearing concerning the proposed regulation by March 19, 2012, we will hold a public hearing on March 26, 2012. If a public hearing is held, it will be held at 10 a.m. at Building C on the EPA campus in Research Triangle Park, NC, or at an alternate site nearby.

Persons interested in presenting oral testimony must contact Ms. Pamela Garrett, U.S. EPA, Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Minerals and Manufacturing Group (D243-04), Research Triangle Park, North Carolina 27711, telephone number: (919) 541-7966, fax number: (919) 541-5450, email address: garrett.pamela@epa.gov, no later than March 19, 2012. Persons interested in attending the public hearing must also call Ms. Garrett to verify the time, date and location of the hearing. If no one contacts Ms. Garrett by March 19, 2012 with a request to present oral testimony at the hearing, we will cancel the hearing.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2006-0971, by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

- *Email:* a-and-r-docket@epa.gov.

- *Fax:* (202) 566-9744.

- *Mail:* U.S. Postal Service, send comments to: EPA Docket Center (6102T), Air and Radiation Docket, National Volatile Organic Emission Standards for Aerosol Coatings, Docket ID No. EPA-HQ-OAR-0971, 1200 Pennsylvania Avenue NW., Washington, DC 20460. Please include a total of two copies.

- *Hand Delivery:* In person or by courier, deliver comments to: EPA Docket Center (6102T), National Volatile Organic Emission Standards for Aerosol Coatings, Docket ID No. EPA-HQ-OAR-0971, Public Reading Room, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA-HQ-OAR-2006-0971. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at www.regulations.gov, including any personal information provided, unless the comment includes information claimed to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through www.regulations.gov or email. The www.regulations.gov Web site is an "anonymous access" system, which means the EPA will not know your identity or contact information unless you provide it in the body of

your comment. If you send an email comment directly to EPA without going through www.regulations.gov, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, contact Ms. J. Kaye Whitfield, U.S. EPA, Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Minerals and Manufacturing Group (D243-04), Research Triangle Park, NC 27711; telephone number (919) 541-2509; fax number: (919) 541-5450; email address: whitfield.kaye@epa.gov.

SUPPLEMENTARY INFORMATION:

Organization of this Document: The following outline is provided to aid in locating information in this document.

I. Why is the EPA issuing this proposed rule?

II. Does this action apply to me?

III. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning Reviews Executive Order 13563: Improving Regulation and Regulatory Review

B. Paperwork Reduction Act

C. Regulatory Flexibility Act

D. Unfunded Mandates

E. Executive Order 13132: Federalism

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

I. National Technology Transfer and Advancement Act

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

I. Why is the EPA issuing this proposed rule?

This document proposes to take action on the National Volatile Organic Compound Emission Standards for Aerosol Coatings final rule by adding three compounds: dimethyl carbonate,

benzotrifluoride, hexamethyldisiloxane and their associated reactivity factors (RFs) to the aerosol coatings reactivity rule's table of RFs based on petitions received from regulated entities. This action also revises Table 1 of the final rule by moving the units, expressed as grams of ozone per gram of product (g O₃/g product), from the table heading to the column entitled, "Reactivity Limit;" revises Tables 2A, 2B, and 2C by adding units, expressed as grams of ozone per gram of volatile organic compound (gO₃/g VOC), to the column entitled, "Reactivity Factors;" and corrects a test method typographical error by replacing the phrase "California Air Resources Board Method 3-0" in 40 CFR 59.515(a)(1) with "California Air Resources Board Method 310." We have published a direct final rule to make these same amendments in the "Rules and Regulations" section of this **Federal Register** because we view this as a noncontroversial action and anticipate no adverse comment. We have explained our reasons for this action in the preamble to the direct final rule.

If we receive no adverse comment, we will not take further action on this proposed rule. If we receive adverse comment, we will withdraw the direct final rule, and it will not take effect. We would address all public comments in any subsequent final rule base on this proposed rule.

We do not intend to institute a second comment period on this action. Any parties interested in commenting must do so at this time.

The regulatory text for the proposal is identical to that for the direct final rule published in the "Rules and Regulations" section of this **Federal Register**. For further supplementary information, the detailed rationale for the proposal and the regulatory revisions, see the direct final rule published in a separate part of this **Federal Register**.

II. Does this action apply to me?

The entities potentially affected by this proposed rule are the same entities that are subject to the aerosol coatings final rule. The entities affected by the aerosol coatings final rule include: manufacturers, processors, distributors or importers of aerosol coatings for sale or distribution in the United States, and manufacturers, processors, distributors or importers who supply the entities listed above with aerosol coatings for sale or distribution in interstate commerce in the United States.

III. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a “significant regulatory action” under the terms of Executive Order 12866 (58 FR 51735 October 4, 1993) and is, therefore, not subject to review under the Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act

This action does not impose any new information collection burden because it serves to add compounds to Table 2A of the rule and make several clarifying edits. However, the Office of Management and Budget (OMB) has previously approved the information collection requirements contained in the existing regulations (40 CFR parts 51 and 59) under the provisions of the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2060–0617. The OMB control numbers for the EPA’s regulations in 40 CFR are listed in 40 CFR part 9.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations and small governmental jurisdictions.

For purposes of assessing the impacts of this proposed rule on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administration’s regulations at 13 CFR 121.201; (2) a governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this proposed rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. In determining whether a rule has a significant economic impact on a substantial number of small entities, the

impact of concern is any significant adverse economic impact on small entities, since the primary purpose of the regulatory flexibility analyses is to identify and address regulatory alternatives “which minimize any significant economic impact of the rule on small entities.” 5 U.S.C. 603 and 604. Thus, an agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, or otherwise has a positive economic effect on all of the small entities subject to the rule.

This rule will not impose any requirements on small entities. We have determined that small businesses will not incur any adverse impacts because the EPA is taking this action to amend the aerosol coatings rule by adding compounds to Table 2A of the rule and making several clarifying edits. These amendments do not create any new requirements or burdens, and no costs are associated with these amendments.

We have, therefore, concluded that this proposed rule will relieve regulatory burden for all affected small entities.

We continue to be interested in the potential impacts of the proposed rule on small entities and welcome comments on issues related to such impacts.

D. Unfunded Mandates Reform Act

This rule does not contain a federal mandate that may result in expenditures of \$100 million or more for state, local and tribal governments, in the aggregate, or the private sector in any one year. Thus, this rule is not subject to the requirements of sections 202 or 205 of Unfunded Mandates Reform Act (UMRA).

This rule is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. In this action, the EPA is amending Table 2A by adding three compounds and their associated RFs, and making several clarifying edits.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This action adds compounds to Table 2A of the aerosol coatings rule, and makes several

clarifying edits. Thus, Executive Order 13132 does not apply to this action.

In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and State and local governments, EPA specifically solicits comment on this proposed action from State and local officials.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This action adds compounds to Table 2A of the aerosol coatings rule, and makes several clarifying edits. Thus, Executive Order 13175 does not apply to this action.

EPA specifically solicits additional comment on this proposed action from tribal officials.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This action is not subject to Executive Order 13045 because it is based solely on technology performance.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law No. 104–113, 12(d) (15 U.S.C. 272 note) directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs the EPA to provide Congress, through OMB, explanations when the agency decides not to use available and applicable voluntary consensus standards.

This action does not involve technical standards. Therefore, the EPA did not consider the use of any voluntary consensus standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 (59 FR 7629 (Feb. 16, 1994)) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies and activities on minority populations and low-income populations in the United States.

The EPA has determined that this proposed rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. Further, this action only adds compounds to Table 2A of the aerosol coatings rule, and makes several clarifying edits.

List of Subjects in 40 CFR Part 59

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: March 1, 2012.

Lisa P. Jackson,
Administrator.

[FR Doc. 2012-5647 Filed 3-8-12; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Part 98

[Docket No. USCG-2011-0088]

RIN 1625-AB63

Bulk Packaging To Allow for Transfer of Hazardous Liquid Cargoes

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend its regulations concerning the transfer of hazardous materials to and from portable tanks on vessels. The Coast Guard proposes to expand the list

of portable tanks approved for hazardous material transfers to include IMO Type 1 and IMO Type 2 portable tanks, UN portable tanks, and Intermediate Bulk Containers. In addition, the Coast Guard proposes to expand the list of allowed hazardous materials. The proposed amendments would provide greater flexibility in the selection and use of portable tanks and would allow for the transport of additional hazardous materials. The proposed effect would be to eliminate the need to obtain special permits or Competent Authority Approvals to use IMO Type 1 or IMO Type 2 portable tanks, UN portable tanks, or Intermediate Bulk Containers, or to transport hazardous materials not on the list.

DATES: Comments and related material must be submitted on or before May 8, 2012. Comments sent to the Office of Management and Budget (OMB) on collection of information must reach OMB on or before May 8, 2012.

ADDRESSES: You may submit comments identified by docket number USCG-2011-0088 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.

Collection of Information Comments: If you have comments on the collection of information discussed in section VI.D of this NPRM, you must also send comments to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget. To ensure that your comments to OIRA are received on time, the preferred methods are by email to oira_submission@omb.eop.gov (include the docket number and "Attention: Desk Officer for Coast Guard, DHS" in the subject line of the email) or fax at 202-395-6566. An alternate, though slower, method is by U.S. mail to the Office of Information and Regulatory Affairs, Office of

Management and Budget, 725 17th Street NW., Washington, DC 20503, Attn: Desk Officer, U.S. Coast Guard.

Viewing incorporation by reference material: You may inspect the material proposed for incorporation by reference at U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-372-1419. Copies of the material are available as indicated in the "Incorporation by Reference" section of this preamble.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Lieutenant Elizabeth Newton, Office of Hazardous Material Standards, Coast Guard; telephone 202-372-1419, email Elizabeth.J.Newton@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:

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I. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided.

A. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2011–0088), 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 or by fax, mail, or hand delivery, but please use only one of these means. We recommend that you include your name and a mailing address, an email 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 “Document Type” drop down menu select “Proposed Rule” and insert “USCG–2011–0088” in the “Keyword” box. Click “Search” then click on the balloon shape in the “Actions” column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period and may change this proposed rule based on your comments.

B. Viewing Comments and Documents

To view comments as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov> click on the “read comments” box, which will then become highlighted in blue. In the “Keyword” box type “USCG–2011–0088” and click “Search.” Click the “Open Docket Folder” in the “Actions” column. If you do not have access to the Internet, you may view the docket online by visiting 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.

C. 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).

D. Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one to the docket using one of the methods specified under **ADDRESSES**. In your request, 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**.

II. Abbreviations

AAHMS Associate Administrator for Hazardous Materials Safety
CFR Code of Federal Regulations
DHS Department of Homeland Security
DOT Department of Transportation
FR Federal Register
HMR Hazardous Materials Regulations; 49 CFR Parts 171–180
IBC Intermediate Bulk Container
IM Intermodal
IMDG International Maritime Dangerous Goods (code)
IMO International Maritime Organization
MPT Marine Portable Tank
NLS Noxious Liquid Substance
N.O.S. Not otherwise specified
OSV Offshore supply vessel
PHMSA Pipeline and Hazardous Materials Safety Administration
§ Section symbol
UN United Nations
U.S.C. United States Code

III. Background

The Coast Guard proposes to amend 46 CFR subparts 98.30 and 98.33, which contain regulations concerning the transfer of hazardous materials to and from portable tanks on vessels. Portable tanks are primarily used by offshore supply vessels (OSVs) to transport hazardous materials to and from offshore platforms involved in the exploration and production of oil and natural gas.

In a 1990 rulemaking titled “Portable Tanks for the Transportation of Bulk Hazardous Materials by Vessel” (55 FR 37406), the Coast Guard allowed the use of Intermodal (IM) 101 and IM 102 portable tanks for the transfer of hazardous materials. The specifications for these tanks can be found in the Department of Transportation’s (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) regulations at 49 CFR parts 171–180, referred to as the Hazardous Materials Regulations (HMR).

Since the Coast Guard’s 1990 rulemaking, PHMSA has aligned its

HMR regulations to incorporate changes made to the International Maritime Organization’s (IMO) International Maritime Dangerous Goods Code¹ (IMDG Code) for the construction and use of portable tanks. The IMDG Code applies to all vessels, including U.S. vessels, on international voyages. The portable tanks constructed to IMDG Code requirements are known as “UN portable tanks,” and include IMO Type 1 and IMO Type 2 portable tanks. As of January 1, 2003, the IMDG Code requires all newly manufactured portable tanks to be designed, constructed, and approved in conformance with the requirements of UN portable tanks.

Portable tank manufacturers reacting to the harmonization of PHMSA’s HMR regulations with the IMDG Code, which includes the requirement that all portable tanks be UN portable tanks, are no longer manufacturing IM 101 and IM 102 portable tanks. As a result, we are initiating this rulemaking to harmonize Coast Guard regulations at 46 CFR subparts 98.30 and 98.33 with PHMSA’s HMR regulations and international standards for vessels operating domestically by allowing UN portable tanks to be used in transporting hazardous materials.

We are also initiating this rulemaking in response to a suggestion from industry that the Coast Guard allow Intermediate Bulk Containers (IBCs) to be used to transport hazardous materials. The Coast Guard is proposing to amend the applicability sections in 46 CFR subparts 98.30 and 98.33 to allow the use of IBCs in transporting hazardous materials on board vessels, but with specific restrictions as to what types of IBCs could be used to ensure safety.

The Coast Guard would allow existing IM 101 and IM 102 portable tanks at 46 CFR subparts 98.30 and 98.33 to continue to be used for the lifetime of the tank provided that they continue to meet periodic test and inspection requirements. By allowing the use of IMO Type 1 and IMO Type 2 portable tanks, UN portable tanks, and IBCs, we are eliminating the need for vessel owners to apply to PHMSA’s Associate Administrator for Hazardous Materials Safety (AAHMS) for a special permit or a Competent Authority Approval to use these tanks.

The intended effect of these proposed changes would provide industry with additional options for the selection of portable tanks or IBCs that could be

¹ See IMDG Code, 2010 Edition, Incorporating Amendment 35–10, Chapter 4.2, Section 4.2.0.1.

used for transfers of hazardous materials between cargo tanks and portable tanks.

In this rulemaking, the Coast Guard is also proposing to amend the list of hazardous materials currently approved for transport in portable tanks in 46 CFR subpart 98.30. Currently, shippers wishing to transport a product not on this list must apply to PHMSA's AAHMS for a special permit or Competent Authority Approval. By expanding the list of authorized hazardous materials, the Coast Guard would eliminate the need for prior individual authorization before these

additional hazardous materials could be transported in a portable tank or IBC.

IV. Discussion of Proposed Rule

The Coast Guard proposes to amend the titles of subparts 98.30 and 98.33 to include IBCs and read "Subpart 98.30—Portable Tanks and Intermediate Bulk Containers" and "Subpart 98.33—Portable Tanks and Intermediate Bulk Containers for Certain Grade E Combustible Liquids and Other Regulated Materials."

The Coast Guard also proposes to make conforming changes throughout subparts 98.30 and 98.33 to include

IBCs in each instance that the current regulations mention portable tanks. See proposed amended §§ 98.30–9, 98.30–10, 98.30–11, 98.30–12, 98.30–14, 98.30–17, 98.30–19, 98.30–21, 98.30–23, 98.30–25, 98.30–29, 98.30–31, 98.30–33, 98.30–35, 98.33–3, 98.33–7, 98.33–9, 98.33–11, 98.33–13, and 98.33–15.

A. Subpart 98.30—Portable Tanks and Intermediate Bulk Containers

The Coast Guard proposes to redesignate current sections in subpart 98.30 to make room for new proposed sections, as noted in the chart below.

Original section heading and number	Redesignated section heading and number
Section 98.30–2: Definitions	Section 98.30–3: Definitions.
Section 98.30–3: Vessels carrying MPTs	Section 98.30–4: Vessels carrying MPTs.
Section 98.30–4: Vessels carrying portable tanks other than MPTs	Section 98.30–5: Vessels carrying portable tanks other than MPTs.
Section 98.30–5: Materials authorized for transfer to and from a portable tank.	Section 98.30–7: Materials authorized for transfer to and from a portable tank.
Section 98.30–6: Lifting a portable tank	Section 98.30–9: Lifting a portable tank or IBC.
Section 98.30–7: Smoking	Section 98.30–10: Smoking.
Section 98.30–8: Gaskets and lining	Section 98.30–11: Gaskets and lining.
Section 98.30–9: Stowage of portable tanks	Section 98.30–12: Stowage of portable tanks and IBCs.
Section 98.30–10: Pipe connections, and filling and discharge openings	Section 98.30–13: Pipe connections, and filling and discharge openings.
Section 98.30–11: Cargo pumps	Section 98.30–14: Cargo pumps.
Section 98.30–13: Ground connection	Section 98.30–15: Ground connection.
Section 98.30–14: Requirements for ships carrying NLSs in portable tanks.	Section 98.30–16: Requirements for ships carrying NLSs in portable tanks and IBCs.
Section 98.30–15: Leakage containment	Section 98.30–17: Leakage containment.
Section 98.30–17: Qualifications of person in charge	Section 98.30–18: Qualifications of person in charge.

Sec. 98.30–1: Applicability

This section would be amended to allow the use of IMO Type 1 and IMO Type 2 portable tanks, UN portable tanks, and IBCs for use in transferring hazardous materials on board vessels. This section would also be amended to delete reference to "liquid" from the term "hazardous materials" to be consistent with how the term is used elsewhere in subpart 98.30.

In addition, this section would be amended to eliminate the restriction of transporting "liquefied gas" in a portable tank because the Coast Guard proposes in 49 CFR 98.30–7 to allow the transport of "liquid nitrogen."

This section would also be amended to update the reference for PHMSA, which was formerly known as the Research and Special Programs Administration, and to clarify that these rules would be applicable to portable tanks authorized for use under a special permit or Competent Authority Approval issued by PHMSA's AAHMS in accordance with 49 CFR part 107, subpart H.

Sec. 98.30–2: Incorporation by Reference

This new section would be added to incorporate by reference the IMDG Code. The material proposed for incorporation by reference appears in 46 CFR 98.30–3 and 98.30–5. The IMDG Code identifies the characteristics of the newly approved UN portable tanks and allows for the older tanks approved prior to January 1, 2003, to continue to be used provided that they are found to meet the periodic inspections and test provisions. The harmonization of the Coast Guard regulations with the IMDG Code would ensure that U.S.-flagged vessels continue to be in compliance, if and when older tanks do not pass periodic inspections and test provisions and need to be replaced with the newly approved UN portable tanks.

Sec. 98.30–3: Definitions

Proposed redesignated § 98.30–3 would be amended to add three new terms to define the types of tanks that can be used in accordance with 46 CFR 98.30–1. These definitions are "IMO Type 1 portable tank and IMO Type 2 portable tank," "UN portable tank," and "IBC". Also, the definition of "IM 101 portable tank and IM 102 portable tank"

would be revised to describe tanks that were manufactured on or before January 1, 2003. As discussed above, IM 101 and IM 102 portable tanks are no longer constructed. However, IM 101 and IM 102 portable tanks that were manufactured and approved by PHMSA before January 1, 2003, may continue to be used for the lifetime of the tank. These tanks provide a level of safety equivalent to other portable tanks and are safe to use as long as they meet the requirements for continued use under the HMR at 49 CFR 173.32.

Sec. 98.30–5: Vessels Carrying Portable Tanks Other Than MPTs

This section would be amended to allow the carriage of IMO Type 1 and IMO Type 2 portable tanks and UN portable tanks on board a vessel for use in the transfer of certain hazardous materials. Hazardous materials are authorized, in accordance with 49 CFR 173.32, to be transferred to a portable tank only if the portable tank is authorized to carry the hazardous material in accordance with the HMR or under the terms of a special permit or Competent Authority Approval issued by PHMSA's AAHMS.

Existing IM 101 and IM 102 portable tanks provide a level of safety equivalent to other portable tanks authorized for the transfer of hazardous materials and can be used, provided these tanks meet certain periodic test and inspection requirements in accordance with the HMR at 49 CFR part 180, subpart G.

Sec. 98.30–6: Vessels Carrying IBCs

This section would be added to describe the types of IBCs the Coast Guard would allow for the carriage of certain hazardous materials on board a vessel, and to make clear the requirements the IBCs would have to meet to gain approval from the Coast Guard. We would allow the use of an IBC only if the IBC is equivalent to, or greater in standards than, an authorized IMO Type 1 or IMO Type 2 portable tank, or a UN portable tank.

Sec. 98.30–7: Materials Authorized for Transfer To and From a Portable Tank

This section would be amended to replace the term “ORM–E” with the terms “hazardous substance” and “hazardous waste” as described in 49 CFR 171.8. The term “ORM–E” is outdated and is no longer used by PHMSA.

This section would be amended to allow the use of IMO Type 1 and IMO Type 2 portable tanks and UN portable tanks for the transfer of materials permitted under this section, and to clarify that a portable tank authorized in this section can serve as a substitute for another portable tank that meets the requirements of the HMR at 49 CFR 173.32(b), and vice-versa. We propose making this change to align our regulations with the HMR, which allows for substitutions of portable tanks.

This section would also be amended to update the citation to Table “Certain Hazardous Materials Authorized for Transfer To and From Portable Tanks” to reflect the redesignation of this section from § 98.30–5 to § 98.30–7. This section would also be amended to expand the list of hazardous materials that are eligible for transfer to and from portable tanks because these materials have been previously authorized for such transfers by the Coast Guard on an individual basis in accordance with proposed redesignated § 98.30–7(a)(5). We propose to add the following hazardous materials to Table 98.30–7(a): (1) Liquid Nitrogen, (2) Mixtures of hydrochloric acid and hydrofluoric acid containing not more than 24% hydrochloric acid or 6% hydrofluoric acid, and (3) corrosive liquid, toxic, N.O.S. (mixtures of hydrochloric acid, hydrofluoric acid, and fluoboric acid),

UN 2922, packing group II, containing not more than 11% hydrofluoric acid. We are adding these materials because we believe these materials are safe to transport within the guidelines set by 46 CFR subpart 98.30 based on previous written authorizations of approval for these materials.

Sec. 98.30–8: Materials Authorized for Transfer to and From an IBC

The addition of this section would be used to identify materials that are authorized for transfer to and from an IBC. We propose to allow the use of hazardous materials listed in Table 98.30–7(a) for transfer to and from an IBC with the exception of Liquid Nitrogen. Liquid Nitrogen cannot be properly stored or monitored in an IBC because of its design characteristics; therefore, we deem it unsafe to transport Liquid Nitrogen on an IBC.

Sec. 98.30–12: Stowage of Portable Tanks and IBCs

This section would be amended to clarify that IBCs must be secured in accordance with the HMR at 49 CFR 176.74.

Sec. 98.30–13: Pipe Connections, and Filling and Discharge Openings

This section would be amended to take into account the addition of IMO Type 1 and IMO Type 2 portable tanks, UN portable tanks, and IBCs as specified in 49 CFR 178.705. This section is also amended to restrict the use of manifolds, which are chambers or systems of pipes having several outlets in which a liquid or gas can be gathered or from which a liquid or gas can be distributed. Manifolds would be prohibited because the use of a manifold is a manual operation and the emergency shutoff during the transfer to and from a portable tank or IBC should be automatic. This would minimize the loss of hazardous materials in the event of an emergency, thereby reducing risk to health and environment.

Sec. 98.30–16: Requirements for Ships Carrying NLSs in Portable Tanks and IBCs

This section would be amended to clarify that IBCs used to transport noxious liquid substances (NLS) must meet the requirements set forth in 46 CFR 125.120.

B. Subpart 98.33—Portable Tanks and IBCs for Certain Grade E Combustible Liquids and Other Regulated Materials

Sec. 98.33–1: Applicability

This section would be amended to clarify that the Coast Guard would allow the transfer of certain low-hazard

materials to and from DOT-specification 57 portable tanks constructed on or before October 1, 1996 or UN portable tanks. In addition, this section would be amended to update regulations now found at 49 CFR 173.32 in the HMR that pertain to the requirements for the use of portable tanks. This section would also be amended to add a citation reference to our regulations at 46 CFR 98.30–3(d), which pertain to the requirements for UN portable tanks.

This section would also be amended to allow the transfer of certain low-hazard materials to and from limited IBCs as described in 46 CFR 98.30–6.

Sec. 98.33–5: Portable Tanks and IBCs Authorized

Paragraph (b) is proposed to specify that for cargoes authorized in 46 CFR 98.33–3 to be transferred to and from IBCs, the IBCs must first meet the tank specifications outlined in 46 CFR 98.30–5.

V. Incorporation by Reference

Material proposed for incorporation by reference appears in § 98.30–2. You may inspect this material at U.S. Coast Guard Headquarters where indicated under **ADDRESSES**. Copies of the material are available from the sources listed in § 98.30–2.

Before publishing a binding rule, we would submit this material to the Director of the **Federal Register** for approval of the incorporation by reference.

VI. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 14 of these statutes or executive orders.

A. Executive Order 12866 and Executive Order 13563

Executive Orders 12866 (“Regulatory Planning and Review”) and 13563 (“Improving Regulation and Regulatory Review”) direct agencies to assess the 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 NPRM has not been designated a “significant regulatory action” under section 3(f) of Executive Order 12866. Accordingly,

the NPRM has not been reviewed by the Office of Management and Budget. A draft regulatory assessment follows:

This proposed rule would expand the list of portable tanks approved for

hazardous material transfers to include UN portable tanks, including IMO Type 1 and IMO Type 2 portable tanks, and IBCs. It would also expand the list of allowed hazardous materials. Please

reference Table IV.A.1 below for a summary of our analysis.

TABLE IV.A.1—SUMMARY OF AFFECTED POPULATION, COST SAVINGS, AND BENEFITS

Category	Estimate
Affected Population	402 owners and operators of 1,334 OSVs.
Cost Savings (7% discount over 10-year period)	\$55,467.
Benefits	• Efficiency gains to industry by increasing the number of pre-approved types of portable tanks and expanding the list of pre-approved hazardous materials they can transport. • Reduces regulatory burden to industry and government by reducing the number of special permits or Competent Authority Approvals to be processed and harmonizing the Coast Guard regulations with PHMSA's HMR regulations.

Note: There are only cost savings associated with this rulemaking.

Affected Population

The total number of affected vessels is the 1,334 U.S.-flagged OSVs subject to

46 CFR subchapters I, L, or T. Table IV.A.2 presents the count of OSVs by subchapter.

TABLE IV.A.2—AFFECTED OSVs BY SUBCHAPTER

Subchapter code	Subchapter description	Count
I	Cargo and Miscellaneous Vessels	532
L	Offshore Supply Vessels	529
T	Small Passenger Vessels (Under 100 Gross Tons)	273
Total		1,334

We estimate that there are approximately 86,100² portable tanks and IBCs in the United States available for use by all modes of transportation, based on information from the Department of Transportation (DOT), Information Collection Request (ICR) (OMB Control No. 2137-0018), Inspection and Testing of Portable Tanks and Intermediate Bulk Containers. This ICR also reports that there are approximately 8,770 entities that handle these 86,100 portable tanks at an average of 9.8 tanks per entity (86,100 tanks/8,770 reporting entities).

Within the maritime mode, portable tanks and IBCs are used by OSVs to transport hazardous materials to and from offshore platforms involved in the exploration and production of oil and natural gas. We estimate that the 1,334 OSVs are owned by 402 companies.³

² U.S. Department of Transportation: Inspection and Testing of Portable Tanks and Intermediate Bulk Containers (OMB: 2137-0018).

³ Of the 1,334 OSVs in the affected population, MISLE reports ownership of 1,125, leaving 209 vessels with unidentified ownership (1,334-1,125). The MISLE data for the 1,125 vessels with ownership data shows that the average fleet size is 3.3 vessels per company. Applying that average fleet size to the 209 vessels without ownership data yields 63 companies (209/3.3). The estimated

Our estimates are based on the number of portable tanks provided in the aforementioned ICRs. For special permits, the applicant only specifies the mode, or multiple modes, of transportation, such as motor vehicle, rail, or cargo vessel, that will be authorized by the permit. For maritime-related permits, detail data of the industry, vessel type, or vessel level is not submitted. Therefore, we apply the cross-industry average of 9.8 tanks per entity, as described above, to estimate the total number of portable tanks subject to this rulemaking. With those inputs, we estimate that approximately 15 percent of all the affected portable tanks are used by OSV owners and operators ((1,334 OSVs * 9.8 tanks per OSV)/86,100).

We request comments specifically on the accuracy of our estimate as well as additional information that could improve the estimated number of 9.8 tanks per OSV.

Current Industry Practice

The current Coast Guard-approved portable tanks are Intermodal (IM) 101s

company population is 402 companies (339 identified + 63 imputed).

and 102s. As discussed in the Background section in this NPRM, portable tank manufacturers, reacting to the harmonization of PHMSA's HMR regulations with international standards established in 2003, are no longer manufacturing IM 101 and IM 102 portable tanks. However, IM 101 and IM 102 portable tanks that were manufactured and approved by PHMSA before January 1, 2003, may continue to be used in transportation. Under 49 CFR part 180, subpart G, the IM 101 and IM 102 portable tanks must be inspected every 2½ years and the results of the inspection must be recorded on a tag attached to each tank. Portable tanks that fail inspection must either be repaired and pass a second inspection or be removed from service. Over time, the supply of approved IM 101 and IM 102 portable tanks will diminish as the current stock either fails inspection or is withdrawn from service because of loss or damage. Owners of these tanks, who want to maintain their level of activity in the market, will need to replace their old tanks with IMO Type 1 or IMO Type 2 portable tanks, UN portable tanks, or IBCs, as IM 101 and IM 102 tanks will no longer be available on the market.

Under the current Coast Guard regulations, owners wishing to replace a lost IM 101 or IM 102 portable tank with an IMO Type 1 or IMO Type 2 portable tank, a UN portable tank, or an IBC must apply to PHMSA's AAHMS for a special permit or Competent Authority Approval.

Cost Savings

The Coast Guard analyzed the economic impact of the proposed rule in these three areas: (1) Expansion of the list of allowed portable tanks, (2) expansion of the list of allowed hazardous materials, and (3) inspection and tagging. The Coast Guard concluded that the proposed rule would impose no additional costs and would produce cost savings. In the sections below we present our analysis of these areas and a summary of the analysis.

(1) Expansion of the List of Allowed Portable Tanks

As presented earlier, in the absence of the proposed rule, as IM 101 and IM 102 portable tanks are phased out, vessel owners or operators would need to obtain special permits or a Competent Authority Approval in order to replace them with IMO Type 1 or IMO Type 2 portable tanks, UN portable tanks, or IBCs.

The DOT's ICR for Inspection and Testing of Portable Tanks and Intermediate Bulk Containers (OMB Control Number: 2137-0018) estimates that 300 tanks are manufactured each year that are on the list of portable tanks approved by DOT for transport. This proposed rule would approve the use of these tanks for transfer of hazardous materials to and from OSVs. Therefore, we use this figure as the basis for estimating the number of tanks that would require special permits or Competent Authority Approvals per year. Applying the 15 percent share of the population as calculated above, yields an estimate of 45 portable tanks and IBCs obtained annually by the OSV industry. As stated above, each OSV handles approximately 9.8 tanks.

Applying this to the annual number of replacement tanks yields an average of 5 special permit or Competent Authority Approval requests for unapproved portable tanks by OSV per year (45 tanks/9.8 tanks per OSV).

We used a 10-year forecast for our analysis. As the current rule has been in effect since 2003, we assume that we can project the annual estimate forward for the entire 10-year period. Our baseline then is 5 special permits or Competent Authority Approval per year for unapproved portable tanks for a total of 50 over the forecast period.

In the absence of the proposed rule, OSV owners would need to apply to PHMSA's AAHMS for a special permit or Competent Authority Approval to use an IMO Type 1 or IMO Type 2 portable tank, UN portable tank, or IBC to replace the lost IM 101 and IM 102 portable tanks. PHMSA estimates that the cost to industry to prepare the special permit or Competent Authority Approval is \$1,010.⁴ By allowing this replacement by rulemaking, instead of by special permit or Competent Authority Approval, the proposed regulation would save industry \$5,050 annually (5 permits * \$1,010 unit cost). Therefore, the 10-year cost savings related to the reduction of special permits or Competent Authority Approval is estimated at \$50,500, undiscounted.

(2) Expansion of the List of Allowed Hazardous Materials

The list of hazardous materials currently approved for transport in portable tanks is found in existing 46 CFR 98.30-5. Currently, vessels wishing to transport a material not on this list must apply to PHMSA's AAHMS for a special permit or Competent Authority Approval. Under the proposed rule, the three groups of materials referenced in proposed redesignated 46 CFR 98.30-7 would be added to the list of allowed materials.

Based on information provided in the DOT ICR (OMB Control Number: 2137-0051) Rulemaking, Special Permits, and Preemption Requirements, there are

approximately 144 special permit or Competent Authority Approval requests per year. OSV owners and operators account for approximately 4.6% of the entities owning portable tanks and IBCs (402/8,770). Therefore, the total number of special permit or Competent Authority Approval requests per year for unapproved hazardous materials is estimated at 7 (4.6 percent of 144 requests).

Based on the same ICR, the administrative costs to prepare a special permit or Competent Authority Approval request is estimated at \$1,010.⁵ Special permits or Competent Authority Approvals need to be renewed every two to five years, depending on the hazardous material. For the purpose of this analysis, we assume special permits or Competent Authority Approvals would need to be renewed four times over the 10-year period, with renewals starting in years 1, 4, 7, and 10. Therefore, vessels not needing to file the 7 special permits or Competent Authority Approvals would acquire total costs savings of \$7,070 (\$1,010 unit cost * 7 Approvals) four times over the 10-year period of analysis for a total of \$28,280, undiscounted.

(3) Inspection and Tagging

The existing inspection and tagging regime is based on 2½-year inspection cycles. The proposed rule would continue using that system for IMO Type 1 and IMO Type 2 portable tanks, UN portable tanks and IBCs. Thus, the proposed rule would not impose any additional regulatory burdens in the area of inspection and tagging.

Summary of Cost Savings

As discussed above, there are no additional costs for inspection and tagging. The other two areas we analyzed, expansion of the list of allowed portable tanks and expansion of the list of allowed hazardous materials, showed cost savings.

Table IV.A.3 presents the undiscounted cost savings of these two areas over the 10-year forecast period.

TABLE IV.A.3—SUMMARY OF UNDISCOUNTED COST SAVINGS

	Special permit or competent authority approval	Expansion of list of hazardous materials	Total
Year	Savings	Savings	Savings
1	\$5,050	\$7,070	\$12,120
2	5,050	0	5,050

⁴ U.S. Department of Transportation: Inspection and Testing of Portable Tanks and Intermediate Bulk Containers (OMB: 2137-0018).

⁵ U.S. Department of Transportation: Rulemaking, Special Permits and Preemption Requirements (OMB Control No. 2137-0051).

TABLE IV.A.3—SUMMARY OF UNDISCOUNTED COST SAVINGS—Continued

	Special permit or competent authority approval	Expansion of list of hazardous materials	Total
Year	Savings	Savings	Savings
3	5,050	0	5,050
4	5,050	7,070	12,120
5	5,050	0	5,050
6	5,050	0	5,050
7	5,050	7,070	12,120
8	5,050	0	5,050
9	5,050	0	5,050
10	5,050	7,070	12,120
Total	50,500	28,280	78,780

Table IV.A.4 presents the costs savings schedule at discounted rates of 7 percent and 3 percent.

TABLE IV.A.4—SCHEDULE OF DISCOUNTED COST SAVINGS

Year	Total savings	7%	3%
1	\$12,120	\$11,327	\$11,767
2	5,050	4,411	4,760
3	5,050	4,122	4,621
4	12,120	9,246	10,768
5	5,050	3,601	4,356
6	5,050	3,365	4,229
7	12,120	7,548	9,855
8	5,050	2,939	3,987
9	5,050	2,747	3,870
10	12,120	6,161	9,018
Total	78,780	55,467	67,231
Annualized		7,897	7,882

At a 7 percent discount rate, the net savings is \$55,467 across the 10-year estimate period and \$7,882 annualized.

Benefits

The proposed rule would provide greater flexibility to industry by increasing the number of approved types of portable tanks available for use and increasing the list of pre-approved hazardous materials they can transport. The elimination of the special permits or Competent Authority Approvals would provide efficiency gains to industry by reducing or removing the time associated with preparing a special permit or Competent Authority Approval request and waiting for its return prior to engaging in business activities. The removal of the time burden associated with administrative procedures for special permit or Competent Authority Approval applications would facilitate quicker interactions between vessel operators and the manufacturers and lessors of the

approved portable tanks. Government would also benefit from the reduced number of special permits or Competent Authority Approvals to process. We also expect an increase in regulatory efficiency, as we are harmonizing our regulations with international standards.

B. Small Entities

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

Entities are categorized by the North American Industry Classification

System (NAICS) codes.⁶ By using the United States Small Business Administration (SBA) criteria for small businesses, the associated NAICS codes, and the 2007 United States Economic Census data,⁷ we are able to provide an overview of the OSV industry. We reviewed the vessel ownership data used in the cost analyses and determined that all of the owners of the OSVs are businesses, that is, none are owned by not-for-profit organizations or governments. OSVs can be classified under “Navigational Services to Shipping” (488330) and “Natural gas liquid extraction” (211112) industries. These industries engage in a wide range of navigational shipping services including cargo salvaging and oil

⁶ Small business information can be accessed online at <http://www.sba.gov/size/index.html>.

⁷ U.S. Census Bureau information can be accessed online at http://factfinder.census.gov/servlet/DatasetMainPageServlet?_program=ECN&_tabId=ECN1&_submenuId=datasets_4&_lang=en&_ts=246366688395.

recovery.⁸ According to the aforementioned U.S. Census Bureau data, approximately 85 percent of entities classified as “Navigational Services to Shipping” are considered small.⁹ One hundred percent of entities classified as “Natural gas liquid extraction” are considered small, as there are no entities exceeding the 500 employee SBA size standard.

The Coast Guard expects that this proposed rule would not have a significant economic impact on small entities. Furthermore, as described in the “Executive Order 12866 and Executive Order 13563” section, we do not expect this proposed rule to result in additional costs to industry. This proposed rule would reduce regulatory burdens by eliminating the need for special permits or Competent Authority Approvals for the specified portable tanks and hazardous materials and thus generate an annual net savings to the industry. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment to the Docket Management Facility at the address under **ADDRESSES**. In your comment, explain why you think it qualifies and how and to what degree this rule would economically affect it.

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult LT Elizabeth Newton, Office of Hazardous Material Standards, Coast Guard; telephone 202–372–1419, email Elizabeth.J.Newton@uscg.mil. 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.

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).

D. Collection of Information

This proposed rule would call for a modification to an existing collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). It would modify existing Office of Management and Budget (OMB) Collection of Information: OMB Control Number 2137–0051, “Rulemaking, Special Permits, and Preemption Requirements.”

As defined in 5 CFR 1320.3(c), “collection of information” comprises reporting, recordkeeping, monitoring, posting, labeling, and other similar actions. The title and description of the information collection, a description of those who must collect the information, and an estimate of the change in annual burden follow. The estimate covers the time for preparing or renewing special permit or Competency Authority Approval requests for carrying hazardous materials.

Title: Rulemaking, Special Permits, and Preemption Requirements.

OMB Control Number: 2137–0051.

This collection of information applies to rulemaking procedures regarding PHMSA’s HMR regulations. Specific areas covered in this information collection include 49 CFR Part 105, Subpart A and Subpart B, “Hazardous Materials Program Definitions and General Procedures;” 49 CFR part 106, Subpart B, “Participating in the Rulemaking Process;” 49 CFR part 107, Subpart C, “Preemption;” and 49 CFR Part 107, Subpart H, “Approvals, Registrations and Submissions.” The proposed rule would expand the types of allowed portable tanks and expand the list of allowed hazardous materials permitted in those tanks. Under current regulations, the use of these tanks or the transfer of the hazardous materials specified in the proposed rule would require a special permit or Competent Authority Approval from PHMSA’s AAHMS. If the proposed rule becomes effective, these special permits or Competent Authority Approvals would no longer be needed. Eliminating these special permits or Competency

Authority Approvals would reduce the burden associated with the OMB Control Number 2137–0051 by reducing the number of respondents, responses, and burden hours associated with special permit or Competency Authority Approval requests. We contacted DOT regarding this collection of information. They validated our methodology and concurred that this proposed rulemaking would impact the referenced ICR. However, they will defer any adjustments to the ICR until the final rule is published.

Summary of Collection of Information: The proposed rule would impact the burden associated with 49 CFR part 107, Subpart H, “Approvals, Registrations and Submissions.” The proposed rule would eliminate the need for special permit or Competent Authority Approval applications and therefore reduce the burden associated with that part of the collection. As previously stated, we contacted DOT regarding this collection of information.

Need for Information: Special permit or Competent Authority Approval procedures provide the information required for analytical purposes to determine if the requested relief provides for a comparable level of safety as provided by PHMSA’s HMR regulations.

Proposed Use of Information: The information collected under this ICR is used in the review process by PHMSA in determining the merits of the petitions for rulemakings and for reconsideration of rulemakings, as well as applications for special permits or Competent Authority Approvals, preemption determinations and waivers of preemption determinations. This rulemaking would affect special permit or Competent Authority Approval requests, which PHMSA’s AAHMS would need to determine the merits and use of the unallowed tanks.

Description of Respondents: The respondents impacted by this proposed rule are owners and operators of OSVs requesting the use of unauthorized portable tanks as well as owners and operators of OSVs requesting approval to transport unauthorized hazardous material.

Number of Respondents: The number of respondents affected by this ICR is 8,770. The number of respondents impacted by this proposed rule would be 402 owners and operators of OSVs.

Frequency of Response: Without the proposed rule, we estimate each respondent would have to provide a response every 2–5 years or one response per ICR renewal cycle.

Burden of Response: The savings in burden hours per request is estimated at

⁸ NAICS definitions can be accessed online at <http://www.census.gov/econ/industry/def/d488330.htm> and <http://www.census.gov/econ/industry/def/d211112.htm>, respectively.

⁹ 85% of these entities meet the \$7 million in annual revenue SBA size standard.

5.5 hours (five-hour special permit or Competent Authority Approval requests + 0.5-hour recordkeeping).

Estimated Total Annual Burden:

Currently, the ICR annual hour burden is 4,219, of which 792 hours are the result of 144 special permit or Competent Authority Approval requests per year. As IM 101 and IM 102 portable tanks phase out, we expect an additional 5 special permits or Competent Authority Approvals per year over the three year ICR renewal period. This would add 27.5 future burden hours per year to the current 4,219 approved hourly estimate. As this proposed rule would eliminate the need for these special permit or Competent Authority Approval requests, it would eliminate the future burden by 27.5 hours per year. We estimate that expanding the list of hazardous materials approved for transfer to and from the specified portable tanks and IBCs would eliminate the filing of 7 special permits or Competent Authority Approvals per 3-year ICR renewal cycle. At 5.5 hours per special permit or Competent Authority Approval, this would be an additional reduction of 38.5 hours of regulatory burden per 3-year period. We are communicating with DOT regarding current estimates of special permit or Competent Authority Approval requests and the associated burden hours.

Reason for Proposed Change: The proposed rule would eliminate the need for special permit or Competent Authority Approval requests for unauthorized portable tanks and IBCs as well as the unauthorized transport of hazardous materials.

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), we will submit a copy of this proposed rule to the OMB for its review of the collection of information.

E. Federalism

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

F. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the

aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

G. Taking of Private Property

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

H. Civil Justice Reform

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

I. Protection of Children

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

J. Indian Tribal Governments

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

K. Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866, as supplemented by Executive Order 13563, 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.

L. Technical Standards

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

This proposed rule uses the following voluntary consensus standard: International Maritime Dangerous Goods Code (IMDG) 2010 Edition, Amendment 35–10, Section: 4.2.0.1. The proposed sections that reference this standard and the locations of this standard are listed in proposed 46 CFR 98.30–2.

If you disagree with our use of the voluntary consensus standard listed above or are aware of voluntary consensus standards that might apply but are not listed, please send a comment to the docket using one of the methods under **ADDRESSES**. In your comment, please explain why you disagree with our use of this standard and/or identify voluntary consensus standards the Coast Guard has not listed that might apply.

M. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A preliminary environmental analysis checklist supporting this determination is available in the docket where indicated under the “Public Participation and Request for Comments” section of this preamble. This action falls under section 2.B.2, figure 2–1, paragraph (34)(d) and (e) of the Instruction and under section 6(a) of the “Appendix to National Environmental Policy Act: Coast Guard Procedures for Categorical Exclusions, Notice of Final Agency Policy” (67 FR 48243, July 23, 2002).

This proposed rule involves regulations concerning equipping of vessels, regulations concerning equipment approval and carriage requirements, and regulations concerning vessel operation safety standards. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 46 CFR Part 98

Cargo vessels, Hazardous materials transportation, Incorporation by Reference, Marine safety, Reporting and recordkeeping requirements, Water pollution control.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 46 CFR part 98 as follows:

PART 98—SPECIAL CONSTRUCTION, ARRANGEMENT, AND OTHER PROVISIONS FOR CERTAIN DANGEROUS CARGOES IN BULK

1. The authority citation for part 98 continues to read as follows:

Authority: 33 U.S.C. 1903; 46 U.S.C. 3306, 3307, 3703; 49 U.S.C. App. 1804; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

Subpart 98.30—Portable Tanks and Intermediate Bulk Containers

2. Revise the heading for subpart 98.30 to read as set forth above.

3. Amend § 98.30–1 as follows:

a. In paragraph (a), after the words “portable tanks”, add the words “and Intermediate Bulk Containers (IBCs)”;

b. In paragraph (b) introductory text, after the words “portable tanks”, add the words “and IBCs”;

c. In paragraph (b)(1), remove “;” and add, in its place, “.”;

d. Revise paragraphs (b)(2) and (3); and

e. Add paragraph (b)(4).

The revisions and addition read as follows:

§ 98.30–1 Applicability.

* * * * *

(b) * * *

(2) An IM 101, IM 102, IMO Type 1, IMO Type 2, or UN portable tank.

(3) A portable tank authorized for hazardous materials by the Associate Administrator for Hazardous Materials Safety (AAHMS) of the Pipeline and Hazardous Materials Safety Administration (PHMSA), under a special permit or Competent Authority Approval issued in accordance with 49 CFR part 107, subpart H.

(4) An IBC, but restricted to those metal IBCs as described in § 98.30–5 of this subpart.

§ 98.30–17 [Redesignated as § 98.30–18]

4. Redesignate § 98.30–17 as § 98.30–18.

§§ 98.30–13 through 98.30–15

[Redesignated as §§ 98.30–15 through 98.30–17]

5. Redesignate §§ 98.30–13 through 98.30–15 as §§ 98.30–15 through 98.30–17, respectively.

§§ 98.30–6 through 98.30–11

[Redesignated as §§ 98.30–9 through 98.30–14]

6. Redesignate §§ 98.30–6 through 98.30–11 as §§ 98.30–9 through 98.30–14, respectively.

§ 98.30–5 [Redesignated as § 98.30–7]

7. Redesignate § 98.30–5 as § 98.30–7.

§§ 98.30–2 through 98.30–4 Redesignated as §§ 98.30–3 through 98.30–5]

8. Redesignate §§ 98.30–2 through 98.30–4 as §§ 98.30–3 through 98.30–5, respectively.

9. Add new § 98.30–2 to read as follows:

§ 98.30–2 Incorporation by reference.

(a) Certain material is incorporated by reference into this subpart with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG–521), 2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126, and is available from the sources listed below. It is also available for inspection at 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.

(b) International Maritime Organization (IMO), 4 Albert Embankment, London SE1 7SR, United Kingdom, <http://www.imo.org>.

(1) International Maritime Dangerous Goods (IMDG) Code, 2010 Edition Incorporating Amendment 35–10 Section: 4.2.0.1, IBR approved for §§ 98.30–3 and 98.30–5.

(2) [Reserved]

10. Revise newly redesignated § 98.30–3 to read as follows:

§ 98.30–3 Definitions.

(a) *IM 101 portable tank and IM 102 portable tank* means a portable tank

constructed and approved by PMSA and manufactured on or before January 1, 2003, that meets the requirements for continued use under 49 CFR 173.32.

(b) *IMO Type 1 portable tank and IMO Type 2 portable tank* means a portable tank constructed in accordance with Amendment 35–10 to the International Maritime Dangerous Goods (IMDG) Code (incorporated by reference, see § 98.30–2) and approved on or before July 1, 2003, that meets the provisions for continued use under the IMDG Code.

(c) *MPT* means a marine portable tank that was inspected and stamped by the Coast Guard on or before September 30, 1992, and that meets the applicable requirements in this part and part 64 of this chapter.

(d) *UN portable tank* means a portable tank constructed in accordance with 49 CFR 178.274 and 178.275, and approved in accordance with 49 CFR 173.32 and 178.273.

(e) *IBC* means an intermediate bulk container as defined in 49 CFR 171.8.

11. In newly redesignated § 98.30–5:

a. Revise paragraphs (a)(1), (a)(2) introductory text, and (a)(2)(i);

b. In paragraph (a)(2)(ii), remove the word “exemption” and add in its place the words “special permit”;

c. Revise paragraph (b);

d. Redesignate paragraph (c) as paragraph (d) and revise it; and

e. Add new paragraph (c).

The revisions and addition read as follows:

§ 98.30–5 Vessels carrying portable tanks other than MPTs.

(a) * * *

(1) An IM 101, IM 102, IMO Type 1, IMO Type 2, or UN portable tank authorized for its contents in accordance with 49 CFR 172.101, Hazardous Materials Table, Columns 7 and 8C.

(2) A portable tank authorized by PHMSA’s AAHMS under a special permit or Competent Authority Approval issued in accordance with 49 CFR part 107, subpart H.

(i) According to the terms of the special permit or Competent Authority Approval, equivalent to an IM 101, IM 102, IMO Type 1, IMO Type 2, or UN portable tank.

* * * * *

(b) Each IM 101, IM 102, or UN portable tank must be tested and inspected in accordance with 49 CFR part 180, subpart G and follow specifications in accordance with 49 CFR 178.275(c).

(c) Each IMO Type 1 or IMO Type 2 portable tank must be tested and inspected in accordance with Amendment 35–10 to the IMDG Code

(incorporated by reference, see § 98.30–2).

(d) Each portable tank authorized under a special permit or Competent Authority Approval from PHMSA's AAHMS must be inspected, tested, maintained, and used in accordance with the terms of that special permit or Competent Authority Approval.

12. Add new § 98.30–6 to read as follows:

§ 98.30–6 Vessels carrying IBCs.

Intermediate Bulk Containers (IBCs) with a classification of 31A may be used on a vessel to which this part applies and must meet at a minimum the following constructional requirements:

(a) The shell thickness must be a minimum 6.36 mm (0.25 inches) in reference steel.

(b) There must be a self-closing relief valve set to open at no less than 5 psig.

(c) Closures used on fill openings, in excess of 20 square inches, must be equipped with a device to prevent them from fully opening without first relieving internal pressure.

(d) All venting requirements must be followed in accordance with 49 CFR 178.345–10, Table 1.

13. In newly redesignated § 98.30–7:

a. In paragraph (a)(1), remove the words “or “ORM–E”” and add in their place the words ““hazardous substance”, or “hazardous waste””;

b. Revise paragraph (a)(2)(iii);

c. In paragraph (a)(3), after the words “material listed in”, add the words “Table 98.30–7(a)—Certain Hazardous Materials Authorized For Transfer To and From Portable Tanks”;

d. Remove Table 98.30–5(a) and add Table 98.30–7(a) in its place; and

e. Revise paragraphs (b), (e), and (f).

The revisions and addition to read as follows:

§ 98.30–7 Materials authorized for transfer to and from a portable tank.

(a) * * *

(2) * * *

(iii) Is authorized for transport in an IM 101, IM 102, IMO Type 1, IMO Type 2, or UN portable tank under subpart F of 49 CFR part 173;

* * * * *

TABLE 98.30–7(a)—CERTAIN HAZARDOUS MATERIALS AUTHORIZED FOR TRANSFER TO AND FROM PORTABLE TANKS

Acetone
Alcohols; flash point of 80 °F (27 °C) or less by open-cup test
Benzene
Gasoline
Liquid Nitrogen

TABLE 98.30–7(a)—CERTAIN HAZARDOUS MATERIALS AUTHORIZED FOR TRANSFER TO AND FROM PORTABLE TANKS—Continued

Mixtures of Hydrochloric acid and hydrofluoric acid containing not more than 36 percent hydrochloric acid or 2 percent hydrofluoric acid¹

Methyl Ethyl Ketone

Mixtures of hydrochloric acid and hydrofluoric acid containing not more than 24 percent hydrochloric acid or 6 percent hydrofluoric acid¹

Toluene (Toluol)

Corrosive liquid, toxic, N.O.S. (Mixtures of hydrochloric acid, hydrofluoric acid, and fluoboric acid), UN 2922, packing group II, containing not more than 11 percent hydrofluoric acid¹

Note:¹ Each MPT must be lined with rubber or with material equally acid-resistant and equally strong and durable.

(b) Grade D and Grade E combustible liquids with a flashpoint of 100 °F (38 °C) or higher by closed cup test that are not listed by name in the Hazardous Materials Table of 49 CFR 172.101 may be transferred to and from an MPT, IM 101, IM 102, IMO Type 1, IMO Type 2, or UN portable tank conforming to the T Code “T1” specified in 49 CFR 172.102(c)(7)(i).

* * * * *

(e) Environmentally hazardous substances (see paragraph (a)(4) of this section) may be transferred only to and from an MPT, IM 101, IM 102, IMO Type 1, IMO Type 2, or UN portable tank.

(f) A portable tank authorized for transfer of hazardous material in this section may be substituted by another portable tank in accordance with 49 CFR 173.32(b).

* * * * *

14. Add new § 98.30–8 to read as follows:

§ 98.30–8 Materials authorized for transfer to and from an IBC.

Any hazardous material listed in Table 98.30–7(a) of § 98.30–7 of this subpart may be transferred to and from an IBC under this subpart, with the exception of Liquid Nitrogen.

15. Revise newly redesignated § 98.30–9 to read as follows:

§ 98.30–9 Lifting a portable tank or IBC.

No person may lift a portable tank and/or IBC with another portable tank and/or IBC.

§ 98.30–10 [Amended]

16. In newly redesignated § 98.30–10, after the words “portable tank”, add the words “or IBC”.

17. In newly redesignated § 98.30–12:

a. Revise the section heading;

b. In paragraph (a), after the words “portable tank”, add the words “and/or IBC”;

c. In paragraph (b) introductory text, after the words “portable tank”, add the words “and/or IBC”;

d. Add paragraph (c).

The revision and addition read as follows:

§ 98.30–12 Stowage of portable tanks and IBCs.

* * * * *

(c) All IBCs must be secured as specified in 49 CFR 176.74.

18. In newly redesignated § 98.30–13:

a. Redesignate the introductory text, paragraph (a), and paragraph (b) as paragraphs (a) introductory text, (a)(1), and (a)(2), respectively;

b. In newly redesignated paragraph (a) introductory text, after the words “portable tank”, add the words “or IBC”;

c. Revise redesignated paragraph (a)(1); and

d. Add paragraphs (a)(3) and (b).

The revision and additions read as follows:

§ 98.30–13 Pipe connections, and filling and discharge openings.

(a) * * *

(1) For an IM 101, IM 102, IMO Type 1, IMO Type 2, or UN portable tank, the closures specified in 49 CFR 178.275.

* * * * *

(3) For an IBC, the closures specified in 49 CFR 178.705.

(b) A manifold cannot be used when transferring a hazardous material to or from a portable tank or IBC on board a vessel.

§ 98.30–15 [Amended]

19. In redesignated § 98.30–15(a), after the words “portable tank”, add the words “or IBC”.

20. In newly redesignated § 98.30–16:

a. Revise the section heading;

b. In paragraph (a) introductory text, remove the word “shall” and add in its place the word “must”; and

c. Add paragraph (c).

The revision and addition read as follows:

§ 98.30–16 Requirements for ships carrying NLSs in portable tanks and IBCs.

* * * * *

(c) Any ship that carries NLSs in an IBC, as described in section 98.30–5 of this subpart, must meet all requirements in accordance with 46 CFR 125.120.

§ 98.30–18 [Amended]

21. In newly redesignated § 98.30–18:

a. In paragraph (a) remove the word “shall” and add, in its place, the word “must”, and after the words “portable tank”, add the words “or IBC”; and

b. In paragraph (b) introductory text, after the words “portable tank”, add the words “or IBC”, and remove the word “shall”, and add, in its place, the word “must”.

§ 98.30–19 [Amended]

22. In § 98.30–19, in paragraphs (b) and (c), after the words “portable tank”, add the words “or IBC”.

§ 98.30–21 [Amended]

23. In § 98.30–21, in the introductory text and paragraphs (b) and (c), after the words “portable tank”, add the words “or IBC”.

§ 98.30–23 [Amended]

24. In § 98.30–23, in the introductory text, after the words “portable tank”, add the words “or IBC”.

§ 98.30–25 [Amended]

25. In § 98.30–25, after the words “portable tank”, add the words “or IBC”.

§ 98.30–27 [Amended]

26. In § 98.30–27, in paragraph (a) introductory text, remove the word “shall” and add, in its place, the word “must”.

§ 98.30–29 [Amended]

27. In § 98.30–29, after the words “portable tank”, add the words “or IBC”.

§ 98.30–31 [Amended]

28. In § 98.30–31, in the introductory text, after the words “portable tank or”, add the words “IBC or”.

§ 98.30–33 [Amended]

29. In § 98.30–33, in paragraph (a) introductory text and paragraph (b), after the words “portable tank”, add the words “or IBC”.

§ 98.30–35 [Amended]

30. In § 98.30–35, after the words “portable tank”, add the words “or IBC”.

§ 98.30–37 [Amended]

31. In § 98.30–37, in the introductory text, after the words “portable tank or”, add the words “or IBC”.

Subpart 98.33—Portable Tanks and IBCs for Certain Grade E Combustible Liquids and Other Regulated Materials

32. Revise the heading for subpart 98.33 to read as set forth above.

33. In § 98.33–1:

a. Revise paragraph (b)(1) (including removal of the note);

b. Amend paragraph (b)(2) by removing “; and” and adding in its place “.”; and

c. Add paragraph (b)(4).

The revision and addition read as follows:

§ 98.33–1 Applicability.

* * * * *

(b) * * *

(1) A DOT-specification 57 portable tank constructed on or before October 1, 1996, or a UN portable tank (see 49 CFR 173.32 and § 98.30–3(d) of this part).

* * * * *

(4) An Intermediate Bulk Container (IBC), but restricted to those metal IBCs as described in § 98.30–5 of this subpart.

§ 98.33–3 [Amended]

34. In § 98.33–3, in the introductory text, after the words “portable tanks”, add the words “or IBCs”.

35. In § 98.33–5:

a. Revise the section heading;

b. Redesignate the introductory text, paragraph (a), and paragraph (b) as

paragraphs (a), (a)(1), and (a)(2), respectively; and

c. Add new paragraph (b).

The revision and addition read as follows:

§ 98.33–5 Portable tanks and IBCs authorized.

* * * * *

(b) The cargoes authorized under § 98.33–3 may be transferred to and from IBCs to which this subpart applies if the IBCs meet the requirements in § 98.30–5 of this part.

§ 98.33–7 [Amended]

36. In § 98.33–7, after the words “portable tank”, add the words “or IBC”.

§ 98.33–9 [Amended]

37. In § 98.33–9, after the words “portable tank”, add the words “or IBC”.

§ 98.33–11 [Amended]

38. In § 98.33–11, in paragraphs (a) and (b), after the words “portable tank”, add the words “or IBC”.

§ 98.33–13 [Amended]

39. In § 98.33–13, after the words “portable tank”, add the words “or IBC”.

§ 98.33–15 [Amended]

40. In § 98.33–15, in the introductory text, after the words “portable tank”, add the words “or IBC”.

Dated: February 10, 2012.

J.G. Lantz,

Director of Commercial Regulations and Standards, U.S. Coast Guard.

[FR Doc. 2012–5551 Filed 3–8–12; 8:45 am]

BILLING CODE 9110–04–P

Notices

Federal Register

Vol. 77, No. 47

Friday, March 9, 2012

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

Office of the Secretary

Notice of Request for Revision of a Currently Approved Information Collection

AGENCY: Office of Advocacy and Outreach/1890 Programs

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Office of Advocacy and Outreach/1890 Programs intention to request an extension for a currently approved information collection for the USDA/1890 National Scholars Program. **DATES:** Comments on this notice must be received May 8, 2012.

Additional Information or Comments: Contact Mona Adkins-Easley, Higher Education Initiatives Program Lead, U.S. Department of Agriculture, 1400 Independence Ave. SW., 530-A, Whitten Building, Washington, DC 20250 or call 202-692-0251(O) or 202-720-7136 (Fax).

SUPPLEMENTARY INFORMATION: *Title:* USDA/1890 National Scholars Program Application.

OMB Number: 0503-0015.

Expiration Date of Approval: June 30, 2012.

Type of Request: Extension of a currently approved information collection.

Abstract: The USDA/1890 National Scholars Program is a joint human capital initiative between the U.S. Department of Agriculture (USDA) and the 1890 Historically Black Land-Grant Universities. Through the Program, USDA offers scholarships to high school and college students who are seeking a bachelor's degree in the fields of agriculture, food, or natural resource sciences and related disciplines at 1890 Land-Grant Universities. In order for

graduating high school students and current freshman and sophomores to be considered for the scholarship, a completed application is required. The first section of the high school application requests the applicant to include biographical information (*i.e.* name, address, age, etc.); educational background information (*i.e.* grade point average, test scores, name of university(ies) interested in attending and desired major); and extracurricular activities. The second section of the application is completed by the student's guidance counselor and requests information pertaining to the student's academic status, graduate point average, and test scores. The last section of the application, which is to be completed by a teacher, provides information that assesses the applicant's interests, habits, and potential. The first section of the college application requests the applicant to include biographical information (*i.e.* name, address, age, etc.); educational background information (*i.e.* grade point average, test scores, name of university(ies) interested in attending and desired major); extracurricular activities, and an essay. Two letters of recommendation are required by a Department Head, Dean of a College or one of the University Vice President and a College Professor, however, there are not sections included in the application that these individuals will need to complete.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 1 hour per response.

Respondents: High School Students, Freshman and Sophomore College Students, Teachers, and Guidance Counselors.

Estimated Number of Respondents: 2,400 (600 applications).

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 7,200 hours.

Comments are invited on: (1) 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) 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. Comments may be sent to Mona Adkins-Easley, Higher Education Initiatives Program Lead, U.S. Department of Agriculture, 1400 Independence Ave. SW., 530-A, Whitten Building, Washington, DC 20250. All comments received will be available for public inspection during regular business hours at the same address.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Pearlie S. Reed,

Assistant Secretary for Administration.

[FR Doc. 2012-5649 Filed 3-8-12; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

National Institute of Food and Agriculture

Notice of Intent To Request Approval To Establish a New Information Collection

AGENCY: National Institute of Food and Agriculture, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and Office of Management and Budget (OMB) regulations, this notice announces the National Institute of Food and Agriculture (NIFA) intention to request approval to establish a new information collection for the NIFA Division of Community and Education.

DATES: Written comments on this notice must be received by May 8, 2012, to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Written comments concerning this notice and requests for copies of the information collection may be submitted by any of the following methods: Email: gmendez@nifa.usda.gov; Fax: 202-720-

0857; Mail: Office of Information Technology (OIT), NIFA, USDA, STOP 2216, 1400 Independence Avenue SW., Washington, DC 20250-2216.

FOR FURTHER INFORMATION CONTACT: Gidel Mendez, eGovernment Program Leader; Email: gmendez@nifa.usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Division of Community and Education Project Output Tracking Questionnaires.

OMB Number: 0524-XXXX.

Type of Request: Intent to request approval to establish a new information collection system for three years.

Abstract: The Division of Community and Education (DOCE) at the National Institute of Food and Agriculture (NIFA) houses grant programs that are responsible for awarding funds to secondary and postsecondary institutions to support a variety of activities including curriculum development, faculty development, experiential learning activities, and scientific instrumentation, among others. In order to improve federal program effectiveness and public accountability, DOCE will create questionnaires that will ask project directors to quantitatively report on the activities they use for their project and the outputs that are produced from the money.

Need and Use of the Information: Per the Government Performance and Results Act of 1993, agencies are expected to provide adequate oversight and eliminate waste and inefficiency in federal programs. These questionnaires will help to do this in two ways: 1. They will provide transparency in the way in which federal money is spent; and 2. They will help to inform and guide programmatic priorities.

The information collected by these questionnaires will be able to be aggregated across the division, creating a clear picture of how the money was spent and the outputs that resulted without identifying specific project directors or institutions. This aggregated information can be summarized, and presented to stakeholders, as well as be used to respond to congressional inquiries.

In addition, trends and patterns in the way in which money was spent will be evident. National Program Leaders will be able to determine how much grant money went toward specific grant activities in a given year. They may be able to use this information to adjust programmatic priorities for the following fiscal year if projects addressing particular grant activities are disproportionately funded.

The information collected from the questionnaire will provide a more

comprehensive and accurate assessment of national program outputs. Currently, project directors are required to complete Current Research Information System (CRIS) reports annually, as well as a final report. There are no specific guidelines for the CRIS reports, and as a result, the reports often do not contain quantitative information relevant to project and program goals. CRIS reports do, however, provide important descriptive information, but standardized information at the division level is needed to augment these reports.

Estimate of Burden: DOCE estimates that an average of 20 minutes is required to complete the questionnaire and supplemental questionnaire with respect to each award. DOCE estimates that it makes approximately 300 awards each year, which means that there are 300 Project Directors that must complete these questionnaires annually. Therefore, the total annual burden on Project Directors is 100 hours.

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 will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on 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.

All responses to this notice will be summarized and included in the request to OMB for approval. All comments will become a matter of public record.

Done in Washington, DC, March 1, 2012.

Catherine E. Woteki,

Under Secretary, Research, Education, and Economics.

[FR Doc. 2012-5796 Filed 3-8-12; 8:45 am]

BILLING CODE 3410-22-P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Proposed Information Collection; Comment Request; Broadband Technology Opportunities Program (BTOP) Quarterly and Annual Performance Progress Reports

AGENCY: National Telecommunications and Information Administration.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written Comments must be submitted on or before May 8, 2012.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, U.S. Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via email to Jjessup@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instruments and instructions should be sent to Anthony G. Wilhelm, Director, BTOP, Office of Telecommunications and Information Applications, National Telecommunications and Information Administration, via email at btot@ntia.doc.gov, or by telephone at (202) 482-2048.

SUPPLEMENTARY INFORMATION:

I. Abstract

The American Recovery and Reinvestment Act of 2009 (Recovery Act) appropriated funds for BTOP, which included competitive grants to expand public computer center capacity and innovative programs to encourage sustainable adoption of broadband service. Section 6001 of the Recovery Act establishes five core purposes to be advanced by projects funded under BTOP:

- (1) To provide access to broadband service to consumers residing in unserved areas of the country;
- (2) To provide improved access to broadband service to underserved areas of the country;
- (3) To provide broadband access, education, and support to community anchor institutions (e.g., schools, libraries, and medical facilities), or organizations and agencies serving vulnerable populations (e.g., low-income, unemployed, and aged), or job-creating strategic facilities located in State- or Federally-designated economic development areas;
- (4) To improve access to, and use of, broadband service by public safety agencies; and
- (5) To stimulate the demand for broadband, economic growth, and job creation.

OMB also requires agencies administering grant programs to

implement post-award financial and performance reporting for those programs. Finally, the Department of Commerce's implementation of OMB's Uniform Administrative Requirements authorizes NTIA to require performance reports from BTOP grant recipients.

To date, NTIA has utilized OMB-approved Performance Progress Reports (PPRs) to capture quarterly and annual reports for each project type (Infrastructure, Public Computer Center, and Sustainable Broadband Adoption). Each PPR provides updates on fundamental project milestones and key performance indicators that allow NTIA to measure project progress and ensure proper monitoring and compliance with program rules.

After reviewing recent PPRs, NTIA identified a need to collect additional information from Infrastructure grant recipients to assess more accurately the progress of BTOP grants in relation to intended program benefits. Specifically, NTIA modified its existing annual performance report for Infrastructure awards by adding questions that require Infrastructure grantees to provide supplemental information regarding project deployment. NTIA requires this additional project implementation information to better monitor and assess the effect BTOP grant awards are having meeting program goals, including increasing broadband availability and adoption and achieving economic and social benefits in communities served by the grantees.

NTIA intends to use the information collected to: (1) Identify more accurately BTOP grant beneficiaries; (2) track better a project's progress against program-specific objectives; (3) facilitate further monitoring and oversight efforts of existing grants; and (4) ensure that grant projects will have the intended sustained impacts.

II. Method of Collection

The reports will be submitted electronically.

III. Data

OMB Control Number: 0660-0037.
Form Number(s): None.

Type of Review: Regular submission (revision of a currently approved information collection).

Affected Public: Business or other for-profit organizations; not-for-profit institutions; and State, Local, or Tribal government organizations.

Number of Respondents: 121.

Average Burden Hours per Response for the Annual Report: 3.94.

Average Burden Hours for the Additional Responses in the Annual Report: 2.0.

Estimated Total Annual Burden Hours on Respondents: 719.

IV. Request for Comments

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this proposed revision of a currently approved collection of information. They will also become a matter of public record.

Dated: March 5, 2012.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2012-5724 Filed 3-8-12; 8:45 am]

BILLING CODE 3510-06-P

DEPARTMENT OF COMMERCE

Bureau of the Census

Establishment of the National Advisory Committee on Racial, Ethnic, and Other Populations

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of Committee Establishment.

SUMMARY: The Bureau of the Census (Census Bureau) is hereby giving notice that the Secretary of Commerce has determined that the establishment of the National Advisory Committee of Race, Ethnic, and Other Populations is necessary and in the public interest. The Committee will function solely as an advisory body and in compliance with provisions of the Federal Advisory Committee Act. Copies of the charter will be filed with the appropriate Committees of the Congress and with the Library of Congress.

FOR FURTHER INFORMATION CONTACT: Jeri Green, Chief, Office of External Engagement, U.S. Census Bureau, Washington, DC 20233, telephone 301-763-2075 or Jeri.Green@Census.gov.

SUPPLEMENTARY INFORMATION: The Census Bureau's National Advisory Committee on Racial, Ethnic, and Other Populations will advise the Director of the Census Bureau on the full range of Census Bureau programs and activities. The Advisory Committee will provide race, ethnic, and other population expertise from the following disciplines: economic, housing, demographic, socioeconomic, linguistic, technological, methodological, geographic, behavioral and operational variables affecting the cost, accuracy, and implementation of Census Bureau programs and surveys, including the decennial census.

Dated: March 2, 2012.

Robert M. Groves,

Director, Bureau of the Census.

[FR Doc. 2012-5752 Filed 3-8-12; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-583-835]

Certain Hot-Rolled Carbon Steel Flat Products From Taiwan: Notice of Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: In response to separate requests from United States Steel Corporation and Nucor Corporation, interested parties, the Department of Commerce (the Department) initiated an administrative review of the antidumping duty order on certain hot-rolled carbon steel flat products from Taiwan. The period of review is November 1, 2010, through October 31, 2011. Based on the withdrawal of requests for review submitted by United States Steel Corporation and Nucor Corporation, we are now rescinding this administrative review.

DATES: *Effective Date:* March 9, 2012.

FOR FURTHER INFORMATION CONTACT: Steve Bezirgianian or Robert James, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-1131 or (202) 482-0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 30, 2011, the Department published in the **Federal Register** a notice of initiation of an

administrative review of the antidumping duty order on certain hot-rolled carbon steel flat products from Taiwan covering the period November 1, 2010, through October 31, 2011. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 76 FR 82268 (December 30, 2011). The review covers five companies: Chain Chon Industrial Co., Ltd.; Kao Hsing Chang Iron & Steel Corp.; Kao Hsiung Chang Iron & Steel Corp.; Shang Chen Steel Co., Ltd.; and Yieh Phui Enterprise Co., Ltd. Nucor Corporation requested a review of all five of those companies, and U.S. Steel Corporation requested a review of three of those companies. No other party requested a review.

On February 14, 2012, Nucor Corporation withdrew its request for an administrative review of the five companies. On February 16, 2012, U.S. Steel Corporation withdrew its request for an administrative review of the three companies for which it had requested a review.

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1) of the Department's regulations, the Department will rescind an administrative review if the party that requested the review withdraws its request for review within 90 days of the publication of the notice of initiation of the requested review, or withdraws at a later date if the Department exercises its discretion to extend the time limit for withdrawing the request. Both Nucor Corporation and U.S. Steel Corporation withdrew their requests within the 90-day deadline. Therefore, we are rescinding the review with respect to all companies.

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of this notice.

Notifications

This notice serves as a final reminder to importers for whom this review is being rescinded of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to

liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with section 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: March 5, 2012.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2012-5789 Filed 3-8-12; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-583-841]

Polyvinyl Alcohol From Taiwan: Correction to Notice of Opportunity To Request Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

FOR FURTHER INFORMATION CONTACT: Dustin Ross, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-0747.

SUPPLEMENTARY INFORMATION: On March 1, 2012, the Department of Commerce (the Department) published its opportunity to request administrative review of the antidumping duty order on polyvinyl alcohol from Taiwan. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 77 FR 12559 (March 1, 2012). Subsequent to this publication, we identified an inadvertent error. Specifically, the

period of review was incorrect. The correct period of review is 09/13/2010–02/29/2012 rather than 09/13/2011–02/29/2012. This notice serves as a correction.

Dated: March 2, 2012.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2012-5793 Filed 3-8-12; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-570-982]

Utility Scale Wind Towers From the People's Republic of China: Notice of Postponement of Preliminary Determination in the Countervailing Duty Investigation

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* March 9, 2012.

FOR FURTHER INFORMATION CONTACT: Kristen Johnson or Patricia Tran, AD/CVD Operations, Office 3, Import Administration, U.S. Department of Commerce, Room 4014, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: 202-482-4793 and 202-482-1503, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 18, 2012, the Department of Commerce (the Department) initiated the countervailing duty investigation of utility scale wind towers from the People's Republic of China. *See Utility Scale Wind Towers From the People's Republic of China: Initiation of Countervailing Duty Investigation*, 77 FR 3447 (January 24, 2012). Currently, the preliminary determination is due no later than March 23, 2012.

Postponement of Due Date for Preliminary Determination

Section 703(b)(1) of the Tariff Act of 1930, as amended (the Act), requires the Department to issue the preliminary determination in a countervailing duty investigation within 65 days after the date on which the Department initiated the investigation. However, if the Department concludes that the parties concerned in the investigation are cooperating and determines that the investigation is extraordinarily complicated, section 703(c)(1)(B) of the Act allows the Department to postpone making the preliminary determination until no later than 130 days after the

date on which the administering authority initiated the investigation.

The Department has determined that the parties involved in the proceeding are cooperating and that the investigation is extraordinarily complicated. *See* section 703(c)(1)(B) of the Act. Specifically, the Department is currently investigating alleged subsidy programs involving loans, grants, income tax incentives, and the provision of goods or services for less than adequate remuneration. Due to the number and complexity of the alleged countervailable subsidy practices being investigated, it is not practicable to complete the preliminary determination of this investigation within the original time limit (*i.e.*, by March 23, 2012). Therefore, in accordance with section 703(c)(1)(B) of the Act, we are fully extending the due date for the preliminary determination to no later than 130 days after the day on which the investigation was initiated. However, as that date falls on a Sunday (*i.e.*, May 27, 2012) and is followed by a federal holiday on Monday, May 28, 2012, the deadline for completion of the preliminary determination is now Tuesday, May 29, 2012, the next business day.

This notice is issued and published pursuant to section 703(c)(2) of the Act.

Dated: March 2, 2012.

Ronald K. Lorentzen,
Acting Assistant Secretary for Import Administration.

[FR Doc. 2012-5785 Filed 3-8-12; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Announcement of the American Petroleum Institute's Standards Activities

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice.

SUMMARY: The American Petroleum Institute (API), with the assistance of other interested parties, continues to develop standards in several areas. This notice lists the standardization efforts currently being conducted by API committees. The publication of this notice by the National Institute of Standards and Technology (NIST) on behalf of API is being undertaken as a public service. NIST does not necessarily endorse, approve, or recommend the standards referenced.

DATES: Dates of conferences and meetings are provided in the **SUPPLEMENTARY INFORMATION** section below.

ADDRESSES: American Petroleum Institute, 1220 L Street NW., Washington, DC 20005; telephone (202) 682-8000, <http://www.api.org>.

FOR FURTHER INFORMATION CONTACT: All contact individuals listed in the **SUPPLEMENTARY INFORMATION** section of this notice may be reached at the American Petroleum Institute.

SUPPLEMENTARY INFORMATION:

Background

The American Petroleum Institute develops and publishes voluntary standards for equipment, materials, operations, and processes for the petroleum and natural gas industry. These standards are used by both private industry and by governmental agencies. All interested persons should contact the appropriate source as listed for further information.

Exploration & Production

Specification 2C, *Offshore Pedestal-mounted Cranes*, 7th Edition.

Recommended Practice 2D, *Operation and Maintenance of Offshore Cranes*, 7th Edition.

Recommended Practice 2EQ, *Seismic Design Procedures and Criteria for Offshore Structures*, 1st Edition.

Recommended Practice 4G, *Operation, Inspection, Maintenance, and Repair of Drilling and Well Servicing Structures*, 4th Edition.

Specification 5L, *Specification for Line Pipe*, 45th Edition.

Recommended Practice 5L8, *Field Inspection of New Line Pipe*, 3rd Edition.

Specification 5L9, *Recommended Practice for External Fusion Bonded Epoxy Coating of Line Pipe*, 2nd Edition.

Recommended Practice 5LT, *Recommended Practice for Truck Transportation of Line Pipe*, 1st Edition.

Recommended Practice 6DR, *Repair and Remanufacture of Pipeline Valves*, 2nd Edition.

Recommended Practice 6HT, *Heat Treatment and Testing of Large Cross Section and Critical Section Components*, 2nd Edition.

Recommended Practice 7G-1, *Recommended Practice for Drill Stem Design and Operating Limits*, 1st Edition.

Specification 7HU2, *Hammer Unions*, 1st Edition.

Specification 7NRV, *Specification on Non-Return Valves*, 2nd Edition.

Recommended Practice 8B, *Inspection, Maintenance, Repair, and*

Remanufacture of Hoisting Equipment, 8th Edition.

Specification 8C, *Drilling and Production Hoisting Equipment (PSL 1 and PSL 2)*, 5th Edition.

Specification 11AX, *Specification for Subsurface Sucker Rod Pumps and Fittings*, 13th Edition.

Specification 11E, *Specification for Pumping Units*, 19th Edition.

Recommended Practice 11BR, *Recommended Practice for the Care and Handling of Sucker Rods*, 10th Edition.

Recommended Practice 11G, *Recommended Practice for Installation and Lubrication of Pumping Units*, 5th Edition.

Recommended Practice 13B-2, *Recommended Practice for Field Testing Oil-based Drilling Fluids*, 5th Edition.

Recommended Practice 13C, *Recommended Practice on Drilling Fluid Processing Systems Evaluation*, 5th Edition.

Specification 14A, *Subsurface Safety Valve Equipment*, 12th Edition.

Recommended Practice 14FZ, *Recommended Practice for Design, Installation, and Maintenance of Electrical Systems for Fixed and Floating Offshore Petroleum Facilities for Unclassified and Class I, Zone 0, Zone 1 and Zone 2 Locations*, 2nd Edition.

Specification 16A, *Specification for Drill-through Equipment*, 4th Edition.

Specification 16F, *Specification for Marine Drilling Riser Equipment*, 2nd Edition.

Recommended Practice 16Q, *Design, Selection, Operation and Maintenance of Marine Drilling Riser Systems*, 2nd Edition.

Specification 16R, *Marine Drilling Riser Couplings*, 2nd Edition.

Specification 16RCD, *Drill Through Equipment—Rotating Control Devices*, 2nd Edition.

Recommended Practice 17A, *Design and Operation of Subsea Production Systems—General Requirements and Recommendations*, 5th Edition.

Specification 17L1, *Specification for Flexible Pipe Ancillary Equipment*, 1st Edition.

Recommended Practice 17L2, *Recommended Practice for Flexible Pipe Ancillary Equipment*, 1st Edition.

Recommended Practice 17P, *Recommended Practice for Structures and Manifolds of Subsea Production Systems*, 1st Edition.

Technical Report 17TR4, *Subsea Equipment Pressure Ratings*, 1st Edition.

Technical Report 17TR5, *Avoidance of Blockages in Subsea Production Control and Chemical Injection Systems*, 1st Edition.

Technical Report 17TR6, *Attributes of Production Chemicals in Subsea Production Systems*, 1st Edition.

Recommended Practice 19B, *Evaluation of Well Perforators—Addendum 1*, 2nd Edition.

Specification 20A, *Steel, Stainless Steel, and Nickel Base Alloy Castings for use in the Petroleum and Natural Gas Industry*, 1st Edition.

Specification 20B, *Open-die-shaped Forgings for use in the Petroleum and Natural Gas Industry*, 1st Edition.

Technical Report PER15K-1, *Protocol for Verification and Validation of HPHT Equipment*, 1st Edition.

Recommended Practice HF1, *Hydraulic Fracturing Operations—Well Construction and Integrity Guidelines*, 2nd Edition.

Recommended Practice HF2, *Water Management Associated with Hydraulic Fracturing*, 2nd Edition.

Recommended Practice HF3, *Practices for Mitigating Surface Impacts Associated with Hydraulic Fracturing*, 2nd Edition.

Publication HF4, *Community Engagement Considerations in Hydraulic Fracturing*, 1st Edition.

Recommended Practice 51R, *Environmental Protection for Onshore Oil and Gas Production Operations and Leases*, 2nd Edition.

Recommended Practice 12R1, *Recommended Practice for Setting, Maintenance, Inspection, Operation, and Repair of Tanks in Production Service*, 6th Edition.

Standard 53, *Blowout Prevention Equipment Systems for Drilling Operations*, 4th Edition.

Recommended Practice 65-1, *Cementing Shallow Water Flow Zones in Deep Water Wells*, 2nd Edition.

Recommended Practice 90-2, *Annular Casing Pressure Management for Onshore Wells*, 1st Edition.

Recommended Practice 92U, *Underbalanced Drilling Operations*, 2nd Edition.

Recommended Practice 96, *Deepwater Well Design Considerations*, 1st Edition.

Bulletin 97, *Well Control Interface Document Guidelines*, 1st Edition.

FOR FURTHER INFORMATION CONTACT:

Roland Goodman, Standards Department, email: (goodmanr@api.org).

Meetings/Conferences: The Exploration & Production Standards Conference will be held in Westminster, Colorado, June 11-15, 2012. Interested parties may visit the API Web site at <http://www.api.org/meetings/> for more information regarding participation in these meetings.

Marketing

Recommended Practice 1626, *Storing and Handling Ethanol and Gasoline-*

ethanol Blends at Distribution Terminals and Filling Stations—Addendum 1, 2nd Edition.

Recommended Practice 1640, *Light Product Quality Terminal Operations*, 1st Edition.

FOR FURTHER INFORMATION CONTACT:

Steve Crimaudo, Standards Department, email: (crimaudos@api.org).

Petroleum Measurement

MPMS Chapter 2.2D, *Calibration of Upright Cylindrical Tanks Using the Internal Electro-optical Distance Ranging (EODR) Method* (ANSI/API MPMS 2.2D), 2nd Edition.

MPMS Chapter 2.2G, *Calibration of Upright Cylindrical Tanks Using the Optical Reference Line Method Using Electro-optical Distance Ranging Equipment*, 1st Edition.

MPMS Chapter 3.5.1, *Standard Practice for Level Measurement of Light Hydrocarbon Liquids Onboard Marine Carriers and Floating Storage by Automatic Tank Gauging, Part 1—Liquefied Natural Gas*, 1st Edition.

MPMS Chapter 3.5.2, *Standard Practice for Level Measurement of Light Hydrocarbon Liquids Onboard Marine Carriers and Floating Storage by Automatic Tank Gauging, Part 2—Liquefied Petroleum and Chemical Gases*, 1st Edition.

MPMS Chapter 4.2, *Displacement Provers*, 4th Edition.

MPMS Chapter 4.8, *Operation of Proving Systems*, 2nd Edition.

MPMS Chapter 7.2, *Temperature Determination, Part 2—Portable Electronic Thermometers*, 3rd Edition.

MPMS Chapter 7.4, *Temperature Determination, Part 4—Dynamic Temperature Measurement*, 2nd Edition.

MPMS Chapter 8.1.1, *Standard Practice for Manual Sampling of Petroleum and Petroleum Products, Part 1—General Practices*, 1st Edition.

MPMS Chapter 8.1.2, *Standard Practice for Manual Sampling of Petroleum and Petroleum Products, Part 2—Manual Sampling for Crude Oil*, 1st Edition.

MPMS Chapter 8.1.3, *Standard Practice for Manual Sampling of Petroleum and Petroleum Products, Part 3—Manual Sampling for Liquid Petroleum Products*, 1st Edition.

MPMS Chapter 8.2.1, *Standard Practice for Automatic Sampling of Petroleum and Petroleum Products, Part 1—General Section*, 1st Edition.

MPMS Chapter 8.2.2, *Standard Practice for Automatic Sampling of Petroleum and Petroleum Products, Part 2—Automatic Sampling for Crude Oil*, 1st Edition.

MPMS Chapter 8.2.3, *Standard Practice for Automatic Sampling of Petroleum and Petroleum Products, Part 3—Automatic Sampling for Liquid Petroleum Products*, 1st Edition.

MPMS Chapter 9.1, *Standard Test Method for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Method* (ASTM D1298), 3rd Edition.

MPMS Chapter 9.2, *Standard Test Method for Density or Relative Density of Light Hydrocarbons by Pressure Hydrometer* (ASTM D1657), 3rd Edition.

MPMS Chapter 9.3, *Standard Test Method for Density, Relative Density, and API Gravity of Crude Petroleum and Liquid Petroleum Products by Thermohydrometer Method* (ASTM D6822), 3rd Edition.

MPMS Chapter 9.4, *Continuous/On-line Density Measurement and Applications*, 1st Edition.

MPMS Chapter 10.7, *Standard Test Method for Water in Crude Oils by Potentiometric Karl Fischer Titration* (ASTM D4377), 3rd Edition.

MPMS Chapter 11.3.4, *Gasoline/Ethanol Volume Correction Factors*, 1st Edition.

MPMS Chapter 12.1.1, *Calculation of Static Petroleum Quantities, Part 1—Upright Cylindrical Tanks and Marine Vessels*, 3rd Edition.

MPMS Chapter 12.1.2, *Calculation of Static Petroleum Quantities, Part 2—Calculation Procedures for Tank Cars*, 2nd Edition.

MPMS Chapter 13.3, *Measurement Uncertainty*, 1st Edition.

MPMS Chapter 14.1, *Collecting and Handling of Natural Gas Samples for Custody Transfer*, 7th Edition.

MPMS Chapter 14.3.1, *Concentric, Square-Edged Orifice Meters, Part 1—General Equations and Uncertainty Guidelines* (ANSI/API MPMS 14.3.1) (AGA Report No. 3, Part 1) (GPA 8185, Part 1), 4th Edition.

MPMS Chapter 14.3.3, *Concentric, Square-Edged Orifice Meters, Part 3—Natural Gas Applications* (ANSI/API MPMS 14.3.3) (AGA Report No. 3, Part 3) (GPA 8185, Part 3), 4th Edition.

MPMS Chapter 14.3.4, *Concentric, Square-Edged Orifice Meters, Part 4—Background, Development, Implementation Procedures and Subroutine Documentation* (AGA Report No. 3, Part 4) (GPA 8185, Part 4)", 4th Edition.

MPMS Chapter 14.7, *Mass Measurement of Natural Gas Liquids*, 4th Edition.

MPMS Chapter 14.9, *Measurement of Natural Gas by Coriolis Meter* (AGA Report No. 11), 2nd Edition.

MPMS Chapter 14.10, *Measurement of Flow to Flares*, 2nd Edition.

MPMS Chapter 14.11, *Thermal Cracked Gas*, 1st Edition.

MPMS Chapter 14.12, *Vortex Meters For Gas Flow Measurement*, 1st Edition.

MPMS Chapter 17.5, *Guidelines for Cargo Analysis and Reconciliation*, 3rd Edition.

MPMS Chapter 17.6, *Guidelines for Determining Fullness of Pipelines Between Vessels and Shore Tanks*, 2nd Edition.

MPMS Chapter 17.9, *Vessel Experience Factor (VEF)*, 2nd Edition.

MPMS Chapter 17.10.1, *Refrigerated Light Hydrocarbon Fluids—Measurement of Cargoes on Board LNG Carriers*, 1st Edition.

MPMS Chapter 19.1, *Evaporative Loss From Fixed-roof Tanks* (Previously Publication 2518), 4th Edition.

MPMS Chapter 19.2, *Evaporative Loss From Floating-roof Tanks* (Previously Publications 2517 and 2519), 3rd Edition.

MPMS Chapter 19.3, Part H, *Tank Seals and Fittings Certification—Administration* (also supersedes and incorporates the relevant sections of API MPMS Chapter 19.3 Parts F and G), 2nd Edition.

MPMS Chapter 19.4, *Evaporative Loss Reference Information and Speciation Methodology*, 3rd Edition.

MPMS Chapter 20.1, *Allocation Measurement—Overview*, 2nd Edition.

MPMS Chapter 20.2, *Production Allocation Measurement Using Single Phase Devices*, 1st Edition.

MPMS Chapter 20.3, *Multiphase Flow Measurement*, 1st Edition.

MPMS Chapter 20.4, *Draft Standard for Phase Behavior Application in Upstream Measurement and Allocation*, 1st Edition.

MPMS Chapter 20.5, *Recommended Practice for Well Rate Determination*, 1st Edition.

MPMS Chapter 20.6, *Recommended Practice for Production Allocation Methodologies and Techniques*, 1st Edition.

MPMS Chapter 21.1, *Electronic Gas Measurement*, 2nd Edition.

MPMS Chapter 22.2, *Testing Protocols—Differential Pressure Flow Measurement Devices*, 2nd Edition.

MPMS Chapter 22.3, *Testing Protocols—Flare Gas Meters*, 1st Edition.

MPMS Chapter 22.4, *Testing Protocols—Pressure, Differential Pressure, and Temperature Measuring Devices*, 1st Edition.

MPMS Chapter 22.5, *Testing Protocols—Electronic Flow Computer Calculations*, 1st Edition.

Technical Report 2572, *Carbon Content, Sampling and Calculation*, 1st Edition.

Technical Report 2573, *API MPMS Chapter 10, Sediment and Water Methodology Information Guide*, 1st Edition.

FOR FURTHER INFORMATION CONTACT: Paula Watkins, Standards Department, email: (watkinsp@api.org).

Meetings/Conferences: The Spring Committee on Petroleum Measurement Meeting will be held in Dallas, Texas, March 19–23, 2012. The Fall Committee on Petroleum Measurement Meeting will be held in New Orleans, Louisiana, October 22–26, 2012. Interested parties may visit the API Web site at <http://www.api.org/meetings/> for more information regarding participation in these meetings.

Pipeline

Standard 1104, *Welding of Pipelines and Related Facilities*, 21st Ed.

Standard 1160, *Managing System Integrity for Hazardous Liquid Pipelines*, 2nd Ed.

Recommended Practice 1161, *Guidance Document for the Qualification of Liquid Pipeline Personnel*, 2nd Ed.

FOR FURTHER INFORMATION CONTACT: Ed Baniak, Standards Department, email: (baniake@api.org).

Refining

Recommended Practice 500, *Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Division 1 and Division 2*, 3rd Edition.

Standard, 520—Part 1, *Sizing, Selection, and Installation of Pressure-Relieving Devices in Refineries—Part 1, Sizing and Selection*, 9th Edition.

Standard 521, *Guide for Pressure-relieving and Depressuring Systems*, 6th Edition.

Recommended Practice 535, *Burners for Fired Heaters in General Refinery Services*, 3rd Edition.

Recommended Practice 538, *Industrial Fired Boilers*, 1st Edition.

Recommended Practice 551, *Process Measurement Instrumentation*, 2nd Edition.

Recommended Practice 552, *Transmission Systems*, 2nd Edition.

Recommended Practice 553, *Refinery Valves and Accessories for Control and Safety Instrumented Systems*, 2nd Edition.

API 555, *Process Analyzers*, 3rd Edition.

Standard 560, *Fired Heaters for General Refinery Services*, 5th Edition.

Recommended Practice 573, *Inspection of Fired Boilers and Heaters*, 3rd Edition.

Recommended Practice 577, *Welding Processes, Inspection, and Metallurgy*, 2nd Edition.

Recommended Practice 583, *Corrosion Under Insulation and Fireproofing*, 1st Edition.

Recommended Practice 584, *Integrity Operating Windows*, 1st Edition.

Recommended Practice 585, *Pressure Equipment Integrity Incident Investigation*, 1st Edition.

Standard 599, *Metal Plug Valves—Flanged, Threaded and Welding Ends*, 7th Edition.

Standard 603, *Corrosion-Resistant, Bolted Bonnet Gate Valves—Flanged and Butt-Welding Ends*, 8th Edition.

Standard 612, *Petroleum, Petrochemical and Natural Gas Industries—Steam Turbines—Special-Purpose Applications*, 7th Edition.

Standard 617, *Axial and Centrifugal Compressors and Expander-compressors for Petroleum, Chemical and Gas Industry Services*, 8th Edition.

Standard 618, *Reciprocating Compressors for Petroleum, Chemical and Gas Industry Services*, 6th Edition.

Standard 620, *Design and Construction of Large, Welded, Low-Pressure Storage Tanks—Addendum 3*, 11th Edition.

Standard 623, *Steel Globe Valves—Flanged and Butt-welding Ends, Bolted Bonnets*, 1st Edition.

Standard 624, *Type Testing of Rising Stem Valves Equipped with Flexible Graphite Packing for Fugitive Emissions*, 1st Edition.

Standard 625—A1, *Tank Systems for Refrigerated Liquefied Gas Storage—Addendum 1*, 1st Edition.

Standard 650, *Welded Tanks for Oil Storage*, 12th Edition.

Standard 653, *Tank Inspection, Repair, Alteration, and Reconstruction—Addendum 2*, 4th Edition.

Standard 661, *Air-Cooled Heat Exchangers for General Refinery Service*, 7th Edition.

Standard 663, *Multiple Hairpin Heat Exchangers*, 1st Edition.

Standard 664, *Spiral Plate Heat Exchangers*, 1st Edition.

Standard 670, *Machinery Protection Systems*, 5th Edition.

Standard 673, *Centrifugal Fans for Petroleum, Chemical and Gas Industry Services*, 3rd Edition.

Standard 675, *Positive Displacement Pumps—Controlled Volume*, 3rd Edition.

Standard 682, *Pumps—Shaft Sealing Systems for Centrifugal and Rotary Pumps*, 4th Edition.

Recommended Practice 684, *Tutorial on the API Standard Paragraphs Covering Rotor Dynamics and Balance*

(*An Introduction to Lateral Critical and Train Torsional Analysis and Rotor Balancing*), 3rd Edition.

Recommended Practice 687, *Rotor Repair*, 2nd Edition.

Recommended Practice 688, *Pulsation and Vibration Control in Positive Displacement Machinery Systems for Petroleum, Petrochemical, and Natural Gas Industry Services*, 1st Edition.

Recommended Practice 691, *Machinery Risk Based Inspection*, 1st Edition.

Standard 692, *Compressor Dry Gas Seals*, 1st Edition.

Recommended Practice 751, *Safe Operation of Hydrofluoric Acid Alkylation Units*, 4th Edition.

Recommended Practice 756, *Management of Hazards Associated with Location of Process Plant Tents and Fabric Structures*, 1st Edition.

Standard 780, *Security Vulnerability Assessment Methodology for the Petroleum and Petrochemical Industries*, 1st Edition.

Recommended Practice 932-B, *Design, Materials, Fabrication, Operation, and Inspection Guidelines for Corrosion Control in Hydroprocessing Reactor Effluent Air Cooler (REAC) Systems*, 2nd Edition.

Recommended Practice 934-A, *Materials and Fabrication Requirements for 2-1/4/3Cr Alloy Steel Heavy Wall Pressure Vessels for High Temperature, High Pressure Hydrogen Service*, Addendum 2, 2nd Edition.

FOR FURTHER INFORMATION CONTACT: David Soffrin, Standards Department, email: (soffrind@api.org).

Meetings/Conferences: The Spring Refining and Equipment Standards Meeting will be held in Dallas, Texas, April 23–27, 2012. The Fall Refining and Equipment Standards Meeting will be held in Los Angeles, California, November 12–16, 2012. Interested parties may visit the API Web site at <http://www.api.org/meetings/> for more information regarding participation in these meetings.

Safety and Fire Protection

Recommended Practice 2001, *Fire Protection in Refineries*, 9th Edition.

Recommended Practice 2009, *Safe Welding, Cutting and Hot Work Practices in the Petroleum and Petrochemical Industries*, 8th Edition.

Recommended Practice 2027, *Ignition Hazards Involved in Abrasive Blasting of Atmospheric Storage Tanks in Hydrocarbon Service*, 4th Edition.

Recommended Practice 2030, *Application of Fixed Water Spray Systems for Fire Protection in the Petroleum and Petrochemical Industries*, 4th Edition.

Recommended Practice 2207, *Preparing Tank Bottoms for Hot Work*, 7th Edition.

Recommended Practice 2218, *Fireproofing Practices in Petroleum and Petrochemical Processing Plants*, 3rd Edition.

Recommended Practice 2219, *Safe Operation of Vacuum Trucks in Petroleum Service*, 4th Edition.

Recommended Practice 2350, *Overfill Protection for Storage Tanks in Petroleum Facilities*, 4th Edition.

FOR FURTHER INFORMATION CONTACT:

David Soffrin, Standards Department, email: (soffrind@api.org).

For Additional Information on the overall API standards program, Contact: David Miller, Standards Department, email: miller@api.org.

Dated: March 2, 2012.

Willie E. May,

Associate Director for Laboratory Programs.

[FR Doc. 2012–5778 Filed 3–8–12; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Implementation of Vessel Speed Restrictions To Reduce the Threat of Ship Collisions with North Atlantic Right Whales

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before May 8, 2012.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at Jjessup@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Gregory Silber, Ph.D., greg.silber@noaa.gov or Shannon Bettridge, Ph.D., shannon.bettridge@noaa.gov,

Fishery Biologists, Office of Protected Resources, NMFS, 301–427–8402.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for an extension of a currently approved information collection. On October 10, 2008, NMFS published a final rule implementing speed restrictions to reduce the incidence and severity of ship collisions with North Atlantic right whales (73 FR 60173). That final rule contained a collection-of-information requirement subject to the Paperwork Reduction Act (PRA). Specifically, 50 CFR 224.105(c) requires a logbook entry to document that a deviation from the 10-knot speed limit was necessary for safe maneuverability under certain conditions: because the vessel is in an area where oceanographic, hydrographic and/or meteorological conditions severely restrict the maneuverability of the vessel and the need to operate at such speed is confirmed by the pilot on board or, when a vessel is not carrying a pilot, the master of the vessel.

II. Method of Collection

This information collection requires an entry into the ship's logbook.

III. Data

OMB Control Number: 0648–0580.

Form Number: None.

Type of Review: Regular submission (extension of a currently approved collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 3,047.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 254.

Estimated Total Annual Cost to Public: \$0 in recordkeeping/reporting costs.

IV. Request for Comments

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 (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 5, 2012.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2012-5729 Filed 3-8-12; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Reporting of Sea Turtle Incidental Take in Virginia Chesapeake Bay Pound Net Operations

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before May 8, 2012.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at Jjessup@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Carrie Upite, (978) 282-8475 or carrie.upite@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a current information collection. This action would continue the reporting measure requiring all Virginia Chesapeake Bay pound net fishermen to report interactions with endangered and threatened sea turtles, found both live and dead, in their pound net operations. When a live or dead sea turtle is discovered during a pound net trip, the Virginia pound net fisherman is

required to report the incidental take to National Marine Fisheries Service (NMFS) and, if necessary, the appropriate rehabilitation and stranding network. This information will be used to monitor the level of incidental take in the state-managed Virginia pound net fishery and ensure that the seasonal pound net leader restrictions (50 CFR 223.206(d)(10)) are adequately protecting listed sea turtles. Based on the number of sea turtle takes anticipated in the Virginia pound net fishery and the available number of Virginia pound net fishermen and pound nets, the number of responses anticipated on an annual basis is 483.

II. Method of Collection

Reports may be made either by telephone or fax.

III. Data

OMB Control Number: 0648-0470.

Form Number: None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Individuals or households.

Estimated Number of Respondents: 27.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 81.

Estimated Total Annual Cost to Public: \$1,208.

IV. Request for Comments

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 (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 6, 2012.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2012-5773 Filed 3-8-12; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; NOAA Restoration Center Performance Progress Report

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before May 8, 2012.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at Jjessup@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Robin Bruckner, (301) 427-8657 or Robin.Bruckner@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for an extension of a currently approved information collection.

NOAA funds habitat restoration projects including grass-roots, community-based habitat restoration; debris prevention and removal; removal of barriers to migrating fish; and large-scale, targeted restoration through individual projects and restoration partnerships. Awards are made as grants or cooperative agreements under the authority of the Magnuson-Stevens Fishery Conservation and Management Act and the Fish and Wildlife Coordination Act, 16 U.S.C. 661, as amended by the Reorganization Plan No. 4 of 1970.

NOAA requires specific information on habitat restoration projects that we fund, as part of routine progress reporting. Recipients of NOAA funds submit information such as project location, restoration techniques used, species benefited, acres restored, stream miles opened to access for diadromous fish, volunteer participation, and other parameters.

The required information enables NOAA to track, evaluate and report on coastal and marine habitat restoration and demonstrate accountability for federal funds. This information is used to populate a database of NOAA-funded habitat restoration, debris prevention and removal, and barrier removal projects. The database, with its robust querying capabilities, is instrumental to provide accurate and timely responses to NOAA, Department of Commerce, Congressional and Constituent inquiries. It also facilitates reporting by NOAA on the Government Performance and Results Act "acres restored" performance measure. Grant recipients are required by the NOAA Grants Management Division to submit periodic performance reports and a final report for each award; this collection stipulates the information to be provided in these reports.

II. Method of Collection

Respondents have a choice of either electronic fillable forms or paper forms. Methods of submittal include email of electronic forms, or mailing of paper forms.

III. Data

OMB Control Number: 0648-0472.

Form Number: None.

Type of Review: Regular submission (extension of a currently approved collection).

Affected Public: Not-for-profit institutions; state, local, or tribal government; business or other for-profit organizations.

Estimated Number of Respondents: 250.

Estimated Time per Response: Semi-annual reports, 7 hours, 45 minutes; final reports, 12 hours, 30 minutes.

Estimated Total Annual Burden Hours: 4,145.

Estimated Total Annual Cost to Public: \$0 in recordkeeping/reporting costs.

IV. Request for Comments

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 (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques

or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 6, 2012.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2012-5774 Filed 3-8-12; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Marine Recreational Information Program

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before May 8, 2012.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at Jjessup@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Rob Andrews, (301) 482-1805 or Rob.Andrews@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for revision of a current information collection.

Marine recreational anglers are surveyed to collect catch and effort data, fish biology data, and angler socioeconomic characteristics. These data are required to carry out provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), as amended, regarding conservation and management of fishery resources.

Marine recreational fishing catch and effort data are collected through a combination of mail surveys, telephone surveys and on-site intercept surveys with recreational anglers. Amendments to the Magnuson-Stevens Fishery Conservation and Management Act (MSA) require the development of an improved data collection program for recreational fisheries. To meet these requirements, NOAA Fisheries has designed and tested new approaches for sampling and surveying recreational anglers. Revision: A mail survey that samples from a residential address frame will be implemented to collect data on the number of marine recreational anglers and the number of recreational fishing trips. This survey will replace the Coastal Household Telephone Survey, which has traditionally been used to collect recreational fishing effort data. In addition, the sampling and estimation procedures for the access-point angler intercept survey have been revised to ensure better coverage and representation of recreational fishing activity.

This revision also eliminates several data collections that were implemented to test revised sampling procedures. The following data collections will be eliminated: Longitudinal Sampling for Coastal Household Telephone Survey, a Directory Frame Telephone Survey of Licensed Marine Recreational Anglers, the Angler Diary Recruitment Screening Questionnaire, and Biological Data Collection.

II. Method of Collection

Information will be collected through mail surveys and on-site intercept interviews.

III. Data

OMB Control Number: 0648-0052.

Form Number: None.

Type of Review: Regular submission (revision of a current information collection).

Affected Public: Individuals or households.

Estimated Number of Respondents: 611,282.

Estimated Time per Response: 10 minutes for mail surveys of anglers, and 5 minutes for intercepted anglers.

Estimated Total Annual Burden Hours: 66,239 (12,745 new).

Estimated Total Annual Cost to Public: \$0.

IV. Request for Comments

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 (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 5, 2012.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2012-5698 Filed 3-8-12; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XB068

Availability of Report: California Eelgrass Mitigation Policy

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

ACTION: Notice of availability; request for comments.

SUMMARY: NMFS is providing this notice in order to allow other agencies and the public an opportunity to review and provide comments on the proposed adoption of the California Eelgrass Mitigation Policy (CEMP) by NMFS Southwest Region (SWR) Habitat Conservation Division (HCD). The intent of the CEMP is to help ensure consistent and effective mitigation of unavoidable impacts to eelgrass habitat throughout the SWR. The CEMP is a unified policy document for SWR-HCD, based on the highly successful implementation of the Southern California Eelgrass Mitigation Policy, which has improved mitigation effectiveness since its initial adoption in 1991. This policy is needed to ensure effective, statewide eelgrass mitigation and will help ensure that unavoidable impacts to eelgrass habitat are fully and appropriately mitigated. It is anticipated that the adoption and implementation of this policy will provide for enhanced success of eelgrass mitigation in California. Given the success of the

Southern California Eelgrass Mitigation Policy, the California Eelgrass Mitigation Policy reflects an expansion of the application of this policy with minor modifications to ensure a high standard of statewide eelgrass management and protection. The CEMP will supersede the Southern California Eelgrass Mitigation Policy for all areas of California upon its adoption.

DATES: Public comments must be received on or before 5 p.m., Pacific standard time May 8, 2012. All comments received before the due date will be considered before finalizing the CEMP.

ADDRESSES: Comments on the CEMP may be submitted by mail to the National Marine Fisheries Service, 777 Sonoma Avenue, Suite 325, Santa Rosa, CA 95409, Attn: California Eelgrass Mitigation Policy Comments. Comments may also be sent via facsimile to (707) 578-3435. Comments may also be submitted electronically via email to SWR.CEMP@noaa.gov. All comments received will become part of the public record and will be available for review upon request.

The reports are available at <http://swr.nmfs.noaa.gov/hcd/> or by calling the contact person listed below or by sending a request to Korie.Schaeffer@noaa.gov. Please include appropriate contact information when requesting the documents.

FOR FURTHER INFORMATION CONTACT: Korie Schaeffer, at 707-575-6087.

SUPPLEMENTARY INFORMATION: Eelgrass species are seagrasses that occur in the temperate unconsolidated substrate of shallow coastal environments, enclosed bays, and estuaries. Seagrass habitat has been lost from temperate estuaries worldwide (Duarte 2002, Lotze *et al.* 2006, Orth *et al.* 2006). While both natural and human-induced mechanisms have contributed to these losses, impacts from human population expansion and associated pollution and upland development is the primary cause (Short and Wyllie-Echeverria 1996). Throughout California, human activities including, but not limited to, urban development, recreational boating, and commercial shipping continue to degrade, disturb, and/or destroy important eelgrass habitat. For example, dredging and filling; shading and alteration of circulation patterns; and watershed inputs of sediment, nutrients, and unnaturally concentrated or directed freshwater flows can directly and indirectly destroy eelgrass habitats. The importance of eelgrass both ecologically and economically, coupled with ongoing human pressure and potentially increasing degradation and

loss from climate change, highlights the need to protect, maintain, and where feasible, enhance eelgrass habitat.

Vegetated shallows that support eelgrass are considered a special aquatic site under the 404(b)(1) guidelines of the Clean Water Act (40 CFR 230.43). Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (MSA), eelgrass is designated as Essential Fish Habitat (EFH) for various federally-managed fish species within the Pacific Coast Groundfish and Pacific Coast Salmon Fisheries Management Plans (FMP) (PFMC 2008). Eelgrass is also considered a habitat area of particular concern (HAPC) for various species within the Pacific Coast Groundfish FMP. An HAPC is a subset of EFH; these areas are rare, particularly susceptible to human-induced degradation, especially ecologically important, and/or located in an environmentally stressed area.

The mission of NMFS SWR-HCD is to conserve, protect, and manage living marine resources and the habitats that sustain them. Eelgrass is a habitat of particular concern relative to accomplishing this mission. Pursuant to the EFH provisions of the MSA, the Fish and Wildlife Coordination Act (FWCA), and obligations under the National Environmental Policy Act (NEPA) as a responsible agency, NMFS Southwest Region annually reviews and provides recommendations on numerous actions that may affect eelgrass resources throughout California, the only state within NMFS SWR that supports eelgrass resources. Section 305(b)(1)(D) of the MSA requires NMFS to coordinate with, and provide information to, other Federal agencies regarding the conservation and enhancement of EFH. Section 305(b)(2) requires all Federal agencies to consult with the NMFS on all actions or proposed actions authorized, funded, or undertaken by the agency that may adversely affect EFH. Under section 305(b)(4) of the MSA, NMFS is required to provide EFH Conservation Recommendations to Federal and state agencies for actions that would adversely affect EFH (50 CFR 600.925). NMFS makes its recommendations with the goal of avoiding, minimizing, or otherwise compensating for adverse effects to EFH. When impacts to NMFS trust resources are unavoidable, NMFS may recommend compensatory mitigation to offset those impacts. In order to fulfill its consultative role, NMFS may also recommend, *inter alia*, the development of mitigation plans, habitat distribution maps, surveys and survey reports, progress milestones, monitoring programs, and reports

verifying the completion of mitigation activities.

Eelgrass warrants a strong protection strategy because of the important biological, physical, and economic values it provides, as well as its importance to managed species under the MSA. NMFS developed this policy to establish and support a goal of protecting this resource and its functions, including spatial coverage and density of eelgrass beds. Further, it is the intent of this policy to ensure that there is no net loss of habitat functions associated with delays in establishing compensatory mitigation. This is to be accomplished by creating a greater amount of eelgrass than is lost, if the mitigation is performed contemporaneously or after the impacts occur.

This policy will serve as the guidance for staff and managers within NMFS SWR for developing recommendations concerning eelgrass issues through EFH and FWCA consultations and NEPA reviews throughout California. It is also contemplated that this policy inform SWR's position on eelgrass issues in other roles as a responsible, advisory, or funding agency or trustee. In addition, this document provides guidance on the procedures developed to assist NMFS SWR in performing its consultative role under the statutes described above. Finally, pursuant to NMFS obligation to provide information to federal agencies under section 305(b)(1)(D) of the MSA, this policy serves that role by providing information intended to further the conservation and enhancement of EFH. Should this policy be inconsistent with any formally-promulgated NMFS regulations, those formally-promulgated regulations will supplant any inconsistent provisions of this policy.

While many of the activities impacting eelgrass are similar across California, eelgrass stressors and growth characteristics differ between southern California (U.S./Mexico border to Pt. Conception), central California (Point Conception to San Francisco Bay entrance), San Francisco Bay, and northern California (San Francisco Bay to the California/Oregon border). The amount of scientific information available to base management decisions on also differs among areas within California, with considerably more information and history with eelgrass habitat management in southern California than the other regions. Gaps in region-specific scientific information do not override the need to be protective of all eelgrass while relying on the best information currently available from areas within and outside of California. Although the primary orientation of this

policy is toward statewide use, specific elements of this policy may differ between southern California, central California, northern California and San Francisco Bay.

This policy is consistent with NMFS support for developing comprehensive resource protection strategies that are protective of eelgrass resources within the context of broader ecosystem needs and management objectives. As such, this policy provides for the modified application of policy elements for plans that provide comparable eelgrass resource protection.

For all of California, eelgrass compensatory mitigation should be considered only after avoidance and minimization of effects to eelgrass have been pursued to the fullest extent possible. Mitigation should be recommended for the loss of existing vegetated areas and the loss of unvegetated areas that have been demonstrated capable of supporting eelgrass based on recent history of eelgrass investigations, unless physical manipulation of the environment has permanently altered site suitability for eelgrass or a change in the baseline has occurred.

Under this policy, as is the case with the present Southern California Eelgrass Mitigation Policy, the burden for successful mitigation rests with the action party. As such, the action party should fully consider and evaluate the costs and risks associated with eelgrass mitigation and should take appropriate measures to ensure success in achieving required performance milestones. While NMFS staff can provide technical assistance, action parties are advised that they are ultimately responsible for achieving mitigation success under this policy, irrespective of advice or technical assistance provided by NMFS, other agencies, or technical experts.

Authority

The authorities for publication of this policy notification are the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855), the Fish and Wildlife Coordination Act (16 U.S.C. 661), and the National Environmental Policy Act (42 U.S.C. 4321).

Dated: March 5, 2012.

Brian T. Pawlak,

Acting Director, Office of Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 2012-5811 Filed 3-8-12; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XB072

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of meetings of the North Pacific Fishery Management Council Individual Fishing Quota (IFQ) Implementation Team.

SUMMARY: The North Pacific Fishery Management Council (Council) IFQ Implementation Team will meet March 26, 2012 in Anchorage, AK.

DATES: The meeting will be held on March 26, 2012, from 6 p.m. to 9 p.m.

ADDRESSES: The meeting will be held at the Anchorage Hilton Hotel, 500 West 3rd Avenue, King Salmon/Illiamna Room, Anchorage, AK.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501-2252.

FOR FURTHER INFORMATION CONTACT: Jane DiCosimo, Council staff; telephone: (907) 271-2809.

SUPPLEMENTARY INFORMATION: The Team will review the discussion papers on Vessel Monitoring System requirement and a discussion paper on proposed changes to the Halibut and sablefish IFQ Program.

The Agenda posted at <http://www.alaskafisheries.noaa.gov/npfmc/>.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen at (907) 271-2809 at least 7 working days prior to the meeting date.

Dated: March 6, 2012.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2012-5795 Filed 3-8-12; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XB073

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Scientific and Statistical Committee (SSC), on March 28, 2012, to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Wednesday, March 28, 2012 at 8 a.m.

ADDRESSES: The meeting will be held at the Providence Biltmore Hotel, 11 Dorrance Street, Providence, RI 02903; telephone: (401) 421-0700; fax: (401) 455-3050.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465-0492.

SUPPLEMENTARY INFORMATION:

The NEFMC's Scientific and Statistical Committee will:

- a. Review the paper, "An Investigation of Differences Amongst SCAA and ASAP Assessment (including Reference Point) Estimates for Gulf of Maine Cod" by Dr. Butterworth and Rebecca Rademeyer and advise the Council on its applicability to management reference points and stock assessments for Gulf of Maine cod;
- b. Discuss the performance of projections for groundfish stocks based on the February 2012 groundfish assessment updates;
- c. Review assessments and develop ABC recommendations for the Council for redfish, Georges Bank haddock, Gulf of Maine/Georges Bank windowpane flounder, Southern New England/Mid-

Atlantic windowpane flounder, ocean pout, wolffish and halibut; and

d. Other business may be discussed.

The public is invited to participate in the SSC meeting via webinar. For online access to the meeting, please reserve your webinar seat now at <https://www3.gotomeeting.com/register/45053222>.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard, Executive Director, at (978) 465-0492, at least 5 days prior to the meeting date.

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

Dated: March 6, 2012.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2012-5740 Filed 3-8-12; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XB071

North Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of meetings of the North Pacific Fishery Management Council and its advisory committees.

SUMMARY: The North Pacific Fishery Management Council (Council) and its advisory committees will hold public meetings, March 26 through April 3, 2012.

DATES: The meetings will be held March 26 through April 3, 2012. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held at the Anchorage Hilton Hotel, 500 West 3rd Avenue, Anchorage, AK.

Council address: North Pacific Fishery Management Council, 605 W. 4th Avenue, Suite 306, Anchorage, AK 99501-2252.

FOR FURTHER INFORMATION CONTACT:

David Witherell, Council staff; telephone: (907) 271-2809.

SUPPLEMENTARY INFORMATION: The Council will begin its plenary session at 8 a.m. on Wednesday, March 28 continuing through Tuesday, April 1. Council's Advisory Panel (AP) will begin at 8 a.m., Monday, March 26 and continue through Friday, March 30. The Scientific Statistical Committee (SSC) will begin at 8 a.m. on Monday, March 26 and continue through Wednesday, March 28. The Halibut Implementation Committee will meet March 26 at 4 p.m. The Ecosystem Committee will meet March 27, 9 a.m.-12 p.m. The Enforcement Committee will meet March 27 at 1 p.m.-4 p.m. All meetings are open to the public, except executive sessions.

Council Plenary Session: The agenda for the Council's plenary session will include the following issues. The Council may take appropriate action on any of the issues identified.

Reports:

1. Executive Director's Report
NMFS Management Report (incl. report on observer program implementation)
Alaska Department of Fish & Game Report
NOAA Enforcement Report
United States Coast Guard Report
United States Fish & Wildlife Service Report
Protected Species Report (including review of Steller Sea Lion (SSL) Notice of Intent for Environmental Impact Statement)

2. Cooperative Reports: Receive Amendment 80 Cooperative Reports; Receive Central Gulf of Alaska (CGOA) Rockfish Cooperative Reports; Receive American Fisheries Act (AFA) Pollock Cooperative and Incentive Program Agreements (IPA) Reports.

3. Bering Sea Aleutian Island (BSAI) Chum Salmon Bycatch: Update on salmon genetics (T); Initial review of chum salmon bycatch measures.

4. Habitat Conservation Issues: Initial Review of Habitat Area of Particular Concern (HAPC) skate sites; Final action on Gulf of Alaska (GOA) Flatfish Trawl Sweep Modification; Review Bering Sea (BS) Habitat Conservation Area boundary; Essential Fish Habitat (EFH) consultation criteria: Ecosystem Committee Report.

5. Halibut Issues: Final action to allow Area 4B fish-up; Review Catch Share Plan(CSP) and action as necessary;.

6. Scallop Stock Assessment Fishery Evaluation report (SAFE): Approve 2012/13 Acceptable Biological Catch (ABC) and Overfishing Level (OFL) harvest specifications.

7. GOA Pacific Cod: Updated discussion paper on Pacific Cod jig management (reverse parallel); Discussion paper on limiting other gear on jig vessels; Discussion paper on GOA Pacific cod A-season opening dates.

8. Miscellaneous Issues: Bering Sea Integrated Ecosystem Research Program (BSIERP) Management Strategy Evaluation report; Discussion paper on Vessel Monitoring System (VMS) use and requirements; Programmatic Groundfish Supplemental Environmental Impact Statement (SEIS); Public workshop and SSC evaluation only; Report from the BSAI Crab Right of First Refusal (ROFR) Workgroup; Tanner crab model review (SSC only); Review GOA pollock Exempted Fishery Permit (EFP) (T).

9. Staff Tasking: Review Committees and tasking.

10. Other Business

The SSC agenda will include the following issues:

1. BSAI Salmon Chum Bycatch
2. Scallop SAFE
3. Initial Review of Skates
4. Review Bering Sea Habitat Conservation Area Boundary
5. BSIERP Management Strategy Evaluation report
6. Groundfish Programmatic SEIS (public workshop and SSC evaluation)
7. Tanner crab model review
8. Review GOA Pollock EFP

The Advisory Panel will address most of the same agenda issues as the Council except B reports. The Agenda is subject to change, and the latest version will be posted at <http://www.alaskafisheries.noaa.gov/npfmc/>

Although non-emergency issues not contained in this agenda may come before these groups for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen at (907) 271-2809 at least 7 working days prior to the meeting date.

Dated: March 6, 2012.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2012-5739 Filed 3-8-12; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[File No. 15844]

RIN 0648-XB065

Marine Mammals

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

ACTION: Notice; issuance of permit.

SUMMARY: Notice is hereby given that a permit has been issued to Glacier Bay National Park and Reserve (Responsible Party: Susan Boudreau; Principal Investigator: Christine Gabriele), Gustavus, AK 99826 to conduct research on humpback whales (*Megaptera novaeangliae*), killer whales (*Orcinus orca*) and minke whales (*Balaenoptera acutorostrata*).

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following offices:

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427-8401; fax (301) 713-0376; and Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668; phone (907) 586-7221; fax (907) 586-7249.

FOR FURTHER INFORMATION CONTACT: Joselyd Garcia-Reyes or Carrie Hubbard, (301) 427-8401.

SUPPLEMENTARY INFORMATION: On May 27, 2011, notice was published in the **Federal Register** (76 FR 30919) that a request for a permit to conduct research on humpback whales, killer whales, and minke whales had been submitted by the above-named applicant. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations

governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

Permit No. 15844 authorizes Glacier Bay National Park and Preserve to conduct passive acoustics, videography, photo-identification surveys, biopsy sampling, and collect sloughed skin and/or feces to study humpback whales, killer whales and minke whales. Research would occur around southeastern Alaska especially in Glacier Bay National Park and Preserve. Up to 6300 humpback whales, 500 killer whales, and 20 minke whales could be harassed each year during photo-identification surveys. Additionally, humpback whales and the three killer whale ecotypes could be harassed up to 50 times each, to acquire 30 successful biopsy samples, per year. The permit is valid through February 28, 2017.

An environmental assessment (EA) was prepared analyzing the effects of the permitted activities on the human environment in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Based on the analyses in the EA, NMFS determined that issuance of the permit would not significantly impact the quality of the human environment and that preparation of an environmental impact statement was not required. That determination is documented in a Finding of No Significant Impact (FONSI), signed on February 24, 2012.

As required by the ESA, issuance of this permit was based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: March 5, 2012.

P. Michael Payne,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2012-5809 Filed 3-8-12; 8:45 am]

BILLING CODE 3510-22-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who are Blind or Severely Disabled.

ACTION: Proposed Additions to the Procurement List.

SUMMARY: The Committee is proposing to add products and services to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

Comments Must Be Received on or Before: 4/9/2012.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202-3259.

FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT: Patricia Briscoe, Telephone: (703) 603-7740, Fax: (703) 603-0655, or email CMTEFedReg@AbilityOne.gov.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the products and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and services to the Government.
2. If approved, the action will result in authorizing small entities to furnish the products and services to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501-8506) in connection with the products and services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

End of Certification

The following products and services are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Products

Steno Book, 6"x9", Green

NSN: 7530-00-NIB-1012—60 Pages

NSN: 7530-00-NIB-1013—80 Pages

NPA: Alabama Industries for the Blind, Talladega, AL

Contracting Activity: GENERAL SERVICES

ADMINISTRATION, NEW YORK, NY

Coverage: A-List for the Total Government Requirement as aggregated by the General Services Administration.

Sound Controlling Blanket, 24"Wx54"L

NSN: 5640-01-386-9618

NPA: Genesee County Chapter, NYSARC, Batavia, NY

Contracting Activity: GENERAL SERVICES ADMINISTRATION, FORT WORTH, TX

Coverage: B-List for the Broad Government Requirement as aggregated by the General Services Administration.

Services

Service Type/Location: Custodial & Pest Control Services, Naval Operations Support Center (NOSC), 3623 Carolina Beach Rd., Wilmington, NC.

NPA: OE Enterprises, Inc., Hillsborough, NC

Contracting Activity: DEPT OF THE NAVY, NAVAL FAC ENGINEERING CMD MID LANT, NORFOLK, VA

Service Type/Location: Janitorial Services, Kahului Airport, 1 Airport Road, Kahului, HI.

NPA: Ka Lima O Maui, Ltd., Wailuku, HI

Contracting Activity: DEPARTMENT OF HOMELAND SECURITY, TRANSPORTATION SECURITY ADMINISTRATION, OFFICE OF ACQUISITION, ARLINGTON, VA

Patricia Briscoe,

Deputy Director, Business Operations (Pricing and Information Management).

[FR Doc. 2012-5770 Filed 3-8-12; 8:45 am]

BILLING CODE 6353-01-P

U.S. CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meetings

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 77, No. 41, Thursday, March 1, 2012, page 12576.

ANNOUNCED TIME AND DATE OF MEETING: Wednesday, March 7, 2012, 10 a.m.—11 a.m. Meeting Canceled.

For a recorded message containing the latest agenda information, call (301) 504-7948.

CONTACT PERSON FOR ADDITIONAL

INFORMATION: Todd A. Stevenson, Office of the Secretary, 4330 East West Highway, Bethesda, MD 20814 (301) 504-7923.

Dated: March 7, 2012.

Todd A. Stevenson,
Secretary.

[FR Doc. 2012-5863 Filed 3-7-12; 11:15 am]

BILLING CODE 6355-01-P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (the Corporation), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirement on respondents can be properly assessed.

Currently, the Corporation is soliciting comments concerning its Process and Impact Evaluation of the Minnesota Reading Corps project. This project will assess the impact of the Minnesota Reading Corps on tutees' educational and other outcomes. This project will also assess the effect of the Minnesota Reading Corps on AmeriCorps member outcomes.

Copies of the information collection request can be obtained by contacting the office listed in the addresses section of this notice.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by May 8, 2012.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) *By mail sent to:* Corporation for National and Community Service, Strategy Office; Attention: Lillian Dote, Policy Analyst; 601 Walnut Street, Suite 876E; Philadelphia, PA 19107.

(2) By hand delivery or by courier to the mail address given in paragraph (1) above, between 9 a.m. and 4 p.m. Eastern Time, Monday through Friday, except Federal holidays.

(3) *By fax to:* (215) 597-4933,
Attention: Lillian Dote, Policy Analyst.

(4) Electronically through www.regulations.gov. Individuals who use a telecommunications device for the deaf (TTY-TDD) may call 1-800-833-3722 between 8 a.m. and 8 p.m. Eastern Time, Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Lillian Dote, (215) 964-6321, or by email at ldote@cns.gov.

SUPPLEMENTARY INFORMATION: The Corporation is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are expected 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 submissions of responses).

Background

Information will be collected, via survey, from individuals that apply to the Minnesota Reading Corps to serve as tutors in order to assess the effect of service in Minnesota Reading Corps on members' satisfaction, education, employment, civic engagement, and other outcomes. Information will be collected through interviews with Minnesota Reading Corps coaches and administrators, and school principals and teachers in the State of Minnesota that receive Minnesota Reading Corps services, in order to conduct a feasibility analysis, develop the study design for the impact evaluation, and obtain baseline information for the process assessment.

Current Action

This is a new information collection request.

Type of Review: New.

Agency: Corporation for National and Community Service.

Title: Process Assessment and Impact Evaluation of the Minnesota Reading Corps.

OMB Number: None.

Agency Number: None.

Affected Public: Individuals that apply to the Minnesota Reading Corps to serve as tutors; Minnesota Reading Corps coaches and administrators; and school principals and teachers in the State of Minnesota that receive Minnesota Reading Corps services.

Total Respondents: 2,020.

Frequency: Once.

Average Time per Response: Averages 45 minutes.

Estimated Total Burden Hours: 1,515 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: March 5, 2012.

Nathan Dietz,

Strategy Office, Research and Policy Development.

[FR Doc. 2012-5726 Filed 3-8-12; 8:45 am]

BILLING CODE 6050-SS-P

DEPARTMENT OF DEFENSE

**GENERAL SERVICES
ADMINISTRATION**

**NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

[OMB Control No. 9000-0054; Docket 2012-0076; Sequence 3]

**Federal Acquisition Regulation;
Information Collection; Submission for
OMB Review; U.S.-Flag Air Carriers
Statement**

AGENCIES: 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, the Regulatory Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve a previously approved information collection requirement concerning U.S. Flag Air Carriers Certification.

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 May 8, 2012.

ADDRESSES: Submit comments identified by Information Collection 9000-0054, U.S. Flag Carriers Certification by any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by inputting "Information Collection 9000-0054, U.S. Flag Carriers Certification" under the heading "Enter Keyword or ID" and selecting "Search". Select the link "Submit a Comment" that corresponds with "Information Collection 9000-0054, U.S. Flag Carriers Certification". Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "Information Collection 9000-0054, U.S. Flag Carriers Certification" 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 9000-0054, U.S. Flag Carriers Certification.

Instructions: Please submit comments only and cite Information Collection 9000-0054, U.S. Flag Carriers Certification, 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. Curtis Glover, Procurement Analyst, Contract Policy Division, GSA (202) 501-1448 or via email at Curtis.glover@gsa.gov.

SUPPLEMENTARY INFORMATION:

A. Purpose

Section 5 of the International Air transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 1517) (Fly America Act), implemented FAR 47.4, which requires that all Federal agencies and Government contractors and subcontractors use U.S.-flag air

carriers for U.S. Government-financed international air transportation of personnel (and their personal effects) or property, to the extent that service by those carriers is available. It requires the Comptroller General of the United States, in the absence of satisfactory proof of the necessity for foreign-flag air transportation, to disallow expenditures from funds, appropriated or otherwise established for the account of the United States, for international air transportation secured aboard a foreign-flag air carrier if an U.S.-flag carrier is available to provide such services. In the event that the contractor selects a carrier other than an U.S.-flag air carrier for international air transportation, the contractor shall include per FAR clause 52.247-64, Preference for U.S.-Flag Air Carriers, a statement on vouchers involving such transportation. The contracting officer uses the information furnished in the statement to determine whether adequate justification exists for the contractor's use of other than U.S.-flag air carrier.

B. Annual Reporting Burden

Respondents: 150.

Responses per Respondent: 2.

Annual Responses: 300.

Hours per Response: .25.

Total Burden Hours: 75.

Obtaining Copies of

Proposals:

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. 9000-0054, Submission for OMB Review; U.S.-Flag Air Carriers Certification, in all correspondence.

Dated: March 5, 2012.

Laura Auletta,

Director, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2012-5733 Filed 3-8-12; 8:45 am]

BILLING CODE 6820-EP-P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of Availability of Final Environmental Impact Statement for a Proposed Highway Between I-12 and Bush, LA in St. Tammany Parish, LA

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of availability.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers (USACE), New Orleans District has prepared a Final Environmental Impact Statement (FEIS) for a project proposed by the Louisiana Department of Transportation and Development (LADOTD) to construct a new highway between I-12 and Bush, Louisiana, in St. Tammany Parish. On September 9, 2011, USACE published a notice in the **Federal Register** (76 FR 55887), informing the public of the availability of the Draft Environmental Impact Statement (DEIS) that analyzes the potential effects of implementing each of four build and the "no-build" alternative scenarios for a four-lane arterial highway from the southern terminus of the current, modern four-lane arterial portion of LA 21 in Bush, Louisiana, to I-12, a distance between 17.4 and 21 miles. The FEIS has been prepared to respond to comments received from agencies, organizations, and members of the public on the DEIS.

The USACE is the lead Federal agency responsible for the FEIS and information contained in the FEIS serves as the basis for a Department of the Army permit decision under section 404 of the Clean Water Act. The FEIS also provides information for Federal, State and local agencies having jurisdictional responsibility for affected resources. Any comments on the FEIS will be considered by USACE and responses will be provided for substantive issues raised which have not been addressed in the DEIS or FEIS.

DATES: All written comments must be postmarked on or before April 8, 2012.

ADDRESSES: Comments may be submitted in writing to: U.S. Corps of Engineers, New Orleans District, PO Box 60267, New Orleans, LA 70160. ATTN: Regulatory Branch, or via email to I-12toBush@usace.army.mil.

FOR FURTHER INFORMATION CONTACT:

James A. Barlow, JR., Ph.D., Regulatory Branch, phone (504) 862-2250 or email at james.a.barlow@usace.army.mil, or Ms. Brenda Archer, Regulatory Branch, phone (504) 862-2046 or email at brenda.a.archer@usace.army.mil.

SUPPLEMENTARY INFORMATION: The FEIS has been prepared to address the NEPA, environmental and cultural resource laws, USACE Regulatory Program Regulations (Title 33 of the *Code of Federal Regulations* [CFR] Parts 320-332), including the 33 CFR Part 325, Appendix B, and the requirements of the section 404(b)(1) guidelines (40 CFR Part 230), to gather information needed for the USACE permit decision-making process regarding a permit application

(MVN-2005-0037) submitted by the LADOTD to construct a four-lane arterial highway from the southern terminus of the current, four-lane arterial portion of LA 21 in Bush, Louisiana, to I-12, a distance between 17.4 and 21 miles.

LADOTD has stated that the proposed highway is needed as an alternative north-south connection that could reduce congestion and delays for those traveling from northern St. Tammany Parish and Washington Parish to I-12. As stated by LADOTD, the needs of the proposed action are to: (1) Fulfill the legislative mandate, Louisiana Revised Statute 47:820.2B(e); (2) provide a four-lane arterial to I-12 from the southern terminus of the current, modern, four-lane arterial portion of LA 21; (3) divert traffic from Washington and northern St. Tammany Parishes onto a four-lane, arterial to free capacity for local trips on segments of existing routes in southern suburban areas and reduce congestion during peak and some non-peak periods; and (4) support and enhance the existing and developing economic activities in Washington and northern St. Tammany Parishes that rely on the highway network to reach their markets by providing a travel time savings. The "No-build and four build alternatives" were evaluated in the DEIS and carried over into the FEIS.

- **No-Build alternative**—Continuation of existing roadway network in the region in its current condition to serve as the transportation network.

- **Alternative P (applicant's proposed alignment)**—Construction of a new 17.4 mile highway segment beginning at the intersection of LA HWY 21 and LA HWY 41 following the abandoned railroad line to a point north of Talisheek, Louisiana before heading southwesterly to connect to I-12 at the LA Hwy 1088 interchange with I-12.

- **Alternative Q (least damaging practicable alternative)**—Construction of a new 19.8 mile highway segment beginning at the intersection of LA HWY 21 and LA HWY 41 following the abandoned railroad line to a point approximately 1.7 miles north of LA 36 leaving the abandoned railroad line connecting to LA 434 then to I-12 at an existing interchange.

- **Alternative J**—Construction of a new 21.1 mile highway segment beginning at the intersection of LA HWY 21 and LA HWY 41 following the abandoned railroad line to a point north of the Slidell Municipal Airport, widening Airport Road before connecting to I-12.

- **Alternative B/O**—Construction of a new 19.5 mile highway segment upgrading Existing LA HWY 21 to just

north of Waldheim then continue as a new four-lane roadway approximately 5 miles west of LA 1083, terminating at LA 1088 near I-12.

The Corps of Engineers expects to complete the National Environmental Policy Act process with a Record of Decision no sooner than 30 days after the FEIS is made available to the public. The Record of Decision will document the decision regarding the Department of the Army permit application.

The FEIS is available for review at the following locations:

(1) An electronic version of the FEIS may be downloaded and reviewed at the USACE, New Orleans District Web site: <http://www.mvn.usace.army.mil/ops/regulatory/Bush.htm>.

(2) A hardcopy of the FEIS will be available for review by appointment only at USACE, New Orleans District, 7400 Leake Avenue, New Orleans, LA 70188. To schedule an appointment please contact either James A. Barlow, JR., phone (504) 862-2250 or Ms. Brenda Archer, phone (504) 862-2046.

(3) A hardcopy of the FEIS will be available for review at the following libraries:

1. St. Tammany Parish Library.
- Abita Springs Branch, 71683 Leveson Street, Abita Springs, LA 70420
- Bush Branch, 81597 Highway 41, Bush, LA 70431
- Covington Branch, 310 W. 21st Avenue, Covington, LA 70433
- Lee Road Branch, 79213 Highway 40, Covington, LA 70435
- Mandeville Branch, 844 Girod Street, Mandeville, LA 70448
- Pearl River Branch, 64580 Highway 41, Pearl River, LA 70452
- Slidell Branch, 555 Robert Boulevard, Slidell, LA 70458
2. Franklinton Library, 825 Free Street, Franklinton, LA 70438
3. Bogalusa Library, 304 Avenue F, Bogalusa, LA 70427
4. Louisiana State Library, 701 North 4th Street, Baton Rouge, LA 70802
5. University of New Orleans, Earl K. Long Library, Louisiana Collection, 2000 Lakeshore Drive, New Orleans, LA 70018

Dated: March 9, 2012.

Edward R. Fleming,
Colonel, U.S. Army, District Commander.

[FR Doc. 2012-5630 Filed 3-8-12; 8:45 am]

BILLING CODE 3720-58-P

DEPARTMENT OF EDUCATION

Notice of Submission for OMB Review

AGENCY: Department of Education.

ACTION: Comment request.

SUMMARY: The Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management, invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995 (Pub. L. 104-13).

DATES: Interested persons are invited to submit comments on or before April 9, 2012.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street NW., Room 10222, New Executive Office Building, Washington, DC 20503, be faxed to (202) 395-5806 or emailed to oir_submission@omb.eop.gov with a cc: to ICDocketMgr@ed.gov. Please note that written comments received in response to this notice will be considered public records.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The OMB is particularly interested in comments which: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Dated: March 5, 2012.

Darrin A. King,
Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

Federal Student Aid

Type of Review: Extension.

Title of Collection: Student Assistance General Provision—Subpart I—Immigration Status Confirmation.

OMB Control Number: 1845-0052.

Agency Form Number(s): N/A.

Total Estimated Number of Annual Responses: 143,332.

Total Estimated Annual Burden Hours: 17,917.

Abstract: Collection of this information is used for immigration status confirmation which reduces the potential of fraud and abuse caused by ineligible aliens receiving Federally subsidized student financial assistance under Title IV of the Higher Education Act of 1965, as amended. The respondent population is institutions of higher education who must submit a United States Citizenship and Immigration Services Form G-845 when automated secondary confirmation of the applicants' immigration match status fails.

Copies of the information collection submission for OMB review may be accessed from the RegInfo.gov Web site at <http://www.reginfo.gov/public/do/PRAMain> or from the Department's Web site at <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 04766. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Washington, DC 20202-4537. Requests may also be electronically mailed to the Internet address ICDocketMgr@ed.gov or faxed to 202-401-0920. Please specify the complete title of the information collection and OMB Control Number when making your request.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. 2012-5728 Filed 3-8-12; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Comment request.

SUMMARY: The Department of Education (the Department), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the reporting burden on the public and helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Director,

Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13).

DATES: Interested persons are invited to submit comments on or before May 8, 2012.

ADDRESSES: Written comments regarding burden and/or the collection activity requirements should be electronically mailed to ICDocketMgr@ed.gov or mailed to U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Washington, DC 20202–4537. Please note that written comments received in response to this notice will be considered public records.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that Federal agencies provide interested parties an early opportunity to comment on information collection requests. The Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: March 5, 2012.

Darrin A. King,

Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

Federal Student Aid

Type of Review: Extension.

Title of Collection: Lender

Application Process (LAP).

OMB Control Number: 1845–0032.

Agency Form Number(s): ED Form 799.

Total Estimated Number of Annual Responses: 30.

Total Estimated Number of Annual Burden Hours: 5.

Abstract: The Lender's Application Process is submitted by lenders who are eligible for reimbursement of interest

and special allowance, as well as Federal Insured Student Loan claims payment, under the Federal Family Education Loan Program. The information will be used by the U.S. Department of Education to update Lender Identification Numbers, lenders' names, addresses with nine-digit zip codes and other pertinent information.

Copies of the proposed information collection request may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 04819. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to ICDocketMgr@ed.gov or faxed to 202–401–0920. Please specify the complete title of the information collection and OMB Control Number when making your request.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 2012–5727 Filed 3–8–12; 8:45 am]

BILLING CODE 4000–01–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: ER96–1947–029; ER07–1000–008.

Applicants: Las Vegas Power Company, LLC, Griffith Energy LLC, LS Power Marketing, LLC.

Description: Third Supplement to Updated Market Power Analysis of LS Power Marketing, LLC, *et al.*

Filed Date: 1/17/12.

Accession Number: 20120117–5145.

Comments Due: 5 p.m. ET 3/22/12.

Docket Numbers: ER10–2819–001.

Applicants: ALLETE, Inc.

Description: Allete, Inc submits reformatted seasonal Simultaneous Import Limit Studies-Triennial Market Power Analysis.

Filed Date: 2/17/12.

Accession Number: 20120221–0004.

Comments Due: 5 p.m. ET 3/22/12.

Docket Numbers: ER12–502–001.

Applicants: California Independent System Operator Corporation.

Description: 2012–02–29 CAISO's GIP Phase 2 Compliance Filing to be effective 1/31/2012.

Filed Date: 2/29/12.

Accession Number: 20120229–5161.

Comments Due: 5 p.m. ET 3/21/12.

Docket Numbers: ER12–1173–000.

Applicants: PJM Interconnection, L.L.C., American Electric Power Service Corporation.

Description: AEP submits Indiana Michigan Power Co. FRR Capacity Formula Rate Filing to be effective 5/1/2012.

Filed Date: 2/29/12.

Accession Number: 20120229–5072.

Comments Due: 5 p.m. ET 3/21/12.

Docket Numbers: ER12–1176–000.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: 02–29–12 Schedule 38 to be effective 1/1/2012.

Filed Date: 2/29/12.

Accession Number: 20120229–5131.

Comments Due: 5 p.m. ET 3/21/12.

Docket Numbers: ER12–1177–000.

Applicants: PJM Interconnection, L.L.C.

Description: Revisions to the PJM Tariff re Interconnection Queue Reforms to be effective 5/1/2012.

Filed Date: 2/29/12.

Accession Number: 20120229–5135.

Comments Due: 5 p.m. ET 3/21/12.

Docket Numbers: ER12–1178–000.

Applicants: PJM Interconnection, L.L.C.

Description: Revisions to the OA Definitions and OA Schedule 6.1.2 through 6.1.6 to be effective 5/1/2012.

Filed Date: 2/29/12.

Accession Number: 20120229–5136.

Comments Due: 5 p.m. ET 3/21/12.

Docket Numbers: ER12–1179–000.

Applicants: Southwest Power Pool, Inc.

Description: Integrated Marketplace to be effective 3/1/2014.

Filed Date: 2/29/12.

Accession Number: 20120229–5216.

Comments Due: 5 p.m. ET 3/30/12.

Docket Numbers: ER12–1180–000.

Applicants: Black Hills Power, Inc.

Description: Service Agreement to be effective 4/1/2012.

Filed Date: 2/29/12.

Accession Number: 20120229–5223.

Comments Due: 5 p.m. ET 3/21/12.

Docket Numbers: ER12–1181–000.

Applicants: El Paso Electric Company.

Description: Revision to OATT Attachment M to be effective 3/1/2012.

Filed Date: 2/29/12.

Accession Number: 20120229–5229.

Comments Due: 5 p.m. ET 3/21/12.

Docket Numbers: ER12–1182–000.

Applicants: Pacific Gas and Electric Company.

Description: Clean Energy Generator Interconnection and WDT Service Agreements to be effective 4/28/2010.
Filed Date: 2/29/12.

Accession Number: 20120229-5248.
Comments Due: 5 p.m. ET 3/21/12.

Docket Numbers: ER12-1183-000.

Applicants: UGI Development Company.

Description: UGI Development Reactive Supply and Voltage Control-Hunlock to be effective 3/1/2012.

Filed Date: 2/29/12.

Accession Number: 20120229-5253.

Comments Due: 5 p.m. ET 3/21/12.

Docket Numbers: ER12-1184-000.

Applicants: New England Power Pool Participants Committee.

Description: Mar 2012 Membership Filing to be effective 2/1/2012.

Filed Date: 2/29/12.

Accession Number: 20120229-5261.

Comments Due: 5 p.m. ET 3/21/12.

Docket Numbers: ER12-1185-000.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: 03-01-12 Demand Curves Filing to be effective 5/1/2012.

Filed Date: 3/1/12.

Accession Number: 20120301-5004.

Comments Due: 5 p.m. ET 3/22/12.

Docket Numbers: ER12-1186-000.

Applicants: Pacific Gas and Electric Company.

Description: Guernsey Solar Station WDT SGIA to be effective 3/1/2012.

Filed Date: 3/1/12.

Accession Number: 20120301-5006.

Comments Due: 5 p.m. ET 3/22/12.

Docket Numbers: ER12-1187-000.

Applicants: UGI Development Company.

Description: UGI Development Company Notice of Cancellation.

Filed Date: 2/29/12.

Accession Number: 20120229-5312.

Comments Due: 5 p.m. ET 3/21/12.

Take notice that the Commission received the following land acquisition reports:

Docket Numbers: LA11-4-000.

Applicants: Exelon Corporation, Cassia Gulch Wind Park, LLC, Commonwealth Edison Company, Cow Branch Wind Power, L.L.C., CR Clearing, LLC, Exelon Energy Company, Exelon Framingham LLC, Exelon Generation Company, LLC, Exelon New Boston LLC, Exelon New England Power Marketing, L.P., Exelon West Medway, Exelon Wind 4, LLC, Exelon Wyman LLC, Harvest Windfarm, LLC, Michigan Wind 1, LLC, Michigan Wind 2, LLC, PECO Energy Company, Tuana Springs Energy, LLC, Wind Capital Holdings, LLC.

Description:

Filed Date: 2/29/12.

Accession Number: 20120229-5305.

Comments Due: 5 p.m. ET 3/21/12.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: March 1, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012-5766 Filed 3-8-12; 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: ER10-1257-001; ER10-1258-001.

Applicants: Wabash Valley Power Association, Inc., Wabash Valley Energy Marketing, Inc.

Description: Supplement to Updated Market Power Filing Information of Wabash Valley Power Association, Inc., et al.

Filed Date: 3/1/12.

Accession Number: 20120301-5178.

Comments Due: 5 p.m. ET 3/22/12.

Docket Numbers: ER12-1188-000.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: J035 GIA Termination to be effective 5/1/2012.

Filed Date: 3/1/12.

Accession Number: 20120301-5137.

Comments Due: 5 p.m. ET 3/22/12.

Docket Numbers: ER12-1189-000.

Applicants: DeWind Novus, LLC.

Description: Initial MBR Tariff Application to be effective 4/30/2012.

Filed Date: 3/1/12.

Accession Number: 20120301-5143.

Comments Due: 5 p.m. ET 3/22/12.

Docket Numbers: ER12-1190-000.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: J033 GIA Termination to be effective 5/1/2012.

Filed Date: 3/1/12.

Accession Number: 20120301-5144.

Comments Due: 5 p.m. ET 3/22/12.

Docket Numbers: ER12-1191-000.

Applicants: PJM Interconnection, L.L.C.

Description: Queue Position U3-031; Original Service Agreement No. 3240 to be effective 1/31/2012.

Filed Date: 3/1/12.

Accession Number: 20120301-5148.

Comments Due: 5 p.m. ET 3/22/12.

Docket Numbers: ER12-1192-000.

Applicants: Wisconsin Electric Power Company.

Description: Wisconsin Electric Power Company Notice of Termination of Rate Schedule No. 111.

Filed Date: 3/1/12.

Accession Number: 20120301-5211.

Comments Due: 5 p.m. ET 3/22/12.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: March 8, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012-5767 Filed 3-8-12; 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:

Filings Instituting Proceedings

Docket Numbers: RP12-450-000.

Applicants: Tennessee Gas Pipeline Company, L.L.C.

Description: Fuel Tracker 2012 to be effective 4/1/2012.

Filed Date: 3/1/12.

Accession Number: 20120301–5078.

Comments Due: 5 p.m. ET 3/13/12.

Docket Numbers: RP12–451–000.

Applicants: ANR Pipeline Company.

Description: Phase II Marshfield Reduction Project Settlement to be effective 4/1/2012.

Filed Date: 3/1/12.

Accession Number: 20120301–5079.

Comments Due: 5 p.m. ET 3/13/12.

Docket Numbers: RP12–452–000.

Applicants: KO Transmission Company.

Description: Transportation Retainage Adjustment Filing 2012 to be effective 4/1/2012.

Filed Date: 3/1/12.

Accession Number: 20120301–5080.

Comments Due: 5 p.m. ET 3/13/12.

Docket Numbers: RP12–453–000.

Applicants: Equitrans, L.P.

Description: Non-Conforming and Negotiated Rate Agreement Filing—Antero Resources to be effective 4/1/2012.

Filed Date: 3/1/12.

Accession Number: 20120301–5082.

Comments Due: 5 p.m. ET 3/13/12.

Docket Numbers: RP12–454–000.

Applicants: Millennium Pipeline Company, LLC.

Description: Negotiated Rate Service Agreement Filing—Contract Number 27912 to be effective 3/17/2012.

Filed Date: 3/1/12.

Accession Number: 20120301–5083.

Comments Due: 5 p.m. ET 3/13/12.

Docket Numbers: RP12–454–001.

Applicants: Millennium Pipeline Company, LLC.

Description: Negotiated Rate Service Agreement Filing 27912 to be effective 4/1/2012.

Filed Date: 3/1/12.

Accession Number: 20120301–5160.

Comments Due: 5 p.m. ET 3/13/12.

Docket Numbers: RP12–455–000.

Applicants: Panhandle Eastern Pipe Line Company, LP.

Description: Fuel Filing on 3/1/12 to be effective 4/1/2012.

Filed Date: 3/1/12.

Accession Number: 20120301–5084.

Comments Due: 5 p.m. ET 3/13/12.

Docket Numbers: RP12–456–000.

Applicants: Trunkline Gas Company, LLC.

Description: Fuel Filing on 3/1/12 to be effective 4/1/2012.

Filed Date: 3/1/12.

Accession Number: 20120301–5087.

Comments Due: 5 p.m. ET 3/13/12.

Docket Numbers: RP12–457–000.

Applicants: Southwest Gas Storage Company.

Description: Fuel Filing on 3/1/2012 to be effective 4/1/2012.

Filed Date: 3/1/12.

Accession Number: 20120301–5094.

Comments Due: 5 p.m. ET 3/13/12.

Docket Numbers: RP12–458–000.

Applicants: Eastern Shore Natural Gas Company.

Description: Revision of General Terms and Conditions to be effective 4/1/2012.

Filed Date: 3/1/12.

Accession Number: 20120301–5099.

Comments Due: 5 p.m. ET 3/13/12.

Docket Numbers: RP12–459–000.

Applicants: Florida Gas Transmission Company, LLC.

Description: Fuel Filing on 3/1/12 to be effective 4/1/2012.

Filed Date: 3/1/12.

Accession Number: 20120301–5103.

Comments Due: 5 p.m. ET 3/13/12.

Docket Numbers: RP12–460–000.

Applicants: Empire Pipeline, Inc.

Description: Annual Report Pursuant to GT&C 23.5 to be effective N/A.

Filed Date: 3/1/12.

Accession Number: 20120301–5104.

Comments Due: 5 p.m. ET 3/13/12.

Docket Numbers: RP12–461–000.

Applicants: Texas Gas Transmission, LLC.

Description: Filing to Implement Rate Schedule WNS on Permanent Basis to be effective 4/1/2012.

Filed Date: 3/1/12.

Accession Number: 20120301–5106.

Comments Due: 5 p.m. ET 3/13/12.

Docket Numbers: RP12–462–000.

Applicants: Golden Pass Pipeline LLC.

Description: 2012 Annual Operational Purchases and Sales to be effective N/A.

Filed Date: 3/1/12.

Accession Number: 20120301–5108.

Comments Due: 5 p.m. ET 3/13/12.

Docket Numbers: RP12–463–000.

Applicants: Maritimes & Northeast Pipeline, L.L.C.

Description: Negotiated Rate Agreement—Shell Energy NA to be effective 3/1/2012.

Filed Date: 3/1/12.

Accession Number: 20120301–5145.

Comments Due: 5 p.m. ET 3/13/12.

Docket Numbers: RP12–464–000.

Applicants: Natural Gas Pipeline Company of America LLC.

Description: Removal of Expired Agreements to be effective 4/1/2012.

Filed Date: 3/1/12.

Accession Number: 20120301–5168.

Comments Due: 5 p.m. ET 3/13/12.

Docket Numbers: RP12–465–000.

Applicants: Equitrans, L.P.

Description: Annual Filing for Pipeline Safety Cost Tracker to be effective 4/1/2012.

Filed Date: 3/1/12.

Accession Number: 20120301–5198.

Comments Due: 5 p.m. ET 3/13/12.

Docket Numbers: RP12–466–000.

Applicants: National Fuel Gas Supply Corporation.

Description: Cancellation of SS–2 Rate Schedule to be effective 4/1/2012.

Filed Date: 3/1/12.

Accession Number: 20120301–5204.

Comments Due: 5 p.m. ET 3/13/12.

Docket Numbers: RP12–467–000.

Applicants: Golden Pass Pipeline LLC.

Description: Golden Pass Pipeline Annual Retainage Report for 2012 to be effective N/A.

Filed Date: 3/1/12.

Accession Number: 20120301–5207.

Comments Due: 5 p.m. ET 3/13/12.

Docket Numbers: RP12–468–000.

Applicants: Colorado Interstate Gas Company LLC.

Description: CIG Semi-Annual Fuel Filing to be effective 4/1/2012.

Filed Date: 3/1/12.

Accession Number: 20120301–5215.

Comments Due: 5 p.m. ET 3/13/12.

Docket Numbers: RP12–469–000.

Applicants: Sea Robin Pipeline Company, LLC.

Description: Hurricane Surcharge Filing on 3/1/12 to be effective 4/1/2012.

Filed Date: 3/1/12.

Accession Number: 20120301–5239.

Comments Due: 5 p.m. ET 3/13/12.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP12–313–001.

Applicants: Sea Robin Pipeline Company, LLC.

Description: Hurricane Compliance Filing on 3/1/12 to be effective 8/24/2010.

Filed Date: 3/1/12.

Accession Number: 20120301–5233.

Comments Due: 5 p.m. ET 3/13/12.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, and service can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: March 2, 2012.

Nathaniel J. Davis, Sr.,
Deputy Secretary

[FR Doc. 2012-5768 Filed 3-8-12; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER12-1189-000]

DeWind Novus, 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 DeWind Novus, 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 March 22, 2012.

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 email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: March 2, 2012.

Nathaniel J. Davis, Sr.,
Deputy Secretary

[FR Doc. 2012-5765 Filed 3-8-12; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-9001-9]

Environmental Impacts Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information, (202) 564-7146 or <http://www.epa.gov/compliance/nepa/>.

Weekly receipt of Environmental Impact Statements.

Filed 02/27/2012 Through 03/02/2012.
Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <http://www.epa.gov/compliance/nepa/eisdata.html>.

EIS No. 20120053, Final EIS, BR, CO, Aspinall Unit Operations—Colorado River Storage Project, Modifying Water Flow Operations, Implementation, Gunnison River, Gunnison, Montrose, Delta, and Mesa Counties, CO, *Review Period Ends:* 04/09/2012, *Contact:* Steve McCall, 970-248-0638.

EIS No. 20120054, Final EIS, FHWA, NC, US-1 Transportation Improvements, Updated Information, from Sandhill Road (NC 1971) to just North of Fox Road (NC 1606) to

Martson Road (NC 1001), Funding, and COE Section 404 Permit, City of Rockingham, Richmond County, NC, Review Period Ends: 04/09/2012, *Contact:* John F. Sullivan, III, 919-856-4346.

EIS No. 20120055, Final EIS, USACE, LA, I-12 to Bush, Louisiana Proposed Highway Project, Proposes to Construct a High-Speed, Four-Lane Arterial Highway from the Southern Terminus of LA-21 to I-12, St. Tammany Parish, LA, Review Period Ends: 04/09/2012, *Contact:* James A. Barlow, 504-862-2250.

EIS No. 20120056, Final EIS, USFS, AK, Ketchikan—Misty Fiords Outfitter and Guide Management Plan, Authorizes Outfitter and Guide Operations through the Issuance of Special Use Permit, Tongass National Forest, Ketchikan-Misty Ranger District, Ketchikan, AK, Review Period Ends: 04/09/2012, *Contact:* Susan Jennings, 907-723-0477.

EIS No. 20120057, Final EIS, BPA, WA, Mid-Columbia Coho Restoration Program, Proposal to Fund the Construction, Operation, and Maintenance of the Program to help Mitigate for Anadromous Fish, Okanogan County, WA, Review Period Ends: 04/09/2012, *Contact:* Nancy Weintraub, 503-230-5373.

EIS No. 20120058, Final EIS, NRC, NC, GE-Hitachi Global Laser Enrichment LLC Facility, Issuance of License to Construct, Operate, and Decommission a Laser-Based Uranium Enrichment Facility, Wilmington, NC, Review Period Ends: 04/09/2012, *Contact:* Jennifer A. Davis, 301-415-3835.

EIS No. 20120059, Final EIS, USFS, SD, Section 30 Limestone Mining Project, Proposal to Implement Mining Actions, Mystic Ranger District, Black Hills National Forest, Rapid City, Pennington County, SD, Review Period Ends: 04/09/2012, *Contact:* Robert J. Thompson, 605-343-1567.

EIS No. 20120060, Draft EIS, USFWS, 00, Experimental Removal of Barred Owls to Benefit Threatened Northern Spotted Owls, Issuance of Permits, Implementation, OR, WA, and CA, Comment Period Ends: 06/06/2012, *Contact:* Jesse D'Elia, 503-231-2349.

EIS No. 20120061, Final EIS, BLM, CA, Ocotillo Express Wind Energy Project, Proposing to Develop a 465-Megawatt Wind Energy Facility, Implementation, Imperial County, CA, Review Period Ends: 04/09/2012, *Contact:* Cedric Perry, 951-697-5388.

Amended Notices

EIS No. 20120006, Draft EIS, USACE, AK, Alaska Stand Alone Gas Pipeline,

Construction and Operation of a 737 mile Pipeline to Transport Supply of Natural Gas and Natural Gas Liquids from Alaska's North Slope to Fairbanks, Anchorage and the Cook Inlet Area by 2019, USACE Section 10 and 404 Permits, NPDES Permit, AK, *Comment Period Ends: 04/04/2012, Contact: Mary Romero, 907-261-7710.*

Dated: March 6, 2012.

Cliff Rader,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2012-5771 Filed 3-8-12; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2012-0012; FRL-9339-3]

Pesticide Products; Receipt of Applications To Register New Uses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to register new uses for pesticide products containing currently registered active ingredients, pursuant to the provisions of section 3(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. EPA is publishing this notice of such applications, pursuant to section 3(c)(4) of FIFRA.

DATES: Comments must be received on or before April 9, 2012.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number specified in Unit II., by one of the following methods:

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

- *Mail:* Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001.

- *Delivery:* OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

Instructions: Direct your comments to the docket ID number specified for the

pesticide of interest as shown in the registration application summaries. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [regulations.gov](http://www.regulations.gov) or email. The [regulations.gov](http://www.regulations.gov) Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through [regulations.gov](http://www.regulations.gov), your email address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the docket index available at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: A contact person is listed at the end of each registration application summary and may be contacted by telephone or email. The mailing address for each contact person listed is: Registration

Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001, Antimicrobials Division (7510P), Office of Pesticide Programs, 1200 Pennsylvania Avenue NW., Washington, DC 20460-0001, or Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through [regulations.gov](http://www.regulations.gov) or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

- i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number). If you are commenting on a docket that addresses multiple products, please indicate to which registration number(s) or file symbol(s) your comment applies.
- ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- iv. Describe any assumptions and provide any technical information and/or data that you used.
- v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- vi. Provide specific examples to illustrate your concerns and suggest alternatives.
- vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- viii. Make sure to submit your comments by the comment period deadline identified.

II. Registration Applications for New Uses

EPA received applications as follows to register pesticide products containing currently registered active ingredients pursuant to the provisions of section 3(c) of FIFRA, and is publishing this Notice of such applications pursuant to section 3(c)(4) of FIFRA. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

1. *Registration number:* 68173-1. *Docket number:* EPA-HQ-OPP-2012-0129. *Company name and address:* Kaken Pharmaceutical Co., Ltd., c/o Conn & Smith, Inc., Agent, 6713 Catskill Road, Lorton, VA 22079. *Active ingredient:* Polyoxin D zinc salt. *Proposed uses:* For use in or on all food commodities. *Contact:* Colin G. Walsh, Biopesticides and Pollution Prevention Division, (703) 308-0298, walsh.colin@epa.gov.

2. *Registration numbers:* 67727-1, 67727-3, and 67727-4. *Docket number:* EPA-HQ-OPP-2012-0130. *Company name and address:* D-I-1-4, Inc., a division of 1,4Group, Inc., P.O. Box 680, Meridian, ID 83680. *Active ingredient:* 1,4-Dimethylnaphthalene. *Proposed uses:* For new post-harvest uses on other sprouting root, tuber, and bulb crops.

Contact: Colin G. Walsh, Biopesticides and Pollution Prevention Division, (703) 308-0298, walsh.colin@epa.gov.

3. *Registration numbers:* 524-537 and 524-475. *Docket number:* EPA-HQ-OPP-2012-0132. *Company name and address:* Monsanto Company; 1300 I. St. NW., Suite 450 East, Washington, DC 20005. *Active ingredient:* Glyphosate. *Proposed use:* Add wiper applicator use over the top to carrot and sweet potato, and add pre-harvest use to oil seed crop group 20. *Contact:* Erik Kraft, Registration Division, (703) 308-9358, kraft.erik@epa.gov.

4. *Registration numbers:* 70506-185, 70506-188, 70506-194, 70506-234, and 70506-236. *Docket number:* EPA-HQ-OPP-2012-0044. *Company name and address:* United Phosphorous, Inc., 630 Freedom Business Center, Suite 402, King of Prussia, PA 19406. *Active ingredient:* Mancozeb. *Proposed use:* Walnut. *Contact:* Lisa Jones, Registration Division, (703) 308-9424, jones.lisa@epa.gov.

5. *File symbol:* 88407-R. *Docket number:* EPA-HQ-OPP-2009-0334. *Company name and address:* Plaston International Corporation, 1835 Road Ferry, Suite 200, Naperville, IL 60563. *Active ingredient:* Silver chloride. *Proposed use:* Microbiostatic antimicrobial treatment for residential humidified units. *Contact:* Marshall Swindell, Antimicrobials Division, (703) 308-6341, swindell.marshall@epa.gov.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: February 24, 2012.

Daniel J. Rosenblatt,
Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2012-5651 Filed 3-8-12; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2012-0101; FRL-9337-8]

Pesticide Products; Registration Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to register pesticide products containing new active ingredients not included in any currently registered products pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATES: Comments must be received on or before April 9, 2012.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number and the file symbol for the pesticide of interest as shown in the registration application summary, by one of the following methods:

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

- *Mail:* Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001.

- *Delivery:* OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

Instructions: Direct your comments to the docket ID number specified for the pesticide of interest as shown in the registration application summaries. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [regulations.gov](http://www.regulations.gov) or email. The [regulations.gov](http://www.regulations.gov) Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through [regulations.gov](http://www.regulations.gov), your email address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form

of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the docket index available at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: A contact person is listed at the end of each registration application summary and may be contacted by telephone, email, or mail. Mail correspondence to the Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001. As part of the mailing address, include the contact person's name, division, and mail code.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What should I consider as I prepare my comments for EPA?

1. **Submitting CBI.** Do not submit this information to EPA through www.regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. **Tips for preparing your comments.** When submitting comments, remember to:

- i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number). If you are commenting in a docket that addresses multiple products, please indicate to which file symbol(s) your comment applies.
- ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- iv. Describe any assumptions and provide any technical information and/or data that you used.
- v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- vi. Provide specific examples to illustrate your concerns and suggest alternatives.
- vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- viii. Make sure to submit your comments by the comment period deadline identified.

II. Registration Applications

EPA received applications as follows to register pesticide products containing active ingredients not included in any previously registered products pursuant to the provision of section 3(c)(4) of FIFRA. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

1. **File Symbol:** 59639-RTT. **Docket Number:** EPA-HQ-OPP-2011-0488.

Applicant: Valent U.S.A. Corporation, 1600 Riviera Avenue, Suite 200, Walnut Creek, CA 94596. **Product Name:** Tolslofox-Methyl Technical Fungicide. **Active ingredient:** Fungicide with tolclofos-methyl, *O,O*-Dimethyl *O*(2,6-dichloro-4-methylphenyl) phosphorothioate at 97%. **Proposed Use:** formulation purposes. **Contact:** Lisa Jones, Registration Division, (703) 308-9424, jones.lisa@epa.gov.

2. **File Symbol:** 59639-RTI. **Docket Number:** EPA-HQ-OPP-2011-0488. **Applicant:** Valent U.S.A. Corporation, 1600 Riviera Avenue, Suite 200, Walnut Creek, CA 94596. **Product Name:** Rizolex Flowable Fungicide. **Active ingredient:** Fungicide with [tolclofos-methyl, *O,O*-Dimethyl *O*(2,6-dichloro-4-methylphenyl) phosphorothioate at 42%. **Proposed classification/Use:** General/seed treatment on root vegetables, bulb vegetables, leafy vegetables, brassica leafy vegetables, legume vegetables, fruiting vegetables, cucurbits, cereal grains, grass forage, fodder and hay, non-grass animal feeds, herbs and spices, oilseeds, cotton, ornamental flowers, and conifers. **Contact:** Lisa Jones, Registration Division, (703) 308-9424, jones.lisa@epa.gov.

3. **File Symbol:** 59639-RIL. **Docket Number:** EPA-HQ-OPP-2011-0908. **Applicant:** Valent U.S.A. Corporation, 1600 Riviera Avenue, Suite 200 Walnut Creek, CA 94596-8025. **Product Name:** Ethaboxam Technical. **Active ingredient:** Fungicide with ethaboxam at 99.3%. **Proposed Use:** formulation purposes. **Contact:** Dominic Schuler, Registration Division, (703) 347-0260, schuler.dominic@epa.gov.

4. **File Symbol:** 59639-RIA. **Docket Number:** EPA-HQ-OPP-2011-0908. **Applicant:** Valent U.S.A. Corporation, 1600 Riviera Avenue, Suite 200 Walnut Creek, CA 94596-8025. **Product Name:** V-10208 3.2 FS Fungicide. **Active ingredient:** Fungicide with ethaboxam at 34.2%. **Proposed Use:** seed treatment on legume vegetables (except cowpea or filed pea), cereal grains (except rice and wild rice), and rapeseed group. **Contact:** Dominic Schuler, Registration Division, (703) 347-0260, schuler.dominic@epa.gov.

5. **File Symbol:** 67979-EE. **Docket Number:** EPA-HQ-OPP-2012-0108. **Applicant:** Syngenta Seeds, Inc., P.O. Box 12257, 3054 E. Cornwallis Rd., Research Park, N.C. 27709. **Product Name:** 5307 Corn. **Active ingredient:** Plant-Incorporated Protectant with *Bacillus thuringiensis* eCry3.1Ab protein and the genetic material necessary for its production (via elements of vector pSYN12274) in 5307 Corn (SYN-Ø53Ø7-1) at 0.01782%.

Proposed Use: Plant-Incorporated Protectant in Corn for Research, Breeding, and Seed Increase Uses. *Contact:* Mike Mendelsohn, Biopesticides and Pollution Prevention Division, (703) 308-8715, mendelsohn.mike@epa.gov.

6. *File Symbol:* 67979-EG. *Docket Number:* EPA-HQ-OPP-2012-0108. *Applicant:* Syngenta Seeds, Inc., P.O. Box 12257, 3054 E. Cornwallis Rd., Research Park, N.C. 27709. *Product Name:* Bt11 x MIR162 x MIR604 x TC1507 x 5307 Corn. *Active ingredient:* Plant-Incorporated Protectant with *Bacillus thuringiensis* eCry3.1Ab protein and the genetic material necessary for its production (via elements of vector pSYN12274) in 5307 Corn (SYN-Ø53Ø7-1) at 0.00261%.

Proposed Use: Plant-incorporated protectant in corn for commercial use. *Contact:* Mike Mendelsohn, Biopesticides and Pollution Prevention Division, (703) 308-8715, mendelsohn.mike@epa.gov.

7. *File Symbol:* 67979-EU. *Docket Number:* EPA-HQ-OPP-2012-0108. *Applicant:* Syngenta Seeds, Inc., P.O. Box 12257, 3054 E. Cornwallis Rd., Research Park, N.C. 27709. *Product Name:* Bt11 x MIR604 x TC1507 x 5307 Corn. *Active ingredient:* Plant-incorporated protectant with *Bacillus thuringiensis* eCry3.1Ab protein and the genetic material necessary for its production (via elements of vector pSYN12274) in 5307 Corn (SYN-Ø53Ø7-1) at 0.00335%. *Proposed Use:* Plant-Incorporated Protectant in Corn for Commercial Use. *Contact:* Mike Mendelsohn, Biopesticides and Pollution Prevention Division, (703) 308-8715, mendelsohn.mike@epa.gov.

8. *File Symbol:* 69553-R. *Docket Number:* EPA-HQ-OPP-2011-0984. *Applicant:* Fred Smith, SciReg, Inc., 12733 Director's Loop, Woodbridge, VA 22192, Authorized Representative for Andermatt Biocontrol AG, Stahlermatten 6, CH-6146 Grossdietwil, Switzerland. *Product Name:* Madex Twin. *Active ingredient:* *Cydia pomonella* granulovirus Isolate V22. *Proposed Use(s):* Agricultural crop use and residential use. *Contact:* Ann Sibold, Biopesticides and Pollution Prevention Division, (703) 305-6502, sibold.ann@epa.gov.

9. *File Symbol:* 84059-RE. *Docket Number:* EPA-HQ-OPP-2010-0079. *Applicant:* Marrone Bio Innovations, Inc., 2121 Second Street, Suite B-107, Davis, CA 95618. *Product Name:* MBI-005 EP. *Active ingredient:* Killed, non-viable *Streptomyces acidiscabies* strain RL-110T. *Proposed Use(s):* Agricultural crop, residential home and garden, and turf and landscape uses. *Contact:* Ann

Sibold, Biopesticides and Pollution Prevention Division, (703) 305-6502, sibold.ann@epa.gov.

List of Subjects

Environmental protection, Pesticides and pest.

Dated: February 28, 2012.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2012-5644 Filed 3-8-12; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

[WC Docket No 02-60; DA 12-273]

Comment Sought on Funding Pilot Program Participants Transitioning Out of the Rural Health Care Pilot Program in Funding Year 2012

AGENCY: Federal Communications Commission.

ACTION: Notice; solicitation of comments.

SUMMARY: In this document, the Wireline Competition Bureau seeks comment on whether to fund Rural Health Care Pilot Program (Pilot Program) participants who will exhaust funding allocated to them before or during funding year 2012 (July 1, 2012-June 30, 2013). This funding would maintain support for qualifying Pilot Program participants, on an interim basis, during the 2012 funding year to provide time to establish a process to transition them into the permanent Rural Health Care support mechanism (RHC support mechanism).

DATES: Comments are due on or before April 18, 2012. Reply comments are due on or before May 3, 2012.

ADDRESSES: Interested parties may file comments on or before April 18, 2012. All pleadings are to reference WC Docket No. 02-60. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS), or by filing paper copies, by any of the following methods:

- *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 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.

- *People with Disabilities:* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

Christianna Lewis Barnhart, Wireline Competition Bureau at Christianna.Barnhart@fcc.gov or (202) 418-7400 or TTY (202) 418-0484.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Public Notice in WC Docket No. 02-60; DA 12-273, released February 27, 2012. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY-A257, Washington, DC 20554. The document may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room CY-B402, Washington, DC 20554, telephone (800) 378-3160 or (202) 863-2893, facsimile (202) 863-2898, or via the Internet at <http://www.bcpweb.com>.

1. The Wireline Competition Bureau (Bureau) seeks comment on whether to fund Rural Health Care Pilot Program (Pilot Program) participants who will exhaust funding allocated to them before or during funding year 2012 (July 1, 2012-June 30, 2013). This funding would maintain support for qualifying Pilot Program participants, on an interim basis, during the 2012 funding year to provide time to establish a process to transition them into the permanent Rural Health Care support mechanism (RHC support mechanism). To support these transitioning Pilot Program participants, the funds that were previously designated for projects that withdrew from the Program or otherwise failed to meet the June 30, 2011, deadline could be used without increasing overall demand.

I. Background

2. The rural health care telecommunications program ensures that rural health care providers pay no more than their urban counterparts for their telecommunications needs in the provision of health care services. The rural health care Internet access program provides a 25 percent discount off the cost of monthly Internet access

for eligible rural health care providers. Together the telecommunications and Internet access programs are commonly referred to as the "Primary Program."

3. In 2006, the Commission created a three-year Pilot Program to examine ways to use the RHC support mechanism to enhance public and non-profit health care providers' access to advanced telecommunications and information services. Participants in the Pilot Program are eligible to receive universal service funding to support up to 85 percent of the eligible costs of broadband infrastructure deployment of telehealth networks that connect to rural and urban health care providers in a State or region. Although the FCC originally selected 69 different projects to participate in the Pilot Program, only 50 projects are currently in existence today. Several projects merged and twelve projects either withdrew from the program or otherwise failed to meet the June 30, 2011 funding commitment deadline and were no longer eligible to participate in the Pilot Program. Funding that was designated to support these twelve projects totaled approximately \$30 million.

4. Approximately 484 individual health care providers (HCPs) participating in the Pilot Program are scheduled to transition out of the program during the 2012 funding year because their respective Pilot projects will have reached their funding cap under the *2007 Pilot Program Selection Order*, 73 FR 8670, February 14, 2008, and the HCPs will have exhausted the amounts of Pilot Program support allocated to them under the relevant funding commitment letters issued by USAC. These providers are members of networks, as was required by the Pilot Program, and they applied for Pilot funding as consortia (as explicitly permitted under section 254(h)(7)(B) of the Act). The rural HCPs that have exhausted their Pilot funding could seek support from the Primary Program in the 2012 funding year (July 1, 2012–June 30, 2013). Significant differences between Pilot and Primary Program rules regarding eligibility and funding may make it difficult, however, for Pilot Program participants to apply for funding in the Primary Program. One Pilot project (and its service provider) has already raised questions about transitioning to the funding mechanisms in the Primary Program.

5. In July 2010, the Commission sought comment on a number of issues, including how to transition Pilot Program participants to the ongoing rural health care support mechanism. We now seek more focused comment on supporting select Pilot Program

participants at their current funding levels to "bridge" the disparity in funding and application requirements between the Pilot Program and Primary Programs for the 2012–2013 funding year. The Commission recognized in the *2006 Pilot Program Order*, 71 FR 65517, November 8, 2006, that circumstances may necessitate additional funding for Pilot Program participants. Accordingly, this "bridge" funding could provide additional time to consider how best to transition Pilot Program participants, while preserving the connectivity that has been developed under the Pilot. To support these transitioning Pilot Program participants, the funds that were previously designated for projects that withdrew from the Program or otherwise failed to meet the June 30, 2011, deadline could be used without increasing overall demand.

6. *Exhaustion of Pilot Program Funds.* We seek comment on providing funds only to those participants that will have exhausted all Pilot Program funding allocated to them before or during funding year 2012 (July 1, 2012–June 30, 2013), as described above. USAC estimates that approximately 14 out of the existing 50 projects will have some individual health care providers that will have spent all of the money in their initial award. We seek comment on this proposal and how providing such funding for an additional year would impact the sustainability of the networks developed with Pilot Program funds.

7. *Support levels for 2012–2013 funding year.* We also seek comment on whether to maintain the existing level of support that these Pilot Program participants receive annually for their recurring costs. For instance, USAC could determine each participant's allocation for funding year 2012 by calculating the yearly average amount of support for recurring costs that participants have received over the life of their Pilot projects and fund them at that amount. Using this methodology, USAC estimates that it would cost approximately \$10 million to fund transitioning health care providers in funding year 2012. We seek comment on this proposal to maintain the current level of support for eligible Pilot Program participants' recurring costs. Alternatively, those recipients could receive a lower discount than the current 85 percent. Commenters who suggest alternative funding support levels should offer explanation why the funding level should be different than what is currently provided in the Pilot Program.

8. *Duration.* Pilot Program participants who meet eligibility

requirements to receive transitional funding would only be eligible to receive funds for the 2012 funding year (July 1, 2012–June 30, 2013). We seek comment on this proposal. Commenters who suggest that Pilot Program participants should be eligible for funding for a different period of time should provide reasoning for their proposal.

9. *Paperwork Reduction Act of 1995.* This document does not contain new or modified information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified information burden for small business concerns with fewer than 25 employees, pursuant to the Small Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

10. 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 the dates indicated on the first page of this document. All pleadings are to reference WC Docket No. 02–60. Comments may be filed using: (1) The Commission's Electronic Comment Filing System (ECFS), or (2) by filing paper copies. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

11. *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>. Filers should follow the instructions provided on the Web site for submitting comments.

12. *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. 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 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.

13. *Additional copies.* One copy of each filing must be sent to each of the following:

- The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room CY-B402, Washington, DC 20554, www.bcpweb.com; phone: (202) 488-5300 fax: (202) 488-5563;

- Christianna Lewis Barnhart, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street SW., Room 5-B552, Washington, DC 20554; email: Christianna.Barnhart@fcc.gov and

- Charles Tyler, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street SW., Room 5-B521, Washington, DC 20554; email: Charles.Tyler@fcc.gov.

14. People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432

15. Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY-A257, Washington, DC 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street SW., Room CY-B402, Washington, DC 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via email www.bcpweb.com.

16. This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented generally is required. Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in § 1.1206(b) of the Commission's rules.

Federal Communications Commission.

Trent Harkrader,

Division Chief, Wireline Competition Bureau.

[FR Doc. 2012-5687 Filed 3-8-12; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL HOUSING FINANCE AGENCY

[No. 2012-N-02]

Notice of Annual Adjustment of the Cap on Average Total Assets That Defines Community Financial Institutions

AGENCY: Federal Housing Finance Agency.

ACTION: Notice.

SUMMARY: The Federal Housing Finance Agency (FHFA) has adjusted the cap on average total assets that defines a "Community Financial Institution" based on the annual percentage increase in the Consumer Price Index for all urban consumers (CPI-U) as published by the Department of Labor (DOL). These changes took effect on January 1, 2012.

FOR FURTHER INFORMATION CONTACT:

Patricia L. Sweeney, Division of Federal Home Loan Bank Regulation, 202-649-3311, Pat.Sweeney@fhfa.gov, or Eric M. Raudenbush, Assistant General Counsel, 202-649-6421,

Eric.Raudenbush@fhfa.gov, Federal Housing Finance Agency, 400 Seventh Street SW., Washington, DC 20024.

SUPPLEMENTARY INFORMATION:

I. Statutory and Regulatory Background

The Federal Home Loan Bank Act (Bank Act) confers upon insured depository institutions that meet the statutory definition of a "Community Financial Institution" (CFI) certain advantages over non-CFI insured depository institutions in qualifying for Federal Home Loan Bank (Bank) membership, and in the purposes for which they may receive long-term advances and the collateral they may pledge to secure advances.¹ Section 2(10)(A) of the Bank Act and § 1263.1 of FHFA's regulations define a CFI as any Bank member the deposits of which are insured by the Federal Deposit Insurance Corporation and that has average total assets below a statutory cap.² The Bank Act was amended in 2008 to set the statutory cap at \$1 billion and to require the Director of FHFA to adjust the cap annually to reflect the percentage increase in the

CPI-U, as published by the DOL, for the prior year.³ For 2011, FHFA set the CFI asset cap at \$1,041,000,000, which reflected a 1.1 percent increase over 2010, based upon the increase in the CPI-U between 2009 and 2010. Due to a transcription error, the agency's **Federal Register** notice announcing the CFI asset cap adjustment for 2011 mistakenly stated that the cap had been set at \$1,040,000,000. *See* 76 FR 3142 (Jan. 19, 2011).

II. The CFI Asset Cap for 2012

As of January 1, 2012, FHFA has increased the CFI asset cap from \$1,041,000,000 (the correct number for 2011) to \$1,076,000,000 which reflects a 3.4 percent increase in the unadjusted CPI-U from November 2010 to November 2011. The new amount was obtained by rounding to the nearest million, as has been the practice for all prior adjustments. Consistent with the practice of other federal agencies, FHFA bases the annual adjustment to the CFI asset cap on the percentage increase in the CPI-U from November of the year prior to the preceding calendar year to November of the preceding calendar year, because the November figures represent the most recent available data as of January 1st of the current calendar year.

In calculating the CFI asset cap, FHFA uses CPI-U data that have not been seasonally adjusted (*i.e.*, the data have not been adjusted to remove the estimated effect of price changes that normally occur at the same time and in about the same magnitude every year). The DOL encourages use of unadjusted CPI-U data in applying "escalation" provisions such as that governing the CFI asset cap, because the factors that are used to seasonally adjust the data are amended annually, and seasonally adjusted data that are published earlier are subject to revision for up to five years following their original release. Unadjusted data are not routinely subject to revision, and previously published unadjusted data are only corrected when significant calculation errors are discovered.

Dated: March 5, 2012.

Edward J. DeMarco,

Acting Director, Federal Housing Finance Agency.

[FR Doc. 2012-5805 Filed 3-8-12; 8:45 am]

BILLING CODE 8070-01-P

¹ See 12 U.S.C. 1424(a), 1430(a).

² See 12 U.S.C. 1422(10)(A); 12 CFR 1263.1.

³ See 12 U.S.C. 1422(10); 12 CFR 1263.1 (defining the term *CFI asset cap*).

FEDERAL RESERVE SYSTEM**Agency Information Collection Activities: Submission for OMB Review; Comment Request**

AGENCY: Board of Governors of the Federal Reserve System (Board).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the Board, the Federal Deposit Insurance Corporation, and the Office of the Comptroller of the Currency (the “agencies”), may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

On November 23, 2011, the Board, under the auspices of the Federal Financial Institutions Examination Council (FFIEC) and on behalf of the agencies, published a notice in the **Federal Register** (76 FR 72410) requesting public comment on the extension, with revision, of the Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (FFIEC 002) and the Report of Assets and Liabilities of a Non-U.S. Branch that is Managed or Controlled by a U.S. Branch or Agency of a Foreign (Non-U.S.) Bank (FFIEC 002S), which are currently approved information collections. The comment period for this notice expired on January 23, 2012. No comments were received on the proposed revisions. However, the agencies received eight comments on proposed revisions to the Consolidated Reports of Condition and Income (Call Report) (FFIEC 031 and 041; OMB No. 7100-0036). Inasmuch as the Call Report revisions parallel certain of the proposed revisions to the FFIEC 002, these comments are being taken into consideration for the FFIEC 002 proposal.

After consideration of these comments, the FFIEC and the agencies will proceed with the reporting change to Schedule RAL, Assets and Liabilities, proposed for implementation as of June 30, 2012. With respect to the new loan origination activity schedule that had been proposed to be added to the FFIEC 002, the FFIEC and the agencies are continuing to evaluate this proposed schedule in light of the comments received on the comparable change proposed to the Call Report. The FFIEC’s and the agencies’ decisions

regarding this proposed schedule will be the subject of a separate **Federal Register** notice, and any resulting new reporting requirements will not take effect before the September 30, 2012, report date.

DATES: Comments must be submitted on or before April 9, 2012.

ADDRESSES: Interested parties are invited to submit written comments to the agency listed below. All comments will be shared among the agencies.

You may submit comments, which should refer to “FFIEC 002, 7100-0032” by any of the following methods:

- **Agency Web Site:** <http://www.federalreserve.gov>. Follow the instructions for submitting comments on the <http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm>.
- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.
- **Email:** regs.comments@federalreserve.gov. Include the OMB control number in the subject line of the message.
- **Fax:** 202-452-3819 or 202-452-3102.
- **Mail:** Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551.

All public comments are available from the Board’s web site at www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room MP-500 of the Board’s Martin Building (20th and C Streets, NW.) between 9 a.m. and 5 p.m. on weekdays.

Additionally, commenters may send a copy of their comments to the OMB desk officer for the agencies by mail to the Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503, or by fax to (202) 395-6974.

FOR FURTHER INFORMATION CONTACT:

Additional information or a copy of the collections may be requested from Cynthia M. Ayouch, Federal Reserve Board Clearance Officer, (202) 452-3829, Division of Research and Statistics, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may call (202) 263-4869.

SUPPLEMENTARY INFORMATION: Proposal to request approval from OMB of the extension for three years, with revision, of the following reports:

Title: Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks; Report of Assets and Liabilities of a Non-U.S. Branch that is Managed or Controlled by a U.S. Branch or Agency of a Foreign (Non-U.S.) Bank.

Form Numbers: FFIEC 002; FFIEC 002S.

OMB Number: 7100-0032.

Frequency of Response: Quarterly.

Affected Public: U.S. branches and agencies of foreign banks.

Estimated annual reporting hours: FFIEC 002—24,108 hours; FFIEC 002S—1,416 hours.

Estimated average hours per response: FFIEC 002—25.43 hours; FFIEC 002S—6.0 hours.

Number of respondents: FFIEC 002—237; FFIEC 002S—59.

General Description of Report: These information collections are mandatory: 12 U.S.C. 3105(c)(2), 1817(a)(1) and (3), and 3102(b). Except for select sensitive items, the FFIEC 002 is not given confidential treatment; the FFIEC 002S is given confidential treatment [5 U.S.C. 552(b)(4) and (8)].

Abstract: On a quarterly basis, all U.S. branches and agencies of foreign banks are required to file the FFIEC 002, which is a detailed report of condition with a variety of supporting schedules. This information is used to fulfill the supervisory and regulatory requirements of the International Banking Act of 1978. The data are also used to augment the bank credit, loan, and deposit information needed for monetary policy and other public policy purposes. The FFIEC 002S is a supplement to the FFIEC 002 that collects information on assets and liabilities of any non-U.S. branch that is managed or controlled by a U.S. branch or agency of the foreign bank. Managed or controlled means that a majority of the responsibility for business decisions, including but not limited to decisions with regard to lending or asset management or funding or liability management, or the responsibility for recordkeeping in respect of assets or liabilities for that foreign branch resides at the U.S. branch or agency. A separate FFIEC 002S must be completed for each managed or controlled non-U.S. branch. The FFIEC 002S must be filed quarterly along with the U.S. branch or agency’s FFIEC 002. The data from both reports are used for: (1) Monitoring deposit and credit transactions of U.S. residents; (2) monitoring the impact of policy changes; (3) analyzing structural issues concerning foreign bank activity in U.S.

markets; (4) understanding flows of banking funds and indebtedness of developing countries in connection with data collected by the International Monetary Fund and the Bank for International Settlements that are used in economic analysis; and (5) assisting in the supervision of U.S. offices of foreign banks. The Federal Reserve System collects and processes these reports on behalf of all three agencies.

Current Actions: The agencies proposed to implement a limited number of revisions to the FFIEC 002 reporting requirements in 2012. These changes are intended to provide data needed for reasons of safety and soundness and other public purposes. The proposed changes would also help achieve consistency with revisions the agencies are proposing to make to the Call Report filed by insured banks and savings institutions. The FFIEC 002 reporting changes in the agencies' November 2011 proposal, which were proposed for implementation in June 2012, included:

- A new item on Schedule RAL, for "other securities" held for trading purposes (new Schedule RAL, item 1.f.(4)). Current Schedule RAL, item 1.f.(4), Other trading assets, would be renumbered as item 1.f.(5) and would be defined to exclude all securities held for trading; and

- A new Schedule U, Loan Origination Activity, in which institutions with total assets of \$300 million or more would report, separately for several loan categories, the quarter-end amount of loans reported in Schedule C, Loans and Lease Financing Receivables, that was originated during the quarter, and institutions with total assets of \$1 billion or more would also report for these loan categories the portions of the quarter-end amount of loans originated during the quarter that were (a) originated under a newly established loan commitment and (b) not originated under a loan commitment.

Further details concerning the preceding proposed FFIEC 002 reporting changes may be found in Sections A and B of the agencies' November 2011 **Federal Register** notice.¹

Although no comments were received on the November 2011 **Federal Register** notice for the FFIEC 002, the agencies did collectively receive comments on their November 2011 Call Report **Federal Register** notice² from eight entities: Four banking organizations, two bankers' associations, a commercial lending software company, and a news

organization. All eight entities commented on the proposed new Call Report Schedule RC-U, Loan Origination Activity (in Domestic Offices), which is comparable to but more detailed than proposed FFIEC 002 Schedule U.

The FFIEC and the agencies are proceeding with the revision proposed to Schedule RAL for implementation as of the June 30, 2012, report date. With respect to the new schedule for selected loan origination data proposed for implementation as of June 30, 2012, the FFIEC and the agencies are continuing to evaluate this proposed schedule in light of the comments received. When the FFIEC and the agencies have decided whether and how to proceed with this proposed new schedule, a separate **Federal Register** notice will be published and, if applicable, a submission by the Board will be made to OMB. Because of the additional time necessary for the FFIEC and the agencies to determine the outcome of the proposed new FFIEC 002 Schedule U and to allow sufficient lead time for affected institutions to prepare for any resulting new reporting requirements, the collection of selected loan origination data would not take effect before the September 30, 2012, report date.

Request for Comment

Comments are invited on:

a. Whether the information collections are necessary for the proper performance of the agencies' functions, including whether the information has practical utility;

b. The accuracy of the agencies' estimates of the burden of the information collections, 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 information collections on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or start up costs and costs of operation, maintenance, and purchase of services to provide information.

Comments submitted in response to this notice will be shared among the agencies. All comments will become a matter of public record.

Board of Governors of the Federal Reserve System, March 5, 2012.

Jennifer J. Johnson,
Secretary of the Board.

[FR Doc. 2012-5714 Filed 3-8-12; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 26, 2012.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309:

1. *Bixby Bridge Financial, LP and David D. Colburn, as general partner*, both of Northbrook, Illinois; to collectively acquire voting shares of PCNB Bancshares, Inc., and thereby indirectly acquire voting shares of Peoples Community Bank, both in Bremen, Georgia.

B. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *Mary Ann Haywood*, Bayton, Texas; to become Trustee of the Mary Louise Greak Estate, and acquire control of First Liberty National Bancshares, Inc., and thereby indirectly acquire control of First Liberty National Bank, both in Liberty, Texas.

Board of Governors of the Federal Reserve System, March 6, 2012.

Robert deV. Frierson,
Deputy Secretary of the Board.

[FR Doc. 2012-5756 Filed 3-8-12; 8:45 am]

BILLING CODE 6210-01-P

¹ See 76 FR 72411-72412, November 23, 2011.

² See 76 FR 72035, November 21, 2011.

FEDERAL TRADE COMMISSION**Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules**

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade

Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination—on the dates indicated—of the waiting period

provided by law and the premerger notification rules. The listing for each transaction includes the transaction number and the parties to the transaction. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

EARLY TERMINATIONS GRANTED FEBRUARY 1, 2012 THRU FEBRUARY 29, 2012**02/01/2012≤**

20120431	G	Alexion Pharmaceuticals, Inc.; Enobia Pharina Corp.; Alexion Pharmaceuticals, Inc.
20120440	G	Post Oak Companies, LP; Prospect Capital Corporation; Post Oak Companies, LP.

02/02/2012

20120427	G	Fossil, Inc.; Henrik Jorst; Fossil, Inc.
20120452	G	Lime Rock Partners V, L.P.; Archer Limited; Lime Rock Partners V. L.P.
20120453	G	GT Investors, Inc.; ARC Energy Fund 5 United States LP; GT Investors, Inc.
20120455	G	Jay L. Sedwick; Accu Spec Main Street, LLC; Jay L. Sedwick.
20120456	G	Audax Private Equity Fund III, L.P.; Morgenthaler Management Partners VII, L.P.; Audax Private Equity Fund III, L.P.

02/03/2012

20120439	G	Lam Research Corporation; Novellus Systems, Inc.; Lam Research Corporation.
20120460	G	TransDigm Group Incorporated; AmSafe Global Holdings, Inc.; TransDigm Group Incorporated.
20120474	G	Forum Energy Technologies, Inc.; The Jack Coleman Trust and Janet Coleman Trust; Forum Energy Technologies, Inc.
20120479	G	Essex Woodlands Health Ventures VIII, L.P.; Smith & Nephew plc; Essex Woodlands Health Ventures VIII, L.P.
20120482	G	H. Lawrence Culp, Jr.; Danaher Corporation; H. Lawrence Culp, Jr.

02/06/2012

20120432	G	Carl C. Icahn; CVR Energy, Inc.; Carl C. Icahn
20120446	G	Macquarie Partners II Intl.; WCA Waste Corporation; Macquarie Partners II Intl.
20120462	G	Twin Eagle Resource Management, LLC; Black Hills Corporation; Twin Eagle Resource Management, LLC.
20120490	G	Lightyear Fund II, L.P.; Genworth Financial, Inc.; Lightyear Fund II, L.P.

02/07/2012

20111442	G	ACI Worldwide, Inc.; SI Corporation; ACI Worldwide, Inc.
20120423	G	Taconic Opportunity Fund L.P.; CA, Inc.; Taconic Opportunity Fund L.P.
20120424	G	Taconic Opportunity Offshore Fund Ltd.; CA, Inc.; Taconic Opportunity Offshore Fund Ltd.
20120466	G	Steven H. Madden; Steven Madden, Ltd.; Steven H. Madden.
20120471	G	Mount Kellett Capital Partners (Cayman), L.P.; Newco; Mount Kellett Capital Partners (Cayman), L.P.
20120472	G	Newco; The Great Atlantic & Pacific Tea Company, Inc.; Newco.
20120473	G	Arrow Electronics, Inc.; Catterton Partners V, L.P.; Arrow Electronics, Inc.
20120475	G	American Electric Power Company, Inc.; Guy H. Morgan III; American Electric Power Company, Inc.
20120478	G	Apache Corporation; Cordillera Energy Partners III, LLC; Apache Corporation.
20120480	G	Eli Lilly & Company; Bernhard & Christie Treidl; Eli Lilly & Company.
20120483	G	Teachers Insurance and Annuity Association of America; Edison International; Teachers Insurance and Annuity Association of America.

02/10/2012

20120351	G	ACCO Brands Corporation; MeadWestvaco Corporation; ACCO Brands Corporation.
20120488	G	The Hearst Family Trust; Marc Ladreit de Lacharriere; The Hearst Family Trust.
20120491	G	Meredith Corporation; RDA Holding Co.; Meredith Corporation.

02/13/2012

20120499	G	Littlejohn Fund IV, L.P.; A.P. Møller og Hustru Chastine Mc-Kinney Møllers Fond; Littlejohn Fund IV, L.P.
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EARLY TERMINATIONS GRANTED FEBRUARY 1, 2012 THRU FEBRUARY 29, 2012—Continued

20120505	G	Alfred E. Mann MannKind Corporation; Alfred E. Mann.
02/14/2012		
20120477	G	GTCR Fund IX/A, L.P.; Universal American Corp.; GTCR Fund IX/A, L.P.
20120496	G	Amgen Inc.; Micromet, Inc.; Amgen Inc.
20120498	G	The Weir Group PLC; Starr L. Pitzer and Christine H. Pitzer; The Weir Group PLC.
02/15/2012		
20120501	G	KEMET Corporation; Denham Commodity Partners IV LP; KEMET Corporation.
20120506	G	Redtop Holdings Limited; Intermediate Capital Group plc; Redtop Holdings Limited.
02/16/2012		
20111164	G	Apple Inc.; Rockstar Bidco, L.P.; Apple Inc.
20111389	G	Microsoft Corporation; Rockstar Bidco, LP; Microsoft Corporation.
20111423	G	Research In Motion Limited; Rockstar Bidco, LP; Research In Motion Limited.
02/17/2012		
20111146	G	Apple Inc.; CPTN Holdings LLC; Apple Inc.
20120508	G	Medical Properties Trust, Inc.; FFC Partners II, L.P.; Medical Properties Trust, Inc.
20120510	G	GS Engineering & Construction Corporation; Inmobiliaria Espacio, S.A.; GS Engineering & Construction Corporation.
20120513	G	Archipelago Holdings; CDC Corporation; Archipelago Holdings.
20120516	G	Gores Capital Partners III, L.P.; The Pep Boys-Manny, Moe & Jack; Gores Capital Partners III, L.P.
02/23/2012		
20120338	G	TE Connectivity Ltd.; Wendel SA; TE Connectivity Ltd.
20120469	G	Raymond James Financial, Inc.; Regions Financial Corp.; Raymond James Financial, Inc.
20120519	G	Molibdenos y Metales S.A.; Molycorp, Inc.; Molibdenos y Metales S.A.
02/24/2012		
20120502	G	CVS Caremark Corporation; Health Net, Inc.; CVS Caremark Corporation.
20120522	G	Innovative Interfaces Holdings Ltd.; Gerald M. Kline; Innovative Interfaces Holdings Ltd.
20120523	G	KRG Capital Fund IV, L.P.; Frontenac VIII Limited Partnership; KRG Capital Fund IV, L.P.
20120524	G	Roger S. Penske; Roger S. Penske; Roger S. Penske.
20120529	G	Fidelity National Financial, Inc.; O'Charley's Inc.; Fidelity National Financial, Inc.
02/27/2012		
20120536	G	Oracle Corporation; Taleo Corporation; Oracle Corporation.

FOR FURTHER INFORMATION CONTACT:

Renee Chapman, Contact Representative, or Theresa Kingsberry, Legal Assistant, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room H-303, Washington, DC 20580, (202) 326-3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2012-5606 Filed 3-8-12; 8:45 a.m.]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Agency for Healthcare Research and Quality****Agency Information Collection Activities; Proposed Collection; Comment Request**

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: "Workflow Assessment for Health IT Toolkit Evaluation."

In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501-3521,

AHRQ invites the public to comment on this proposed information collection.

DATES: Comments on this notice must be received by May 8, 2012.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at doris.lefkowitz@AHRQ.hhs.gov. Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427-1477, or by email at doris.lefkowitz@AHRQ.hhs.gov.

SUPPLEMENTARY INFORMATION:

Proposed Project

Workflow Assessment for Health IT Toolkit Evaluation

AHRQ is a lead Federal agency in developing and disseminating evidence and evidence-based tools on how health IT can improve health care quality, safety, efficiency, and effectiveness. Understanding clinical work practices and how they will be affected by practice innovations such as implementing health IT has become a central focus of health IT research. While much of the attention of health IT research and development had been directed at the technical issues of building and deploying health IT systems, there is growing consensus that deployment of health IT has often had disappointing results, and while technical challenges remain, there is a need for greater attention to sociotechnical issues and the problems of modeling workflow.

The implementation of health IT in practice is costly in time and effort and less is known about these issues in small- and medium-sized practices where the impact of improved or disrupted workflows may have especially significant consequences because of limited resources. Practices would derive great benefit from effective tools for assessing workflow during many types of health IT implementation, such as creating disease registries, collecting quality measures, using patient portals, or implementing a new electronic health record system. To that end, in 2008, AHRQ funded the development of the Workflow Assessment for Health IT toolkit (Workflow toolkit). Through this toolkit, end users should obtain a better understanding of the impact of health IT on workflow in ambulatory care for each of the following stages of health IT implementation: (1) Determining system requirements, (2) selecting a vendor, (3) preparing for implementation, or (4) using the system post implementation. They should also be able to effectively utilize the publicly available workflow tools and methods before, during, and after health IT implementation while recognizing commonly encountered issues in health IT implementation. In the current project AFIRQ is conducting an evaluation to ensure that the newly developed Workflow toolkit is useful to small- and medium-sized ambulatory care clinic managers, clinicians, and staff.

The evaluation will consist of field assessments of use of the Workflow toolkit in 18 small- and medium-sized practices and gathering feedback from two Health IT Regional Extension

Centers (RECs) who are providing support to some of these practices. The evaluation will address the issues of system validation as classically defined in software engineering: determining whether the software or system actually meets the requirements of the user to perform the relevant tasks. The evaluation will answer the following questions:

- Are results correct? Are individual tools included in the Workflow toolkit accurate? Does workflow assessment with the Workflow toolkit provide accurate information the practice can act upon?
- Does knowledge change? Does user knowledge and capacity change? Does user knowledge of workflow in their own practice change?
- Do decisions change? Do user decisions about workflow assessment change? Do user decisions about health information technology (health IT) implementation change?
- Do outcomes change? Are changes in workflow favorable? Are changes in clinical practices favorable? Are changes to the practice favorable? Are changes for patients favorable?

To answer these questions the proposed evaluation will be conducted to examine usefulness of the Workflow toolkit in small- and medium-sized practices. The evaluation will be conducted with 18 practices affiliated with one of two Practice-based Research Networks (PBRNs) in Oregon and Wisconsin, and with the Health IT Regional Extension Centers (RECs) in those States. Participants will be recruited who agree to use the Workflow toolkit in their specific health IT project for a minimum of 10 weeks. This will provide an opportunity to observe use of the Workflow toolkit amongst its intended end users, who are best positioned to provide critical feedback to improve the functionality of the Workflow toolkit.

This study is being conducted by AHRQ through its contractors, the Oregon Rural Practice-based Research Network (ORPRN) and the Wisconsin Research & Education Network (WREN), pursuant to AHRQ's statutory authority to conduct and support research on health care and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness, and value of health care services and with respect to health care technologies, facilities, and equipment. 42 U.S.C. 299a(a)(1) and (5).

Method of Collection

To achieve the goals of this project the following data collections will be implemented:

(1) Pre-Workflow Toolkit Interview: these will consist of semi-structured interviews with practice staff and with three specialists from each Health IT Regional Extension Center. These interviews are designed to examine the knowledge, attitudes, and barriers to and facilitators of workflow assessment for implementation of health IT. Respondents will be asked to define workflow, to rate its importance to the practice or REC and to health IT implementation, to describe factors motivating use of the Workflow toolkit, to describe previous experience with assessing or redesigning workflow, and to describe previous experience with health IT implementation and the effect of this implementation on work processes in their practice (practices) or for their clients (RECs).

(2) Observations: Participating practices will form small teams (Clinic Study Teams) who will use the Workflow toolkit. A member of the project staff will join each Clinic Study Team or the three specialists at each of the two RECs, as participant-observer and will meet with the team at times to be determined by the teams, but at least every two weeks after the Pre-Workflow Toolkit Interview for at least four visits. During these visits project staff will participate in and keep field notes regarding the practice's or REC's workflow assessment activities.

(3) Usage Logs: As part of their workflow assessment process, Clinic Study Teams, and REC staff, will be asked to meet weekly. For weekly meetings at which a project staff member is not present, Clinic Study Teams and REC staff will keep a record of workflow assessment activities including use of the workflow assessment toolkit, recording in a free-form journal the purpose and results of the activity as well as issues that arose in the process.

(4) Post-Workflow Toolkit Interview: This final interview will consist of individual semi-structured interviews of practice staff and three specialists from each Health IT Regional Extension Center. These interviews will (a) re-examine their knowledge and attitudes about workflow assessment; (b) revisit the barriers to and facilitators of workflow assessment; (c) discuss changes that have taken place as a result of the process; (d) explore outcomes in terms of: (d.1) for practices, the perceived impacts on clinicians, the practice staff, the practice, and the

patients; and (d.2) for RECs, technician confidence in guiding affiliated clinics in understanding workflow; and finally (e) assess the overall impressions about the usefulness of the Workflow toolkit as well as any suggested changes.

The outcome of the evaluation will be a report including recommendations for enhancing and improving the Workflow toolkit. The report will provide results about the perceived usefulness of the Workflow toolkit. Results will be produced separately for practices and RECs as well as for both user groups as a whole. The report will also include

specific suggestions on how to revise Workflow toolkit to make it more useful to its intended audiences.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annual burden hours for each respondent's time to participate in this evaluation. The Pre-Workflow interview will be completed by a total of up to 248 persons (about 12 per practice) and requires one hour. Up to four observations will be conducted for up to 248 persons and they are each estimated to take two hours. Ten usage logs will

be completed by a total of up to 248 persons (one per week of study activity) and completion of a single usage log should take no longer than 15 minutes. The Post-Workflow interview will be completed by a total of up to 248 persons and requires one hour.

The total annual burden is estimated to be 3,100 hours or 155 hours per practice or Regional Extension Center.

Exhibit 2 shows the estimated annual cost burden associated with the organizations' time to participate in this research. The total annual burden is estimated to be \$96,100.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Data collection	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Pre-Workflow Toolkit Interview	248	1	1	248
Observations	248	4	2	1,984
Usage Logs	248	10	15/60	620
Post-Workflow Toolkit Interview	248	1	1	248
Total	992	NA	NA	3,100

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Data collection	Number of respondents	Total burden hours	Average hourly wage rate*	Total cost burden
Pre-Workflow Toolkit Interview	248	248	\$31.00	\$7,688
Observations	248	1,984	31.00	61,504
Usage Logs	248	620	31.00	19,220
Post-Workflow Toolkit Interview	248	248	31.00	7,688
Total	992	147	NA	96,100

*The hourly wage for the participants across the four data collections (pre-workflow toolkit interviews, observations, usage logs, and post-workflow toolkit interview) is based upon a weighted mean of the average hourly wages for Family and General Practitioners (1.5; \$87.84 per hour); office managers (1.0; \$35.18 per hour); front office staff (1.0; \$15.15 per hour); medical assistants or nurses (2.5; \$24.36 per hour); nurse care managers (0.5; \$33.57); social workers (0.1; \$24.44 per hour); health educators (0.1; \$25.12 per hour); information technology specialists (0.25; \$23.43 per hour); quality improvement directors (0.25; 25.12 per hour); and technical staff (1.0; \$33.14 per hour) for Oregon and Wisconsin from the U.S. Department of Labor, Bureau of Labor Statistics, May 2010 National Occupational Employment and Wage Estimates for the United States, Occupational Employment Statistics (OES), Washington, DC (Feb. 2009), <http://bls.GOV/oes/2010/may/www.bls.GOV/Oessrcst.htm> (accessed November, 2011).

Estimated Annual Costs to the Federal Government

The estimated total cost to the Federal Government for this project is \$793,456

over a 27-month period from September 23, 2011 to December 22, 2013. The estimated average annual cost is \$352,646. Exhibit 3 provides a

breakdown of the estimated total and average annual costs by category.

EXHIBIT 3—ESTIMATED TOTAL AND ANNUAL COST* TO THE FEDERAL GOVERNMENT

Cost component	Total cost	Annualized cost
Project Management and Coordination Activities	\$96,449	\$42,866
Develop Research and Recruitment Plans	78,383	34,837
Compliance with PRA	12,267	5,452
Obtaining IRB approval	10,254	4,557
Develop Data Analysis Plan	18,246	8,109
Conduct Evaluation	534,401	237,512
Data analysis and Final Report	23,554	10,468
Ensure 508-compliant deliverables	19,902	8,845
Total	793,456	352,646

*Costs are fully loaded including overhead and G&A.

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ healthcare research and healthcare information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: February 29, 2012.

Carolyn M. Clancy,
Director.

[FR Doc. 2012-5574 Filed 3-8-12; 8:45 am]

BILLING CODE 4160-90-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities; Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: "Demonstration of a Health Literacy Universal Precautions Toolkit." In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501-3521, AHRQ invites the public to comment on this proposed information collection.

DATES: Comments on this notice must be received by May 8, 2012.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at doris.lefkowitz@AHRQ.hhs.gov.

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT:

Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427-1477, or by email at doris.lefkowitz@AHRQ.hhs.gov.

SUPPLEMENTARY INFORMATION:

Proposed Project

Demonstration of Health Literacy Universal Precautions Toolkit

A goal of Healthy People 2020 is to increase Americans' health literacy, defined as, "the degree to which individuals have the capacity to obtain, process, and understand basic health information and services needed to make appropriate health decisions." The effects of limited literacy are numerous and serious, including medication errors resulting from patients' inability to read labels; underuse of preventive measures such as Pap smears and vaccines; poor self-management of conditions such as asthma and diabetes; and higher rates of hospitalization and longer hospital stays.

According to the 2003 National Assessment of Adult Literacy (NAAL), more than one-third of Americans—77 million people—have limited health literacy. Although some adults are more likely than others to have difficulty understanding and acting upon health information (e.g., minority Americans, elderly), providers cannot tell by looking which patients have limited health literacy. Experts recommend that providers assume all patients may have difficulty understanding health-related information. Known as adopting "health literacy universal precautions," providers create an environment in which all patients benefit from clear communication.

AHRQ contracted with the University of North Carolina at Chapel Hill to develop the Health Literacy Universal Precautions Toolkit to help primary care practices ensure that systems are in place to promote better understanding of health-related information by all patients. As part of Toolkit development, testing of a "prototype Toolkit" was conducted in eight primary care practices over an eight-week period. Testing provided important information about implementation and resulted in refinement of the Toolkit, which AHRQ made publically available in Spring 2010. At this time, the Toolkit includes 20 tools to prepare practices for health literacy-related quality improvement

activities and to guide them in improving their performance related to four domains: (1) Improving spoken communication with patients, (2) improving written communication with patients, (3) enhancing patient self-management and empowerment, and (4) linking patients to supportive systems in the community.

The tools included in the Health Literacy Universal Precautions Toolkit are listed below:

Tools To Start on the Path to Improvement

Tool 1: Form a Team
Tool 2: Assess Your Practice
Tool 3: Raise Awareness

Tools To Improve Spoken Communication

Tool 4: Tips for Communicating Clearly
Tool 5: The Teach-Back Method
Tool 6: Follow up with Patients
Tool 7: Telephone Considerations
Tool 8: Brown Bag Medication Review
Tool 9: How to Address Language Differences
Tool 10: Culture and Other Considerations

Tools To Improve Written Communication

Tool 11: Design Easy-to-Read Material
Tool 12: Use Health Education Material Effectively
Tool 13: Welcome Patients: Helpful Attitude, Signs, and More
Tools To Improve Self-Management and Empowerment
Tool 14: Encourage Questions
Tool 15: Make Action Plans
Tool 16: Improve Medication Adherence and Accuracy
Tool 17: Get Patient Feedback

Tools to Improve Supportive Systems

Tool 18: Link Patients to Non-Medical Support
Tool 19: Medication Resources
Tool 20: Use Health and Literacy Resources in the Community

AHRQ will now conduct a demonstration of the Health Literacy Universal Precautions Toolkit. The purpose of this demonstration project is to explore whether the Toolkit helps motivated practices to make changes intended to improve communication with and support for patients of all literacy levels. Twelve primary care practices will be recruited to implement at least four tools from the Health Literacy Universal Precautions Toolkit. The project team will provide participating practices with limited technical assistance throughout the implementation period. Data regarding the assistance provided will contribute

to the team's assessment of the ease with which specific tools can be implemented and will provide insight into additional resources and guidance that might be valuable to add to the Toolkit.

This study is being conducted by AHRQ through its contractors, the University of Colorado, the American Academy of Family Physicians National Research Network and Synovate, Inc., under its statutory authority to conduct and support research on health care and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness, and value of health care services and with respect to quality measurement and improvement (42 U.S.C. 299a(a)(1) and (2)).

Method of Collection

To achieve the goals of this project the following activities and data collections will be implemented:

(1) Practice Screening Calls: To recruit practices into the project, the project team will conduct screening calls with all interested practices, typically with the lead physician or practice administrator. The introductory script presents an overview of the project. For those practices that agree to participate, some basic data about the practice will be collected, such as the type of practice, the number of full and part time clinicians, the number of patients seen in a typical week and the percentage of patients enrolled in Medicaid.

(2) Health Literacy Assessment Questions: In implementing Tool 2, which guides practices in conducting a self-assessment of their health literacy-related systems and procedures, practices will complete the Health Literacy Assessment Questions at the beginning of the project. We will request that they complete the same items again following implementation so that we may examine whether these items suggest change over time. Practices will collect responses from staff members representing different components of the practice (e.g., clinicians, front desk staff). A member of the practice staff, who will be designated the project coordinator, will oversee collection of survey data.

(3) Implementation Tracking Form: The Implementation Tracking Form will be completed by the leader of the Health Literacy Team at the beginning of the project period and updated prior to each check-in phone call with project staff (see item 13 below). (As part of implementation of Tool 1, participating practices will establish a Health Literacy Team to oversee Toolkit

implementation.) This form elicits information about the timing with which different steps in the implementation process were completed (e.g., when was the first training conducted).

(4) Webinar/Orientation: Prior to beginning data collection, we will conduct a Webinar with all practices to review the pre-implementation data collection requirements and provide an overview of Tools 1 and 2, which practices are to complete prior to our conducting site visits. Up to four members of the Health Literacy Team or other practice members will attend.

(5) On-site Observation: At pre- and post-implementation, the project team will conduct an observational review of the practice environment to assess health literacy-related features, such as readability of patient materials in the waiting room and ease of patient navigation. This data collection activity involves no burden to participating practices and their patients and, therefore, is not included in the burden estimates in Section 12.

(6) Patient Survey: The Patient Survey will be collected at pre- and post-implementation and is designed to obtain patient input on health literacy-related performance of providers and staff (e.g., "did your provider use medical words you did not understand"). Each practice will recruit 50 patients at each time point to complete the survey. The survey will include the same items at the two time points. The on-site project coordinator will oversee recruitment and collection of survey data.

(7) Survey Using Items from the Consumer Assessment of Healthcare Providers and Systems (CAHPS): In two of the participating practices, selected health literacy-related items from the CAHPS Clinician and Group Survey will be administered at pre- and post-implementation. Surveys will be sent by mail, with phone follow up. Across practices and the two time points (pre- and post-implementation), we will collect surveys for 1800 patients.

(8) Medication Review Form: Each practice that chooses to implement Tool 8 (Brown Bag Medication Review) will conduct medication reviews with 20 patients at pre-implementation and 20 at post-implementation, completing the Medication Review Form for each review (we estimate that 3 of the 12 participating practices will choose to implement Tool 8.) During these reviews, the Medication Review Form will be completed to record errors found in the medication regimen (e.g., expired medications, incorrect dosing, patient misunderstanding of regimen). So that

this data collection activity will be of value to practices and patients, reviews will be conducted with patients identified through routine clinical practice (e.g., the prescription refill process, regular follow-up visits) to require a full review of current medications.

(9) Practice Staff Survey: We will request that all staff members of participating practices complete the Practice Staff Survey, which elicits staff perceptions regarding health literacy-related practices (e.g., staff use of effective communication techniques and confirmation of patient comprehension). Surveys will be completed at pre-implementation and post-implementation, with items varying slightly at the two time points. The project coordinator for each practice will oversee collection of survey data.

(10) Health Literacy Team Leader Survey: The leader of the Health Literacy Team will complete this survey at pre- and post-implementation to provide data regarding health literacy-related policies and details regarding Toolkit implementation (e.g., has the reading level of written patient materials been assessed, how does the practice remind patients to bring in medication bottles to facilitate medication reviews).

(11) Health Literacy Team Leader Interview: The leader of the Health Literacy Team will be interviewed in person at pre- and post-implementation. At the beginning of the project, this qualitative interview will focus on expectations regarding implementation (e.g., expected barriers) and technical assistance needs. The post-implementation interview is designed to elicit detailed information about the implementation process, suggested revisions to the Toolkit, and an assessment of the technical assistance provided.

(12) Check-in Phone Calls: To ensure that practices stay on track, the project team will contact practices on a regular schedule to assess progress and provide facilitation that might be needed to help practices address barriers they may be experiencing. Calls will take place two weeks, one month, two months, and four months into implementation and will involve the leader of the Health Literacy Team.

(13) Health Literacy Team Member Interview: So that we may obtain information about the implementation process as well as functioning of the Health Literacy Team (e.g., how difficult was it to reach decisions about which tools to implement), we also will interview a member of the Team other than the Team leader at post-

implementation. Interviews will be conducted on site at the practice.

(14) Practice Staff Member Interview: So that we can obtain input about Toolkit implementation and project participation from someone outside of the Health Literacy Team, we will conduct on-site interviews at post-implementation with one or two staff members who were not involved in the Health Literacy Team.

Data collected will be used for the following purposes:

- To explore whether/how the Toolkit assists motivated practices to take a systematic approach to reducing the complexity of health care and ensuring that patients can succeed in the health care environment. Based on the data collected, AHRQ will issue a Technical Assistance Guide for use by practice facilitators that work with Toolkit implementers and Case Studies that highlight lessons learned.

- To improve the Health Literacy Universal Precautions Toolkit, AHRQ will issue a new edition of the Toolkit based on insights from this study.

- To see whether items from the CAHPS Item Set for Addressing Health Literacy are sensitive to quality improvement activities. AHRQ will use the findings to modify the document entitled “About the CAHPS Item Set for Addressing Health Literacy,” which discusses use of the items for quality improvement.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondents’ time to participate in this research.

- Practice Screening Calls will be conducted with one person from 20 different practices, with 12 practices expected to “screen-in” and be included in this project. The screening calls will take 20 minutes.

- The Health Literacy Assessment Questions will be completed twice; once at pre-implementation and again at post-implementation. We estimate that five staff members from each of the 12 practices will complete the questionnaire at each time point, for a total of 120 respondents, and will require 30 minutes to complete. (The same staff members will not be targeted

to complete the survey at both time points.) A staff member will distribute and collect the survey, which we estimate will take approximately five minutes per survey.

- The Implementation Tracking Form will be completed at the beginning of the project and updated before each of the four Check-in Phone Calls and again at the end of the intervention. The form will be completed by the Leader of each practice’s Health Literacy Team and will take approximately 5 minutes to complete each time.

- The Webinar/Orientation will take place at the beginning of the intervention and will include, on average, 4 staff members from each of the 12 practices and may take up to 2 hours.

- The Patient Survey will be completed at each of the 12 practices at pre-implementation and post-implementation. Fifty patients from each time period will be surveyed at each of the practices for a total of 1200 patients. The same patients will not be targeted to complete both surveys. The two surveys are identical and will take 20 minutes to complete. These will be administered by a practice staff member (recruiting patients, distributing surveys, collecting surveys). It is estimated that it will take 10 minutes of the staff member’s time to administer each survey.

- The Survey Using Items from the Consumer Assessment of Healthcare Providers and Systems (CAHPS) will be completed by mail or phone and will take approximately 12 minutes to complete. It will be completed by a total of about 1800 patients total at two of the participating practices; 900 will complete it at pre-implementation and 900 at post-implementation. The same patients will not be targeted to complete both surveys.

- The Medication Review Form will not be used by all of the participating practices. We estimate that 3 of the 12 practices will choose to implement Tool 8 from the Toolkit (Brown Bag Medication Review), and only practices implementing Tool 8 will collect these data. For practices that do complete the Medication Review Form, we expect that about four clinic staff per practice

will complete this form and each will complete it approximately five times at each time point (pre-implementation and post-implementation). Therefore, a total of 12 clinical staff will complete a total of 120 Medication Review Forms and each form will take about 30 minutes to complete.

- The Practice Staff Survey will be completed twice by each staff member; about 18 staff at each of the 12 practices. The pre-implementation version of the survey will take 15 minutes to complete, whereas the post-implementation version of the survey will take 20 minutes to complete. The surveys will be disseminated and collected by a member of the practice, a role which we expect to take about five minutes for each survey.

- The Health Literacy Team Leader Survey is completed by the Team Leader at each of the practices at pre-implementation and post-implementation. The pre-implementation version of the survey will take 15 minutes to complete, whereas the post-implementation version of the survey will take 20 minutes to complete.

- During the course of the intervention, there will be four Check-in Phone Calls with the Health Literacy Team Leader at each practice. Each call will last approximately 30 minutes.

- The Health Literacy Team Leader from each practice will be interviewed at pre-implementation and post-implementation. The pre-implementation version of the interview will take about 30 minutes, whereas the post-implementation interview will take 90 minutes.

- The Health Literacy Team Member interview will target one member of the Health Literacy Team from each practice (other than the Team Leader) and will be conducted at the post-intervention time period. The interview is expected to last 90 minutes.

- For the Practice Staff Member Interview, two other staff members per practice (24 total) will be interviewed post-implementation and these will take 30 minutes to complete.

The total annualized burden hours are estimated to be 1,446 hours.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Practice Screening Calls	20	1	20/60	7
Health Literacy Assessment Questions:				
Staff	120	1	30/60	60
Staff Administration	12	10	5/60	10

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Implementation Tracking Form	12	6	5/60	6
Webinar/Orientation	48	1	2	96
Patient Survey:				
Patients	1200	1	20/60	400
Staff Administration	12	100	10/60	200
Survey Using Items from the Consumer Assessment of Healthcare Providers and Systems (CAHPS)	1800	1	12/60	360
Medication Review Form	12	10	30/60	60
Practice Staff Survey—Pre-implementation:				
Staff	216	1	15/60	54
Staff Administration	12	18	5/60	18
Practice Staff Survey—Post-implementation:				
Staff	216	1	20/60	72
Staff Administration	12	18	5/60	18
Health Literacy Team Leader Survey—Pre-implementation	12	1	15/60	3
Health Literacy Team Leader Survey—Post-implementation	12	1	20/60	4
Check-in Phone Calls	12	4	30/60	24
Health Literacy Team Leader Interview—pre-implementation	12	1	30/60	6
Health Literacy Team Leader Interview—post-implementation	12	1	1.5	18
Health Literacy Team Member Interview—post-implementation	12	1	1.5	18
Practice Staff Member Interview—post-implementation	24	1	30/60	12
Total	3,788	na	na	1,446

Exhibit 2 shows the estimated annual cost burden to respondents, based on their time to participate in this research. The annual cost burden is estimated to be \$34,329.

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate ^a	Total cost burden
Practice Screening Calls	20	7	^c \$18.52	\$130
Health Literacy Assessment Questions:				
Staff	120	60	^d \$29.15	1,749
Staff Administration	12	10	^c \$18.52	185
Implementation Tracking Form	12	6	^c \$18.52	111
Webinar/Orientation	48	96	^d \$29.15	2,798
Patient Survey:				
Patients	1200	400	^b \$22.48	8,992
Staff Administration	12	200	^c \$18.52	3,704
Survey Using Items from the Consumer Assessment of Healthcare Providers and Systems (CAHPS)	1800	360	^b \$22.48	8,093
Medication Review Form	12	60	^d \$29.15	1,749
Practice Staff Survey—Pre-implementation:				
Staff	216	54	^d \$29.15	1,574
Staff Administration	12	18	^c \$18.52	333
Practice Staff Survey—Post-implementation:				
Staff	216	72	^d \$29.15	2,099
Staff Administration	12	18	^c \$18.52	333
Health Literacy Team Leader Survey—Pre-implementation	12	3	^d \$29.15	87
Health Literacy Team Leader Survey—Post-implementation	12	4	^d \$29.15	117
Check-in Phone Calls	12	24	^d \$29.15	700
Health Literacy Team Leader Interview—pre-implementation	12	6	^d \$29.15	175
Health Literacy Team Leader Interview—post-implementation	12	18	^d \$29.15	525
Health Literacy Team Member Interview—post-implementation	12	18	^d \$29.15	525
Practice Staff Member Interview—post-implementation	24	12	^d \$29.15	350
Total	3,788	1,446	na	34,329

^a Mean hourly and wage costs for Colorado were derived from the Bureau of Labor and Statistics National Compensation Survey for May 2010 (<http://www.bls.gov/oes/current/oesco.htm>).

^b Hourly rate for all workers (occupation code 00–0000) estimates the cost of time for patients.

^c Hourly rate for medical records and health information technician (29–2071).

^d Hourly rate for Healthcare Practitioners and Technical Workers, All Other (29–9799).

Estimated Annual Costs to the Federal Government

Exhibit 3 shows the estimated total and annualized cost to the Federal Government for conducting this research. These estimates include the costs associated with the project such as the preparation of survey administration procedures, labor costs, administrative expenses, costs associated with copying, postage, and telephone expenses, data management and analysis, preparation of final reports, and dissemination of findings/results/products. The annualized and total costs are identical since the data collection period will last for one year. The total cost is estimated to be \$784,910.

EXHIBIT 3—ESTIMATED TOTAL AND ANNUALIZED COST

Cost component	Total	Annualized cost
Administration	\$81,654	\$81,654
Research Activities	446,201	446,201
Dissemination Activities	57,222	57,222
Final Report ..	57,864	57,864
Overhead	141,969	141,969
Total	784,910	784,910

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ healthcare research and healthcare information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: February 29, 2012.

Carolyn M. Clancy,
Director.

[FR Doc. 2012-5569 Filed 3-8-12; 8:45 am]

BILLING CODE 4160-90-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Subcommittee for Dose Reconstruction Reviews (SDRR), Advisory Board on Radiation and Worker Health (ABRWH or the Advisory Board), National Institute for Occupational Safety and Health (NIOSH)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC), announces the following meeting for the aforementioned subcommittee:

TIME AND DATE: 9 a.m.–5 p.m., March 30, 2012.

PLACE: Cincinnati Airport Marriott, 2395 Progress Drive, Hebron, Kentucky 41018. Telephone (859) 334-4611, Fax (859) 334-4619.

STATUS: Open to the public, but without a verbal public comment period. Written comment should be provided to the contact person below in advance of the meeting. To access by conference call dial the following information 1 (866) 659-0537, Participant Pass Code 9933701.

BACKGROUND: The Advisory Board was established under the Energy Employees Occupational Illness Compensation Program Act of 2000 to advise the President on a variety of policy and technical functions required to implement and effectively manage the new compensation program. Key functions of the Advisory Board include providing advice on the development of probability of causation guidelines that have been promulgated by the Department of Health and Human Services (HHS) as a final rule; advice on methods of dose reconstruction, which have also been promulgated by HHS as a final rule; advice on the scientific validity and quality of dose estimation and reconstruction efforts being performed for purposes of the compensation program; and advice on petitions to add classes of workers to the Special Exposure Cohort (SEC).

In December 2000, the President delegated responsibility for funding, staffing, and operating the Advisory Board to HHS, which subsequently delegated this authority to CDC. NIOSH

implements this responsibility for CDC. The charter was issued on August 3, 2001, renewed at appropriate intervals, and will expire on August 3, 2013.

PURPOSE: The Advisory Board is charged with (a) Providing advice to the Secretary, HHS, on the development of guidelines under Executive Order 13179; (b) providing advice to the Secretary, HHS, on the scientific validity and quality of dose reconstruction efforts performed for this program; and (c) upon request by the Secretary, HHS, advise the Secretary on whether there is a class of employees at any Department of Energy facility who were exposed to radiation but for whom it is not feasible to estimate their radiation dose, and on whether there is reasonable likelihood that such radiation doses may have endangered the health of members of this class. The Subcommittee for Dose Reconstruction Reviews was established to aid the Advisory Board in carrying out its duty to advise the Secretary, HHS, on dose reconstruction.

MATTERS TO BE DISCUSSED: The agenda for the Subcommittee meeting includes: discussion of dose reconstruction cases under review (sets 7–10); DCAS dose reconstruction quality management and assurance activities; and dose reconstruction issues from NIOSH 10-year review.

The agenda is subject to change as priorities dictate.

In the event an individual cannot attend, written comments may be submitted. Any written comments received will be provided at the meeting and should be submitted to the contact person below well in advance of the meeting.

CONTACT PERSON FOR MORE INFORMATION:

Theodore Katz, Executive Secretary, NIOSH, CDC, 1600 Clifton Road, Mailstop E-20, Atlanta GA 30333, Telephone (513) 533-6800, Toll Free 1 (800) CDC-INFO, Email ocas@cdc.gov.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: March 5, 2012.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2012-5792 Filed 3-8-12; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Family Violence Prevention and Services/Grants for Domestic Violence Shelters and Supportive Services/Grants to States

AGENCY: Family and Youth Services Bureau (FYSB), Administration on Children, Youth, and Families (ACYF), ACF.

ACTION: This notice was originally published as Funding Opportunity Number HHS-2012-ACF-ACYF-FVPS-0272 on February 23, 2012 at <http://www.acf.hhs.gov/grants/open/foa/view/HHS-2012-ACF-ACYF-FVPS-0272>.

This announcement governs the proposed award of mandatory grants under the Family Violence Prevention and Services Act (FVPSA) to States (including Territories and Insular Areas). The purpose of these grants is to: (1) Assist States in efforts to increase public awareness about, and primary and secondary prevention of, family violence, domestic violence, and dating violence; and (2) assist States in efforts to provide immediate shelter and supportive services for victims of family violence, domestic violence, or dating violence (Section 301(b)(1-2)) of the FVPSA, as amended by Section 201 of the Child Abuse Prevention and Treatment Act (CAPTA) Reauthorization Act of 2010, Public Law 111-320.

This announcement sets forth the application requirements, the application process, and other administrative and fiscal requirements for grants in Fiscal Year (FY) 2012.

C.F.D.A. Number: 93.671.

Statutory Authority: The statutory authority for this program is Sections 301-313 of the Family Violence Prevention and Services Act, as amended by Section 201 of the CAPTA Reauthorization Act of 2010, Public Law 111-320, hereinafter cited by Section number only.

SUMMARY:

I. Funding Opportunity Description

Description

Background

The Administration on Children, Youth and Families (ACYF) is committed to facilitating healing and recovery, and promoting the social and emotional well-being of victims, children, youth, and families who have experienced domestic violence, maltreatment, exposure to violence, and trauma. An important component of

promoting well-being in this regard includes addressing the impact of trauma which can have profound impacts on coping, resiliency, and skill development. ACYF promotes a trauma-informed approach, which involves understanding and responding to the symptoms of chronic interpersonal trauma and traumatic stress across the lifespan.

This FVPSA funding opportunity announcement (FOA), administered through ACYF's Family and Youth Services Bureau (FYSB), is designed to assist States in their efforts to support the establishment, maintenance, and expansion of programs and projects: (1) To prevent incidents of family violence, domestic violence, and dating violence; (2) to provide immediate shelter, supportive services, and access to community-based programs for victims of family violence, domestic violence, or dating violence, and their dependents; and (3) to provide specialized services for children exposed to family violence, domestic violence, or dating violence, underserved populations, and victims who are members of racial and ethnic minority populations (Section 306(a)).

The FVPSA State Formula Grant funds shall be used to identify and provide subgrants to eligible entities for programs and projects within the State that are designed to prevent incidents of family violence, domestic violence, and dating violence by providing immediate shelter and supportive services for adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, and which may be used to provide prevention services to prevent future incidents of family violence, domestic violence, and dating violence (Section 308(a)).

FVPSA funds awarded to subgrantees should be used for:

- Provision of immediate shelter and related supportive services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, including paying for the operating and administrative expenses of the facilities for a shelter (Section 308(b)(1)(A)).
- Assistance in developing safety plans, and supporting efforts of victims of family violence, domestic violence, or dating violence to make decisions related to their ongoing safety and well-being (Section 308(b)(1)(B)).
- Provision of individual and group counseling, peer support groups, and referral to community-based services to assist family violence, domestic violence, and dating violence victims, and their dependents, in recovering from the effects of the violence (Section 308(b)(1)(C)).

- Provision of services, training, technical assistance, and outreach to increase awareness of family violence, domestic violence, and dating violence, and increase the accessibility of family violence, domestic violence, and dating violence services (Section 308(b)(1)(D)).

- Provision of culturally and linguistically appropriate services (Section 308(b)(1)(E)).

- Provision of services for children exposed to family violence, domestic violence, or dating violence, including age-appropriate counseling, supportive services, and services for the nonabusing parent that support that parent's role as a caregiver, which may, as appropriate, include services that work with the nonabusing parent and child together (Section 308(b)(1)(F)).

- Provision of advocacy, case management services, and information and referral services, concerning issues related to family violence, domestic violence, or dating violence intervention and prevention, including: (1) Assistance in accessing related Federal and State financial assistance programs; (2) legal advocacy to assist victims and their dependents; (3) medical advocacy, including provision of referrals for appropriate health care services (including mental health, alcohol, and drug abuse treatment), which does not include reimbursement for any health care services; (4) assistance locating and securing safe and affordable permanent housing and homelessness prevention services; (5) transportation, child care, respite care, job training and employment services, financial literacy services and education, financial planning, and related economic empowerment services; and (6) parenting and other educational services for victims and their dependents (Section 308(b)(1)(G)).

- Provision of prevention services, including outreach to underserved populations (Section 308(b)(1)(H)).

In the distribution of FVPSA grant funds, the State should ensure that not less than 70 percent of the funds distributed are used for the primary purpose of providing immediate shelter and supportive services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents; not less than 25 percent of the funds will be used for the purpose of providing supportive services and prevention services (Section 308(b)(2)); and not more than 5 percent of the FVPSA grant funds should be used for State administrative costs (Section 306(b)(1)).

Ensuring the Well-Being of Vulnerable Children and Families

The Administration on Children, Youth and Families is committed to facilitating healing and recovery, and promoting the social and emotional well-being of children, youth, and families who have experienced maltreatment, exposure to violence, and/or trauma. This funding announcement and other discretionary spending this fiscal year are designed to ensure that effective interventions are in place to build skills and capacities that contribute to the healthy, positive, and productive functioning of families.

Children, youth, and families who have experienced maltreatment, exposure to violence, and/or trauma are impacted along several domains, each of which must be addressed in order to foster social and emotional well-being and promote healthy, positive functioning:

- *Understanding Experiences:* A fundamental aspect of the human experience is the development of a world view through which one's experiences are understood. Whether that perspective is generally positive or negative impacts how experiences are interpreted and integrated. For example, one is more likely to approach a challenge as a surmountable, temporary obstacle if his or her frame includes a sense that "things will turn out alright." On the contrary, negative experiences can color how future experiences are understood. Ongoing exposure to family violence might lead children, youth, and adults to believe that relationships are generally hostile in nature and affect their ability to enter into and stay engaged in safe and healthy relationships. Interventions should seek to address how children, youth, and adults frame what has happened to them in the past and shape their beliefs about the future.

- *Developmental Tasks:* People grow physically and psychosocially along a fairly predictable course, encountering normal challenges and establishing competencies as they pass from one developmental stage to another. However, adverse events have a marked effect on the trajectory of normal social and emotional development, delaying the growth of certain capacities, and, in many cases, accelerating the maturation of others. Intervention strategies must be attuned to the developmental impact of negative experiences and address related strengths and deficits to ensure children, youth, and families develop along a healthy trajectory.

- *Coping Strategies:* The methods that children, youth, and families develop to

manage challenges both large and small are learned in childhood, honed in adolescence, and practiced in adulthood. Those who have been presented with healthy stressors and opportunities to overcome them with appropriate encouragement and support are more likely to have an array of positive, productive coping strategies available to them as they go through life. For children, youth, and families who grow up in or currently live in unsafe, unpredictable environments, the coping strategies that may have been protective in that context may not be appropriate for safer, more regulated situations. Interventions should help children, youth, and families transform maladaptive coping methods into healthier, more productive strategies.

- *Protective Factors:* A wealth of research has demonstrated that the presence of certain contextual factors (e.g., supportive relatives, involvement in after-school activities) and characteristics (e.g., self-esteem, relationship skills) can moderate the impacts of past and future negative experiences. These protective factors are fundamental to resilience; building them is integral to successful intervention with children, youth, and families.

The skills and capacities in these areas support children, youth, and families as challenges, risks, and opportunities arise. In particular, each domain impacts the capacity of children, youth, and families to establish and maintain positive relationships with caring adults and supportive peers. The necessity of these relationships to social and emotional well-being and lifelong success in school, community, and at home cannot be overstated and should be central to all interventions with vulnerable children, youth, and families.

An important component of promoting social and emotional well-being includes addressing the impact of trauma, which can have a profound effect on the overall functioning of children, youth, and families. The Administration on Children, Youth and Families promotes a trauma-informed approach, which involves understanding and responding to the symptoms of chronic interpersonal trauma and traumatic stress across the domains outlined above, as well as the behavioral and mental health sequelae of trauma.

The Administration on Children, Youth and Families anticipates a continued focus on social and emotional well-being as a critical component of its overall mission to ensure positive

outcomes for all children, youth, and families.

Annual FVPSA State Administrators Grantee Meeting

FVPSA State Administrators shall plan to attend the annual grantee meeting. The State FVPSA Administrators meeting is a training and technical assistance activity focusing on FVPSA administrative issues as well as the promotion of evidence informed and promising practices to address family violence, domestic violence, or dating violence. Subsequent correspondence will advise the FVPSA State Administrators of the date, time, and location of their grantee meeting.

Client Confidentiality

In order to ensure the safety of adult, youth, and child victims of family violence, domestic violence, or dating violence, and their families, FVPSA-funded programs must establish and implement policies and protocols for maintaining the confidentiality of records pertaining to any individual provided domestic violence services. Consequently, when providing statistical data on program activities and program services, individual identifiers of client records will not be used by the State or other FVPSA grantees or subgrantees (Section 306(c)(5)).

In the annual grantee Performance Progress Report (PPR), States and subgrantees must collect unduplicated data from each program rather than unduplicated data across programs or statewide. No client-level data should be shared with a third party, regardless of encryption, hashing, or other data security measures, without a written, time-limited release as described in section 306(c)(5). The address or location of any FVPSA-supported shelter facility shall, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public (Section 306(c)(5)(H)) and the confidentiality of records pertaining to any individual provided domestic violence services by any FVPSA-supported program will be strictly maintained.

Coordinated and Accessible Services

It is essential that community service providers, including those serving or representing underserved communities, are involved in the design and improvement of intervention and prevention activities. Coordination and collaboration among victim services providers; community-based, culturally specific, and faith-based services providers; housing and homeless services providers; and Federal, State,

and local public officials and agencies is needed to provide more responsive and effective services to victims of family violence, domestic violence, and dating violence, and their dependents.

To promote a more effective response to family violence, domestic violence, and dating violence, Department of Health and Human Services (HHS) requires States receiving funds under this grant announcement to collaborate with State Domestic Violence Coalitions, tribes, tribal organizations, service providers, and community-based organizations to address the needs of family violence, domestic violence, and dating violence, and for those who are members of racial and ethnic minority populations and underserved populations (Section 307(a)(2)).

To serve victims most in need and to comply with Federal law, services must be widely accessible to all. Services must not discriminate on the basis of age, disability, sex, race, color, national origin or religion (Section 306(c)(2)). The HHS Office for Civil Rights provides guidance to grantees complying with these requirements. Please see <http://www.hhs.gov/ocr/immigration/bifsltr.html> for HHS Office of Civil Rights guidance on serving immigrant victims and <http://www.hhs.gov/ocr/discrimdisab.html> for guidance on the Americans with Disabilities Act and Rehabilitation Act of 1973. Services must also be provided on a voluntary basis; receipt of emergency shelter or housing must not be conditioned on participation in supportive services (Section 308(d)(2)).

Definitions

States should use the following definitions in carrying out their programs (Section 302).

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence: Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other

person against and adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Family Violence: Any act or threatened act of violence, including any forceful detention of an individual that: (a) results or threatens to result in physical injury; and (b) is committed by a person against another individual (including an elderly individual) to or with whom such person: Is related by blood, or is or was related by marriage or is or was otherwise legally related, or is or was lawfully residing.

Shelter: The provision of temporary refuge and supportive services in compliance with applicable State law (including regulation) governing the provision, on a regular basis, of shelter, safe homes, meals, and supportive services to victims of family violence, domestic violence, or dating violence, and their dependents.

Supportive Services: Services for adult and youth victims of family violence, domestic violence, or dating violence, and dependents exposed to family violence, domestic violence, or dating violence, that are designed to:

- Meet the needs of victims of family violence, domestic violence, or dating violence, and their dependents, for short-term, transitional, or long-term safety; and
- Provide counseling, advocacy, or assistance for victims of family violence, domestic violence, or dating violence, and their dependents.

II. Award Information

For FY 2012, HHS will make available for grants to designated State agencies 70 percent of the amount appropriated under section 303(a)(1) of FVPSA, which is not reserved under Section 303(a)(2). In FY 2011, ACYF awarded \$90,335,158 to State agencies for these purposes. In separate announcements, ACYF will allocate 10 percent of the foregoing appropriation to tribes and tribal organizations for the establishment and operation of shelters, safe houses, and the provision of supportive services; and 10 percent to the State Domestic Violence Coalitions to continue their work within the domestic violence community by providing technical assistance and training, needs assessment, and advocacy services, among other activities with local domestic violence programs, and to encourage appropriate responses to domestic violence within the States. Six percent of the amount appropriated under section 303(c) of FVPSA, and reserved under section 303(a)(2)(c), will be available in FY 2012 to continue the support for the two

National Resource Centers (NRCs), four Special Issue Resource Centers (SIRCs) and the three Culturally Specific Special Issue Resource Centers (CSSIRCs). Additionally, funds appropriated under FVPSA will be used to support other activities, including training and technical assistance, collaborative projects with advocacy organizations and service providers, data collection efforts, public education activities, research and other demonstration projects, as well as the ongoing operation of the National Domestic Violence Hotline.

State Allocation

FVPSA grants to the States, the District of Columbia, and the Commonwealth of Puerto Rico are based on a population formula. Each State grant shall be \$600,000, with the remaining funds allotted to each State on the same ratio as the population of the State to the population of all States (Section 305(a)(2)). State populations are determined on the basis of the most recent census data available to the Secretary of HHS, and the Secretary shall use for such purpose, if available, the annual current interim census data produced by the Secretary of Commerce pursuant to section 181 of Title 13 of the U.S. Code.

For the purpose of computing allotments, the statute provides that Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands will each receive grants of not less than one-eighth of one percent of the amount appropriated for formula grants to States (Section 305(a)(1)).

Expenditure Period

FVPSA funds may be used for expenditures on and after October 1 of each fiscal year for which they are granted, and will be available for expenditure through September 30 of the following fiscal year, i.e., FY 2012 funds may be used for expenditures from October 1, 2011, through September 30, 2013. Funds will be available for obligations only through September 30, 2013, and must be liquidated by December 30, 2013.

Re-allotted funds, if any, are available for expenditure until the end of the fiscal year following the fiscal year that the funds became available for re-allotment. FY 2012 grant funds that are made available to the States through re-allotment, under section 305(d), must be expended by the State no later than September 30, 2013.

III. Eligibility Information

“States”, as defined in section 302 of FVPSA, are eligible to apply for funds. The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

In the past, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and American Samoa have applied for funds as a part of their consolidated grant under the Social Services Block grant. These jurisdictions need not submit an application under this program announcement if they choose to have their allotment included as part of a consolidated grant application; however, they are required to submit a Performance Progress Report using the standardized format.

Additional Information on Eligibility

DUNS (Universal Identifier Number) Requirement

Data Universal Numbering System (DUNS) Number is the nine-digit, or thirteen-digit (DUNS + 4), number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities.

All applicants and sub-recipients must have a DUNS number at the time of application in order to be considered for a grant or cooperative agreement. A DUNS number is required whether an applicant is submitting a paper application or using the Government-wide electronic portal, www.Grants.gov. A DUNS number is required for every application for a new award or renewal/continuation of an award, including applications or plans under formula, entitlement, and block grant programs. A DUNS number may be acquired at no cost online at <http://fedgov.dnb.com/webform>. To acquire a DUNS number by phone, contact the D&B Government Customer Response Center: U.S. and U.S. Virgin Islands: 1-866-705-5711, Alaska and Puerto Rico: 1-800-234-3867 (Select Option 2, then Option 1), Monday–Friday 7 a.m. to 8 p.m., CST.

The process to request a D–U–N–S Number by telephone will take between 5 and 10 minutes.

Central Contractor Registration (CCR) Requirement

Central Contractor Registration (CCR) is the Federal registrant database and repository into which an entity must provide information required for the conduct of business as a recipient. CCR, managed by the General Services Administration, collects, validates,

stores, and disseminates data in support of agency financial assistance missions.

Effective October 1, 2011 HHS required all entities that plan to apply for, and ultimately receive, Federal grant funds from any HHS Agency, or receive sub-awards directly from recipients of those grant funds to:

- Be registered in the CCR prior to submitting an application of plan;
- Maintain an active CCR registration with current information at all times during which it has an active award or an application or plan under consideration by an OPDIV; and
- Provide its DUNS number in each application or plan it submits to the OPDIV.

ACF is prohibited from making an award until an applicant has complied with these requirements. At the time an award is ready to be made, if the intended recipient has not complied with these requirements, ACF:

- May determine that the applicant is not qualified to receive an award; and
- May use that determination as a basis for making an award to another applicant.

Additionally, all first-tier sub-award recipients (i.e., direct sub-recipient) must have a DUNS number at the time the sub-award is made.

CCR registration may be made online at www.ccr.gov or by phone at 1-866-606-8220. CCR registration must be updated annually. CCR registration must be active and maintained with current information at all times during which an organization has an active award or an application under consideration.

Applicants are strongly encouraged to register at the CCR well in advance of the application due date.

IV. Application Requirements

Content of Application Submission

The State's application must be submitted by the chief executive officer of the State must contain the following information or documentation (Section 307(a)(1)):

(1) The name and complete address of the State agency; the name and contact information for the official designated as responsible for the administration of FVPSA programs and activities relating to family violence, domestic violence, and dating violence that are carried out by the State and for coordination of related programs within the State; the name and contact information for a contact person if different from the designated official (Section 307(a)(2)(G)).

(2) A plan describing how the State will involve community-based

organizations whose primary purpose is to provide culturally appropriate services to underserved populations, including how such community-based organizations can assist the State in addressing the unmet needs of such populations (Section 307(a)(2)(E)).

(3) A plan describing how the State will provide specialized services including trauma-informed services for children exposed to family violence, domestic violence, or dating violence, underserved populations and victims who are members of racial and ethnic minority populations (Section 306(a)(3)).

(4) A plan describing in detail how the needs of underserved populations will be met (Section 306(a)(3)). “Underserved populations” include populations underserved because of geographic location (such as rural isolation), underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, immigration status, or age), and any other population determined to be underserved by the State planning process or the Secretary of HHS (Section 302(14)). The State plan should:

(a) Identify which populations in the State are currently underserved, and the process used to identify underserved population; describe those that are being targeted for outreach and services; and provide a brief explanation of why those populations were selected to receive outreach and services.

(b) Describe the outreach plan, including the domestic violence training to be provided, the means for providing technical assistance and support, and the leadership role played by those representing and serving the underserved populations in question.

(c) Describe the specific services to be provided or enhanced, including new shelters or services, improved access to shelters or services, or new services for underserved populations such as victims from communities of color; immigrant victims; lesbian, gay, bisexual, or transgender (LGBT) individuals; adolescents; at-risk youth or victims with disabilities.

(5) Include a description of how the State plans to use the grant funds; a description of the target populations; the number of shelters to be funded; the number of non-residential programs to be funded; the services the State will provide; and the expected results from the use of the grant funds as required by Sections 307(a)(2)(F) and 308(b).

(6) Describe the plan to assure an equitable distribution of grants and grant funds within the State and

between urban and rural areas within such State (Section 307(a)(2)(C)).

(7) Provide complete documentation of consultation with and participation of the State Domestic Violence Coalition in the planning and monitoring of the distribution of grants and the administration of grant programs and projects (Section 307(a)(2)(D)).

(8) Provide complete documentation of policies, procedures, and protocols that ensure individual identifiers of client records will not be used when providing statistical data on program activities and program services; the confidentiality of records pertaining to any individual provided family violence prevention services by any FVPSA-supported program will be maintained; and the address or location of any FVPSA-supported shelter will not be made public without the written authorization of the person or persons responsible for the operation of such shelter (Sections 307(a)(2)(A) and 306(c)(5)).

(9) Provide a copy of the law or procedures, such as a process for obtaining an order of protection, that the State has implemented for the barring of an abusive spouse from a shared household (Section 307(a)(2)(H)).

Note: As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13), public reporting burden for this collection of information is estimated to average 10-hours per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection information. The project description is approved under the Office of Management and Budget (OMB) control number 0970–0280. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Assurances

Each application must provide signed copy of the assurances (See *Appendix A*).

Certifications

All applications must submit or comply with the required certifications found in the Appendices as follows:

Certification Regarding Lobbying

(See *Appendix B*): Applicants must furnish an executed copy of the *Certification Regarding Lobbying*, prior to the award of the grant.

Standard Form (SF)–LLL Disclosure of Lobbying Activities

The filing of this form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence

an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action.

This disclosure form must be completed and filed by the reporting entity, whether subawardees or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. 1352.

Intergovernmental Review of Federal Programs

For States, this program is covered under Executive Order 12372, “Intergovernmental Review of Federal Programs,” for State plan consolidation and implication only—45 CFR 100.12. The review and comment provisions of the Executive Order and Part 100 do not apply.

Application Submission

Applications should be sent or delivered to: Administration on Children, Youth and Families, Administration for Children and Families, Family and Youth Services Bureau, Family Violence Prevention and Services Program, Attn: Edna James, 1250 Maryland Avenue SW., Suite 8214, Washington, DC 20024.

V. Approval/Disapproval of a State Application

The Secretary of HHS will approve any application that meets the requirements of FVPSA and this announcement and will not disapprove any such application except after reasonable notice of the Secretary’s intention to disapprove has been provided to the applicant and after a 6-month period providing an opportunity for the applicant to correct any deficiencies. The notice of intention to disapprove will be provided to the applicant within 45 days of the date of the application.

VI. Reporting Requirements

Performance Reports

States are required to submit an annual performance report to ACYF describing the activities carried out, and an assessment of the effectiveness of those activities in achieving the purposes of the grant (Section 306(d)). Further guidance regarding the assessment requirement is included in the PPR. A section of this performance report must be completed by each grantee or subgrantee that provided program services and activities. State-grantees should compile subgrantee performance reports into a comprehensive report for submission. A

copy of the required PPR can be found at www.acf.hhs.gov/programs/ofsf/forms.htm.

In the past, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and American Samoa have applied for FVPSA funds as a part of their consolidated grant under the Social Services Block grant. These jurisdictions need not submit an application under this program announcement if they choose to have their allotment included as part of a consolidated grant application; however, they are required to submit an annual PPR using the standardized format.

PPRs for the States and Territories are due on an annual basis at the end of the calendar year (December 29). PPRs should be sent to: Administration on Children, Youth and Families, Administration for Children and Families, Family and Youth Services Bureau, Family Violence Prevention and Services Program, Attn: Edna James, 1250 Maryland Avenue SW., Room 8214, Washington, DC 20024.

Please note that section 307(b)(4) of FVPSA requires HHS to suspend funding for an approved application if any State applicant fails to submit an annual PPR or if the funds are expended for purposes other than those set forth under this announcement.

Federal Financial Reports (FFR)

Grantees must submit annual Financial Status Reports. The first SF–425A is due December 30, 2012. The final SF–425A is due December 30, 2013. SF–425A can be found at: http://www.whitehouse.gov/omb/grants/grants_forms.html.

Completed reports may be mailed to: Nathaniel West, Division of Mandatory Grants, Office of Grants Management, Administration for Children and Families, 370 L’Enfant Promenade SW., 6th Floor, Washington, DC 20447.

Grantees have the option of submitting their reports online through the Online Data Collection (OLDC) system at the following address: <https://extranet.acf.hhs.gov/ssi>. Failure to submit reports on time may be a basis for withholding grant funds, or suspension or termination of the grant. All funds reported as unobligated after the obligation period will be recouped.

VII. Administrative and National Policy Requirements

Awards issued under this announcement are subject to the uniform administrative requirements and cost principles of 45 CFR part 74 (Awards and Subawards to Institutions

of Higher Education, Hospitals, Other Nonprofit Organizations, and Commercial Organizations) or 45 CFR part 92 (Grants and Cooperative Agreements to State, Local, and Tribal Governments). The Code of Federal Regulations (CFR) is available at <http://www.gpo.gov>.

An application funded with the release of Federal funds through a grant award, does not constitute, or imply, compliance with Federal regulations. Funded organizations are responsible for ensuring that their activities comply with all applicable Federal regulations.

Equal Treatment for Faith-Based Organizations

Grantees are also subject to the requirements of 45 CFR 87.1(c), Equal Treatment for Faith-Based Organizations, which says, "Organizations that receive direct financial assistance from the [Health and Human Services] Department under any Department program may not engage in inherently religious activities such as religious instruction, worship, or proselytization as part of the programs or services funded with direct financial assistance from the Department." Therefore, organizations must take steps to completely separate the presentation of any program with religious content from the presentation of the Federally funded program by time or location *in such a way that it is clear that the two programs are separate and distinct*. If separating the two programs by time but presenting them in the same location, one program must *completely* end before the other program begins.

A faith-based organization receiving HHS funds retains its independence from Federal, State, and local governments, and may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs. For example, a faith-based organization may use space in its facilities to provide secular programs or services funded with Federal funds without removing religious art, icons, scriptures, or other religious symbols. In addition, a faith-based organization that receives Federal funds retains its authority over its internal governance, and it may retain religious terms in its organization's name, select its board members on a religious basis, and include religious references in its organization's mission statements and other governing documents in accordance with all program requirements, statutes, and other applicable requirements governing the conduct of HHS funded activities.

Regulations pertaining to the Equal Treatment for Faith-Based

Organizations, which includes the prohibition against Federal funding of inherently religious activities, "Understanding the Regulations Related to the Faith-Based and Neighborhood Partnerships Initiative" are available at <http://www.hhs.gov/partnerships/about/regulations/>. Additional information, resources, and are tools for faith-based organizations are available through The Center for Faith-based and Neighborhood Partnerships Web site at <http://www.hhs.gov/partnerships/index.html> and at the *Administration for Children & Families: Toolkit for Faith-based and Community Organizations*.

Requirements for Drug-Free Workplace

The Drug-Free Workplace Act of 1988 (41 U.S.C. 701 *et seq.*) requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. By signing the application, the Authorizing Official agrees that the grantee will provide a drug-free workplace and will comply with the requirement to notify ACF if an employee is convicted of violating a criminal drug statute. Failure to comply with these requirements may be cause for debarment. Government-wide requirements for Drug-Free Workplace for Financial Assistance are found in 2 CFR part 182; HHS implementing regulations are set forth in 2 CFR 382.400. All recipients of ACF grant funds must comply with the requirements in Subpart B—Requirements for Recipients Other Than Individuals, 2 CFR 382.225. The rule is available at <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr;sid=18b5801410be6af416dc258873ffb7ec;rgn=div2;view=text;node=20091112%3A1.1;idno=49;cc=ecfr>.

Debarment and Suspension

HHS regulations published in 2 CFR part 376 implement the government-wide debarment and suspension system guidance (2 CFR part 180) for HHS' non-procurement programs and activities. "Non-procurement transactions" include, among other things, grants, cooperative agreements, scholarships, fellowships, and loans. ACF implements the HHS Debarment and Suspension regulations as a term and condition of award. Grantees may decide the method and frequency by which this determination is made and may check the Excluded Parties List System (EPLS) located at <https://www.epls.gov/>, although checking the EPLS is not required. More information is available at http://www.acf.hhs.gov/grants/grants_resources.html.

Pro-Children Act

The Pro-Children Act of 2001, 42 U.S.C. 7181 through 7184, imposes restrictions on smoking in facilities where federally funded children's services are provided. HHS grants are subject to these requirements only if they meet the Act's specified coverage. The Act specifies that smoking is prohibited in any indoor facility (owned, leased, or contracted for) used for the routine or regular provision of kindergarten, elementary, or secondary education or library services to children under the age of 18. In addition, smoking is prohibited in any indoor facility or portion of a facility (owned, leased, or contracted for) used for the routine or regular provision of federally funded health care, day care, or early childhood development, including Head Start services to children under the age of 18. The statutory prohibition also applies if such facilities are constructed, operated, or maintained with Federal funds. The statute does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, portions of facilities used for inpatient drug or alcohol treatment, or facilities where WIC coupons are redeemed. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1,000 per violation and/or the imposition of an administrative compliance order on the responsible entity.

VIII. Funding Restrictions

Costs of organized fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions, are considered unallowable costs under grants awarded under this announcement.

Construction is not an allowable activity or expenditure under this grant award.

Purchase of real property is not an allowable activity or expenditure under this grant award.

IX. Other Information

Bryan Samuels, Commissioner, Administration on Children, Youth and Families.

Appendices: Required Assurances and Certifications:

- A. Assurances of Compliance with Grant Requirements
- B. Certification Regarding Lobbying

DATES: The application due date is March 26, 2012.

FOR FURTHER INFORMATION CONTACT:

Edna James at (202) 205-7750 or email at: Edna.James@acf.hhs.gov.

Bryan Samuels,

Commissioner, Administration on Children, Youth and Families.

Appendix A*Assurance of Compliance With Grant Requirements*

The undersigned grantee certifies that:

(1) Grant funds under the Family Violence Prevention Services Act (FVPSA) will be distributed to local public agencies, or nonprofit private organizations (including faith-based and charitable organizations, community-based organizations, and voluntary associations), that assist victims of family violence, domestic violence, or dating violence (as defined in Section 302(2), (3) and (4), and their dependents, and have a documented history of effective work concerning family violence, domestic violence, or dating violence (Section 308(c)).

(2) Grant funds will be used for programs and projects within the State that are designed to prevent incidents of family violence, domestic violence, and dating violence by providing immediate shelter and supportive services and access to community-based programs for adult and youth victims as well as specialized services for children exposed to domestic violence, underserved populations and those who are members of racial and ethnic minority populations (as defined in Section 306(a)(1-3)).

(3) In distributing the funds, the State will give special emphasis to the support of community-based projects of demonstrated effectiveness carried out by non-profit, private organizations, particularly for those projects where the primary purpose is to operate shelters for victims of family violence, domestic violence, and dating violence, and their dependents or those which provide counseling, advocacy, and self-help services to victims of family violence, domestic violence, and dating violence, and their dependents (Section 307(a)(2)(B)(iii)).

(4) Not less than 70 percent of the funds distributed shall be for the primary purpose of providing immediate shelter and supportive services to adult and youth victims of family violence, domestic violence or dating violence, and their dependents, as described in Section 308(b)(1)(A).

(5) Not less than 25 percent of the funds distributed shall be for the purpose of providing supportive services and prevention services as described in Section 308(b)(1)(B) through (H), to victims of family violence, domestic violence, or dating violence, and their dependents (Section 308(b)(2)).

(6) Not more than five percent of the funds will be used for State administrative costs (Section 307(a)(2)(b)(i)).

(7) The State grantee is in compliance with the statutory requirements of Section 307(a)(2)(C), regarding the equitable distribution of grants and grant funds within the State and between urban and rural areas within the State.

(8) The State will consult with and provide for the participation of the State Domestic Violence Coalition in the planning and monitoring of the distribution of grant funds and the administration of the grant programs and projects (Section 307(a)(2)(D)).

(9) Grant funds made available under this program by the State will not be used as direct payment to any victim of family violence, domestic violence, or dating violence, or to any dependent of such victim (Section 308(d)(1)).

(10) No income eligibility standard will be imposed on individuals with respect to eligibility for assistance or services supported with funds appropriated to carry out the FVPSA. (Section 306(c)(3)).

(11) No fees will be levied for assistance or services provided with funds appropriated to carry out the FVPSA (Section 306(c)(3)).

(12) The address or location of any shelter or facility assisted under the FVPSA that otherwise maintains a confidential location will, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public (Section 306(c)(5)(H)).

(13) The applicant has established policies, procedures and protocols to ensure compliance with the provisions of Section 306(c)(5) regarding non-disclosure of confidential or private information (Section 307(a)(2)(A)).

(14) Pursuant to Section 306(c)(5), additional legal requirements have been added. As the applicant will comply with requirements to ensure the non-disclosure of confidential or private information which include but are not limited to: (1) grantees will not disclose any personally identifying information collected in connection with services requested (including services utilized or denied), through grantee's funded activities or reveal personally identifying information without informed, written, reasonably time-limited consent by the person about whom information is sought, whether for the FVPSA funded activities or any other Federal or State program (additional consent requirements have been omitted but see Section 306(c)(5)(B)(ii)(I) for additional requirements); (2) grantees will not release information compelled by statutory or court order unless adhering to the requirements of Section 306(c)(5)(C); (3) grantees may share non-personally identifying information in the aggregate for the purposes enunciated in Section 306(c)(5)(D)(i) as well as for other purposes found in Section 306(c)(5)(D)(ii) and (iii).

(15) Grants funded by the State in whole or in part with funds made available under the FVPSA will prohibit discrimination on the basis of age, disability, sex, race, color, national origin, or religion as described in Section 306(c)(2).

(16) Funds made available under the FVPSA will be used to supplement and not supplant other Federal, State and local public funds expended to provide services and activities that promote the objectives of the FVPSA (Section 306(c)(6)).

(17) Receipt of supportive services under the FVPSA will be voluntary. No condition will be applied for the receipt of emergency shelter as described in Section 308(d)(2)).

(18) The State grantee has a law or procedure to bar an abuser from a shared household or a household of the abused person, which may include eviction laws or procedures (Section 307(a)(2)(H)).

Signature

Title

Organization

Appendix B*Certification Regarding Lobbying*

Title 31, United States Code, Section 1352, entitled "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," generally prohibits recipients of Federal grants and cooperative agreements from using Federal (appropriated) funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a SPECIFIC grant or cooperative agreement. Section 1352 also requires that each person who requests or receives a Federal grant or cooperative agreement must disclose lobbying undertaken with non-Federal (non-appropriated) funds. These requirements apply to grants and cooperative agreements EXCEEDING \$100,000 in total costs (45 CFR part 93).

The undersigned (authorized official signing for the applicant organization) certifies to the best of his or her knowledge and belief, that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(b) If any funds other than Federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(c) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance

was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature

Title

Organization

[FR Doc. 2012-5823 Filed 3-8-12; 8:45 am]

BILLING CODE 4184-32-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Family Violence Prevention and Services/Grants for Domestic Violence Shelters/Grants to Native American Tribes (Including Alaska Native Villages) and Tribal Organizations

AGENCY: Family and Youth Services Bureau (FYSB), Administration on Children, Youth, and Families (ACYF), ACF, HHS.

ACTION: This notice was originally published as Funding Opportunity Number HHS-2012-ACF-ACYF-FVPS-0310 on February 17, 2012 at <http://www.acf.hhs.gov/grants/open/foa/view/HHS-2012-ACF-ACYF-FVPS-0310>.

This announcement governs the proposed award of formula grants under the Family Violence Prevention and Services Act (FVPSA) to Native American Tribes (including Alaska Native Villages) and Tribal organizations. The purpose of these grants is to assist Tribes in efforts to increase public awareness about, and primary and secondary prevention of family violence, domestic violence, and dating violence and to provide immediate shelter and supportive services for victims of family violence, domestic violence, or dating violence, and their dependents. This announcement sets forth the application requirements, the application process, and other administrative and fiscal requirements for grants in Fiscal Year 2012. Grantees are to be mindful that although the expenditure period for grants is a two-year period, an application is required each year to provide continuity in the provision of services.

C.F.D.A. Number: 93.671.

Statutory Authority: Sections 301-313 of FVPSA, as amended by Section 201 of the Child Abuse and Prevention Treatment Act Reauthorization of 2010, Pub. L. 111-320, hereinafter cited by Section numbers only.

SUMMARY:

I. Funding Opportunity Description

Description

Background

The Administration on Children, Youth and Families (ACYF) is committed to facilitating healing and recovery and promoting the social and emotional well-being of victims, children, youth, and families who have experienced domestic violence, maltreatment, exposure to violence, and trauma. This FVPSA funding opportunity announcement, administered through ACYF's Family and Youth Services Bureau (FYSB) is designed to assist Tribes in their efforts to support the establishment, maintenance, and expansion of programs and projects: (1) To prevent incidents of family violence, domestic violence, and dating violence; (2) to provide immediate shelter, supportive services, and access to community-based programs for victims of family violence, domestic violence, or dating violence, and their dependents; and (3) to provide specialized services for children exposed to family violence, domestic violence, or dating violence, underserved populations, and victims who are members of racial and ethnic minority populations (Section 306(a)).

Tribes face unique circumstances and obstacles when responding to family violence. The particular legal relationship of the United States to Indian Tribes creates a Federal trust responsibility to assist Tribal governments in safeguarding the lives of Indian victims of family violence.

The Department of Health and Human Services (HHS) consulted with Tribal governments regarding this grant and the issue of violence against women. In FY 2011, the Administration for Children and Families (ACF) consulted with Tribal governments on all of the grant programs administered by ACF. In addition, ACYF representatives consulted during the Inter-Departmental Tribal Justice Safety and Wellness Consultation on FVPSA issues. Throughout FY 2012, ACF is scheduling multiple opportunities for consultation with Tribal leaders.

During FY 2011, HHS awarded FVPSA grants to 148 Tribes or Tribal organizations in support of 227 Tribes; 52 States and Territories; and 55 non-profit State Domestic Violence Coalitions. In addition, HHS awarded

FVPSA grants to one National Indian Resource Center addressing Domestic Violence and Safety for Indian Women, and other national, special issue and culturally specific resource centers, and the National Domestic Violence Hotline.

Ensuring the Well-Being of Vulnerable Children and Families/Adults

ACYF is committed to facilitating healing and recovery and promoting the social and emotional well-being of children, youth, and families/adults who have experienced maltreatment, exposure to violence, and/or trauma. This funding opportunity announcement and other spending this fiscal year are designed to ensure that effective interventions are in place to build skills and capacities that contribute to the healthy, positive, and productive functioning of families.

Children, youth, and families/adults who have experienced maltreatment, exposure to violence, and/or trauma are impacted along several domains, each of which must be addressed in order to foster social and emotional well-being and promote healthy, positive functioning:

- *Understanding Experiences:* A fundamental aspect of the human experience is the development of a world view through which one's experiences are understood. Whether that perspective is generally positive or negative impacts how experiences are interpreted and integrated. For example, one is more likely to approach a challenge as a surmountable, temporary obstacle if his or her frame includes a sense that "things will turn out alright." On the contrary, negative experiences can color how future experiences are understood. Ongoing exposure to family violence might lead children, youth, and families/adults to believe that relationships are generally hostile in nature and affect their ability to enter into and stay engaged in safe and healthy relationships. Interventions should seek to address how children, youth, and families/adults frame what has happened to them in the past and shape their beliefs about the future.

- *Developmental Tasks:* People grow physically and psychosocially along a fairly predictable course, encountering normal challenges and establishing competencies as they pass from one developmental stage to another. However, adverse events have a marked effect on the trajectory of normal social and emotional development, delaying the growth of certain capacities, and, in many cases, accelerating the maturation of others. Intervention strategies must be attuned to the developmental impact of negative experiences and address

related strengths and deficits to ensure children, youth, and families/adults develop along a healthy trajectory.

- *Coping Strategies:* The methods that children, youth, and families/adults develop to manage challenges both large and small are learned in childhood, honed in adolescence, and practiced in adulthood. Those who have been presented with healthy stressors and opportunities to overcome them with appropriate encouragement and support are more likely to have an array of positive, productive coping strategies available to them as they go through life. For children, youth, and families/adults who grow up in or currently live in unsafe, unpredictable environments, the coping strategies that may have been protective in that context may not be appropriate for safer, more regulated situations. Interventions should help children, youth, and families/adults transform maladaptive coping methods into healthier, more productive strategies.

- *Protective Factors:* A wealth of research has demonstrated that the presence of certain contextual factors (e.g., supportive relatives, involvement in after-school activities) and characteristics (e.g., self-esteem, relationship skills) can moderate the impacts of past and future negative experiences. These protective factors are fundamental to resilience; building them is integral to successful intervention with children, youth, and families/adults.

The skills and capacities in these areas support children, youth, and families/adults as challenges, risks, and opportunities arise. In particular, each domain impacts the capacity of children, youth, and families/adults to establish and maintain positive relationships with caring adults and supportive peers. The necessity of these relationships to social and emotional well-being and lifelong success in school, community, and at home cannot be overstated and should be central to all interventions with vulnerable children, youth, and families/adults.

An important component of promoting social and emotional well-being includes addressing the impact of trauma, which can have a profound effect on the overall functioning of children, youth, and families/adults. ACYF promotes a trauma-informed approach, which involves understanding and responding to the symptoms of chronic interpersonal trauma and traumatic stress across the domains outlined above, as well as the behavioral and mental health consistency of trauma.

ACYF anticipates a continued focus on social and emotional well-being as a critical component of its overall mission to ensure positive outcomes for all children, youth, and families/adults. Tribal grantees have a critical role in incorporating ACYF priorities by helping to ensure trauma-informed interventions are embedded within the service provision framework of all services funded by FVPSA. Tribes and Tribal organizations are strongly encouraged to leverage the expertise of the FVPSA-funded National Indigenous Women's Resource Center on Domestic Violence and the National Center on Domestic Violence, Trauma and Mental Health to infuse programs with best and promising practices on trauma-informed interventions to support the social and emotional well-being of families seeking shelter and supportive services.

Use of Funds

Grantees should ensure that not less than 70 percent of the funds distributed are used for the primary purpose of providing immediate shelter and supportive services to adult and youth victims of family violence, domestic violence, or dating violence and their dependents; not less than 25 percent of the funds will be used for the purpose of providing supportive services and prevention services (Section 308 (b)).

FVPSA funds awarded to grantees should be used for activities described in (Section 308 (b)):

Shelter

- Provision of immediate shelter and related supportive services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, including paying for the operating and administrative expenses of the facilities for such shelter.

Supportive Services

- Provision of individual and group counseling, peer support groups, and referral to community-based services to assist family violence, domestic violence, and dating violence victims, and their dependents, in recovering from the effects of the violence.

- Provision of services, training, technical assistance, and outreach to increase awareness of family violence, domestic violence, and dating violence, and increase the accessibility of family violence, domestic violence, and dating violence services.

- Provision of culturally and linguistically appropriate services.

- Provision of services for children exposed to family violence, domestic violence, or dating violence, including

age-appropriate counseling, supportive services, and services for the nonabusing parent that support that parent's role as a caregiver, which may, as appropriate, include services that work with the non-abusing parent and child together.

- Provision of advocacy, case management services, and information and referral services, concerning issues related to family violence, domestic violence, or dating violence intervention and prevention, including: (1) Assistance in accessing related Federal and State financial assistance programs; (2) legal advocacy to assist victims and their dependents; (3) medical advocacy, including provision of referrals for appropriate health care services (including mental health, alcohol, and drug abuse treatment), but which shall not include reimbursement for any health care services; (4) assistance locating and securing safe and affordable permanent housing and homelessness prevention services; (5) transportation, child care, respite care, job training and employment services, financial literacy services and education, financial planning and related economic empowerment services; and (6) parenting and other educational services for victims and their dependents.

- Provision of prevention services, including outreach to underserved populations.

- Assistance in developing safety plans, and supporting efforts of victims of family violence, domestic violence, or dating violence to make decisions related to their ongoing safety and well-being.

Annual FVPSA Tribal Grantee Meeting

FVPSA Tribal grantees should plan to attend the annual grantee meeting and may use grant funding to support the travel of up to two participants. The meeting is a training and technical assistance activity focusing on FVPSA administrative issues as well as the promotion of evidence informed and promising practices to address family violence, domestic violence, and dating violence. Subsequent correspondence will advise the FVPSA Tribal grantees of the date, time, and location of their grantee meeting.

Client Confidentiality

In order to ensure the safety of adult, youth, and child victims of family violence, domestic violence, or dating violence, and their families, FVPSA-funded programs must establish and implement policies and protocols for maintaining the confidentiality of records pertaining to any individual

provided domestic violence services. Consequently, when providing statistical data on program activities and program services, individual identifiers of client records will not be used (Section 306 (c)(5)).

In the annual grantee Performance Progress Report (PPR) grantees must collect unduplicated data from each program. No client level data should be shared with a third party, regardless of encryption, hashing, or other data security measures, without a written, time-limited release as described in section 306(c)(5). The address or location of any FVPSA-supported shelter facility shall, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public (Section 306(c)(5)(H)) and the confidentiality of records pertaining to any individual provided domestic violence services by any FVPSA-supported program will be strictly maintained.

Coordinated and Accessible Services

The impacts of family violence may include physical injury and death of primary or secondary victims, psychological trauma, isolation from family and friends, harm to children living with a parent or caretaker who is either experiencing or perpetrating family violence, increased fear, reduced mobility, damaged credit, employment and financial instability, homelessness, substance abuse, chronic illnesses, and a host of other health and related mental health consequences. In Tribal communities, these dynamics may be compounded by barriers such as the isolation of vast rural areas, the concern for safety in isolated settings, lack of housing and shelter options, and the transportation requirements over long distances. These factors heighten the need for the coordination of the services through an often limited delivery system. To help bring about a more effective response to the problem of family violence, domestic violence, or dating violence, HHS urges Tribes and Tribal organizations receiving funds under this grant announcement to coordinate activities and related issues and to consider joining a consortium of Tribes to coordinate service delivery where appropriate.

It is essential that community service providers, including those serving or representing underserved communities, are involved in the design and improvement of intervention and prevention activities. Coordination and collaboration among victim services providers, community-based, culturally specific, and faith-based services providers, housing and homeless

services providers, and Federal, State, and local public officials and agencies are needed to provide more responsive and effective services to victims of family violence, domestic violence, and dating violence, and their families.

To promote a more effective response to family violence, domestic violence, and dating violence, HHS requires States receiving FVPSA funds to collaborate with State Domestic Violence Coalitions, Tribes, Tribal organizations, service providers, and community-based organizations to address the needs of family violence, domestic violence, and dating violence victims, particularly for those who are members of racial and ethnic minority populations and underserved populations (Section 307(a)(2)).

To serve victims most in need and to comply with Federal law, services must be widely accessible. Services must not discriminate on the basis of age, disability, sex, race, color, national origin, or religion (Section 306(c)(2)). The HHS Office for Civil Rights provides guidance to grantees in complying with civil rights laws that prohibit discrimination on these bases. Please see <http://www.hhs.gov/ocr/civilrights/understanding/index.html>. HHS also provides guidance to recipients of Federal financial assistance on meeting the legal obligation to take reasonable steps to provide meaningful access to federally assisted programs by persons with limited English proficiency. Please see <http://www.hhs.gov/ocr/civilrights/resources/laws/revisedlep.html>. Additionally, HHS provides guidance regarding access to HHS-funded services for immigrant survivors of domestic violence. Please see <http://www.hhs.gov/ocr/civilrights/resources/specialtopics/origin/domesticviolencefactsheet.html>.

Services must also be provided on a voluntary basis; receipt of emergency shelter or housing must not be conditioned on participation in supportive services (Section 308(d)).

Definitions

Tribes and Tribal organizations should use the following definitions in carrying out their programs.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence: Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Family Violence: Any act or threatened act of violence, including any forceful detention of an individual, which (a) results or threatens to result in physical injury; and (b) is committed by a person against another individual (including an elderly person) to whom such person is, or was, related by blood or marriage, or otherwise legally related, or with whom such person is, or was, lawfully residing.

Indian Tribe: Any Indian Tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

Personally Identifying Information or Personal Information: Any individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including: a first and last name, a home or other physical address, contact information (including a postal, email or Internet protocol address, or telephone or facsimile number), a social security number and any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any of the above identifiers, would serve to identify any individual.

Shelter: The provision of temporary refuge and supportive services in compliance with applicable State law and regulation governing the provision, on a regular basis, of shelter, safe homes, meals, and supportive services to victims of family violence, domestic violence, or dating violence, and their dependents.

Supportive Services: Services for adult and youth victims of family violence, domestic violence, or dating violence, and dependents exposed to

family violence, domestic violence, or dating violence, that are designed to meet the needs of such victims of family violence, domestic violence, or dating violence, and their dependents, for short-term, transitional, or long-term safety and provide counseling, advocacy, or assistance for victims of family violence, domestic violence, or dating violence, and their dependents.

Tribal Consortium: Groups of Tribes who agree to apply for and administer a single FVPSA grant with one Tribe or Tribal organization responsible for grant administration. In a Tribal consortium, the population of all of the Tribes involved is used to calculate the award amount. The allocations for each of the Tribes included in the consortium are combined to determine the total grant for the consortium.

Tribally Designated Official: An individual designated by an Indian Tribe, Tribal organization, or nonprofit private organization authorized by an Indian Tribe to administer a grant.

Tribal Organization: The recognized governing body of any Indian Tribe; any legally established organization of Indians that is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization, and that includes the maximum participation of Indians in all phases of its activities. In any case where a contract is let or grant made to an organization to perform services benefiting more than one Indian Tribe, the approval of each such Indian Tribe shall be a prerequisite to the letting or making of such contract or grant.

Underserved Populations: Populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be

underserved by the Attorney General or by the Secretary of HHS, as appropriate.

II. Award Information

Subject to the availability of Federal appropriations and as authorized by law, in FY 2012, ACYF will allocate 10 percent of the appropriation available under Section 303(a) to Tribes and Tribal organizations for the establishment and operation of shelters, safe houses, and the provision of supportive services for victims of family violence, domestic violence, or dating violence, and their dependents.

HHS will also make available funds to States to support local domestic violence programs to provide immediate shelter and supportive services for adult and youth victims of family violence, domestic violence, or dating violence, and their dependents; State Domestic Violence Coalitions to provide technical assistance and training, advocacy services, among other activities with local domestic violence programs; the national resource centers and culturally specific resource centers; the National Domestic Violence Hotline; and to support discretionary projects including training and technical assistance, collaborative projects with advocacy organizations and service providers, data collection efforts, public education activities, research, and other demonstration projects.

Tribal Allocations

In computing tribal allocations, ACF will use the latest available population figures from the Census Bureau. The latest Census population counts may be viewed at: www.census.gov. Where Census Bureau data are unavailable, ACF will use figures from the Bureau of Indian Affairs' (BIA's) Indian Population and Labor Force Report, which is available at: <http://www.bia.gov/WhatWeDo/Knowledge/Reports/index.htm>.

The funding formula for the allocation of family violence funds is based upon the Tribe's population. The formula has

two parts, the Tribal population base allocation and a population category allocation.

The base allocations are determined by a Tribe's population and a funds allocation schedule. Tribes with populations between 1 and 50,000 people receive a \$2,500 base allocation for the first 1,500 people. For each additional 1,000 people above the 1,500 person minimum, a Tribe's base allocation is increased \$1,000. Tribes with populations between 50,001 to 100,000 people receive base allocations of \$125,000, and Tribes with a population of 100,001 to 150,000 receive a base allocation of \$175,000.

Once the base allocations have been distributed to the Tribes that have applied for FVPSA funding, the ratio of the Tribal population category allocation to the total of all base allocations is then considered in allocating the remainder of the funds. By establishing base amounts with distribution of proportional amounts for larger Tribes, FYSB is balancing the need for basic services for all Tribes with the greater demand for services among Tribes with larger populations. In FY 2011, actual grant awards ranged from \$23,598 to \$2,064,871.

Tribes are encouraged to apply for FVPSA funding as a consortium (see *Section I. Definitions*). The allocations for each of the Tribes included in the consortium will be combined to determine the total grant for the consortium.

Expenditure Periods

The project period under this program announcement is 24 months. The FVPSA funds may be used for expenditures starting October 1 of each fiscal year for which they are granted, and will be available for expenditure through September 30 of the following fiscal year; i.e., FY 2011 funds may be used for expenditures from October 1, 2010, through September 30, 2012. For example:

Award year (federal fiscal year (FY))	Project period (24 months)	Application requirements & expenditure periods
FY 2012	10/01/2011–9/30/2013	Regardless of the date the award is received, these funds may be expended by the grantee for obligations incurred since October 1, 2011. The funds may be expended through September 30, 2013.
FY 2013	10/01/2012–9/30/2014	Regardless of the date the award is received, these funds may be expended by the grantee for obligations incurred since October 1, 2012. The funds may be expended through September 30, 2014.

Re-allotted funds, if any, are available for expenditure until the end of the fiscal year following the fiscal year that the funds became available for re-

allotment. FY 2012 grant funds that are made available to Tribes and Tribal organizations through re-allotment must

be expended by the grantee no later than September 30, 2013.

III. Eligibility Information

Tribes, Tribal organizations and nonprofit private organizations authorized by a Tribe, as defined in *Section I* of this announcement, are eligible for funding under this program. A Tribe has the option to authorize a Tribal organization or a nonprofit private organization to submit an application and administer the grant funds awarded under this grant (Section 309 (b)). Tribes may apply singularly or as a consortium with other Tribes.

DUNS Number Requirement

Data Universal Numbering System (DUNS) Number is the nine-digit, or thirteen-digit (DUNS + 4), number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities.

All applicants and sub-recipients must have a DUNS number at the time of application in order to be considered for a grant or cooperative agreement. A DUNS number is required whether an applicant is submitting a paper application or using the Government-wide electronic portal, www.Grants.gov. A DUNS number is required for every application for a new award or renewal/continuation of an award, including applications or plans under formula, entitlement, and block grant programs. A DUNS number may be acquired at no cost online at <http://fedgov.dnb.com/webform>. To acquire a DUNS number by phone, contact the D&B Government Customer Response Center:

U.S. and U.S. Virgin Islands: 1-866-705-5711.

Alaska and Puerto Rico: 1-800-234-3867 (Select Option 2, then Option 1). Monday-Friday 7 a.m. to 8 p.m., CST. The process to request a D-U-N-S Number by telephone will take between 5 and 10 minutes.

Central Contractor Registration (CCR) Registration Requirement

The Federal registrant database and repository into which an entity must provide information required for the conduct of business as a recipient. CCR, managed by the General Services Administration, collects, validates, stores, and disseminates data in support of agency financial assistance missions.

Effective October 1, 2010, HHS requires all grantees that plan to apply for and ultimately receive Federal grant funds from any HHS Operating/Staff Division (OPDIV) or receive subawards directly from recipients of those grant funds to:

- Be registered in the CCR prior to submitting an application;
- Maintain an active CCR registration with current information at all times

during which it has an active award or an application or plan under consideration by an OPDIV;

- Provide its DUNS number in each application or plan it submits to the OPDIV.

ACF is prohibited from making an award until an applicant has complied with these requirements. At the time an award is ready to be made, if the intended recipient has not complied with these requirements, ACF:

- May determine that the applicant is not qualified to receive an award; and
- May use that determination as a basis for making an award to another applicant.

Additionally, all first-tier subaward recipients (i.e., direct subrecipient) must have a DUNS number at the time the subaward is made.

CCR registration may be made online at www.ccr.gov or by phone at 1-866-606-8220. CCR registration must be updated annually. CCR registration must be active and maintained with current information at all times during which an organization has an active award or an application under consideration. Applicants are strongly encouraged to register at the CCR well in advance of the application due date.

IV. Application Requirements

Content of Application Submission

The content of the application should include the following in this order:

A. Cover Letter

The cover letter of the application should include the following information:

- (1) The name of the Tribe, Tribal organization, or nonprofit private organization applying for the FVPSA grant and the mailing address.
- (2) The name of the Tribally Designated Official authorized to administer this grant, along with the telephone number, fax number, and email address.
- (3) The name of a Program Contact designated to administer coordination of the programming, including the telephone number, fax number, and email address.
- (4) The Employee Identification Number (EIN) of the applicant organization submitting the application.
- (5) The D-U-N-S number of the applicant organization submitting the application (see *Section III. Eligibility*).
- (6) The signature of the Tribally Designated Official (see *Section I. Definitions*).

B. Program and Project Description

- (1) A description of the service area(s) and population(s) to be served.

- (2) A description of the services to be provided with FVPSA funds.

C. Capacity

A description of the applicant's operation of and/or capacity to carry out a FVPSA program. This might be demonstrated in ways such as the following:

- (1) The current operation of a shelter, safe house, or domestic and dating violence prevention program;
- (2) The establishment of joint or collaborative service agreements with a local public agency or a private nonprofit agency for the operation of family violence, domestic violence, or dating violence activities or services; or
- (3) The operation of other social services programs.

D. Services To Be Provided

A description of the activities and services to be provided, including:

- (1) How the grant funds will be used to provide shelter, supportive services, and prevention services.

- (2) How the services are designed to reduce family violence, domestic violence, and dating violence.

- (3) A plan describing how the organization will provide specialized services for children exposed to family violence, domestic violence, or dating violence.

- (4) An explanation of how the program plans to evaluate the services to determine effectiveness.

- (5) A description of how the funds are to be spent. For example, a half-time Domestic Violence Advocate and costs for transportation to shelter.

E. Involvement of Individuals and Organizations

A description of the procedures designed to involve knowledgeable individuals and interested organizations in providing services under FVPSA. For example, knowledgeable individuals and interested organizations may include Tribal officials or social services staff involved in child abuse or family violence prevention, Tribal law enforcement officials, representatives of State or Tribal Domestic Violence Coalitions, and operators of domestic violence shelters and service programs.

F. Involvement of Community-Based Organizations

- (1) A description of how the applicant will involve community-based organizations, whose primary purpose is to provide culturally appropriate services to underserved populations.

- (2) A description of how these community-based organizations can assist the Tribe in addressing the unmet needs of such populations.

G. Current Signed Tribal Resolution

A copy of a current Tribal resolution or an equivalent document that:

(1) Covers the entirety of FY 2012, including a date when the resolution or equivalent document expires, which can be no more than 5 years.

(2) States that the Tribe or Tribal organization has the authority to submit an application on behalf of the individuals in the Tribe(s) and to administer programs and activities funded.

Note: An applicant that received no funding in the immediately preceding fiscal year must submit a new Tribal resolution or its equivalent. An applicant funded as part of a consortium in the immediately preceding year that is now seeking funds as a single Tribe must also submit a new resolution or its equivalent. Likewise, an applicant funded as a single Tribe in the immediately preceding fiscal year that is now seeking funding as a part of a consortium must submit a new resolution or its equivalent.

H. Policies and Procedures

Written documentation of the policies and procedures developed and implemented, including copies of the policies and procedures, to ensure that the safety and confidentiality of clients and their dependents served is maintained as described in *Section I*.

I. Assurances

Each applicant must sign and include in the application as an attachment the assurances in Attachment A.

J. Certifications

All applications must submit or comply with the required certifications found in Attachments B, C, and D, or online at: www.acf.hhs.gov/programs/ofs/forms.htm as follows:

(1) Certification Regarding Lobbying (*See Attachment B*): Applicants must sign and return the certification with their application.

(2) Standard Form (SF)–LLL Disclosure of Lobbying Activities: The filing of this form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. This disclosure form must be completed and filed by the reporting entity, whether subawardees or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to Title 31 U.S.C. 1352. The SF–LLL is available at

http://www.acf.hhs.gov/grants/grants_resources.html.

Formatting Requirements

All application materials must be submitted on 8½" x 11" white paper with 1-inch margins. All pages of the paper application submission should be sequentially numbered.

All elements of the application submission, with the exception of the Budget Justification, should be in double-spaced format in 12-point font. The Budget Justification should be single-spaced page in 12-point font.

All copies of a mailed or hand delivered paper application should be submitted in a single package. The package should be clearly labeled for the specific funding opportunity it is addressing.

Because each application will be duplicated, do not use or include separate covers, binders, clips, tabs, plastic inserts, maps, brochures, or any other items that cannot be processed easily on a photocopy machine with an automatic feed. Do not bind, clip, staple, or fasten in any way separate subsections of the application, including supporting documentation. Use a clip (not a staple) to securely bind the application together. Applicants are advised that the copies of the application submitted, not the original, will be reproduced by the Federal government for review. Application materials must be one-sided for duplication purposes.

Paperwork Reduction Disclaimer

As required by the Paperwork Reduction Act, 44 U.S.C. 3501–3520, the public reporting burden for the project description is estimated to average 10 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. The Project Description information collection is approved under OMB control number 0970–0280, which expires November 30, 2014. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Intergovernmental Review of Federal Programs

The review and comment provisions of the Executive Order (E.O.) 12372 and Part 100 do not apply. Federally recognized Tribes are exempt from all provisions and requirements of E.O. 12372.

Application Submission

Applications should be sent or delivered to: Family Violence Prevention and Services Program, Family and Youth Services Bureau, Administration on Children, Youth and Families, Administration for Children and Families, Attention: Shena R. Williams, 1250 Maryland Avenue SW., Suite 8213, Washington, DC 20024.

V. Approval/Disapproval of an Application

The Secretary of HHS shall approve any application that meets the requirements of FVPSA and this announcement. The Secretary shall not disapprove an application unless the Secretary gives the applicant reasonable notice of the Secretary's intention to disapprove and a 6-month period providing an opportunity for correction of any deficiencies. The Secretary shall give such notice within 45 days after the date of submission of the application if any of the provisions of the application have not been satisfied. If the Tribe does not correct the deficiencies in such application within the 6-month period following the receipt of the Secretary's notice, the Secretary shall withhold payment of any grant funds to such Tribe until such date as the Tribe provides documentation that the deficiencies have been corrected.

VI. Reporting Requirements

Performance Progress Reports

ACF grantees must submit a PPR using the standardized format provided by FVPSA and approved by OMB (0970–0280). This report will describe the grant activities carried out during the year, report the number of people served, and contain an evaluation of the effectiveness of such activities. Consortia grantees should compile the information into a comprehensive PPR for submission. A copy of the PPR is available on the FYSB Web site at: http://www.acf.hhs.gov/programs/fysb/content/forms/reportforms/fv/ACF_FYSB_FVPSA_Tribal_SF_PPR_v1_0.pdf.

PPRs for Tribes and Tribal organizations are due on an annual basis at the end of the calendar year (December 30) and will cover from October 1 through September 30. PPRs should be sent to: Family Violence Prevention and Services Program, Family and Youth Services Bureau, Administration on Children, Youth and Families, Administration for Children and Families, Attention: Shena R. Williams, 1250 Maryland Avenue SW., Room 8213, Washington, DC 20024,

Phone: (202) 205-5932, Email: Shena.Williams@acf.hhs.gov.

Federal Financial Reports (FFR)

Final program performance and financial reports are due 90 days after the close of the project period. Final reports may be mailed to: Nathaniel (Morris) West, Division of Mandatory Grants, Office of Grants Management, Administration for Children and Families, 370 L'Enfant Promenade SW., 6th Floor, Washington, DC 20447, Phone: (202) 401-1230, Email: Nathaniel.West@acf.hhs.gov.

Further instructions will be provided, as necessary, with award terms and conditions that will address specific reporting periods and due dates on an award-by-award basis. Additional information on frequency of reporting is available on the ACF Funding Opportunities Web site at: http://www.acf.hhs.gov/grants/msg_sf425.html.

Awards issued as a result of this funding opportunity announcement may be subject to the Transparency Act subaward and executive compensation reporting requirements of 2 CFR Part 170. See ACF's Award Term for Federal Financial Accountability and Transparency Act (FFATA) Subaward and Executive Compensation Reporting Requirement implementing this requirement and additional award applicability information.

Failure to submit reports on time may be a basis for withholding grant funds, suspension, or termination of the grant. In addition, all funds reported after the obligation period will be recouped.

Also note that a separate, quarterly financial report is required by the Division of Payment Management using the SF-425. The Division of Payment Management's online Payment Management System (PMS) is required for filing quarterly reports and is found at the following address: <https://www.dpm.psc.gov>. For further assistance, please call the DHHS helpline at 877-614-5533.

Federal Financial Accountability and Transparency Act (FFATA)

HHS now requires program awards to adhere to the Subaward and Executive Compensation reporting requirements of "the Transparency Act" (as defined in 2 CFR Part 170). Under the Transparency Act, all subawards (as defined in 2 CFR Part 170) over \$25,000 must be reported, unless exempted. Please see the newly applicable Award Term for Federal Financial Accountability and Transparency Act (FFATA) at the following URL: http://www.acf.hhs.gov/grants/award_term_ffata.html.

VII. Administrative and National Policy Requirements

Awards issued under this announcement are subject to the uniform administrative requirements and cost principles of 45 CFR part 74 (Awards and Subawards to Institutions of Higher Education, Hospitals, Other Nonprofit Organizations, and Commercial Organizations) or 45 CFR part 92 (Grants and Cooperative Agreements to State, Local, and Tribal Governments). The Code of Federal Regulations (CFR) is available at <http://www.gpo.gov>.

An application funded with the release of Federal funds through a grant award, does not constitute, or imply, compliance with Federal regulations. Funded organizations are responsible for ensuring that their activities comply with all applicable Federal regulations.

Equal Treatment for Faith-Based Organizations

Grantees are also subject to the requirements of 45 CFR part 87.1(c), Equal Treatment for Faith-Based Organizations, which says, "Organizations that receive direct financial assistance from the [Health and Human Services] Department under any Department program may not engage in inherently religious activities such as religious instruction, worship, or proselytization as part of the programs or services funded with direct financial assistance from the Department." Therefore, organizations must take steps to completely separate the presentation of any program with religious content from the presentation of the Federally funded program by time or location *in such a way that it is clear that the two programs are separate and distinct*. If separating the two programs by time but presenting them in the same location, one program must *completely* end before the other program begins.

A faith-based organization receiving HHS funds retains its independence from Federal, State, and local governments, and may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs. For example, a faith-based organization may use space in its facilities to provide secular programs or services funded with Federal funds without removing religious art, icons, scriptures, or other religious symbols. In addition, a faith-based organization that receives Federal funds retains its authority over its internal governance, and it may retain religious terms in its organization's name, select its board members on a religious basis, and include religious references in its

organization's mission statements and other governing documents in accordance with all program requirements, statutes, and other applicable requirements governing the conduct of HHS funded activities.

Regulations pertaining to the Equal Treatment for Faith-Based Organizations, which includes the prohibition against Federal funding of inherently religious activities, "Understanding the Regulations Related to the Faith-Based and Neighborhood Partnerships Initiative" are available at <http://www.hhs.gov/partnerships/about/regulations/>. Additional information, resources, and tools for faith-based organizations is available through The Center for Faith-based and Neighborhood Partnerships Web site at <http://www.hhs.gov/partnerships/index.html> and at the Administration for Children & Families: Toolkit for Faith-based and Community Organizations.

Requirements for Drug-Free Workplace

The Drug-Free Workplace Act of 1988 (41 U.S.C. 701 et seq.) requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. By signing the application, the Authorizing Official agrees that the grantee will provide a drug-free workplace and will comply with the requirement to notify ACF if an employee is convicted of violating a criminal drug statute. Failure to comply with these requirements may be cause for debarment. Government wide requirements for Drug-Free Workplace for Financial Assistance are found in 2 CFR part 182; HHS implementing regulations are set forth in 2 CFR part 382.400. All recipients of ACF grant funds must comply with the requirements in Subpart B—Requirements for Recipients Other Than Individuals, 2 CFR part 382.225. The rule is available at <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr;sid=18b5801410be6af416dc258873ffb7ec;rgn=div2;view=text;node=20091112%3A1.1;idno=49;cc=ecfr>.

Debarment and Suspension

HHS regulations published in 2 CFR part 376 implement the government-wide debarment and suspension system guidance (2 CFR part 180) for HHS' non-procurement programs and activities. "Non-procurement transactions" include, among other things, grants, cooperative agreements, scholarships, fellowships, and loans. ACF implements the HHS Debarment and Suspension regulations as a term and condition of award.

Grantees may decide the method and frequency by which this determination is made and may check the Excluded Parties List System (EPLS) located at <https://www.epls.gov/>, although checking the EPLS is not required. More information is available at http://www.acf.hhs.gov/grants/grants_resources.html.

Pro-Children Act

The Pro-Children Act of 2001, 42 U.S.C. 7181 through 7184, imposes restrictions on smoking in facilities where federally funded children's services are provided. HHS grants are subject to these requirements only if they meet the Act's specified coverage. The Act specifies that smoking is prohibited in any indoor facility (owned, leased, or contracted for) used for the routine or regular provision of kindergarten, elementary, or secondary education or library services to children under the age of 18. In addition, smoking is prohibited in any indoor facility or portion of a facility (owned, leased, or contracted for) used for the routine or regular provision of federally funded health care, day care, or early childhood development, including Head Start services to children under the age of 18. The statutory prohibition also applies if such facilities are constructed, operated, or maintained with Federal funds. The statute does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, portions of facilities used for inpatient drug or alcohol treatment, or facilities where WIC coupons are redeemed. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1,000 per violation and/or the imposition of an administrative compliance order on the responsible entity.

VIII. Funding Restrictions

Costs of organized fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions, are considered unallowable costs under grants awarded under this announcement.

Construction is not an allowable activity or expenditure under this grant award.

Purchase of real property is not an allowable activity or expenditure under this grant award.

IX. Other Information

Appendices:

- A. Assurances of Compliance with Grant Requirements

- B. Certification Regarding Lobbying
C. Certification Regarding Environmental Tobacco Smoke

DATES: The application due date is April 20, 2012.

FOR FURTHER INFORMATION CONTACT:

Shena R. Williams at (202) 205-5932 or email at Shena.Williams@acf.hhs.gov.

Bryan Samuels,

Commissioner, Administration on Children, Youth and Families.

Appendix A

Assurances of Compliance With Grant Requirements

The grantee certifies that it will comply with the following assurances under Section 301 of the Family Violence Prevention and Services Act (FVPSA), as amended by Section 201 of the CAPTA Reauthorization Act of 2010, Public Law 111-320, et seq. (cited herein by the applicable Section number only):

(1) FVPSA grant funds will be used to provide shelter, supportive services, or prevention services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents (Section 308(b)(1)).

(2) Not less than 70 percent of the funds distributed shall be for the primary purpose of providing immediate shelter and related supportive services as described in Section 308(b)(1)(A) to adults and youth victims of family violence, domestic violence, or dating violence as defined in Section 302(2), (3), (4), and their dependents (Section 308(b)(2)).

(3) Not less than 25 percent of the funds distributed shall be for the purpose of providing supportive services and prevention services as described in Section 308(b)(1)(B) through (H), to victims of family violence, domestic violence, or dating violence, and their dependents (Section 308(b)(2)).

(4) Grant funds will not be used as direct payment to any victim of family violence, domestic violence, or dating violence, or to any dependent of such victim (Section 308(d)(1)).

(5) No income eligibility standard will be imposed on individuals with respect to eligibility for assistance or services supported with funds appropriated to carry out the FVPSA (Section 306(c)(3)).

(6) No fees will be levied for assistance or services provided with funds appropriated to carry out the FVPSA (Section 306(c)(3)).

(7) The address or location of any shelter or facility assisted under the FVPSA that otherwise maintains a confidential location will, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public (Section 306(c)(5)(H)).

(8) Procedures are established to ensure compliance with the provisions of Section 306(c)(5) regarding non-disclosure of confidential or private information (Section 307(a)(2)(A)).

(9) Pursuant to Section 306(c)(5), comply with the new FVPSA provisions regarding non-disclosure of confidential or private information. As such, the applicant will comply with additional requirements

imposed by that section, which include, but are not limited to: (A) Grantees shall not disclose any personally identifying information collected in connection with services requested (including services utilized or denied), through grantee's funded activities, or reveal personally identifying information without informed, written, reasonably time-limited consent by the person about whom information is sought, whether for the FVPSA-funded activities or any other Federal or State program (additional consent requirements have been omitted, *but see Section 306(c)(5)(B)(ii)(I)* for further requirements); (B) grantees may not release information compelled by statutory or court order unless adhering to the requirements of Section 306(c)(5)(C); (C) grantees may share non-personally identifying information in the aggregate for the purposes enunciated in Section 306(c)(5)(D)(i) as well as for other purposes found in Section 306(c)(5)(D)(ii) and (iii).

(10) Grant funds awarded to the Tribe under the FVPSA will be used in accordance with Section 306(c)(2) that prohibits discrimination on the basis of age, disability, sex, race, color, national origin, or religion.

(11) Funds made available under the FVPSA will be used to supplement and not supplant other Federal, State, and local public funds expended to provide services and activities that promote the objectives of FVPSA (Section 306(c)(6)).

(12) Receipt of supportive services under FVPSA will be voluntary. No condition will be applied for the receipt of emergency shelter (Section 308 (d)(2)).

(13) The Tribe has a law or procedure to bar an abuser from a shared household or a household of the abused person, which may include eviction laws or procedures (Section 307(a)(2)(H)).

Tribally Designated Official

Tribe or Tribal Organization

Title

Appendix B

Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or

attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature

Title

Organization

Appendix C

Certification Regarding Environmental Tobacco Smoke

The Pro-Children Act of 2001, 20 U.S.C. 7181—7184, imposes restrictions on smoking in facilities where Federally funded children's services are provided. HHS grants are subject to these requirements only if they meet the Act's specified coverage. The Act specifies that smoking is prohibited in any indoor facility (owned, leased, or contracted for) used for the routine or regular provision of kindergarten, elementary, or secondary education or library services to children under the age of 18. In addition, smoking is prohibited in any indoor facility or portion of a facility (owned, leased, or contracted for)

used for the routine or regular provision of Federally funded health care, day care, or early childhood development, including Head Start services to children under the age of 18. The statutory prohibition also applies if such facilities are constructed, operated, or maintained with Federal funds. The statute does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, portions of facilities used for inpatient drug or alcohol treatment, or facilities where WIC coupons are redeemed. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1,000 per violation and/or the imposition of an administrative compliance order on the responsible entity. [FR Doc. 2012-5824 Filed 3-8-12; 8:45 am]

BILLING CODE 4183-2U-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Family Violence Prevention and Services/Grants to State Domestic Violence Coalitions

AGENCY: Family and Youth Services Bureau (FYSB), Administration on Children, Youth, and Families (ACYF), ACF, HHS.

ACTION: This notice was originally published as Funding Opportunity Number HHH-2012-ACF-ACYF-SDVC-0275 on February 17, 2012 at <http://www.acf.hhs.gov/grants/open/foa/view/HHS-2012-ACF-ACYF-SDVC-0275>.

The notice for family violence prevention and services grants to Coalitions serves four purposes: to confirm a Federal commitment to reducing family violence, domestic violence, and dating violence; to provide for Coalitions to collaborate and coordinate with States, tribes, localities, cities, and the private sector to be involved in State and local planning towards an integrated service delivery approach that meets the needs of all victims, including those in underserved communities and racial and ethnic minorities; to provide training and technical assistance to domestic violence programs and providers of direct services; and to increase public awareness about and prevention of family violence, domestic violence, and dating violence, and increase the quality and availability of immediate shelter and supportive services for victims of family violence, domestic violence, and dating violence, and their dependents.

C.F.D.A. Number: 93.591

Statutory Authority: This announcement governs the proposed award of formula grants under the Family Violence Prevention and Services Act (FVPSA) to private, non-profit State Domestic Violence Coalitions (Coalitions). The purpose of these grants is to further the intervention and prevention of family violence, domestic violence, and dating violence (Section 311 of the FVPSA, as amended by Section 201 of the Child Abuse Prevention and Treatment Act (CAPTA) Reauthorization Act of 2010, Pub. L. 111-320).

SUMMARY:

I. Funding Opportunity Description

Description

Background

The FVPSA authorizes the Department of Health and Human Services (HHS) Secretary to award grants to statewide, private, non-governmental, 501(c)(3) non-profit Coalitions to conduct activities to promote domestic violence intervention and prevention.

Ensuring the Well-Being of Vulnerable Children and Families

The Administration on Children, Youth and Families (ACYF) is committed to facilitating healing and recovery and promoting the social and emotional well-being of children, youth, and families who have experienced maltreatment, exposure to violence, and/or trauma. This funding opportunity announcement (FOA) and other discretionary spending this fiscal year are designed to ensure that effective interventions are in place to build skills and capacities that contribute to the healthy, positive, and productive functioning of families.

Children, youth, and families who have experienced maltreatment, exposure to violence, and/or trauma are impacted along several domains, each of which must be addressed in order to foster social and emotional well-being and promote healthy, positive functioning:

- *Understanding Experiences:* A fundamental aspect of the human experience is the development of a world view through which one's experiences are understood. Whether that perspective is generally positive or negative impacts how experiences are interpreted and integrated. For example, one is more likely to approach a challenge as a surmountable, temporary obstacle if his or her frame includes a sense that "things will turn out alright." On the contrary, negative experiences can color how future experiences are understood. Ongoing exposure to family violence might lead children, youth, and adults to believe that relationships

are generally hostile in nature and affect their ability to enter into and stay engaged in safe and healthy relationships. Interventions should seek to address how children, youth, and adults frame what has happened to them in the past and shape their beliefs about the future.

- *Developmental Tasks:* People grow physically and psychosocially along a fairly predictable course, encountering normal challenges and establishing competencies as they pass from one developmental stage to another. However, adverse events have a marked effect on the trajectory of normal social and emotional development, delaying the growth of certain capacities, and, in many cases, accelerating the maturation of others. Intervention strategies must be attuned to the developmental impact of negative experiences and address related strengths and deficits to ensure children, youth, and families develop along a healthy trajectory.

- *Coping Strategies:* The methods that children, youth, and families develop to manage challenges both large and small are learned in childhood, honed in adolescence, and practiced in adulthood. Those who have been presented with healthy stressors and opportunities to overcome them with appropriate encouragement and support are more likely to have an array of positive, productive coping strategies available to them as they go through life. For children, youth, and families who grew up in or currently live in unsafe, unpredictable environments, the coping strategies that may have been protective in the unsafe environments may not be appropriate for safer, more regulated situations. Interventions should help children, youth, and families transform maladaptive coping methods into healthier, more productive strategies.

- *Protective Factors:* A wealth of research has demonstrated that the presence of certain contextual factors (e.g., supportive relatives, involvement in after-school activities) and characteristics (e.g., self-esteem, relationship skills) can moderate the impacts of past and future negative experiences. These protective factors are fundamental to resilience; building them is integral to successful intervention with children, youth, and families.

The skills and capacities in these areas support children, youth, and families as challenges, risks and opportunities arise. In particular, each domain impacts the capacity of children, youth, and families to establish and maintain positive relationships with caring adults and supportive peers. The necessity of these

relationships to social and emotional well-being and lifelong success in school, community, and at home cannot be overstated and should be central to all interventions with vulnerable children, youth, and families.

An important component of promoting social and emotional well-being includes addressing the impact of trauma, which can have a profound effect on the overall functioning of children, youth, and families. The Administration on Children, Youth and Families promotes a trauma-informed approach, which involves understanding and responding to the symptoms of chronic interpersonal trauma and traumatic stress across the domains outlined above, as well as the behavioral and mental health sequelae of trauma.

The ACYF anticipates a continued focus on social and emotional well-being as a critical component of its overall mission to ensure positive outcomes for all children, youth, and families.

Annual State Domestic Violence Coalition Grantee Meeting

Coalitions must send up to two representatives to the annual grantee meeting. Subsequent correspondence will advise Coalitions of the date, time, and location of their grantee meeting.

Role of State Coalitions

FVPSA directs Coalitions to work with family violence, domestic violence, and dating violence service programs and providers of direct services to encourage appropriate and comprehensive responses to family violence, domestic violence, and dating violence against adults or youth within the State involved, specifically including training and technical assistance and conducting State needs assessments (Section 311(d)(1)). Coalitions are required to coordinate and collaborate with the State FVPSA Administrators to conduct State needs assessments. Coalitions must also participate in the planning and monitoring of the distribution of FVPSA subgrants and contracts and the administration of the grant programs and projects awarded by the States to eligible entities (Section 311(d)(2)). Coalitions thus play an important role in helping programs develop and continue practices consistent with FVPSA guidance, including the promotion of trauma-informed services that help facilitate the social and emotional well-being of both victims and their children. Coalitions must include activities to ensure that programs maintain confidentiality and

provide widely accessible services consistent with best practices in the field and applicable Federal, State, tribal, and local requirements, as well as helping programs comply with the FVPSA data collection and outcome measurement requirements. Each of these issues is described below:

a. Client Confidentiality

Coalitions have an important role in helping programs develop and continue practices consistent with FVPSA guidance. Programs funded by FVPSA must establish and implement policies and protocols for maintaining the safety, privacy, and confidentiality of adult, youth, and child victims of family violence, domestic violence, and dating violence, and their families (Section 306(c)(5)). Because it is required that the confidentiality of individuals receiving FVPSA services be protected, Coalitions must include activities to ensure that local programs maintain confidentiality consistent with best practices in the field and applicable Federal, State, tribal, and local requirements. It is also highly recommended that the Coalition coordinate and collaborate with the State involving activities to assist programs in maintaining confidentiality requirements pursuant to Section 306(c)(5).

The FVPSA nondisclosure of confidential and private information provisions also mean that domestic violence programs must maintain confidentiality of records pertaining to any individual provided domestic violence services. As a result, individual identifiers of client records may not be used when providing statistical data on program activities and program services. In the annual grantee Performance Progress Report (SF-PPR), States, tribes, and their subgrantees must collect unduplicated data for each program rather than unduplicated data across programs or statewide. No client-level data should be shared with a third party, regardless of encryption, hashing or other data security measures, without a written, time-limited release as described in section 306(c)(5)(B)(ii).

b. Coordinated and Accessible Services

It is essential that community service providers, including those serving or representing underserved communities, are involved in the design and improvements of intervention and prevention activities. Coordination and collaboration among victim services providers; community-based, culturally specific, and faith-based services providers; housing and homeless services providers, and Federal, State, tribal, and local public officials and

agencies is needed to provide more responsive and effective services to victims of family violence, domestic violence, and dating violence, and their dependents.

To promote a more effective response to family violence, domestic violence, and dating violence, HHS requires the designated Coalitions receiving funds under this grant announcement to collaborate with tribes and tribal organizations, FVPSA-funded State grantees, service providers, and community-based organizations, to address the needs of family violence, domestic violence, and dating violence victims, and their dependents, who are members of racial and ethnic minority populations and underserved populations (Section 311(d)(3)); examples of such underserved populations include, but are not limited to, the Lesbian, Gay, Bisexual, and Transgender (LGBT) communities; adolescents; men; and immigrants.

To serve victims most in need and to comply with Federal law, services must be widely accessible. Services must not discriminate on the basis of age, disability, sex, race, color, national origin, or religion (Section 306(c)(2)). The HHS Office for Civil Rights provides guidance to grantees in complying with civil rights laws that prohibit discrimination on these bases. Please see <http://www.hhs.gov/ocr/civilrights/understanding/index.html>. HHS also provides guidance to recipients of Federal financial assistance on meeting the legal obligation to take reasonable steps to provide meaningful access to federally assisted programs by persons with limited English proficiency. Please see <http://www.hhs.gov/ocr/civilrights/resources/laws/revisedlep.html>. Additionally, HHS provides guidance regarding access to HHS-funded services for immigrant survivors of domestic violence. Please see <http://www.hhs.gov/ocr/civilrights/resources/specialtopics/origin/domesticviolencefactsheet.html>.

Services must also be provided on a voluntary basis; receipt of emergency shelter or housing must not be conditioned on participation in supportive services (Section 308(d)(1) and (2)).

c. Trauma-Informed Programming

The ACYF promotes a trauma-informed approach, which involves understanding and responding to the symptoms of chronic interpersonal trauma and traumatic stress across the lifespan. Coalitions are uniquely situated to provide support to domestic violence programs in order to ensure that trauma-informed interventions are

at the core of working with victims and their children. As Coalitions plan their training and technical assistance priorities, they must include responses that help support trauma-informed services among their member programs to ensure positive outcomes for all service populations. Coalitions must also coordinate and collaborate with the Domestic Violence Resource Network (the FVPSA-funded National Resource, Special Issue Resource and Culturally-Specific Resource Centers) to inform their knowledge and practices to promote trauma-informed interventions among their member programs.

II. Award Information

Subject to the availability of Federal appropriations and as authorized by the FVPSA (Section 303), HHS will make available in FY 2012 grants to the designated, statewide, domestic violence Coalitions described in this announcement. Each year, one grant will be available for one Coalition in each of the 50 States, the Commonwealth of Puerto Rico, and the District of Columbia. One Coalition in each of the U.S. Territories (Guam, U.S. Virgin Islands, Northern Mariana Islands, and American Samoa) is also eligible for a grant award under this announcement.

Length of Project Periods

Coalitions may apply for one grant annually with an accompanying 12-month budget narrative and SF-424a. The project period is 24 months under this FOA. Coalitions must address their anticipated activities for a 2-year project period: October 1, 2011–September 30, 2013. FVPSA will continue to disperse funds annually pursuant to annual applications and award processes.

Expenditure Period

The FVPSA funds may be used for expenditures on or after October 1 of each fiscal year for which they are granted and will be available for expenditure through September 30 of the following fiscal year; i.e., FY 2012 funds may be used for expenditures from October 1, 2011, through September 30, 2013.

III. Eligibility Information

In accordance with Sections 302(11) and 311(c)(1), to be eligible for grants under this FOA an organization must be designated as a statewide, private, 501(c)(3) non-profit, non-governmental domestic violence coalition as of the date of this announcement. A list of the designated State domestic violence coalitions is found in Appendix C.

Designated coalitions must continue to meet the following criteria:

The membership of the Coalition includes a majority of the primary-purpose domestic violence service providers in the State (a Coalition may include representatives of Indian tribes and tribal organizations as defined in the Indian Self-Determination and Education Assistance Act). A primary-purpose domestic violence service provider is one that operates a project of demonstrated effectiveness, carried out by a nonprofit, nongovernmental, private entity or a tribe or tribal organization, that has as its project's primary-purpose the operation of shelters for victims of domestic violence and their dependents; or provides counseling, advocacy, or self-help services to victims of domestic violence;

The Board membership of the Coalition is representative of the primary-purpose domestic violence service providers in the State and may include representatives of the communities in which the services are being provided in the State;

The purpose of the Coalition is to provide education, support, and technical assistance to the primary-purpose domestic violence service providers and providers of direct services in the State in order to establish and maintain shelter and supportive services for victims of domestic violence and their dependents;

The Coalition serves as an information clearinghouse, primary point of contact, and resource center on domestic violence for the State and supports the development of policies, protocols, and procedures to enhance domestic violence intervention and prevention in the State.

Additional Information on Eligibility DUNS (Universal Identifier Number) Requirement

Data Universal Numbering System (DUNS) Number is the nine-digit, or thirteen-digit (DUNS + 4), number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities.

All applicants and sub-recipients must have a DUNS number at the time of application in order to be considered for a grant or cooperative agreement. A DUNS number is required whether an applicant is submitting a paper application or using the Government-wide electronic portal, www.Grants.gov. A DUNS number is required for every application for a new award or renewal/continuation of an award, including applications or plans under formula, entitlement, and block grant programs.

A DUNS number may be acquired at no cost online at <http://fedgov.dnb.com/webform>. To acquire a DUNS number by phone, contact the D&B Government Customer Response Center:

U.S. and U.S. Virgin Islands: 1-866-705-5711. Alaska and Puerto Rico: 1-800-234-3867 (Select Option 2, then Option 1). Monday-Friday 7 a.m. to 8 p.m., CST.

The process to request a D-U-N-S Number by telephone will take between 5 and 10 minutes.

Central Contractor Registration (CCR) Requirement

Central Contractor Registration (CCR) is the Federal registrant database and repository into which an entity must provide information required for the conduct of business as a recipient. CCR, managed by the General Services Administration, collects, validates, stores, and disseminates data in support of agency financial assistance missions.

Effective October 1, 2011 HHS required all entities that plan to apply for, and ultimately receive, Federal grant funds from any HHS Agency, or receive sub-awards directly from recipients of those grant funds to:

- Be registered in the CCR prior to submitting an application of plan;
- Maintain an active CCR registration with current information at all times during which it has an active award or an application or plan under consideration by an OPDIV; and
- Provide its DUNS number in each application or plan it submits to the OPDIV.

ACF is prohibited from making an award until an applicant has complied with these requirements. At the time an award is ready to be made, if the intended recipient has not complied with these requirements, ACF:

- May determine that the applicant is not qualified to receive an award; and
- May use that determination as a basis for making an award to another applicant.

Additionally, all first-tier sub-award recipients (i.e., direct sub-recipient) must have a DUNS number at the time the sub-award is made.

CCR registration may be made online at www.ccr.gov or by phone at 1-866-606-8220. CCR registration must be updated annually. CCR registration must be active and maintained with current information at all times during which an organization has an active award or an application under consideration.

Applicants are strongly encouraged to register at the CCR well in advance of the application due date.

There is the possibility of heavy traffic at the CCR Web site at application due dates. Therefore, applicants are strongly encouraged to register at the CCR well in advance of the application due date. CCR registration must be updated annually. CCR registration must be active and maintained with current information at all times during which an organization has an active award or an application under consideration.

Definitions:

Central Contractor Registration (CCR): The Federal registrant database and repository into which an entity must provide information required for the conduct of business as a recipient. CCR, managed by the General Services Administration, collects, validates, stores, and disseminates data in support of agency financial assistance missions.

Data Universal Numbering System (DUNS) Number: The nine-digit, or thirteen-digit (DUNS + 4), number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities.

Survey on Ensuring Equal Opportunity for Applicants

Private, non-profit organizations are encouraged to submit the Survey on Ensuring Equal Opportunity for Applicants with their applications. The survey is available on the Forms Web page at http://www.acf.hhs.gov/grants/grants_resources.html.

IV. Application Requirements

This section includes application requirements for FVPSA grants for Coalitions, as follows:

Application Components

The Coalition application must be signed by the Executive Director of the Coalition or the official designated as responsible for the administration of the grant. The application must contain the following information:

(1) A description of the process and anticipated outcomes (including timelines and specific activities that lead to desired outcomes) of utilizing these Federal funds to work with family violence, domestic violence, and dating violence service programs and providers of direct services to encourage appropriate and comprehensive responses to family violence, domestic violence, and dating violence against adults or youth within the State, including providing training and technical assistance and conducting statewide needs assessments (Section 311(d)(1));

(2) A description of the process undertaken and procedures developed

to participate in the planning and monitoring of the distribution of FVPSA State subgrants and subgrant funds (Section 311(d)(2)) as well as the administration of FVPSA State-funded grant programs and projects;

(3) A description of collaborations along with anticipated outcomes (including timelines and specific activities that lead to desired outcomes) with service providers and community-based organizations to address the needs of family violence, domestic violence, and dating violence victims, and their dependents, who are members of racial and ethnic minority populations and underserved populations (Section 311(d)(3)); examples of such underserved populations include, but are not limited to, the Lesbian, Gay, Bisexual, and Transgender (LGBT) communities; adolescents; men; and immigrants;

(4) A description of collaborations and anticipated outcomes (including timelines and specific activities that lead to desired outcomes) for providing information to entities in such fields as housing, health care, mental health, social welfare, or business to support the development and implementation of effective policies, protocols, and programs that address the safety and support needs of adult and youth victims of family violence, domestic violence, or dating violence (Section 311(d)(4));

(5) A description of work and anticipated outcomes (including timelines and specific activities that lead to desired outcomes) to encourage appropriate responses to cases of family violence, domestic violence, or dating violence against adults or youth, including by working with judicial and law enforcement officers (Section 311(d)(5)) *unless the applicant coalition satisfies the exception described in paragraph (7) below*;

(6) A description of activities and anticipated outcomes (including timelines and specific activities that lead to desired outcomes) associated with working with family law judges, criminal court judges, child protective service agencies, and children's advocates to develop appropriate responses to child custody and visitation issues in cases of child exposure to family violence, domestic violence, or dating violence, and in cases in which family violence, domestic violence, or dating violence is present and child abuse is present (Section 311(d)(6)) *unless the applicant coalition satisfies the exception described in paragraph (7) below*.

(7) *If the applicant coalition uses funds received under the Violence*

Against Women Act for State domestic violence coalitions for the purposes described in paragraphs (5) and (6) above and is coordinating those activities with the State's STOP (Services, Training, Officers, Prosecutors) formula grant activities that address those purposes, the applicant Coalition shall not be required to undertake additional activities. If applicable, the applicant Coalition must provide a statement of assurance that funds for the referenced purposes are received from the Office on Violence Against Women (OVW), U.S. Department of Justice, and that the activities are coordinated with the State's STOP formula grant activities, (Section 311(e)(1) and (2)); as part of the assurance the applicant coalition must also describe its activities in those OVW-funded areas including those in collaboration with the State STOP grant activities;

(8) A description of work and anticipated outcomes (including timelines and specific activities which lead to desired outcomes) to provide information to the public about prevention of family violence, domestic violence, and dating violence, including information targeted to underserved communities; examples of such communities include, but are not limited to, LGBT communities, adolescents, men, and immigrants (Section 311(d)(7));

(9) A description of collaborations (including timelines, specific activities, and outcomes) with Indian tribes and tribal organizations (and corresponding Native Hawaiian groups and communities) to address the needs of Native American (including Alaska Native) and Native Hawaiian victims of family violence, domestic violence, or dating violence, as applicable in the State (Section 311(d)(8)); **Note:** Tribes are Sovereign Nations and, as such, collaborations with them must include the opportunity for Coalition membership provided they meet general membership eligibility requirements that are not impediments to their status as Sovereign Nations;

(10) A description of work and anticipated outcomes (including timelines and activities) associated with other activities to support the development of policies, protocols, and procedures to enhance domestic violence intervention and prevention in the State (Section 302(11));

(11) To support ACYF priorities as described in Section 1.c. Trauma-Informed Programming, a description of work planned (including timelines and activities) to gauge the activities of domestic violence programs offering

trauma-informed services that address lifetime exposure to violence, including trauma-focused intervention strategies. Such work shall also include a capacity assessment of all member programs to identify those needing additional training, technical assistance and support related to trauma-informed service provision;

(12) A description of activities to describe the applicant Coalition's role as an information clearinghouse, primary point of contact, and resource center on domestic violence for the State.

The following documentation that certifies the status of the Coalition must be included in the grant application:

(a) A copy of a currently valid 501(c)(3) certification letter from the IRS stating private, non-profit status; or a copy of the applicant's listing in the IRS' most recent list of tax-exempt organizations described in section 501(c)(3) of the IRS code;

(b) To demonstrate compliance with Section 302(11):

(i) A current list of the organizations operating programs for victims of domestic violence in the State, including a designation of the primary-purpose domestic violence services providers in the State and the applicant Coalition's current membership list by organization (see *Section III. Eligibility*);

(ii) A list of the applicant Coalition's current Board of Directors, with each individual's organizational affiliation and the Chairperson identified (see *Section III. Eligibility*);

(c) A list of any Coalition or contractual positions to be supported by funds from this grant; and

(d) A budget narrative that clearly describes the planned expenditure of funds under this grant including a provision that sets aside funds for travel expenses for up to two staff to the Annual State Domestic Violence Coalition grantee meeting.

Paperwork Reduction Disclaimer

As required by the Paperwork Reduction Act, 44 U.S.C. 3501–3520, the public reporting burden for the project description is estimated to average 10 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. The Project Description information collection is approved under OMB control number 0970–0280, which expires November 30, 2014. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Required Assurances (Included in the Application as Appendix A)

The applicant Coalition will not use grant funds, directly or indirectly, to influence the issuance, amendment, or revocation of any Executive Order or similar legal document by any Federal, State, or local agency, or to undertake to influence the passage or defeat of any legislation by the Congress, or any State or local legislative body, or State proposals by initiative petition, except where representatives of the Coalition are testifying or making other appropriate communications, when formally requested to do so by a legislative body, a committee, or a member of such organization, or in connection with legislation or appropriations directly affecting the activities of the Coalition or any member of the Coalition (Section 311(f)).

The applicant Coalition will prohibit discrimination on the basis of age, disability, sex, race, color, national origin, or religion, as described in Section 306(c)(2).

Certification

Certification Regarding Lobbying

(See *Appendix B*): Applicants must furnish an executed copy of the *Certification Regarding Lobbying* prior to the award of the grant.

Standard Form (SF)–LLL Disclosure of Lobbying Activities

The filing of this form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action.

This disclosure form must be completed and filed by the reporting entity, whether subawardees or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. 1352.

Intergovernmental Review of Federal Programs

This program is covered under Executive Order 12372, "Intergovernmental Review of Federal Programs" for State plan consolidation and simplification only—45 CFR 100.12. The review and comment provisions of the Executive Order and Part 100 do not apply.

Application Submission

Applications should be sent or delivered to: Division of Family Violence Prevention (also known as the Family Violence Prevention and Services Program), Family and Youth Services Bureau, Administration on Children, Youth and Families, Administration for Children and Families, Attention: Kenneth E. Noyes, J.D., 1250 Maryland Avenue SW., Room 8212, Washington, DC 20024.

V. Reporting Requirements

Performance Progress Reports

The Coalition grantee must submit an annual report of activities describing the coordination, training and technical assistance, needs assessment, and comprehensive planning activities carried out pursuant to its activities as delineated in its response to this announcement. Additionally, the Coalition must report on the public information and education services provided; the activities conducted in conjunction with judicial and law enforcement agencies notwithstanding that such activities may be conducted pursuant to a coalition grant from the Office on Violence Against Women, U.S. Department of Justice, in coordination with the applicable State's STOP formula grant activities as described in *Section IV. Application Requirements*, number 7; the actions conducted in conjunction with other agencies, such as the State child welfare agency, notwithstanding that such activities may be conducted pursuant to a coalition grant from the Office on Violence Against Women, U.S. Department of Justice, in coordination with the applicable State's STOP formula grant activities as described in *Section IV. Application Requirements*, number 7; activities conducted in conjunction with community-based, culturally specific service providers or organizations serving or representing underserved communities; and any other activities undertaken under this grant award. All activities should include both a narrative explanation and statistical data to support the activities reported. The annual report also must provide an assessment of the effectiveness of grant-supported activities. Further guidance regarding assessment requirements will be provided in 2012.

The annual report must be submitted using the Standard Form—Performance Progress Report (SF-PPR) applicable to this program. The annual report is due 90 days after the end of the fiscal year in which the grant is awarded; i.e., December 29. Annual reports should be

sent to: Family Violence Prevention and Services Program, Family and Youth Services Bureau, Administration on Children, Youth and Families, Administration for Children and Families, Attention: Kenneth E. Noyes, J.D., 1250 Maryland Avenue SW., Room 8212, Washington, DC 20024.

HHS now requires this program award to adhere to the Subaward and Executive Compensation reporting requirements of “the Transparency Act” (as defined in 2 CFR part 170). Under the Transparency Act, all subawards (as defined in 2 CFR part 170) over \$25,000 must be reported, unless exempted. Please see the newly applicable Award Term for Federal Financial Accountability and Transparency Act (FFATA) at the following URL: http://www.acf.hhs.gov/grants/award_term_ffata.html.

Please note that HHS may suspend funding for an approved application if any applicant fails to submit an annual performance report or if the funds are expended for purposes other than those set forth under this announcement.

Federal Financial Reports (FFR)

Grantees must submit annual Financial Status Reports. The SF-425 is due December 29, 2012. The final SF-425 is due December 29, 2013. The SF-425 can be found at http://www.whitehouse.gov/omb/grants/grants_forms.html.

Grantees have the option to submit their reports online through the Online Data Collection (OLDC) system at <https://extranet.acf.hhs.gov/ssi>.

Failure to submit reports on time may be a basis for withholding grant funds, suspension, or termination of the grant. In addition, all funds reported after the obligation period will be recouped. Completed reports should be sent to: Matthew McMahon, Program Specialist, Office of Grants Management, Office of Administration, Administration for Children and Families, 370 L'Enfant Promenade SW., 6th Floor, Washington, DC 20447.

Also note that a separate, quarterly financial report is required by the Division of Payment Management using the SF-425. The Division of Payment Management's online Payment Management System (PMS) is required for filing quarterly reports and is found at <https://www.dpm.psc.gov>. For further assistance, please call the HHS helpline at 877-614-5533.

VI. Administrative and National Policy Requirements

Awards issued under this announcement are subject to the uniform administrative requirements

and cost principles of 45 CFR part 74 (Awards And Subawards To Institutions Of Higher Education, Hospitals, Other Nonprofit Organizations, And Commercial Organizations) or 45 CFR part 92 (Grants And Cooperative Agreements To State, Local, And Tribal Governments). The Code of Federal Regulations (CFR) is available at <http://www.gpo.gov>.

An application funded with the release of Federal funds through a grant award, does not constitute, or imply, compliance with Federal regulations. Funded organizations are responsible for ensuring that their activities comply with all applicable Federal regulations.

Equal Treatment for Faith-Based Organizations

Grantees are also subject to the requirements of 45 CFR 87.1(c), Equal Treatment for Faith-Based Organizations, which says, “Organizations that receive direct financial assistance from the [Health and Human Services] Department under any Department program may not engage in inherently religious activities such as religious instruction, worship, or proselytization as part of the programs or services funded with direct financial assistance from the Department.” Therefore, organizations must take steps to completely separate the presentation of any program with religious content from the presentation of the Federally funded program by time or location *in such a way that it is clear that the two programs are separate and distinct*. If separating the two programs by time but presenting them in the same location, one program must *completely* end before the other program begins.

A faith-based organization receiving HHS funds retains its independence from Federal, State, and local governments, and may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs. For example, a faith-based organization may use space in its facilities to provide secular programs or services funded with Federal funds without removing religious art, icons, scriptures, or other religious symbols. In addition, a faith-based organization that receives Federal funds retains its authority over its internal governance, and it may retain religious terms in its organization's name, select its board members on a religious basis, and include religious references in its organization's mission statements and other governing documents in accordance with all program requirements, statutes, and other applicable requirements governing the conduct of HHS-funded activities.

Regulations pertaining to the Equal Treatment for Faith-Based Organizations, which includes the prohibition against Federal funding of inherently religious activities, Understanding the Regulations Related to the Faith-Based and Neighborhood Partnerships Initiative” are available at <http://www.hhs.gov/partnerships/about/regulations/>. Additional information, resources, and tools for faith-based organizations is available through The Center for Faith-based and Neighborhood Partnerships Web site at <http://www.hhs.gov/partnerships/index.html> and at the *Administration for Children & Families: Toolkit for Faith-based and Community Organizations*.

Requirements for Drug-Free Workplace

The Drug-Free Workplace Act of 1988 (41 U.S.C. 701 *et seq.*) requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. By signing the application, the Authorizing Official agrees that the grantee will provide a drug-free workplace and will comply with the requirement to notify ACF if an employee is convicted of violating a criminal drug statute. Failure to comply with these requirements may be cause for debarment. Government wide requirements for Drug-Free Workplace for Financial Assistance are found in 2 CFR part 182; HHS implementing regulations are set forth in 2 CFR 382.400. All recipients of ACF grant funds must comply with the requirements in Subpart B—Requirements for Recipients Other Than Individuals, 2 CFR 382.225. The rule is available at <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr;sid=18b5801410be6af416dc258873ffb7ec;rgn=div2;view=text;node=20091112%3A1.1;idno=49;cc=ecfr>.

Debarment and Suspension

HHS regulations published in 2 CFR part 376 implement the government-wide debarment and suspension system guidance (2 CFR part 180) for HHS’ non-procurement programs and activities. “Non-procurement transactions” include, among other things, grants, cooperative agreements, scholarships, fellowships, and loans. ACF implements the HHS Debarment and Suspension regulations as a term and condition of award. Grantees may decide the method and frequency by which this determination is made and may check the Excluded Parties List System (EPLS) located at <https://www.epls.gov/>, although checking the EPLS is not required. More information is available at http://www.acf.hhs.gov/grants/grants_resources.html.

Pro-Children Act

The Pro-Children Act of 2001, 42 U.S.C. 7181 through 7184, imposes restrictions on smoking in facilities where federally funded children’s services are provided. HHS grants are subject to these requirements only if they meet the Act’s specified coverage. The Act specifies that smoking is prohibited in any indoor facility (owned, leased, or contracted for) used for the routine or regular provision of kindergarten, elementary, or secondary education or library services to children under the age of 18. In addition, smoking is prohibited in any indoor facility or portion of a facility (owned, leased, or contracted for) used for the routine or regular provision of federally funded health care, day care, or early childhood development, including Head Start services to children under the age of 18. The statutory prohibition also applies if such facilities are constructed, operated, or maintained with Federal funds. The statute does not apply to children’s services provided in private residences, facilities funded solely by Medicare or Medicaid funds, portions of facilities used for inpatient drug or alcohol treatment, or facilities where WIC coupons are redeemed. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1,000 per violation and/or the imposition of an administrative compliance order on the responsible entity.

VII. Funding Restrictions

Costs of organized fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions, are considered unallowable costs under grants awarded under this announcement.

Construction is not an allowable activity or expenditure under this grant award.

Purchase of real property is not an allowable activity or expenditure under this grant award.

VIII. Other Information

Appendices: Required Assurance and Certification:

A. Assurance of Compliance With Grant Requirements

B. Certification Regarding Lobbying

C. Designated State Domestic Violence Coalitions

DATES: The application due date is March 22, 2012.

FOR FURTHER INFORMATION CONTACT: Kenneth E. Noyes, J.D. at (202) 205–

7891 or email at: kenneth.noyes@acf.hhs.gov.

Bryan Samuels,

Commissioner, Administration on Children, Youth and Families.

Appendix A

Assurance of Compliance With Grant Requirements

The undersigned certifies that:

The applicant Coalition will not use grant funds, directly or indirectly, to influence the issuance, amendment, or revocation of any Executive Order or similar legal document by any Federal, State, or local agency, or to undertake to influence the passage or defeat of any legislation by Congress, or any State or local legislative body, or State proposals by initiative petition, except where representatives of the Coalition are testifying or making other appropriate communications, either when formally requested to do so by a legislative body, a committee, or a member of such organization, or in connection with legislation or appropriations directly affecting the activities of the Coalition (Section 311(f)).

The applicant Coalition will prohibit discrimination on the basis of age, disability, sex, race, color, national origin, or religion, as described in Section 306(c)(2).

Signature

Title

Organization

Appendix B

Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions.

The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less

than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its

instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature

Title

Organization

Appendix C

STATE DOMESTIC VIOLENCE COALITIONS AS DESIGNATED BY THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, ADMINISTRATION FOR CHILDREN AND FAMILIES, ADMINISTRATION ON CHILDREN, YOUTH AND FAMILIES AS OF DECEMBER 2011

Coalition name	City	State
Alabama Coalition Against Domestic Violence	Montgomery	AL
Alaska Network on Domestic Violence and Sexual Assault	Juneau	AK
American Samoa Alliance Against Domestic and Sexual Violence	Pago Pago	AS
Arizona Coalition Against Domestic Violence	Phoenix	AZ
Arkansas Coalition Against Domestic Violence	Little Rock	AR
California Partnership to End Domestic Violence	Sacramento	CA
Colorado Coalition Against Domestic Violence	Denver	CO
Connecticut Coalition Against Domestic Violence	E. Hartford	CT
Delaware Coalition Against Domestic Violence	Wilmington	DE
District of Columbia Coalition Against Domestic Violence	Washington	DC
Florida Coalition Against Domestic Violence	Tallahassee	FL
Georgia Coalition Against Domestic Violence	Decatur	GA
Guam Coalition Against Sexual Assault and Family Violence	Hagatna	GU
Hawaii State Coalition Against Domestic Violence	Honolulu	HI
Idaho Coalition Against Sexual & Domestic Violence	Boise	ID
Illinois Coalition Against Domestic Violence	Springfield	IL
Indiana Coalition Against Domestic Violence	Indianapolis	IN
Iowa Coalition Against Domestic Violence	Des Moines	IA
Kansas Coalition Against Sexual & Domestic Violence	Topeka	KS
Kentucky Domestic Violence Association	Frankfort	KY
Louisiana Coalition Against Domestic Violence	Baton Rouge	LA
Maine Coalition to End Domestic Violence	Augusta	ME
Maryland Network Against Domestic Violence	Bowie	MD
Jane Doe, Inc.—Massachusetts Coalition Against Sexual Assault and Domestic Violence.	Boston	MA
Michigan Coalition Against Domestic & Sexual Violence	Okemos	MI
Minnesota Coalition for Battered Women	St. Paul	MN
Mississippi Coalition Against Domestic Violence	Jackson	MS
Missouri Coalition Against Domestic & Sexual Violence	Jefferson City	MO
Montana Coalition Against Domestic & Sexual Violence	Helena	MT
Nebraska Domestic Violence & Sexual Assault Coalition	Lincoln	NE
Nevada Network Against Domestic Violence	Reno	NV
New Hampshire Coalition Against Domestic & Sexual Violence	Concord	NH
New Jersey Coalition for Battered Women	Trenton	NJ
New Mexico Coalition Against Domestic Violence	Albuquerque	NM
New York State Coalition Against Domestic Violence	Albany	NY
North Carolina Coalition Against Domestic Violence	Durham	NC
Northern Marianas Coalition Against Sexual and Domestic Violence	Saipan	MP
North Dakota Council on Abused Women's Services	Bismarck	ND
Ohio Domestic Violence Network	Columbus	OH
Oklahoma Coalition Against Domestic Violence & Sexual Assault	Oklahoma City	OK
Oregon Coalition Against Domestic Violence & Sexual Assault	Portland	OR
Pennsylvania Coalition Against Domestic Violence	Harrisburg	PA
Coordinadora Paz para la Mujer, Inc. (Puerto Rico Coalition Against Domestic Violence)	San Juan	PR
Rhode Island Coalition on Domestic Violence	Warwick	RI
South Carolina Coalition Against Domestic Violence & Sexual Assault	Columbia	SC
South Dakota Coalition Against Domestic Violence & Sexual Assault	Pierre	SD
Tennessee Coalition Against Domestic & Sexual Violence	Nashville	TN
Texas Council on Family Violence	Austin	TX
Utah Domestic Violence Council	Salt Lake City	UT
Vermont Network Against Domestic & Sexual Violence	Montpelier	VT

STATE DOMESTIC VIOLENCE COALITIONS AS DESIGNATED BY THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES,
ADMINISTRATION FOR CHILDREN AND FAMILIES, ADMINISTRATION ON CHILDREN, YOUTH AND FAMILIES AS OF DECEMBER 2011—Continued

Coalition name	City	State
Virginia Sexual & Domestic Violence Action Alliance	Richmond	VA
Virgin Islands Domestic Violence and Sexual Assault Council	Kingshill	VI
Washington State Coalition Against Domestic Violence	Seattle	WA
West Virginia Coalition Against Domestic Violence	Elkview	WV
Wisconsin Coalition Against Domestic Violence	Madison	WI
Wyoming Coalition Against Domestic Violence & Sexual Assault	Laramie	WY

[FR Doc. 2012-5825 Filed 3-8-12; 8:45 am]

BILLING CODE 4184-32-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2005-D-0339]

Draft Guidance on Drug Safety Information—FDA's Communication to the Public; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance titled "Drug Safety Information—FDA's Communication to the Public." This draft guidance updates and revises the March 2007 guidance entitled "Drug Safety Information—FDA's Communication to the Public." This draft guidance describes FDA's current approach to communicating important drug safety information, including emerging drug safety information, to the public and the factors that influence when the information is communicated. The draft guidance was developed in connection with the Center for Drug Evaluation and Research's (CDER's) Safety First Initiative.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by May 8, 2012.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, rm. 2201, Silver Spring, MD 20993-0002; or Office of Communication, Outreach and Development (HFM-40), Center for Biologics Evaluation and Research

(CDER), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852-1448. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

Submit electronic comments on the draft guidance to <http://www.regulations.gov>. Submit written comments to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT:

Edward Staffa, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Rm. 1152, Silver Spring, MD 20993, 301-796-5301.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance entitled "Drug Safety Information—FDA's Communication to the Public." This draft guidance updates and revises a March 2007 guidance of the same name. It describes FDA's current approach to communicating important drug safety information, including emerging drug safety information, to the public and the factors that influence when the information is communicated.

For many years, FDA has provided information on drug risks and benefits to health care professionals and patients when that information has generated a specific concern, usually waiting until that information has been fully evaluated and has prompted an action, such as a revision to the drug's prescribing information. In recent years, FDA has tended to make information on potential drug risks available to the public earlier, often while the Agency is still evaluating the data and determining whether any action is warranted. FDA believes that timely communication of important drug safety information will give health care professionals, patients, consumers, and other interested persons access to the most current information

concerning the potential risks and benefits of a marketed drug, helping them to make more informed individual treatment choices.

In the **Federal Register** of March 7, 2007 (72 FR 10224), FDA announced the availability of a guidance titled "Drug Safety Information—FDA's Communication to the Public." FDA has revised the 2007 guidance to provide updated information about its approach to communicating important drug safety information, including FDA's development of a single, standardized format for electronic drug safety communications about marketed drugs. In addition, the draft guidance describes FDA's posting of other safety assessments on its Web site in accordance with the requirements of the Food and Drug Administration Amendments Act of 2007 (FDAAA) and to further our transparency objectives.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will replace the 2007 guidance and represent the Agency's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments regarding this document. It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

III. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information that are subject to review by the Office of Management and Budget

(OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR 310.305, 314.80, 314.98, 600.80, and in 21 U.S.C. 379aa have been approved under OMB Control Numbers 0910–0230, 0910–0291, 0910–0308, and 0910–0636.

IV. Electronic Access

Persons with access to the Internet may obtain the document at <http://www.fda.gov/Drugs/Guidance/ComplianceRegulatoryInformation/Guidances/default.htm>, <http://www.fda.gov/BiologicsBloodVaccines/Guidance/ComplianceRegulatoryInformation/default.htm>, or <http://www.regulations.gov>.

Dated: March 6, 2012.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2012–5775 Filed 3–8–12; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–D–0085]

Draft Guidance on Classifying Significant Postmarket Drug Safety Issues; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance entitled “Classifying Significant Postmarket Drug Safety Issues.” This draft guidance describes FDA’s current approach to classifying a significant postmarket drug safety issue as a “priority” tracked safety issue (TSI) or a “standard” TSI, with the capability of elevating some priority TSIs to an “emergency” status. The draft guidance was developed in connection with the Center for Drug Evaluation and Research’s (CDER’s) Safety First Initiative.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by May 8, 2012.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New

Hampshire Ave., Bldg. 51, Rm. 2201, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

Submit electronic comments on the draft guidance to <http://www.regulations.gov>. Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT:

Michie Hunt, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6153, Silver Spring, MD 20993–0002, 301–796–3504.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance entitled “Classifying Significant Postmarket Drug Safety Issues.” This draft guidance describes CDER’s current approach to determining whether a significant postmarket drug safety issue should be classified as a “priority,” as a “standard,” or as an “emergency” tracked safety issue (TSI).

CDER receives a constant flow of information about potential drug safety issues, and the seriousness of reported problems varies widely. Those that CDER determines to be significant safety issues are tracked in the Center’s Document Archiving, Reporting, and Regulatory Tracking System (DARRTS), a centralized data base that enables staff working across the Center to share information. To be considered significant, the safety issue of concern must meet certain criteria. In general, CDER considers postmarket safety issues to be significant if they have the potential to lead to any of the following actions:

- Withdrawal of an approved drug from the market.
- Withdrawal of an approved indication.
- Limitations of a use in a specific population or subpopulation.
- Additions or modifications to the Contraindications or Warnings and Precautions sections of the labeling, to the Medication Guide or other required Patient Package Insert, including safety labeling changes required under the Food and Drug Administration Amendments Act (FDAAA).
- Establishment of or changes to the proprietary name/container label/labeling/packaging to reduce the likelihood of medication errors.

- Establishment or modification of a risk evaluation and mitigation strategy (REMS).

- A requirement that a sponsor conduct a safety-related postmarket clinical trial or observational epidemiological study.

- The conduct of a safety-related observational epidemiological study by FDA.

Since the DARRTS safety tracking function was introduced in 2007, about 1,000 TSIs have been entered into the system. Although all of these issues are considered significant, not all TSIs are equally urgent. Furthermore, CDER does not have adequate resources to manage all TSIs equally rapidly. In the past, prioritization of the TSIs has been handled informally and on a case-by-case basis, without an agreed upon framework for establishing priority.

The Center is now seeking to establish a formal framework for assessing the relative urgency of TSIs, so that CDER can direct resources more effectively toward the issues that pose the greatest potential risk for patients. This framework will classify TSIs as “priority” or “standard” for CDER review. In addition, the Center will recognize a special “emergency” category for certain priority TSIs. The use of a formal framework is intended to ensure that staff working in different offices across CDER reaches similar conclusions about the relative urgency of TSIs, and help them direct attention to those that need to be addressed most expeditiously. It will also inform CDER decisions about public drug safety communications, so that health care practitioners and patients receive timely information about safety risks with the greatest public health significance.

This draft guidance is being issued consistent with FDA’s good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the Agency’s current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments regarding this document. It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division

of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

Persons with access to the Internet may obtain the document at either <http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm> or <http://www.regulations.gov>.

Dated: March 6, 2012.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2012-5777 Filed 3-8-12; 8:45 am]

BILLING CODE 4160-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2012-D-0167]

Guidance for Industry and Food and Drug Administration Staff; Class II Special Controls Guidance Document: Norovirus Serological Reagents; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the guidance document entitled “Class II Special Controls Guidance Document: Norovirus Serological Reagents.” This guidance document describes a means by which norovirus serological reagents may comply with the requirement of special controls for class II devices. This guidance document is to be implemented immediately as the special control for norovirus serological reagents.

DATES: Submit either electronic or written comments on this guidance at any time.

ADDRESSES: Submit written requests for single copies of the guidance document entitled “Class II Special Controls Guidance Document: Norovirus Serological Reagents” to the Division of Small Manufacturers, International and Consumer Assistance, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, rm. 4613, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your request, or fax your request to 301-847-8149. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance.

Submit electronic comments on the guidance to <http://www.regulations.gov>. Submit written comments to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT:

Steven Gitterman, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave, Bldg. 66, Rm. 5518, Silver Spring, MD 20993-0002, 301-796-6694.

SUPPLEMENTARY INFORMATION:

I. Background

Elsewhere in this issue of the **Federal Register**, FDA is publishing a final rule classifying norovirus serological reagents into class II (special controls) under section 513(f)(2) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360c(f)(2)). This guidance document will serve as the special control for norovirus serological reagents. Section 513(f)(2) of the FD&C Act provides that any person who submits a premarket notification under section 510(k) of the FD&C Act (21 U.S.C. 360(k)) for a device that has not previously been classified may, within 30 days after receiving an order classifying the device in class III under section 513(f)(1) of the FD&C Act (21 U.S.C. 360c(f)(1)), request FDA to classify the device under the criteria set forth in section 513(a)(1) of the FD&C Act (21 U.S.C. 360c(a)(1)). FDA will, within 60 days of receiving such a request, classify the device by written order. This classification shall be the initial classification of the device. Within 30 days after the issuance of an order classifying the device, FDA must publish a notice in the **Federal Register** announcing this classification.

II. Significance of Special Controls Guidance

This guidance is being issued consistent with FDA’s good guidance practices regulation (21 CFR 10.115). This guidance is being implemented without prior public comment because the Agency has determined that prior public participation is not feasible or appropriate (21 CFR 10.115(g)(2)). Because of the timeframes established by section 513(f)(2) of the FD&C Act, FDA has determined that it is not feasible to allow for public participation before issuing this guidance as a final guidance document. Therefore, FDA is issuing this guidance document as a level 1 guidance document that is for immediate implementation. Although this guidance document is immediately in effect, it remains subject to comment

in accordance with the Agency’s good guidance practices.

FDA believes that adherence to the recommendations described in this guidance document, in addition to the general controls, will provide reasonable assurance of the safety and effectiveness of norovirus serological reagents classified under § 866.3395 (21 CFR 866.3395). In order to be classified as a class II device under § 866.3395, a norovirus serological reagents must comply with the requirements of special controls; manufacturers must address the issues requiring special controls as identified in the guidance document, either by following the recommendations in the guidance document or by some other means that provides equivalent assurances of safety and effectiveness.

III. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by using the Internet. A search capability for all CDRH guidance documents is available at <http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm>. Guidance documents are also available at <http://www.regulations.gov>. To receive “Class II Special Controls Guidance Document: Norovirus Serological Reagents,” you may either send an email request to dsmica@fda.hhs.gov to receive an electronic copy of the document or send a fax request to 301-847-8149 to receive a hard copy. Please use the document number 1767 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). The collections of information in 21 CFR part 807, subpart E have been approved under OMB control number 0910-0120 and the collections of information in 21 CFR part 801 and 21 CFR 809.10 have been approved under OMB control number 0910-0485.

V. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments regarding this document. It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division

of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 5, 2012.

Nancy K. Stade,

Deputy Director for Policy, Center for Devices and Radiological Health.

[FR Doc. 2012-5674 Filed 3-8-12; 8:45 am]

BILLING CODE 4160-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2002-D-0094; (formerly Docket No. 02D-0049)]

Guidance for the Public, Food and Drug Administration (FDA) Advisory Committee Members, and FDA Staff: Public Availability of Advisory Committee Members' Financial Interest Information and Waivers; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for the public, FDA advisory committee members, and FDA staff, entitled "Guidance for the Public, FDA Advisory Committee Members, and FDA Staff: Public Availability of Advisory Committee Members' Financial Interest Information and Waivers." We are issuing the guidance to help the public, FDA advisory committee members, and FDA staff to understand the public availability of information regarding certain financial interests and waivers granted by FDA to permit individuals to participate in an advisory committee meeting. The guidance provides additional transparency to FDA's advisory committee process beyond current guidance. This guidance finalizes the draft guidance of the same title dated March 2010 and replaces the guidance of the same title dated August 2008.

DATES: Submit either electronic or written comments on Agency guidances at any time.

ADDRESSES: Submit written requests for single copies of this guidance to Advisory Committee Oversight and Management Staff, Office of Special Medical Programs, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, rm. 5103, Silver Spring, MD 20993. Send one self-addressed adhesive label to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance.

Submit electronic comments on the guidance to <http://www.regulations.gov>. Submit written comments on the guidance to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT:

Michael Ortwerth, Office of the Commissioner, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, rm. 5104, Silver Spring, MD 20993, email: Michael.Ortwerth@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. The Guidance

FDA is announcing the availability of a guidance entitled, "Guidance for the Public, FDA Advisory Committee Members, and FDA Staff: Public Availability of Advisory Committee Members' Financial Interest Information and Waivers." FDA issues guidance documents for FDA staff, applicants and sponsors, and the public that describe the Agency's current views on a subject.

In January 2002, FDA issued draft guidance on "Disclosure of Conflicts of Interest for Special Government Employees Participating in FDA Product Specific Advisory Committees," and requested comments on the draft guidance (formerly Docket No. 02D-0049, now Docket No. FDA-2002-D-0094, 67 FR 6545, February 12, 2002). The draft guidance was limited in application to special government employees (SGEs) participating in advisory committee meetings at which particular matters relating to particular products were discussed. In October 2007, after an internal assessment of FDA's advisory committee process, FDA published a revised draft guidance for public comment (72 FR 61657, October 31, 2007). The Agency reviewed the submitted comments on the January 2002 draft guidance, the October 2007 draft guidance, and the results of the internal assessment of FDA's advisory committee process and issued guidance that expanded public availability of relevant information to include regular Government employees and SGEs, brought additional transparency to FDA's waiver process, and increased the consistency and clarity of the process (73 FR 45459, August 5, 2008) (www.fda.gov/downloads/RegulatoryInformation/Guidances/ucm125647.pdf).

In the **Federal Register** of April 22, 2010 (75 FR 21000), FDA issued for public comment "Draft Guidance for the Public, FDA Advisory Committee Members, and FDA Staff: Public Availability of Advisory Committee

Members' Financial Interest Information and Waivers," dated March 2010. The Agency explained that it tentatively concluded it is appropriate for additional information to be disclosed for individuals receiving a waiver of conflict of interest prior to participating in an FDA advisory committee meeting. Specifically, FDA proposed disclosure of the name of the company or institution associated with the financial interest. The Agency based its draft guidance on the expectation that: (1) This information would help the public understand the nature of the potential conflict and FDA's decision-making and that (2) individuals invited as advisory committee members would agree to the inclusion of this level of detail as a routine part of required disclosures. FDA specifically requested comments on whether disclosing the name of the company or institution associated with the financial interest would: (1) Increase the transparency of FDA's decisions regarding advisory committee member participation and (2) not significantly deter current and potential advisory committee members from service on those committees. The draft guidance also included a template for disclosing to the public the financial interests for which waivers are granted, a template for public disclosure of waivers that FDA grants, and FDA's process for making these documents available on its Web site.

We received several comments on the draft guidance. No commenter indicated that the proposed policies would deter participation and most noted that it would increase transparency.

FDA is issuing the draft guidance with minor revisions to improve clarity.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the Agency's current thinking on the public availability of financial interest information and waivers relating to the disclosure of conflicts of interest for advisory committee members participating in FDA advisory committee meetings. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments regarding this document. It is only necessary to send one set of comments. Identify comments with the

docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

Persons with access to the Internet may obtain the document at <http://www.fda.gov/AdvisoryCommittees/default.htm>.

Dated: February 28, 2012.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2012-5776 Filed 3-8-12; 8:45 am]

BILLING CODE 4160-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2012-N-0001]

Preparation for International Cooperation on Cosmetics Regulations; Public Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of meeting.

SUMMARY: The Food and Drug Administration (FDA) is announcing a public meeting entitled "International Cooperation on Cosmetics Regulations (ICCR)—Preparation for ICCR-6 Meeting in Rockville, Maryland" to provide information and receive comments on the International Cooperation on Cosmetics Regulations (ICCR) as well as the upcoming meetings in Rockville, MD. The topics to be discussed are the topics for discussion at the forthcoming ICCR Steering Committee meeting. The purpose of the meeting is to solicit public input prior to the next steering committee and expert working group meetings in Rockville, MD on July 10 to 13, 2012.

Date and Time: The meeting will be held on May 15, 2012, from 2 to 4 p.m.

Location: The meeting will be held in the Washington Theater Room at the Hilton Washington DC/Rockville Hotel & Executive Meeting Center, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: All participants must register with Kimberly Franklin, Office of the Commissioner, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993, by email: Kimberly.Franklin@fda.hhs.gov or FAX: 301-595-7937.

Registration and Requests for Oral Presentations: Send registration information (including: Name, title, firm name, address, telephone, and fax number), written material and requests

to make oral presentation, to the contact person by May 9, 2012.

If you need special accommodations due to a disability, please contact Kimberly Franklin (see *Contact Person*) at least 7 days in advance.

Interested persons may present data, information, or views orally or in writing, on issues pending at the public meeting. Time allotted for oral presentations may be limited to 10 minutes. Those desiring to make oral presentations should notify the contact person by May 9, 2012, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses, telephone number, FAX and email of the proposed participants, and an indication of the approximate time requested to make their presentation.

Transcripts: Please be advised that as soon as a transcript is available, it will be accessible at <http://www.regulations.gov>. It may be viewed at the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD. A transcript will also be available in either hardcopy or on CD-ROM, after submission of a Freedom of Information request. Written requests are to be sent to Division of Freedom of Information (ELEM-1029), Food and Drug Administration, 12420 Parklawn Dr., Element Bldg. Rockville, MD 20857.

SUPPLEMENTARY INFORMATION: The purpose of the multilateral framework on the ICCR is to pave the way for the removal of regulatory obstacles to international trade while maintaining global consumer protection.

ICCR is a voluntary international group of cosmetics regulatory authorities from the: United States, Japan, the European Union, and Canada. These regulatory authority members will enter into constructive dialogue with their relevant cosmetics' industry trade associations. Currently, the ICCR members are: Health Canada; the European Directorate General for Enterprise and Industry; the Ministry of Health, Labor and Welfare of Japan; and the U.S. Food and Drug Administration. All decisions made by consensus will be compatible with the laws, policies, rules, regulations, and directives of the respective administrations and governments. Members will implement and/or promote actions or documents within their own jurisdictions and seek convergence of regulatory policies and practices. Successful implementation will require input from stakeholders.

Interested persons may present data, information, or views orally or in

writing, on issues pending at the public meeting. Time allotted for oral presentations may be limited to 10 minutes. Those desiring to make oral presentations should notify the contact person by April 22, 2011, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses, telephone number, fax, and email of proposed participants, and an indication of the approximate time requested to make their presentation.

The agenda for the public meeting will be made available on the Internet at <http://www.fda.gov/Cosmetics/InternationalActivities/ConferencesMeetingsWorkshops/InternationalCooperationonCosmeticsRegulationsICCR/default.htm>.

Dated: March 6, 2012.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2012-5744 Filed 3-8-12; 8:45 am]

BILLING CODE 4160-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney 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 Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Ancillary Studies for ISC Consortium.

Date: March 29, 2012.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Maria E. Davila-Bloom, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 758, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, (301)

594-7637, *davila-bloomm@extra.niddk.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Collaborative Interdisciplinary Team Science in NIDDK Research Areas.

Date: March 30, 2012.

Time: 11:30 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Michele L. Barnard, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 753, 6707 Democracy Boulevard, Bethesda, MD 20892-2542, (301) 594-8898, *barnardm@extra.niddk.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Collaborative Interdisciplinary Team Science R24-5.

Date: April 4, 2012.

Time: 3 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Lakshmanan Sankaran, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 755, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, (301) 594-7799, *ls38z@nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Review of R24 Applications.

Date: April 11, 2012.

Time: 11 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Barbara A Woynarowska, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 754, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, (301) 402-7172, *woynarowskab@niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Mechanisms/Treatments of Lower Urinary Tract Dysfunction After Spinal Cord Injury.

Date: June 13, 2012.

Time: 1 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Paul A. Rushing, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 747, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, (301) 594-8895, *rushingp@extra.niddk.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: March 5, 2012.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2012-5815 Filed 3-8-12; 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 Special Emphasis Panel; MBRS SCORE.

Date: March 30, 2012.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Room 3An18J, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: John J. Laffan, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3An18J, Bethesda, MD 20892, 301-594-2773, *laffanjo@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical

Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: March 5, 2012.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2012-5820 Filed 3-8-12; 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; AIDS Discovery and Therapeutics.

Date: March 22, 2012.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: St. Gregory Hotel, 2033 M Street NW., Washington, DC 20036.

Contact Person: Robert Freund, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5216, MSC 7852, Bethesda, MD 20892, 301-435-1050, *freundr@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; Molecular, Genomic, Genetics, and Evolutionary Studies.

Date: March 27, 2012.

Time: 1 p.m. to 4 p.m..

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: David J. Remondini, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2210, MSC 7890, Bethesda, MD 20892, 301-435-1038, remondid@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: HIV/AIDS Innovative Research Applications.

Date: March 28, 2012.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Mark P. Rubert, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301-435-1775, rubertm@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cancer Prevention and Therapy.

Date: April 9, 2012.

Time: 10 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Lawrence Ka-Yun Ng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6152, MSC 7804, Bethesda, MD 20892, 301-435-1719, ngkl@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: March 2, 2012.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2012-5827 Filed 3-8-12; 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; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel, March 23, 2012, 9 a.m. to March 23, 2012, 5 p.m., National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892 which was published in the **Federal Register** on February 17, 2012, FR 2012-3784.

This meeting will be held on March 21-22, 2012 instead of March 23, 2012. The meeting is closed to the public.

Dated: March 2, 2012.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2012-5822 Filed 3-8-12; 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 Special Emphasis Panel; Review of R-13 Applications.

Date: April 2, 2012.

Time: 2 p.m. to 5 p.m..

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Room 3An12F, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Helen R. Sunshine, Ph.D., Chief, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3An12F, Bethesda, MD 20892. 301-594-2881, Sunshinh-@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: March 5, 2012.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2012-5816 Filed 3-8-12; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Extension of an Existing Information Collection; Comment Request

ACTION: 60-Day notice of information collection under review; Form G-646, Sworn Statement of Refugee Applying for Admission to the United States.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until May 8, 2012.

During this 60-day period, USCIS will be evaluating whether to revise the Form G-646. Should USCIS decide to revise Form G-646 we will advise the public when we publish the 30-day notice in the **Federal Register** in accordance with the Paperwork Reduction Act. The public will then have 30 days to comment on any revisions to the Form G-646.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Department of Homeland Security (DHS), USCIS, Chief, Regulatory Products Division, 20 Massachusetts Avenue NW., Washington, DC 20529-2020. Comments may also be submitted to DHS via facsimile to 202-272-0997 or via email at rfs.regs@dhs.gov. When submitting comments by email, please make sure to add OMB Control No. 1615-0097 in the subject box.

Note: The address listed in this notice should only be used to submit comments concerning the extension of the Form G-646. Please do not submit requests for individual case status inquiries to this address. If you are seeking information about the status of your individual case, please check "My Case Status" online at <https://egov.uscis.gov/cris/Dashboard.do>, or call the USCIS National Customer Service Center at 1-800-375-5283 (TTY 1-800-767-1833).

Written comments and suggestions from the public and affected agencies concerning the collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of an existing information collection.

(2) *Title of the Form/Collection:* Sworn Statement of Refugee Applying for Admission to the United States.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form G-646; U.S. Citizenship and Immigration Services (USCIS).

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. The data collected by Form G-646 is used by USCIS to determine eligibility for the admission of the applicants to the United States as refugees.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 75,000 responses at 20 minutes (.333) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 24,975 annual burden hours.

If you need a copy of the information collection instrument, please visit the Web site at: <http://www.regulations.gov/>.

We may also be contacted at: USCIS, Regulatory Products Division, 20 Massachusetts Avenue NW., Washington, DC 20529-2020, Telephone number 202-272-8377.

Dated: March 5, 2012.

Sunday Aigbe,

Chief, Regulatory Products Division, Office of the Executive Secretariat, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2012-5717 Filed 3-8-12; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Intertek USA, Inc., as a Commercial Gauger and Laboratory

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

ACTION: Notice of accreditation and approval of Intertek USA, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Intertek USA, Inc., 109-B Freedom Boulevard, Yorktown, VA 23692, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/linkhandler/cgov/trade/automated/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf.

DATES: The accreditation and approval of Intertek USA, Inc., as commercial gauger and laboratory became effective on September 07, 2011. The next triennial inspection date will be scheduled for September 2014.

FOR FURTHER INFORMATION CONTACT: Dr. Mike McCormick, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania

Avenue NW., Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: February 29, 2012.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2012-5742 Filed 3-8-12; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Intertek USA, Inc., as a Commercial Gauger and Laboratory

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

ACTION: Notice of accreditation and approval of Intertek USA, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Intertek USA, Inc., 5401 Evergreen Ave., Jacksonville, FL 32208, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. http://cbp.gov/linkhandler/cgov/trade/automated/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf.

DATES: The accreditation and approval of Intertek USA, Inc., as commercial gauger and laboratory became effective on September 22, 2011. The next triennial inspection date will be scheduled for September 2014.

FOR FURTHER INFORMATION CONTACT: Dr. Mike McCormick, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania

Avenue NW., Suite 1500N, Washington, DC 20229, 202–344–1060.

Dated: February 29, 2012.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2012–5747 Filed 3–8–12; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Intertek USA, Inc., as a Commercial Gauger and Laboratory

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

ACTION: Notice of accreditation and approval of Intertek USA, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Intertek USA, Inc., 1145 Fourth Street, Gretna, LA 70053, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories: http://cbp.gov/linkhandler/cgov/trade/automated/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf.

DATES: The accreditation and approval of Intertek USA, Inc., as commercial gauger and laboratory became effective on August 17, 2011. The next triennial inspection date will be scheduled for August 2014.

FOR FURTHER INFORMATION CONTACT: Dr. Mike McCormick, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, 202–344–1060.

Dated: February 29, 2012.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2012–5738 Filed 3–8–12; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation of Intertek USA, Inc., as a Commercial Laboratory

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

ACTION: Notice of accreditation of Intertek USA, Inc., as a commercial laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12, Intertek USA, Inc., 15602 Jacintoport Blvd. Stolthaven Terminal, Houston, TX 77015, has been accredited to test petroleum, petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12. Anyone wishing to employ this entity to conduct laboratory analyses should request and receive written assurances from the entity that it is accredited by the U.S. Customs and Border Protection to conduct the specific test requested. Alternatively, inquiries regarding the specific test this entity is accredited to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/linkhandler/cgov/trade/automated/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf

DATES: The accreditation of Intertek USA, Inc., as commercial laboratory became effective on July 08, 2011. The next triennial inspection date will be scheduled for July 2014.

FOR FURTHER INFORMATION CONTACT: Dr. Mike McCormick, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, 202–344–1060.

Dated: February 29, 2012.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2012–5748 Filed 3–8–12; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Approval of Intertek USA, Inc., as a Commercial Gauger

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

ACTION: Notice of approval of Intertek USA, Inc., as a commercial gauger.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.13, Intertek USA, Inc., 3741 Red Bluff Road, Suite 105, Pasadena, TX 77503, has been approved to gauge petroleum, petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.13. Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger service this entity is approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/linkhandler/cgov/trade/automated/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf.

DATES: The approval of Intertek USA, Inc., as commercial gauger became effective on July 08, 2011. The next triennial inspection date will be scheduled for July 2014.

FOR FURTHER INFORMATION CONTACT: Dr. Mike McCormick, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, 202–344–1060.

Dated: February 29, 2012.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2012–5746 Filed 3–8–12; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY**U.S. Customs and Border Protection****Approval of INTERTEK USA, Inc., as a Commercial Gauger**

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

ACTION: Notice of approval of Intertek USA, Inc., as a commercial gauger.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.13, Intertek USA, Inc., 1020 Holland Sylvania Road, Holland, OH 43528, has been approved to gauge petroleum, petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.13. Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquires regarding the specific gauger service this entity is approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories: http://cbp.gov/linkhandler/cgov/trade/automated/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf.

DATES: The approval of Intertek USA, Inc., as commercial gauger became effective on July 26, 2011. The next triennial inspection date will be scheduled for July 2014.

FOR FURTHER INFORMATION CONTACT: Dr. Mike McCormick, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: February 29, 2012.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2012-5741 Filed 3-8-12; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5610-N-03]

Notice of Proposed Information Collection for Public Comment: Rental Assistance Demonstration (RAD) Application Forms

AGENCY: Office of the Assistant Secretary for Public and Indian Housing and Office of the Assistant Secretary for Housing-Federal Housing Commissioner, U.S. Department of Housing and Urban Development (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.

The Rental Assistance Demonstration allows Public Housing and Moderate Rehabilitation (Mod Rehab) properties to convert to long-term Section 8 rental assistance contracts; and Rent Supplement, Rental Assistance Payment and Mod Rehab properties upon contract expiration or termination, to convert tenant protection vouchers (TPVs) to project-based vouchers (PBVs). Participation in the initiative will be voluntary; the attached applications will be used to determine eligibility for Public Housing and Mod Rehab owners only.

DATES: *Comment Due Date:* May 8, 2012.

ADDRESSES: Interested persons are invited to submit comments regarding this proposed information collection. Comments should refer to the proposal by name/or OMB Control number and should be sent to: Colette Pollard, Departmental Reports Management Officer, QDAM, 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 email Ms. Pollard at Colette_Pollard@hud.gov. 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. (Other than the HUD USER information line and TTY numbers, telephone numbers are not toll-free.)

FOR FURTHER INFORMATION CONTACT: Arlette Mussington, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban

Development, 451 7th Street SW., (L'Enfant Plaza, Room 2206), Washington, DC 20410; telephone (202) 402-4109, (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877-8339.

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 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: Rental Assistance Demonstration (RAD) Application Forms.

OMB Control Number: 2577-New.

Description of the need for the information and proposed use: The Rental Assistance Demonstration allows Public Housing and Moderate Rehabilitation (Mod Rehab) properties to convert to long-term Section 8 rental assistance contracts; and Rent Supplement (Rent Supp), Rental Assistance Payment (RAP), and Mod Rehab properties, upon contract expiration or termination, to convert tenant protection vouchers (TPVs) to project-based vouchers (PBVs). Participation in the initiative will be voluntary. Public Housing Agencies and Mod Rehab owners interested in participating in the Demonstration are required to submit applications to HUD. HUD intends through the conversion process, to assure the physical and financial sustainability of properties and enable owners to leverage private financing to address immediate and long-term capital needs, improve operations, and implement energy efficiency improvements. The RAD applications are Excel based and will be

pre-populated with data the Department collects and maintains for each housing agency. Information collected by the applications will allow the Department to determine which applicants meet the eligibility requirements and have the capacity to successfully meet RAD's mission delineated in PIH Notice PIH-2012-18: Rental Assistance Demonstration—Partial Implementation and Request for Comments.

To review draft versions of the applications please visit the RAD Web site: www.hud.gov/rad/.

Under the Applications section follow the links provided:

Obtain Draft Application for PHAs:

http://portal.hud.gov/hudportal/documents/huddoc?id=RAD_App_PH.xlsx.

Obtain Draft Application for Owners of Mod Rehab properties: http://portal.hud.gov/hudportal/documents/huddoc?id=RAD_APP_Mod_Rehab.xlsx.

Agency form number(s), if applicable: HUD-5260 RAD Application; HUD-5261 RAD Mod Rehab Application.

Members of affected public: State, Local or Tribal Government.

Estimation of the total number of hours needed to prepare the information collection including respondents: The estimated number of respondents is 8,855 annually with one response per respondent. The average number for each response is 2 hours, for a total burden of 17,710.

Status of the proposed information collection: New Collection.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: March 5, 2012.

Merrie Nichols-Dixon,

Deputy Director, Office of Policy, Program and Legislative Initiatives.

[FR Doc. 2012-5772 Filed 3-8-12; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5601-N-10]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing

and Urban Development, 451 Seventh Street SW., Room 7266, Washington, DC 20410; telephone (202) 708-1234; TTY number for the hearing- and speech-impaired (202) 708-2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800-927-7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless v. Veterans Administration*, No. 88-2503-OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for "off-site use only" recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Theresa Ritta, Division of Property Management, Program Support Center, HHS, room 5B-17, 5600 Fishers Lane, Rockville, MD 20857; (301) 443-2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of

interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1-800-927-7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including Zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (i.e., acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: AIR FORCE: Mr. Robert Moore, Air Force Real Property Agency, 143 Billy Mitchell Blvd., San Antonio, TX 78226, (210) 925-3047; COAST GUARD: Commandant, United States Coast Guard, Attn: Jennifer Stomber, 2100 Second St. SW., Stop 7901, Washington, DC 20593-0001, (202) 475-5609; ENERGY: Mr. Mark Price, Department of Energy, Office of Engineering & Construction Management, MA-50, 1000 Independence Ave. SW., Washington, DC 20585, (202) 586-5422; GSA: Mr. John Smith, Acting Deputy Assistant Commissioner, General Services Administration, Office of Property Disposal, 18th & F Streets NW., Washington, DC 20405, (202) 501-0084; NAVY: Mr. Steve Matteo, Department of the Navy, Asset Management Division, Naval Facilities Engineering Command, Washington Navy Yard, 1330 Patterson Ave. SW., Suite 1000, Washington, DC

20374, (202) 685-9426 (These are not toll-free numbers).

Dated: March 1, 2012.

Mark R. Johnston,

Deputy Assistant Secretary for Special Needs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 03/09/2012

Suitable/Available Properties

Building

Colorado

Kitchen Center Prep

AF Academy

USAF CO 80840

Landholding Agency: Air Force

Property Number: 18201210016

Status: Underutilized

Directions: 1076 Jack's Valley Rd.

Comments: 512 sq. ft.; current use: vacant; bldg. has no heat

Kitchen Center Prep

AF Academy

USAF CO 80840

Landholding Agency: Air Force

Property Number: 18201210017

Status: Unutilized

Directions: 1077 Jack's Valley Rd.

Comments: 512 sq. ft.; current use: vacant; bldg. has no heat

Kitchen Center Prep

AF Academy

USAF CO 80840

Landholding Agency: Air Force

Property Number: 18201210018

Status: Underutilized

Directions: 1078 Jack's Valley Rd.

Comments: 512 sq. ft.; current use: vacant; bldg. has no heat

Multi-Purpose Rec Bldg.

AF Academy

USAF CO 80840

Landholding Agency: Air Force

Property Number: 18201210019

Status: Underutilized

Directions: 9024 Husted Rd.

Comments: 1,242 sq. ft.; current use: NOCA; poor conditions—need repairs; asbestos identified

Multi-Purpose Rec Bldg.

AF Academy

USAF CO 80840

Landholding Agency: Air Force

Property Number: 18201210020

Status: Unutilized

Directions: 9026 Husted Rd.

Comments: 376 sq. ft.; current use: vacant; poor conditions—need repairs

District of Columbia

West Heating Plant

1051 29th St. NW.

Washington DC 20007

Landholding Agency: GSA

Property Number: 54201140006

Status: Surplus

GSA Number: DC-497-1

Comments: REDETERMINATION: 1.97 acres; current use: industry; transferee is required to remediate significant contaminants which includes arsenic, PCBs, and benzo(a)pyrene; demolish massive equipment; and mitigate against vapor

intrusion to utilize. Contact GSA for more conditions.

New Jersey

Two Housing Units

USCG Detachment Sandy Hook

Highlands NJ 07732

Landholding Agency: Coast Guard

Property Number: 88201210002

Status: Underutilized

Directions: 141 and 142

Comments: off-site removal only; 5,262 sq. ft. each; current use: housing

Housing Unit

USCG Detachment Sandy Hook

Highlands NJ 07732

Landholding Agency: Coast Guard

Property Number: 88201210003

Status: Underutilized

Comments: off-site removal only; 12,924 sq. ft.; current use: storage

South Carolina

B-2003

Joint Base Charleston Air

JBCA SC 29404

Landholding Agency: Air Force

Property Number: 18201210009

Status: Unutilized

Directions: 103 Fighter Dr.

Comments: off-site removal only; 247 sq. ft.; current use: guard shack

B-276

Turkey Lane

JBCW SC 29445

Landholding Agency: Air Force

Property Number: 18201210010

Status: Unutilized

Comments: off site removal only; 120 sq. ft.; current use: storage; poor conditions—need repairs

B-277

Joint Base Charleston Weapons

JBCW SC 29445

Landholding Agency: Air Force

Property Number: 18201210011

Status: Unutilized

Comments: off-site removal only; 400 sq. ft.; leaking through wall and window; poor conditions—need repairs

B-245

207 Davis Dr.

JBCA SC 29404

Landholding Agency: Air Force

Property Number: 18201210012

Status: Underutilized

Comments: off-site removal only; 25,107 sq. ft.; current use: storage; bld. is dilapidated—need major repairs

B-306

101 Simpson

JBCA SC 29404

Landholding Agency: Air Force

Property Number: 18201210013

Status: Excess

Comments: off-site removal only; 4,220 sq. ft.; current use: storage; poor conditions—need repairs

B-636

205 W. Stewart Ave.

JBCA SC 29404

Landholding Agency: Air Force

Property Number: 18201210014

Status: Unutilized

Comments: off-site removal only; 4,100 sq. ft.; current use: storage; poor conditions—need repairs

B-2000

105 Fighter Dr.

JBCA SC 29404

Landholding Agency: Air Force

Property Number: 18201210015

Status: Unutilized

Comments: off-site removal only; 25,000 sq. ft.; current use: safety trng.; poor conditions—need repairs

Texas

B-9278

Lackland AFB

Lackland TX

Landholding Agency: Air Force

Property Number: 18201210031

Status: Unutilized

Comments: off-site removal only; 1,581 sq. ft.; current use: storage shed; extensive repairs needed; secured facility—need permission prior to entry

Suitable/Unavailable Properties

Building

North Carolina

Greenville Site

10000 Cherry Run Rd.

Greenville NC 27834

Landholding Agency: GSA

Property Number: 54201210002

Status: Unutilized

GSA Number: 4-2-NC-0753

Comments: 49,300 sq. ft.; current use: transmitter bldg.; possible PCB contamination; not available—existing Federal need

Unsuitable Properties

Building

Alabama

2 Bldgs.

Maxwell Air Force

Maxwell AL 36112

Landholding Agency: Air Force

Property Number: 18201210030

Status: Unutilized

Directions: B-30, B-698

Comments: national security concerns; no public access and no alternative method

Reasons: Secured Area

Florida

B-728

Eglin AFB

Eglin FL 32542

Landholding Agency: Air Force

Property Number: 18201210002

Status: Underutilized

Comments: national security concerns; no public access and no alternative method

Reasons: Secured Area

B-8850

Eglin AFB

Eglin FL 32542

Landholding Agency: Air Force

Property Number: 18201210021

Status: Underutilized

Comments: national security concerns; no public access and no alternative method

Reasons: Secured Area

B-1219

Eglin AFB

Eglin FL 32542
 Landholding Agency: Air Force
 Property Number: 18201210022
 Status: Unutilized
 Comments: national security concerns; no public access and no alternative method
 Reasons: Secured Area
 3 Bldgs.
 Eglin AFB
 Eglin FL 32542
 Landholding Agency: Air Force
 Property Number: 18201210023
 Status: Underutilized
 Directions: 729, 730, 731
 Comments: national security concerns; no public access and no alternative method
 Reasons: Secured Area
 B-609
 Eglin AFB
 Eglin FL 32542
 Landholding Agency: Air Force
 Property Number: 18201210024
 Status: Unutilized
 Comments: national security concerns; no public access and no alternative method
 Reasons: Secured Area
 2 Bldgs.
 Eglin AFB
 Eglin FL 32542
 Landholding Agency: Air Force
 Property Number: 18201210025
 Status: Underutilized
 Directions: 607, 608
 Comments: national security concerns; no public access and no alternative method
 Reasons: Secured Area
 B-606
 Eglin AFB
 Eglin FL 32542
 Landholding Agency: Air Force
 Property Number: 18201210027
 Status: Unutilized
 Comments: national security concerns; no public access and no alternative method
 Reasons: Secured Area
 5 Bldgs.
 Eglin AFB
 Eglin FL 32542
 Landholding Agency: Air Force
 Property Number: 18201210028
 Status: Underutilized
 Directions: 914, 915, 1360, 1364, 1386
 Comments: national security concerns; no public access and no alternative method
 Reasons: Secured Area
 Illinois
 B-3273
 Scott AFB
 Scott AFB IL 62225
 Landholding Agency: Air Force
 Property Number: 18201210005
 Status: Unutilized
 Comments: national security concerns; no public access and no alternative method
 Reasons: Secured Area
 Iowa
 B-1116
 Sioux Gateway Airport
 Sioux City IA 51111
 Landholding Agency: Air Force
 Property Number: 18201210003
 Status: Underutilized
 Comments: national security concerns; no public access and no alternative method

Reasons: Secured Area
 Kansas
 18 Bldgs.
 McConnell AFB
 McConnell KS 67210
 Landholding Agency: Air Force
 Property Number: 18201210001
 Status: Underutilized
 Directions: 185, 430, 490, 515, 520, 522, 732, 739, 795, 804, 810, 1090, 1103, 1110, 1167, 1336, 1346, 1501
 Comments: national security concerns; no public access and no alternative method
 Reasons: Secured Area
 Maryland
 3 Bldgs.
 Air National Guard
 Baltimore MD 21220
 Landholding Agency: Air Force
 Property Number: 18201210007
 Status: Underutilized
 Directions: 1050, 5047, 5045
 Comments: national security concerns; no public access and no alternative method
 Reasons: Secured Area
 Massachusetts
 B-3309
 Otis AFB
 Otis MA
 Landholding Agency: Air Force
 Property Number: 18201210004
 Status: Excess
 Comments: national security concerns; no public access and no alternative method
 Reasons: Secured Area
 New York
 Bldg. 0589
 Brookhaven Nat'l Lab
 Upton NY 11973
 Landholding Agency: Energy
 Property Number: 41201210003
 Status: Unutilized
 Comments: national security concerns; no public access and no alternative method
 Reasons: Secured Area
 North Dakota
 4 Bldgs.
 Grand Forks AFB
 Grand Forks ND 58205
 Landholding Agency: Air Force
 Property Number: 18201210008
 Status: Unutilized
 Directions: 219, 432, 437, 442
 Comments: national security concerns; no public access and no alternative method
 Reasons: Secured Area
 Ohio
 7 Bldgs.
 Wright-Patterson Air Force Base
 WPAFB OH 45433
 Landholding Agency: Air Force
 Property Number: 18201210033
 Status: Excess
 Directions: 10286, 10818, 11456, 20047, 20062, 20072, 20235
 Comments: National security concerns; no public access and no alternative method
 Reasons: Secured Area
 6 Bldgs.
 Wright-Patterson Air Force Base
 WPAFB OH 45433
 Landholding Agency: Air Force

Property Number: 18201210037
 Status: Excess
 Directions: 30170, 30175, 30176, 30256, 30900, 31083
 Comments: National security concerns; no public access and no alternative method
 Reasons: Secured Area
 11 Bldgs.
 Wright-Patterson Air Force Base
 WPAFB OH 45433
 Landholding Agency: Air Force
 Property Number: 18201210039
 Status: Excess
 Directions: 20250, 20440, 20440 (2554 Q Street), 20745, 22001, 22002, 30017, 30021, 30029, 30053, 30058
 Comments: National security concerns; no public access and no alternative method
 Reasons: Secured Area
 Oklahoma
 4 Bldgs.
 Altus AFB AGGN
 Altus OK 73523
 Landholding Agency: Air Force
 Property Number: 18201210034
 Status: Excess
 Directions: B-218, B-316, B-352, B-455
 Comments: National security concerns; no public access and no alternative method
 Reasons: Secured Area
 Pennsylvania
 Outdoor Swim Pool
 NSA
 Philadelphia PA
 Landholding Agency: Navy
 Property Number: 77201210002
 Status: Unutilized
 Directions: Facility No. 88
 Comments: National security concerns; no public access and no alternative method
 Reasons: Secured Area
 Texas
 5 Bldgs.
 Goodfellow AFB
 Goodfellow TX 76908
 Landholding Agency: Air Force
 Property Number: 18201210029
 Status: Excess
 Directions: 742, 744, 719, 718, 504
 Comments: National security concerns; no public access and no alternative method
 Reasons: Secured Area
 4 Bldgs.
 Joint Base San Antonio
 Ft. Sam Houston TX 78234
 Landholding Agency: Air Force
 Property Number: 18201210035
 Status: Unutilized
 Directions: B-1462, B-1281, B-1290, B-1379
 Comments: National security concerns; no public access and no alternative method
 Reasons: Secured Area
 B-1380 and B-1382
 Joint Base San Antonio
 Ft. Sam Houston TX 78234
 Landholding Agency: Air Force
 Property Number: 18201210036
 Status: Unutilized
 Comments: National security concerns; no public access and no alternative method
 Reasons: Secured Area
 3 Bldgs.
 Goodfellow AFB

Ft. Lancaster TX 76908
 Landholding Agency: Air Force
 Property Number: 18201210038
 Status: Excess
 Directions: 509, 512, 516
 Comments: National security concerns; no public access and no alternative method
 Reasons: Secured Area
 [FR Doc. 2012-5426 Filed 3-8-12; 8:45 am]
BILLING CODE 4210-67-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORE00000
 L63500000.DO0000.LXSS021H0000.HAG11-XXXX]

Notice of Intent To Revise Resource Management Plans and an Associated Environmental Impact Statement for Six Western Oregon Districts of the Bureau of Land Management

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended, and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) Oregon State Office, Portland, Oregon, intends to revise six Resource Management Plans (RMPs) with a single associated Environmental Impact Statement (EIS) for the Western Oregon Planning Area and by this notice is announcing the beginning of the scoping process to solicit public comments and identify issues. The Western Oregon Planning Area consists of the Coos Bay District, Eugene District, Medford District, Roseburg District, Salem District, and the Klamath Falls Resource Area of the Lakeview District. Although this document identifies the scale of planning as six RMPs with a single EIS, public input is being sought on whether a different approach to scale—such as by district, region, or type of forest—should be considered.

DATES: This notice initiates the public scoping process for the RMP and associated EIS. Comments on issues may be submitted in writing until June 7, 2012. The BLM has not yet scheduled public meetings for this plan revision. The date(s) and location(s) of any scoping meetings will be announced at least 15 days in advance through local media, newspapers, and the BLM Web site at: <http://www.blm.gov/or/plans/>. In order to be included in the Draft EIS, all comments must be received prior to the close of the 90-day scoping period or 30 days after the last public meeting, whichever is later. The BLM will

provide additional opportunities for public participation and comment upon publication of the Draft EIS.

ADDRESSES: You may submit comments on issues and planning criteria related to the Western Oregon RMPs/EIS by any of the following methods:

- **Web site:** <http://www.blm.gov/or/plans>.
- **Email:**
BLM_OR_Forestry_Plan@blm.gov.
- **Fax:** 503-808-6333.
- **Mail:** P.O. Box 2965, Portland, Oregon 97208.

Documents pertinent to this proposal may be examined at the Oregon State Office, Public Room, 333 SW. 1st Avenue, Portland, OR 97204.

FOR FURTHER INFORMATION CONTACT:

And/or to have your name added to our mailing list, contact Michael Campbell, Western Oregon RMP Outreach Coordinator, telephone 503-808-6031; address P.O. Box 2965, Portland, Oregon 97208; email

BLM_OR_Forestry_Plan@blm.gov.

Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: This document provides notice that the BLM State Office, Portland, Oregon, intends to revise six RMPs with an associated EIS for the Western Oregon Planning Area, announces the beginning of the scoping process, and seeks public input on issues and planning criteria. The purpose of the public scoping process is to determine the scope of issues to be addressed by the environmental analysis, including alternatives, and the significant issues related to the planning process. The planning area for the RMPs includes approximately 2,550,000 acres of BLM-administered lands and 69,000 acres of split-estate, where the BLM only manages the Federal mineral estate.

The Federal Land Policy and Management Act of 1976 (FLPMA) requires the development, maintenance, and revision of land use plans. The vast majority of the BLM-administered lands in the planning area are Revested Oregon and California Railroad (O&C) lands, or Reconveyed Coos Bay Wagon Road (CBWR) lands, and are managed under the statutory authority of the Oregon and California Revested Railroad Lands Act of 1937 (O&C Act, Pub. L. 75-405) and FLPMA (43 U.S.C.

1701 *et seq.*). Preparation of the RMPs and EIS will conform to the above land management laws and will also comply with other Federal laws, including, but not limited to the Endangered Species Act (ESA), the Clean Water Act, and the National Environmental Policy Act. Congress, in 1866, established a land grant to promote the completion of the Oregon and California Railroad from Portland, Oregon, to San Francisco, California. In 1916, Congress revested, or brought back into Federal ownership, the title to approximately 2.2 million acres of land deeded to the Oregon and California Railroad after the company violated the terms of the land grant. Congress revested about 93,000 acres of Coos Bay Wagon Road lands to the United States due to similar circumstances in 1919. The O&C Act of 1937 placed management jurisdiction of these lands under the United States Department of the Interior.

In 1994, the Departments of the Interior and Agriculture (USDA) adopted the Northwest Forest Plan (NWFP) to provide coordinated management direction for the lands administered by the BLM and the USDA's Forest Service and to adopt complimentary approaches of other Federal agencies within the range of the northern spotted owl. The NWFP included a coordinated, comprehensive ecosystem management strategy, the purpose of which was to meet dual needs: The need for long-term health of forest habitat and the need for a steady supply of forest products.

The six western Oregon BLM districts completed RMPs in 1995 that incorporated the land use allocations and Standards and Guidelines from the NWFP. In 2008, the BLM completed RMP revisions for the six western Oregon districts. Pending litigation seeks vacatur of the 2008 RMPs. The BLM intends to revise its RMPs notwithstanding the pending litigation.

The U.S. Fish and Wildlife Service (FWS) issued a revised recovery plan for the northern spotted owl on June 28, 2011. The plan contains recommendations for retaining and restoring owl habitat in Federal, State and private forestland. The FWS anticipates revising its critical habitat designation for the northern spotted owl and issuing a proposed rule in February 2012.

The FWS completed a recovery plan for the marbled murrelet in 1997 and revised its critical habitat for the marbled murrelet in October 2011. On August 22, 2011, the National Oceanic and Atmospheric Administration (NOAA) Fisheries Service adopted a final ESA recovery plan for upper

Willamette Chinook salmon and steelhead.

The revisions to the existing RMPs will determine how the BLM will actively manage BLM-administered lands in western Oregon to further recovery of threatened and endangered species, provide clean water, restore fire-adapted ecosystems, produce a sustained yield of timber products, and provide for recreation opportunities.

Through the public participation process, the BLM will work with interested parties to identify the most appropriate management direction for BLM-administered lands in western Oregon in accordance with the provisions of relevant laws and considering local, regional, and national interests. The first step in this process is formal public scoping which will help identify planning issues and provide an opportunity to receive public comment on the scope of planning, and proposed planning criteria.

Planning issues are disputes or controversies about existing and potential land and resource allocations, levels of resource use, production, and related management practices. Issues include resource use, development, and protection opportunities for consideration in the preparation of RMPs. These issues may stem from new information or changed circumstances, and the need to reassess the appropriate mix of allowable uses. In considering these issues, the BLM is seeking to explore how its discretion under the various laws that guide resource management will be exercised with regard to the intensity and frequency of forest management at a landscape scale to meet a sustainable supply of forest products, recovery of listed species, and watershed management on BLM-administered lands suitable for timber harvest. Planning issues will be addressed in the alternatives set forth in the RMP/EIS. The BLM has identified the following preliminary planning issues which may be refined as a result of future public participation opportunities, collaborative efforts, and comments received during scoping:

- Vegetation—How should BLM-administered lands be managed, both temporally and spatially, to provide a sustainable supply of wood and other forest products that contribute to the economic stability of communities?
- Habitat—How should the BLM-administered lands be managed to contribute to the recovery of threatened and endangered species and provide for other rare and little known late-successional associated species?
- Watershed management and water quality—How should BLM-

administered lands be managed to contribute to restoring and maintaining the chemical physical and biological integrity of the Nation's waters, as well as to a safe drinking water supply?

- Wildland fire and fuels—How should BLM-administered lands be managed to reduce the risk of wildfires to communities and integrate fire back into the ecosystem?
- Economics and Community Support—How should BLM-administered-lands be managed to contribute to local economies?
- Off-highway vehicle management and public access—How should the BLM-administered lands be managed to meet the demand for off-highway vehicle use while protecting other resources and recreation uses? How should transportation networks to and across the BLM-administered lands be evaluated?

The BLM has also identified preliminary planning criteria to guide the development of the RMPs. These criteria may be modified or other criteria identified after the public scoping process. The public is invited to comment on the following preliminary planning criteria:

- Lands addressed in the RMP will be public lands (including split estate lands) administered by the BLM;
- The BLM will protect resources in accordance with FLPMA and other applicable laws and regulations;
- The BLM will examine options for the scope and scale of the plan revisions for the six western Oregon districts including, but not limited to a singular RMP, district-by-district RMPs, or wet versus dry forests RMPs;
- The BLM will consider and coordinate land use plan decisions to be consistent with existing plans and policies of local, state, Federal, and tribal agencies to the extent those plans and policies are consistent with the purposes, policies, and programs of Federal laws and regulations;
- The BLM will consider applicable recovery actions contained in the FWS and NOAA Fisheries Service recovery plans and will also consider critical habitat for threatened and endangered species;
- The BLM will consider how to manage BLM-administered lands that contain wilderness characteristics;
- Where existing planning decisions are still valid, those decisions may remain unchanged and incorporated into the new RMP;
- The plans will recognize valid existing rights;
- The BLM will consider withholding lands with important resource values and/or significant levels of investment

from mineral leasing and withdrawing lands from mineral location

- Native American tribal consultations will be conducted in accordance with policy and tribal concerns will be given due consideration. The planning process will include the consideration of any impacts on Indian trust assets;
- Alternatives will be designed to meet the purpose and need for the plan, resolve planning issues, and comply with existing laws.

You may submit comments on issues and planning criteria in writing to the BLM at any public scoping meeting, or you may submit them to the BLM using one of the methods listed in the **ADDRESSES** section above. To be most helpful, you should submit comments by the close of the 90-day scoping period or within 30 days after the last public meeting, whichever is later. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask 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 minutes and list of attendees for each scoping meeting will be available to the public and open for 30 days after the meeting to any participant who wishes to clarify the views he or she expressed. The BLM will evaluate identified issues to be addressed in the plan and will place them into one of three categories:

1. Issues to be resolved in the plan;
2. Issues to be resolved through policy or administrative action; or
3. Issues beyond the scope of this plan.

The BLM will provide an explanation in the Draft RMP/Draft EIS as to the disposition of proposed issues. The public is also encouraged to help identify any management questions and concerns that should be addressed in the plan. The BLM will work collaboratively with interested parties to identify the management decisions that are best suited to local, regional, and national needs and concerns.

The BLM will use an interdisciplinary approach to develop the plan in order to consider the variety of resource issues and concerns identified. Specialists with expertise in the following disciplines will be involved in the planning process: Timber, wildlife and fisheries, economics, botany, climate change/carbon sequestration, lands and realty, hydrology, soils, cultural

(including tribal), archeology, recreation, fire and fuels management, energy, roads, grazing and wild horses, and geographic information systems.

As part of this RMP process, the BLM will analyze areas for potential designation as Areas of Critical Environmental Concern (ACEC) in accordance with 43 CFR 1610.7-2. Public nominations for potential ACECs to be considered in these revisions must be made by June 7, 2012.

Edward W. Shepard,

State Director, Oregon/Washington, Bureau of Land Management.

[FR Doc. 2012-5641 Filed 3-8-12; 8:45 am]

BILLING CODE 4310-33-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CACA-051552, LLCAD0700 L51010000 FX0000 LVRWB10B3980]

Notice of Availability of a Final Environmental Impact Statement and Final Environmental Impact Report for the Pattern Energy Group's Ocotillo Express Wind Energy Project and Proposed California Desert Conservation Area Land Use Plan Amendment, Imperial County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM) has prepared a Proposed California Desert Conservation Area (CDCA) Plan Amendment (PA)/Final Environmental Impact Statement (EIS) and Final Environmental Impact Report (EIR) for the Ocotillo Express Wind Energy Facility (OWEF) and by this notice is announcing the availability of the Proposed PA and Final EIS/EIR.

DATES: BLM planning regulations state that any person who meets the conditions as described in the regulations may protest the BLM's Proposed PA. A person who meets the conditions and files a protest must file the protest within 30 days of the date that the Environmental Protection Agency (EPA) publishes its notice in the **Federal Register**. The Record of Decision (ROD) on the OWEF and PA will be issued no sooner than 30 days after the release of the Final EIS.

ADDRESSES: Copies of the Proposed PA and Final EIS/EIR have been sent to

affected Federal, state, and local government agencies and to other stakeholders. Copies of the Proposed PA and Final EIS/EIR are also available for public inspection at the BLM El Centro Field Office, 1661 S. 4th Street, El Centro, California 92243 and the BLM California Desert District Office, 22835 Calle San Juan de Los Lagos, Moreno Valley, California 92553. Interested persons may also review the Proposed PA and Final EIS/EIR at the following Web site: <http://www.ca.blm.gov/elcentro>.

All protests of the BLM's Proposed PA must be in writing and mailed to one of the following addresses:

Regular Mail: BLM Director (210), Attention: Brenda Williams, P.O. Box 71383, Washington, DC 20024-1383.
Overnight Mail: BLM Director (210), Attention: Brenda Williams, 20 M Street SE., Room 2134LM, Washington, DC 20003.

FOR FURTHER INFORMATION CONTACT:

Cedric Perry, BLM Project Manager, telephone (951) 697-5388; address 22835 Calle San Juan De Los Lagos, Moreno Valley, CA 92553; email Cedric_Perry@ca.blm.gov. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at (800) 877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: Ocotillo Express, LLC (Applicant), a subsidiary of Pattern Energy Group, LP, has submitted an application for a right-of-way (ROW) authorization to construct, operate, maintain, and decommission an approximately 12,436 acre, up to 456 megawatt (MW), wind energy project including up to 155 wind turbine generators; a substation; administration, operations and maintenance facilities; transmission lines; and temporary construction lay down areas. The BLM's purpose and need for the OWEF is to respond to the Applicant's application under Title V of the Federal Lands Policy and Management Act of 1976 (FLPMA) for a ROW grant to construct, operate, maintain, and decommission a wind energy facility on public lands in compliance with FLPMA, BLM ROW regulations, and other applicable Federal laws. The BLM will decide whether to grant, grant with modification, or deny a ROW to the Applicant for the proposed OWEF. In connection with its processing of the ROW application for the OWEF, the

BLM will also amend the CDCA Plan as applicable, depending on its decision on the ROW grant. The CDCA Plan, while recognizing the potential compatibility of wind energy generation facilities with other uses on public lands, requires that all sites proposed for power generation or transmission not identified in the CDCA Plan be considered through the plan amendment process. Therefore, in connection with its review of the OWEF, the BLM is also proposing to amend the CDCA Plan to designate the project area as either available or unavailable for wind energy development, as appropriate.

In addition to the proposed action and a no action alternative, the BLM analyzed a 137-turbine alternative, a 105-turbine alternative, and "no project" alternatives that reject the ROW application for the OWEF but amend the CDCA Plan to make the project area either:

- (1) Available for future wind energy generation projects; or
- (2) Unavailable for future wind energy generation projects.

Based on information developed during the government-to-government and National Historic Preservation Act Section 106 consultations for the OWEF, the Applicant proposed that BLM consider a new project configuration that eliminates 43 of the 155 turbines proposed under the Proposed Action (the "Refined Project"). Under the Refined Project configuration, only 112 wind turbines generators would be approved and installed. Those 112 turbines would be located on a subset of the 155 turbines sites evaluated under the Proposed Action in the Draft EIS/EIR. The Refined Project is identified as the preferred alternative in the Final EIS/EIR. The BLM has determined that it is within the range of alternatives analyzed in the Draft EIS/EIR.

The Final EIS/EIR evaluates the potential impacts of the proposed OWEF and alternatives on air quality, biological resources, cultural resources, water resources, geological resources and hazards, land use, noise, paleontological resources, public health, socioeconomics, soils, traffic and transportation, visual resources, wilderness characteristics, and other resources.

A Notice of Intent to Prepare an EIS/EIR for the OWEF project was published in the **Federal Register** on December 13, 2010 [75 FR 77654]. The BLM held two public scoping meetings in El Centro and Ocotillo, California, on January 5 and 6, 2011, respectively. The formal scoping period ended on February 4, 2011. A Notice of Availability of the Draft EIS/EIR was published in the

Federal Register on July 8, 2011, and the BLM along with Imperial County held two public meetings on the Draft EIS/EIR on August 24, 2011, in El Centro, and on August 25, 2011, in Ocotillo.

Comments on the Draft PA and EIS/EIR received from the public and internal BLM review were considered and incorporated as appropriate into the Proposed PA and Final EIS/EIR. Public comments resulted in the addition of clarifying text and modification of the preferred alternative but did not significantly change the analysis.

Instructions for filing a protest with the Director of the BLM regarding the Proposed PA may be found in the "Dear Reader" letter of the Proposed PA and Final EIS/EIR and at 43 CFR 1610.5-2. Emailed and faxed protests will not be accepted as valid protests unless the protesting party also provides the original letter by either regular or overnight mail postmarked by the close of the protest period. Under these conditions, the BLM will consider the email or faxed protest as an advance copy and it will receive full consideration. If you wish to provide the BLM with such advance notification, please direct faxed protests to the attention of the BLM protest coordinator at (202) 912-7212, and emails to Brenda_Hudgens-Williams@blm.gov.

All protests, including the follow-up letter to emails or faxes, must be in writing and mailed to the appropriate address, as set forth in the **ADDRESSES** section above.

Before including your phone number, email address, or other personal identifying information in your protest, you should be aware that your entire protest—including your personal identifying information—may be made publicly available at any time. While you can ask us in your protest to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1506.6 and 1506.10; 43 CFR 1610.2 and 1610.5

Thomas Pogacnik,
Deputy State Director, California.

[FR Doc. 2012-5703 Filed 3-8-12; 8:45 am]

BILLING CODE 4310-40-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLMT922200-12-L13100000-FI0000-P;NDM 90965 and NDM 90966]

Notice of Proposed Reinstatement of Terminated Oil and Gas leases NDM 90965 and NDM 90966

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Per 30 U.S.C. 188(d), Oasis Petroleum North America LLC timely filed a petition for reinstatement of competitive oil and gas leases NDM 90965 and NDM 90966, McKenzie County, North Dakota. The lessee paid the required rentals accruing from the date of termination.

No leases were issued that affect these lands. The lessee agrees to new lease terms for rentals and royalties of \$10 per acre and 16⅔ percent. The lessee paid the \$500 administration fee for the reinstatement of each lease and \$163 cost for publishing this Notice.

The lessee met the requirements for reinstatement of the leases per Sec. 31 (d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188). We are proposing to reinstate the leases, effective the date of termination subject to:

- The original terms and conditions of the leases;
- The increased rental of \$10 per acre;
- The increased royalty of 16⅔ percent; and
- The \$163 cost of publishing this Notice.

FOR FURTHER INFORMATION CONTACT: Teri Bakken, Chief, Fluids Adjudication Section, Bureau of Land Management Montana State Office, 5001 Southgate Drive, Billings, Montana 59101-4669, 406-896-5091, Teri_Bakken@blm.gov.

Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

Teri Bakken,
Chief, Fluids Adjudication Section.

[FR Doc. 2012-5709 Filed 3-8-12; 8:45 am]

BILLING CODE 4310-DN-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLIDT03000 LF20000ES.JS0000 LFESFTF60000]

Notice of Temporary Closure on Public Lands in Gooding and Elmore Counties, ID

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of temporary closure.

SUMMARY: Notice is hereby given that the Blair Fire closure to motorized vehicle use is in effect on public lands administered by the Four Rivers and Shoshone Field Offices, Bureau of Land Management (BLM).

DATES: The closure will be in effect on the date this notice is published in the **Federal Register** and will remain in effect until September 5, 2013, or until rescinded or modified by an authorized officer.

FOR FURTHER INFORMATION CONTACT: Terry Humphrey, Four Rivers Field Manager, at 3948 Development Avenue, Boise, Idaho 83705, via email at thumphrey@blm.gov, or phone (208) 384-3430 or Ruth Miller, Shoshone Field Manager, at 400 West F St., Shoshone, Idaho 83352, via email at ramiller@blm.gov, or phone (208) 732-7227. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at (800) 877-8339 to contact the above individuals during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individuals. You will receive a reply during normal hours.

SUPPLEMENTARY INFORMATION: The Blair Fire motorized closure affects public lands burned August 15, 2011, by the Blair Fire, 1 mile north of King Hill, Idaho. The legal description of the affected public lands is:

Boise Meridian, Idaho

- T. 3 S., R. 10 E.,
Sec. 35.
- T. 4 S., R. 10 E.,
Secs. 1 and 2;
Secs. 12 to 15, inclusive;
Sec. 17;
Secs. 20 to 28, inclusive;
Secs. 33 to 35, inclusive.
- T. 5 S., R. 10 E.,
Secs. 3 and 4.
- T. 3 S., R. 11 E.,
Secs. 31 and 33.
- T. 4 S., R. 11 E.,
Secs. 3 to 15, inclusive;
Secs. 17 to 35, inclusive.

The areas described contain approximately 35,551.84 acres in Elmore County.

Boise Meridian, Idaho

T. 4 S., R. 12 E.,
Secs. 16 to 22, inclusive;
Secs. 27 to 30, inclusive.
T. 5 S., R. 12 E.,
Secs. 4 and 6.

The areas described contain approximately 8,312.02 acres in Gooding County. The Blair Fire motorized vehicle closure will support several post-fire stabilization and rehabilitation objectives as set forth in the environmental assessments for the 2005 Boise District Fire Emergency Stabilization and Rehabilitation Plan and the 2005 Shoshone and Burley Normal Fire Rehabilitation Plan: (1) Allow burned areas to re-establish a vegetative cover, which protects the soil from erosion and provides for moisture retention; (2) allow seeded shrub, forb, and grass species to become established; (3) allow remaining plants to recover from the effects of the fire; and (4) help slow the spread of noxious weeds. In addition, the closure will help ensure the long-term viability of slickspot peppergrass, a species listed as threatened under the Endangered Species Act. Slickspots, which provide potential habitat for slickspot peppergrass, are particularly susceptible to damage from motorized vehicles under post-fire conditions.

The closure will also help ensure the long-term viability of habitat for wildlife populations in the area by protecting key year-round sage-grouse habitat and crucial winter habitat for mule deer, which suffered significant losses in the Blair Fire. For the duration of the closure, cross-country motorized use is prohibited. The BLM, Walker Reservoir, and Lower Hog Creek roads that access the burn area will be open from June 1 through December 31, 2012, and from June 1 through September 5, 2013. At all times, the area will be open for mechanized vehicles, pedestrians, equestrian riders, and other non-motorized transport.

The BLM will post closure signs at main entry points to the closed areas and/or other locations on-site. This closure will be posted in the Boise District and Twin Falls District BLM offices. Maps of the affected area and other documents associated with this closure are available at 3948 Development Avenue, Boise, Idaho 83705 and 2536 Kimberly Road, Twin Falls, Idaho 83301.

Under the authority of Section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C.

1733(a)), 43 CFR 8360.0–7, and 43 CFR 8364.1, the BLM will enforce the following rules within the Blair Fire closure:

Motorized vehicles may not be used in the closed area except during the stated periods and over the designated routes described above.

Exemptions: The following persons are exempt from this order: Federal, State, and local officers and employees in the performance of their official duties; members of organized rescue or fire-fighting forces in the performance of their official duties; and persons with written authorization from the BLM.

Penalties: Any person who violates the above rule may be tried before a United States Magistrate and fined no more than \$100,000, imprisoned for no more than 12 months, or both. Violators may also be subject to the enhanced fines provided for in 18 U.S.C. 3571.

Authority: 43 CFR 8364.1.

Ruth Miller,
Shoshone Field Manager.

Matthew McCoy,
Acting Four Rivers Field Manager.
[FR Doc. 2012–5707 Filed 3–8–12; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–ROMO–1201–8979; 1526–0002–630]

Grand Ditch Breach Restoration Draft Environmental Impact Statement, Rocky Mountain National Park, CO

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of Availability of the Draft Environmental Impact Statement for the Grand Ditch Breach Restoration, Rocky Mountain National Park.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), the National Park Service announces the availability of a Draft Environmental Impact Statement for the Grand Ditch Breach Restoration, Rocky Mountain National Park, Colorado. The purpose of this environmental impact statement is to guide management actions in the park to restore the hydrological processes, ecological services, and wilderness character of the area in the Upper Kawuneeche Valley impacted by the 2003 Grand Ditch breach. The National Park Service is obligated by law and policy to maintain and restore, to the extent possible, the natural conditions and processes in park units (NPS Management Policies 2006, section

4.1.5). The following objectives for restoring the area impacted by the 2003 Grand Ditch breach are identified in the environmental impact statement: restore appropriate stream and groundwater processes, restore appropriate native plant communities, restore the stability of the hillside below the breach site, restore wilderness character, restore wildlife habitat, restore aquatic habitat, and restore water quality in the affected area and downstream. Five alternatives are being considered: Alternative A, “the no action alternative,” would continue current management activities within the impacted area, following existing management policies and NPS guidance. Alternative B, minimal restoration, would emphasize less intensive management activity to restore portions of the impacted area. This alternative would focus actions on areas that are unstable and present a high potential of continued degradation of existing ecosystem resources and services. Management activities would be conducted using hand tools to reduce impact on wilderness character. This alternative would include stabilization of zone 1A, the road-cut hillside immediately below the Grand Ditch, under one of two stabilization options. Alternative C, high restoration, would involve more intensive management actions over large portions of the impacted area. This alternative would focus actions on unstable areas that present a high to moderate potential of continued degradation of existing ecosystem resources and services. Restoration methods would be used to stabilize banks, slopes, and disturbed areas; to improve channel stability in portions of Lulu Creek and the Colorado River; and to reduce sediment transport over a larger portion of the project area. This alternative would involve the use of heavy equipment and possibly reusing excavated debris for restoration and stabilization actions both within and between zones. This alternative would include stabilization of zone 1A under one of two stabilization options. Alternative D, the preferred alternative, would emphasize the removal of large debris deposits in the alluvial fan area and in the Lulu City wetland. Actions would be conducted to stabilize limited areas of unstable slopes and banks throughout the upper portions of the restoration area. Hydrology through the Lulu City wetland would be restored in the historical central channel through removal of large deposits of debris, relying on the historical channel to transport river flow. Small-scale motorized equipment would be employed for stabilization and

revegetation activities, while larger equipment would be employed for excavation of large debris deposits and reconfiguration of the Colorado River through the Lulu City wetland. This alternative would include stabilization of zone 1A under the preferred option, option 1. Alternative E, maximum restoration, would involve extensive management activity and use of motorized equipment over large portions of the impacted area to restore the damage. Engineered solutions would be used to stabilize banks and slopes to approximate pre-breach contours and to reduce transport of sediments over a larger portion of the impacted area. Extensive changes would be made to the Colorado River channel to route the river to its historical alignment through the center of the Lulu City wetland. To facilitate movement of heavy mechanized equipment and excavated debris from the wetland to upland disposal areas, a temporary haul road would be constructed. This alternative would include stabilization of zone 1A under one of two stabilization options. All action alternatives would have substantial beneficial impacts to wilderness character; surface and groundwater hydrology; stream channel, floodplain and wetland morphology and function; water quality; riparian and wetland communities; aquatic habitat; visitor experience; and long-term resource productivity.

DATES: The National Park Service will accept comments on the Draft Environmental Impact Statement from the public for 60 days after the date the Environmental Protection Agency publishes this Notice of Availability. No public meetings are scheduled at this time.

ADDRESSES: Information will be available for public review and comment online at <http://parkplanning.nps.gov/romo>, in the office of the Superintendent, Vaughn Baker, 1000 US Highway 36 Estes Park, CO 80517-8397, 970-586-1200 and from the Public Information Office, Rocky Mountain National Park, 1000 US Highway 36, Estes Park, Colorado 80517-8397.

FOR FURTHER INFORMATION CONTACT: Public Information Office, Rocky Mountain National Park, 1000 US Highway 36, Estes Park, Colorado 80517-8397, (970) 586-1206, romo_information@nps.gov.

SUPPLEMENTARY INFORMATION: If you wish to comment on any other issues associated with the Grand Ditch Breach Restoration EIS, you may submit your comments by any one of several

methods. You may mail comments to: Superintendent, Rocky Mountain National Park, Estes Park, CO 80517-8397. You may also comment via the Internet at <http://parkplanning.nps.gov/romo>. You can email comments to romo_superintendent@nps.gov. Finally, you may hand-deliver comments to: Rocky Mountain National Park Headquarters, 1000 US Highway 36, Estes Park, Colorado 80517-8397 or to Kawuneeche Visitor Center, Rocky Mountain National Park, 16018 Highway 34, Grand Lake, CO 80447. Before including your address, phone number, email 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.

Dated: November 23, 2011.

John Wessels,

Director, Intermountain Region.

[FR Doc. 2012-5696 Filed 3-8-12; 8:45 am]

BILLING CODE 4310-D8-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-NCR-NACA-0112-9309; 3086-SYM]

Notice of Meeting, National Capital Memorial Advisory Commission

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the National Capital Memorial Advisory Commission (the Commission) will meet at the National Building Museum, Room 312, 401 F Street NW., Washington, DC, on Thursday, March 29, 2012, at 1 p.m., to consider matters pertaining to commemorative works in the District of Columbia and its environs.

DATES: Thursday, March 29, 2012.

ADDRESSES: National Building Museum, Room 312, 401 F Street NW., Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Ms. Nancy Young, Secretary to the Commission, by telephone at (202) 619-7097, by email at

nancy_young@nps.gov, by telefax at (202) 619-7420, or by mail at the National Capital Memorial Advisory Commission, 1100 Ohio Drive SW., Room 220, Washington, DC 20242.

SUPPLEMENTARY INFORMATION: The Commission was established by Public Law 99-652, the Commemorative Works Act (40 U.S.C. Chapter 89 et seq.), to advise the Secretary of the Interior (the Secretary) and the Administrator, General Services Administration, (the Administrator) on policy and procedures for establishment of, and proposals to establish, commemorative works in the District of Columbia and its environs, as well as such other matters as it may deem appropriate concerning commemorative works.

The Commission examines each memorial proposal for conformance to the Commemorative Works Act, and makes recommendations to the Secretary and the Administrator and to Members and Committees of Congress. The Commission also serves as a source of information for persons seeking to establish memorials in Washington, DC, and its environs.

The members of the Commission are as follows:

Director, National Park Service.

Administrator, General Services Administration.

Chairman, National Capital Planning Commission.

Chairman, Commission of Fine Arts.

Mayor of the District of Columbia.

Architect of the Capitol.

Chairman, American Battle Monuments Commission.

Secretary of Defense.

The purpose of the meeting is to review the design concept for the Vietnam Veterans Memorial Visitor Center. The meeting will begin at 1 p.m. and is open to the public. Persons who wish to file a written statement or testify at the meeting or who want further information concerning the meeting may contact Ms. Nancy Young, Secretary to the Commission. Before including your address, phone number, email 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.

Dated: February 7, 2012.

Stephen E. Whitesell,

Regional Director, National Capital Region.

[FR Doc. 2012-5693 Filed 3-8-12; 8:45 a.m.]

BILLING CODE 4312-JK-P

DEPARTMENT OF THE INTERIOR**National Park Service**

[NPS–WASO–NRNHL–0212–9677; 2280–665]

Landmarks Committee of the National Park System Advisory Board Meeting

AGENCY: National Park Service.

ACTION: Notice of Meeting.

SUMMARY: Notice is hereby given in accordance with the Federal Advisory Committee Act [5 U.S.C. Appendix (1988)], that a meeting of the Landmarks Committee of the National Park System Advisory Board will be held beginning at 10 a.m. on May 15, 2012, at the following location. The meeting will continue beginning at 9 a.m. on May 16, 2012.

DATES: May 15, 2012, at 10 a.m.; May 16 at 9 a.m.

Location: The Charles Sumner School Museum and Archives, 3rd Floor, The Richard L. Hurlbut Memorial Hall, 1201 17th Street NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT:

Patricia Henry, National Historic Landmarks Program, National Park Service, 1849 C Street NW., (2280), Washington, DC 20240; Telephone (202) 354–2216; Email: Patty_Henry@nps.gov.

SUPPLEMENTARY INFORMATION: The purpose of the meeting of the Landmarks Committee of the National Park System Advisory Board is to evaluate nominations of historic properties in order to advise the National Park System Advisory Board of the qualifications of each property being proposed for National Historic Landmark (NHL) designation, and to make recommendations regarding the possible designation of those properties as National Historic Landmarks to the National Park System Advisory Board at a subsequent meeting at a place and time to be determined. The Committee also makes recommendations to the National Park System Advisory Board regarding amendments to existing designations and proposals for withdrawal of designation. The members of the Landmarks Committee are:

Mr. Ronald James, Chair, Dr. James M. Allan, Dr. Cary Carson, Dr. Darlene Clark Hine, Mr. Luis Hoyos, AIA, Dr. Barbara J. Mills, Dr. William J. Murtagh, Dr. Franklin Odo, Dr. William D. Seale, Dr. Michael E. Stevens.

The meeting will be open to the public. Pursuant to 36 CFR part 65, any member of the public may file, for consideration by the Landmarks Committee of the National Park System

Advisory Board, written comments concerning the National Historic Landmarks nominations, amendments to existing designations, or proposals for withdrawal of designation.

Comments should be submitted to J. Paul Loether, Chief, National Register of Historic Places and National Historic Landmarks Program, National Park Service, 1849 C Street NW. (2280), Washington, DC 20240; Email: Paul.Loether@nps.gov.

Before including your address, phone number, email 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 National Park System Advisory Board and its Landmarks Committee may consider the following nominations:

Nominations*California*

- KNIGHT'S FERRY BRIDGE, Stanislaus County, CA
- U.S. COURT HOUSE AND POST OFFICE (COURT HOUSE FOR THE SOUTHERN DISTRICT OF CALIFORNIA), Los Angeles, CA
- U.S. POST OFFICE AND COURT HOUSE (JAMES R. BROWNING U.S. COURT OF APPEALS), San Francisco, CA

Colorado

- DENVER CIVIC CENTER, Denver, CO
- SANGRE DE CRISTO LAND GRANT HISTORIC DISTRICT, Costilla County, CO

Kansas

- BLACK JACK BATTLEFIELD, Douglas County, KS

Kentucky

- CAMP NELSON HISTORIC AND ARCHEOLOGICAL DISTRICT, Jessamine County, KY

New Jersey

- CAMP EVANS SIGNAL LABORATORY, Wall Township, NJ

New Mexico (also in Colorado)

- DENVER & RIO GRANDE RAILROAD SAN JUAN EXTENSION (CUMBRES & TOLTEC SCENIC RAILROAD), CO and NM

New York

- ADMIRAL FARRAGUT GRAVESITE, New York, NY

- HISPANIC SOCIETY OF AMERICA COMPLEX, New York, NY

Ohio

- DR. BOB'S HOME (DR. ROBERT AND ANNE SMITH HOUSE), Akron, OH

Pennsylvania

- HISTORIC MORAVIAN BETHLEHEM HISTORIC DISTRICT, Bethlehem, PA

Puerto Rico

- BACARDI DISTILLERY HISTORIC DISTRICT, Cataño, PR

Virginia

- HUMPBACK BRIDGE, Alleghany County, VA

Proposed Amendments to Existing Designations

- HAMILTON GRANGE, New York, NY (updated documentation and boundary revision).

Dated: February 29, 2012.

J. Paul Loether,

Chief, National Register of Historic Places and National Historic Landmarks Program, National Park Service, Washington, DC

[FR Doc. 2012–5723 Filed 3–8–12; 8:45 am]

BILLING CODE 4312–51–P

DEPARTMENT OF THE INTERIOR**National Park Service**

[NPS–WASO–NRNHL–0212–9636; 2200–3200–665]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before February 18, 2012. Pursuant to section 60.13 of 36 CFR Part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation. Comments may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th floor, Washington DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by March 26, 2012. Before including your address, phone number, email address, or other personal identifying information in your comment, you

should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

J. Paul Loether,
Chief, National Register of Historic Places/
National Historic Landmarks Program.

CALIFORNIA

Los Angeles County

Fox Wilshire Theatre, 8440 Wilshire Blvd., Beverly Hills, 12000164

DELAWARE

New Castle County

Stockton—Montmorency, 1700 Walnut Green Rd., Greenville, 12000165

GEORGIA

Chattooga County

Paradise Gardens, 84 Knox St., Pennville, 12000166

IOWA

Harrison County

Woodbine Savings Bank, 424 Walker St., Woodbine, 12000167

MONTANA

Cascade County

Warden, O.S., Bridge, (Montana's Steel Stringer and Steel Girder Bridges MPS), 10th Ave. S. across Missouri R., Great Falls, 12000168

Chouteau County

Shonkin Creek Bridge, (Montana's Steel Stringer and Steel Girder Bridges MPS), Approx. mi. 21, Shonkin Rd., Geraldine, 12000169

Custer County

Locate Creek Bridge, (Montana's Steel Stringer and Steel Girder Bridges MPS), Mi. 3, N. Locate Rd., Miles City, 12000170

Fergus County

Robinson, Fred, Bridge, (Montana's Steel Stringer and Steel Girder Bridges MPS), Mi. 88, US 191, Lewiston, 12000171

Missoula County

Orange Street Underpass, (Montana's Steel Stringer and Steel Girder Bridges MPS), Orange St. between N. 2nd St. W., & W. Alder St., Missoula, 12000172

Toole County

Marias River Bridge, (Montana's Steel Stringer and Steel Girder Bridges

MPS), Mi. 6, Marias Valley Rd., Shelby, 12000173

Yellowstone County

Huntley Bridge, (Montana's Steel Stringer and Steel Girder Bridges MPS), Mi. 12, MT 312, Huntley, 12000175

Yellowstone County

Mossman Overpass, (Montana's Steel Stringer and Steel Girder Bridges MPS), Mi. 57, N. I-90 Frontage Rd., Laurel, 12000174

NEW YORK

Erie County

Newton—Hopper Village Site, Address Restricted, Elma, 12000176

Jefferson County

Wood, Amos, House, 5571 Cty. Rd. 120, North Landing, 12000177

VIRGINIA

Norfolk Independent city

USS WISCONSIN (BB-64) battleship, 1 Waterside Dr., Norfolk (Independent City), 12000178

Prince William County

Prince William Forest Park, 18100 Park Headquarters Rd., Triangle, 12000179

Waynesboro Independent City

General Electric Specialty Control Plant, 1 Solutions Way, Waynesboro (Independent City), 12000180

WEST VIRGINIA

Kanawha County

Luna Park Historic District, Roughly bounded by Main St., Glenwood Ave., Delaware Ave., & Kanawha Blvd. W., Charleston, 12000181

WISCONSIN

Oconto County

Archibald Lake Mound Group, Address Restricted, Townsend, 12000182

[FR Doc. 2012-5721 Filed 3-8-12; 8:45 am]

BILLING CODE 4310-51-P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Agency Information Collection Activities Under OMB Review; Renewal of a Currently Approved Collection

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice and request for comments.

SUMMARY: The Bureau of Reclamation has forwarded the following Information

Collection Request to the Office of Management and Budget (OMB) for review and approval: Bureau of Reclamation Use Authorization Application (Form 7-2540), OMB Control Number: 1006-0003. The Information Collection Request describes the nature of the information collection and its expected cost burden.

DATES: OMB has up to 60 days to approve or disapprove this information collection, but may respond after 30 days; therefore, public comment must be received on or before April 9, 2012.

ADDRESSES: Please send your comments to the Desk Officer for the Department of the Interior at the Office of Management and Budget, Office of Information and Regulatory Affairs, via facsimile to (202) 395-5806, or email to OIRA_DOCKET@omb.eop.gov. A copy of your comments should also be directed to the Bureau of Reclamation, Attention: Greek Taylor (84-53000), P.O. Box 25007, Denver, CO 80225-0007, or via email to gtaylor@usbr.gov. Please reference OMB Control No. 1006-0003 in your comments.

FOR FURTHER INFORMATION CONTACT: For further information or a copy of the proposed form, contact Greek Taylor at the above address, or at (303) 445-2895.

SUPPLEMENTARY INFORMATION:

I. Abstract

Reclamation is responsible for approximately 6.5 million acres of land which directly support Reclamation's Federal water projects in the 17 western states. Under Title 43 CFR part 429, individuals or entities wanting to use Reclamation's lands, facilities, or waterbodies must apply using Form 7-2540. Examples of such uses are:

- Agricultural uses such as grazing and farming;
- Commercial or organized recreation and sporting activities;
- Other commercial activities such as “guiding and outfitting” and “filming and photography;” and
- Resource exploration and extraction, including sand and gravel removal and timber harvesting.

Reclamation reviews applications to determine whether granting individual use authorizations is compatible with Reclamation's present or future uses of the lands, facilities, or waterbodies. When we find a proposed use compatible, we advise the applicant of the estimated administrative costs and estimated application processing time. In addition to the administrative costs, we require the applicant to pay a use fee based on a valuation or by competitive bidding. If the application is for construction of a bridge, building, or

other significant construction project, Reclamation may require that all plans and specifications be signed and sealed by a licensed professional engineer.

The required 60-day comment period for the Use Authorization Application was initiated by a notice published in the **Federal Register** on December 2, 2011 (76 FR 75560). No public comments were received.

II. Changes to the Use Authorization Application Form and Its Instructions

We changed the form and its instructions to expand the examples in the instructions of proposed uses for which an applicant may seek permission and changed language to more closely reflect the actual wording of 43 CFR part 429.

We made other changes to the form and the instructions to improve the readability and information-gathering. For instance, we re-organized the instructions and added headings. We moved some of the instructions from the first page to the second page and made more room on the first page for details about the proposed use.

III. Data

OMB Control Number: 1006-0003.

Title: Bureau of Reclamation Use Authorization Application.

Form Number: Form 7-2540.

Frequency: Each time a use authorization is requested.

Respondents: Individuals, corporations, companies, and State and local entities who want to use Reclamation lands, facilities, or waterbodies.

Estimated Annual Total Number of Respondents: 175.

Estimated Number of Responses per Respondent: 1.

Estimated Total Number of Annual Responses: 175.

Estimated Total Annual Burden on Respondents: 350 hours.

Estimated Completion Time per Respondent: 2 hours.

Estimated Application Cost per Respondent: \$200, including \$100 application fee and estimated \$100 for additional analyses.

IV. Request for Comments

We invite your comments on:

(a) Whether the proposed collection of information is necessary for the proper performance of our functions, including whether the information will have practical use;

(b) The accuracy of our burden estimate for the proposed collection of information;

(c) Ways to enhance the quality, usefulness, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. Reclamation will display a valid OMB control number on the forms.

Before including your address, telephone number, email 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.

Dated: March 2, 2012.

Roseann Gonzales,

Director, Policy and Administration, Denver Office.

[FR Doc. 2012-5804 Filed 3-8-12; 8:45 am]

BILLING CODE 4310-MN-P

INTERNATIONAL TRADE COMMISSION

[DN 2882]

Certain Consumer Electronics and Display Devices and Products Containing Same; 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 *Certain Consumer Electronics and Display Devices and Products Containing Same*, DN 2882; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing under section 210.8(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(b)).

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 and a submission pursuant to section 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Graphics Properties Holdings, Inc. on March 5, 2012. 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 consumer electronics and display devices and products containing same. The complaint names as respondents Research In Motion Ltd. of Canada; Research In Motion Corp. of TX; HTC Corporation of Taiwan; HTC America, Inc. of WA; LG Electronics, Inc. of South Korea; LG Electronics U.S.A., Inc. of NJ; LG Electronics MobileComm U.S.A., Inc. of CA; Apple Inc. of CA; Samsung Electronics Co., Ltd. of South Korea; Samsung Electronics America, Inc. of NJ; Samsung Telecommunications America, L.L.C.; of TX; Sony Corporation of Japan; Sony Corporation of America of NY; Sony Electronics, Inc. of CA; Sony Ericsson Mobile of Sweden; and Sony Ericsson Mobile Communications (USA) Inc. of GA.

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or section 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would 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 requested remedial orders are used in the United States;

(ii) Identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) Identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) Indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) Explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar 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 electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number ("Docket No. 2882") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf). Persons with questions regarding 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 and on EDIS.

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 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: March 6, 2012.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2012-5754 Filed 3-8-12; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[DN 2883]

Certain Food Containers, Cups, Plates, Cutlery, and Related Items, and Packaging Thereof; 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 *Certain Food Containers, Cups, Plates, Cutlery, and Related Items, and Packaging Thereof*, DN 2883; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing under section 210.8(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(b)).

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 and a submission pursuant to section 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Fabri-Kal Corporation on March 6, 2012. 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 food containers, cups, plates, cutlery, and related items, and packaging thereof. The complaint names as respondents Green Wave International Inc. of NY; Trans World International (New York), Inc. of NY; John Calarese & Co., Inc. of MA; and Eco Greenwares Corporation of CA.

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or section 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would 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 requested remedial orders are used in the United States;

(ii) Identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) Identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) Indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) Explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar 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 electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number ("Docket No. 2883") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf). Persons with questions regarding 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 and on EDIS.

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 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: March 6, 2012.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2012-5799 Filed 3-8-12; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-753]

Certain Semiconductor Chips and Products Containing Same; Request for Statements On the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the presiding administrative law judge has issued a Final Initial Determination and Recommended Determination on

Remedy and Bonding in the above-captioned investigation. The Commission is soliciting comments on public interest issues raised by the recommended relief should the Commission find a violation of section 337 of the Tariff Act of 1930 as amended, 19 U.S.C. 1337, specifically a limited exclusion order, and cease and desist orders against certain respondents.

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: Section 337 of the Tariff Act of 1930 provides that if the Commission finds a violation it shall exclude the articles concerned from the United States:

unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease and desist orders. 19 U.S.C. 1337(f)(1).

The Commission is interested in further development of the record on the public interest in these investigations. Accordingly, members of the public are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the administrative law judge's Recommended Determination on Remedy and Bonding issued in this investigation on March 2, 2012. In that determination, the administrative law judge recommended that should the

Commission find a violation of section 337, that the Commission issue: a limited exclusion order against respondents' infringing products (including respondents' own infringing downstream products) that contain the supplier respondents' accused semiconductor chips; and cease and desist orders against five respondents.

Comments should address whether issuance of a limited exclusion order and cease and desist orders in this investigation would 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 recommended orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the recommended exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the limited exclusion order and cease and desist orders would impact consumers in the United States.

Written submissions must be filed no later than by close of business on March 26, 2012.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-753") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf). Persons with questions regarding 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 and on EDIS.

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 of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.50).

By order of the Commission.

Issued: March 6, 2012.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2012-5755 Filed 3-8-12; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Safe Drinking Water Act

Notice is hereby given that on February 24, 2012 a proposed Consent Decree ("Decree") in *United States v. Roy Stricklin*, Civil Action No. 11-CV-158-J, was lodged with the United States District Court for the District of Wyoming.

In this action the United States sought permanent injunctive relief and civil penalties under the Safe Drinking Water Act ("SDWA"), 42 U.S.C. 300f-300j-26, resulting from violations of the National Primary Drinking Water Regulations ("NPDWRs") at two trailer courts that Stricklin owns in Alcova, Wyoming, known as the Alcova Dam Trailer Park and the Eagle Creek RV & Trailer Court. The Decree requires Stricklin to comply with the NPDWRs in the future, to pay a civil penalty of \$28,000, payable in four yearly installments, and to pay stipulated penalties in the event of future NPDWR violations.

For a period of thirty (30) days from the date of this publication, the United States Department of Justice will receive comments relating to the Decree. Comments should be sent by U.S. mail to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, or by email to pubcomment-ees.enrd@usdoj.gov. The comments should refer to *United States v. Roy Stricklin*, D.J. Ref. 90-5-1-1-09744.

During the public comment period, the Decree will be posted on the following Department of Justice Web site: http://www.usdoj.gov/enrd/Consent_Decree.html. A copy of the Consent Decree may also be obtained by U.S. mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611; by email from "Consent Decree Copy" EESCDCopy.ENRD@USDOJ.gov; or by facsimile transmission from "Consent Decree Copy" at fax number 202-514-0097, telephone confirmation number: 202-514-5271. Anyone requesting a copy from the Consent Decree Library should enclose a check in the amount of \$5.75 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Robert Brook,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2012-5725 Filed 3-8-12; 8:45 am]

BILLING CODE 4410-15-P

DEPARTMENT OF JUSTICE

National Institute of Corrections

Advisory Board Meeting

Time and Date: 8 AM-4:30 PM on Monday, April 02, 2012; 8 AM-12 PM on Tuesday, April 03, 2012.

Place: Federal Bureau of Prisons, 500 First Street, NW., Washington, DC 20534, (202) 514-4222.

Matters To Be Considered: Directors report; review of outcomes of November 2-3, 2011 Advisory Board Hearing (Shifting the Focus to Reshape Our Thinking Toward Performance Based Outcomes), presentations, future planning.

Contact Person For More Information: Thomas Beauclair, Deputy Director, (202) 307-3106, extension 44254.

Morris L. Thigpen, Sr.,

Director, National Institute of Corrections.

[FR Doc. 2012-5682 Filed 3-8-12; 8:45 am]

BILLING CODE M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; National Compensation Survey

ACTION: Notice.

SUMMARY: The Department of Labor is submitting the Bureau of Labor Statistics sponsored information

collection request (ICR) revision titled, "National Compensation Survey," to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 et seq.).

DATES: Submit comments on or before April 9, 2012.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site, <http://www.reginfo.gov/public/do/PRAMain>, on the day following publication of this notice or by contacting Michel Smyth by telephone at 202-693-4129 (this is not a toll-free number) or sending an email to DOL_PRA_PUBLIC@dol.gov.

Submit comments about this request to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor, Bureau of Labor Statistics, Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202-395-6929/Fax: 202-395-6881 (these are not toll-free numbers), email: OIRA_submission@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT:

Contact Michel Smyth by telephone at 202-693-4129 (this is not a toll-free number) or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: Under the National Compensation Survey (NCS), the Bureau of Labor Statistics conducts ongoing surveys of compensation and job characteristics. Data collected by the NCS is used to produce Employment Cost Trends, including the Employment Cost Index and Employer Costs for Employee Compensation, employee benefits data, and data used by the President's Pay Agent.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information if the collection of information does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6. The Department of Labor obtains OMB approval for this information collection under OMB Control Number 1220-0164. The current OMB approval is scheduled

to expire on April 30, 2012; however, it should be noted that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. Any changes would only become effective upon OMB approval. For additional information, see the related notice published in the **Federal Register** on November 16, 2011 (76 FR 71073).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should reference OMB Control Number 1220–0164. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Bureau of Labor Statistics.

Title of Collection: National Compensation Survey.

OMB Control Number: 1220–0164.

Affected Public: Private sector—Businesses and Other For-Profits and Not-For-Profit Institutions; State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 12,539.

Total Estimated Number of Responses: 38,813.

Total Estimated Annual Burden Hours: 36,930.

Total Estimated Annual Other Costs Burden: \$0.

Dated: March 5, 2012.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2012–5745 Filed 3–8–12; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Availability of Funds and Solicitation for Grant Applications for Senior Community Service Employment Program National Grants for Program Year 2012

AGENCY: Employment and Training Administration, Labor.

ACTION: Solicitation for Grant Applications (SGA). Funding Opportunity Number: SGA/DFA PY–11–04.

SUMMARY: The Employment and Training Administration (ETA), U.S. Department of Labor announces a grant competition for national grantees funded under the Senior Community Service Employment Program (SCSEP) authorized under title V of the Older Americans Act (OAA) as amended in 2006, Public Law 109–365. Approximately \$346,000,000 in grant funds will be available for national grantees.

SCSEP grant funds are awarded to states and territories, and to competitively-chosen national grantees. This funding opportunity is for national grantees. SCSEP is the only Federally-sponsored employment and training program targeted specifically to unemployed low-income older individuals who want to enter or re-enter the workforce. Program participants receive work experience at local public or non-profit agencies and are paid the higher of the Federal, State, or local minimum wage, or the prevailing wage for similar employment, for approximately 20 hours per week while in community service and other job training (OAA Amendments § 502(b)(1)(J); 20 CFR 641.565(a)). The dual goals of the program are to promote useful opportunities in community service job training and to move SCSEP participants into unsubsidized employment, where appropriate.

The complete SGA and any subsequent SGA amendments, in connection with this solicitation are described in further detail on ETA's Web site at <http://www.doleta.gov/grants/> or on <http://www.grants.gov>. The Web sites provide application information, eligibility requirements, review and selection procedures and other program requirements governing this solicitation.

DATES: The closing date for receipt of applications is May 10, 2012.

FOR FURTHER INFORMATION CONTACT: Jeannette Flowers, 200 Constitution

Avenue NW., Room N–4716, Washington, DC 20210; Telephone: 202–693–3322.

Signed March 5, 2012 in Washington, DC by.

B. Jai Johnson,

Grant Officer, Employment and Training Administration.

[FR Doc. 2012–5685 Filed 3–8–12; 8:45 a.m.]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and 30 CFR Part 44 govern the application, processing, and disposition of petitions for modification. This notice is a summary of petitions for modification submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below to modify the application of existing mandatory safety standards codified in Title 30 of the Code of Federal Regulations.

DATES: All comments on the petitions must be received by the Office of Standards, Regulations, and Variances on or before April 9, 2012.

ADDRESSES: You may submit your comments, identified by “docket number” on the subject line, by any of the following methods:

1. *Electronic Mail:* zzMSHA-comments@dol.gov. Include the docket number of the petition in the subject line of the message.

2. *Facsimile:* 202–693–9441.

3. *Regular Mail:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209–3939, Attention: Roslyn B. Fontaine, Acting Director, Office of Standards, Regulations, and Variances.

4. *Hand-Delivery or Courier:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209–3939. Individuals who submit comments by hand-delivery are required to check in at the receptionist's desk on the 21st floor. Individuals may inspect copies of the petitions and comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or

proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT: Barbara Barron, Office of Standards, Regulations, and Variances at 202-693-9447 (Voice), barron.barbara@dol.gov (Email), or 202-693-9441 (Facsimile). [These are not toll-free numbers].

SUPPLEMENTARY INFORMATION:

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

(1) An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

(2) That the application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modification.

II. Petitions for Modification

Docket Number: M-2011-015-M.

Petitioner: Swenson Granite Company, LLC, 369 North State Street, Concord, New Hampshire 03301.

Mine: Swenson Granite gray Quarry, MSHA I.D. No. 27-00083, 369 North State Street, Concord, New Hampshire 03301, located in Merrimack County, New Hampshire.

Regulation Affected: 30 CFR 56.19090 (Dual signaling system).

Modification Request: The petitioner requests a variance from the existing standard at the Concord, New Hampshire, site for their Pellegrini stiffleg derrick used for hoisting personnel. The petitioner states that:

(1) The Swenson Granite Gray Quarry is an open dimensional granite quarry operating fixed stiffleg derricks to lift stone and equipment. Personnel hoisting will be done as has been for many years before with equipment that has since been replaced by a newer stiffleg derrick.

(2) The derrick reaches all areas of the quarry floor and walls and the operator has full view of the hook and load.

(3) The derrick operator relies on a constant view of the hook and load and the operation is stopped until conditions improve to 100 percent visibility.

(4) Hoisting personnel would require the personnel to be placed at many different locations on the quarry floor. The standard 30 CFR 56.19090 requires at least two effective approved methods of signaling as a means of communication between the hoist room and the shaft stations. The petitioner notes that it appears that hoisting follows the man box or skip physically—the standard requires either a telephone or speaking tube at each station.

(5) The petitioner will provide the same level of safety in communication for the two methods through use of the company's VHF radios and primary method of communication, hand signals. The petitioner will forego personnel hoisting if the hoist operator/signalman cannot see the bottom of the quarry, the same as they halt lifting operations of the granite product if it can not be seen.

(6) The quarry employees direct all derrick moves and positioning exclusively by the use of hand signals, a method used for many years without incident. Hoist equipment or stone could not be safely moved if visibility was lost and as in many years past, would not lift personnel if the personnel or the bottom of the quarry could not be seen.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection allowed by the existing standard by using the primary and proven means of communication, hand signals, and the back up, VHF radios while lifting personnel.

Docket Number: M-2011-016-M.

Petitioner: Swenson Granite Company, LLC, 369 North State Street, Concord, New Hampshire 03301.

Mine: Swenson Granite gray Quarry, MSHA I.D. No. 27-00083, 369 North State Street, Concord, New Hampshire 03301, located in Merrimack County, New Hampshire.

Regulation Affected: 30 CFR 56.19009 (position indicators).

Modification Request: The petitioner requests a variance for the existing standard at the Concord, New Hampshire, site for the Pellegrini stiffleg derrick used for hoisting personnel. The petitioner states that:

(1) The Swenson Granite Gray Quarry is an open dimensional granite quarry operating fixed stiffleg derricks to lift stone and equipment. Personnel hoisting will be done as have been for many years before with equipment that has since been replaced by a newer stiffleg derrick.

(2) The petitioner notes that this standard, requiring that an accurate and

reliable indicator of the position of cage, skip, bucket or cars in the shaft be provided, also applies to underground mines where there may not be visual contact at all, and safety and position indicators rely on limit switches and proximity devices. The petitioner asserts that the derrick operator has a full view of the hook and load at all times.

(3) The quarry floor is not flat and personnel would need to be set down in many different locations. The quarry maintains high walls and inspects for loose material on a regular basis.

(4) The petitioner would rely 100 percent on the hand signal system to swing lower and stop movement of the man-box at the exclusive direction of the hand signal from the miner in the man-box.

(5) With no fixed location for stopping while lifting men, as changes in the quarry floor are always occurring, a fixed stopping with redundant switches and stops is not practical for the operation. With a fixed stopping location redundant switches and stops would allow for positive bottom limit protection.

(6) The petitioner's reliance on signaling by hand provides a minimum of two sets of eyes watching the movement and directing the man box.

(7) The petitioner states that all persons involved in signaling while hoisting personnel understand that a miner's health and safety are dependent on the use of clear hand signals as they convey their requests for moving and stopping.

The petitioner asserts that the system of hand signals to direct the derrick would at all times guarantee no less than the same measure of protection afforded by the existing standard.

Docket Numbers: M-2012-001-C and M-2012-002-C.

Petitioner: Arch Coal, Inc., Wolf Run Mining Company, 99 Edmiston Way, Buckhannon, West Virginia 26201.

Mines: Imperial Mine, MSHA I.D. No. 46-09115, Route 9, Box 576, Grassy Run Road Buckhannon, West Virginia 26201, located in Upshur County, West Virginia; Sentinel Mine, MSHA I.D. No. 46-04168, Route 3, Box 146, Philippi, West Virginia 26416, located in Barbour County, West Virginia.

Regulation Affected: 30 CFR 75.1700 (Oil and gas wells).

Modification Request: The petitioner requests a modification of the existing standard to permit plugging and replugging of gas and oil wells, and mining through or intersecting certain oil and gas wells within the projected workings of the Imperial Mine and

Sentinel Mine after plugging or replugging.

The petitioner proposes to use the following procedures for cleaning out and preparing vertical oil and gas wells prior to plugging or replugging:

(1) Completely clean out the well from the surface to at least 200 feet below the base of the lowest mineable coal seam, unless MSHA requires cleaning to a greater depth. All material will be removed from the entire diameter of the well, wall to wall.

(2) Prepare down-hole logs for each well that will consist of a caliper survey and log(s) suitable for determining the top, bottom, and thickness of all coal seams and potential hydrocarbon-producing strata and the location for a bridge plug. In addition, a journal will be maintained describing the depth and nature of each material encountered, bit size and type used to drill each portion of the hole, length and type of each material used to plug the well, length of casing(s) removed, perforated, ripped or left in place, any sections where casing was cut or milled, and other pertinent information concerning cleaning and sealing the well. Invoices, work orders, and other records relating to all work on the well will be maintained as part of the journal and provided to MSHA upon request.

(3) When cleaning out the well, the petitioner will make a diligent effort to remove all of the casing in the well. If the casing cannot be removed, appropriate steps will be taken to ensure that the annulus between the casings and the casings and the well walls are filled with expanding cement (minimum of 0.5 percent expansion upon setting) and contain no voids. If the casing cannot be removed, it will be cut or milled at all mineable coal seam levels and any remaining casing will be perforated or ripped. Perforations or rips will be at least every 50 feet from 200 feet below the base of the lowest mineable coal seam up to 100 feet above the uppermost mineable coal seam. When multiple casing and tubing strings are present in the coal horizon(s), any casing that remains will be ripped or perforated and filled with expanding cement. An acceptable casing bond log for each casing and tubing string, if used, is in lieu of ripping or perforating multiple strings.

(4) If the completely cleaned-out well emits excessive amounts of gas, a mechanical bridge plug will be placed in the well. The bridge plug will be placed in a competent stratum at least 200 feet below the base of the lowest mineable coal seam, but above the top of the uppermost hydrocarbon-producing stratum, unless the MSHA

requires a greater distance. If a mechanical bridge cannot be set, an appropriate size packer will be used.

(5) If the uppermost hydrocarbon-producing stratum is within 300 feet of the base of the lowest mineable coal seam, mechanical bridge plugs will be properly placed to isolate the hydrocarbon-producing stratum from the expanding cement plug. A minimum of 200 feet of expanding cement will be placed below the lowest mineable coal seam, unless MSHA requires a greater distance.

The petitioner proposes to use the following procedures for plugging and replugging vertical oil or gas wells to the surface:

(1) After completely cleaning out the well, expanding cement slurry will be pumped down the well to form a plug that runs from at least 200 feet below the base of the lowest mineable coal seam to the surface, or lower if required by MSHA. The expanding cement will be placed in the well under a pressure of at least 200 pounds per square inch (psi). Portland cement or lightweight cement mixture will be used to fill the area from 100 feet above the top of the uppermost mineable coal seam to the surface, or higher if required by MSHA.

(2) Steel turnings or other small magnetic particles will be embedded in the top of the cement near the surface to serve as a permanent magnetic monument of the well. In the alternative, a 4½-inch or larger casing, set in cement, will extend at least 36 inches above the ground level with the API well number engraved or welded on the casing. When the hole cannot be marked with a physical monument (i.e., prime farmland), high-resolution GPS coordinates (half-meter resolution) will be required.

The petitioner proposes to use the following procedures for plugging or replugging oil and gas wells for use as degasification boreholes:

(1) After completely cleaning out the well, a cement plug will be set in the well by pumping expanding cement slurry down the tubing to provide at least 200 feet of expanding cement below the lowest mineable coal seam unless MSHA requires a greater depth. The expanding cement will be placed in the well under a pressure of at least 200 psi. The top of the expanding cement will extend at least 30 feet above the top of the coal seam being mined unless MSHA requires a greater distance.

(2) A suitable casing will be securely grouted into the bedrock of the upper portion of the degasification well to protect it. The remainder of this well may be cased or uncased.

(3) The top of the degasification casing will be fitted with a wellhead, equipped as required by MSHA in the approved ventilation plan. Such equipment may include check valves, shut-in valves, sampling ports, flame arrestor equipment, and security fencing.

(4) Operation of the degasification well will be addressed in the approved ventilation plan. This may include periodic tests of methane levels and limits on the minimum methane concentration that may be extracted.

(5) After the area of the coal mine degassed by a well is sealed or the coal mine is abandoned, the degassed holes will be sealed as follows:

(i) A tube will be inserted to the bottom of the drill hole or, if not possible, to no greater than 100 feet above the coal seam. Any blockage will be removed to ensure that the tube can be inserted.

(ii) A cement plug will be set in the well by pumping Portland cement or a lightweight cement mixture down the tubing until the well is filled to the surface.

(iii) Steel turnings or other small magnetic particles will be embedded in the top of the cement near the surface to serve as a permanent magnetic monument of the well. In the alternative, a 4½-inch or larger casing set in cement will extend at least 36 inches above the ground level with the API well number engraved or welded on the casing.

The petitioner proposes to use the following procedures for preparing and plugging or replugging vertical oil and gas wells. This will apply to all wells that cannot be completely cleaned out due to damage to the well caused by subsidence, caving, or other factors:

(1) A hole will be drilled adjacent and parallel to the well to a depth of at least 200 feet below the lowest mineable coal seam, unless MSHA requires a greater depth.

(2) A geophysical sensing device will be used to locate any casing that may remain in the well.

(3) If the well contains casing(s), the well will be drilled into from the parallel hole. From 10 feet below the coal seam to 10 feet above the coal seam, all casings will be perforated or ripped at intervals of at least 5 feet. Beyond this distance, at least every 50 feet from at least 200 feet below the base of the lowest mineable coal seam up to 100 feet above the seam being mined will be ripped or perforated, unless MSHA requires a greater distance. The annulus between the casings and the casings and the well wall will be filled with expanding cement (minimum 0.5

percent expansion upon setting) and contain no voids. If it can be demonstrated to MSHA, using a casing bond log, that all annuli in the well are already adequately sealed with cement, then the petitioner will not perforate or rip the casing for the particular well or fill these areas with cement. When multiple casing and tubing strings are present in the coal horizon(s), any casing that remains will be ripped or perforated and filled with expanding cement. An acceptable casing bond log for each casing and tubing string will be needed if used in lieu of ripping or perforating multiple strings.

(4) Where the petitioner determines and MSHA agrees that there is insufficient casing in the well to allow the use of the method outlined in this petition, a horizontal hydraulic fracturing technique will be used to intercept the original well. From at least 200 feet below the base of the lowest mineable coal seam to a point at least 50 feet above the seam being mined, at least six places will be fractured at intervals to be agreed upon by the petitioner and MSHA after considering the geological strata and the pressure within the well. Expanding cement will then be pumped into the fractured well in sufficient quantities and in a manner that fills all intercepted voids.

(5) Down-hole logs for each well will be prepared. The logs will consist of a caliper survey and logs(s) suitable for determining the top, bottom, and thickness of all coal seams and potential hydrocarbon-producing strata and the location for a bridge plug. In addition, a journal will be maintained describing the depth of each material encountered, the nature of each material encountered, bit size and type used to plug the well, length of casing(s) removed, perforated, ripped, or left in place, any sections where casing was cut or milled, and other pertinent information concerning cleaning and sealing the well. Invoices, work-orders, and other records relating to all work on the well will be maintained as part of the journal and provided to MSHA upon request.

(6) After the well has been plugged, open portions of both holes will be plugged from the bottom to the surface with Portland cement or a lightweight cement mixture. Steel turnings or other small magnetic particles will be embedded in the top of the cement near the surface to serve as a permanent magnetic monument of the well. In the alternative, a 4½-inch or larger casing set in cement will extend at least 36 inches above the ground level.

The petitioner proposes to use the following procedures after approval has been granted by MSHA to mine within

the safety barrier (50 feet from any well), or mine through a plugged or replugged well:

(1) The petitioner will mine through a well on a shift approved by MSHA, and notify MSHA in sufficient time prior to mining through a well to provide an opportunity to have a representative present.

(2) When continuous mining methods are being used, drilage sights will be installed not more than 50 feet from the well at the last open crosscut near the place to be mined to ensure intersection of the well. When longwall mining methods are being used, drilage sights will be installed on 10-foot centers for a distance of 50 feet in advance of the well. The drilage sights will be installed in the headgate and tailgate.

(3) Fire-fighting equipment, including fire extinguishers, rock dust, and sufficient fire hose to reach the working face area of the mine-through (when either the conventional or continuous mining method is used) will be available and operable during all well mine-throughs. The fire hose will be located in the last open crosscut of the entry or room. The water line will be maintained to the belt-conveyor tailpiece along with sufficient amount of fire hose to reach the farthest point of penetration of the section.

(4) Sufficient roof support supplies and ventilation materials will be available and located at the last open crosscut. In addition, emergency plugs and suitable sealing materials will be available in the immediate area of the well intersection.

(5) The ventilation plan will specify minimum ventilation air quantities to be maintained in the working face during the period from when mining is within 50 feet of the well location until the post-cut-through inspection or mining progresses at least 50 feet past the well location.

(6) All equipment will be serviced and checked for permissibility on the shift prior to mining through the well.

(7) Methane monitor(s) will be calibrated on the continuous mining machine or cutting machine and loading machine on the shift prior to mining through the well.

(8) When mining is in progress, the petitioner will test for methane with a hand-held methane detector at least every 10 minutes from the time mining with the continuous mining machine is within 30 feet of the well until the well is intersected and immediately prior to mine-through. During the actual cutting process, no individual will be allowed on the return side until the mine-through is complete and the area has been examined and declared safe.

(9) When continuous or conventional mining methods are being used, the work area will be free from accumulations of coal dust and coal spillages, and rock dust will be placed on the roof, rib, and floor to within 20 feet of the face when mining through the well.

(10) When the well is intersected, the petitioner will deenergize all equipment, thoroughly examine the equipment, and determine that the area is safe before mining is resumed.

(11) After a well has been intersected and the work area determined safe, mining will continue in by the well at a sufficient distance to permit adequate ventilation around the area of the well.

(12) If the casing is cut or milled at the coal seam level, the use of torches will not be necessary. However, in rare instances, torches may be used for inadequately or inaccurately cut or milled casings. No open flame will be permitted in the area until adequate ventilation has been established around the wellbore and methane levels of less than 1.0 percent are present in all areas exposed to flames and sparks from the torch. The petitioner will apply thick layer of rock dust to the roof, face, floor, ribs, and any exposed coal within 20 feet of the casing prior to any use of torches.

(13) Non-sparking (brass) tools will be located on the working section and will be used to expose and examine cased wells.

(14) No person will be permitted in the area of the mine-through operation except those actually engaged in the operation, including company personnel, representative of the miners, personnel from MSHA, and personnel from the appropriate State agency.

(15) All personnel in the mine will be alerted to the planned intersection of the well prior to going underground if the planned intersection is to occur during their shift. This alert will be repeated for all shifts until the well has been mined through.

(16) The mine-through operation will be under the direct supervision of a certified individual. Instructions concerning the mine-through operation will be issued only by the certified individual in charge. The petitioner states that:

(1) Within 30 days after this petition becomes final, the petitioner will submit proposed revisions for its approved 30 CFR part 48 training plan to the District Manager. The revisions will include initial and refresher training regarding compliance with the terms and conditions in the petition. All miners involved in the mine-through of a well will be trained regarding the

requirements of this petition prior to mining within 150 feet of the next well to be mined through.

(2) The person responsible for well intersection emergencies will review the well intersection procedures prior to any planned intersection.

(3) Within 30 days after this petition becomes final, the petitioner will submit proposed revisions for the approved mine emergency and firefighting plan. These plans will include the hazards and evacuation procedures to be used for well intersections. Within 30 days of submittal of the revised evacuation plan, all underground miners will be trained on the revised plan. Persons may review a complete description of the petitioner's proposed alternative method and procedures at the MSHA address listed in this petition.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded the miners under the existing standard.

Dated: March 5, 2012.

Patricia W. Silvey,
Certifying Officer.

[FR Doc. 2012-5712 Filed 3-8-12; 8:45 am]

BILLING CODE 4510-43-P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and 30 CFR part 44 govern the application, processing, and disposition of petitions for modification. This notice is a summary of petitions for modification submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below to modify the application of existing mandatory safety standards codified in Title 30 of the Code of Federal Regulations.

DATES: All comments on the petitions must be received by the Office of Standards, Regulations, and Variances on or before April 9, 2012.

ADDRESSES: You may submit your comments, identified by "docket number" on the subject line, by any of the following methods:

1. *Electronic Mail:* zzMSHA-comments@dol.gov. Include the docket number of the petition in the subject line of the message.

2. *Facsimile:* 202-693-9441.

3. *Regular Mail:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209-3939, Attention: Roslyn B. Fontaine, Acting Director, Office of Standards, Regulations, and Variances.

4. *Hand-Delivery or Courier:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209-3939. Individuals who submit comments by hand-delivery are required to check in at the receptionist's desk on the 21st floor. Individuals may inspect copies of the petitions and comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT:

Barbara Barron, Office of Standards, Regulations, and Variances at 202-693-9447 (Voice), barron.barbara@dol.gov (Email), or 202-693-9441 (Facsimile). [These are not toll-free numbers].

SUPPLEMENTARY INFORMATION:

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

(1) An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

(2) That the application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modification.

II. Petitions for Modification

Docket Number: M-2012-001-M.

Petitioner: Montana Resources, LLP, 1801 California Street, Suite 4900, Denver, Colorado 80202.

Mine: Continental Mine, MSHA I.D. No. 24-00338, 600 Shields Avenue, Butte, Montana 59701-2705, located in Silver Bow County, Montana.

Regulation Affected: 30 CFR 56.12028 (Testing grounding systems).

Modification Request: The petitioner requests a modification of the existing

standard to permit the use of visual examinations of its grounding conductors in accordance with the language of the Program Policy Manual (PPM), (Volume IV, Metal and Nonmetal Mines, Interpretation, Application, and Guidelines on Enforcement of 30 CFR) 30 CFR 56/57.12028, Testing Grounding Systems.

The petitioner asserts that application of the existing standard will result in a diminution of safety to the miners and that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded the miner by the standard.

Docket Number: M-2012-008-C.

Petitioner: Arch Coal, Hazard, 1021 Tori Drive, Hazard, Kentucky 41701.

Mines: East Mac & Nellie Mine, MSHA I.D. No. 15-18966, Rowdy Gap Mine, MSHA I.D. No. 15-18048, and Kentucky River Loading, MSHA I.D. No. 15-13495, located in Perry County, Kentucky; Thunder Ridge Mine, MSHA I.D. No. 15-17746, located in Leslie County, Kentucky; Bearville Mine, MSHA I.D. No. 15-19416, located in Knott County, Kentucky.

Regulation Affected: 30 CFR 77.1607(u) (Loading and hauling equipment; operation).

Modification Request: The petitioner requests a modification of the existing standard to permit the use of an AmSteel-Blue Rope or Belly Pan Nylon Strap in lieu of a tow bar for pulling a stuck or disabled truck for short distances. The petitioner states that:

(1) The ropes or strap will have a strength rate greater than the weight of the truck to be pulled.

(2) The ropes or straps do not store energy and, therefore, do not pose a risk of recoil.

(3) Tow bars pose an unnecessary risk to the miner's safety based on the sheer size and weight.

The petitioner asserts that the proposed alternative method will provide a level of safety equal to that provided by the existing standard.

Docket Numbers: M-2012-009-C, M-2012-012-C, and M-2012-015-C.

Petitioner: Eastern Associated Coal, LLC, Three Gateway Center, Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222-1000.

Mines: Federal No. 2 Mine, MSHA I.D. No. 46-01456, Docket No. M-2012-009-C, 1044 Miracle Run Road, Fairview, West Virginia 26570, located in Monongalia County, West Virginia; Wharton No. 1 Mine, MSHA I.D. No. 46-05071, Docket No. M-2012-012-C and Black Oak Mine, MSHA I.D. No. 46-09152, Docket No. M-2012-015-C, 54912 Pond Fork Road, Wharton, West

Virginia 25208, located in Boone County, West Virginia.

Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to permit the use of battery-powered non-permissible surveying equipment in or inby the last open crosscut, including, but not limited to, portable battery operated mine transits, total station surveying equipment, distance meters, and data loggers. The petitioner states that:

(1) In order to comply with requirements of 30 CFR 75.372 and 75.1200, use of the most practical and accurate surveying equipment is necessary.

(2) Application of the existing standard would result in a diminution of safety to the miners. Underground mining by its nature, size, and complexity of mine plans requires that accurate and precise measurements be completed in a prompt and efficient manner. The petitioner proposes the following as an alternative to the existing standard:

(a) Non-permissible electronic surveying equipment will be used when equivalent permissible electronic surveying equipment is not available. Such non-permissible surveying equipment includes portable battery operated total station surveying equipment, mine transits, distance meters, and data loggers.

(b) All non-permissible electronic surveying equipment to be used in or inby the last open crosscut will be examined by surveying personnel prior to use to ensure the equipment is being maintained in a safe operating condition. These examinations will include the following steps:

(i) Checking the instrument for any physical damage and the integrity of the case.

(ii) Removing the battery and inspect for corrosion.

(iii) Inspecting the contact points to ensure a secure connection to the battery.

(iv) Reinserting the battery and power up and shut down to ensure proper connections.

(v) Checking the battery compartment cover to ensure that it is securely fastened.

(c) The results of such examinations will be recorded and retained for one year and made available to MSHA upon request.

(d) A qualified person as defined in 30 CFR 75.151 will continuously monitor for methane immediately before and during the use of non-permissible

surveying equipment in or inby the last open crosscut.

(e) Non-permissible surveying equipment will not be used if methane is detected in concentrations at or above one percent for the area being surveyed. When methane is detected at such levels while the non-permissible surveying equipment is being used, the equipment will be deenergized immediately and the non-permissible electronic equipment withdrawn outby the last open crosscut.

(f) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(g) Batteries contained in the surveying equipment must be changed out or charged in fresh air outby the last open crosscut.

(h) Qualified personnel engaged in the use of surveying equipment will be properly trained to recognize the hazards associated with the use of non-permissible surveying equipment in areas where methane could be present.

(i) The non-permissible surveying equipment will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions in this petition.

(j) Within 60 days after the Proposed Decision and Order becomes final, the petitioner will submit proposed revisions for its approved 30 CFR part 48 training plan to the District Manager. The revisions will specify initial and refresher training regarding the terms and conditions in the Proposed Decision and Order.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection as that afforded by the existing standard.

Docket Numbers: M-2012-010-C, M-2012-013, and M-2012-016-C.

Petitioner: Eastern Associated Coal, LLC, Three Gateway Center, Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222-1000.

Mines: Federal No. 2 Mine, MSHA I.D. No. 46-01456, Docket No. M-2012-010-C, 1044 Miracle Run Road, Fairview, West Virginia 26570, located in Monongalia County, West Virginia; Wharton No. 1 Mine, MSHA I.D. No. 46-05071, Docket No. M-2012-013-C and Black Oak Mine, MSHA I.D. No. 46-09152, Docket No. M-2012-016-C, 54912 Pond Fork Road, Wharton, West Virginia 25208, located in Boone County, West Virginia.

Regulation Affected: 30 CFR 75.507-1(a) (Electric equipment other than power-connection points; outby the last

open crosscut; return air; permissibility requirements).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to permit the use of battery-powered non-permissible surveying equipment in return airways, including, but not limited to, portable battery operated mine transits, total station surveying equipment, distance meters, and data loggers. The petitioner states that:

(1) In order to comply with requirements of 30 CFR 75.372 and 75.1200, use of the most practical and accurate surveying equipment is necessary.

(2) Application of the existing standard would result in a diminution of safety to the miners. Underground mining by its nature, size, and complexity of mine plans requires that accurate and precise measurements be completed in a prompt and efficient manner. The petitioner proposes the following as an alternative to the existing standard:

(a) Non-permissible electronic surveying equipment will be used when equivalent permissible electronic surveying equipment is not available. Such non-permissible surveying equipment includes portable battery operated total station surveying equipment, mine transits, distance meters, and data loggers.

(b) All non-permissible electronic surveying equipment to be used in or inby the last open crosscut will be examined by surveying personnel prior to use to ensure the equipment is being maintained in a safe operating condition. These examinations will include the following steps:

(i) Checking the instrument for any physical damage and the integrity of the case.

(ii) Removing the battery and inspect for corrosion.

(iii) Inspecting the contact points to ensure a secure connection to the battery.

(iv) Reinserting the battery and power up and shut down to ensure proper connections.

(v) Checking the battery compartment cover to ensure that it is securely fastened.

(c) The results of such examinations will be recorded and retained for one year and made available to MSHA upon request.

(d) A qualified person as defined in 30 CFR 75.151 will continuously monitor for methane immediately before and during the use of non-permissible surveying equipment in return airways.

(e) Non-permissible surveying equipment will not be used if methane is detected in concentrations at or above one percent for the area being surveyed. When methane is detected at such levels while the non-permissible surveying equipment is being used, the equipment will be deenergized immediately and the non-permissible electronic equipment withdrawn out of the return airways.

(f) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(g) Batteries contained in the surveying equipment must be changed out or charged in fresh air out of the return.

(h) Qualified personnel engaged in the use of surveying equipment will be properly trained to recognize the hazards associated with the use of non-permissible surveying equipment in areas where methane could be present.

(i) The non-permissible surveying equipment will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions in this petition.

(j) Within 60 days after the Proposed Decision and Order becomes final, the petitioner will submit proposed revisions for its approved 30 CFR part 48 training plan to the District Manager. The revisions will specify initial and refresher training regarding the terms and conditions in the Proposed Decision and Order.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection as that afforded by the existing standard.

Docket Numbers: M–2012–011–C, M–2012–014–C, and M–2012–017–C.

Petitioner: Eastern Associated Coal, LLC, Three Gateway Center, Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222–1000.

Mines: Federal No. 2 Mine, MSHA I.D. No. 46–01456, Docket No. M–2012–011–C, 1044 Miracle Run Road, Fairview, West Virginia 26570, located in Monongalia County, West Virginia; Wharton No. 1 Mine, MSHA I.D. No. 46–05071, Docket No. M–2012–014–C and Black Oak Mine, MSHA I.D. No. 46–09152, Docket No. M–2012–017–C, 54912 Pond Fork Road, Wharton, West Virginia 25208, located in Boone County, West Virginia.

Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to permit the use of battery-powered non-permissible surveying equipment within 150 feet of pillar workings, including, but not limited to, portable battery operated mine transits, total station surveying equipment, distance meters, and data loggers. The petitioner states that:

(1) In order to comply with requirements of 30 CFR 75.372, 75.1002(a), and 75.1200, use of the most practical and accurate surveying equipment is necessary. In order to ensure the safety of the miners in active mines and to protect miners in future mines which may mine in close proximity to these same active mines it is necessary to determine the exact location and extents of the mine workings.

(2) Application of the existing standard would result in a diminution of safety to the miners. Underground mining by its nature, size, and complexity of mine plans requires that accurate and precise measurements be completed in a prompt and efficient manner. The petitioner proposes the following as an alternative to the existing standard:

(a) Non-permissible electronic surveying equipment will be used when equivalent permissible electronic surveying equipment is not available. Such non-permissible surveying equipment includes portable battery operated total station surveying equipment, mine transits, distance meters, and data loggers.

(b) All non-permissible electronic surveying equipment to be used within 150 feet of pillar workings will be examined by surveying personnel prior to use to ensure the equipment is being maintained in a safe operating condition. These examinations will include the following steps:

(i) Checking the instrument for any physical damage and the integrity of the case.

(ii) Removing the battery and inspect for corrosion.

(iii) Inspecting the contact points to ensure a secure connection to the battery.

(iv) Reinserting the battery and power up and shut down to ensure proper connections.

(v) Checking the battery compartment cover to ensure that it is securely fastened.

(c) The results of such examinations will be recorded and retained for one year and made available to MSHA upon request.

(d) A qualified person as defined in 30 CFR 75.151 will continuously monitor for methane immediately before and during the use of non-permissible surveying equipment within 150 feet of pillar workings.

(e) Non-permissible surveying equipment will not be used if methane is detected in concentrations at or above one percent for the area being surveyed. When methane is detected at such levels while the non-permissible surveying equipment is being used, the equipment will be deenergized immediately and the non-permissible electronic equipment withdrawn further than 150 feet from pillar workings.

(f) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(g) Batteries contained in the surveying equipment must be changed out or charged in fresh air more than 150 feet from pillar workings.

(h) Qualified personnel engaged in the use of surveying equipment will be properly trained to recognize the hazards and limitations associated with the use of non-permissible surveying equipment in areas where methane could be present.

(i) The non-permissible surveying equipment will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions in this petition.

(j) Within 60 days after the Proposed Decision and Order becomes final, the petitioner will submit proposed revisions for its approved 30 CFR part 48 training plan to the District Manager. The revisions will specify initial and refresher training regarding the terms and conditions in the Proposed Decision and Order.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection as that afforded by the existing standard.

Docket Numbers: M–2012–018–C and M–2012–021–C.

Petitioner: Gateway Eagle Coal Company, LLC, Three Gateway Center, Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222–1000.

Mines: Gateway Eagle Mine, MSHA I.D. No. 46–09152, Docket No. M–2012–018–C and Sugar Maple Mine, MSHA I.D. No. 46–09073, Docket No. M–2012–021–C, 54912 Pond Fork Road, Wharton, West Virginia, located in Boone County, West Virginia.

Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to permit the use of battery-powered non-permissible surveying equipment in or inby the last open crosscut, including, but not limited to, portable battery operated mine transits, total station surveying equipment, distance meters, and data loggers. The petitioner states that:

(1) In order to comply with requirements of 30 CFR 75.372 and 75.1200, use of the most practical and accurate surveying equipment is necessary.

(2) Application of the existing standard would result in a diminution of safety to the miners. Underground mining by its nature, size, and complexity of mine plans requires that accurate and precise measurements be completed in a prompt and efficient manner. The petitioner proposes the following as an alternative to the existing standard:

(a) Non-permissible electronic surveying equipment will be used when equivalent permissible electronic surveying equipment is not available. Such non-permissible surveying equipment includes portable battery operated total station surveying equipment, mine transits, distance meters, and data loggers.

(b) All non-permissible electronic surveying equipment to be used in or inby the last open crosscut will be examined by surveying personnel prior to use to ensure the equipment is being maintained in a safe operating condition. These examinations will include the following steps:

(i) Checking the instrument for any physical damage and the integrity of the case.

(ii) Removing the battery and inspect for corrosion.

(iii) Inspecting the contact points to ensure a secure connection to the battery.

(iv) Reinserting the battery and power up and shut down to ensure proper connections.

(v) Checking the battery compartment cover to ensure that it is securely fastened.

(c) The results of such examinations will be recorded and retained for one year and made available to MSHA upon request.

(d) A qualified person as defined in 30 CFR 75.151 will continuously monitor for methane immediately before and during the use of non-permissible surveying equipment in or inby the last open crosscut.

(e) Non-permissible surveying equipment will not be used if methane

is detected in concentrations at or above one percent for the area being surveyed. When methane is detected at such levels while the non-permissible surveying equipment is being used, the equipment will be deenergized immediately and the non-permissible electronic equipment withdrawn outby the last open crosscut.

(f) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(g) Batteries contained in the surveying equipment must be changed out or charged in fresh air outby the last open crosscut.

(h) Qualified personnel engaged in the use of surveying equipment will be properly trained to recognize the hazards associated with the use of non-permissible surveying equipment in areas where methane could be present.

(i) The non-permissible surveying equipment will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions in this petition.

(j) Within 60 days after the Proposed Decision and Order becomes final, the petitioner will submit proposed revisions for its approved 30 CFR part 48 training plan to the District Manager. The revisions will specify initial and refresher training regarding the terms and conditions in the Proposed Decision and Order.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection as that afforded by the existing standard.

Docket Numbers: M-2012-019-C and M-2012-022-C.

Petitioner: Gateway Eagle Coal Company, LLC, Three Gateway Center, Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222-1000.

Mines: Gateway Eagle Mine, MSHA I.D. No. 46-09152, Docket No. M-2012-019-C and Sugar Maple Mine, MSHA I.D. No. 46-09073, Docket No. M-2012-022-C, 54912 Pond Fork Road, Wharton, West Virginia, located in Boone County, West Virginia.

Regulation Affected: 30 CFR 75.507-1(a) (Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to permit the use of battery-powered non-permissible surveying equipment in return airways, including, but not limited to, portable

battery operated mine transits, total station surveying equipment, distance meters, and data loggers. The petitioner states that:

(1) In order to comply with requirements of 30 CFR 75.372 and 75.1200, use of the most practical and accurate surveying equipment is necessary.

(2) Application of the existing standard would result in a diminution of safety to the miners. Underground mining by its nature, size, and complexity of mine plans requires that accurate and precise measurements be completed in a prompt and efficient manner. The petitioner proposes the following as an alternative to the existing standard:

(a) Non-permissible electronic surveying equipment will be used when equivalent permissible electronic surveying equipment is not available. Such non-permissible surveying equipment includes portable battery operated total station surveying equipment, mine transits, distance meters, and data loggers.

(b) All non-permissible electronic surveying equipment to be used in or inby the last open crosscut will be examined by surveying personnel prior to use to ensure the equipment is being maintained in a safe operating condition. These examinations will include the following steps:

(i) Checking the instrument for any physical damage and the integrity of the case.

(ii) Removing the battery and inspect for corrosion.

(iii) Inspecting the contact points to ensure a secure connection to the battery.

(iv) Reinserting the battery and power up and shut down to ensure proper connections.

(v) Checking the battery compartment cover to ensure that it is securely fastened.

(c) The results of such examinations will be recorded and retained for one year and made available to MSHA upon request.

(d) A qualified person as defined in 30 CFR 75.151 will continuously monitor for methane immediately before and during the use of non-permissible surveying equipment in return airways.

(e) Non-permissible surveying equipment will not be used if methane is detected in concentrations at or above one percent for the area being surveyed. When methane is detected at such levels while the non-permissible surveying equipment is being used, the equipment will be deenergized immediately and the non-permissible electronic

equipment withdrawn out of the return airways.

(f) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(g) Batteries contained in the surveying equipment must be changed out or charged in fresh air out of the return.

(h) Qualified personnel engaged in the use of surveying equipment will be properly trained to recognize the hazards associated with the use of non-permissible surveying equipment in areas where methane could be present.

(i) The non-permissible surveying equipment will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions in this petition.

(j) Within 60 days after the Proposed Decision and Order becomes final, the petitioner will submit proposed revisions for its approved 30 CFR part 48 training plan to the District Manager. The revisions will specify initial and refresher training regarding the terms and conditions in the Proposed Decision and Order.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection as that afforded by the existing standard.

Docket Numbers: M-2012-020-C and M-2012-023-C.

Petitioner: Gateway Eagle Coal Company, LLC, Three Gateway Center, Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222-1000.

Mines: Gateway Eagle Mine, MSHA I.D. No. 46-09152, Docket No. M-2012-020-C and Sugar Maple Mine, MSHA I.D. No. 46-09073, Docket No. M-2012-023-C, 54912 Pond Fork Road, Wharton, West Virginia, located in Boone County, West Virginia.

Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to permit the use of battery-powered non-permissible surveying equipment within 150 feet of pillar workings, including, but not limited to, portable battery operated mine transits, total station surveying equipment, distance meters, and data loggers. The petitioner states that:

(1) In order to comply with requirements of 30 CFR 75.372, 75.1002(a), and 75.1200, use of the most practical and accurate surveying

equipment is necessary. In order to ensure the safety of the miners in active mines and to protect miners in future mines which may mine in close proximity to these same active mines it is necessary to determine the exact location and extents of the mine workings.

(2) Application of the existing standard would result in a diminution of safety to the miners. Underground mining by its nature, size, and complexity of mine plans requires that accurate and precise measurements be completed in a prompt and efficient manner. The petitioner proposes the following as an alternative to the existing standard:

(a) Non-permissible electronic surveying equipment will be used when equivalent permissible electronic surveying equipment is not available. Such non-permissible surveying equipment includes portable battery operated total station surveying equipment, mine transits, distance meters, and data loggers.

(b) All non-permissible electronic surveying equipment to be used within 150 feet of pillar workings will be examined by surveying personnel prior to use to ensure the equipment is being maintained in a safe operating condition. These examinations will include the following steps:

(i) Checking the instrument for any physical damage and the integrity of the case.

(ii) Removing the battery and inspect for corrosion.

(iii) Inspecting the contact points to ensure a secure connection to the battery.

(iv) Reinserting the battery and power up and shut down to ensure proper connections.

(v) Checking the battery compartment cover to ensure that it is securely fastened.

(c) The results of such examinations will be recorded and retained for one year and made available to MSHA upon request.

(d) A qualified person as defined in 30 CFR 75.151 will continuously monitor for methane immediately before and during the use of non-permissible surveying equipment within 150 feet of pillar workings.

(e) Non-permissible surveying equipment will not be used if methane is detected in concentrations at or above one percent for the area being surveyed. When methane is detected at such levels while the non-permissible surveying equipment is being used, the equipment will be deenergized immediately and the non-permissible electronic

equipment withdrawn further than 150 feet from pillar workings.

(f) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(g) Batteries contained in the surveying equipment must be changed out or charged in fresh air more than 150 feet from pillar workings.

(h) Qualified personnel engaged in the use of surveying equipment will be properly trained to recognize the hazards and limitations associated with the use of non-permissible surveying equipment in areas where methane could be present.

(i) The non-permissible surveying equipment will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions in this petition.

(j) Within 60 days after the Proposed Decision and Order becomes final, the petitioner will submit proposed revisions for its approved 30 CFR part 48 training plan to the District Manager. The revisions will specify initial and refresher training regarding the terms and conditions in the Proposed Decision and Order.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection as that afforded by the existing standard.

Docket Number: M-2012-024-C.

Petitioner: Pine Ridge Coal Company, LLC, Three Gateway Center, Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222-1000.

Mine: Big Mountain No. 16 Mine, MSHA I.D. No. 46-07908, 308 School House Road, Seth, West Virginia 25181, located in Boone County, West Virginia.

Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to permit the use of battery-powered non-permissible surveying equipment in or inby the last open crosscut, including, but not limited to, portable battery operated mine transits, total station surveying equipment, distance meters, and data loggers. The petitioner states that:

(1) In order to comply with requirements of 30 CFR 75.372 and 75.1200, use of the most practical and accurate surveying equipment is necessary.

(2) Application of the existing standard would result in a diminution of safety to the miners. Underground mining by its nature, size, and

complexity of mine plans requires that accurate and precise measurements be completed in a prompt and efficient manner. The petitioner proposes the following as an alternative to the existing standard:

(a) Non-permissible electronic surveying equipment will be used when equivalent permissible electronic surveying equipment is not available. Such non-permissible surveying equipment includes portable battery operated total station surveying equipment, mine transits, distance meters, and data loggers.

(b) All non-permissible electronic surveying equipment to be used in or inby the last open crosscut will be examined by surveying personnel prior to use to ensure the equipment is being maintained in a safe operating condition. These examinations will include the following steps:

(i) Checking the instrument for any physical damage and the integrity of the case.

(ii) Removing the battery and inspect for corrosion.

(iii) Inspecting the contact points to ensure a secure connection to the battery.

(iv) Reinserting the battery and power up and shut down to ensure proper connections.

(v) Checking the battery compartment cover to ensure that it is securely fastened.

(c) The results of such examinations will be recorded and retained for one year and made available to MSHA upon request.

(d) A qualified person as defined in 30 CFR 75.151 will continuously monitor for methane immediately before and during the use of non-permissible surveying equipment in or inby the last open crosscut.

(e) Non-permissible surveying equipment will not be used if methane is detected in concentrations at or above one percent for the area being surveyed. When methane is detected at such levels while the non-permissible surveying equipment is being used, the equipment will be deenergized immediately and the non-permissible electronic equipment withdrawn outby the last open crosscut.

(f) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(g) Batteries contained in the surveying equipment must be changed out or charged in fresh air outby the last open crosscut.

(h) Qualified personnel engaged in the use of surveying equipment will be

properly trained to recognize the hazards associated with the use of non-permissible surveying equipment in areas where methane could be present.

(i) The non-permissible surveying equipment will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions in this petition.

(j) Within 60 days after the Proposed Decision and Order becomes final, the petitioner will submit proposed revisions for its approved 30 CFR part 48 training plan to the District Manager. The revisions will specify initial and refresher training regarding the terms and conditions in the Proposed Decision and Order.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection as that afforded by the existing standard.

Docket Number: M–2012–025–C.

Petitioner: Pine Ridge Coal Company, LLC, Three Gateway Center, Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222–1000.

Mine: Big Mountain No. 16 Mine, MSHA I.D. No. 46–07908, 308 School House Road, Seth, West Virginia 25181, located in Boone County, West Virginia.

Regulation Affected: 30 CFR 75.507–1(a) (Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to permit the use of battery-powered non-permissible surveying equipment in return airways, including, but not limited to, portable battery operated mine transits, total station surveying equipment, distance meters, and data loggers. The petitioner states that:

(1) In order to comply with requirements of 30 CFR 75.372 and 75.1200, use of the most practical and accurate surveying equipment is necessary.

(2) Application of the existing standard would result in a diminution of safety to the miners. Underground mining by its nature, size, and complexity of mine plans requires that accurate and precise measurements be completed in a prompt and efficient manner. The petitioner proposes the following as an alternative to the existing standard:

(a) Non-permissible electronic surveying equipment will be used when equivalent permissible electronic surveying equipment is not available. Such non-permissible surveying

equipment includes portable battery operated total station surveying equipment, mine transits, distance meters, and data loggers.

(b) All non-permissible electronic surveying equipment to be used in or inby the last open crosscut will be examined by surveying personnel prior to use to ensure the equipment is being maintained in a safe operating condition. These examinations will include the following steps:

(i) Checking the instrument for any physical damage and the integrity of the case.

(ii) Removing the battery and inspect for corrosion.

(iii) Inspecting the contact points to ensure a secure connection to the battery.

(iv) Reinserting the battery and power up and shut down to ensure proper connections.

(v) Checking the battery compartment cover to ensure that it is securely fastened.

(c) The results of such examinations will be recorded and retained for one year and made available to MSHA upon request.

(d) A qualified person as defined in 30 CFR 75.151 will continuously monitor for methane immediately before and during the use of non-permissible surveying equipment in return airways.

(e) Non-permissible surveying equipment will not be used if methane is detected in concentrations at or above one percent for the area being surveyed. When methane is detected at such levels while the non-permissible surveying equipment is being used, the equipment will be deenergized immediately and the non-permissible electronic equipment withdrawn out of the return airways.

(f) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(g) Batteries contained in the surveying equipment must be changed out or charged in fresh air out of the return.

(h) Qualified personnel engaged in the use of surveying equipment will be properly trained to recognize the hazards associated with the use of non-permissible surveying equipment in areas where methane could be present.

(i) The non-permissible surveying equipment will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions in this petition.

(j) Within 60 days after the Proposed Decision and Order becomes final, the

petitioner will submit proposed revisions for its approved 30 CFR part 48 training plan to the District Manager. The revisions will specify initial and refresher training regarding the terms and conditions in the Proposed Decision and Order.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection as that afforded by the existing standard.

Docket Number: M-2012-026-C.

Petitioner: Pine Ridge Coal Company, LLC, Three Gateway Center, Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222-1000.

Mine: Big Mountain No. 16 Mine, MSHA I.D. No. 46-07908, 308 School House Road, Seth, West Virginia 25181, located in Boone County, West Virginia.

Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to permit the use of battery-powered non-permissible surveying equipment within 150 feet of pillar workings, including, but not limited to, portable battery operated mine transits, total station surveying equipment, distance meters, and data loggers. The petitioner states that:

(1) In order to comply with requirements of 30 CFR 75.372, 75.1002(a), and 75.1200, use of the most practical and accurate surveying equipment is necessary. In order to ensure the safety of the miners in active mines and to protect miners in future mines which may mine in close proximity to these same active mines it is necessary to determine the exact location and extents of the mine workings.

(2) Application of the existing standard would result in a diminution of safety to the miners. Underground mining by its nature, size, and complexity of mine plans requires that accurate and precise measurements be completed in a prompt and efficient manner. The petitioner proposes the following as an alternative to the existing standard:

(a) Non-permissible electronic surveying equipment will be used when equivalent permissible electronic surveying equipment is not available. Such non-permissible surveying equipment includes portable battery operated total station surveying equipment, mine transits, distance meters, and data loggers.

(b) All non-permissible electronic surveying equipment to be used within

150 feet of pillar workings will be examined by surveying personnel prior to use to ensure the equipment is being maintained in a safe operating condition. These examinations will include the following steps:

(i) Checking the instrument for any physical damage and the integrity of case.

(ii) Removing the battery and inspect for corrosion.

(iii) Inspecting the contact points to ensure a secure connection to the battery.

(iv) Reinserting the battery and power up and shut down to ensure proper connections.

(v) Checking the battery compartment cover to ensure that it is securely fastened.

(c) The results of such examinations will be recorded and retained for one year and made available to MSHA upon request.

(d) A qualified person as defined in 30 CFR 75.151 will continuously monitor for methane immediately before and during the use of non-permissible surveying equipment within 150 feet of pillar workings.

(e) Non-permissible surveying equipment will not be used if methane is detected in concentrations at or above one percent for the area being surveyed. When methane is detected at such levels while the non-permissible surveying equipment is being used, the equipment will be deenergized immediately and the non-permissible electronic equipment withdrawn further than 150 feet from pillar workings.

(f) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(g) Batteries contained in the surveying equipment must be changed out or charged in fresh air more than 150 feet from pillar workings.

(h) Qualified personnel engaged in the use of surveying equipment will be properly trained to recognize the hazards and limitations associated with the use of non-permissible surveying equipment in areas where methane could be present.

(i) The non-permissible surveying equipment will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions in this petition.

(j) Within 60 days after the Proposed Decision and Order becomes final, the petitioner will submit proposed revisions for its approved 30 CFR part 48 training plan to the District Manager. The revisions will specify initial and

refresher training regarding the terms and conditions in the Proposed Decision and Order.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection as that afforded by the existing standard.

Docket Number: M-2012-027-C.

Petitioner: Highland Mining Company, LLC, Three Gateway Center, Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222-1000.

Mine: Highland No. 9 Mine, MSHA I.D. No. 15-02709, 530 French Road, Waverly, Kentucky 42462, located in Union County, Kentucky.

Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to permit the use of battery-powered non-permissible surveying equipment in or inby the last open crosscut, including, but not limited to, portable battery operated mine transits, total station surveying equipment, distance meters, and data loggers. The petitioner states that:

(1) In order to comply with requirements of 30 CFR 75.372 and 75.1200, use of the most practical and accurate surveying equipment is necessary.

(2) Application of the existing standard would result in a diminution of safety to the miners. Underground mining by its nature, size, and complexity of mine plans requires that accurate and precise measurements be completed in a prompt and efficient manner. The petitioner proposes the following as an alternative to the existing standard:

(a) Non-permissible electronic surveying equipment will be used when equivalent permissible electronic surveying equipment is not available. Such nonpermissible surveying equipment includes portable battery operated total station surveying equipment, mine transits, distance meters, and data loggers.

(b) All non-permissible electronic surveying equipment to be used in or inby the last open crosscut will be examined by surveying personnel prior to use to ensure the equipment is being maintained in a safe operating condition. These examinations will include the following steps:

(i) Checking the instrument for any physical damage and the integrity of the case.

(ii) Removing the battery and inspect for corrosion.

(iii) Inspecting the contact points to ensure a secure connection to the battery.

(iv) Reinserting the battery and power up and shut down to ensure proper connections.

(v) Checking the battery compartment cover to ensure that it is securely fastened.

(c) The results of such examinations will be recorded and retained for one year and made available to MSHA upon request.

(d) A qualified person as defined in 30 CFR 75.151 will continuously monitor for methane immediately before and during the use of non-permissible surveying equipment in or inby the last open crosscut.

(e) Non-permissible surveying equipment will not be used if methane is detected in concentrations at or above one percent for the area being surveyed. When methane is detected at such levels while the non-permissible surveying equipment is being used, the equipment will be deenergized immediately and the non-permissible electronic equipment withdrawn outby the last open crosscut.

(f) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(g) Batteries contained in the surveying equipment must be changed out or charged in fresh air outby the last open crosscut.

(h) Qualified personnel engaged in the use of surveying equipment will be properly trained to recognize the hazards associated with the use of non-permissible surveying equipment in areas where methane could be present.

(i) The non-permissible surveying equipment will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions in this petition.

(j) Within 60 days after the Proposed Decision and Order becomes final, the petitioner will submit proposed revisions for its approved 30 CFR part 48 training plan to the District Manager. The revisions will specify initial and refresher training regarding the terms and conditions in the Proposed Decision and Order.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection as that afforded by the existing standard.

Docket Number: M–2012–028–C.

Petitioner: Highland Mining Company, LLC, Three Gateway Center,

Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222–1000.

Mine: Highland No. 9 Mine, MSHA I.D. No. 15–02709, 530 French Road, Waverly, Kentucky 42462, located in Union County, Kentucky.

Regulation Affected: 30 CFR 75.507–1(a) (Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to permit the use of battery-powered non-permissible surveying equipment in return airways, including, but not limited to, portable battery operated mine transits, total station surveying equipment, distance meters, and data loggers. The petitioner states that:

(1) In order to comply with requirements of 30 CFR 75.372 and 75.1200, use of the most practical and accurate surveying equipment is necessary.

(2) Application of the existing standard would result in a diminution of safety to the miners. Underground mining by its nature, size, and complexity of mine plans requires that accurate and precise measurements be completed in a prompt and efficient manner. The petitioner proposes the following as an alternative to the existing standard:

(a) Non-permissible electronic surveying equipment will be used when equivalent permissible electronic surveying equipment is not available. Such non-permissible surveying equipment includes portable battery operated total station surveying equipment, mine transits, distance meters, and data loggers.

(b) All non-permissible electronic surveying equipment to be used in or inby the last open crosscut will be examined by surveying personnel prior to use to ensure the equipment is being maintained in a safe operating condition. These examinations will include the following steps:

(i) Checking the instrument for any physical damage and the integrity of the case.

(ii) Removing the battery and inspect for corrosion.

(iii) Inspecting the contact points to ensure a secure connection to the battery.

(iv) Reinserting the battery and power up and shut down to ensure proper connections.

(v) Checking the battery compartment cover to ensure that it is securely fastened.

(c) The results of such examinations will be recorded and retained for one year and made available to MSHA upon request.

(d) A qualified person as defined in 30 CFR 75.151 will continuously monitor for methane immediately before and during the use of non-permissible surveying equipment in return airways.

(e) Non-permissible surveying equipment will not be used if methane is detected in concentrations at or above one percent for the area being surveyed. When methane is detected at such levels while the non-permissible surveying equipment is being used, the equipment will be deenergized immediately and the non-permissible electronic equipment withdrawn out of the return airways.

(f) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(g) Batteries contained in the surveying equipment must be changed out or charged in fresh air out of the return.

(h) Qualified personnel engaged in the use of surveying equipment will be properly trained to recognize the hazards associated with the use of non-permissible surveying equipment in areas where methane could be present.

(i) The non-permissible surveying equipment will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions in this petition.

(j) Within 60 days after the Proposed Decision and Order becomes final, the petitioner will submit proposed revisions for its approved 30 CFR part 48 training plan to the District Manager. The revisions will specify initial and refresher training regarding the terms and conditions in the Proposed Decision and Order.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection as that afforded by the existing standard.

Docket Number: M–2012–029–C.

Petitioner: Highland Mining Company, LLC, Three Gateway Center, Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222–1000.

Mine: Highland No. 9 Mine, MSHA I.D. No. 15–02709, 530 French Road, Waverly, Kentucky 42462, located in Union County, Kentucky.

Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to permit the use of battery-powered non-permissible surveying equipment within 150 feet of pillar workings, including, but not limited to, portable battery operated mine transits, total station surveying equipment, distance meters, and data loggers. The petitioner states that:

(1) In order to comply with requirements of 30 CFR 75.372, 75.1002(a), and 75.1200, use of the most practical and accurate surveying equipment is necessary. In order to ensure the safety of the miners in active mines and to protect miners in future mines which may mine in close proximity to these same active mines it is necessary to determine the exact location and extents of the mine workings.

(2) Application of the existing standard would result in a diminution of safety to the miners. Underground mining by its nature, size, and complexity of mine plans requires that accurate and precise measurements be completed in a prompt and efficient manner. The petitioner proposes the following as an alternative to the existing standard:

(a) Non-permissible electronic surveying equipment will be used when equivalent permissible electronic surveying equipment is not available. Such non-permissible surveying equipment includes portable battery operated total station surveying equipment, mine transits, distance meters, and data loggers.

(b) All non-permissible electronic surveying equipment to be used within 150 feet of pillar workings will be examined by surveying personnel prior to use to ensure the equipment is being maintained in a safe operating condition. These examinations will include the following steps:

(i) Checking the instrument for any physical damage and the integrity of the case.

(ii) Removing the battery and inspect for corrosion.

(iii) Inspecting the contact points to ensure a secure connection to the battery.

(iv) Reinserting the battery and power up and shut down to ensure proper connections.

(v) Checking the battery compartment cover to ensure that it is securely fastened.

(c) The results of such examinations will be recorded and retained for one year and made available to MSHA upon request.

(d) A qualified person as defined in 30 CFR 75.151 will continuously monitor for methane immediately before and during the use of non-permissible surveying equipment within 150 feet of pillar workings.

(e) Non-permissible surveying equipment will not be used if methane is detected in concentrations at or above one percent for the area being surveyed. When methane is detected at such levels while the non-permissible surveying equipment is being used, the equipment will be deenergized immediately and the non-permissible electronic equipment withdrawn further than 150 feet from pillar workings.

(f) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(g) Batteries contained in the surveying equipment must be changed out or charged in fresh air more than 150 feet from pillar workings.

(h) Qualified personnel engaged in the use of surveying equipment will be properly trained to recognize the hazards and limitations associated with the use of non-permissible surveying equipment in areas where methane could be present.

(i) The non-permissible surveying equipment will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions in this petition.

(j) Within 60 days after the Proposed Decision and Order becomes final, the petitioner will submit proposed revisions for its approved 30 CFR part 48 training plan to the District Manager. The revisions will specify initial and refresher training regarding the terms and conditions in the Proposed Decision and Order.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection as that afforded by the existing standard.

Dated: March 5, 2012.

Patricia W. Silvey,
Certifying Officer.

[FR Doc. 2012-5713 Filed 3-8-12; 8:45 am]

BILLING CODE 4510-43-P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations (30 CFR), part 44 govern the application, processing, and disposition of petitions for modification. This notice is a summary of petitions for modification submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below to modify the application of existing mandatory safety standards.

DATES: All comments on the petitions must be received by the Office of Standards, Regulations, and Variances on or before April 9, 2012.

ADDRESSES: You may submit your comments, identified by "docket number" on the subject line, by any of the following methods:

1. *Electronic Mail:* zzMSHA-comments@dol.gov. Include the docket number of the petition in the subject line of the message.

2. *Facsimile:* 202-693-9441.

3. *Regular Mail:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209-3939, Attention: Roslyn B. Fontaine, Acting Director, Office of Standards, Regulations, and Variances.

4. *Hand-Delivery or Courier:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209-3939. Individuals who submit comments by hand-delivery are required to check in at the receptionist's desk on the 21st floor. Individuals may inspect copies of the petitions and comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT:

Barbara Barron, Office of Standards, Regulations, and Variances at (202) 693-9447 (Voice), barron.barbara@dol.gov (Email), or 202-693-9441 (Facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION:

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine. The petition may be granted if the Secretary of Labor determines that:

(1) An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

(2) That the application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modification.

II. Petitions for Modification

Docket Number: M-2012-004-C.

Petitioner: Little Buck Coal Company, 33 Pine Lane, Pine Grove, Pennsylvania 17963.

Mine: Little Buck Slope, MSHA I.D. No. 36-09958, 33 Pine Lane, Pine Grove, Pennsylvania 17963, located in Schuylkill County, Pennsylvania.

Regulation Affected: 30 CFR 75.1200(d) & (i) Mine map).

Modification Request: The petitioner requests a modification of the existing standard to permit the use of cross-sections in lieu of contour lines on mine maps through the intake slope, at locations of rock tunnel connections between veins, and at 1,000 foot intervals of advance from the intake slope. In addition, the petitioner proposes to limit the required mapping of mine workings above and below to those present within 100 feet of the vein(s) being mined unless the veins are interconnected to other veins beyond the 100 foot limit through rock tunnels. The petitioner states that:

(1) Due to the steep pitch encountered in mining anthracite coal veins, contours provide no useful information and their presence would make portions of the map illegible.

(2) The use of cross-sections in lieu of contour lines has been practiced since the late 1800's and provides critical information about spacing between veins and proximity to other mine workings, which fluctuate considerably.

(3) The vast majority of current underground anthracite mining involves either second mining of remnant pillars from previous mining or the mining of veins of lower quality in proximity to

inaccessible and frequently flooded abandoned mine workings that may or may not be mapped.

(4) All mapping for mines above and below is researched by the petitioner's contract engineer for the presence of interconnecting rock tunnels between veins in relation to the mine, and a hazard analysis is done when mapping indicates the presence of known or potentially flooded workings.

(5) When no rock tunnel connections are found, mine workings that exist beyond 100 feet from our mine, are recognized as presenting no hazard to the mine due to the pitch of the vein and rock separation.

(6) Additionally, the mine workings above and below are usually inactive and abandoned and, therefore, are not usually subject to changes during the life of the mine.

(7) Where evidence indicates prior mining was conducted on a vein above or below and research exhausts the availability of mine mapping, the vein will be considered mined and flooded and appropriate precautions will be taken through § 75.388, which addresses drilling boreholes in advance of mining, where possible.

(8) Where potential hazards exist and in-mine drilling capabilities limit penetration, surface boreholes may be used to intercept the workings and the results analyzed prior to beginning mining in the affected area.

The petitioner asserts that the proposed alternative method will provide no less than the same measure of protection afforded the miners under the existing standard.

Docket Number: M-2012-005-C.

Petitioner: Little Buck Coal Company, 33 Pine Lane, Pine Grove, Pennsylvania 17963.

Mine: Little Buck Slope, MSHA I.D. No. 36-09958, 33 Pine Lane, Pine Grove, Pennsylvania 17963, located in Schuylkill County, Pennsylvania.

Regulation Affected: 30 CFR 75.1202 and 75.1202-1(a) (Temporary notations, revisions and requirements).

Modification Request: The petitioner requests a modification of the existing standard to permit the interval of survey to be established on an annual basis from the initial survey in lieu of every 6 months as required. The petitioner proposes to continue to update the mine map by hand notations on a daily basis and conduct subsequent surveys prior to commencing retreat mining, and whenever either a drilling program under § 75.388 or plan for mining into inaccessible areas under § 75.389 is required. The petitioner states that:

(1) The low production and slow rate of advance in anthracite mining make

surveying on 6-month intervals impractical. In most cases annual development is frequently limited to less than 500 feet of gangway advance with associated up-pitch development.

(2) The vast majority of small anthracite mines are non-mechanized and use hand-loading mining methods.

(3) Development above the active gangway is designed to mine into the level above at designated intervals thereby maintaining sufficient control between both surveyed gangways.

(4) The available engineering/surveyor resources are limited in the anthracite coal fields and surveying on an annual basis is difficult to achieve with four individual contractors currently available.

The petitioner asserts that the proposed alternative method will provide no less than the same measure of protection afforded the miners under the existing standard.

Docket Number: M-2012-006-C.

Petitioner: Little Buck Coal Company, 33 Pine Lane, Pine Grove, Pennsylvania 17963.

Mine: Little Buck Slope, MSHA I.D. No. 36-09958, 33 Pine Lane, Pine Grove, Pennsylvania 17963, located in Schuylkill County, Pennsylvania.

Regulation Affected: 30 CFR 75.1400 (Hoisting equipment; general).

Modification Request: The petitioner requests a modification of the existing standard for cages, platforms, or other devices used to transport persons in shafts or slopes in underground coal mines. The petitioner seeks to permit the use of a slope conveyance (gunboat) to transport persons without installing safety catches or other no less effective devices but instead use an increased rope strength/safety factor and secondary safety rope connection in place of such devices. The petitioner states that:

(1) The haulage slope of this anthracite mine is typical of those in the anthracite region, with a relatively high angle and frequently changing pitches.

(2) A functional safety catch capable of working in slopes with knuckles and curves is not commercially available. A makeshift device would be activated on or by knuckles or curves when no emergency exists. Activation of a safety catch can or will damage the haulage system and subject persons being transported to hazards from dislodged timbering, roof material, or guide rails, and to being battered about within the conveyance.

(3) A safer alternative is to provide secondary safety connections securely fastened around the gunboat and to the hoisting rope above the main termination and use a hoisting rope

having a safety factor greater than that recommended in the American Standards Specifications for the Use of Wire Rope in Mines or at least three times greater than the strength required under section § 75.1431(a).

The petitioner asserts that the proposed alternative method will provide no less than the same measure of protection afforded the miners under the existing standard.

Docket Number: M-2012-007-C.

Petitioner: RoxCoal, Inc., 1576 Stoystown Road, Friedens, Pennsylvania 15541.

Mines: Agustus Mine, MSHA I.D. No. 36-08636; Barbara #2 Mine, MSHA I.D. No. 36-08508; Horning Mine, MSHA I.D. No. 36-09666; Kimberly Run Mine, MSHA I.D. No. 36-09549; Quecreek #1 Mine, MSHA I.D. No. 36-08746; Roytown Deep Mine, MSHA I.D. No. 36-09260; Sarah Mine, MSHA I.D. No. 36-08571; all located in Somerset County, Pennsylvania.

Regulation Affected: 30 CFR 75.503 (Permissible electric face equipment; maintenance) and 30 CFR 18.35(a)(2) (Portable (trailing) cables and cords).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance with the 10 American Wire Gauge (AWG) Cable. The petitioner proposes to use MSHA approved five (5) conductor 10 AWG cable (SO cable) with a diameter of .77 with a tolerance of ± 0.03 . The petitioner states that:

(1) The cable will hang on insulated hangers for the entire length at all times.

(2) Within 60 days after the Proposed Decision and Order becomes final, the petitioner will submit proposed revisions for its approved 30 CFR part 48 training plan to the District Manager. In addition to the requirement specified in item 1, these proposed revisions will specify initial and refresher training regarding the terms and conditions stated in the Proposed Decision and Order.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the standard.

Dated: March 5, 2012.

Patricia W. Silvey,
Certifying Officer.

[FR Doc. 2012-5711 Filed 3-8-12; 8:45 am]

BILLING CODE 4510-43-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Information Collection

AGENCY: National Aeronautics and Space Administration (NASA).

NOTICE: (12-020).

ACTION: Notice of information collection.

SUMMARY: The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. 3506(c)(2)(A)).

DATES: All comments should be submitted within 60 calendar days from the date of this publication.

ADDRESSES: All comments should be addressed to Ms. Frances Teel, JF000, National Aeronautics and Space Administration, Washington, DC 20546-0001.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Frances Teel, NASA Clearance Officer, NASA Headquarters, 300 E Street SW., JF0000, Washington, DC 20546, *Frances.C.Teel@nasa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

To ensure accurate reporting of Government-owned, contractor-held property on the financial statements and to provide information necessary for effective property management, NASA obtains summary data annually from the official Government property records maintained by its contractors, on the NASA Form 1018, as of the end of the fiscal year.

II. Method of Collection

Electronic.

III. Data

Title: NASA Property in the Custody of Contractors.

OMB Number: 2700-0017.

Type of Review: Revision of currently approved collection.

Affected Public: Business or other for-profit and not-for-profit institutions.

Estimated Number of Respondents: 1092.

Estimated Time per Response: Variable.

Estimated Total Annual Burden Hours: 9805 hours.

Estimated Total Annual Cost: \$0.00.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (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 respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Frances Teel,

NASA PRA Clearance Officer.

[FR Doc. 2012-5681 Filed 3-8-12; 8:45 am]

BILLING CODE 7510-13-P

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

National Council on the Arts 175th Meeting

AGENCY: National Endowment for the Arts, National Foundation on the Arts and Humanities.

ACTION: Notice—Meeting.

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the National Council on the Arts will be held on March 30, 2012, in Room M-09 at the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

This meeting, from 9 a.m. to 11:30 a.m. on Friday, March 30th in Room M-09 (ending time is approximate), will be open to the public on a space available basis. The meeting will begin with opening remarks and voting on recommendations for funding and rejection and guidelines, followed by updates by the Chairman. From 10 a.m. to 11:30 a.m. there will be presentations on Operation Homecoming and the healing arts programs at Walter Reed National Military Medical Center, *Arts and Achievement in At-Risk Youth: Findings From Four Longitudinal Studies*, and an overview of NEA Arts and podcasts. The meeting will adjourn following concluding remarks and announcement of voting results.

This meeting will be webcast. The webcast can be accessed by going to Art Works blog at www.arts.gov/artworks.

If, in the course of the open session discussion, it becomes necessary for the Council to discuss non-public commercial or financial information of intrinsic value, the Council will go into closed session pursuant to subsection (c)(4) of the Government in the Sunshine Act, 5 U.S.C. 552b, and in accordance with the determination of the Chairman of November 10, 2009. Additionally, discussion concerning purely personal information about individuals, submitted with grant applications, such as personal biographical and salary data or medical information, may be conducted by the Council in closed session in accordance with subsection (c)(6) of 5 U.S.C. 552b.

Any interested persons may attend, as observers, Council discussions and reviews that are open to the public. If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682-5532, TTY-TDD 202/682-5429, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from the Office of Communications, National Endowment for the Arts, Washington, DC 20506, at 202/682-5570.

Dated: March 5, 2012.

Kathy Plowitz-Worden,

Panel Coordinator, Office of Guidelines and Panel Operations.

[FR Doc. 2012-5716 Filed 3-8-12; 8:45 am]

BILLING CODE 7537-01-P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Physics; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: LIGO Annual Review Site Visit at Hanford Observatory for Physics, #1208.

Date and Time: Wednesday, April 11, 2012; 8 a.m.—6:30 p.m.; Thursday, April 12, 2012; 8 a.m.—5:30 p.m.; Friday, April 13, 2012; 8 a.m.—11 a.m.

Place: LIGO site at Hanford, WA.

Type of Meeting: Partially Closed.

Contact Person: Thomas Carruthers, Program Director, Division of Physics, National Science Foundation, (703) 292-7373.

Purpose of Meeting: To provide an evaluation of the project construction for implementation of the AdvLIGO project to the National Science Foundation.

Agenda:

Wednesday, April 11, 2012

8 a.m.—8:15 a.m. Open—Sign In
8:45 a.m.—9:15 a.m. Closed—Executive Session

9:15 a.m.—11:45 a.m. Open—Welcome, LIGO status, Reporting Metrics
11:45 Lunch
12:45 p.m.—2:45 p.m. Open—S6 Science run, performance, risk reduction
3:15 p.m.—4:30 p.m. Data Management, LIGO Australia, LSC status
5 p.m. Closed—Executive Session

Thursday, April 12, 2012

8 a.m.—8:15 a.m. Open—Sign in
9 a.m.—10 a.m. Closed—Executive Session
10:15 a.m.—11:45 Open—Review of AdvLIGO MREFC, EPO, diversity
11:45 a.m. Lunch
12:45 p.m.—4:15 p.m. Open—Project discussions, tour
5 p.m. Closed—Executive Session

Friday, April 13, 2012

8 a.m.—10:30 a.m. Closed—Executive Session report writing
10:30 a.m.—11 a.m. Closed—Executive Session—closing address

Reason for Closing: The proposal contains proprietary or confidential material, including technical information on personnel. These matters are exempt under 5 U.S.C. 552b (c) (2) (4) and (6) of the Government in the Sunshine Act.

Dated: March 6, 2012.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 2012-5734 Filed 3-8-12; 8:45 a.m.]

BILLING CODE 7555-01-P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463 as amended), the National Science Foundation announces the following meeting:

Name: Site visit review of the Materials Research Science and Engineering Center (MRSEC) at New York University by the Division of Materials Research (DMR) #1203.

Dates and Times:

April 19, 2012; 7:45 a.m.—6:15 p.m.;

April 20, 2012; 8 a.m.—3:30 p.m.

Place: New York University, New York, NY.

Type of Meeting: Part open.

Contact Person: Dr. Thomas Rieker, Program Director, Materials Research Science and Engineering Centers Program, Division of Materials Research, Room 1065, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone (703) 292-4914.

Purpose of Meeting: To provide advice and recommendations concerning further support of the MRSEC at New York University.

Agenda:

Thursday, April 19, 2012

7:45 a.m.—4:30 p.m.: Open—Review of the MRSEC

4:30 p.m.—6:15 p.m. Closed—Executive Session

Friday, April 20, 2012

8 a.m.—9 a.m.: Closed—Executive session

9 a.m.—10 a.m.: Open—Review of the MRSEC

10 a.m.—3:30 p.m.: Closed—Executive Session, Draft and Review Report

Reason for Closing: The work being reviewed may include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the MRSEC. These matters are exempt under 5 U.S.C. 552 b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 6, 2012.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 2012-5758 Filed 3-8-12; 8:45 am]

BILLING CODE 7555-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-348 AND 50-364; NRC-2012-0053]

Facility Operating License Amendment From Southern Nuclear Operating, Inc., Joseph M. Farley Nuclear Plant, Units 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment; request for comment and request for a hearing.

DATES: Submit comments by March 23, 2012. A request for a hearing must be filed by May 8, 2012.

ADDRESSES: You may access information and comment submissions related to this document, which the NRC possesses and is publicly available, by searching on <http://www.regulations.gov> under Docket ID NRC-2012-0053. You may submit comments by the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2012-0053. Address questions about NRC dockets to Carol Gallagher; telephone: 301-492-3668; email: Carol.Gallagher@nrc.gov.

- *Mail comments to:* Cindy Bladley, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

- *Fax comments to:* RADB at 301-492-3446.

For additional direction on accessing information and submitting comments,

see “Accessing Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

Robert E. Martin, Senior Project Manager, Plant Licensing Branch 2–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1493; email: Robert.Martin@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2012–0053 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly available, by the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC–2012–0053.

- *NRC’s Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “ADAMS Public Documents” and then select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to pdr.resource@nrc.gov. The application for amendment, dated February 28, 2012, is available electronically under ADAMS Accession No. ML12059A327.

- *NRC’s PDR:* You may examine and purchase copies of public documents at the NRC’s PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2012–0053 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed. The NRC posts all comment submissions at <http://www.regulations.gov> as well as enters the comment submissions into ADAMS. The NRC does not edit

comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information in their comment submissions that they do not want to be publicly disclosed. Your request should state that the NRC will not edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Introduction

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is considering issuance of an amendment to Facility Operating License Nos. NPF–2 and NPF–8, issued to Southern Nuclear Operating Company (the licensee), for operation of the Joseph M. Farley Nuclear Plant, Units 1 and 2 located in Houston County, Alabama.

The proposed amendment would revise Technical Specification (TS) 3.5.4, “Refueling Water Storage Tank” (RWST) such that the non-seismically qualified piping of the Spent Fuel Pool (SFP) purification system may be connected to the RWST’s seismic piping by manual operation of a RWST seismically qualified boundary valve under administrative controls for limited periods of time.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission’s regulations.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission’s regulations in Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

[Southern Nuclear Operating Company] SNC has evaluated whether or not a significant hazards consideration is involved

with the proposed amendment(s) by evaluation of the three standards set forth in 10 CFR 50.92, “Issuance of Amendment,” as discussed below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The use of the [Boric Acid Recovery System] BARS system and the SFP Purification Loop to re-circulate the RWST does not involve any changes or create any new interfaces with the reactor coolant system or main steam system piping. Therefore, the connection of the SFP Purification Loop to the RWST and use of the BARS system would not affect the probability of these accidents occurring.

Neither the SFP Purification Loop nor the BARS system are credited for safe shutdown of the plant or accident mitigation. A combination of design and administrative controls ensure that both the SFP Purification Loop and BARS systems maintain RWST boron concentration and water volume requirements whenever the contents of the RWST are processed through these systems. RWST volume margin will be verified to be adequate to compensate for postulated BARS system line losses and process losses which may occur through the BARS system reject waste stream. The BARS system is designed to maintain a high boron recovery rate. Potential boron dilution during use of the BARS system is prevented through verifying RWST boron margin prior to BARS system operation and monitoring the BARS system boron recovery rate by grab samples taken from the system inlet and outlet points approximately one hour after placing it in service and at least every 48 hours thereafter. Following each operation of the BARS system, RWST sampling will be performed to verify the RWST boron concentration, and boron additions will be made to the RWST, accordingly.

Since the RWST will continue to perform its safety function and meet all surveillance requirements, overall system performance is not affected, assumptions previously made in evaluating the consequences of the accident are not altered, and the consequences of the accident are not increased.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

Contingent upon manual operator action as described above, a SFP Purification Loop line break will not result in a loss of the RWST safety function. Similarly, an active or passive failure in the BARS system will not result in loss of the RWST safety function. Adequate RWST volume and boron margin will be verified prior to BARS system operation. The BARS system boron recovery rate will be monitored by grab samples taken of the system inlet and outlet one hour after placing the system in service and at least every 48 hours thereafter. In addition, the

[Documentation of Engineering Judgment] DOE] evaluation supports that the operator action can be taken within sufficient time to isolate the BARS system from the RWST during postulated accidents.

Calculations were reviewed for potential internal flooding from this nonseismic pipe break, and it was concluded that the break would have no effect on safe shutdown equipment in the affected areas.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Neither the SFP Purification Loop nor the BARS systems are credited for safe shutdown of the plant or accident mitigation. Adequate RWST volume and boron margin will be verified prior to BARS system operation and timely operator action can be taken to isolate the BARS system from the RWST. The BARS system waste stream losses will also be monitored throughout BARS system operation.

The potential boron dilution of the RWST inventory during tank processing through the SFP Purification Loop is minimized by administratively maintaining closed all manual boundary valves within the SFP Purification Loop while the SFP Purification Loop is connected to the RWST. The BARS system is designed to maintain a high boron recovery rate, which will be verified through testing prior to initial start up of the system. Potential boron dilution during every operation of the BARS system is prevented through verification of the RWST boron margin prior to BARS system operation, calculating the expected rate of dilution, and monitoring the BARS system boron recovery rate by grab samples taken from the system inlet and outlet at least every 48 hours. Following operation of the BARS system, RWST sampling will be performed to verify the RWST boron concentration, and boron additions to the RWST will be made accordingly. These measures will ensure the TS minimum RWST boron concentration is available to mitigate the short-term consequences of a small break LOCA, large break LOCA, or MSLB accident.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received by March 23, 2012, will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 14-day notice period. However, should circumstances change

during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 14-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

III. Opportunity To Request a Hearing; Petitions for Leave To Intervene

Within 60 days of this notice, any person(s) whose interest may be affected may file a request for hearing/petition to intervene. As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the requestor/petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the requestor/petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The requestor/petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or

fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139, August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at hearing.docket@nrc.gov, or by telephone at 301-415-1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal

server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals/apply-certificates.html>. System requirements for accessing the E-Submittal server are detailed in the NRC's "Guidance for Electronic Submission," which is available on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>. Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>.

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at <http://www.nrc.gov/site-help/e-submittals.html>. A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the

document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the "Contact Us" link located on the NRC Web site at <http://www.nrc.gov/site-help/e-submittals.html>, by email to MSHD.Resource@nrc.gov, or by a toll-free call to 1-866-672-7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at <http://ehd1.nrc.gov/ehd/>, unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are

requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from March 9, 2012. Non-timely filings will not be entertained absent a determination by the presiding officer that the petition or request should be granted or the contentions should be admitted, based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)-(viii).

For further details with respect to this exigent license application, see the application for amendment dated February 28, 2012, which is available for public inspection at the Public Document Room (PDR), located at One White Flint North, Room O1-F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available documents are accessible electronically through the Agencywide Documents Access and Management System (ADAMS) in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC's PDR reference staff by telephone at 1-800-397-4209, or 301-415-4737, or by email to pdrr.resource@nrc.gov.

Attorney for licensee: M. Stanford Blanton, Balch and Bingham Law Firm, P.O. Box 306, Birmingham, Alabama 35201.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 29th day of February, 2012.

Robert E. Martin,

Senior Project Manager, Plant Licensing Branch II-1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2012-5753 Filed 3-8-12; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2011-0045]

Leakage Tests on Packages for Shipment of Radioactive Material**AGENCY:** Nuclear Regulatory Commission.**ACTION:** Regulatory guide; issuance.**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC or Commission) is issuing a revision to Regulatory Guide 7.4, "Leakage Tests on Packages for Radioactive Material."**ADDRESSES:** You can access publicly available documents related to this regulatory guide using the following methods:

- *NRC's Public Document Room (PDR):* The public may view on line for free or have printed for a fee, publicly available documents at the NRC's PDR, O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* Publicly available documents created or received at the NRC are available online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. From this page, the public can gain entry into ADAMS, which provides text and image files of the NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1-800-397-4209, 301-415-4737, or by email to pdr.resource@nrc.gov. The regulatory guide is available electronically under ADAMS Accession Number ML112520023. The regulatory analysis may be found in ADAMS under Accession Number ML112520027.

- *Federal Rulemaking Web Site:* Public comments and supporting materials related to this notice can be found at <http://www.regulations.gov> by searching on Docket ID NRC-2011-0045.

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

FOR FURTHER INFORMATION CONTACT:

Bernard White, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone:

301-492-3303 or email:
Bernard.White@nrc.gov.

SUPPLEMENTARY INFORMATION:**I. Introduction**

The NRC is issuing a revision to an existing guide in the NRC's "Regulatory Guide" series. This series was developed to describe and make available to the public information such as methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

This revision to Regulatory Guide 7.4 provides licensees and applicants with a method the NRC considers acceptable for meeting the containment criteria for Type B packages described in 10 CFR 71.51, "Additional Requirements for Type B Packages." The revised regulatory guide endorses the methods and procedures described in ANSI Standard N14.5-1997, "Radioactive Materials—Leakage Tests on Packages for Shipment" approved February 1998.

The NRC staff developed and published this guidance to provide licensees and applicants with an acceptable method to satisfy the requirements in 10 CFR part 71 and part 20 for transferring, shipping, and receiving radioactive material.

II. Further Information

Revision 1 of Regulatory Guide 7.4 was issued with a temporary identification as Draft Regulatory Guide, DG-7008. Draft Regulatory Guide, DG-7008, was published in the **Federal Register** on March 1, 2011 (76 FR 11288) for a 60 days public comment period. The public comment period closed on April 26, 2011. The NRC staff's responses to the public comments on DG-7008 are available under ADAMS Accession Number ML112520028.

Dated at Rockville, Maryland, this 1st day of March, 2012.

For the Nuclear Regulatory Commission.

Thomas H. Boyce,

Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2012-5751 Filed 3-8-12; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION**Application for a License To Export Steel Forging**

Pursuant to 10 CFR 110.70(b) "Public Notice of Receipt of an Application," please take notice that the Nuclear Regulatory Commission (NRC) has received the following request for an export license. Copies of the request are available electronically through ADAMS and can be accessed through the Public Electronic Reading Room (PERR) link <http://www.nrc.gov/reading-rm.html> at the NRC Homepage.

A request for a hearing or petition for leave to intervene may be filed within thirty days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Executive Secretary, U.S. Department of State, Washington, DC 20520.

A request for a hearing or petition for leave to intervene may be filed with the NRC electronically in accordance with NRC's E-Filing rule promulgated in August 2007, 72 FR 49139 (Aug. 28, 2007). Information about filing electronically is available on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>. To ensure timely electronic filing, at least 5 (five) days prior to the filing deadline, the petitioner/requestor should contact the Office of the Secretary by email at HEARINGDOCKET@NRC.GOV, or by calling (301) 415-1677, to request a digital ID certificate and allow for the creation of an electronic docket.

In addition to a request for hearing or petition for leave to intervene, written comments, in accordance with 10 CFR 110.81, should be submitted within thirty (30) days after publication of this notice in the **Federal Register** to Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Rulemaking and Adjudications.

The information concerning this application for an export license follows.

NRC EXPORT LICENSE APPLICATION

[Description of material]

Name of applicant Date of application Date received Application No. Docket No.	Material type	Total quantity	End use	Destination
FirstEnergy Nuclear Operating Co ... December 15, 2011 February 7, 2012 XR175 11005983	Reactor vessel head steel forging ...	One	The reactor vessel head steel forging will be machined into the finished vessel head at ENSA Equipos Nucleares, S.A. in Spain, for use in Beaver Valley (Unit 2) Power Station, Shippingport, PA.	Spain.

Dated this 2nd day of March 2012 at Rockville, Maryland.

For the Nuclear Regulatory Commission.

Stephen Dembek,

Acting Deputy Director, Office of International Programs.

[FR Doc. 2012-5749 Filed 3-8-12; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2012-0055]

Changes to the Generic Aging Lessons Learned (GALL) Report Revision 2 AMP XI.M41, "Buried and Underground Piping and Tanks"

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft interim staff guidance; request for public comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) requests public comment on Draft License Renewal Interim Staff Guidance (LR-ISG), LR-ISG-2011-03, "Changes to GALL Report Revision 2 Aging Management Program (AMP) XI.M41, 'Buried and Underground Piping and Tanks'." This LR-ISG provides changes to the recommendations in GALL Report Revision 2 AMP XI.M41 based on the staff's review of several license renewal applications' buried and underground piping and tanks aging management programs and stakeholder input. The draft LR-ISG proposes to revise an NRC staff-recommended aging management program in NUREG-1801, Revision 2, "Generic Aging Lessons Learned (GALL) Report," and the NRC staff's aging management review procedure and acceptance criteria contained in NUREG-1800, Revision 2, "Standard Review Plan for Review of License Renewal Applications for Nuclear Power Plants" (SRP-LR).

DATES: Submit comments by April 9, 2012. Comments received after this date will be considered, if it is practical to do

so, but the NRC staff is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may access information and comment submissions related to this document by searching on <http://www.regulations.gov> under Docket ID NRC-2012-0055. You may submit comments by the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2012-0055. Address questions about NRC dockets to Carol Gallagher; telephone: 301-492-3668; email: Carol.Gallagher@nrc.gov.

- *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

- *Fax comments to:* RADB at 301-492-3446.

For additional direction on accessing information and submitting comments, see "Accessing Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Mr. William Holston, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-8573; email: William.Holston@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC-2012-0055 when contacting the NRC about the availability of information regarding this document. You may access information related to this document by the following methods:

- *Federal Rulemaking Web Site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2012-0055.

- *NRC's Interim Staff Guidance Web Site:* The LR-ISG documents are also

available online under the "License Renewal" heading at <http://www.nrc.gov/reading-rm/doc-collections/#int>.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly-available documents online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to pdr.resource@nrc.gov. The draft LR-ISG-2011-03 is available electronically under ADAMS Accession No. ML11244A058. The GALL Report and SRP-LR are available under ADAMS Accession Nos. ML103490041 and ML103490036, respectively.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC-2012-0055 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed. The NRC posts all comment submissions at <http://www.regulations.gov> as well as entering the comment submissions into ADAMS, and the NRC does not edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information in their comment submissions that they do not want to be publicly disclosed. Your request should state that the NRC will

not edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Background

The NRC issues LR-ISGs to communicate insights and lessons learned and to address emergent issues not covered in license renewal guidance documents, such as the GALL Report and SRP-LR. In this way, the NRC staff and stakeholders may use the guidance in an LR-ISG document before it is incorporated into a formal license renewal guidance document revision. The NRC staff issues LR-ISG in accordance with the LR-ISG Process, Revision 2 (ADAMS Accession No. ML100920158), for which a notice of availability was published in the **Federal Register** on June 22, 2010 (75 FR 35510).

The NRC staff has developed draft LR-ISG-2011-03 to (a) include inspection recommendations for plants that will not have a cathodic protection system in the period of extended operation, (b) remove the recommendation to volumetrically inspect underground piping to detect internal corrosion, (c) base further increased inspection sample sizes on an analysis of extent of cause and extent of condition when adverse conditions are detected in the initial and subsequent doubled sample size rather than continuing to double the sample size, (d) add a recommendation that where damage to the coating is significant and the damage was caused by non-conforming backfill, an extent of condition evaluation should be conducted to ensure that the as-left condition of backfill in the vicinity of observed damage will not lead to further degradation, (e) add specific acceptance criteria for cathodic protection surveys, (f) add the specific preventive and mitigative actions utilized by the AMP in the FSAR Supplement description of the program as contained in the SRP-LR, and (g) make miscellaneous and editorial changes.

Proposed Action

By this action, the NRC is requesting public comments on draft LR-ISG-2011-03. This LR-ISG proposes certain revisions to NRC guidance on implementation of the requirements in 10 CFR Part 54. The NRC staff will make a final determination regarding issuance of the LR-ISG after it considers any public comments received in response to this request.

Dated at Rockville, Maryland, this 1st day of March 2012.

For the Nuclear Regulatory Commission.

Melanie A. Galloway,

*Acting Director, Division of License Renewal,
Office of Nuclear Reactor Regulation.*

[FR Doc. 2012-5743 Filed 3-8-12; 8:45 am]

BILLING CODE 7590-01-P

POSTAL SERVICE

Board of Governors; Sunshine Act Meeting

Board Votes to Close March 1, 2012, Meeting

By telephone vote on March 1, 2012, members of the Board of Governors of the United States Postal Service met and voted unanimously to close to public observation its meeting held in Washington, DC, via teleconference. The Board determined that no earlier public notice was possible.

ITEMS CONSIDERED:

1. Strategic Issues.
2. Financial Matters.

GENERAL COUNSEL CERTIFICATION: The General Counsel of the United States Postal Service has certified that the meeting was properly closed under the Government in the Sunshine Act.

CONTACT PERSON FOR MORE INFORMATION:

Requests for information about the meeting should be addressed to the Secretary of the Board, Julie S. Moore, at (202) 268-4800.

Julie S. Moore,

Secretary.

[FR Doc. 2012-5850 Filed 3-7-12; 11:15 am]

BILLING CODE 7710-12-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 29975; File No. 812-13882]

Kohlberg Capital Corporation; Notice of Application

March 5, 2012.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of application for an order under section 6(c) of the Investment Company Act of 1940 (the "Act") for an exemption from section 12(d)(3) of the Act.

APPLICANT: Kohlberg Capital Corporation (the "Company").

SUMMARY OF APPLICATION: Applicant requests an order ("Order") of the Commission pursuant to section 6(c) of the Act granting an exemption from the provisions of section 12(d)(3) of the Act,

to the extent necessary, in order to permit the Company and its wholly-owned holding companies Katonah Management Holdings LLC ("Katonah Management") and Commodore Holdings, L.L.C. ("Commodore Holdings") and together with Katonah Management, the "Holding Companies") to continue to hold a greater than 50% equity interest in Katonah Debt Advisors, LLC ("KDA"), Trimaran Advisors, L.L.C. ("Trimaran") and together with KDA, the "Advisers"), and the Special Purpose Subsidiaries (as defined below), each of which is a direct or indirect wholly-owned portfolio company of the Company, when the Advisers and the Special Purpose Subsidiaries are required to register as investment advisers under the Investment Advisers Act of 1940, as amended ("Advisers Act").

FILING DATES: The application was filed on March 18, 2011, and amended on September 12, 2011, and March 1, 2012. Applicant has agreed to file an amendment during the notice period, the substance of which is reflected in this notice.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 26, 2012, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer'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 Commission's Secretary.

ADDRESSES: Elizabeth M. Murphy, Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC, 20549-1090; Applicant, 295 Madison Avenue, 6th Floor, New York, NY 10017.

FOR FURTHER INFORMATION CONTACT: Barbara T. Heussler, Senior Counsel, at (202) 551-6990, or Jennifer Sawin, Branch Chief, at (202) 551-6821 (Division of Investment Management, Office of Investment Company Regulation).

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 applicant using the Company name box, at <http://www.sec.gov/search/search.htm> or by calling (202) 551-8090.

Applicant's Representations

1. The Company, a Delaware corporation, is a non-diversified, closed-end management investment company that has elected to be regulated as a business development company ("BDC") under section 54(a) the Act.¹ The Company's investment objective is to generate current income and capital appreciation from investments made in senior secured term loans, mezzanine debt and selected equity investments in privately-held middle market companies. The Company originates and invests in senior secured term loans, mezzanine debt and selected equity securities primarily in middle market companies. The Company was formed in 2006 for the purpose of acquiring 100% of the equity interests in KDA, and raising capital in an initial public offering ("Formation Transactions"). On February 29, 2012, the Company acquired 100% of the equity interests in Trimaran, an unregistered investment adviser (the "Trimaran Transaction").² Trimaran was acquired as a wholly-owned subsidiary of Commodore Holdings, which is a newly formed wholly-owned subsidiary of the Company. The Company is and will continue to be an internally managed BDC. In connection with the Formation Transactions, KDA became a wholly-owned portfolio company of the Company. In connection with the Trimaran Transaction, Trimaran became an indirect wholly-owned portfolio company of the Company. The Company, the Advisers and the Special Purpose Subsidiaries are directly or indirectly overseen by the Company's eight member board of directors ("Board"), of whom five are not considered "interested persons" of the Company within the meaning of section 2(a)(19) of the Act.

2. The Advisers manage certain unregistered collateralized loan obligation funds that invest in broadly syndicated loans, high yield bonds and

other credit instruments ("CLO Funds").³ The Advisers and the Special Purpose Subsidiaries do not currently offer any other investment advisory services or provide services to any other entities other than the CLO Funds. The Advisers receive contractual and recurring management fees and may also receive incentive fees from the CLO Funds for management and advisory services. The Company expects to receive dividends of earnings from the Advisers that are derived from recurring fee income and to generate capital appreciation from its investment in the asset management business of the Advisers. Alternatively, for internal structuring purposes, these fees may be paid to certain special purpose vehicles that are direct or indirect wholly-owned subsidiaries of the Company (each a "Special Purpose Subsidiary").⁴ The revenue that the Advisers and the Special Purpose Subsidiaries generate through the fees they receive for managing the CLO Funds and after paying the expenses associated with its operations, including compensation of employees, may be distributed to the Company as dividends.⁵

3. The Company has made an election to be treated for tax purposes as a regulated investment company ("RIC"). The fee income received by the Advisers and the Special Purpose Subsidiaries in connection with the provision of services to the CLO Funds could impair the Company's RIC status if the Company earned such income directly. Therefore, in order for the Company to maintain its RIC status while continuing to receive this income, the Company believes that it is in the best interests of the Company and its shareholders for the Advisers and the Special Purpose Subsidiaries to continue to receive fees from the CLO Funds instead of the Company receiving such fees directly.

³ The CLO Funds are not registered as "investment companies" under the Act in reliance on section 3(c)(1) or 3(c)(7) of the Act, which exempts certain funds from the definition of investment company.

⁴ The Special Purpose Subsidiaries are currently wholly owned subsidiaries of Katonah Management Company. In the future, Special Purpose Subsidiaries may be wholly owned directly or indirectly by the Advisers, Katonah Management, Commodore Holdings, or another holding company wholly owned by the Company. Currently, the Company's only subsidiaries are KDA, Trimaran, the Holding Companies, the Special Purpose Subsidiaries, and Kohlberg Capital Funding LLC I and KCAP Funding, two wholly owned, special purpose financing subsidiaries.

⁵ The Company has invested in the CLO Funds managed by the Advisers and the Special Purpose Subsidiaries and expects to invest in future CLO Funds to be managed by the Advisers and the Special Purpose Subsidiaries for which the Company expects to receive a current cash return.

4. The Private Fund Investment Advisers Registration Act of 2010 (the "2010 Act")⁶ eliminated the exemption from investment advisor registration on which the Advisers and the Special Purpose Subsidiaries have relied, and they will be required to register with the Commission as investment advisers under the Advisers Act.⁷ The Company states that if relief is not granted, the Company will likely be forced to decide between losing its RIC status, terminating its relationship with the Advisers and the Special Purpose Subsidiaries, or limiting the dollar amount of assets that the Adviser and the Special Purpose Subsidiaries manage in order to avoid them having to register as investment advisers with the Commission.

Applicant's Legal Analysis

1. Section 12(d)(3) of the Act makes it unlawful for any registered investment company and any company controlled by such registered investment company,⁸ to purchase or otherwise acquire any security issued by or any other interest in certain securities-related businesses, including the business of any person who is an investment adviser registered under the Advisers Act, unless (a) such person is a corporation all the outstanding securities of which are owned by one or more registered investment companies; and (b) such person is primarily engaged in the business of underwriting and distributing securities issued by other persons, selling securities to customers, or any one or more of such or related activities, and the gross income of such person normally is derived principally from such business or related activities. Section 60 of the Act provides that section 12 shall apply to a BDC to the same extent as if it were

⁶ Title IV of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111-203, 124 Stat. 1376 (2010).

⁷ None of the Advisers or Special Purpose Subsidiaries is expected to qualify for an exemption from registration under the rules the Commission recently adopted. See Exemptions for Advisers to Venture Capital Funds, Private Fund Advisers With Less Than \$150 Million in Assets Under Management, and Foreign Private Advisers, Investment Advisers Act Release No. IA-3222 (Jun. 22, 2011). The Company intends to register KDA and the Special Purpose Subsidiaries on a single application for registration. See Commission staff letter issued January 18, 2012, to the American Bar Association Business Law Section, Subcommittee on Hedge Funds ("2012 ABA Letter"). Trimaran intends to register separately as an investment adviser. The Company will not own any security or other interest in any investment adviser that will not be registered under the Advisers Act.

⁸ The Holding Companies are wholly owned by the Company, and therefore are subject to section 12(d)(3).

¹ Section 2(a)(48) of the Act defines a BDC to be any closed-end investment company that operates for the purpose of making investments in securities described in sections 55(a)(1) through 55(a)(3) of the Act, makes available significant managerial assistance with respect to the issuers of such securities, and has elected to be subject to sections 55 through 65 of the Act.

² The Advisers and the Special Purpose Subsidiaries currently rely on the exemption set forth in section 203(b)(3) of the Advisers Act, which provides generally that an investment adviser with fewer than 15 clients is not required to register under the Advisers Act. As discussed below, this exemption has been eliminated.

a registered closed-end investment company.

2. Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person, security, or transaction from any provision of the Act or any rule thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

3. It is not expected that the Advisers or the Special Purpose Subsidiaries would also be broker-dealers that are primarily engaged in the business of underwriting and distributing securities issued by other persons. The ownership of the Advisers and the Special Purpose Subsidiaries, at such point as it becomes necessary for them to register as investment advisers, could thus cause the Company (and the Holding Companies) to be in violation of section 12(d)(3) of the Act.⁹

4. The Company requests an order pursuant to section 6(c) of the Act granting an exemption from the provisions of section 12(d)(3) of the Act, to the extent necessary to permit the Company (and the Holding Companies) to continue to hold a greater than 50% equity interest in the Advisers and the Special Purpose Subsidiaries, when the Advisers and the Special Purpose Subsidiaries are required to register as investment advisers under the Advisers Act.

5. The Company states that section 12(d)(3) was intended to safeguard investment companies from (a) entrepreneurial risks of securities related businesses, and (b) conflicts of interest and reciprocal practices between investment companies and securities related businesses.

6. The Company does not believe a greater than 50% ownership of the Advisers or the ownership of the Special Purpose Subsidiaries presents the potential for the type of abuse intended to be eliminated by section 12(d)(3) of the Act. The Company's and Holding Companies' ownership and control of the Advisers and the Special Purpose Subsidiaries does not raise the concerns regarding entrepreneurial risks and conflicts of interests and reciprocal

practices. The Company notes that the form of organization of most securities related businesses has changed since the time section 12(d)(3) was enacted, from privately held general partnerships to corporate forms that are characterized by limited liability. The Company's ownership of the Advisers and the Special Purpose Subsidiaries does not expose its shareholders to unlimited liability because the Advisers and the Special Purpose Subsidiaries are each organized as a separate entity and are structured as limited liability companies, not partnerships.

7. Applicant also asserts that the Company's and Holding Companies' ownership and control of the Advisers and the Special Purpose Subsidiaries do not present potential conflicts of interest and reciprocal practices. The Company owns 100% of the equity interests in the Advisers and the Special Purpose Subsidiaries and, as a result, exercises total control over the strategic direction of the Advisers and the Special Purpose Subsidiaries, including the power to control the policies that affect the Company and to protect the Company from potential conflicts of interest and reciprocal practices. The investment focus of the CLO Funds and the Company are distinct and generally do not overlap.¹⁰ Furthermore, the CLO Funds do not hold securities of the Advisers or Special Purpose Subsidiaries or the Company, and the Advisers and the Special Purpose Subsidiaries do not serve as investment adviser, underwriter or promoter to the Company.

8. No advisory personnel employed by the Company or any of its investment adviser subsidiaries are involved in any advisory businesses or activities outside of the Company's ownership and control, except for certain principals of Trimaran (the "Trimaran Principals"). These principals serve as employees of Trimaran, serve as directors of the Company, and are also the principals

and sole owners of a registered investment adviser that is not an affiliated person (as defined in section 2(a)(3) of the Act) of the Company (together with any adviser that is a "relying adviser" (as that term is used in the 2012 ABA Letter) of such registered investment adviser, the "Unaffiliated Adviser"). No new investments are currently being recommended to the Unaffiliated Adviser's clients. Furthermore, the investment strategies of the CLO Funds and the Unaffiliated Adviser's clients (the "Unaffiliated Adviser Clients")¹¹ do not overlap. The Company, the Advisers, the Special Purpose Subsidiaries, and the CLO Funds shall not invest in the same securities or investments as the Unaffiliated Adviser or the Unaffiliated Adviser Clients.

9. The Company asserts that allowing the Company and Holding Companies to own the Advisers and the Special Purpose Subsidiaries after they have registered as advisers under the Advisers Act is not only consistent with the protection of investors, but it benefits the Company and its shareholders by ultimately increasing its gross revenues and net income. The Company's Board found that the continued investment by the Company in the Advisers and Special Purpose Subsidiaries is in the best interests of the Company and its shareholders. Moreover, if the requested relief is not granted, the Company, and, thus, the Company's shareholders, will likely suffer the harm of either losing some or all of the benefit of the income from owning the Advisers and Special Purpose Subsidiary business or potentially losing the benefit of the Company's RIC status.

10. For the foregoing reasons, the Company believes that permitting the Company and the Holding Companies to continue to hold a greater than 50% equity interest of each Adviser and to hold each Special Purpose Subsidiary after their registration as an investment adviser under the Advisers Act is in the best interests of the Company and its shareholders, appropriate in the public interest, and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act.

⁹ Rule 12d3-1 under the Act provides certain limited relief from the restrictions of section 12(d)(3). Since the Company expects that a significant portion of the Advisers and the Special Purpose Subsidiaries' gross revenues will be derived from "securities related activities" as defined in rule 12d3-1, and since the Company owns all of the outstanding securities of the Advisers and the Special Purpose Subsidiaries, rule 12d3-1 does not appear to be available.

¹⁰ In the unusual circumstance where the Company and the CLO Funds invest in the same security, the policies and procedures of the Company and the Advisers and the Special Purpose Subsidiaries govern the allocation of investment opportunities. These policies provide that investment opportunities are allocated according to "optimum investment amounts" for the Company and the CLO Funds based on criteria such as investment objectives, diversification cash flow, liquidity requirements and asset allocation targets specific to each CLO Fund. If the total investment is unavailable, the allocation available is generally allocated among investing entities pro rata based on the optimum investment amount. The Company, the Advisers and Special Purpose Subsidiaries have also adopted other policies and procedures to address potential conflicts, including but not limited to, allocation of expenses, personal securities trading, insider trading and confidentiality of proprietary information.

¹¹ The term "Unaffiliated Adviser Clients" includes the current clients of the Unaffiliated Adviser and any future advisory clients of the Unaffiliated Adviser so long as any Trimaran Principal is employed by, or on the Board of, the Company or any investment adviser owned by the Company.

Applicant's Conditions

The Company agrees that the order granting the requested relief will be subject to the following conditions:

1. The Company will not dispose of its interests in an Adviser if, as a result, the Company would own, directly or indirectly, 50% or less of the outstanding voting interests or economic interests in that Adviser unless the Company disposes of 100% of its interests in such Adviser.

2. The Board will review at least annually the investment management business of the Company, the Advisers and the Special Purpose Subsidiaries in order to determine whether the benefits derived by the Company warrant the continuation of the ownership by the Company of the Advisers and the Special Purpose Subsidiaries and, if appropriate, will approve (by at least a majority of the directors of the Company who are not "interested persons" of the Company as defined by the Act) at least annually, such continuation.

For the Commission, by the Division of Investment Management, under delegated authority.

Kevin M. O'Neill,
Deputy Secretary.

[FR Doc. 2012-5732 Filed 3-8-12; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-66511; File No. SR-NSX-2012-04]

Self-Regulatory Organizations; National Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the NSX Fee and Rebate Schedule

March 5, 2012.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that on March 1, 2012, National Stock Exchange, Inc. filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

National Stock Exchange, Inc. ("NSX" or "Exchange") is proposing to

amend its Fee and Rebate Schedule (the "Fee Schedule") issued pursuant to Exchange Rule 16.1(c) to adjust the rebates for certain orders executed in the Exchange's Automatic Execution Mode, amend the fee tiers for certain orders executed in the Exchange's Order Delivery Mode, adjust the routing fee, and establish a fee for receipt of the Exchange's Depth of Book feed.

The text of the proposed rule change is available on the Exchange's Web site at <http://www.nsx.com>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

With this rule change, the Exchange is proposing to modify the Fee Schedule in four respects. First, the proposed rule change would amend the rebates applicable to liquidity adding orders in securities priced at least one dollar in the Exchange's Automatic Execution Mode of order interaction ("AutoEx"). Second, the proposed rule change would amend the rebate tiers applicable to orders in securities priced at least one dollar in the Exchange's Order Delivery Mode of order interaction ("Order Delivery"). Third, the proposed rule change would increase the order routing fee from \$0.0029 to \$0.0030 per share. Finally, the proposed rule change would establish a fee applicable to direct recipients of the Exchange's Depth of Book ("DOB") feed. Each of the proposed changes is further addressed below.

Rebates for Securities Priced at Least One Dollar in AutoEx

The proposed rule change proposes to modify the rebates applicable to liquidity adding orders in securities priced one dollar or more in AutoEx.

These changes can be found in Section I of the Fee Schedule.

Currently, for Tape A and C securities, the Exchange offers a rebate in AutoEx for displayed orders that add liquidity based upon an ETP Holder's Liquidity Adding ADV (as such term is defined in Endnote 3 of the Fee Schedule). For Tape A and C securities, the Exchange offers per share rebates of \$0.0026 or \$0.0029 depending on whether the ETP Holder has achieved a Liquidity Adding ADV of at least 10 million. For Tape B securities, the Exchange currently offers a rebate of \$0.0030 per share. The proposed rule change would eliminate all rebate volume tiers in AutoEx and establish a flat \$0.0026 rebate per share for liquidity adding orders of securities of at least one dollar, regardless of an ETP Holder's Liquidity Adding ADV or whether the security is Tape A, B or C. Corresponding edits are made to Endnote 3 to reflect the elimination of the distinction between Tapes A, B and C with respect to this rebate.

For Zero Display Orders (as defined in Endnote 4 of the Fee Schedule) that add liquidity in AutoEx, the Exchange currently offers a rebate of \$0.0025 per share if an ETP Holder's Total ADV (as defined in Endnote 5 of the Fee Schedule) is at least 30 million and Liquidity Adding ADV is at least 5 million. The proposed fee change would eliminate this rebate altogether, such that there would be no rebate associated with such orders. The defined term "Total ADV" would also be deleted from Endnote 5 of the Fee Schedule as no longer utilized.

Rebates for Securities Priced at Least One Dollar in Order Delivery

As reflected in Section II of the Fee Schedule, for all liquidity adding displayed orders of securities priced at least one dollar in Order Delivery, the Exchange currently offers a \$0.0008 or \$0.0024 per share rebate depending on whether an ETP Holder's Liquidity Adding ADV is between one and 5 million, or over 5 million, respectively. The proposed rule filing would adjust these tiers and rebates such that an \$0.0008 per share rebate would apply to each Order Delivery displayed order that adds liquidity where an ETP Holder's Liquidity Adding ADV is less than 15 million, or a \$0.0024 per share rebate would apply to each such order where an ETP Holder's Liquidity Adding ADV is at least 15 million.

In addition, for Zero Display Reserve Orders in Order Delivery of securities priced at least one dollar, the current rebate tiers, depending on Liquidity Adding ADV, of between \$0.0008 and

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

\$0.0012 is proposed to be eliminated. Thus, under the proposed rule change, for such orders no rebate will apply.

Order Routing Fee

Under Section IIIA of the Fee Schedule, the Exchange currently charges a fee of \$0.0029 per share for each order routed by the Exchange and executed in another market center. The instant rule change proposes to increase the routing fee to \$0.0030 per share.

Depth of Book Feed Charge

The Exchange is proposing to establish a monthly fee applicable to each direct recipient of its DOB feed, payable in advance. Prior to the effective date of the proposed rule change, NSX offered its DOB feed free of charge.³ After the effective date, a monthly fee of \$400 per direct recipient will be charged.⁴ New text is proposed to be added as Section IIIC of the Fee Schedule under the header "Depth of Book Feed" to reflect this charge. This rule filing does not propose to change or modify the form, content or transmission of the NSX DOB feed, which except with respect to the proposed charge remains unchanged.

Rationale

The Exchange has determined that the fee changes proposed above are necessary to increase the revenues of the Exchange for the purposes of continuing to adequately fund its regulatory and general business functions and to enable the Exchange to continue to properly fulfill its regulatory responsibilities. In addition, the modification of the volume tiers for displayed orders in Order Delivery is intended to simplify the incentives available to ETP Holders to increase the available liquidity on the Exchange. The Exchange believes that the proposed Depth of Book change would allow the Exchange to recoup some of the expenses it incurs in developing and delivering the NSX DOB feed to the public market. Other market centers charge similar or higher rates for receipt of their proprietary data feeds.

Based upon the information above, the Exchange believes that the proposed rule change is consistent with the protection of investors and the public interest.

Operative Date and Notice

The Exchange currently intends to make the proposed modifications, which are effective on filing of this proposed rule, operative as of commencement of trading on March 1, 2012. Pursuant to Exchange Rule 16.1(c), the Exchange will "provide ETP Holders with notice of all relevant dues, fees, assessments and charges of the Exchange" through the issuance of a Regulatory Circular of the changes to the Fee Schedule and will post a copy of the rule filing on the Exchange's Web site (www.nsx.com).

2. Statutory Basis

The Exchange believes that the proposed rule changes are consistent with the provisions of Section 6(b) of the Securities Exchange Act of 1934⁵ (the "Act"), in general, and Section 6(b)(4) of the Act,⁶ in particular in that each change is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using the facilities of the Exchange.

With respect to the proposed changes in Section I of the Fee Schedule that establish a flat rebate for displayed orders, and elimination of the rebate for Zero Display orders, of securities priced at least one dollar in Auto Ex, such proposed changes are reasonable because they are in the same range of rebates offered by other exchanges.⁷ The proposed changes are equitably allocated and not discriminatory as all qualified ETP Holders are eligible to submit (or not submit) orders of this kind on the Exchange, and all ETP Holders choosing to do so will be paid the same rebate.

With respect to the changes in Section II that modify the rebates received for displayed orders of securities priced at least one dollar in Order Delivery, such proposed rebates are reasonable because they do not adjust the dollar amount of the rebate but rather modify only the volume tiers necessary to achieve the applicable rebate. Such volume adjustments are reasonable methods to incentivize the use of such order type. For Zero Display orders, elimination of the rebate is a reasonable adjustment in relation to recent volumes of such order type on the Exchange. Additionally, all similarly situated members are subject to the same fee structure, and access to

the Exchange is offered on fair and non-discriminatory terms. Volume-based rebates and discounts have been widely adopted in the equities markets, and are equitable because they are open to all members on an equal basis and provide rebates that are reasonably related to the value of an exchange's market quality associated with the requirements for the favorable pricing tier.

The proposed adjustment of the Order Routing Fee in Section IIIA of the Fee Schedule is reasonable because it is only \$0.0001 higher than the current routing fee and remains comparable to that charged by other Exchanges.⁸ This proposed change is equitably allocated and not discriminatory as it applies uniformly to all ETP Holder entering orders that are routed to other market centers.

The proposed "Depth of Book Feed Charge" fee is reasonable as it is comparable to the fees imposed for receipt of proprietary data feeds charged by other market centers.⁹ This proposed fee applies uniformly to all parties that receive the DOB feed directly, and, thus, the charge is not discriminatory and equitably allocated. In addition, receipt of the NSX DOB feed is entirely voluntary, and only recipients choosing to receive the feed are subject to the charge.

The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other market centers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

³ See Securities and Exchange Release No. 34-66007 (December 20, 2011), 76 FR 81000 (December 27, 2011) (SR-NSX-2011-015).

⁴ Direct recipients of the NSX DOB feed are firms that have entered into a Market Data Feed License Agreement with the Exchange, which agreement governs the terms of a firm's receipt, use and dissemination of the feed. This agreement can be found on the Exchange's Web site. See <http://www.nsx.com/resources/content/2/4/documents/NSXDOBFeedSpecificationv111.pdf>.

⁵ 15 U.S.C. 78f(b).

⁶ 15 U.S.C. 78f(b)(4).

⁷ See CBOE Stock Exchange, Inc., Fee Schedule (<http://www.cboe.com/publish/cbsxfeschedule/cbsxfeschedule.pdf>) and New York Stock Exchange ("NYSE") Arca Fee Schedule (http://www.nyse.com/pdfs/NYSEArca_Equities_Fees.pdf).

⁸ See NASDAQ OMX ("Nasdaq") Fee Schedule (<http://www.nasdaqtrader.com/trader.aspx?id=pricelisttrading2>).

⁹ See NYSE Arcabook fee schedule (<http://www.nyxdata.com/arcabook>) (charging \$750/mo. for a data product that includes the NYSE Arca equivalent to the NSX DOB feed).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has taken effect upon filing pursuant to Section 19(b)(3)(A)(ii) of the Act¹⁰ and subparagraph (f)(2) of Rule 19b-4¹¹ thereunder, because, as provided in (f)(2), it changes “a due, fee or other charge applicable only to a member” (known on the Exchange as an ETP Holder). 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 email to rule-comments@sec.gov. Please include File Number SR-NSX-2012-04 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-NSX-2012-04. This file number should be included on the subject line if email 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 will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR-NSX-2012-04 and should be submitted on or before March 30, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹²

Kevin M. O’Neill,

Deputy Secretary.

[FR Doc. 2012-5730 Filed 3-8-12; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-66512; File No. SR-BX-2012-011]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Chapter V, Section 26 of the BOX Rules

March 5, 2012.

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 February 22, 2012, NASDAQ OMX BX, Inc. (“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 self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Chapter V, Section 26 (Limitation of Liability) of the Rules of the Boston Options Exchange Group, LLC (“BOX”). The text of the proposed rule change is available from the principal office of the Exchange, at the Commission’s Public Reference Room and also on the

Exchange’s Internet Web site at <http://nasdaqomxbx.cchwallstreet.com/NASDAQOMXBX/Filings/>.

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

Chapter V, Section 26 of the BOX Trading Rules provides, in general, that neither the Exchange, BOXR, BOX, nor any of their respective affiliates with regard to BOX will be liable to BOX Options Participants for any losses arising from the use of BOX or the BOX Trading Host. The Exchange is proposing to codify provisions within the BOX Trading Rules that permit BOX, for customer service reasons, to compensate an Options Participant, within specified limits as proposed, for certain identified losses. Additionally, the Exchange is proposing to clarify certain provisions within Section 26 regarding to whom it is applicable.

Accordingly, the Exchange proposes to amend Chapter V, Section 26 of the BOX Trading Rules to (1) clarify certain provisions within Section 26 regarding to whom the liability limitation applies; (2) codify provisions within the BOX Rules to permit BOX to compensate Participants for losses under certain circumstances; and (3) establish the maximum amount of such compensation that BOX may provide during a calendar month pursuant to Section 26.

The Exchange proposes to clarify Section 26(a) by adding the respective directors, officers, committee members, employees, contractors, agents, and other persons acting on the behalf of the Exchange, BOXR, BOX and any of their respective affiliates to the paragraph that identifies the persons to which the limitation of liability is applicable. The Exchange proposes that “Exchange Related Persons and/or Entities” be defined to include the Exchange, BOXR,

¹⁰ 15 U.S.C. 78s(b)(3)(A)(ii).

¹¹ 17 CFR 240.19b-4.

¹² 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

BOX, and any of their respective affiliates, and their respective directors, officers, committee members, employees, contractors, and agents or other persons acting on their behalf.³ The Exchange proposes corresponding changes in Sections 26(a)(ii), 26(a)(iii), and in Sections 26(b), 26(c) and 26(d) to add references to the defined term Exchange Related Persons and/or Entities. Additionally, the Exchange proposes to add terrorism to the list of items beyond the control of Exchange Related Persons and/or Entities for which liability is limited.

The Exchange proposes adding new Section 26(e) to establish, subject to the express limits set forth in Section 26(e)(1) through 26(e)(3), that BOX may compensate Options Participants for losses resulting directly from the malfunction of the physical equipment, devices, or programming of Exchange Related Persons and/or Entities, or from the negligent acts or omissions of employees of the Exchange, BOXR or BOX.

Under the proposal, BOX's payments for the aggregate of all claims made by all Options Participants during a single calendar month would not exceed the larger of \$500,000, or the amount of any recovery obtained by BOX under any applicable insurance maintained by BOX. Additionally, in the event that all of the claims made during a single calendar month cannot be fully satisfied because they exceed the applicable maximum limitation, then the maximum permitted amount will be proportionally allocated among all such claims. Finally, the Exchange proposes that all claims for compensation under the new proposed provisions must be submitted in writing no later than 12 p.m. ET on the next business day following the day on which the use of BOX gave rise to such claims. Once in receipt of a claim, BOX will verify that: (i) a valid order was accepted into BOX; and (ii) any loss claimed resulted directly from the malfunction of the physical equipment, devices, or programming of Exchange Related Persons and/or Entities, or from the negligent acts or omissions of employees of the Exchange, BOXR or BOX during the execution or handling of that order. BOX will only compensate Participants for valid claims, and will compensate such Participants at the end of the month.

BOX represents that the determination to compensate a BOX Options Participant will be made on an equitable and non-discriminatory basis

without regard to whether the Participant is a Market Maker or Order Flow Provider on BOX, and that such determinations will be made pursuant to procedures of BOX Market Operations Center ("MOC") with regulatory oversight established by BOXR. Additionally, BOX represents that BOX will maintain a record of Participant claims including documentation detailing its findings and details for approving or denying claims in accordance with its obligations under Section 17 of the Act.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,⁴ in general, and Section 6(b)(5) of the Act,⁵ in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. In particular, the proposal will amend Chapter V, Section 26 of the BOX Trading Rules to codify provisions within the BOX Rules to permit BOX to compensate Participants for losses resulting directly from the malfunction of the physical equipment, devices, and/or programming of Exchange Related Persons and/or Entities, or from the negligent acts or omissions of employees of the Exchange, BOXR or BOX, and to establish the maximum amount of such compensation that BOX may provide during a calendar month.

Additionally, the Exchange believes that the codification of these policies should add transparency to the BOX Rules and that its proposal to amend Chapter V, Section 26 will promote fairness in the national market system. The proposed change will allow BOX to address Participant claims under various circumstances, and allow BOX to act in a similar fashion as many of its competitors. Several exchanges have substantially similar rules and the Exchange believes that the proposed rule change would place BOX in a similar position to address Participant claims.⁶

⁴ 15 U.S.C. 78f(b).

⁵ 15 U.S.C. 78f(b)(5).

⁶ See EDGA Exchange, Inc. ("EDGA") Rule 11.12, NASDAQ Stock Market LLC ("NASDAQ") Rule 4626, Chicago Board Options Exchange, Incorporated ("CBOE"), Rule 6.7, NYSE Arca, Inc. ("NYSE Arca"). Options Rule 14.2, International Securities Exchange, LLC ("ISE"), Rule 705, and BATS Exchange, Inc. ("BATS") Rule 11.16.

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

Because the foregoing proposed rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) by its terms, does not become operative for 30 days after the date of this filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act⁷ and Rule 19b-4(f)(6) thereunder.⁸

The Exchange requested that the Commission waive the 30-day operative delay so that the proposed rule change would become effective and operative upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest.⁹ The Commission notes that the waiver will allow the Exchange to immediately implement the proposed rule change, which should promote fairness in the market by allowing BOX to compensate Options Participants for losses resulting directly from the malfunctions of the physical equipment, devices, or programming of Exchange Related Persons and/or Entities, or from the negligent acts or omissions of employees of the Exchange, BOXR, or BOX. The Commission also notes that the proposal is substantially similar to rules of other registered national

⁷ 15 U.S.C. 78s(b)(3)(A).

⁸ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires a self-regulatory organization to provide the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has fulfilled this requirement.

⁹ For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

³ See proposed Section 26(a) of Chapter V of the BOX Rules.

securities exchanges and does not raise any new regulatory issues.¹⁰ For these reasons, the Commission designates the proposed rule change as operative upon filing.

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 email to rule-comments@sec.gov. Please include File Number SR-BX-2012-011 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-BX-2012-011. This file number should be included on the subject line if email 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/vsro.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-BX-2012-011 and should be submitted on or before March 30, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹¹

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012-5731 Filed 3-8-12; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-66513; File No. SR-FINRA-2012-016]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Allow FINRA To Exempt Certain Alternative Trading Systems From the Trade Reporting Obligation Under the Trade Reporting and Compliance Engine ("TRACE") Reporting Rules

March 5, 2012.

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 February 28, 2012, the Financial Industry Regulatory Authority, Inc. ("FINRA") 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 FINRA. FINRA has designated the proposed rule change as constituting a non-controversial rule change under Rule 19b-4(f)(6) under the Act,³ which renders the proposal 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

FINRA is proposing to adopt new Rule 6731 to provide FINRA with authority to exempt a member alternative trading system ("ATS") that

meets the specified criteria from the trade reporting obligation under the Rule 6700 Series. In addition, FINRA is proposing a conforming change to Rule 9610 to specify that FINRA has exemptive authority under proposed Rule 6731.

The text of the proposed rule change is available on FINRA's Web site at <http://www.finra.org>, at the principal office of FINRA and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA 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. FINRA 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

A member that is a "Party to a Transaction" as defined in FINRA Rule 6710(e) in a transaction in a TRACE-Eligible Security must report the trade to TRACE under Rule 6730(a).⁴ "Party to a Transaction" is defined as "an introducing broker-dealer, if any, an executing broker-dealer, or a customer."⁵ An ATS, which term includes electronic communications networks, is a Party to a Transaction and has a trade reporting obligation when a transaction in a TRACE-Eligible Security is executed through the ATS.⁶

FINRA is proposing to adopt new Rule 6731 to provide FINRA with authority to exempt, upon application and subject to specified terms and conditions, a member ATS from the

⁴ See Rule 6730(a). In transactions between members, each member must report the trade, and for transactions between a member and a customer, the member must report the trade.

⁵ Under Rule 6710(e), "customer" includes a broker-dealer that is not a FINRA member.

⁶ See www.finra.org/Industry/Compliance/MarketTransparency/TRACE/FAQ/P125244#reporting (FAQ: Who reports trades executed through electronic trading systems that are themselves broker-dealers? All FINRA members that are "parties to a transaction" have a trade reporting obligation under TRACE Rules. Where two FINRA members effect/execute a transaction through an electronic trading system that is registered as a broker-dealer, both members, as well as the electronic trading system would have a trade reporting obligation).

¹⁰ See *supra* note 6.

¹¹ 17 CFR 200.30-3(a)(12).

¹⁵ U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 17 CFR 240.19b-4(f)(6).

obligation to report a transaction in a TRACE-Eligible Security under certain limited circumstances. FINRA will only grant an exemption where all of the conditions set forth in the proposed rule are satisfied.

First, trades must be between ATS subscribers that are both FINRA members. For any trades between non-members, or a FINRA member and a customer (which includes a broker-dealer that is not a FINRA member), the exemption will not apply, and the ATS will have a trade reporting obligation under Rule 6730.

The ATS also must demonstrate that it meets the following criteria. First, the member subscribers must be fully disclosed to one another at all times on the ATS. Second, although the system brings together the orders of buyers and sellers and uses established, non-discretionary methods under which such orders interact with each other, the system does not permit automatic execution. A member subscriber must take affirmative steps beyond the submission of an order to agree to a trade with another member subscriber. Third, the trade does not pass through any ATS account, and the ATS does not in any way hold itself out to be a party to the specific trade. Fourth, the ATS does not exchange TRACE-Eligible Securities or funds on behalf of the member subscribers, take either side of the trade for clearing or settlement purposes, including, but not limited to, at DTC or otherwise, or in any other way insert itself into the trade.

In addition, the ATS and the member subscribers must acknowledge and agree in writing that the ATS shall not be deemed a party to the specific trade for purposes of trade reporting and that trades shall be reported by each member subscriber that satisfies the definition of "Party to a Transaction" under Rule 6710. An ATS that is granted an exemption must obtain such written agreements from all of its member subscribers prior to relying on the exemption.⁷

Finally, the ATS must agree to provide to FINRA on a monthly basis, or such other basis as prescribed by FINRA, data relating to the volume of trades in TRACE-Eligible Securities executed by the ATS's member subscribers using the ATS's system (e.g., number of trades, number of bonds (or notes, etc.) traded and total settlement

value for each TRACE-Eligible Security traded). Importantly, although an ATS exempted under the proposed rule will not have trade reporting obligations under FINRA rules, the trading occurring through the ATS is still considered volume of the ATS for purposes of, among other things, the recordkeeping requirements of Rule 302 of SEC Regulation ATS⁸ and determining whether the ATS triggers the Fair Access requirements under Rule 301(b)(5) of Regulation ATS or the Capacity, Integrity and Security of Automated Systems requirements of Rule 301(b)(6) of Regulation ATS, as applicable. The ATS also must acknowledge that failure to report such data to FINRA, in addition to constituting a violation of FINRA rules, will result in revocation of any exemption granted pursuant to the proposed rule change.

Where an exemption is granted, the ATS will not be deemed a Party to a Transaction for purposes of FINRA trade reporting rules and will not be identified in trade reports submitted to FINRA. As expressly stated in the proposed rule, the trade must be reported to FINRA by the member subscribers that also are Parties to a Transaction under Rule 6710(e).⁹ For example, FINRA member BD1 displays a quote through ATS X and member BD2 routes an order to BD1 for the price and size of BD1's quote using a messaging system provided by ATS X. BD1 does not subsequently re-route the order and executes the trade. Assuming that ATS X meets all of the criteria set forth in the proposed rule and has been granted an exemption by FINRA, it will not be deemed a Party to the Transaction for trade reporting purposes and should not be identified as such in the trade report submitted to FINRA. In this example, BD1 and BD2 would each have a reporting obligation under Rule 6730.

FINRA believes that the proposed rule change will reduce potential confusion and possible misreporting by clearly identifying the member with the trade reporting obligation in this instance. FINRA believes that an ATS that satisfies all conditions of the proposed rule change has a more limited involvement in the trade execution than the member subscribers and therefore the proposed exemption is appropriate in this narrow instance. FINRA expects that a large majority of ATSs will not

qualify for the exemption, and the proposed rule change will not result in a change to their reporting.

FINRA also is proposing a conforming change to Rule 9610 to add proposed Rule 6731 to the list of rules pursuant to which FINRA has exemptive authority.

FINRA has filed the proposed rule change for immediate effectiveness and has requested that the SEC waive the requirement that the proposed rule change not become operative for 30 days after the date of the filing, such that FINRA can implement the proposed rule change on the date of filing.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,¹⁰ which requires, among other things, that FINRA rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. FINRA believes that the proposed rule change will reduce potential confusion and possible misreporting and enhance market transparency by clearly identifying the member with the trade reporting obligation under Rule 6730.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest, (ii) impose any significant burden on competition, and, (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section

⁷ FINRA reminds members of their books and records obligations under FINRA rules, the Exchange Act and applicable Exchange Act rules. Thus, any ATS that is granted an exemption under the proposed rule change would be required to retain the written agreements and be able to produce them to FINRA upon request.

⁸ 17 CFR 242.300–303.

⁹ FINRA notes that where an ATS has been granted an exemption under the proposed rule, the member subscribers will be assessed the Trading Activity Fee under FINRA By-Laws, Schedule A, § 1. The ATS will not be assessed such fees.

¹⁰ 15 U.S.C. 78o–3(b)(6).

19(b)(3)(A) of the Act¹¹ and Rule 19b–4(f)(6) thereunder.¹²

FINRA has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiver of the operative delay is consistent with the protection of investors and the public interest. The proposed rule change is based on FINRA Rules 6183 and 6625, which provide FINRA authority to exempt certain ATSs from equity trade reporting. Those rules were recently proposed, noticed for public comment, and approved by the Commission.¹³ The conditions and applicability of the proposed Rule 6731 are substantively identical. Therefore, the Commission designates the proposal operative upon filing.¹⁴

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 email to rule-comments@sec.gov. Please include File Number SR–FINRA–2012–016 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–FINRA–2012–016. This file number should be included on the subject line if email 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 Web site viewing and printing at the principal office of FINRA. 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 publicly available. All submissions should refer to File Number SR–FINRA–2012–016 and should be submitted on or before March 30, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁵

Kevin M. O'Neill,
Deputy Secretary.

[FR Doc. 2012–5779 Filed 3–8–12; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–66515; File No. SR–NASDAQ–2012–033]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Fees and Rebates in Penny Pilot Options and Non-Penny Pilot Options

March 5, 2012.

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 February 29, 2012, The NASDAQ Stock Market LLC (“NASDAQ” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NASDAQ. 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

NASDAQ proposes to modify pricing for NASDAQ members using the NASDAQ Options Market (“NOM”), NASDAQ's facility for executing and routing standardized equity and index options. Specifically, NASDAQ proposes to amend Section 2 of Chapter XV of NOM Rules to increase transaction fees for adding and removing liquidity in All Other Options³ as well as the Customer Rebate to Add Liquidity in Penny Pilot Options (“Penny Options”).

While changes to the Fee Schedule pursuant to this proposal are effective upon filing, the Exchange has designated these changes to be operative on March 1, 2012.

The text of the proposed rule change is available on the Exchange's Web site at <http://www.nasdaq.cchwallstreet.com>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ All Other Options refers to non-Penny Pilot options. The Penny Pilot was established in March 2008 and in October 2009 was expanded and extended through June 30, 2012. See Securities Exchange Act Release Nos. 57579 (March 28, 2008), 73 FR 18587 (April 4, 2008)(SR–NASDAQ–2008–026)(notice of filing and immediate effectiveness establishing Penny Pilot); 60874 (October 23, 2009), 74 FR 56682 (November 2, 2009)(SR–NASDAQ–2009–091)(notice of filing and immediate effectiveness expanding and extending Penny Pilot); 60965 (November 9, 2009), 74 FR 59292 (November 17, 2009)(SR–NASDAQ–2009–097)(notice of filing and immediate effectiveness adding seventy-five classes to Penny Pilot); 61455 (February 1, 2010), 75 FR 6239 (February 8, 2010)(SR–NASDAQ–2010–013)(notice of filing and immediate effectiveness adding seventy-five classes to Penny Pilot); 62029 (May 4, 2010), 75 FR 25895 (May 10, 2010) (SR–NASDAQ–2010–053)(notice of filing and immediate effectiveness adding seventy-five classes to Penny Pilot); and 65969 (December 15, 2011), 76 FR 79268 (December 21, 2011) (SR–NASDAQ–2011–169) (notice of filing and immediate effectiveness extension and replacement of Penny Pilot). See also NOM Rules, Chapter VI, Section 5.

¹¹ 15 U.S.C. 78s(b)(3)(A).

¹² 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires FINRA to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission has waived the five-day pre-filing requirement in this case.

¹³ See Securities Exchange Act Release No. 65695 (November 4, 2011), 76 FR 70190 (November 10, 2011) (approving FINRA–2011–051).

¹⁴ For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹⁵ 17 CFR 200.30–3(a)(12).

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. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NASDAQ proposes to modify certain transaction fees and rebates in Chapter XV, Sec. 2, entitled "NASDAQ Options Market—Fees," in order to attract and enhance participation in NOM and raise revenues.

Specifically, the Exchange proposes to amend All Other Options (non-Penny Options) rebates and fees. The Exchange proposes to increase the Professional Fee for Adding Liquidity in All Other Options from \$0.20 to \$0.30 per contract.⁴ The Exchange also proposes to increase the Professional, Firm, Non-NOM Market Maker and NOM Market Maker Fees for Removing Liquidity in All Other Options from \$0.45 to \$0.50 per contract.⁵ The Exchange believes that increasing the Professional Fee for Adding Liquidity in All Other Options and the Professional, Firm, Non-NOM Market Maker and NOM Market Maker Fees for Removing Liquidity in All Other Options will help raise revenues.

The Exchange is also proposing to amend the monthly volume tiers of the Customer Rebate to Add Liquidity in Penny Options to further incentivize NOM Participants to route Customer orders to the Exchange. Currently, there are five tiers of the Customer Rebate to Add Liquidity in Penny Options. Each tier requires the NOM participant to meet certain criteria in order to qualify for the rebate. Specifically, the Exchange is proposing to amend Tier 5, which states that if a "Participant adds (1) Customer liquidity of 25,000 or more contracts per day in a month, and (2) the Participant has certified for the Investor Support Program set forth in Rule

7014;⁶ and (3) the Participant executed at least one order on NASDAQ's equity market," the Participant will be paid a rebate of \$0.40 per contract. The Exchange is proposing to increase this Customer rebate to \$0.41 per contract. The Exchange believes that further incentivizing NOM Participants to send additional Customer orders to the Exchange will benefit all market participants by adding liquidity to the market in Penny Options.

2. Statutory Basis

NASDAQ believes that the proposed rule changes are consistent with the provisions of Section 6 of the Act,⁷ in general, and with Section 6(b)(4) of the Act,⁸ in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which NASDAQ operates or controls.

The Exchange believes that its proposal to increase the Professional Fee for Adding Liquidity in All Other Options to \$0.30 per contract is reasonable, equitable and not unfairly discriminatory, because, as compared to Firms and Non-NOM Market Makers, a Professional would continue to be assessed a lower Fee for Adding Liquidity. In addition, the new fee is the same fee assessed today for a NOM Market Maker for adding liquidity. The Exchange believes that Professionals engage in trading activity similar to that conducted by market makers. For example, Professionals join bids and offers on the Exchange and thus compete for incoming order flow; Professionals do so in direct

competition with the Exchange's market makers. Also, Professionals have access to more information than a Customer and therefore should continue to be assessed a higher rate than a Customer.

The Exchange believes that its proposal to increase the Professional Fee for Removing Liquidity in All Other Options to \$0.50 per contract is reasonable, equitable and not unfairly discriminatory because Professionals would be assessed a fee that is less favorable than a Customer but equivalent to market makers because it has been established that Professionals have access to more information than a Customer.

In addition, the Exchange believes that its proposal to increase the Firm and Non-NOM Market Maker Fees for Removing Liquidity in All Other Options to \$0.50 per contract is reasonable because the Firm and Non-NOM Market Maker fees are within the range of fees assessed by other exchanges. NYSE Arca, Inc. ("NYSE Arca") assesses Firms and Broker-Dealers a \$0.50 per contract fee for electronic orders.⁹

The Exchange also believes that its proposal to increase the Professional, Firm, Non-NOM Market Maker and NOM Market Maker Fees for Removing Liquidity in All Other Options to \$0.50 per contract is reasonable because the proposed Fees for Removing Liquidity are less than the average fees paid by market makers on other exchanges when factoring in payment for order flow.¹⁰ In addition, the Exchange believes that its proposal to increase the Professional, Firm, Non-NOM Market Maker and NOM Market Maker Fees for Removing Liquidity in All Other Options to \$0.50 per contract is equitable and not unfairly discriminatory because the Exchange is proposing to uniformly increase the fees applicable to all market participants except Customers.¹¹ A lower Customer Fee for Removing Liquidity benefits all market participants by incentivizing NOM Participants to transact a greater number of Customer orders, which results in increased liquidity.

The Exchange believes that the increased Customer rebate for market participants that add Customer liquidity of 25,000 or more contracts per day in a month, certify for the ISP and execute at least one order on NASDAQ's equity market is reasonable, because it will continue to incentivize NOM

⁴ The Exchange is not proposing to amend the Customer, Firm, Non-NOM Market Maker or NOM Market Maker Fees for Adding Liquidity in All Other Options.

⁵ The Exchange is not proposing to amend the Customer Fee for Removing Liquidity in All Other Options.

⁶ For a detailed description of the Investor Support Program or "ISP," see Securities Exchange Act Release No. 63270 (November 8, 2010), 75 FR 69489 (November 12, 2010) (SR-NASDAQ-2010-141) (the "ISP Filing"). See also Securities Exchange Act Release Nos. 63414 (December 2, 2010), 75 FR 76505 (December 8, 2010) (SR-NASDAQ-2010-153); and 63628 (January 3, 2011), 76 FR 1201 (January 7, 2011) (SR-NASDAQ-2010-154). In order to qualify for an ISP credit, a Participant would need to transact a certain amount of displayed liquidity through an ISP-designated port which results in an increase in the overall liquidity that the member provides to NASDAQ measured as a proportion of the consolidated share volume traded by all market participants across all trading venues. To this end, a member's "Baseline Participation Ratio" is determined by measuring the number of shares in liquidity-providing orders entered by the member (through any NASDAQ port) and executed on NASDAQ and dividing this number by the consolidated (across all trading venues) share volume traded in a given month. To determine whether a member added liquidity to NASDAQ in a given month, NASDAQ would perform the same calculation on a monthly basis for the then-current month and compare the resulting ratio to the Baseline Participation Ratio.

⁷ 15 U.S.C. 78f.

⁸ 15 U.S.C. 78f(b)(4).

⁹ See NYSE Arca's Fee Schedule.

¹⁰ NOM does not have a payment for order flow program.

¹¹ Customers are assessed a \$0.45 per contract Fee for Removing Liquidity in All Other Options.

Participants to transact additional Customer orders and encourage participants in the Exchange's equity markets to also participate in the Exchange's options market.

The Exchange believes that the increased Customer rebate for market participants that add Customer liquidity of 25,000 or more contracts per day in a month, certify for the ISP and execute at least one order on NASDAQ's equity market is equitable and not unfairly discriminatory, because the increased rebate is intended to encourage increased activity in both NOM and in the ISP of the NASDAQ equity market. The goal of the ISP is to incentivize members¹² to provide liquidity from individual equity investors to the NASDAQ Market Center. The increased rebate would encourage firms that certify pursuant to Rule 7014 to increase the amount of Customer order liquidity to NOM. The addition of such liquidity, either through the ISP or through increased Customer order flow, would benefit all Exchange members that participate in those markets.

The Exchange operates in a highly competitive market comprised of nine U.S. options exchanges in which sophisticated and knowledgeable market participants can and do send order flow to competing exchanges if they deem fee levels at a particular exchange to be excessive or rebate opportunities to be inadequate. The Exchange believes that the proposed fee and rebate scheme are competitive and similar to other fees, rebates and tier opportunities in place on other exchanges. The Exchange believes that this competitive marketplace materially impacts the fees and rebates present on

the Exchange today and substantially influences the proposal set forth above.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition 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.¹³ 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 email to rule-comments@sec.gov. Please include File Number SR-NASDAQ-2012-033 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-NASDAQ-2012-033. This file number should be included on the subject line if email 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-NASDAQ-2012-033 and should be submitted on or before March 30, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁴

Kevin M. O'Neill,
Deputy Secretary.

[FR Doc. 2012-5736 Filed 3-8-12; 8:45 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #13024]

Connecticut Disaster #CT-00027; Declaration of Economic Injury

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Economic Injury Disaster Loan (EIDL) declaration for the State of Connecticut, dated 02/29/2012.

Incident: Major Winter Storm.

Incident Period: 10/29/2011.

Effective Date: 02/29/2012.

EIDL Loan Application Deadline Date: 11/29/2012.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

¹² The Commission has expressed its concern that a significant percentage of the orders of individual investors are executed in the over-the-counter ("OTC") market, that is, not on exchange markets; and that a significant percentage of the orders of institutional investors are executed in dark pools. See Securities Exchange Act Release No. 61358 (January 14, 2010), 75 FR 3594 (January 21, 2010) (Concept Release on Equity Market Structure, "Concept Release"). In the Concept Release, the Commission has recognized the strong policy preference under the Act in favor of price transparency and displayed markets. The Commission published the Concept Release to invite public comment on a wide range of market structure issues, including high frequency trading and un-displayed, or "dark," liquidity. See also Mary L. Schapiro, Strengthening Our Equity Market Structure (Speech at the Economic Club of New York, Sept. 7, 2010) ("Schapiro Speech," available on the Commission Web site) (comments of Commission Chairman on what she viewed as a troubling trend of reduced participation in the equity markets by individual investors, and that nearly 30 percent of volume in U.S.-listed equities is executed in venues that do not display their liquidity or make it generally available to the public).

¹³ 15 U.S.C. 78s(b)(3)(A)(ii).

¹⁴ 17 CFR 200.30-3(a)(12).

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 Administrator's EIDL declaration, applications for economic injury 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: Hartford.

Contiguous Counties:

Connecticut: Litchfield, Middlesex, New Haven, New London, Tolland.
Massachusetts: Hampden.

	Percent
The Interest Rates are:	
Businesses and 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 economic injury is 130240.

The States which received an EIDL Declaration # are Connecticut, Massachusetts.

(Catalog of Federal Domestic Assistance Number 59002)

Dated: February 29, 2012.

Karen G. Mills,
Administrator.

[FR Doc. 2012-5718 Filed 3-8-12; 8:45 am]

BILLING CODE 8025-01-P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Meeting of the Industry Trade Advisory Committee on Small and Minority Business (ITAC-11)

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of a Partially Opened Meeting.

SUMMARY: The Industry Trade Advisory Committee on Small and Minority Business (ITAC-11) will hold a meeting on Wednesday, April 4, 2012, from 9 a.m. to 4 p.m. The meeting will be opened to the public from 9 a.m. to 10:30 a.m.

DATES: The meeting is scheduled for April 4, 2012, unless otherwise notified.

ADDRESSES: The meeting will be held at the Herbert C. Humphrey Building, 1401

Constitution Avenue NW., Room 1412, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Laura Hellstern, DFO for ITAC-11 at (202) 482-3222, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION: The Agenda topics to be discussed are: U.S. Small Business Administration State Trade and Export Promotion (STEP) Grants Process.

Christine L. Turner,

*Assistant U.S. Trade Representative,
Intergovernmental Affairs and Public
Engagement.*

[FR Doc. 2012-5791 Filed 3-8-12; 8:45 am]

BILLING CODE 3190-W2-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT-OST-2008-0244]

Notice of Request for Renewal of a Previously Approved Collection

AGENCY: Office of the Secretary, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Office of the Secretary, Office of Small and Disadvantaged Business Utilization (OSDBU), invites public comments about our intention to request the Office of Management and Budget's (OMB) approval to renew a collection. Currently, there are two Short Term Loan Program (STLP) applications: the "Short Term Lending Program Application for a New Loan Guarantee" and the "Application for Loan Guarantee Renewal". This collection renewal request includes one STLP application. The revised STLP application will be used for both new loan guarantee applicants and renewal loan guarantee applicants. The revised STLP application is a single, consolidated document that is easier to read and understand for all small business applicants. The information collected in the revised STLP application will determine the applicant's eligibility and is necessary to approve or deny a loan.

Public Comments Invited: You are asked to comment on any aspect of this information collection. All comments will also become a matter of public record.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

DATES: Written comments should be submitted by May 6, 2012.

ADDRESSES: You may submit your comments identified by Docket Number DOT-OST-2008-0244 by any of the following methods:

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

- **Agency Web Site:** <http://dms.dot.gov/>. Follow the instructions for submitting comments on the DOT electronic docket site.

- **Fax:** 1-202-493-2251.

- **Mail or Hand Delivery:** U.S.

Department of Transportation, Dockets Management Facility, 1200 New Jersey Avenue SE., West Building, Room W12-140, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

Nancy Strine, Manager Financial Assistance Division, Office of Small and Disadvantaged Business Utilization, Office of the Secretary, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Room W56-448, Washington, DC 20590. Phone number 202-366-5343, fax number 202-366-7228, Email address:

Nancy.Strine@dot.gov. Office hours are from 8 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Short Term Lending Program Application for a Loan Guarantee.

OMB Control No.: 2105-0555.

Background: OSDBU's Short Term Lending Program (STLP) offers certified Disadvantaged Business Enterprises (DBEs) and other certified Small Businesses (8a, women-owned, small disadvantaged, HUBZone, veteran owned, and service disabled veteran owned) the opportunity to obtain short term working capital at variable interest rates for transportation-related projects. The STLP provides Participating Lenders (PLs) a guarantee, up to 75%, on a revolving line of credit up to a \$750,000 maximum. These loans are provided through lenders that serve as STLP Participating Lenders (PLs). The term on the line of credit is up to one (1) year, which may be renewed for five (5) years. A potential or renewal STLP participant must submit a guaranteed loan application package. The guaranteed loan application includes the STLP application, checklist, and instructions.

Respondents: Certified Disadvantaged Business Enterprises (DBEs) and other certified Small Businesses (8a, women-owned, small disadvantaged, HUBZone, veteran owned, and service disabled veteran owned) interested in financing their transportation-related contracts.

DOT Form 2301-1(REV.1): Short Term Lending Program Application for

Loan Guarantee: A potential or renewal STLP participant must submit a guaranteed loan application package. The guaranteed loan application includes the STLP application and supporting documentation to be collected from the checklist in the application. The application may be obtained directly from OSDBU, the Regional Small Business Transportation Resource Centers, from a PL, or online from the agency's Web site, currently at <http://osdbu.dot.gov/documents/pdf/stlp/stlpapp.pdf>.

Respondents: 100.

Frequency: Once.

Estimated Average Burden per

Response: 2 hours.

Estimated Total Annual Burden

Hours: 200 hours.

Supporting documentation. Required documentation shall include, but is not limited to, the following items:

- a. Business, trade, or job performance reference letters;
- b. DBE or other eligible certification letters;
- c. Aging report of receivables and payables;
- d. Business tax returns;
- e. Business financial statements;
- f. Personal income tax returns;
- g. Personal financial statements;
- h. Schedule of work in progress (WIP);
- i. Signed and dated copy of transportation-related contracts;
- j. Business debt schedule;
- k. Cash flow projections;
- l. Owner(s) and a key management resumes.

Respondents: 100.

Frequency: Once.

Estimated Average Burden per

Response: 12 hours.

Estimated Total Annual Burden

Hours: 1200 hours.

SUMMARY: The Office of the Secretary, Office of Small and Disadvantaged Business Utilization (OSDBU), invites public comments on our intention to request the Office of Management and Budget's (OMB) approval to renew a collection of the STLP Participating Lender (PL) forms. The collection involves the use of the "Short Term Lending Program Bank Verification Loan Activation Form"; "Short Term Lending Program Bank Acknowledgement Extension Request Form"; "Short Term Lending Program Bank Acknowledgement Loan Close-Out Form"; "Guaranty Loan Status Report"; "Pending Loan Status Report"; "Drug-Free Workplace Act Certification for a Grantee Other than an Individual"; "Certification Regarding Lobbying for Contracts, Grants, Loans, and

Cooperative Agreements"; "Office of Small and Disadvantaged Business Utilization U.S. Department of Transportation Short Term Lending Program Certification Regarding Debarment, Suspension"; "Cooperative Agreement between the US Department of Transportation and the Participating Lender"; and "US Department of Transportation Office of Small and Disadvantaged Utilization Short Term Lending Program Guarantee Agreement". The information collected administers the loans guaranteed under the STLP. The information collected keeps the Participating Lender's (PLs) in compliance with the terms established in the Cooperative Agreement between DOT and the PLs.

OMB Control No: 2105-0555.

SUPPLEMENTARY INFORMATION:

Titles: STLP—Participating Lender (PL) forms.

OMB Control No.: 2105-0555.

Background: STLP loans are provided through lenders that serve as STLP Participating Lenders (PL). The STLP provides PLs a guarantee, up to 75%, on a revolving line of credit up to a \$750,000 maximum. As part of the requirements for approval as a PL, lenders must submit the following certifications: Drug-Free Workplace Act Certification for a Grantee Other Than An Individual; Certification Regarding Lobbying for Contracts, Grants, Loans, & Cooperative Agreement; Office of Small and Disadvantaged Business Utilization U.S. Department of Transportation Short Term Lending Program Certification Regarding Debarment, Suspension. The STLP is subject to budgeting and accounting requirements of the Federal Credit Reform Act of 1990 (FCRA). The PL must carry out processes to activate, monitor, service and close out STLP loans. To fulfill the requirements of FCRA, the PL submits reports and the following forms to OSDBU.

Respondents: Participating Lenders that are in the process or have entered into cooperative agreements with DOT's OSDBU under 49 CFR Part 22 DOT-OST-2008-0236 entitled, "Short Term Lending Program".

DOT Form 2303-1: Short Term Lending Program Bank Verification Loan Activation Form. The PL must submit a Loan Activation Form to OSDBU that indicates the date in which the loan has been activated.

Respondents: 100.

Frequency: Annually, up to five years.

Estimated Average Burden per

Response: 1/2 hour.

Estimated Total Annual Burden

Hours: 50 hours.

DOT Form 2310-1: Short Term Lending Program Bank

Acknowledgement Extension Request Form. An extension of the original loan guarantee for a maximum period of ninety (90) days may be requested, in writing, by the PL using the STLP Extension Request Form.

Respondents: 100.

Frequency: Annually.

Estimated Average Burden per

Response: 1/2 hour.

Estimated Total Annual Burden

Hours: 50 hours.

DOT Form 2304-1: Short Term Lending Program Bank Acknowledgement Loan Close-Out Form. The PL must submit the Loan Close-Out Form to OSDBU upon full repayment of the STLP loan or when the loan guarantee expires.

Respondents: 100.

Frequency: Annually.

Estimated Average Burden per

Response: 1/2 hour.

Estimated Total Annual Burden

Hours: 50 hours.

DOT Form 2305-1: Guaranty Loan Status Report. The PL submits a monthly status of active guaranteed loans to OSDBU.

Respondents: 100.

Frequency: Monthly.

Estimated Average Burden per

Response: 1 hour.

Estimated Total Annual Burden

Hours: 100 hours.

DOT Form 2306-1: Pending Loan Status Report. The PL submits a monthly loan(s) in process report to OSDBU.

Respondents: 100.

Frequency: Monthly.

Estimated Average Burden per

Response: 1 hour.

Estimated Total Annual Burden

Hours: 100 hours.

DOT Form 2307-1: Drug-Free Workplace Act Certification for a Grantee Other than an Individual. The PL certifies it is a drug-free workplace by executing this certification.

Respondents: 100.

Frequency: Once.

Estimated Average Burden per

Response: 15 minutes.

Estimated Total Annual Burden

Hours: 25 hours.

DOT Form 2308-1: Certification Regarding Lobbying for Contracts, Grants, Loans, and Cooperative Agreement. The PL certifies that no Federal funds will be utilized for lobbying by executing this form.

Respondents: 100.

Frequency: Once.

Estimated Average Burden per

Response: 15 minutes.

Estimated Total Annual Burden

Hours: 25 hours.

DOT Form 2309-1. Office of Small and Disadvantaged Business Utilization
U.S. Department of Transportation
Short Term Lending Program
Certification Regarding Debarment,
Suspension. The PL must not currently
be debarred or suspended from
participation in a government contract
or delinquent on a government debt by
submitting this form.

Respondents: 100.

Frequency: Once.

Estimated Average Burden per

Response: 15 minutes.

Estimated Total Annual Burden

Hours: 25 hours.

Issued in Washington, DC on March 6,
2012.

Brandon Neal,

*Director, Office of Small and Disadvantaged
Business Utilization, Office of the Secretary.*

[FR Doc. 2012-5750 Filed 3-8-12; 8:45 am]

BILLING CODE 4910-9X-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Approval of Noise Compatibility Program for W.K. Airport, Battle Creek, MI

AGENCY: Federal Aviation
Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation
Administration (FAA) announces its
findings on the noise compatibility
program submitted by the City of Battle
Creek, Michigan, under the provisions
of 49 U.S.C. 47501 *et seq.* (formerly the
Aviation Safety and Noise Abatement
Act, hereinafter referred to as “the Act”) and
14 Code of Federal Regulations
(CFR) Part 150 (hereinafter referred to as
“Part 150”). On November 1, 2011, the
FAA determined that the noise exposure
maps submitted by the City of Battle
Creek, Michigan, under Part 150 were in
compliance with applicable
requirements. On February 16, 2012, the
FAA approved the W.K. Kellogg Airport
noise compatibility program. All of the
recommendations of the program were
approved. No program elements relating
to new or revised flight procedures for
noise abatement were proposed by the
airport operator.

DATES: *Effective Date:* The effective date
of the FAA’s approval of the Noise
Compatibility Program for W.K. Kellogg
Airport is February 16, 2012.

FOR FURTHER INFORMATION CONTACT:
Katherine S. Delaney, 11677 S. Wayne
Road, Suite 107, Romulus, Michigan;
Email: Katherine.S.Delaney@faa.gov;
Phone: 734-229-2900. Documents

reflecting this FAA action may be
reviewed at this same location.

SUPPLEMENTARY INFORMATION: This
notice announces that the FAA has
given its overall approval to the Noise
Compatibility Program for W.K. Kellogg
Airport, effective February 16, 2012.

Under section 47504 of the Act, an
airport operator who has previously
submitted a Noise Exposure Map may
submit to the FAA a Noise
Compatibility Program which sets forth
the measures taken or proposed by the
airport operator for the reduction of
existing non-compatible land uses and
prevention of additional non-compatible
land uses within the area covered by the
Noise Exposure Maps. The Act requires
such programs to be developed in
consultation with interested and
affected parties including local
communities, government agencies,
airport users, and FAA personnel.

Each airport noise compatibility
program developed in accordance with
Part 150 is a local program, not a
Federal program. The FAA does not
substitute its judgment for that of the
airport proprietor with respect to which
measures should be recommended for
action. The FAA’s approval or
disapproval of Part 150 program
recommendations is measured
according to the standards expressed in
Part 150 and the Act and is limited to
the following determinations:

a. The Noise Compatibility Program
was developed in accordance with the
provisions and procedures of Part 150;

b. Program measures are reasonably
consistent with achieving the goals of
reducing existing non-compatible land
uses around the airport and preventing
the introduction of additional non-
compatible land uses;

c. Program measures would not create
an undue burden on interstate or foreign
commerce, unjustly discriminate against
types or classes of aeronautical uses,
violate the terms of airport grant
agreements, or intrude into areas
preempted by the Federal Government;
and

d. Program measures relating to the
use of flight procedures can be
implemented within the period covered
by the program without derogating
safety, adversely affecting the efficient
use and management of the navigable
airspace and air traffic control systems,
or adversely affecting other powers and
responsibilities of the Administrator
prescribed by law.

Specific limitations with respect to
FAA’s approval of an airport noise
compatibility program are delineated in
Part 150, section 150.5. Approval is not
a determination concerning the

acceptability of land uses under Federal,
state, or local law. Approval does not by
itself constitute an FAA implementing
action. A request for Federal action or
approval to implement specific noise
compatibility measures may be
required. Prior to an FAA decision on a
request to implement the action, an
environmental review of the proposed
action may be required. Approval does
not constitute a commitment by the
FAA to financially assist in the
implementation of the program or a
determination that all measures covered
by the program are eligible for grant-in-
aid funding from the FAA under
applicable law contained in Title 49
U.S.C. Where federal funding is sought,
requests for project grants must be
submitted to the FAA Airports District
Office in Romulus, Michigan.

The W.K. Kellogg Airport study
contains a proposed noise compatibility
program comprised of actions designed
for phased implementation by airport
management and adjacent jurisdictions
from 2009 to the year 2015. It was
requested that the FAA evaluate and
approve this material as a Noise
Compatibility Program as described in
section 47504 of the Act. The FAA
began its review of the program on
November 1, 2011 and was required by
a provision of the Act to approve or
disapprove the program within 180 days
(other than the use of new or modified
flight procedures for noise control).
Failure to approve or disapprove such
program within the 180-day period shall
be deemed to be an approval of such
program, seven proposed actions for
noise abatement, noise mitigation, land
use planning and program management
on and off the airport. The FAA
completed its review and determined
that the procedural and substantive
requirements of the Act and Part 150
have been satisfied. The overall program
was approved by the FAA, effective
February 16, 2012.

Outright approval was granted for
seven specific program measures. The
measures that were approved were for
voluntary acquisition of residential
units within the 65 DNL; sound
attenuate eligible existing homes within
the 65 DNL; construct a ground run-up
enclosure; recommend jurisdictions
implement land use controls; develop/
implement a fly quiet program; continue
the study input committee; and review
and update the Part 150 Study as
needed.

These determinations are set forth in
detail in a Record of Approval signed by
the Great Lakes Airports Division
Manager on February 16, 2012. The
Record of Approval, as well as other
evaluation materials and the documents

comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the W.K. Kellogg Airport, Mr. Lawrence Bowron, 15551 S. Airport Road, Battle Creek, MI 49015. The Record of Approval will also be available on-line at: http://www.faa.gov/airports/airtraffic/airports/environmental/airport_noise/part_150/states/.

Issued in Romulus, Michigan on February 17, 2012.

John L. Mayfield, Jr.,

Manager, Detroit Airports District Office.

[FR Doc. 2012-5701 Filed 3-8-12; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Research, Engineering and Development Advisory Committee

Pursuant to section 10(A)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 2), notice is hereby given of a meeting of the FAA Research, Engineering and Development (R,E&D) Advisory Committee.

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of Meeting.

Name: Research, Engineering & Development Advisory Committee.

Time and Date: April 18, 2012—9:30 a.m. to 4 p.m.

Place: Federal Aviation Administration, 800 Independence Avenue SW—Round Room (10th Floor), Washington, DC 20591.

Purpose: The meeting agenda will include receiving from the Committee guidance for FAA's research and development investments in the areas of air traffic services, airports, aircraft safety, human factors and environment and energy. Attendance is open to the interested public but seating is limited. Persons wishing to attend the meeting or obtain information should contact Gloria Dunderman at (202) 267-8937 or

gloria.dunderman@faa.gov. Attendees will have to present picture ID at the security desk and be escorted to the Round Room. Members of the public may present a written statement to the Committee at any time.

Issued in Washington, DC on February 24, 2012.

Wilson Felder,

Director, William J. Hughes Technical Center.

[FR Doc. 2012-5690 Filed 3-8-12; 8:45 a.m.]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Space Transportation Infrastructure Matching Grants Program

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of request for grant proposals for the Space Transportation Infrastructure Matching Grants Program.

SUMMARY: This notice solicits Fiscal Year (FY) 2012 grant proposals to continue the development of a Commercial Space Transportation infrastructure system that supports the National Space Policy and Congressional intent. Begun in 2010, the program supports the Commercial Space Transportation industry by identification, prioritization, and funding for Commercial Space Transportation infrastructure projects. This program has been previously referred to as the Commercial Space Transportation Grants Program.

The FAA/AST intends to continue funding the Space Transportation Infrastructure Matching Grants Program for FY 2012. However, funding has not been determined at this time. In order for the FAA/AST to swiftly execute grant awards within FY 2012, should funding be available, the FAA/AST is requesting grant applications at this time. The FAA/AST intends to receive, process, and evaluate the applications in a timely manner, and in accordance with the notional schedule listed below,

so should there be available funding, the recipients will already be selected and the awards can be made within FY 2012. There remains the possibility that no funds will be available in FY 2012 for the Space Transportation Infrastructure Matching Grants Program. If no funds are available, no grant applications submitted in response to this Notice will be approved and funded.

This Notice will be the only solicitation made for FY 2012 projects and proposals. The FAA/AST will review and evaluate all applications for a grant received by the deadline, pursuant to 51 U.S.C. Chapter 511. The FAA/AST may make one or more grant awards based upon its evaluations of the submissions. All grants awarded under the Space Transportation Infrastructure Matching Grants Program are discretionary awards. Projects to be funded under the Space Transportation Infrastructure Matching Grants Program must carry out commercial space transportation infrastructure development, as defined in 51 U.S.C. 51101.

DATES: In order for the FAA/AST to award funds (if appropriated) before the end of FY 2012, the following notional schedule is provided.

Submission Open Period Opens: March 8, 2012.

Submission Open Period Closes: May 11, 2012.

Review, Selection, and Approval Period: May 14, 2012 to June 1, 2012.

Announcement: July 17, 2012.

ADDRESSES: Applicants can get more information about the Space Transportation Infrastructure Matching Grants Program, to include a checklist for the submission package, by:

1. Accessing the Office of Commercial Space Transportation Web site at:

<http://www.faa.gov/go/ast>; or

2. Contacting Julie Price or Glenn Rizner, AST-100, for program questions; or

3. Contacting Greg Carter, AGC-510, for legal questions.

	Office	Fax	Email
Julie Price	202-493-5486	202-267-5463	Julie.Price@faa.gov .
Glenn Rizner	202-267-3194	202-267-5463	Glenn.Rizner@faa.gov .
Greg Carter	202-267-3186	202-267-5261	Greg.Carter@faa.gov .

SUPPLEMENTARY INFORMATION:

Background

The Space Transportation Infrastructure Matching Grants Program is intended to “ensure the resiliency of

the space transportation infrastructure in the United States.” To help further establish United States’ Commercial Space Transportation-related goals, Congress established the Space Transportation Infrastructure Matching

Grants Program, now found in 51 U.S.C. Chapter 511—Space Transportation Infrastructure Matching Grants. Congressional authorization was established FY 1994 for the use of Federal monies to fund up to fifty

percent (50%) of total project cost in conjunction with state and local government funding. The legislation also requires a minimum of ten percent (10%) of the total project cost come from private funding. The first Congressional appropriation for the Space Transportation Infrastructure Matching Grants Program came in FY 2010. Should Space Transportation Infrastructure Matching Grants be awarded in FY 2012, this will be the third year of the program.

The FAA/AST reviews, evaluates, and oversees the Space Transportation Infrastructure Matching Grants Program. Notionally, the award of the grant monies will be on or about July 17, 2012. To meet this award date, applicants must submit their grant proposals on or before May 11, 2012. Additional information related to the Space Transportation Infrastructure Matching Grants Program can be found at the Office of Commercial Space Transportation Web site or by contacting one of the Points of Contacts; this information is listed above.

The Space Transportation Infrastructure Matching Grants Program

To meet the intent of the program, development projects eligible for funding include:

1. Technical and environmental studies; or
2. Construction, improvement, design, and engineering of space transportation infrastructure (including facilities and associated equipment).

The Space Transportation Infrastructure Matching Grants Program will not fund more than 50% of the total project cost, and project financing must include a private component of at least 10% of the total project cost.

Given that the FAA/AST may award multiple grants, applicants may submit multiple grant proposals, provided they are for separate projects and meet the matching requirements independently.

Environmental Requirements

Approval of grant funding is a major federal action subject to review under the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. 4321 *et seq.*, as implemented by the regulations of the Council on Environmental Quality at 40 CFR part 1500 and FAA Order 1050.1E, Change 1, and other Federal environmental laws. Because of this, the FAA anticipates that it may be most cost-effective for applicants who have already undergone NEPA review to apply for a grant this fiscal year.

In order for a launch site to receive a license to operate, a NEPA review will

already have been conducted. The launch site operator could seek a grant for projects that the FAA considered as part of that license. Although having a license is not a requirement for a grant award, the environmental requirements may already be met for launch sites with a license.

Under 51 U.S.C. 51104, infrastructure development projects selected for a Space Transportation Infrastructure Matching Grant must meet three additional environmental requirements:

1. The project must provide for the protection and enhancement of the natural resources and the quality of the environment of the United States. Specifically, if a project will have a significant, adverse environmental impact, the FAA/AST shall approve the grant application only after finding that no feasible and prudent alternative to the project exists and that all reasonable steps have been taken to minimize the adverse effect.

2. The sponsor must certify that an opportunity for a public hearing has been provided to consider the economic, social, and environmental impacts of the project and its consistency with the goals of any planning carried out by the community.

3. The Governor of the State in which the project is located, or his/her designee, must certify that there is reasonable assurance the project will be located, designed, constructed, and operated to comply with applicable air and water quality standards.

Planning projects, such as technical and environmental studies, normally qualify for categorical exclusion (CATEX) under NEPA and would not trigger the requirements listed above. If the project normally qualifies for a CATEX from environmental review, the grant proposal should reference the relevant paragraph in FAA Order 1050.1E, *Polices and Procedures from Considering Environmental Impacts*, and address whether extraordinary circumstances exist that warrant preparation of an environmental assessment (EA) or environmental impact statement (EIS).

For more details about the environmental review for commercial space transportation activities, please see *Guidelines for Compliance with the National Environmental Policy Act and Related Environmental Review Statutes for the Licensing of Commercial Launches and Launch Sites* at http://www.faa.gov/about/office_org/headquarters_offices/ast/environmental/review.

Who May Apply for a Space Transportation Infrastructure Matching Grant

The FAA/AST may make project grant awards to "sponsors," per 51 U.S.C. 51102. Per 51 U.S.C. 51101(6), a "sponsor" is a public agency that submits an application for a project grant. Per 51 U.S.C. 51101(5), a "public agency" is a State or agency of a State, a political subdivision of a State, or a tax-supported organization.

Grant Award

The FAA/AST intends to award Space Transportation Infrastructure Matching Grants on or about July 17, 2012. An FAA/AST grant offer letter may contain requirements for assurances to ensure the grants are consistent with 51 U.S.C. Chapter 511.

How To Apply for a Space Transportation Infrastructure Matching Grant

The application submission must include the following:

1. Cover letter, signed by public agency senior official, demonstrating the legal authority to engage in the project,
2. Detail as to how the proposed grant project meets the requirements of Chapter 703:

- a. Documentation demonstrating authority as a public agency,
- b. Demonstration that the grant will not be for more than 50% of the total cost of the project,
- c. Letter(s) of Commitment from the private sector for at least 10% of the total cost of the project,
- d. Detailed description of the project,
- e. Contributions to capabilities that serve the United States' space transportation needs,
- f. Impacts on the competitiveness of the United States space transportation industry, and
- g. Discussion of environmental considerations, if applicable,
3. Consent from the head of the appropriate agency, should the project use Government property (land, equipment, etc.).

4. SF-424, Application for Federal Assistance (OMB Number 4040-0004),

5. One of the following:

- a. SF-424A for non-construction proposals, or
- b. SF-424C for construction proposals.

The forms request specific applicant information, project information, and an estimate of the funding and duration of the project. They are available at <http://www.grants.gov>.

Applicants for the Space Transportation Infrastructure Matching

Grants Program must submit grant applications to the FAA/AST. Applicants must submit an original copy of the completed grant proposal, plus four additional copies. One copy (not the original) may be submitted electronically to Ms. Julie Price at *Julie.Price@faa.gov*, however the original and additional copies must be submitted to: Federal Aviation Administration, Office of Commercial Space Transportation, AST-100, c/o Ms. Julie Price, 800 Independence Avenue SW., Suite 325, Washington, DC 20591.

Should one copy be submitted electronically, a time stamp will be recorded for the submission. The original and all other copies must reach the office on or before 12 p.m. (noon), Eastern Time, Friday, May 11, 2012. If no copy is submitted electronically, the original and additional copies still must reach the office on or before 12 p.m. (noon), Eastern Time, Friday, May 11, 2012. There will be no allowance for extensions of time.

Previously submitted grant applications do not carry over and will not be considered. Applicants must resubmit past projects for consideration in the new fiscal year.

Issued in Washington, DC, on March 1, 2012.

George C. Nield,

Associate Administrator for Commercial Space Transportation.

[FR Doc. 2012-5706 Filed 3-8-12; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway Project in Wisconsin

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by FHWA.

SUMMARY: This notice announces actions taken by the FHWA that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, Interstate I-94, I-894, and U.S. Highway 45 (Zoo Interchange) in Milwaukee County, Wisconsin. Those actions grant approvals for the project. The project will replace the existing roadway and bridges and reconfigure the study-area freeway system to address safety issues and design deficiencies and provide additional capacity. The project termini are 124th Street on the west, 70th Street on the

east, Burleigh Street on the north and Lincoln Avenue on the south. Primary design features of the project include: All exits on the right, through traffic stays left; full 8- to 12-foot shoulders on all ramps and freeways; four lanes on each approach leg; three lanes on US 45 northbound and southbound through the core of the interchange; two lanes on I-94 eastbound and westbound through the core of the interchange (with a wider median that could accommodate a third lane in the future); several ramps with two lanes instead of one; smoother curves on all freeway-to-freeway interchange ramps (minimum 45 mph design speed); 60 mph design speed on I-94 and US 45; access to and from US 45/I-894 provided to US 18 (Bluemound Road), but no direct access between I-94 and Bluemound Road.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed within 180 days of this **Federal Register** notice. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT:

Bethaney Bacher-Gresock, FHWA, 525 Junction Road Suite 8000, Madison, Wisconsin 53717; telephone: (608) 662-2119, email: *Bethaney.Bacher-Gresock@dot.gov*. The FHWA Wisconsin Division's normal office hours are 7 a.m. to 4 p.m. central time. For the Wisconsin Department of Transportation (WisDOT): William Mohr, PE, Wisconsin Department of Transportation, Southeast Region, 141 NW. Barstow Street, Waukesha, Wisconsin 53187; telephone: (262) 548-6421; email: *dotdtsdzoo@dot.wi.gov*.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FHWA has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing approvals for the following highway project: Interstate I-94, I-894, and U.S. Highway 45 (Zoo Interchange) in Milwaukee County, Wisconsin, Project I.D. 1060-33-01. The project involves reconstructing and providing additional capacity on approximately 3.5 miles of Interstate 94 (I-94) and approximately 5.5 miles of United States Highway 45 (US 45) which includes a portion of I-894, and local streets affected by the freeway. The actions taken by FHWA, and laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS) for the project, approved on October 3, 2011 (FHWA-

WISC-EIS-09-01-F), in the Record of Decision (ROD) issued on February 10, 2012, and in other documents in the FHWA or WisDOT project records. The FEIS, ROD, and other project records are available by contacting FHWA or WisDOT at the addresses provided above.

The FEIS can also be viewed on the project Web site: <http://www.dot.wisconsin.gov/projects/seffreeways/zooenviron.htm>.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321-4351]; Federal-Aid Highway Act (FAHA) [23 U.S.C. 109 and 23 U.S.C. 128].

2. *Air:* Clean Air Act [42 U.S.C. 7401-7671(q)].

3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [23 U.S.C. 138 and 49 U.S.C. 303], Section 6(f) of the Land and Water Conservation Act as amended [16 U.S.C. 4601], Farmland Protection Policy Act of 1980 [7 U.S.C. 4201-4209], and National Trails System Act [16 U.S.C. 1241-1249].

4. *Wildlife:* Endangered Species Act of 1973 [16 U.S.C. 1531-1543 and Section 1536]; Fish and Wildlife Coordination Act [16 U.S.C. 661-666(c)]; Migratory Bird Treaty Act [16 U.S.C. 760c-760g].

5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)-470(ll)]; Archeological and Historic Preservation Act [16 U.S.C. 469-469(c)]; Native American Grave Protection and Repatriation Act [25 U.S.C. 3001 *et seq.*].

6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d) *et seq.*]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Americans with Disabilities Act [42 U.S.C. 12101]; Uniform Relocation Assistance and Real Property Acquisition Act of 1970 [42 U.S.C. 4601 *et seq.* as amended by the Uniform Relocation Act Amendments of 1987 [Pub. L. 100-17].

7. *Wetlands and Water Resources:* Clean Water Act (Section 404, Section 401, Section 319) [33 U.S.C. 1251-1376]; Land and Water Conservation Fund [16 U.S.C. 460l-4 to 460l-11]; Safe Drinking Water Act [42 U.S.C. 300(f)-300(j)(6)]; TEA-21 Wetlands Mitigation [23 U.S.C. 103(b)(6)(m), 133(b)(11)]; Flood Disaster Protection Act, [42 U.S.C. 4001-4128]; Emergency Wetlands Resources Act, [16 U.S.C. 3921, 3931].

8. Hazardous Materials: Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended [42 U.S.C. 9601–9657]; Superfund Amendments and Reauthorization Act of 1986 [Pub. L. 99–499]; Resource Conservation and Recovery Act [42 U.S.C. 6901 *et. seq.*].

9. Executive Orders: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management as amended by E.O. 12148; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1).

Issued on: March 5, 2012.

George R. Poirier,

Division Administrator, FHWA Wisconsin Division, Madison, Wisconsin.

[FR Doc. 2012–5803 Filed 3–8–12; 8:45 am]

BILLING CODE 4910-RY-P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Public Transportation on Indian Reservations Program; Tribal Transit Program

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of Funding Availability: Solicitation of Grant Proposals for FY 2012 Tribal Transit Program Funds.

SUMMARY: The Federal Transit Administration (FTA) announces the availability of approximately \$15 million in funding provided by the Public Transportation on Indian Reservations Program (Tribal Transit Program (TTP)) subject to the availability of funds by Congress, a program authorized by Section 3013(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU). This notice is a national solicitation for project proposals and includes the

selection criteria and program eligibility information for FY 2012 projects.

The Surface and Air Transportation Programs Extension Act of 2011, Public Law No. 112–30 continues the authorization of the Federal transit programs of the U.S. Department of Transportation (DOT) through March 31, 2012, and provides contract authority for this program equal to approximately one half of the amounts available in FY 2011. Subject to funding availability by Congress, FTA will fund the TTP with approximately \$15 million.

This announcement is available on the FTA Web site at: <http://www.fta.dot.gov>. FTA may announce final selections on the Web site and in the **Federal Register**. Additionally, a synopsis of the funding opportunity will be posted in the FIND module of the government-wide electronic grants Web site at <http://www.grants.gov>.

DATES: Complete proposals for the Tribal Transit Program announced in this Notice must be submitted by 11:59 p.m. EDT on May 10, 2012. All proposals must be submitted electronically through the GRANTS.GOV APPLY function. Any tribe intending to apply should initiate the process of registering on the GRANTS.GOV site immediately to ensure completion of registration before the submission deadline. Instructions for applying can be found on FTA's Web site at <http://www.fta.dot.gov/tribaltransit> and in the “FIND” module of GRANTS.GOV.

FOR FURTHER INFORMATION CONTACT:

Contact the appropriate FTA Regional Office found at <http://www.fta.dot.gov> for proposal-specific information and issues. For general program information, contact Cathy Monroe, Tribal Transit Program, (816) 329–3929, email: cathy.monroe@dot.gov or the Office of Program Management at (202) 366–2053. A TDD is available at 1–800–877–8339 (TDD/FIRS).

SUPPLEMENTARY INFORMATION:

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I. Overview

Section 3013(c) of SAFETEA–LU, Public Law 109–59 (August 10, 2005) amended 49 U.S.C. 5311(c) by establishing the Public Transportation on Indian Reservations Program (Tribal Transit Program or TTP). This program authorizes direct grants “under such terms and conditions as may be established by the Secretary” to Indian tribes for any purpose eligible under FTA's Nonurbanized Area Formula Program, 49 U.S.C. 5311 (Section 5311 program). Approximately \$15 million is expected to be available for the Tribal Transit Program discretionary allocation and may include other discretionary program funds that become available. The total amount of funding available will be contingent on Congressional authorization prior to the selection of awardees, and based on the timing of such funding becoming available, may also include funding appropriated for Fiscal Year 2013.

II. Program Purpose

TTP funds are to be allocated for grants to Federally-recognized Indian tribes for any purpose eligible under the Section 5311 program. The Conference Report that accompanied SAFETEA–LU indicated that the funds set aside for Indian tribes in the TTP are not meant to replace or reduce funds that Indian tribes receive from States through FTA's Section 5311 program. TTP funds are meant to complement any 5311 funds that applicants may be receiving. Tribal transit funds will be competitively allocated to support planning, capital, and operating assistance for tribal public transit services.

III. Program Information

A. Eligible Applicants

Eligible applicants include Federally-recognized Indian tribes or Alaska Native villages, groups, or communities as identified by the U.S. Department of Interior (DOI), Bureau of Indian Affairs (BIA). As evidence of Federal recognition, a tribe may submit a copy of the most up-to-date **Federal Register** notice published by DOI, BIA: Entities Recognized and Eligible to Receive Service from the United States Bureau of Indian Affairs. To be an eligible recipient, a tribe must have the requisite legal, financial and technical capabilities to receive and administer Federal funds under this program. Applicants must be registered in the Central Contractor Registration (CCR) database and maintain an active CCR registration with current information at all times during which it has an active

Federal award or an application or plan under consideration by FTA.

B. Eligible Projects

Grants can be awarded to eligible applicants located in rural and small urban areas with populations under 50,000 not identified as an urbanized area by the Bureau of the Census and may be used for public transportation capital projects, operating costs of equipment and facilities for use in public transportation, planning, and the acquisition of public transportation services, including service agreements with private providers of public transportation services. Under the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. 12101 *et seq.*, public fixed-route operators are required to provide ADA complementary paratransit service to individuals who are unable to use a fixed route due to their disability or a fixed route being inaccessible. Coordinated human service transportation that primarily serves seniors and persons with disabilities, but that is not restricted from carrying other members of the public, is considered available to the general public if it is marketed as public transportation. Examples of eligible TTP projects are capital and operating expenses for new transit service (e.g. start up), capital and operating expenses for continuation or expansions of existing transit services, and operational planning. Additionally, eligible applicants may apply for planning grants of up to \$25,000 for planning studies.

C. Cost Sharing and Matching

Projects selected for funding under the TTP can be funded up to a 100 percent Federal share of project costs. However, FTA is interested in the tribe's financial commitment to the proposed project and requests tribes include a description of their financial commitment to the proposed project in the proposal.

D. Proposal Content (All Applicants Must Completely Respond to Items in Section D To Be Considered for TTP Funding)

1. Proposal Submission Process

Project proposals must be submitted electronically through <http://www.GRANTS.GOV> by 11:59 p.m. EDT on May 10, 2012. Mail and fax submissions will not be accepted.

A complete proposal submission will consist of at least two files: (1) the SF 424 Mandatory form (downloaded from GRANTS.GOV) and (2) the Tribal Transit supplemental form found on the

FTA Web site at <http://www.fta.dot.gov/tribaltransit>.

The Tribal Transit supplemental form provides guidance and a consistent format for applicants to respond to the criteria outlined in this Notice of Funding Availability (NOFA). Once completed, the applicant must place the supplemental form in the attachments section of the SF 424 Mandatory form. Applicants must use the supplemental form designated for TTP and attach it to their submission in GRANTS.GOV to successfully complete the application process. A proposal submission may contain additional supporting documentation as attachments.

Within 24–48 hours after submitting an electronic application, the applicant should receive three email messages from GRANTS.GOV: (1) Confirmation of successful transmission to GRANTS.GOV; (2) confirmation of successful validation by GRANTS.GOV; and (3) confirmation of successful validation by FTA. If the applicant does not receive confirmations of successful validation and instead receives a notice of failed validation or incomplete materials, the applicant must address the reason for the failed validation or incomplete materials, as described in the notice, and resubmit the proposal before the submission deadline. If making a resubmission for any reason, the applicant must include all original attachments regardless of which attachments are updated and check the box on the supplemental form indicating this is a resubmission.

Complete instructions on the application process can be found at <http://www.fta.dot.gov/tribaltransit>. Important: FTA urges applicants to submit their project proposals at least 72 hours prior to the due date to allow time to receive the validation message and to correct any problems that may have caused a rejection notification. FTA will not accept submissions after the stated submission deadline. GRANTS.GOV scheduled maintenance and outage times are announced on the GRANTS.GOV Web site <http://www.GRANTS.GOV>. The deadline will not be extended due to scheduled maintenance or outages.

Applicants may submit one proposal for each project or one proposal containing multiple projects. Applicants submitting multiple projects in one proposal must be sure to clearly define each project by completing a supplemental form for each project. Additional supplemental forms must be added within the proposal by clicking the “add project” button in Section II of the supplemental form.

Information, such as applicant name, Federal amount requested, description of areas served, and other information may be requested in varying degrees of detail on both the SF 424 form and supplemental form. Applicants must fill in all fields unless stated otherwise on the forms. Applicants should use both the “Check Package for Errors” and the “Validate Form” validation buttons on both forms to check all required fields on the forms, and ensure that the Federal and local amounts specified are consistent.

The following information MUST be included on the SF 424 and supplemental forms for all requests for TTP funding:

2. Proposal Information

- i. Name of Federally-recognized tribe and, if appropriate, the specific tribal agency submitting the application.
- ii. Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number if available. (**Note:** If selected, applicant will be required to provide DUNS number prior to grant award).
- iii. Contact information including: Contact name, title, address, congressional district, fax and phone number, and email address if available.
- iv. Description of public transportation services including areas currently served by the tribe, if any.
- v. Name of person (s) authorized to apply on behalf of the tribe (attach a signed transmittal letter) must accompany the proposal.

3. Project Information

i. Project Description: Indicate the category for which funding is requested; i.e., start-ups, continuation, expansion or replacements of existing transit services, capital, operational planning, and planning studies. Provide a summary description of the proposed project and how it will be implemented (e.g., number and type of vehicles, routes, service area, schedules, type of services, fixed route or demand responsive), route miles (if fixed route), ridership numbers (actual if an existing system, estimated if a start up system), major origins and destinations, population served, and whether the tribe provides the service directly or contracts for services and how vehicles will be maintained.

ii. Project Timeline: Include significant milestones such as date of contract for purchase of vehicle(s), actual or expected delivery date of vehicles, and operation of service dates. If applying for operational funding, state time period funds will operate the system (e.g. one year).

iii. Budget: A detailed budget including the Federal amount requested for each purpose for which funds are sought and any funding from other sources that will be provided. A tribe may allow up to fifteen percent of the grant award for planning and the indirect costs rate may not exceed ten percent (if necessary add as an attachment).

4. Technical, Legal, Financial Capacity

Tribes that cannot demonstrate adequate capacity in technical, legal and financial areas will not be considered for funding. Every proposal MUST describe the tribe's technical, legal, and financial capacity to implement the proposed project.

i. Technical Capacity: Provide examples of the tribe's management of other Federal projects. What resources does the tribe have to implement the proposed transit project?

ii. Legal Capacity: Provide documentation or other evidence to show that the applicant is a Federally-recognized tribe and has an authorized representative to execute legal agreements with FTA on behalf of the tribe. If applying for capital or operating funds, does the tribe have appropriate Federal or State operating authority?

iii. Financial Capacity: Does the tribe have adequate financial systems in place to receive and manage a Federal grant? Describe the tribe's financial systems and controls.

E. Evaluation Criteria

FTA will divide proposals into three categories for evaluation. The three evaluation categories are as follows:

- Start-ups—Proposals for funding of new transit service include capital, operating, administration, and planning.
- Continuation of Transit Services—Proposals for funding of continuation or expansion of existing transit services include capital, operating, administration, and planning.
- Planning—Proposals for planning include funding of transit planning studies.

Applications will be grouped into their respective category for review and scoring purposes.

1. Evaluation Criteria for Start-ups and Continuation of Transit Services

i. Planning and Local/Regional Prioritization

In this section, the applicant should describe how the proposed project was developed and demonstrate that there is a sound basis for the project and that the applicant is ready to implement the project if funded. Information may vary depending upon how the planning

process for the project was conducted. Planning and local/regional prioritization should consider and address the following areas:

a. Describe the planning document and/or the planning process conducted to identify the proposed project.

b. Provide a detailed project description including the proposed or existing service, vehicle and facility needs, and other pertinent characteristics of the proposed or existing service implementation.

c. Identify existing transportation services in and near the proposed or existing service area and document in detail whether the proposed project will provide opportunities to coordinate service with existing transit services, including human service agencies, intercity bus services, or other public transit providers.

d. Discuss the level of support by the community and/or tribal government for the proposed project.

e. Describe how the mobility and client-access needs of tribal human service agencies were considered in the planning process.

f. Describe what opportunities for public participation were provided in the planning process and how the proposed transit service or existing service has been coordinated with transportation provided for the clients of human service agencies, with intercity bus transportation in the area, or with any other rural public transit providers.

g. Describe how the proposed or existing service complements rather than duplicates any currently available services.

h. Describe the implementation schedule for the proposed project, including time frame, staffing, and procurement.

i. Describe any other planning or coordination efforts that were not mentioned above.

ii. Demonstration of Need:

In this section, the proposal should demonstrate the transit needs of the tribe and discuss how the proposed transit improvements or continuation of service will or are addressing the identified transit needs. Proposals should include information such as destinations and services not currently accessible by transit, needs for access to jobs or health care, special needs of seniors and individuals with disabilities, income-based community needs, or other mobility needs. If the proposal is for funding to continue existing service, applicants should include information on ridership, a description of the service, including how the existing service is meeting the

needs of the tribe, how the TTP funds are needed to continue the services currently being provided, and a description of how the tribe would be impacted by reduced resources, including potential service disruptions, cancellation or reduction of service, etc. If an applicant received a planning grant in previous fiscal years, it should indicate the status of the planning study and how the proposed project relates to that study.

Based on the information provided, the proposals will be rated on whether there is a demonstrated need for the project and how well the proposed project will fulfill the need.

iii. Demonstration of Benefits:

In this section, proposals should identify expected or, in the case of existing service, achieved, project benefits. Possible examples include increased or sustained ridership and daily trips, improved service, improved operations and coordination, and economic benefits to the community.

Benefits can be demonstrated by identifying the population of tribal members and non-tribal members in the proposed project service area and estimating the number of daily one-way trips the proposed transit service will provide or the actual number of individual riders and trips on existing service. There may be many other, less quantifiable, benefits to the tribe and surrounding community from the proposed project. Applicants should document, explain or show the benefits in whatever format is reasonable to present them.

Based on the information provided, proposals will be rated based on four factors:

a. Will the project improve transit efficiency or increase ridership?

b. Will the project improve or maintain mobility for the tribe?

c. Will the project improve or maintain access to important destinations and services?

d. Are there other qualitative benefits?

iv. Note on Continuation of Transit Projects Funded with FY 2006—FY 2011 TTP funding:

If an applicant is requesting FY 2012 funding to continue a transit service project funded previously with TTP resources, the applicant must demonstrate that the project(s) are in an active status. Active status means the project is currently operating and the tribe has exhibited effective grant management of the project. Applicants should describe in the proposal the status of previous TTP awards and grants, including services currently being provided and how the requested funding will complement the existing

service or is necessary to maintain the existing services. As part of the review process, FTA regional offices will also verify prior year management, implementation, and compliance with FTA reporting requirements. If the applicant submitted an application for a prior year competition and was not selected for funding, the applicant should note any impacts to service. The applicant should provide any data that would be helpful to project evaluators, e.g., ridership, increased service hours, extended service routes, or stops.

v. Financial Commitment and Operating Capacity:

In this section, the proposal should identify any other funding sources used by the tribe to support existing or proposed transit services, including human service transportation funding, Indian Reservation Roads, or other FTA programs such as Job Access and Reverse Commute, New Freedom, Section 5311, Section 5310, or Section 5309 Bus and Bus Facilities. If applicable, the applicant should also describe how prior year TTP funds have been spent to date to support the service.

For existing services, the proposal should show how TTP funding will supplement (not duplicate or replace) current funding sources. If the transit system was previously funded under section 5311 through the State's apportionment, describe how requested TTP funding will expand available services or continue critical existing services.

The proposal should describe any other resources the tribe will contribute to the project, including in-kind contributions, commitments of support from local businesses, donations of land or equipment, and human resources, and describe to what extent the new project or funding for existing service leverages other funding.

The applicant should show its ability to manage programs by demonstrating the existing programs it administers in any area of expertise such as human services. Based upon the information provided, the proposals will be rated on the extent to which the proposal demonstrates that:

a. This project provides new services, maintains or complements existing service;

b. TTP funding does not replace existing funding;

c. The tribe has or will provide non-financial support to project;

d. The tribe has demonstrated the ability to provide other services or manage other programs; and

e. Project funds are used in coordination with other services for efficient utilization of funds.

vi. Evaluation Criteria for Planning Proposals

For planning grants, the proposal should describe, in no more than three pages, the need for and a general scope of the proposed study. The proposal should also address the following:

a. What is the tribes' long-term commitment to transit?

b. How will the proposed study implement and/or further tribal transit?

F. Review and Selection Process

In addition to other FTA staff that may review the proposals, a technical evaluation committee will review proposals under the project evaluation criteria. Members of the technical evaluation committee and other involved FTA staff reserve the right to screen and rate the applications it receives and to seek clarification from any applicant about any statement in its application that FTA finds ambiguous and/or request additional documentation to be considered during the evaluation process to clarify information contained within the proposal.

After consideration of the findings of the technical evaluation committee, the FTA Administrator will determine the final selection and amount of funding for each project. Geographic diversity and the applicant's receipt and management of other discretionary awards may be considered in FTA's award decisions. FTA expects to announce the selected projects and notify successful applicants in August 2012.

Once successful applicants are announced, they will work with the appropriate Regional office to develop a grant application consistent with the selected proposal in FTA's Transportation Electronic Award Management System (TEAM).

IV. Technical Assistance and other Program Information

This program is not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs." FTA will consider applications for funding only from eligible recipients for eligible projects listed in Section III. Due to funding limitations, applicants that are selected for funding may receive less than the amount requested.

Complete applications must be submitted through GRANTS.GOV by May 10, 2012. Applicants may receive technical assistance for application development by contacting their FTA regional tribal liaison, or the National Rural Transportation Assistance Program office. Contact information for FTA's regional offices can be found on FTA's Web site at www.fta.dot.gov. A list of FTA regional Tribal Liaisons are included in Appendix A.

Issued in Washington, DC, this 6th day of March, 2012.

Peter Rogoff,
Administrator.

Appendix A

FTA REGIONAL TRIBAL LIAISONS

Region 1—Boston Regional Tribal Liaisons: Laurie Ansaldi and Judi Molloy. States served: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.	Region 6—Ft. Worth Regional Tribal Liaison: Lynn Hayes. States served: Arkansas, Louisiana, Oklahoma, New Mexico and Texas.
Region 2—New York Regional Tribal Liaison: Darin Allan. States served: New Jersey, New York New York Metropolitan Office.	Region 7—Kansas City, MO Regional Tribal Liaisons: Joni Roeseler and Cathy Monroe. States served: Iowa, Kansas, Missouri, and Nebraska.
Region 3—Philadelphia States served: Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and District of Columbia.	Region 8—Denver Regional Tribal Liaisons: Jennifer Stewart and David Beckhouse. States served: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.
Region 4—Atlanta Regional Tribal Liaison: Tajsha LaShore.	Region 9—San Francisco Regional Tribal Liaison: Eric Eidlin.

FTA REGIONAL TRIBAL LIAISONS—Continued

States served: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and Virgin Islands.	States served: American Samoa, Arizona, California, Guam, Hawaii, Nevada, and the Northern Mariana Islands.
Region 5—Chicago Regional Tribal Liaisons: Joyce Taylor and Angelica Salgado. States served: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.	Region 10—Seattle Regional Tribal Liaison: Bill Ramos. States served: Alaska, Idaho, Oregon, and Washington.

Appendix B**Technical Assistance Contacts***Alaska Tribal Technical Assistance Program*

Kim Williams, University of Alaska, Fairbanks, P.O. Box 756720, Fairbanks, AK 99775-6720, (907) 842-2521, (907) 474-5208, williams@nushtel.net, <http://community.uaf.edu/~alaskattac>.
Service area: Alaska.

National Indian Justice Center

Raquelle Myers, 5250 Aero Drive, Santa Rosa, CA 95403, (707) 579-5507 or (800) 966-0662, (707) 579-9019, nijc@aol.com, <http://www.nijc.org/ttap.html>.
Service area: California, Nevada.

Tribal Technical Assistance Program at Colorado State University

Ronald Hall, Rockwell Hall, Room 321, Colorado State University, Fort Collins, CO 80523-1276, (800) 262-7623, (970) 491-3502, ronald.hall@colostate.edu, <http://ttap.colostate.edu/>.
Service area: Arizona, Colorado, New Mexico, Utah.

Tribal Technical Assistance Program (TTAP)

Bernie D. Alkire, 301-E Dillman Hall, Michigan Technological University, 1400

Townsend Drive, Houghton, MI 49931-1295, (888) 230-0688, (906) 487-1834, balkire@mtu.edu, <http://www.ttap.mtu.edu/>.

Service area: Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania.

Northern Plains Tribal Technical Assistance Program

Dennis Trusty, United Tribes Technical College, 3315 University Drive, Bismarck, ND 58504, (701) 255-3285 ext. 1262, (701) 530-0635, nddennis@hotmail.com, <http://www.uttc.edu/forum/ttap/ttap.asp>.

Service area: Montana (Eastern), Nebraska (Northern), North Dakota, South Dakota, Wyoming.

Northwest Tribal Technical Assistance Program

Richard A. Rolland, Eastern Washington University, Department of Urban Planning, Public & Health Administration, 216 Isle Hall, Cheney, WA 99004, (800) 583-3187, (509) 359-7485, rrolland@ewu.edu, <http://www.ewu.edu/TTAP/>.

Service area: Idaho, Montana (Western), Oregon, Washington.

Tribal Technical Assistance Program at Oklahoma State University

James Self, Oklahoma State University, 5202 N. Richmond Hills Road, Stillwater, OK 74078-0001, (405) 744-6049, (405) 744-7268, jim.self@okstate.edu, <http://ttap.okstate.edu/>.

Service area: Kansas, Nebraska (Southern), Oklahoma, Texas.

*Other Technical Assistance Resources**National RTAP (National Rural Transit Assistance Program)*

Contact: Patti Monahan, National RTAP, 5 Wheeling Ave, Woburn, MA 01801, (781) 404-5015 (Direct), (781) 895-1122 (Fax), (888) 589-6821 (Toll Free), pmonahan@nationalrtap.org, www.nationalrtap.org.

Community Transportation Association of America

The Resource Center—800-891-0590, <http://www.ctaa.org/>.

[FR Doc. 2012-5819 Filed 3-8-12; 8:45 am]

BILLING CODE 4910-57-P

Reader Aids

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Friday, March 9, 2012

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FEDREGTOC-L (Federal Register Table of Contents LISTSERV) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.To join or leave, go to <http://listserv.access.gpo.gov> and select *Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings)*; then follow the instructions.**PENS** (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.To subscribe, go to <http://listserv.gsa.gov/archives/publaws-l.html> and select *Join or leave the list (or change settings)*; then follow the instructions.**FEDREGTOC-L** and **PENS** are mailing lists only. We cannot respond to specific inquiries.**Reference questions.** Send questions and comments about the Federal Register system to: fedreg.info@nara.gov

The Federal Register staff cannot interpret specific documents or regulations.

Reminders. Effective January 1, 2009, the Reminders, including Rules Going Into Effect and Comments Due Next Week, no longer appear in the Reader Aids section of the Federal Register. This information can be found online at <http://www.regulations.gov>.**CFR Checklist.** Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at <http://bookstore.gpo.gov/>.

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H.R. 3630/P.L. 112-96

Middle Class Tax Relief and Job Creation Act of 2012 (Feb. 22, 2012; 126 Stat. 156)

H.R. 1162/P.L. 112-97

To provide the Quileute Indian Tribe Tsunami and Flood Protection, and for other purposes. (Feb. 27, 2012; 126 Stat. 257)

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